Minutes of Meeting of the Skye and Lochalsh Area Committee held at Portree on Monday 5 June 2006 at 10.00 am.

Present

Mr William Fulton, Mr John Laing, Mr Iain MacDonald, Mr Andrew M Millar, Mrs Isabelle M Campbell, Mr Hamish Fraser

Officials in attendance

Mr John MacDonald, Area Manager
Mr Alasdair H Mackenzie, Area Solicitor/Administrator
Mr Simon Fraser, Area Planning and Building Standards Manager
Mr Doug Fotheringham, Graduate Planner
Mr Harold Yates, Area Roads and Community Works Manager
Mr Laurence Young, Area Education Manager
Mr Stephen Callan, Acting Area Housing Manager
Ms Liz Williams, Principal Housing Officer
Mr Graeme Taylor, Property Manager (North)
Ms Maureen Keough, Area Children's Service Manager
Mr Rod Richard, Assistant Community Care Manager
Miss Catriona MacLean, Area Development Manager
Mr Gary Watson, Coastal Planning Officer
Mr James Bromham, Aquaculture Development Officer

Also Present

Mr John McCall, Strategic Planning Liaison Manager, Scottish Water (Item 3.3 only)
Ms Pearl Machray, Development Liaison Manager, Scottish Water (Item 3.3 only).

Mr Andrew M Millar, Ceannaire, chaired items 1 and 2 following.

1. Apologies for Absence

There were no apologies for absence.

2. Confirmation of Minutes

There had been circulated for Confirmation the Minutes of the Meeting of:-

(i) the Area Committee on 24 April 2006
(ii) the Area Committee on 2 May 2006

The Minutes were held as read and approved.

Mr William Fulton, Planning, Development Europe and Tourism Portfolio Holder, chaired item 3 following.

Planning, Development, Europe and Tourism

3.1 List of Delegated Consents

There had been circulated Report No. SL/131/06 (132kb pdf) by the Area Planning and Building Standards Manager being the List of Consents granted in terms of his delegated powers for the period from 1 March 2006 to 22 May 2006.

The Committee agreed to note the Report.
3.2 List of Withdrawn Planning Applications

There had been circulated Report No. SL132/06 (40kb pdf) by the Area Planning and Building Standards Manager being the List of Applications withdrawn for the period from 1 March 2006 to 22 May 2006.

The Committee agreed to note the Report.

3.3 Scottish Water

Mr John McCall, Strategic Planning Liaison Manager and Ms Pearl Machray, Development Liaison Manager, both with Scottish Water gave a presentation to the Committee and covered the following matters –

1. The historic lack of investment with no significant funding for growth.

2. Q and S II – Their Successes –
   - merging three complex organisations
   - creating focus to survive in a new regulatory environment
   - reducing costs by nearly 40%
   - improving every customer service measure
   - stabilised charges
   - delivering a £2.3bn capital programme for £1.8bn (2,000 projects)
   - improved drinking water, environmental performance, customer service

3. Q and S III – Their Challenges –
   - further improvements in customer service
   - £2.15bn for investment
   - a further £30m - £40m reduction in operating costs
   - a new retail company for business customers
   - charging increases to be kept below inflation
   - improving quality of drinking water for 1.5m customers
   - improving environment along 530 km of coastline rivers
   - reducing sewer flooding
   - taking action on odour at 35 waste waterworks
   - connecting to an estimated 120,000 new homes
   - new regulations for reasonable cost contributions and developer contributions to pay for new pipes and sewers for developments
   - new infrastructure charge
   - £14m per annum – Communities Scotland
   - Memorandum of Understanding
   - Strategic Asset Capacity and Development Plan

4. Q and S III – Growth – Details
   - providing sufficient Strategic Capacity to meet the requirements of all estimated new developments
   - local constraints removed at developer costs if not in programmes
   - more engagement with local authorities for integrated planning
   - develop a memorandum of understanding with SEPA and have
• operational by March 2006
• annual publication in April 2006 on network capacity and development plans
• 2006-10 – deliver strategic capacity for 60,000 new homes on 2,025 ha commercial lands
• 2010-2014 – similar additional capacity
• Investment Plans to take account of GRO population data, Scottish Executive Household Projections
• Delivery to be informed by Scottish Water’s Quality Investment Programme, spatial priorities of the National Planning Framework and development priorities identified by local authorities in their structure and local plans.

5. Q and S III – Growth – Next Steps

• sharing information with the Councils about planned investment/growth priorities
• initial Memorandum of Understanding of information also being examined
• sharing pragmatic rules for commercially driven projects
• the need for positive dialogue to achieve best decisions

The Committee noted the presentation.

3.4 Applications for consideration

Mrs Isabelle M Campbell declared a non-financial interest in item 3.4.1 following as she was related to the husband of Applicant, Mrs J MacRae, and left the meeting while the item was being considered.

Item 3.4.1
Applicant - Mr A Boyle and Mrs J MacRae
Location - 12 Harbour Street, Plockton
Nature of Development - Alterations to house to form hairdressing salon and delicatessen shop

There had been circulated Report No. SL/133/06 (84kb pdf) by the Area Planning and Building Standards Manager recommending (1) approval of application (05/00514/FULSL) subject to the following conditions:-

1. Notwithstanding the provisions of Classes 1 and 3 of the Town and Country Planning (Use Classes) (Scotland) Order 1997, the proposed mixed use shall be restricted to a hairdressing salon and delicatessen with ancillary sales of cold foods and snacks for consumption off the premises.

2. The hours of operation for the permitted use shall be restricted to between 08:00 to 19:00.

3. The area of the curtilage to the rear of the premises shall not be used for open storage, seating for staff or use by customers without the prior approval in writing of the Planning Authority.

