

Agenda Item	6.4
Report No	PLN/006/22

HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 11 January 2022

Report Title: 21/02619/FUL: Jacqueline Morrison

Land 185M North of Unit 1C, Market Place, Portree

Report By: Area Planning Manager - North

Purpose/Executive Summary

Description: Siting of a catering trailer

Ward: 10 - Eilean A' Cheò

Development category: Local

Reason referred to Committee: Called in by members

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.

Recommendation

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

1. PROPOSED DEVELOPMENT

- 1.1 The application seeks full planning permission for the siting of a catering trailer. The Trailer will measure 3m by 1.9m and would be red in colour and of standard box design. The trailer is proposed to be located within the site for 4 days per week.
- 1.2 Pre Application Consultation: None
- 1.3 Variations: Incorrect land ownership details corrected

SITE DESCRIPTION

2.

- 2.1 The site is located to the north of Portree immediately adjacent to the cattle market on the A87 Trunk Road. The site consists of an area of rough hardstanding with an open frontage onto the A87 of some 70m.

3. PLANNING HISTORY

- 3.1 None Found

4. PUBLIC PARTICIPATION

- 4.1 Advertised: Unknown Neighbour

Date Advertised: 18.06.21

Representation deadline: 02.07.21

Timeous representations: None

Late representations: None

- 4.2 Material considerations raised are summarised as follows:
None

- 4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam.

5. CONSULTATIONS

- 5.1 **Environmental Health** – No Objection

- 5.2 **Transport Scotland** – **Objection**

- There is no demarcation or segregation between the hard standing area and the edge of the A 87 trunk road.
- The proposed development would increase the pedestrian movements adjacent to and crossing the A 87 trunk road.

- The proposed development would result in increased interference with the safety and free flow of traffic on the trunk road.

The development would result in an increase in the demand for parking, with the potential to lead to indiscriminate parking on the trunk road which would increase interference with the safety and free flow of traffic on the A87 trunk road.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

28 - Sustainable Design

29 - Design Quality and Place-making

34 - Settlement Development Areas

41 - Business and Industrial Land

6.2 West Highland and Islands Local Development Plan (2019):

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.

6.3 Allocated Site PT20: Auction Mart

Use: Business/Tourism

Developer Requirements: Protect and enhance existing trees and woodland with integration to the green network; Improve junction onto A87; Site history and Land Contamination Site Investigation may be required; Peat management plan to demonstrate how impacts on peat have been minimised, and vegetation survey to demonstrate how impacts on wetlands have been avoided. Presence of deep peat and wetlands may limit areas that can be developed; High quality of architectural siting and design given its prominent location along the A87.

6.4

Highland Council Supplementary Planning Policy Guidance

Sustainable Design Guide (Jan 2013)

7. OTHER MATERIAL CONSIDERATIONS

7.1 Scottish Government Planning Policy and Guidance

Scottish Planning Policy (as amended December 2020)

Policy 93. Supporting Business and Employment

- promote business and industrial development that increases economic activity while safeguarding and enhancing the natural and built environments as national assets;
- allocate sites that meet the diverse needs of the different sectors and sizes of business which are important to the plan area in a way which is flexible enough to accommodate changing circumstances and allow the realisation of new opportunities; and
- give due weight to net economic benefit of proposed development.

8. PLANNING APPRAISAL

8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

Determining Issues

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

Planning Considerations

8.3 The key considerations in this case are:

- a) compliance with the development plan and other planning policy
- b) Road safety

- c) Pedestrian Safety
- d) any other material considerations.

Development plan/other planning policy

8.4 The site 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.

Policy 41 states that the council is supportive of new business and industrial developments where they are located in sustainable locations and reduce the need to travel.

8.5 **Road Safety**

As the proposal is located on land accessed from and immediately adjacent to the A87 Trunk road Transport Scotland were consulted on the application. A holding response was received from Transport Scotland requesting further information on the exact location of the proposed trailer and details of the parking for customers. Some further information was submitted following discussions with Transport Scotland, however the specific information, regarding exact location of the trailer and customer parking requested by Transport Scotland was not forthcoming. A further request was sent to the applicant under regulation 24 of the Development Management Procedure Regulations 2013 detailing what was required. Despite submission of a further plan, Transport Scotland maintained their objection arguing that the applicant had failed to supply the sufficiently detailed information required and had not overcome their concerns listed in section 7.2 of the report.

