

Agenda Item	5.1
Report No	PLN/012/21

HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 2 March 2021

Report Title: 20/03497/FUL: Mr D MacDonald
Land 15M NW Of Lower Flat, Hill House, Stormy Hill Road, Portree

Report By: Acting Head of Development Management – Highland

1. Purpose/Executive Summary

1.1 **Description:** Change of use of first floor to class 9 residential and alterations to the building

Ward: 10 - Eilean A' Cheò

1.2 **Development category:** Local

Reason referred to Committee: Local Member request

All relevant matters have been taken into account when appraising this application. It is considered that the proposal does not accord with the principles and policies contained within the Development Plan and is unacceptable in terms of applicable material considerations.

2. Recommendations

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

3. PROPOSED DEVELOPMENT

- 3.1 The application seeks full planning permission for the alteration and change of use of the upper floor of an existing retail unit into a permanent residential unit. Included in the application is the provision of an external staircase for accessing the first floor of the building.
- 3.2 The site is currently connected to the existing mains sewage system.
- 3.3 Pre Application Consultation: None
- 3.4 Supporting Information: None
- 3.5 Variations:
30th September 2020: Amendments to the external stair to try and ensure a suitably dimensioned car parking space could be provided below it.
5th October 2020: alteration to staircase design
11th December 2020: Further amendment removing the parking space from the proposal and relocation of the stair.

4. SITE DESCRIPTION

- 4.1 The site consists of a detached retail unit of traditional appearance and build. The building is of stone construction with a corrugated tin roof. The building sits directly on the public footpath of Stormy Hill Road and on the junctions of Coolin Drive to the north and York Drive opposite. The southern boundary wall of the property forms the boundary with the neighbouring property known as 'Hill House'. The site lies adjacent to the boundary of Portree Conservation area.

5. PLANNING HISTORY

- 5.1 None

6. PUBLIC PARTICIPATION

- 6.1 Advertised: Unknown Neighbour
Date Advertised: 5th October 2020
Representation deadline: 23rd October 2020
Timeous representations: None
Late representations: None

7. CONSULTATIONS

7.1 Transport Planning: Objection

An objection has been received from the transport planning team with regards to the lack of parking provision for the proposed residential flat.

"The revised layout no longer includes in-curtilage parking and we haven't identified alternative parking arrangements for the residential unit. We have assumed that the applicant is now promoting on-street parking. However, on-street parking in the

vicinity of this development is not something the Transport Planning Team can support. The site is on the corner of the Stormy Hill Road/Coolin Drive junction and in close proximity to the Stormy Hill Road/York Drive junction. Any vehicles parked on-street in the vicinity of the junctions would obstruct a driver's forward visibility, impact on the free flow of traffic and safety of the travelling public. We accept that there is a retail shop on site and that customers may park on street infrequently during opening times. However, the flat occupiers and their visitors are likely to park on street during the day and overnight, thus increase the frequency and duration that parked vehicles will impact on other road users".

7.2 **Scottish Water: No Objection.** There is currently sufficient capacity at the Portree Water Treatment Works and wastewater treatment works to accommodate this proposal.

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 & Place-making
- 34 - Settlement Development Areas
- 65 - Waste Water Treatment
- 66 - Surface Water Drainage

8.2 West Highland and Islands Local Development Plan 2019 (as continued in force)

Portree is a main settlement with a settlement development area which has the following placemaking priorities:

- Encourage town centre expansion that respects the architectural, cultural and natural heritage of the conservation area, the Lump, other greenspaces and public vistas notably to the Cuillin mountains.
- Diversify the tourism offer of the historic, central part of the village, including land at Bayfield and the harbour.
- Consolidate the existing settlement area by promoting and supporting infill and redevelopment opportunities.
- Safeguard a route for the possibility of a longer term service access to the harbour from the A855 and around the south of the Lump.
- Safeguard land for a second phase of commercial and industrial expansion at Home Farm on the northern side of Portree.
- Preserve and extend Portree's green networks particularly its wooded river and burn sides.
- Completion of the Portree Link Road which will significantly enhance connectivity in the town and open up new housing and employment land for development.

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

8.5 **Highland Council Supplementary Planning Policy Guidance**

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

Roads and Transport Guidelines for New Developments (2013)

Sustainable Design Guide (Jan 2013)

9. **OTHER MATERIAL POLICY CONSIDERATIONS**

9.1 **Scottish Government Planning Policy and Guidance**

Policy 60

Planning for town centres should be flexible and proactive, enabling a wide range of uses which bring people into town centres. The planning system should:

- apply a town centre first policy 33 when planning for uses which attract significant numbers of people, including retail and commercial leisure, offices, community and cultural facilities;
- encourage a mix of uses in town centres to support their vibrancy, vitality and viability throughout the day and into the evening;
- ensure development plans, decision-making and monitoring support successful town centres; and
- consider opportunities for promoting residential use within town centres where this fits with local need and demand.

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.

Determining Issues

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

Planning Considerations

10.3 The key considerations in this case are:

- a) compliance with the development plan and other planning policy
- b) Road safety
- c) Visual impact
- d) Neighbour amenity
- e) Amenity of Occupants of the Proposal
- f) Other material considerations.

Development plan/other planning policy

10.4 The property falls within the Settlement Development Area for Portree and so Policy 34 of the Highland-wide Local Development Plan applies. Policy 34 supports development proposals within Settlement Development Areas if they meet the Design for Sustainability requirements of Policy 28. Although policy 28 does not address road safety explicitly; all developments are expected to be compatible with roads provision. There is also a requirement to judge proposals in terms of how compatible they are with the existing pattern of development, impact on individual and community residential amenity and landscape character and how they conform with existing and approved adjacent land uses. Policy 29 repeats this emphasis on good design in terms of compatibility with the local settlement pattern.

Policies 65 and 66 require foul and surface water drainage to meet standards that minimise the risk of pollution and flooding.

10.5 **Road Safety**

The site was previously used as a class one retail use. There has never been any parking provision within the site or dedicated parking spaces on the public road. The ground floor of the shop is currently being converted to a salon by the applicants. These works benefit from planning permission as the ground floor will remain within Class One (Shop) of the Town and Country Planning (Use Classes) (Scotland) Order 1997.

