Agenda Item	6.7
Report No	PLN/042/20

HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 20 October 2020

19/03594/FUL: Mr Andrew Harris

Report Title: Land 55M NE of Keiss Harbour House, High Street, Keiss

Report By: Acting Head of Development Management – Highland

1. Purpose/Executive Summary

1.1 **Description:** Siting of holiday cabin and holiday pods

Ward: 03 – Wick and East Caithness

1.2 **Development category:** Delegated

Reason referred to Committee: Community Council objection

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

2. Recommendations

2.1 Members are asked to agree the recommendation to **Grant** planning permission as set out in section 11 of the report.

3. PROPOSED DEVELOPMENT

The application seeks detailed planning permission for the siting of a holiday cabin, 4 holiday pods, waste storage, installation of drainage and installation of a passing place. The proposed development also includes the installation of a new footpath, picnic benches, planting, fencing, a new gate and street art.

The main body of the holiday cabin measures 13.3m x 7m with a roof height of 2.92m rising to 4.1m. There is a small projection to the eastern elevation that will accommodate a hot tub with patio doors opening to a decked area with a glass balustrade, fronting the principle elevation, to take advantage of the open sea views. The proposed windows and doors are grey upvc. Each of the proposed pods has an appearance of an upturned boat.

- 3.2 The proposal will also see the re-alignment and upgrading of a section of a core path that is located to the north of the proposed pods. The path consists of rough grass with a track through it.
- 3.2 The access will be taken from High Street, Keiss through the C1093 classified single track road that loops around the harbour. The road has an informal passing place on the loop to the east of the harbour.
- 3.3 Pre Application Consultation: 19/00025/PREAPP Pre-Application advice was sought for the erection of 4 holiday lodges. The initial proposal included 3 holiday lodges adjacent a C Listed Structure known as the ice-house and 1 holiday lodge to the east of the access road. The developer was asked to consider the impact the development would have on the adjacent listed buildings in terms of siting, design and materials. It was considered that if the scale of the development was reduced, with careful siting and design the development would have a low impact on the adjacent listed buildings and could be supported.

3.4 Supporting Information:

- Ground levels at pods
- Supporting Information Supporting Statement
- Bumblebee Advice Letter
- Percolation Test Results
- Protected Species Survey
- Further Supporting Statements
- Image of proposed Street Art

3.5 Variations:

- A revised proposal was submitted on 19th November 2019, amending the
 design of the holiday cabin, amending the parking and access arrangements
 to the pods, installing a passing place on the loop road and the installation
 of a fence.
- Further plans were submitted on 7th July 2020 and 18th August 2020 in order to address Transport Planning's objection.
- An amended site plan was submitted on 8th July 2020 to show the amends made to the siting of the pods on the 7th July 2020.

4. SITE DESCRIPTION

- 4.1 The site is located to the eastern edge of the settlement of Keiss, approximately 50m to the north east of Keiss Harbour and approximately 70m from Keiss Harbour House. The site consists of rough grassland that is split by the public road. The holiday cabin would be sited on an area of land that that lies directly below the coastal slopes, to the northern side of the lower access road and the pods to the east of the access road. There is a stone retaining wall that runs adjacent to the north/north west boundary of the proposed pods. The western boundary of the site is located adjacent to the Ice House, a category C-listed structure to the NE of Keiss Harbour and Harbour-house/Warehouse, a category A listed building. The site has views out to the North Sea and is located close to the main North Coast 500 tourist route. There is a prehistoric domestic and defensive broch Scheduled Monument located approximately 47m and 266m to the north east of the eastern boundary of the site, in the adjacent field. A core footpath runs through the northern side of the side where the pods are to be located, this leads past the southern side of the brochs. There is a slipway located to the north of Keiss Harbour and south west of the proposed pods at the shore. The slipway leads to a concrete tidal paddling pool.
- 4.2 Keiss Harbour House and Warehouse is a category A listed building which was built in 1831 and consists of a stone built 3-storey, symmetrical 6-bay rubble warehouse build into side of slope abutting the harbour with a Welsh slate roof. The upper floors (two top levels) of the property were converted to residential use (ref: 03/00069/FULCA) with the property advertised for holiday lets.
- 4.3 The Ice House is a 19th Century single chambered stone building with a turf roof that has been built into the embankment. The Ice House has fallen into disrepair and has recently been granted planning permission (ref. 20/00084/LBC) for repairs to be undertaking, this includes the restoration of the turfed roof.

5. PLANNING HISTORY

- 5.1 19/00025/PREAPP Propose to develop 4 Advice given 07.02.2019 lodges on the rough untidy ground
- 5.2 19/04208/LBC Repair work to icehouse Application Withdrawn building (retrospective) Invalid
- 5.3 20/00084/LBC Ice-House; reinstate turfed Listed Building 09.03.2020 roof to porch, and repairs (partly retrospective) Consent

6. PUBLIC PARTICIPATION

6.1 Advertised: Unknown Neighbour and Development Affecting the Setting of a Listed Building

Date Advertised: 23.08.2019 and 06.12.2019

Representation deadline: 13.09.2019 and 27.12.2019

Timeous representations: Objections 4 General 2 and Support 3

Late representations: Objections 0, General 0 and Support 6

6.2 **Objection Comments**

Material considerations raised are summarised as follows:

- Concerns that the proposal represents overdevelopment;
- · Concerns over the design of the buildings;
- Concerns that the proposal will affect the character, peace and tranquillity of the area;
- Concerns that the views from Harbour-house and houses on High Street will be impacted;
- Concerns regarding sea defences and drainage:
- Concerns regarding natural habitat specifically bees and flora;
- Concerns over the impact to historic heritage in the area;
- The application is contrary to planning policy;
- Concerns over public right of access to the core path, including public safety;
- Concerns relating to parking issues, increased vehicle movements and road speed;
- Absence of elevation dimensions;
- Concerns regarding siting close to listed buildings and that the development would be in contrast to the established pattern of development; and
- Materials are not in keeping with the historic vernacular of stone, render and slate.