4. Prior to the commencement of development the applicant will be required to provide details of a disabled dropped kerb access outside 12 Harbour Street. Such a disabled access will be designed in accordance with the appropriate best practice and guidance as used by the Highland Council and shall be implemented prior to commencement of the approved use.

5. Prior to commencement of development the applicant will be required to submit details of proposed alterations to the proposed front threshold, disabled access
arrangements and alterations to the doorway. Such details will include 1:20 drawings and shall be in full accordance with current legislation.

6. No food preparation shall be undertaken on the premises.
7. No extractor fans or air conditioning plant shall be installed without the prior written consent of the Planning Authority.
8. Details of arrangements for refuse storage shall be submitted to and approved in writing by the Planning Authority prior to the commencement of development.
9. Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Scotland) Order 1997, the premises shall be used solely as a hairdressing salon and shop for the retailing of food for consumption off the premises.

Reasons:

1,2,3. In the interests of the amenities of nearby residents.
4. In the interests of pedestrian and road user safety.
5. In the interests of pedestrian safety, disabled access and to ensure that details are appropriate and reflect the character of the building.
6,7,9. To minimise adverse impact on neighbours in this predominantly residential area.
8. To minimise adverse impact on neighbours in this predominantly residential area and in the interests of the amenity of Plockton Conservation Area.

N.B. The Applicant is reminded that any signage or advertisement may require a separate application for advertisement and/or List Building Consent.

and (2) approval of application (05/00517/LBCSL) subject to the following conditions:-

1. Prior to commencement of development the applicant will be required to submit details of proposed alterations to the proposed front threshold, disabled access arrangement and alterations to the doorways. Such details will include 1:20 drawings and shall be in full accordance with current legislation.

Reason:

1. In the interests of the architectural and historic character of the building.

Mr William Fulton, seconded by Mr John Laing Moved that the applications be approved as per the recommendations but that the hours of operation for the permitted use be restricted to between 0900 hours and 1900 hours.

As an amendment, Mr Hamish Fraser, seconded by Mr Andrew Millar moved that the applications be approved as per the recommendations subject to the hours of operation for the permitted use being restricted to between 0900 hours and 1800 hours.

Votes were cast as follows:-

For the motion -

Mr William Fulton  
Mr John Laing

For the amendment -
Mr Hamish Fraser  
Mr Andrew M Millar  
Mr Iain MacDonald

The amendment therefore became the finding of the Meeting with the applications being approved as per the recommendations subject to the hours of operation for the permitted use being restricted to between 0900 hours and 1800 hours.

**Item 3.4.2**  
**Applicant** - Mr E L MacLeod  
**Location** - 8 Dunan, Broadford  
**Nature of Development** - Erection of house (Outline)

There had been circulated Report No. SL/134/06 (56kb pdf) by the Area Planning and Building Standards Manager recommending, subject to no objection from Trunk Roads, approval of the application subject to the following conditions:-

1. A further application shall be made to the Planning Authority within three years of the date of the permission for the approval of reserved matters and no works shall be commenced on any part of the site until the permission of the Planning Authority has been granted in writing for such proposals. Reserved Matters shall include the siting, design and external appearance of all buildings, the means of access thereto, proposals for landscaping, drainage arrangements and the design and appearance of boundary enclosures.

2. Prior to the commencement of other aspects of the approved development, the access from the public road to the site shall be constructed to base course level in accordance with the attached Standard Access Specification. The access shall be completed in accordance with that Specification prior to initial occupation of the development.

3. Access to the site from the A87 shall be solely by way of the existing access, serving the existing house to the north west, suitably improved.

4. The existing vehicular access onto the A87 Trunk Road shall be upgraded to have a minimum throat width of 5.5 metres for a distance of 12 metres back from the nearside edge of the Trunk Road carriageway. The first 5 metres of the access should be surfaced in bituminous material.

5. Adequate screening shall be provided between the road and the development to the satisfaction of the Planning Authority, after consultation with the roads authority.

Reasons:

1. The application is in outline only and no such details have been submitted with the application.

2,3. In the interests of road safety.

4. To minimise interference with the safety and free flow of traffic on the Trunk Road.

5. To ensure that there will be no distraction or dazzle to drivers on the Trunk Road will not be diminished.

n.b.1 The developer should obtain consent from Scottish Water in order to connect to the public water supply.

The Committee agreed the recommendation.

**Item 3.4.3**  
**Applicant** - Kilmuir Community Council
**Location** - Shulista, Duntulm, Staffin  
**Nature of Development** - Construction of Car Park

There had been circulated Report No. SL/135/06 (45kb pdf) by the Area Planning and Building Standards Manager recommending refusal of the application for the following reasons:-

1. The proposed development would be detrimental to road safety.
2. The proposed development would be detrimental to the visual amenities of the locality.

The Committee agreed to defer consideration of the application to allow further discussions with the Applicant.

**Item 3.4.4**  
**Applicant** - Sharon Williamson  
**Location** - Isles Hotel, Somerled Square, Portree  
**Nature of Development** - Construction of Timber Decking to form Beer Garden

There had been circulated Report No. SL/136/06 (38kb pdf) by the Area Planning and Building Standards Manager recommending approval of the application subject to the following conditions:-

1. Prior to the commencement of the development, details of the finished colour of the approved timber decking, uprights, trellis and spans shall be submitted to and approved in writing by the Planning Authority.
2. Unless otherwise approved in writing by the Planning Authority in consultation with the Environmental Health Authority, hours of operation of the beer garden and decking area shall be restricted to the following period(s): (a) Monday to Saturday 9 a.m. to 10 p.m. (b) All Sundays and Christmas and Boxing Days – No use permitted.
3. There shall be no playing of music either from instruments or by electronic means from the beer garden decking area.
4. Prior to the use of the beer garden/decking area the applicant shall provide details of the proposed access routes to and from the beer garden/decking area and of any signage to direct users.