10.6 This application encompasses the upper floor of the building which it is proposed will become a separate independent residential unit. In accordance with current guidelines the proposed residential unit requires a single parking space on site with adequate turning facilities to allow any vehicle to enter and leave the site safely in a forward gear.

The application originally included the creation of a single parking space adjacent to the northern gable of the existing building. This space is currently used as storage hardstanding.

The provision of a parking space in this location was considered to represent a road safety hazard given the close proximity to the Stormy Hill Road/Coolin Drive junction which is less than 5m to the North. In addition, visibility to the south would be totally obscured by the existing building. A vehicle leaving the site would have to drive over the public footpath before having any visibility of vehicles or pedestrians from the south.

Furthermore, the restricted nature of the site meant that there was insufficient land to provide a turning area. As a result, any vehicle would have had to reverse into or out of the parking space. Discussions were held with the agent for the application but concluded that there was no possibility of providing a satisfactory and safe parking space within the limitations of the site. Consequently, the agent removed the proposed parking space from the application. This makes the users of the residential unit reliant on on-road or public parking. As a private residential development, it is considered essential that parking and turning provision is provided within the site and that further pressure is not put upon the public car parking facilities within the town centre. The distance to the nearest public parking would suggest that this option is unlikely to be chosen in preference to on-road parking outside the building.

10.7 **Visual Impact**

The application includes the erection of an external staircase to allow access into the proposed upper floor flat. This stair and pathway were originally located within the Coolin Drive road verge, but this was considered by the transport planning team to be obstructing the potential for any future proposals which may involve the provision of a public footway on Coolin Drive. This original proposed stair was also considered to be visually obtrusive in terms of its design and location. The applicant has since relocated the external stair to the northern gable of the building. This removes the stair from within the Coolin Drive road verge and also brings the stair closer into the building. These revised proposals, including the other external changes, are considered to be acceptable in visual terms

10.8 **Neighbour Amenity**

A large feature window is proposed for the living room/kitchen of the proposed upper floor residential unit on the southern gable of the building. The gable of the building sits on the boundary with the neighbouring property known as 'Hill House'. The inclusion of this window would give any inhabitants of the proposed residential unit a direct view into the rear amenity space of Hill House and also indirect views into a window at ground floor level on the northern gable of this neighbour. The separation distance to this window from the gable of the building is approximately 10 metres. The overlooking impact on neighbour amenity is considered unacceptable. Discussions were had with the agent with regards to removing or amending the design of this window to minimise or reduce the impact on the neighbouring property however no changes were forthcoming.

10.9 **Amenity of Occupants of the Proposal**

The site is small with no curtilage resulting in there being no opportunity for the inclusion of any of the normal amenity space associated with a residential property. The intensification in the use of the property represented by this proposal creates a demand for amenity/garden space and parking which cannot be satisfied. Due to these factors the use of the upper floor as a residential unit is considered to be an overdevelopment of the site.

10.10 **Other material considerations**

Developer Contributions: No developer contributions towards secondary education at Portree High School or primary education at Portree Primary are required, as there is sufficient capacity at present. The single house proposed does not trigger the requirement for affordable housing contribution or community facilities contribution as outlined in the Developer Contributions Supplementary Guidance November 2018. This does not mean any future proposals for housing will be exempt from Developer Contribution Payments.

Non-material considerations

10.11 There are no non-material considerations

11. **CONCLUSION**

11.1 Whilst the Planning Service is supportive of the principle of the provision of residential uses within town centre locations this should not be at the detriment of road safety or residential amenity of others. It is considered that providing a

residential unit with no on-site parking provision or amenity space represents an overdevelopment of the site that has a negative impact on road safety by causing users to park on the road in close proximity to two road junctions.

The lack of amenity space and on-site parking is considered to represent an unacceptably low level of amenity for future occupants and further indicates that the proposal represents an overdevelopment of the site

The proposed gable window would create an unacceptable overlooking issue and loss of privacy to the neighbouring property. It would also contribute to a poor level of amenity for the occupants of the proposal.

- 11.2 All relevant matters have been taken into account when appraising this application. It is considered that the proposal does not accord with the principles and policies contained within the Development Plan and is unacceptable in terms of 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 applicable.
- 12.5 Risk: Not applicable.
- 12.6 Gaelic: Not applicable.

13. RECOMMENDATION

Action required before decision N 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 **REFUSED**, subject to the following:

Reasons for Refusal

1. The application is contrary to policies 28, 29 and 34 of the Highland Wide Local Development Plan as the proposed development fails to provide any on-site parking and turning for occupants of the proposed residential unit and their visitors. This would inevitably result in on-street parking in front of the property. Such parking would create a road hazard given the property's position close at the