Non-Material Considerations raised are summarised as follows:

- Landowners lack of experience of a development of this size:
- Concerns over the developer being financially out of pocket due to lack of market research;
- The project would benefit from and experienced project manager;
- The developer should demonstrate a high standard of restoration on the Icehouse and the Brae area:
- Increased tourism should be achieved by using existing sites for accommodation, that would bring visitors to the harbour by foot or bicycles, creating parking areas outwith the harbour;
- The harbour should be enhanced with amenities such as tables, appropriate waste bins, binoculars, bicycle parking, signage and information to promote the natural heritage of the area;
- The harbour has potential to be used for filming; and
- An area of the development is currently used for a Hogmanay bonfire.

6.3 **General Comments**

Material considerations raised are summarised as follows:

- Concerns regarding road speed and safety for pedestrians and traffic;
- May put people off using the core path;
- Design is not in keeping with the historic area and buildings;
- Positive development for the village, particularly with the features of picnic benches, binoculars and the path works;
- The site of the pods is very rich in comfrey and other wildflowers, providing excellent wildlife habitat:
- Dimensioned plan should be submitted;
- Welcome the project and seeing the renovation works to the Ice-House;
- Signage to the core path should be provided; and

Loss of parking spaces.

Non-Material Considerations raised are summarised as follows:

An area of the development is currently used for a Hogmanay bonfire

6.4 **Support Comments**

Material considerations raised are summarised as follows:

- The development would encourage more visitors to stay in the village, rather than passing through;
- More people will be able to enjoy the historic sites;
- The core path is overgrown and in poor condition and the improvements to public access / core path are welcomed;
- Benefit the area for a long time;
- Holiday accommodation is required in the area as tourism is growing;
- There is a strong marked for glamping / pods;
- The development will provide a safe access path the North Shore;
- Keiss has lost many businesses over the years, this is much needed;
- Introduces different types of tourist accommodation in an area that has limited choice in tourist accommodation, with visitors finding it difficult to find accommodation; and
- Economic benefits.

Non-Material Considerations raised are summarised as follows:

- It is often wealthy people from outside rural areas that buy land to develop, staying a few weeks a year with no vested interest in the community; and
- This development will be an affordable option for families visiting Keiss.
- 6.5 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam.

7. CONSULTATIONS

- 7.1 **Sinclair Bay Community Council –** Objection raised. The Community Council raised the following concerns:
 - The development is contrary to the Caithness and Sutherland Local Development Plan;
 - Concerns regarding increased traffic, traffic speed, parking and visibility splays;
 - Concerns in relation to the location of the passing place and the impact on a heritage asset;
 - Concerns in relation to location of the waste collection point;
 - Concerns that the proposed public art would impact the slipway;
 - Concerns on the impact on heritage assets;
 - Concerns over the design of the proposed buildings;
 - The development may impact Keiss Harbour being listed as a film location;
 - Concerns in relation to the lack of sea defences at the pods;
 - The development does not demonstrate the economic benefits:
 - The cabin is overdevelopment;

- Concerns on the impact on natural habitats and natural interests such as otters, the Great Yellow Bumblebees and Moss Carden bees;
- Concerns in relation to drainage and flooding;
- The picnic area while an attractive option it may be over development and be seen as having exclusive access for the residence staying in the pods/cabin; and
- The Community Council would like to see investment into the dilapidated Brae and pathways prior to any development taking place. The Brae itself is subsiding with the paths requiring attention.
- 7.2 **Access Officer –** No objection raised. Initial concerns were raised in relation to the core path and signage for it. The developer submitted an amended proposal and, the Access Officer was content with the revised site layout. The proposal details the line of the core path that is to be retained and shows the gate location into the adjacent field. The path width as shown on the plan is approximately 1.5m and this is the minimum expected, it should be fully surfaced across this width. The pedestrian gate should provide an open gap of 1525mm.

To ensure the amenity of the core path is retained the existing core path fingerpost should be retained at all times, if it is required to be moved or replaced it should be approved by the planning/access authority to ensure it does not deter the public from using the core path. Furthermore, the core path should remain open for public use at all times during the construction of any development.