Reasons:

1,2 In the interests of visual amenity.  
3,4,5 In the interests of residential amenity and to avoid disturbance and nuisance.

The Committee agreed the recommendation.

**Item 3.4.5**  
**Applicant** - P Holmes  
**Location** - The Lodge, Torrin Road, Broadford  
**Nature of Development** - Alterations to and use of hotel annex as 5 letting bedroom guesthouse with residential accommodation

There had been circulated Report No. SL/137/06 (47kb pdf) by the Area Planning and Building Standards Manager recommending, subject to the objection by the Trunk Road Authority first being resolved, approval of the application subject to the following conditions:-

1. The premises shall be restricted to a maximum of 5 guest letting bedrooms.
2. The proposed access at the northern end of the site frontage shall not be formed, and the existing parking area to the south of the site shall be closed off in
according to details which shall be submitted to and approved in writing by the Planning Authority prior to the commencement of development, such works to be completed prior to commencement of guesthouse use.

3. Prior to the commencement of development, details of a new access and 7 space car park, to the south of the building, shall be submitted to and approved in writing by the Planning Authority. These details shall be implemented prior to commencement of guest house use.

4. No trees within the site shall be topped, lopped or felled without the prior written consent of the Planning Authority.

Reasons:

1.3 In the interests of road safety.
4, 5 In the interests of the visual amenity of the locality.

The Committee agreed the recommendation.

**Item 3.4.6**
**Applicant** - Mr and Mr G Gibson
**Location** - Croft 5, Ferrinquirrie, Glendale
**Nature of Development** - Erection of 2 houses (Outline)

There had been circulated Report No. SL/138/06 (50kb pdf) by the Area Planning and Building Standards Manager recommending refusal of the application for the following reason:-

1. The proposed development would represent overdevelopment of the site, detrimental to the visual amenity of the locality and not reflective of the settlement pattern in the area, and as such would be contrary to the policy for housing in dispersed communities contained in the Skye & Lochalsh Local Plan.
2. The Area Planning and Building Standards Manager advised the Committee that the Applicant had withdrawn one of the house sites and accordingly he now recommended approval of the application subject to conditions to be agreed by him in consultation with the local Member and, if necessary, the Portfolio Holder.

The Committee agreed the amended recommendation.

**Item 3.4.7**
**Applicant** - Michelle C Philip
**Location** - House Plot to North of Kintail Lodge Hotel, Glenshiel
**Nature of Development** - Erection of house

There had been circulated Report No. SL/139/06 (62kb pdf) by the Area Planning and Building Standards Manager recommending refusal of the application for the following reasons:-

1. The proposed development would result in overdevelopment of the garden of Kintail Lodge Hotel and loss of trees, detrimental to the visual amenity of the locality which is prominent within the Kintail National Scenic Area and thereby would conflict with the policies for Housing in the Countryside contained within the Skye and Lochalsh Local Plan.
2. The application has failed to demonstrate satisfactory access arrangements.
3. The application has failed to demonstrate that adequate foul drainage arrangements can be achieved.

The Committee agreed the recommendation.
Item 3.4.8
Applicant - K and Y Beaton
Location - 8 Hallin Park Waternish
Nature of Development - Erection of house (Outline)

There had been circulated Report No. SL/140/06 by the Area Planning and Building Standards Manager recommending, subject to the Applicant first demonstrating satisfactory foul drainage arrangements, approval of the application subject to the following conditions:

1. A further application shall be made to the Planning Authority within three years of the date of the permission for the approval of reserved matters and no works shall be commenced on any part of the site until the permission of the Planning Authority has been granted in writing for such proposals. Reserved matters shall include the siting, design and external appearance of all buildings, the means of access thereto, proposals for landscaping, drainage arrangements and the design and appearance of boundary enclosures.

2. The access shall be sited with its centre line 25.0 metres to the north-west of the shared access to nos. 19 and 20 opposite.

3. Prior to the commencement of any other aspects of the approved development, the access from the public road to the site shall be constructed to base course level in accordance with the attached Standard Access Specification. The access shall be fully completed in accordance with that Specification prior to initial occupation of the development.

4. The Reserved Matters shall include a full appraisal of the options for foul drainage, and the solution may not accord with the details contained in the application hereby approved. A treatment plant may be required, it may require to be located west of the existing house at 8 Hallin Park and a discharge to a watercourse may not be acceptable.

Reasons:
1. The application is in outline only and no such details were submitted.
2, 3 In the interests of road safety.
4. For the avoidance of pollution and contamination of a neighbouring water supply.

N.B.

2. The grant of permission should be taken to infer that Scottish Water will permit connection to the public water main.

The Committee agreed the recommendation.

Item 3.4.9
Applicant - Executors of the late Joan MacRae
Location - 339 Wester Achnateird, Letterfearn
Nature of Development - Erection of house (Outline)

There had been circulated Report No. SL/140/06 by the Area Planning and Building Standards Manager recommending refusal of the application for the following reason:-
The development would be detrimental to road safety due to poor visibility at the access onto the public road.

The Committee agreed the recommendation.

**Item 3.4.10**
**Applicant** - Executors of the late Joan MacRae  
**Location** - 344 Wester Achnateird, Letterfearn  
**Nature of Development** - Erection of two houses (Outline)

There had been circulated Report No. SL/141/06 (53kb pdf) by the Area Planning and Building Standards Manager recommending refusal of the application for the following reasons:-

1. The proposed development represents over-development of the site, in conflict with the pattern of settlement in the locality. In consequence it would be detrimental to the visual amenity of the locality and the amenities of nearby residents and, as such, the development would be contrary to the policy for housing in rural townships contained in the Skye and Lochalsh Local Plan.
2. The application fails to demonstrate that satisfactory foul drainage arrangements can be provided.