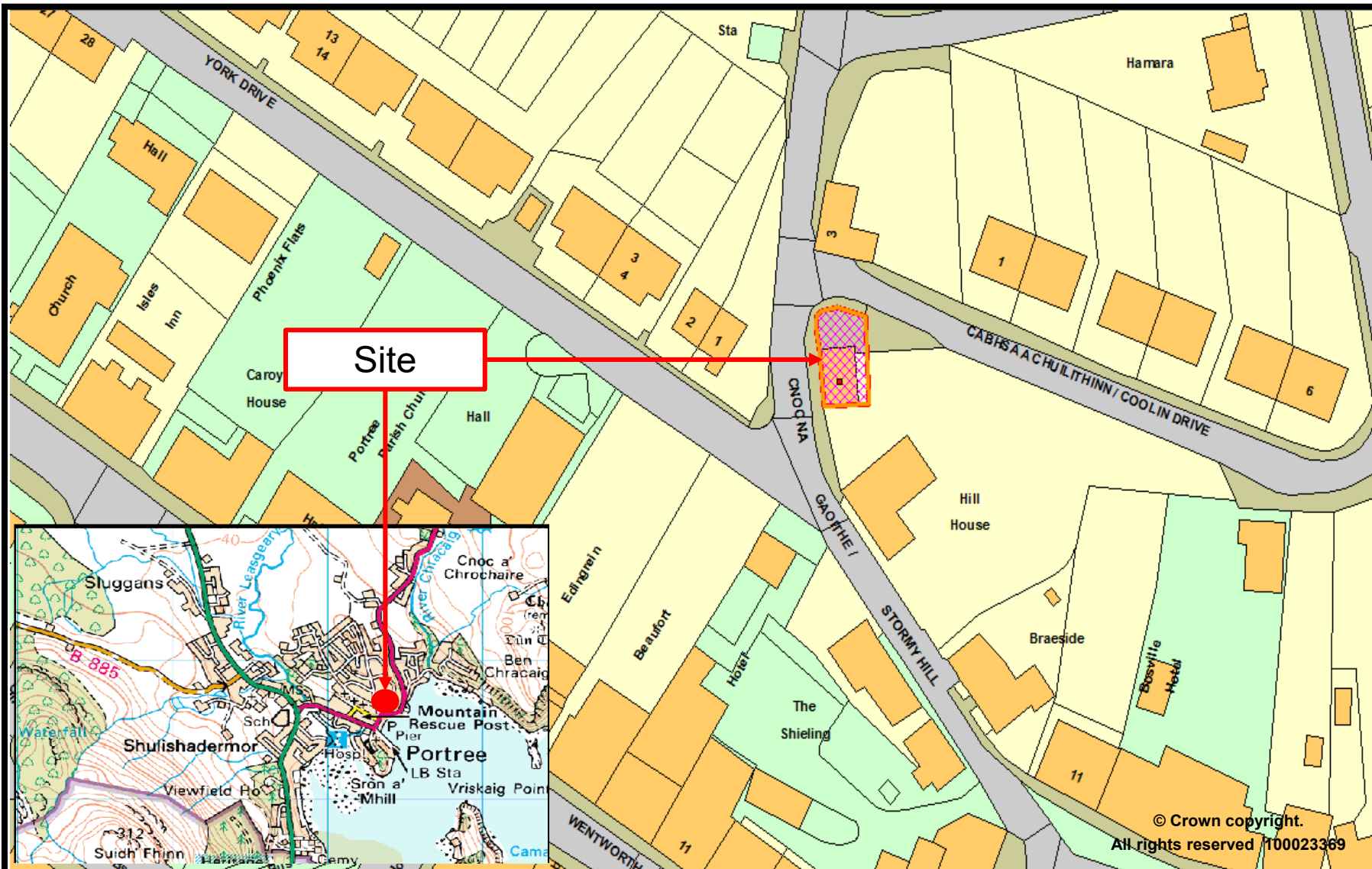
junctions of Stormy Hill Road with Coolin Drive and York Drive. Parked cars outside the building would reduce the visibility from these junctions and general road safety for other road users to an unacceptable degree.

2. The application is contrary to Policies 28 and 34 of the Highland Wide Local Development Plan as the proposed development would have an adverse impact on the amenity of the neighbouring property 'Hill House' through overlooking from the proposed upper floor window in the southern gable. This would significantly and unacceptably reduce the level of privacy currently enjoyed within the rear garden area of Hill House and introduce inter-visibility between neighbouring windows in close proximity.
3. The application is contrary to Policy 28 of the Highland Wide Local Development Plan by virtue of the lack of provision of any amenity space and on-site parking for the occupants of the proposed residential unit. They are also likely to suffer negative impact on their amenity from the intrusive relationship with the neighbouring property to the south created by the new gable window. The unacceptably low levels of amenity the proposal offers to occupants as a result of these matters is considered to be manifestations of an overdevelopment of the site.

REASON FOR DECISION

All relevant matters have been taken into account when appraising this application. It is considered that the proposal does not accord with the principles and policies contained within the Development Plan and is unacceptable in terms of applicable material considerations.

Designation: Area Planning Manager – North Developments
Author: Chris Hallas
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – Location Plan
Plan 2 - Location Plan 1 rev B
Plan 3 - Floor/Elevation Plan 000001 RevD