- 7.3 **Environmental Health Team –** No objection raised. However, the Contaminated Land officer noted that on the Epoch 1 edition historical map (dated 1873-1877) a 'boiler' is shown just outwith the red line boundary to the west of the site. It is also noted that there appears to be a little shift between the current and historical map editions, therefore should the applicant encounter any suspected contamination during development they should stop works and contact the Council and an environmental consultant for advice.
- Flood Risk Management (FRM) Team Raised No objection. The site lies adjacent to the 1 in 200 year coastal flood plain on SEPA's online Flood Maps which means it may be at risk of flooding from this source. In accordance with SPP "the planning system should prevent development which would have a significant probability of being affected by flooding". It is understood from SEPA's data that the 1 in 200 year flood level for this stretch of coastline is 2.93m AOD. Therefore, a freeboard of 600mm on top of the 200 year level to account for wave action, local bathymetry and uncertainties in modelling predication, plus an additional 250mm to allow for the future impacts of climate change. Thus, there should be no development below 3.53m AOD (200 year level plus freeboard) and the minimum Finished Floor Level (FFL) should be no lower than 3.78m AOD. For information, ground raising within the coastal flood plain is acceptable.

In April 2019, SEPA published their "Climate Change Allowances for Flood Risk Assessment in Land Use Planning" document, viewable online at https://www.sepa.org.uk/media/426913/lups cc1.pdf. As the application site falls within the North Highland Region, the Flood Team recommend that the Applicant applies the appropriate climate change allowance of 0.89m, in which case the FFLs of the development should be set at 4.42m AOD (i.e. still water level of 2.93m AOD, plus 600mm freeboard plus 890mm climate change allowance)

FRM Team do not have any concerns in relation to drainage. The Application Statement dated 27.07.2019, contains sufficient information on foul and surface water drainage and this is accepted.

The FRM Team have no objection to the proposed development subject to a condition being applied in relation to site levels and FFLs.

7.5 **Historic Environment Team/Archaeology** – No objection raised, the application site lies a short distance from two designated brochs and it is not predicted that there will be significant impacts on the setting of those monuments. There may, however, be associated buried remains of deposits in the application area and while the risk of encountering buried deposits is not such as to warrant a full excavation, it is important that the nature and extent of any features is identified and recorded before destruction. It is recommended that all site clearance work should be done under archaeological supervision and an appropriate condition should be attached to any consent issued.

A controlled topsoil strip will ensure that any features uncovered will be adequately recorded, while causing minimum delay to the development. The applicant will need to engage the services of a professional archaeologist. The work will result in a report which will be lodged in the Highland Historic Environment Record (HER), where it may be consulted for research. Archaeological contractors are asked to send copies of such reports direct to the Council's Historic Environment Team, who will advise the applicant on receipt and confirm that they form a satisfactory record.

- 7.6 **Historic Environment Team/Conservation –** No objection raised. Keiss Harbour has a fine collection of historic buildings, many of which are Listed in recognitions of their high heritage value, with the harbour and warehouse both Category A Listed and the associated Ice House to the east, Category C listed. The proposal is unlikely to significantly affect this grouping or the interrelationship between the different buildings, or its setting. Overall there are no significant heritage issues with this proposal.
- 7.7 **Transport Planning** Initially raised an objection in relation, all issues were resolved during the determination of the application and the objection was removed. Transport Planning had concerns with the proposed access to the development, parking and turning, road improvements and the waste collection point.

Transport Planning advise that drainage should be provided to prevent water flowing out into the public road at the access locations. An appropriate condition should be attached to any consent.

7.8 **SEPA** – No objection raised. The application site lies adjacent to the medium likelihood (0.5% annual probability or 1 in 200 year) flood extent of the SEPA Flood Map with regards to coastal flooding.

The expected sea level rise for the North Highlands is 0.9m by 2100 based on the latest UK climate change predictions reported in 2018. We would recommend that this allowance, plus a minimum freeboard allowance of 0.6m to account for uncertainties and the effects of wave action should be added to the flood level to ensure that any development of the site is sustainable. This would equate to a level of 4.6mAOD.

SEPA note that the pods are proposed to be sited on ground levels in excess of 4.2mAOD which is well elevated above the current still water level approximation and the climate change recommendation could be achieved by ensuring that finished floor levels in the pods are at least 4.6mAOD.

- 7.9 **Scottish Water** No objection raised there is currently sufficient capacity to connect to the public water supply. Unfortunately, there is no public waste water infrastructure and private treatment works would be required.
- 7.10 **SNH** No comment as the proposal does not meet their criteria for consultation.

8. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

8.1 Highland Wide Local Development Plan 2012

- 28 Sustainable Design
- 29 Design Quality and Place-making
- 44 Tourist Accommodation
- 49 Coastal Development
- 57 Natural, Built and Cultural Heritage
- 58 Protected Species
- 59 Other important Species
- 60 Other Importance Habitats
- 64 Flood Risk
- 65 Waste Water Treatment
- 66 Surface Water Drainage
- 77 Public Access

8.2 Caithness and Sutherland Local Development Plan 2018

Policy 3: Growing Settlements - Keiss

8.3 Highland Council Supplementary Planning Policy Guidance

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

Flood Risk and Drainage Impact Assessment (Jan 2013)

Highland Historic Environment Strategy (Jan 2013)

Highland's Statutorily Protected Species (March 2013)

Physical Constraints (March 2013)

Standards for Archaeological Work (March 2012)

Sustainable Design Guide (Jan 2013)

9. OTHER MATERIAL POLICY CONSIDERATIONS

9.1 Scottish Government Planning Policy and Guidance

Promoting Rural Development – paragraphs 74-83

10. PLANNING APPRAISAL

- 10.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 10.2 Section 14 of the Planning (Listed Building and Conservation Areas)(Scotland) Act 1997 states that regard must be had to the desirability of preserving the setting of listed buildings.