The Committee agreed the recommendation.

**Item 3.4.11**
**Applicant** - Mr D Robertson  
**Location** - The Cottage, 2 Teangue, Sleat  
**Nature of Development** - Erection of house (Outline)

There had been circulated Report No. SL/142/06 (54kb pdf) by the Area Planning and Building Standards Manager recommending, subject to the Applicant first amending his submission to achieve visibility as previously required, approval of the application subject to the following conditions:-

1. A further application shall be made to the Planning Authority within three years of the date of the permission for the approval of reserved matters and no works shall be commenced on any part of the site until the permission of the Planning Authority has been granted in writing for such proposals. Reserved Matters shall include the siting, design and external appearance of all buildings, the means of access thereto, proposals for landscaping, drainage arrangements and the design and appearance of boundary enclosures.
2. Prior to the commencement of other aspects of the approved development, details of a revised access from the public road to the site, positioned to enable clearance of the watercourse and incorporating a satisfactory service bay, shall be submitted to and approved in writing by the Planning Authority.

Thereafter, the same access shall be constructed to base course level in accordance with the attached Standard Access Specification. The access shall be completed in accordance with that Specification prior to initial occupation of the development.

The Reserved Matters referred to in condition 1 hereof shall demonstrate that the development and its access are sited to allow for future development of adjoining land to the north.

**Reasons:**

1. The application is in outline only and no such details have been submitted with the application.
2. In the interests of road safety.
3. In the interests of the satisfactory planning of development in the area.

N.B.1 The developer should obtain consent from Scottish Water in order to connect to the public water supply.

The Committee agreed the recommendation.

**Item 3.4.12**
Applicant - Mr Calum Murchison  
Location - 46 Park Bernisdale, Skeabost Bridge  
Nature of Development - Erection of house

There had been circulated Report No. SL/143/06 (52kb pdf) by the Area Planning and Building Standards Manager recommending refusal of the application for the following reasons:-

1. The proposed development conflicts with the established pattern of dispersed development in Park Bernisdale and, as such, would be contrary to the Council’s policies for Housing in the Countryside. These state that new houses should be reflective of the established pattern of dispersed settlement.
2. The proposed house detracts excessively from the amenities of the existing house to the west.
3. The application fails to demonstrate satisfactory access and foul drainage arrangements.

The Committee agreed to approve the application subject to conditions to be agreed by the Area Planning and Building Standards Manager in consultation with the local Member and, if necessary, the Portfolio Holder. The Committee indicated that they were happy with the existing access arrangements subject to them being improved to achieve the best that was available in the submitted position.

Reasons:

1. The Committee noted that the proposed development straddled the residential envelope but did not consider that the proposal significantly departed from the settlement pattern.
2. The proposed house would have no significant impact on the neighbours.

**Item 3.4.13**
Applicant - London and Edinburgh Inns  
Location - Dunollie Hotel, Broadford  
Nature of Development - Display of Advertisement Awnings

There had been circulated Report No. SL/144/06 (50kb pdf) by the Area Planning and Building Standards Manager recommending approval of the application subject to the following conditions:-

1. The awnings hereby approved shall abut the existing canopy. The pitch of the awnings hereby approved shall match the existing canopy.
2. Prior to the commencement of development, details of the external materials and finishes, including their colour and appearance, and samples where required, shall be submitted to and approved in writing by the Planning Authority.

Reasons:
1, 2, 3 In the interests of visual amenity.

The Committee agreed the recommendation.

**Item 3.4.14**  
**Applicant** - Sconser Community Council  
**Location** - Sligachan, By Portree  
**Nature of Development** - Erection of statute and information shelter and construction of car park and footpaths

There had been circulated Report No. SL/145/06 (65kb pdf) by the Area Planning and Building Standards Manager recommending approval of the application subject to the following conditions:

1. The access from the A87 to the car park shall be constructed in accordance with amended details which shall be submitted to and approved in writing by the Planning Authority prior to the commencement of development. In particular, the access from the car park shall meet the track from the A87 to Sligachan Lodge and bunkhouse at right angles at a point such that the centre line of the car park access is at least 15 metres distant from the nearside edge of the trunk road. The track from the A87 to Sligachan Lodge and bunkhouse shall be widened, from the A87 to the junction leading to the car park, such that 2 vehicles may pass each other. All such works shall be completed prior to erection of the statue.

2. The proposed access shall join the trunk road at a new junction which shall be constructed by the applicant to a standard as described in the Scottish Executive’s Design Manual for Roads & Bridges Volume 6 section 2 part 7 TD 41/95 (Junctions and Accesses) complying with Layout 3. The junction shall be constructed in accordance with details that shall be submitted and approved by the Planning Authority, after consultation with Roads Authority, before any part of the development is commenced.

3. A visibility splay shall be provided and maintained by the applicant on each side of the proposed access to the satisfaction of the Planning Authority such that there shall be no obstruction to visibility from a driver’s eye height of 1.05m – 2.0m, positioned at the set back distance (X) on the proposed access, to an object height of 0.26m – 1.05m within the triangular areas defined below: The set back distance, or X distance, shall be a line 2.4 metres long measured along the centreline of the access road from the nearside edge of the trunk road carriageway.

4. The Y distance shall be a line 120 metres long in a westerly direction and 120 metres long in an easterly direction measured along the nearside edge of the trunk road carriageway from the centreline of the proposed access road in both directions.