The Highland Council
Comhairle na Gàidhealtachd

Planning and Development Service

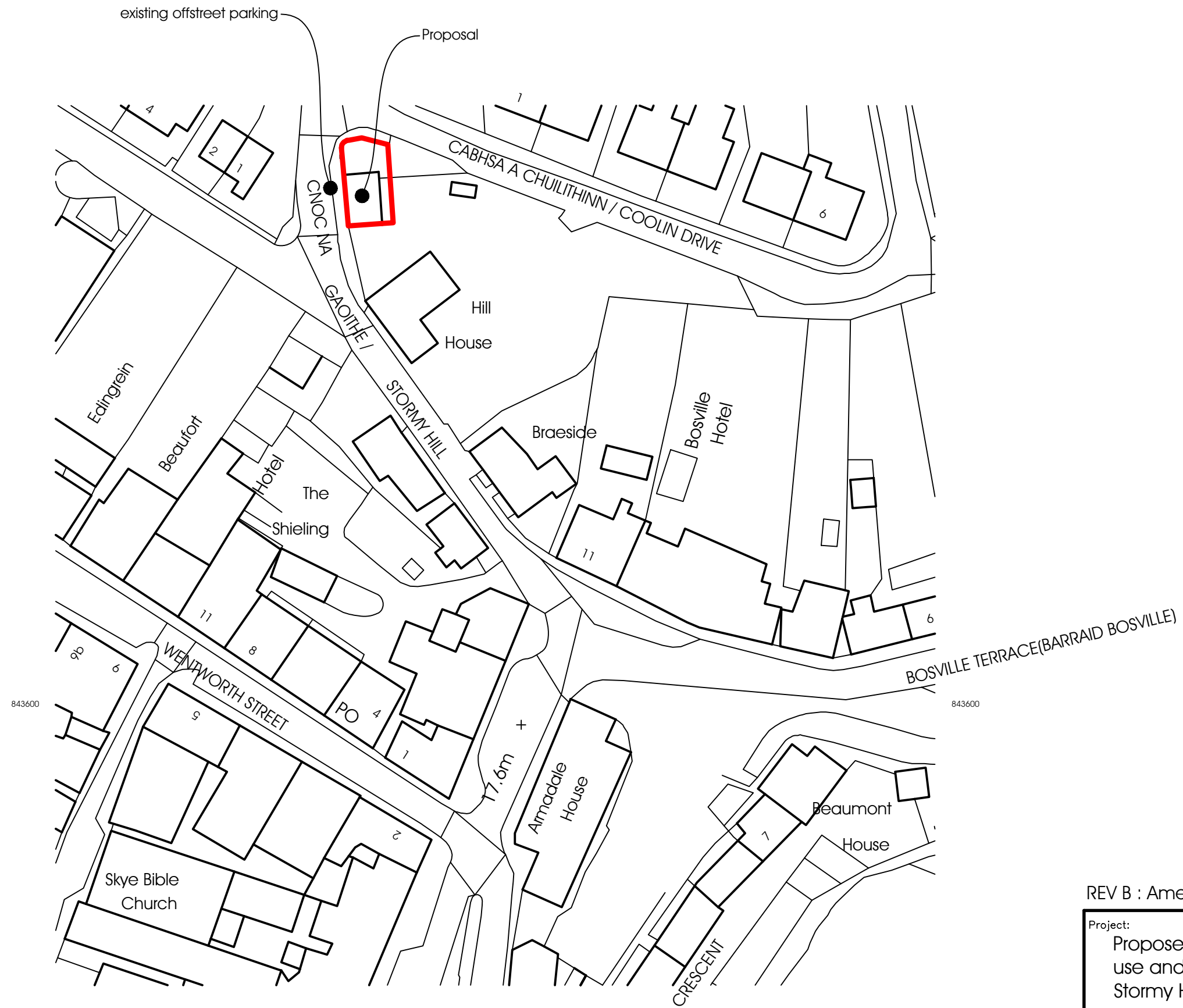
Location Plan
20/03497/FUL

Change of use of first floor to class 9 residential and alterations to the building

March 2021



Scale:



REV B : Amended redline

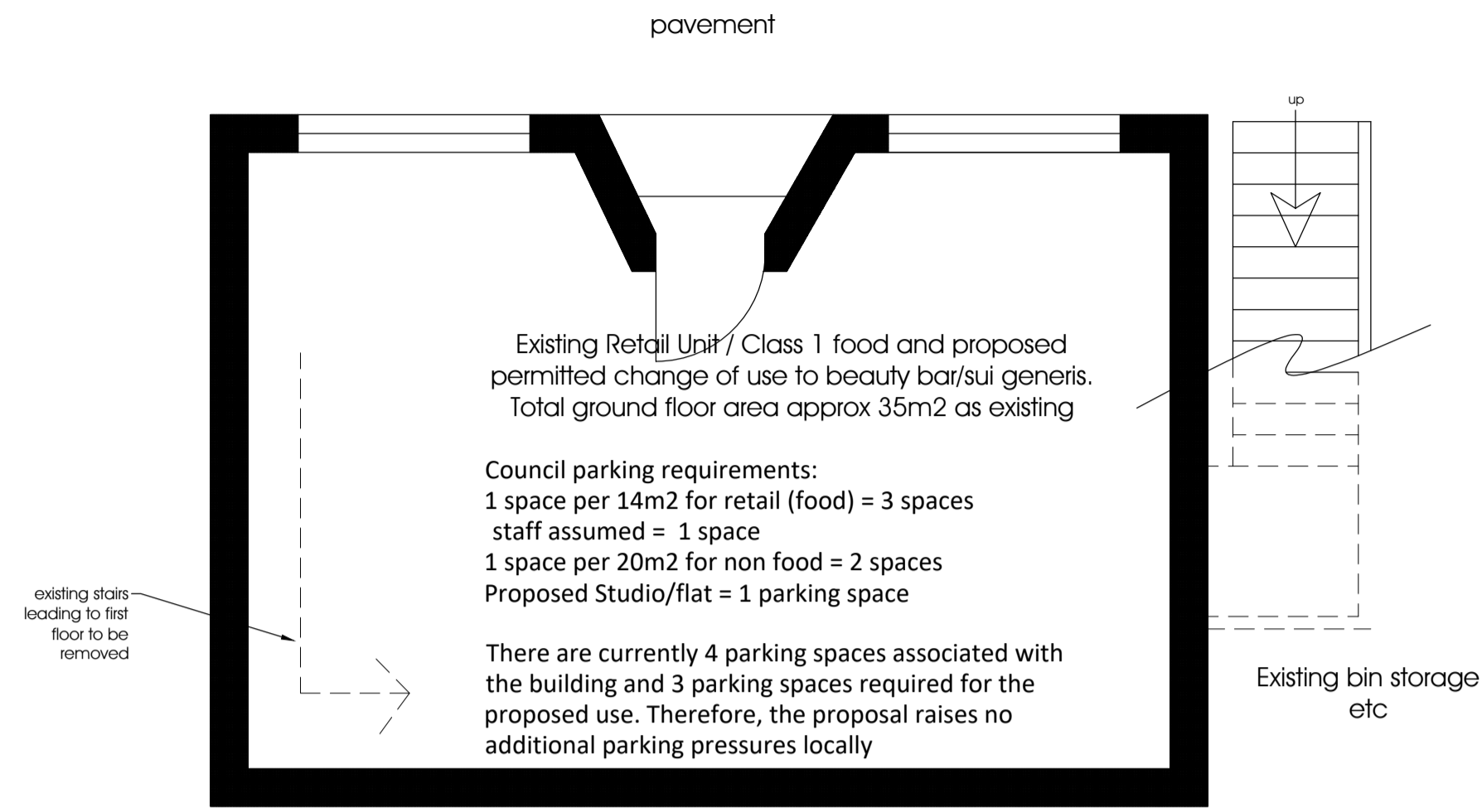
Project: Proposed change of use of first floor to residential use and alterations to the building, Stormy Hill Stores, Portree, Isle of Skye				A3
Drawing Title: SITEPLAN		Stage: PLANNING		
Scale: 1:750 - A3	Date: 30/09/2020	Rev: B	Drg.No. 1	