Determining Issues

This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

Planning Considerations

- 10.4 The key considerations in this case are:
 - a) Compliance with the development plan and other planning policy;
 - b) Siting and Design;
 - c) Impact on cultural heritage
 - d) Protected species;
 - e) Access, parking and servicing;
 - f) Impact upon amenity;
 - g) Drainage and flooding;
 - h) Developer contributions;
 - i) Third Party Comments;
 - i) Other material considerations

Development plan/other planning policy

- 10.4 Policy 44 (Tourist Accommodation) of the HwLDP is the principal determining policy relative to this application for 1 holiday cabin and 4 holiday pods. Policy 44 states that proposals for tourist accommodation within settlement boundaries will be supported if the Council is satisfied that the proposal can be accommodated without adverse impacts upon neighbouring uses, the development complies with Policy 28: Sustainable Design and will not prejudice the residential housing land supply.
- 10.5 Policy 28 of the Highland-wide Local Development Plan 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. Development is required to adhere to the principles of the Highland Council's Sustainable Design Guide: Supplementary Guidance (2013), including enhancing the viability of Highland communities while using resources efficiently to minimise any environmental impact of development. Policy 29 of the

Highland-wide Local Development Plan reinforces this emphasis on good design in terms of compatibility with the local settlement pattern, with focus on creating quality environments.

- 10.6 Policy 57 of the HwLDP identifies the importance of safeguarding the natural, built and cultural heritage of the Highlands. As such, the policy sets the criteria against which developments will be considered to ensure that their impact on the resource may be assessed. In this case it is recognised that the listed buildings and Scheduled Monuments are of both local/regional and national importance. The Council will support developments that do not have an unsatisfactory impact on the heritage resource and do not compromise the identified features, unless it can be demonstrated that the development has significant social or economic benefits of national importance that clearly outweigh the adverse effects on the resource.
- 10.7 Policy 49 identifies the coast as an important local feature through planning Policy 57. Relative to this development is that the Council will promote development that will not have an unacceptable impact on the natural, built or cultural heritage and amenity value of the area. Policy 58 of the HWLDP identifies the responsibility of all developers to safeguard protected and other important species from harm during any development activities, with the other polices outlined in para 8.1 carrying due weight.
- 10.8 It is noted that representations make references to conflict with the Growing Settlements Policy for Keiss, set out in the adopted Caithness and Sutherland Local Development Plan (CaSPlan). However, this is not the overarching policy but is given due consideration. The aspirations for this policy include the enhancement of the historic harbour; and taking advantage of the archaeological heritage of Keiss and any economic benefits from the North Coast 500 tourist route. There is also a reference to the development being contrary to Policy 34 of the Highland-wide Local Development Plan (HwLDP). This policy refers to Settlement Development Areas that are identified within the HwLDP. However, Keiss is identified as a Growing Settlement, therefore this policy does not apply.

Siting and Design

- The development is located to the south east of Keiss village, at Keiss Harbour. The holiday cabin would be sited to the lower area of ground located between the harbour road that leads on from Keiss. The cabin would sit directly below the embankment and will only be visible from the harbour area, with the cabin settled in front of the landscape. There are no works proposed to the embankment; the cabin will sit neatly to the north of it as demonstrated by the submitted topographical information. The proposed cabin will appear embedded into the landscape with the proposed turf roof that will mirror the roof of the category C-listed Ice House that also has turf roof.
- 10.10 In respect of the design of the cabin, the external materials make good use of sustainable materials, with the walls clad in vertical timber, and a turf roof. The roof was amended from a pitched tiled roof to the mono-pitch turfed roof during the determination of this application, this has reduced the scale of the development and further reduced the impact on the near-by heritage assets. Furthermore, the amended design of the cabin is more appropriate for this rural setting and reflects the adjacent C-listed Ice House. The windows will have a strong vertical emphasis,

this cogitates the local vernacular, whilst respecting the Harbour House. The cabin will introduce a modern twist to the area, that may encourage more of a variety of visitors to stay in the area, bringing economic benefits to the village.

- 10.11 Given the location of the cabin, adjacent to a minor public road, set on much lower ground from the main body of the village, hidden by the embankment it is not considered that the development will have a significant cumulative visual impact on the local landscape as it will only be visible from the harbour area and the shore line.
- 10.12 With reference to the proposed holiday pods these are laid out in a row, with their own parking bays, patio area and steps, to the beach located to the east of the harbour loop road. It is proposed that the patio areas will be screened by 1.8m composite tongue and groove wood effect boards with toughened safety glass on the eastern edge. A retaining wall will be installed to support the patio areas as the land drops to the shore and act as a sea defence barrier.
- 10.13 The proposed pods are timber clad with the appearance of an upturned boat. This style of pod has been built and consented elsewhere within Highland area and is a relatively standardised appearance which does not raise any concerns in terms of the development plan context. The proposed pods are considered to of a contemporary design, each sleeping up to 3 people with all sanitary facilities contained within each one.
- 10.14 The proposed number of 4 units is considered to be acceptable and can be accommodated within the space. Furthermore, the pods have been sympathetically sited, embedded in an area that was formally overgrown, creating a more positive place, adding a modern aspect to the harbour. As the pods are also located on low ground, it is anticipated that they will only be visible from the harbour and the shore, limiting any visual impact.
- 10.15 It is proposed that some landscaping will be undertaking as part of this development. This includes some planting running parallel to the north west side of the core path, planting to the west of the pods and to the east of the cabin. This will enhance the setting and soften the development in the landscape.
- 10.16 Representations were made due to the loss of some valuable habitat for native bees in the area. The developer has provided mitigation and any loss of habitat will be replaced this includes the planting of flora. Although the bees are not a protected species, they are a valued asset to the area and are a rare species. The applicant contacted the Bumlebee Conservation Trust prior to submitting the planning application who did not raise any concerns in relation to the loss of habitat. The Bumbleee Conservation Trust welcomed and supported the applicant's aspirations to increase the available habitat for the bees as part of the development. On that basis if any habitat is lost through this development it should be compensated over and above, they consider that the development would have the potential to deliver positive benefits to the Great Yellow Bees. The trust are happy to continue working with the applicant on an ongoing basis to ensure that the potential for increasing the quality and quantity of the bee habitat is realised. Taking this into account and the compensatory planting of a combination of native plants that have been outlined by the trust it is not considered that the development would have a negative impact on the bees. An appropriate condition will be applied to ensure that planting is undertaken and maintained.