5. Two straight lines connecting the terminations of the above lines. The first 10 metres shall be surfaced in a bituminous material and measures shall be adopted to ensure that all drainage from the access road does not discharge onto the Trunk Road.

6. Prior to the commencement of the development, full and amended details of the routeing and construction of paths, the siting of the information shelter, the construction of the statue, and the siting and design of the topographical model, shall be submitted to and approved and all signage, in writing by the Planning authority, and the development shall be carried out in accordance with these details.

**Reasons:**
1. To ensure vehicles can exit the trunk road and reduce the conflict of turning movements.
2. To ensure that the standard of the access layout complies with current standards and that the safety of traffic on the trunk road is not diminished.
3. To ensure the drivers of vehicles leaving the site are enabled to see and be seen by vehicles on the trunk road carriageway and join the traffic stream safely.
4. To prevent any loose material from within the access entering onto the trunk road and to ensure that water run-off from the site does not discharge onto the trunk road.
5. In the interests of visual amenity, the site being prominently located in the Cuillins National Scenic Area.

The Committee agreed –

1. the recommendation subject to there being no objection from Historic Scotland who would require to be consulted in connection with the application;
2. that the Electricity Board be written to asking that they relocate the electricity line.

**Item 3.4.15**
**Applicant** - Mr Graeme McKiggan
**Location** - Land adjoining 4 Shulishader, Viewfield Road, Portree
**Nature of Development** - Erection of house

There had been circulated Report No. SL/146/06 (55kb pdf) by the Area Planning and Building Standards Manager recommending approval of the application subject to the following conditions:-

1. Prior to the commencement of building operations and on completion of preliminary earthworks, the position of the house and its finished floor levels shall be pegged out on site and require the approval in writing of the Planning Authority.
2. Prior to the commencement of other aspects of the approved development, details of improvements to the access from the public road to the site, including the incorporation of a satisfactory turning head adjacent the property known as Meadowbank House, shall be submitted to and approved in writing by the Planning Authority. Thereafter, the same access shall be constructed to base course level in accordance with the attached Standard Access Specification. The access shall be completed in accordance with that Specification prior to initial occupation of the development.
3. Prior to the commencement of development, amended parking and turning details shall be submitted to and approved by the Planning Authority.
4. Prior to the commencement of the development, details showing the diversion of the burn, including the existing and proposed layouts and any earthworks, shall be submitted to and approved in writing by the Planning Authority.
5. With effect from the date of this permission, no trees within the site shall be lopped topped, felled or otherwise damaged unless otherwise approved in writing by the Planning Authority.

Reasons:

1,6 In the interests of the visual amenity of the area.
2,3 In the interests of road safety.
4,5 In the interests of road safety and the visual amenity of the area.
n.b. The developer should obtain consent from Scottish Water in order to connect to the public water supply.

The Area Planning and Building Standards Manager advised the Committee that he had received representations from a number of neighbours who considered that they should have received neighbour notification but did not.

The Committee agreed the recommendation subject to there being no unresolved objections which might arise as a result of any required fresh neighbour notification.

**Item 3.4.16**
**Applicant**: MacDonald Bros and Co  
**Location**: Site 3, Staffin Road, Portree  
**Nature of Development**: Erection of house

There had been circulated Report No. SL/147/06 (56kb pdf) by the Area Planning and Building Standards Manager recommending refusal of the application for the following reason:—

1. The proposed house would be an overdevelopment of the site, potentially destabilising the hillside to the west of the house and detracting from the amenity of the locality and of nearby residents.
2. The Area Planning and Building Standards Manager advised the Committee that he had received amended plans from the Applicant with a reduced projection at the rear of the proposed house.

The Committee agreed to defer consideration of the application to allow further discussion with regard to the size and location of the proposed house.

**Item 3.4.17**
**Applicant**: Mr and Mrs Richard Smith  
**Location**: House Plot North of Cuillin View, Elgol  
**Nature of Development**: Erection of house (Outline)

There had been circulated Report No. SL/148/06 (49kb pdf) by the Area Planning and Building Standards Manager recommending refusal of the application for the following reason:—

1. The access would be detrimental to the visual amenity of the area and to road safety.

The Committee agreed to defer consideration of the application to allow further discussion with regard to the access arrangements.

**Item 3.4.18**
**Applicant**: J and K Budge  
**Location**: House Plot 2 at No. 21 Borneskitaig  
**Nature of Development**: Erection of house (Outline)

There had been circulated Report No. SL/149/06 (53kb pdf) by the Area Planning and Building Standards Manager recommending, subject to the Applicants first confirming that they are prepared to improve the access from the public road to the site to acceptable standard, and include the relevant section of road within the site, approval of the application subject to the following conditions:—

1. A further application shall be made to the Planning Authority within three years of the date of the permission for the approval of reserved matters and no works shall
be commenced on any part of the site until the permission of the Planning Authority has been granted in writing for such proposals. Reserved Matters shall include the siting, design and external appearance of all buildings, the means of access thereto, proposals for landscaping, drainage arrangements and the design and appearance of boundary enclosures.

2. The Reserved Matters, referred to in condition 1 hereof shall include proposals to improve the private road leading to the site to adoptive standard, and these works shall be completed prior to the initial occupation of the house.

3. Prior to the commencement of development, a photographic record shall be made of the remains of old buildings and/or other features affected by the proposed development, in accordance with the attached specification, and shall thereafter be submitted to the Planning Authority. No site clearance work shall take place until confirmation in writing has been received from the Planning Authority that the record made has been lodged and is satisfactory.

Reasons:

1. The Application is in outline only and no such details were submitted.
2. In order to secure adequate access arrangements.
3. To protect the historic interest of the site.

n.b. The developer should obtain consent from Scottish Water in order to connect to the public water supply.