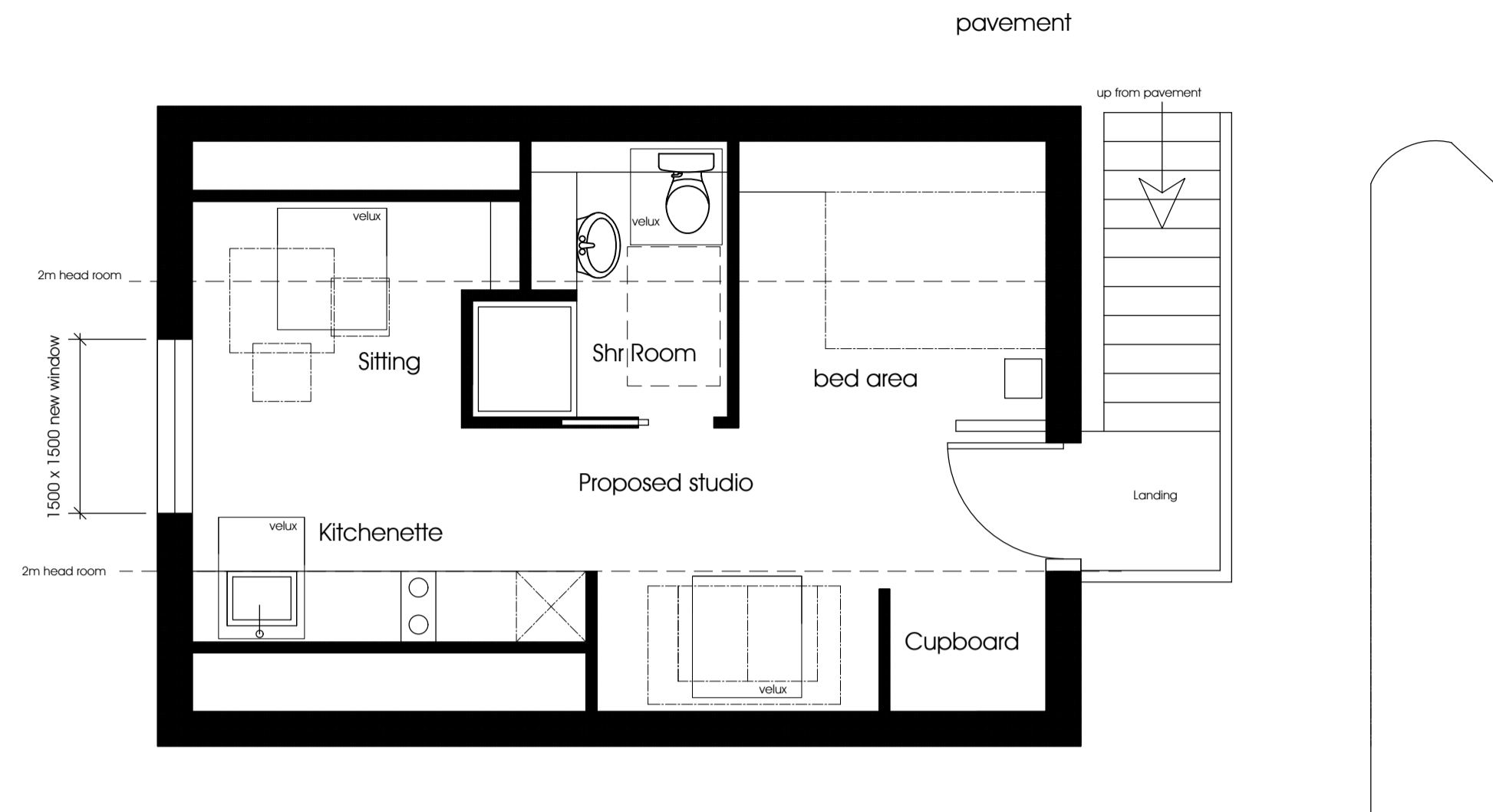
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Stormyhill Road