- 10.17 The applicant proposes to install street art in an area to the west of the pods, this will include a natural feature that one will see as they drive / walk down the loop road to the harbour. It is anticipated that this will be a large anchor and chain. Representation was made raising concerns that the street art will impact the slipway located to the south of the proposed street art, however it is considered that there adequate separation to ensure that this is not the case.
- 10.18 It is considered that whilst the development introduces modern features to this historic harbour setting, the development will add character to the area, creating positive spaces, whilst protecting the heritage and bringing economic benefits. The addition of the street art will further promote and enhance the historic harbour.

Impact on Cultural Heritage

10.19 As the proposed development, particularly the cabin is located close to listed buildings, the impact of the development must be assessed to ensure that there will not be an unacceptable impact upon these heritage resources. Whilst the development will introduce modern buildings into the area, the buildings are considered to be low impact and would not be intrusive. Views will not be significantly impeded, as the main aspect of the views would be to the Harbourhouse and out to the sea. The council's Historic Environment Team are content that the developed is unlikely to significantly affect the grouping of listed buildings or the interrelationship between the different buildings, or its setting. No significant heritage issues were identified, there is adequate separation distance from the historic assets. It is therefore considered that the development would have a negligible impact on heritage resources.

Protected Species

- 10.20 Concerns were raised regarding the presence of a family of otters that may be utilising the drain located to the west of the pods that feeds into the sea. A Protected Species survey was undertaking to look for runs, spraints (otter droppings), tracks, food remains, otter slides, holts and couches (above ground sites where otters rest during the day). The survey concluded that although no holds were found, otters may utilise the drain when travelling to and from the coast. Two spraints were found at the top of the beach, close to the drain, confirming the area is used by otters.
- 10.21 As the survey did not find any holts close to the development site, it is unlikely that there are any breeding sites that would be impacted. However, it is important that the development allows otter movement along the established otter path to the coast. It is therefore recommended that the proposed culvert is 'otter friendly' and is suitable for otter use. It is not anticipated that the development will affect the route of the drain as the existing course will be maintained. The culvert installation should be carried out as quick as possible to minimise disturbance to the otter's usual path and the route should not be blocked for prolonged periods of time during the construction phase. Any impacts should be further mitigated by avoiding works during the hours of darkness and within two hours after sunrise and two hours before sunset. Between November and February, this can be reduced to one hour due to limited daylight. Measures should be taken during the construction phase to prevent otters becoming trapped, this should include capping of exposed pipe systems when contractors are off shite, and cover or provide exit ramps from exposed trenches or holes.

- 10.22 It is anticipated that the development will increase the traffic flow and road accidents are the greatest threat to Scottish otters. However, due to the location of the development traffic will be moving at a low speed and it is recommended that an 'Otter Crossing' sign to alert visitors to the area of the presence of otters to take the appropriate precautions by driving carefully, thus reducing collision risk. The holiday accommodation could also be screened by planting some native trees / shrubs to reduce noise and visual disturbance. In order to enhance the existing habitat for otters, the installation of fresh water pools would be advantageous. Otters require fresh water to clean the salt from their fur and maintain insulating qualities. Fogs and toads can also become important prey if they colonise the pool.
- The applicant provided supporting statements that details some of their aspirations, this includes the installation of an otter pool, information boards and fixed binoculars on the seafront in front of the Ice House. In the meantime, any direct impacts to the otters can be mitigated through design and construction management. This can be secured through planning conditions. The otter pool would be desirable, however is not essential and can be installed in the future should the applicant wish to do