The Committee agreed the recommendation provided there would be significant improvements to the access.

Item 3.4.19
Applicant - D Parsons
Location - Former Garden of "Parth-Galen", Achnandarach, Plockton
Nature of Development - Erection of house

There had been circulated Report No. SL/150/06 (53kb pdf) by the Area Planning and Building Standards Manager recommending refusal of the application for the following reason:-

1. The proposed development represents an overdevelopment of the site at a density which would be out of keeping with the character of the development in the locality and detrimental to its visual amenity. As such it would be contrary to the policy for housing in the countryside contained in the Skye and Lochalsh Local Plan.

The Committee agreed the recommendation.

Item 3.4.20
Applicant - J Bailey
Location - ½ of 7 Lower Milovaig, Glendale
Nature of Development - Erection of house (Outline)

There had been circulated Report No. SL-151-06 (58kb pdf) by the Area Planning and Building Standards Manager recommending refusal of the application for the following reasons:-

1. The proposed development would be prominent in the landscape and would not be reflective of the pattern of established development. As such it would be contrary to the policies for housing in dispersed communities contained in the Skye & Lochalsh Local Plan.
2. The proposed access would result in loss of parking provision at the neighbouring house currently under construction, and would detract from the amenity of that house.
3. The application fails to demonstrate satisfactory foul drainage arrangements.

The Committee agreed the recommendation.

**Item 3.4.21**
**Applicant** - Marjory Crossan
**Location** - House Plot at 21 Idrigill, Uig
**Nature of Development** - Erection of house

There had been circulated Report No. SL-152-06 (50kb pdf) by the Area Planning and Building Standards Manager recommending approval of the application subject to the following conditions:-

1. Prior to the commencement of building operations and on completion of preliminary earthworks, the position of the house and its finished floor levels shall be pegged out on site and require the approval in writing of the Planning Authority.
2. Prior to the commencement of other aspects of the approved development, details of improvements to the access from the public road to the site, including sections along and across it and surface water drainage arrangements it, shall be submitted to and approved in writing by the Planning Authority. Thereafter, the same access shall be constructed to base course level in accordance with the attached Standard Access Specification. The access shall be completed in accordance with that Specification prior to initial occupation of the development.

Reasons:

1. In the interests of the visual amenity of the area.
2. In the interests of road safety.

n.b.1 The developer should obtain consent from Scottish Water in order to connect to the public water supply.

n.b.2 The developer should obtain consent from Transport, Environmental and Community Services (Roads) for a Permit in accordance with Section 109 of the New Roads and Street Works Act 1991.

n.b.3 The developer should obtain consent from Transport, Environmental and Community Services (Roads) in order to place the foul drainage pipe across the public road.

The Committee agreed the recommendation.

**Item 3.4.22**
**Applicant** - A Mulligan
**Location** - 7 Lower Milovaig, Glendale
**Nature of Development** - Erection of house (Outline)

There had been circulated Report No. SL-153-06 (57kb pdf) by the Area Planning and Building Standards Manager recommending refusal of the application for the following reason:-

1. The proposed house would neither be sited in harmony with the landscape nor be reflective of the established pattern of dispersed settlement. As such, it would be detrimental to the visual amenities of the locality and would be contrary to the policies for housing in dispersed settlements contained in the Skye and Lochalsh Local Plan.
The Committee agreed to defer consideration of the application to allow the Applicant to submit a detailed application.

**Item 3.4.23**

**Applicant** - Mr and Mrs Loughrey-Robinson  
**Location** - Sites X and Y, 3 Skinidin  
**Nature of Development** - Erection of house – 06/00136/FULSL; Erection of house – 06/00137/OUTSL

There had been circulated Report No. SL-154-06 (53kb pdf) by the Area Planning and Building Standards Manager recommending (1) approval of 06/00136/FULSL (Site Y) subject to the following conditions:-

1. Prior to the commencement of the development amended details of the siting of the house shall be submitted to and approved in writing by the Planning Authority.
2. Prior to commencement of building operations and on completion of preliminary earthworks, the position of the house and its finished floor level shall be pegged out on site for approval by the Planning Authority.
3. Prior to the commencement of any other aspects of the approved development, the access from the public road to the site shall be constructed to base course level in accordance with the attached Standard Access Specification. The access shall be fully completed in accordance with that Specification prior to initial occupation of the development.
4. Prior to the commencement of development, details of arrangements to park and turn construction vehicles shall be submitted to and approved in writing by the Planning Authority.

Reasons:

1,2 In the interests of the visual amenity of the locality.  
3,4 In the interests of road safety.

N.B. The grant of permission should not be seen to imply that Scottish Water will permit connection to the public supply.

And (2) refusal of 06/00137/OUTSL (Site X) for the following reason:

1. The proposed development would be overdevelopment of the croft detrimental to the visual amenity of the locality and contrary to the provisions of the Skye and Lochalsh Local Plan.

The Area Planning and Building Standards Manager advised that the Applicant had withdrawn application 06/00137/OUTSL (Site X)

The Committee agreed the recommendation with regard to 06/00136/FULSL (Site Y) and to note that the other Application had been withdrawn.

**Item 3.4.24**

**Applicant** - Stuart MacPherson and Jennifer Robertson  
**Location** - 3/4 Idrigill, Uig  
**Nature of Development** - Erection of two houses (Outline) (06/00138/OUTSL and 06/00139/OUTSL); Erection of one house (06/00140/FULSL)
There had been circulated Report No. SL-155-06 (54kb pdf) by the Area Planning and Building Standards Manager recommending (1) approval of the applications 06/00138/OUTSL and 06/00139/OUTSL subject to the following conditions:-

1. A further application shall be made to the Planning Authority within three years of the date of the permission for the approval of reserved matters and no works shall be commenced on any part of the site until the permission of the Planning Authority has been granted in writing for such proposals. Reserved Matters shall include the siting, design and external appearance of all buildings, the means of access thereto, proposals for landscaping, drainage arrangements and the design and appearance of boundary enclosures.