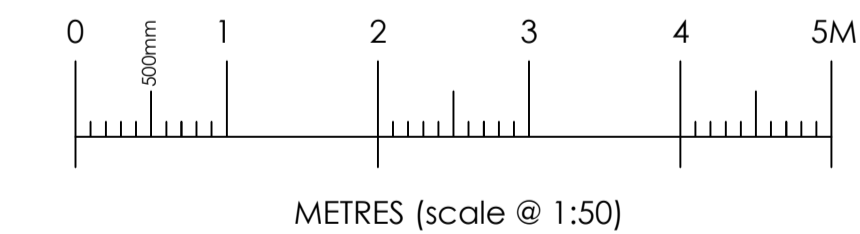
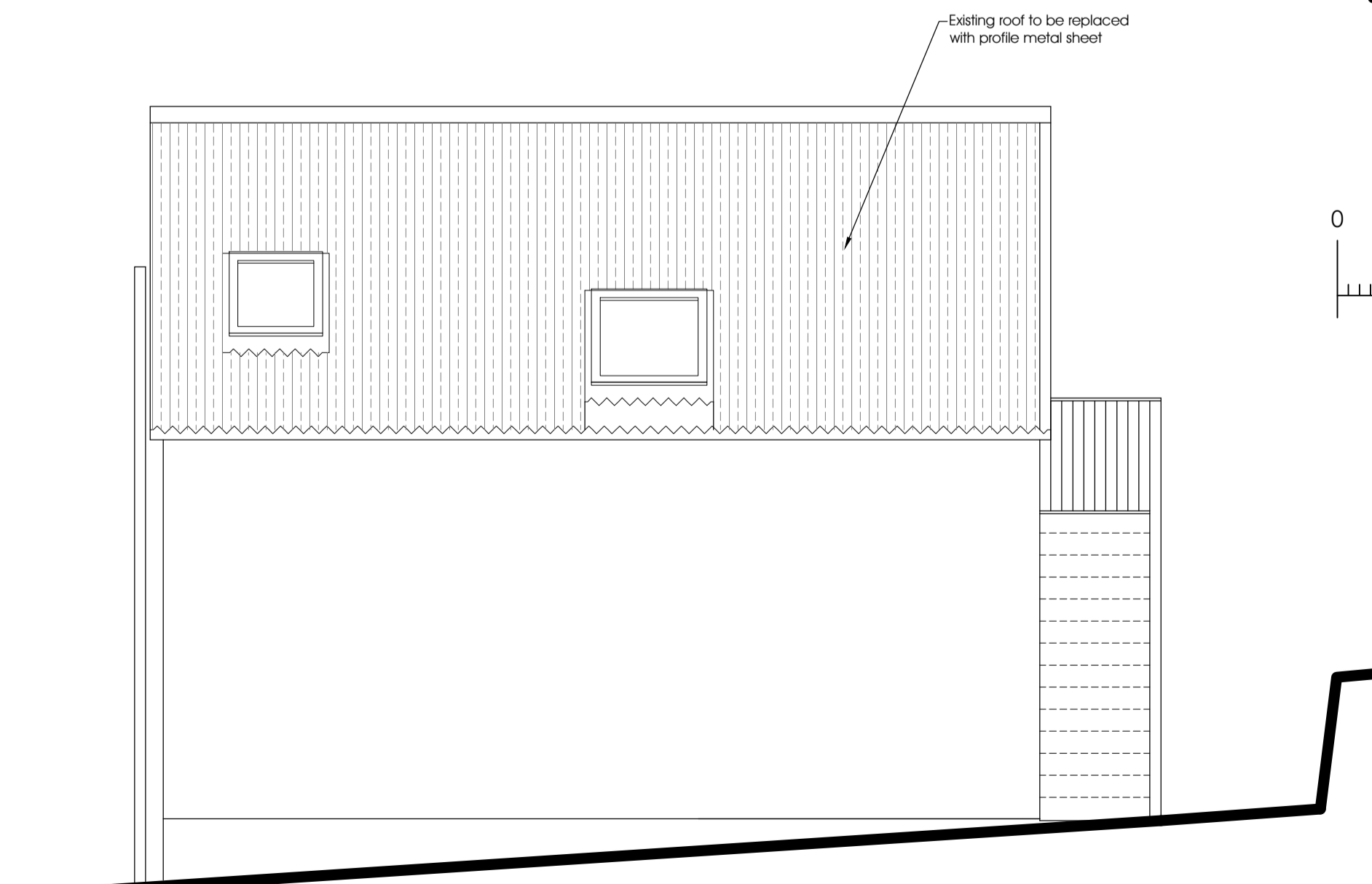
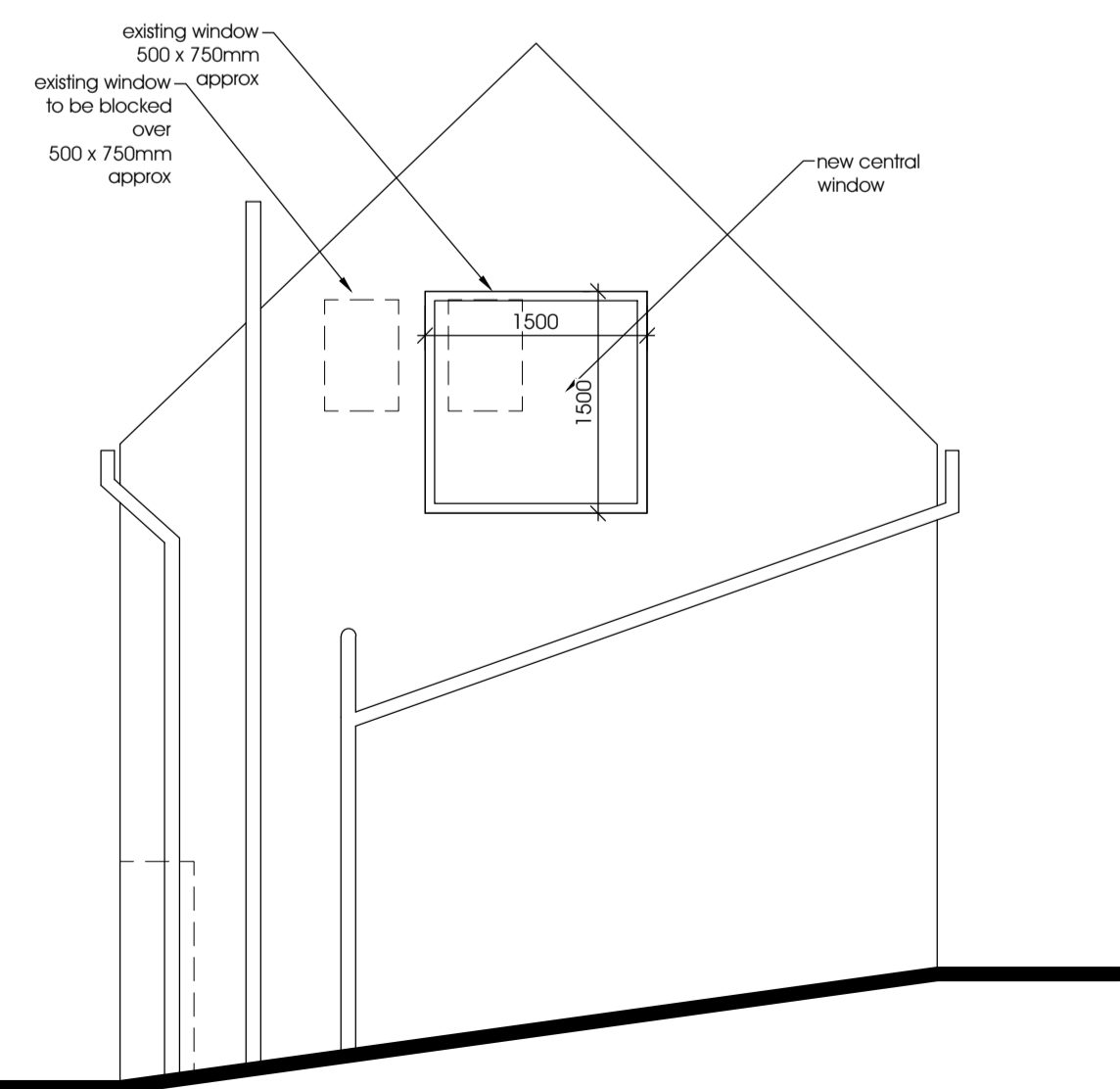
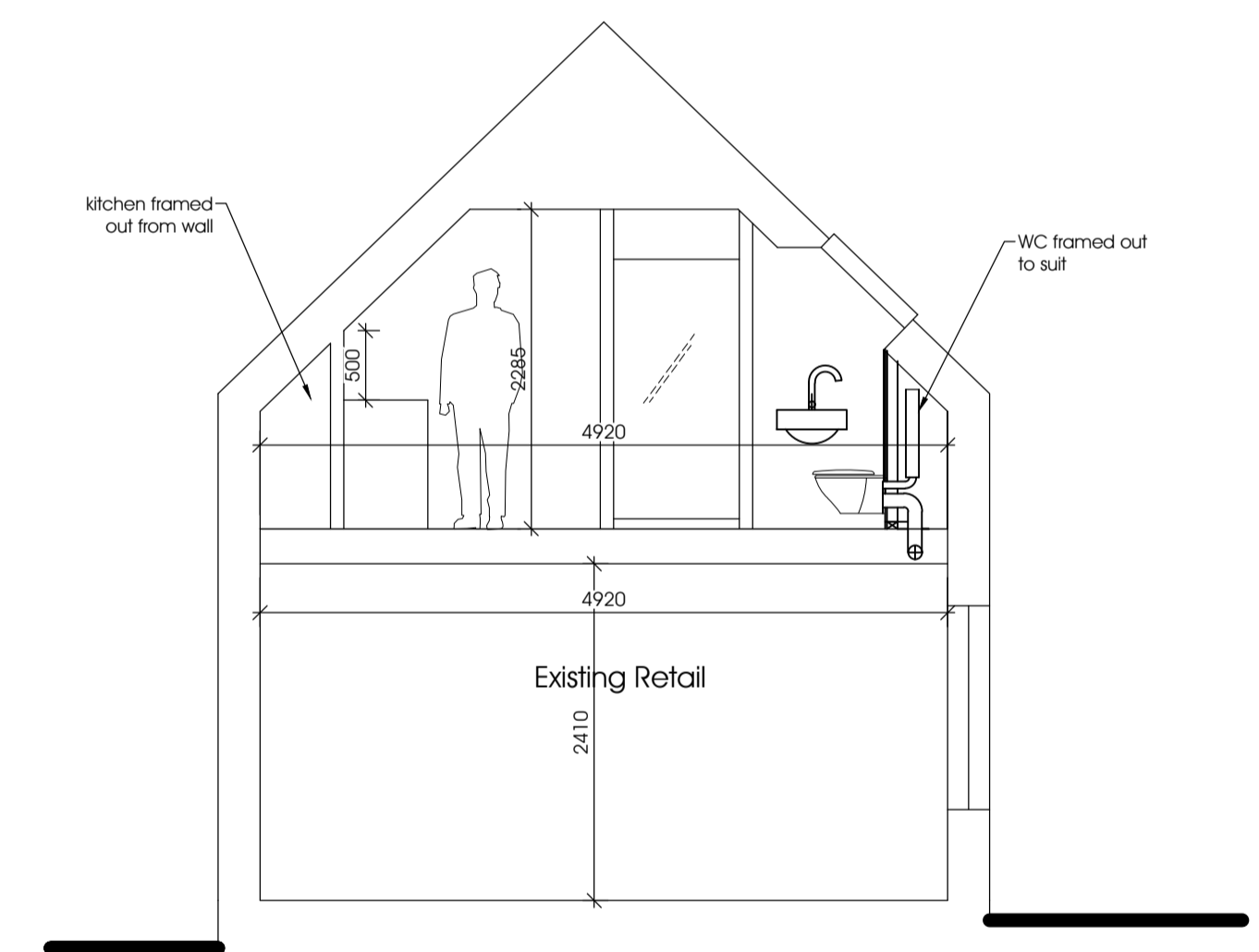
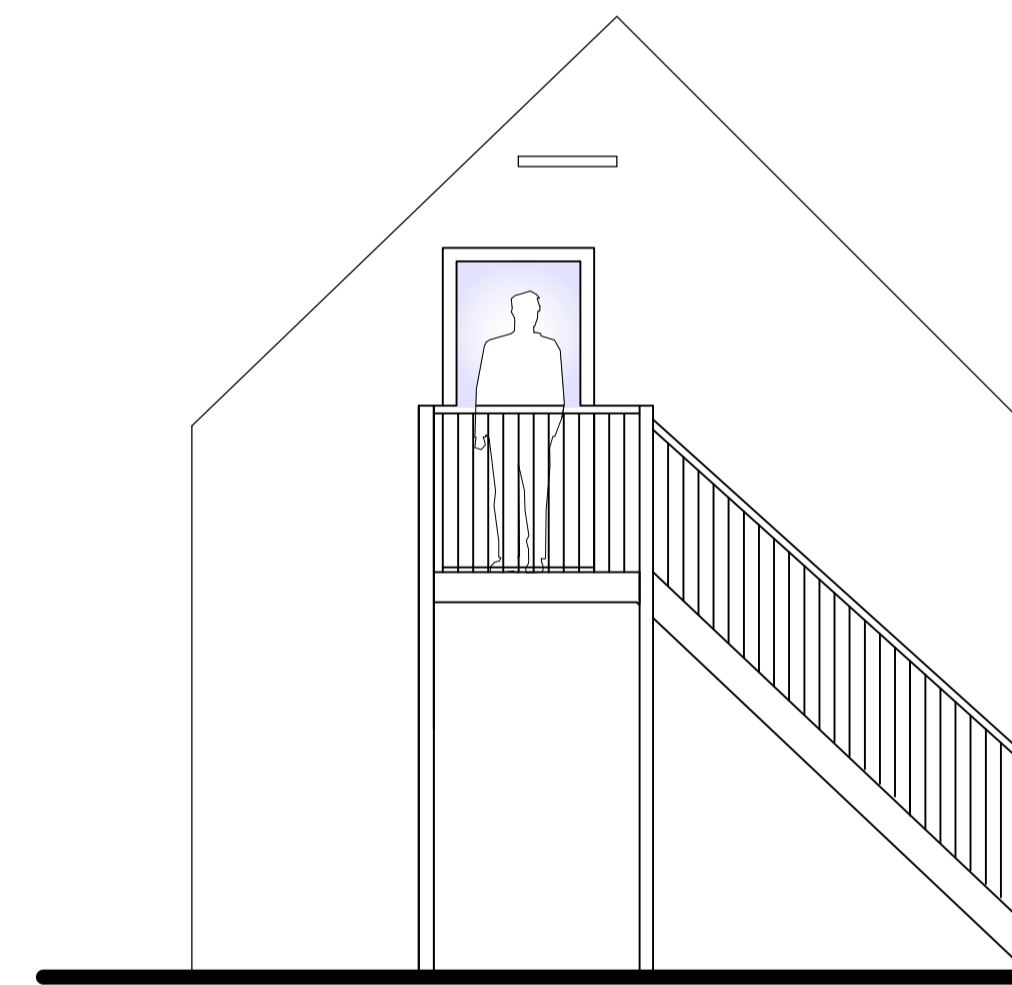
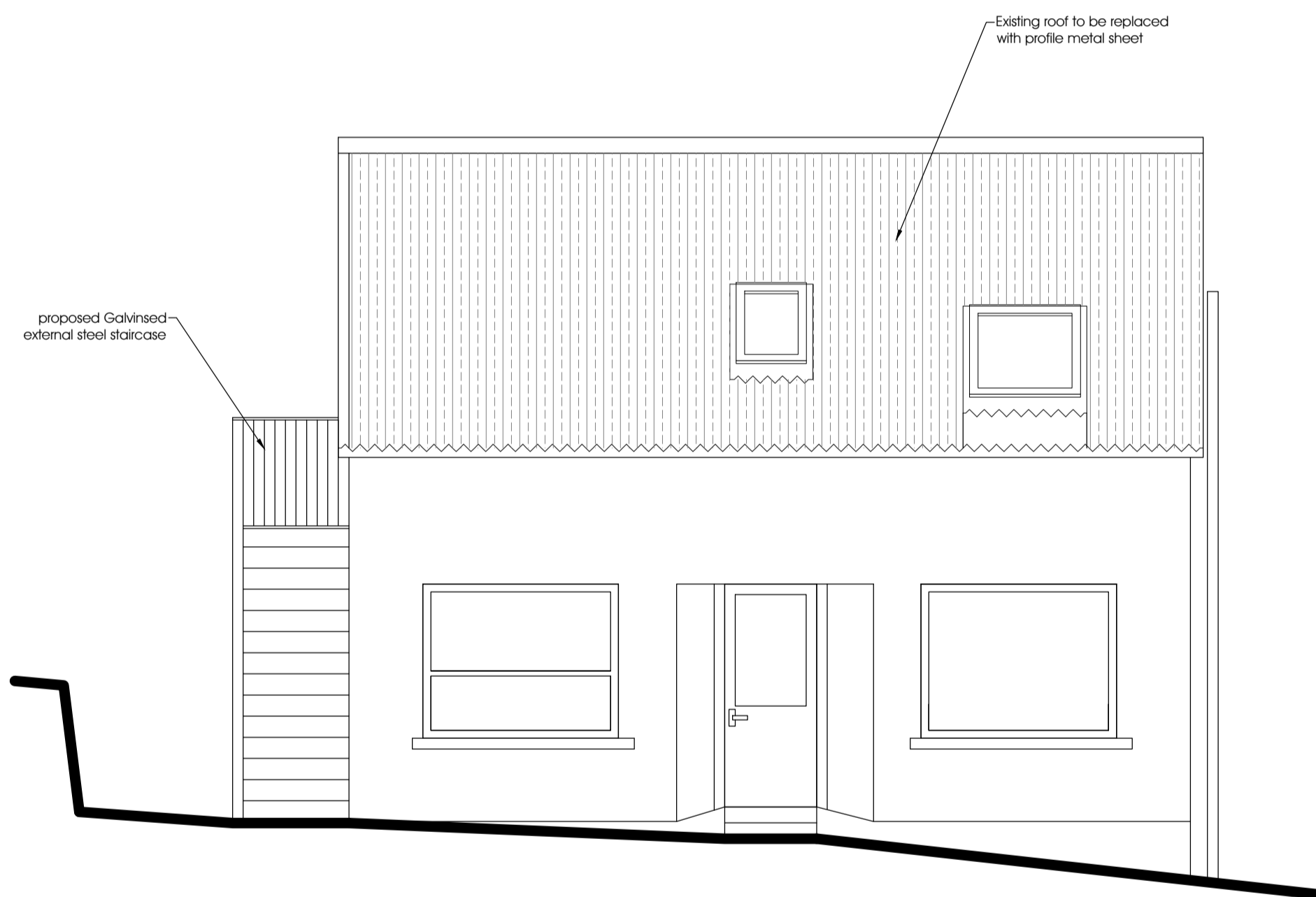
Stormyhill Road



Proposed Ground Floor Plan (1:50)



Proposed First Floor Plan (1:50)



REV D: 11/12/2020 External stairs amended and parking notes added
 REV C: 05/10/2020 External stairs amended to give 2m head room over hard standing
 REV B: External stairs amended

Client: Mr David MacDonald Date: 07/09/2020
 Rev: A

Project: Proposed change of use of first floor to residential use and alteration to the building, Stormy Hill Stores, Portree

Drawing Title: BUILDING PLANS Status: FOR APPROVAL

Scale: 1:50