Access, parking and servicing

- The access will be taken from the C1093 classified single track road that leads to the harbour from the Keiss. This stretch of road is 60mph, however given the hairpin bend and that the road ends at the harbour it is anticipated that vehicle speeds will be significantly lower. Within the applicant's Supporting Statement, they have confirmed that the road speed is more likely to be of 7-8mph, Transport Planning have not disputed this assessment.
- 10.25 As it is anticipated that there will be an increase in traffic to the harbour Transport Planning requested that an additional passing place was installed to the public road to the north of the Ice House to meet this intensification. It is not considered that the increase in traffic would be of such an amount that any further improvements would be required to the public road. Amended plans were submitted to include the proposed passing place however some concerns were raised on the impact the placement would have on the Ice House. An area designated for waste collection adjacent to the proposed passing place has subsequently moved to the east of the cabin, minimising the visual impact on this section of road. The passing place is considered to be a sufficient distance from the Ice House that it will not adversely impact it setting.
- 10.26 A new tarred access will be created at the entrance to the pods, this will be installed to the appropriate standards and secured through planning conditions. Parking is provided at each pod. This arrangement has been amended during the determination of the application to ensure there is sufficient space for manoeuvring the vehicles. Similarly, the cabin has private parking, where the access to the parking adjoins the public road this should be upgraded to SDB1 standards and will be secured through planning conditions.
- There is a core path that runs through the area where the pods are to be sited; this is currently a foot track through long grass. It is proposed that the core path will be upgraded to 1.5 metres wide, realigned and levelled to run parallel to the north side of the pods. It is proposed that the path will be gravel, however this should be upgraded to the appropriate standards and this can be secured through planning

conditions. The Council's Access Officer is content with the upgraded to the core path subject to directional signage being retained and the existing path remaining open until the new path is installed. The new pedestrian gate that is to be installed to access the field to the north east of the site then on to the brochs should be a minimum of 1525m wide, this will be secured through planning conditions. These improvements are welcomed and will provide a more accessible public footpath, the works to the core path are much needed and an important component of the design of the development.

- 10.28 As noted in para 10.25 the waste collection will be located to the east of the cabin, adjacent to the public road. Transport Planning did not raise any objection to this. No further details of the waste collection point have been provided, this will be secured through planning condition.
- 10.29 The development also includes a new footpath and dropped kerb to the west of the pods that includes steps to the shore. These should be installed to the appropriate standard and this will be secured through planning conditions.
- 10.30 The Council actively promote active travel, therefore cycle storage should be provided. This will be secured through planning conditions and may reduce vehicle traffic further.

Amenity

- 10.31 The development will introduce a greater level of activity in the vicinity of the site, particularly during peak season when the units may be at full occupancy. The closest property to the site is approximately 100m from the cabin and approximately 162m from the closest pod, this property is the Harbour Guest House that is also holiday accommodation. There are no other properties in the close vicinity, there are other residential properties located within the main village of Keiss, the closest is some 1350m to the north west of the proposed cabin and on much higher ground. It is considered that the site is sufficiently remote from residential properties to alleviate any impact upon individual residential amenity in terms of noise, disturbance or privacy/overlooking.
- The applicant has confirmed that the accommodation will utilise a self-service check-in with a secure key box located at each unit. The buildings will be sound proofed with the TV's having a volume restrictor to limit noise. Furthermore, there will be a site manager available 24hrs a day for any issues that may arise.

Drainage, Flooding and Waste Water

10.33 The site is located close to an area identified at medium risk of flooding as indicated on SEPA's Flood Map with regards to coastal flooding. The Council's FRM Team and SEPA were both consulted and did not raise any concerns in relation to flooding. The SEPA advised that the Finished Floor Levels (FFL) should be at least 4.6mAOD. Topographic information was provided to demonstrate that this can be achieved. The proposed FFL of the cabin and pods is 5mAOD, this can be further secured through a planning condition. The FRM Team advised that no development should take place below 3.05m AOD, this has been demonstrated through the submitted topographical information submitted and therefore raises no concerns.

- The proposal includes the installation of a new treatment plant and soakaway, to be located to the south side of the lower loop road at the harbour. The applicant has confirmed within the Supporting Statement that SEPA recommended that a treatment would be the preferred option for the private drainage system, compliant to policy 65 of the HwLDP. This is considered to be acceptable as once installed and the ground cover has been returned there shall be no impact on the wider landscape.
- 10.35 It is proposed that the water will be connected to the public network and the surface water will also go to a soakaway.

Developer Contributions

10.36 The development does not meet any thresholds for developer contributions as defined in the Developer Contributions Supplementary Guidance August 2018.

Other material considerations

10.37 A third-party objector requested a more detailed application showing full dimensions of the buildings and the provision of visualisations. The Planning Authority can confirm that the applicant provided fully scaled drawings with a scale and scale bar as per the Council's guidance. Furthermore, the application has sufficient information included and is of such a scale that there is no requirement for visualisations to be provided.

Non-material considerations

- 10.37 The following issues are not material planning considerations.
 - Renting bothy type accommodation out on a daily basis for archaeological research, environmental workshops and children and families could rend it for community events with rangers, school and ELC in the winter months is not a planning consideration, although the units could still be utilised at any time of year.
 - Landowners lack of experience of a development of this size;
 - Concerns over the developer being financially out of pocked due to lack of market research;
 - The project would benefit from and experienced project manager;
 - The developer should demonstrate a high standard of restoration on the Icehouse and the Brae area;
 - Increased tourism should be achieved by using existing sites for accommodation;
 - The harbour should be enhanced with amenities such as tables, appropriate waste bins, binoculars, bicycle parking, signage and information to promote the natural heritage of the area;
 - An area of the development is currently used for a Hogmanay bonfire; and
 - The harbour may be used for filming.

These issues are not ones that can be dealt with through this planning application. The Planning Authority can only deal with material planning matters, there have been addressed throughout the report.