2. Prior to the commencement of other aspects of the approved development, the access from the public road to the site shall be constructed to base course level in accordance with the attached Standard Access Specification. The access shall be completed in accordance with that Specification prior to initial occupation of the development.

Reasons:

1. The application is in Outline only and no such details have been submitted with the application.

2. In the interests of road safety.

n.b. The developer should obtain consent from Scottish Water in order to connect to the public water supply.

and (2) approval of planning permission 06/00140/FULSL subject to the following conditions:-

1. Prior to the commencement of building operations and on completion of preliminary earthworks, the position of the house and its finished floor levels shall be pegged out on site and require the approval in writing of the Planning Authority.

2. Prior to the commencement of other aspects of the approved development, details of improvements to the access from the public road to the site, including sections along and across it, and the provision of a turning area within the site, shall be submitted to and approved in writing by the Planning Authority. Thereafter, the same access shall be constructed to base course level in accordance with the attached Standard Access Specification. The access shall be completed in accordance with that Specification prior to initial occupation of the development.

3. The external walls of the house hereby approved shall be white or off-white in colour and appearance.

Reasons:

1,3 In the interests of the visual amenity of the area.

2. In the interests of road safety.

The Committee agreed the recommendations.

3.5 Section 75 Agreement – Portree House

There had been circulated Joint Report No. SL-156-06 (36kb pdf) by the Area Solicitor/Administrator and the Area Planning and Building Standards Manager recommending:-
1. the approval in principal of the release from the Section 75 Agreement of an area of
land required for a bulk gas tank and access thereto with the exact area to be
agreed by Officials;
2. the grant of delegated powers to the Area Solicitor/Administrator and the Area
Planning and Building Standards Manager to approve similar requests in future after
consultation with the local Member; and
3. that the Section 75 Agreement be amended accordingly at the expense of Lochalsh
and Skye Housing Association who would be liable to re-imburse the Council’s legal
expenses.

The Committee agreed the recommendations.

3.6 Appeals

Item 3.6.1
Applicant - Mr P Bailey
Location - ½ of 2 Upper Breakish
Nature of Development - Erection of house (Outline)

There had been circulated Report No. SL/157/06 by the Area Planning and Building Standards
Manager advising the Committee that an appeal to the Scottish Ministers had been dismissed.

The Committee agreed to note the Report.

Item 3.6.2
Applicant - H Fargher
Location - South Bay Cottage, Sasaig
Nature of Development - Erection of garage and residential flat

There had been circulated Report No. SL/158/06 by the Area Planning and Building Standards
Manager advising the Committee that an appeal had been lodged with the Scottish Ministers.

The Committee agreed to note the Report.

3.7 Proposed Modification of Fish Farm Lease at Uig Bay, Loch Snizort

There had been circulated Report No. SL/159/06 by the Director of Planning and Development
recommending that the Council submit a favourable response on this proposal to the Crown Office
and recommending the following conditions:

(a) that SEPA concerns as set out in their letter dated 31 March 2006.
    passed to the applicant 10 April 2006, about the fish farm’s impact on
    water quality within Uig Bay are satisfied prior to CEC approval and grant
    of lease;
(b) prior to construction of the additional cages appropriate shorebase facilities
    should be established to the written satisfaction of Highland Council and
    the applicant should thereafter ensure that no equipment, including cage
    nets and feed are stored outwith the shore base;
(c) all surface gear on the site should be low-profile and use muted colours to
    be agreed in advance with Highland Council with the exception of
    navigation markers and the installation should be located as close as
    practicably possible to the shore to help minimise visual impact;
(d) the site should be fully developed within three years and maintained at all
times in good order to the satisfaction of the Highland Council;
(e) the site should be operated in compliance with the Code of Good Practice
    for Scottish Finfish Aquaculture;
the operator regularly inspect and clear all operational litter from the pier and surrounding area, including the general Uig Bay shoreline. At a minimum this should be every 3-6 months and especially after rough weather events when litter has been known to have been released. A written record of inspections, the litter recovered and the method of disposal should be maintained should be available to Highland Council for inspection.

The Committee agreed the recommendation.

3.8 Crown Estate Consultation on Proposed Shellfish Farm (2 Sites), Pabay Island, Skye

There had been circulated Report No. SL/160/06 by the Director of Planning and Development recommending that the Council should approve the proposals subject to the following conditions:

(a) the site should be fully developed within two years and the installation maintained in good order, failing which the lease should be terminated and the operators should be required to remove all equipment from the site;
(b) matt grey surface buoys to be used to minimise visual impact, apart from those which will mark the four corners of each site;
(c) equipment to be properly secured and in the event of storm damage, repairs should be promptly effected or the damaged gear promptly collected and removed;
(d) the site should be marked and lit in accordance with the requirements set out by the Northern Lighthouse Board.

The Committee agreed the recommendation.