11. CONCLUSION

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

12. IMPLICATIONS

- 12.1 Resource: Not applicable.
- 12.2 Legal: Not applicable.
- 12.3 Community (Equality, Poverty and Rural): Not applicable.
- 12.4 Climate Change/Carbon Clever: Not significant.
- 12.5 Risk: Not applicable.
- 12.6 Gaelic: Not applicable.

13. RECOMMENDATION

Action	required	before	decision	Ν
issued				

Notification to Scottish Ministers N

Conclusion of Section 75 Obligation N

Revocation of previous permission N

Subject to the above, it is recommended that planning permission be **GRANTED,** subject to the following:

Conditions and Reasons

1. For the avoidance of doubt the development hereby approved shall be used for holiday letting purposes and/or recreational use only and shall not be used as principal private residences or be occupied by any family, group or individual for more than three months (cumulative) in any one calendar year.

Reason: To ensure that the development does not become used for permanent residential occupation in recognition of the lack of private amenity space, in accordance with Council policy and in accordance with the use applied for.

2. No development or work (including site clearance) shall commence until proposals for an archaeological watching brief to be carried out during site clearance and excavation works, has been submitted to, and approved in writing by, the Planning Authority. Thereafter, the watching brief shall be implemented as approved.

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

- 3. No development shall commence until details of a scheme of hard and soft landscaping works have been submitted to, and approved in writing by, the Planning Authority. Details of the scheme shall include:
 - i. 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 existing or proposed walls, fences and gates;
 - iv. All soft landscaping and planting works, including plans and schedules showing the location, species and size of each individual tree and/or shrub and planting densities; and
 - v. A programme for preparation, completion and subsequent on-going maintenance and protection of all landscaping works.

Landscaping works shall be carried out in accordance with the approved scheme. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of development, unless otherwise stated in the approved scheme.

Any trees or plants which within a period of five years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species.

Reason: In order to ensure that the approved landscaping works are properly undertaken on site and enhance the nature conservation on the site.

4. No development shall commence until full details of all surface water drainage provision within the application site (which should accord with the principles of Sustainable Urban Drainage Systems (SUDS) and be designed to the standards outlined in Sewers for Scotland Fourth Edition, or any superseding guidance prevailing at the time) have been submitted to, and approved in writing by, the Planning Authority. Thereafter, only the approved details shall be implemented and all surface water drainage provision, as it relates to, or is relied upon by, an individual phase, shall be completed prior to the first occupation of any of the development within that phase.

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

5. No development or work shall commence until a detailed specification for thel proposed waste collection point, including external materials and has been submitted to, and approved in writing by, the Planning Authority. Thereafter, development and work shall progress in accordance with these approved details.

Reason: In order to enable the planning authority to consider this matter(s) in detail prior to the commencement of development; in the interests of amenity.

6. Public access to the Core Path within, or adjacent to, the application site shall at no time be obstructed or deterred by construction-related activities, unless otherwise approved in writing by the Council's Access Officer as a temporary measure required for health and safety or operational purposes. Under such circumstances, any temporary obstruction or determent shall cover only the smallest area practicable and for the shortest duration possible, with waymarked diversions provided as necessary.

Reason: In order to safeguard public access during the construction phase of the development.

7. For the duration of the construction phase of the development, at the end of each period of construction work all excavations (including pits and trenches) shall be covered, or ramps left within them such that animals may exit with ease, and any open pipework (including incomplete penstock) shall be capped. These measures shall be maintained until such time as work next recommences on site.

Reason: To ensure that animals cannot gain access to, or become stuck within, pipework systems or excavations.

8. No construction work associated with the approved development shall be undertaken during the hours of darkness and within two hours after sunrise and two hours before sunset. Between November to February this can be reduced to one hour.

Reason: To minimise disturbance to nature conservation interests within the application site and ensure the protection of protected species and habitats.

9. All new and upgraded culverts and bridges within the development site shall be designed to accommodate a 1 in 200 year flood event. For the avoidance of doubt the upgrading of the culvert as indicated on the approved plans will be suitable for otter use.

Reason: To ensure that all water crossings are free from flood risk and do not exacerbate flood risk elsewhere and to minimise disturbance to nature conservation interests within the application site and ensure the protection of protected species and habitats.

10. Prior to the first occupation of the development directional signage will be installed that clearly identifies the core path. Details of all such signage shall be submitted to, and approved in writing by, the Planning Authority prior to development commencing. All approved signage shall be erected prior to the first occupation of the development.

Reason: In the interests of pedestrian safety.

11. Prior to the first occupation of the development warning signage will be installed to alert visitors to the area of the presence of otters. Details of all such signage shall be submitted to, and approved in writing by, the Planning Authority prior to development commencing. All approved signage shall be erected prior to the first occupation of the development.

Reason: To minimise disturbance to nature conservation interests and ensure the protection of protected species and habitats.

12. Prior to the first occupation of the development hereby approved, the first 6 metres of the access to the pods, as measured from the edge of the public road carriageway, shall be surfaced in bituminous macadam or a similar hard, cohesive material, and thereafter the access shall be maintained perpetuity.

Reason: In the interests of road safety, and that the works involved comply with applicable standards.

13. No other development shall commence until the site access to the cabin has been upgraded in accordance with The Highland Council's Access to Single Houses and Small Housing Developments guidelines and the attached Access Schedule (dated 06.10.20), with the junction formed to comply drawing ref. SDB1.