3.9 Crown Estate Consultation on Proposed Modification of Fish Farm at Maol Ban, Loch Ainort

There had been circulated Report No. SL/161/06 by the Director of Planning and Development recommending (1) that the Council recommend approval subject to a positive view being received from SEPA and subject to the following conditions:

(a) all surface gear on the site should be low-profile and the colour schemes should be sympathetic to the adjacent landscape;
(b) If it is essential to use an additional storage raft on the site this should be limited to 15m x15m in size and all equipment should be covered by a dark grey, matt tarpaulin;
(c) Marine Harvest Scotland (or any other future tenants of these leases) must be proactive in ensuring the development and communication of an Area Management Agreement covering this site. Marine Harvest should also seek to ensure that the Area Management Group includes local authority and local community representatives;
(d) the farmed fish should be protected from seal attack by the use of tensioned cage nets rather than by the use of Acoustic Deterrent Devices. In the event that the applicant finds it necessary to use ADD’s the advice of the Scottish Executive should be sought as to whether or not this will require a disturbance licence;
(e) the site should be fully developed within three years;
(f) the fish farm should be operated in compliance with the Code of Good Practice for Scottish Finfish Aquaculture;
(g) navigational markers should be installed and maintained as recommended by the Northern Lighthouse Board;

and (2) The Council should emphasise to the Crown Estate that its recommendation of support for the proposal was not just qualified but conditional. If the Council’s position is not to be misrepresented, it is essential that the above conditions are properly incorporated into the Crown Estate’s decision notice. They should not merely be relayed to the applicant as “Advice from Consultees”.

The Committee agreed the recommendations.

The Committee resolved under Section 50A(4) of the Local Government (Scotland) Act 1973 that the public be excluded from the meeting for item 3.6 following on the ground that it involved the likely disclosure of exempt information as defined in Paragraphs 6 and 9 of Part 1 of Schedule 7A of the Act.

3.10 Ashaig Airstrip

There had been circulated Report No. SL/162/06 by the Area Development Manager updating Members on the current situation in relation to proposals to develop Ashaig Airstrip.

The Committee noted the position and agreed to delegate finalisation of details to Officials in consultation with Councillors Andrew M Millar, John Laing and Hamish Fraser.

Mr John Laing, Transport, Environmental and Community Services Portfolio Holder, chaired item 4 following.

4. Transport, Environmental and Community Services

4.1 Service Level Agreements – Performance Monitoring (April 2005 to March 2006)

There had been circulated Report No. SL/163/06 by the Area Roads and Community Works Manager inviting Members to note the standards of service achieved for the year April 2005 to March 2006.

The Committee agreed to note the Report.

4.2 Operational Savings for 2006/07

There had been circulated Report No. SL-164-06 (41kb pdf) by the Area Roads and Community Works Manager outlining the level of operational savings required to avoid an overspend in relation to the Revenue Budget for Roads and Community Works for 2006/07.

The Committee noted the operational savings but asked the Area Roads and Community Works Manager to consult and agree with Councillors Andrew M Millar and John Laing on the following:

- Look at re-instating street cleaning at the weekend with savings being achieved by cutting cleaning during weekdays.
- To look at reducing grass cutting in Portree to allow levels of street cleaning to be maintained.

Mr Hamish Fraser, Housing and Social Work Services Portfolio Holder, chaired item 5 following.

5. Housing and Social Work Services

5.1 Skye and Lochalsh Area Quarterly Performance Report
There had been circulated Report No. SL-165-06 (163kb pdf) by the Area Housing Manager updating Members on the performance of the Housing Service in Skye and Lochalsh for the final quarter of the financial year 2005/2006.

The Committee agreed to note the Report.

Mrs Isabelle M Campbell, Education, Culture and Sports Service Portfolio Holder, chaired item 6 following.

6. Education, Culture and Sports Services

6.1 Consultation on Hostel Entitlement

There had been circulated Report No. SL-166-06 (247kb pdf) by the Area Education Manager outlining the result of the non-statutory consultations undertaken regarding the proposal to remove the right of school residence provision at Portree High School Pupil Residence from the community of Kyleakin and communities of Drumfearn to Calligarry in South Sleat. The Report recommended that the Committee recommend either option 1 or 2 as detailed in the Report to the Education, Culture and Sports Committee.

Mr Andrew M Millar suggested that a third Option be considered, namely:-

1. Hostel entitlement be removed from Ferindonald to Broadford (including Drumfearn) and Kyleakin, entitlement continuing for ardvasar and Calligarry as well as the other communities outlined in the Consultative Paper.
2. Pupils from Ferindonald to Broadford, Drumfearn and Kyleakin who will be in S3 to S6 for session 2006/2007, hostel accommodation continues for the duration of their education at Portree High School.
3. S1 and S2 pupils lose their entitlement to a place from July 2007, however siblings of pupils residing in the hostel from Ferindonald to Broadford, Drumfearn and Kyleakin will continue to have an entitlement to a hostel place.

The Committee agreed:

1. To recommend Option 1, the status quo.
2. To make the Education, Culture and Sports Committee aware of Option

6.2 HIME Report on Kilmuir Primary School

There had been circulated Report No. SL-167-06 (49kb pdf) by the Area Education Manager advising Members of the Report by HM Inspectors of Education on Kilmuir Primary School.

The Committee agreed to note the Report.

Mr Iain MacDonald, Resources Portfolio Holder, chaired item 7 following.

7. Resources

7.1 Deeds Executed on Behalf of The Highland Council

There had been circulated Report No. SL-168-06 (23kb pdf) by the Area Solicitor/Administrator being a list of deeds and other documents executed on behalf of the Council since 22 March 2006.

The Committee agreed to note the Report.
7.2 Property Revenue Maintenance Budget 2006/07 Skye and Lochalsh Area – Proposed Projects

There had been circulated Report No. SL/172/06 by the Director of Property and Architectural Services summarising proposals for allocation of the 2006-07 Property Revenue Maintenance Budge for the Skye and Lochalsh Area.

The Committee agreed to approve the detailed spend proposals and to receive regular progress reports on expenditure.

The meeting closed at 2.20 pm.