Reason: In the interests of road safety, and that the works involved comply with applicable standards.

14. No development should take place below 3.05m AOD and no building or Pod should have FFL of less than 4.6m AOD.

Reason: In order to prevent a significant probability of flooding.

15. The parking provision shown on the approved plans shall be provided prior to the first use of the development and thereafter maintained in perpetuity.

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

16. The new footpath indicated on the approved plans shall be constructed in full prior to the first occupation of the development hereby approved. The footway shall be designed and constructed in accordance with The Highland Council's Road Guidelines for New Developments standards.

Reason: In the interests of pedestrian safety.

17. The new passing place located on the public road to the north of the Ice House as indicated on the approved plans shall be constructed in full prior to the first occupation of the development hereby approved.

Reason: In order to ensure the safety and free flow of traffic on the public road.

18. No development shall commence until full details of a covered and secure communal bicycle storage/racking system for 6 bicycles have been submitted to, and approved in writing by, the Planning Authority. Thereafter, the storage/racking system shall be installed in accordance with these approved details prior to the first occupation of the development hereby approved.

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

19. Prior to the first occupation of the development, the access through the application site, located to the north east of the pods that is adjacent croftland shall be formed in accordance with the details shown on the approved plans and thereafter shall be maintained in perpetuity.

Reason: To ensure that the development will not impede access to, or have an adverse impact on the purposeful use of, another part of the croft or other croftland.

REASON FOR DECISION

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

TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

FOOTNOTE TO APPLICANT

Initiation and Completion Notices

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

- 1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
- 2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

Accordance with Approved Plans and Conditions

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development)

must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action

Environmental Health Licence

Please note a site licence may be required for the operation of the development described in this decision notice. You must check with the Council's Environmental Health service prior to operation. For more information please contact Environmental Health on 01349 886608.

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 for working on public roads/2

Mud and Debris on Road

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

Construction Hours and Noise-Generating Activities: You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact env.health@highland.gov.uk for more information.

Protected Species – Halting of Work

You are advised that work on site must stop immediately, and Scottish Natural Heritage must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from SNH: www.snh.gov.uk/protecting-scotlands-nature/protected-species

Designation: Acting Head of Development Management – Highland

Author: Claire Farmer

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

Relevant Plans: Plan 1 - Amended Site Layout Plan - Cabin and Pods AH-2

Plan 2 - Amended Site Layout Plan - Lodge AH-2A

Plan 3 - Amended Site Layout Plan - Pods AH-2B

Plan 4 - Amended General Plan - Floor, Elevation - Cabin AH-3

Plan 5 - Amended Floor-Elevation Plan - Pods AH-4

Plan 6 - Amended Location Plan AH-1

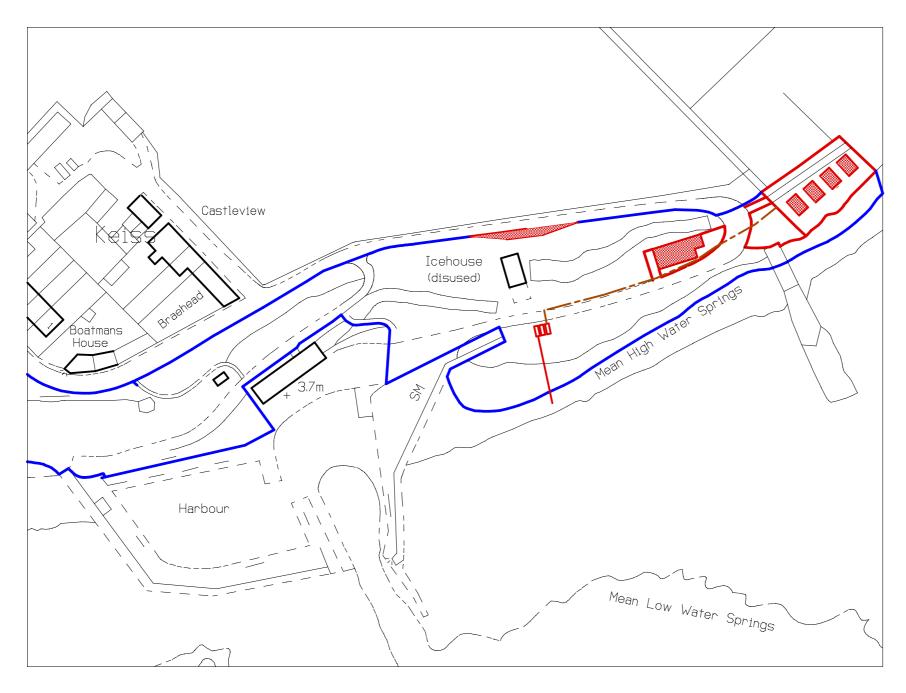
Plan 7 - Site Levels - Pods AH-2C

Plan 8 - Section Plan - Cabin AH-3A

Plan 9 - Cross Sections - Site Levels AH-4B

Plan 10 - Section Plan - Fence Details AH-4C







DRAWN	DATE	Oct 2020	SCALE 1/1250				
Mr Andrew Harris South Street Keiss							
TITLE	Holiday cabin and Pods						
Location Plan							
REV.				DRW.NO.	AH-1		