The main concern raised by Transport Scotland (TS) was the risk of the parking of vehicles within the trunk road boundary. No provision or details have been provided by the applicant to show where vehicles using the proposed catering van would park. TS are concerned that vehicles visiting the site would stop on the Trunk road or the trunk road verge would provide an unacceptable road obstruction safety issue. Several requests to the applicants were made to ask for details of where the proposed customers would park but no details have been provided.

Concerns were also raised by TS with regards to the increase of pedestrian movements across and around the A87 Trunk road. There is currently no demarcation or separation between the land proposed for the catering trailer and the trunk road and so no protection from vehicle movements on the trunk road and the users of the trailer.

Furthermore, the site is located on the outskirts of Portree and within walking distance of the employment and residential areas to the south. However, there are no footpath links between these areas and the site for the trailer. Any pedestrian users of the catering trailer would need to walk along the road verge of the Trunk Road. This could have an undesirable impact on the safety of pedestrian users of the site and is considered unacceptable.

There is currently no formal access point to the hardstanding area on which the trailer would be located. Access and egress from the hardstanding could be made at any point along its 70m frontage and could involve multiple vehicles at the same time. There are no marked out parking bays and parking occurs in an irregular manner. The presence of the trailer would attract vehicles to the site where there is no single point of entry and parking and access can occur in an irregular and haphazard manner. The concern is drivers will pull over for en route elsewhere to make use of the facility in an indiscriminate manner. The irregular nature of parking coupled with there being no identified access point means that visibility for access and egress is likely to be obstructed by those vehicles parking giving rise to road safety concerns for pedestrians and vehicles. This is why the developer requirements of the allocated site in the WestPlan require junction improvement on to the A87. The trailer could only exacerbate this road safety problem by attracting an increase of such vehicle movements on and off the hardstanding frontage.

8.6 **Siting, Design and Visual Impact**

Catering units such as this have very little design quality and so the planning assessment in such cases is focussed upon minimising their visual impact and ensuring compatibility with their surroundings. The site does not fall within any landscape designations.

However, given the small scale and massing of the proposed unit and the current use of the land as a cattle market, it is considered that the siting of a catering trailer in this location would have no detrimental negative impact on the surrounding area.

8.7 **Amenity**

The nearest residential properties to the site are located over 200m away to the south east. These properties are also located on the opposite side of the trunk road to the proposed trailer. Given these points it is considered that the catering trailer will have no negative impact on residential neighbour amenity.

Other material considerations

8.8 None

Non-material considerations

8.9 None

9. CONCLUSION

- 9.1 The proposal fails to demonstrate that an adequate and safe location in the site can be provided for the siting of the proposed catering trailer and its customer parking. This has the potential to result in increased pedestrian and vehicular activity on and adjacent to the A87 trunk road with the possibility of interference with the safety and free flow of traffic on the A87 trunk road. If a revised proposal could be submitted that ensured a safe means of entry and exit to facilitate safe parking for users then the the principle of development could be supported.
- 9.2 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.

10. IMPLICATIONS

- 10.1 Resource: Not applicable
- 10.2 Legal: Not applicable
- 10.3 Community (Equality, Poverty and Rural): Not applicable
- 10.4 Climate Change/Carbon Clever: Not applicable
- 10.5 Risk: Not applicable
- 10.6 Gaelic: Not applicable

11. RECOMMENDATION

Action required before decision issued

Notification to Scottish Ministers N

Conclusion of Section 75 N
Obligation

Revocation of previous permission N

Subject to the above actions, it is recommended to **REFUSE** the application for the following reasons

- 1 The proposal is considered likely to result in an increased level of parking both directly on the A.87 carriageway and its verge along the frontage of the wider hardstanding area surrounding the proposal. This is considered likely to result in obstruction to other road users resulting in an unacceptable reduction in road safety. The proposal is contrary therefore to the requirements of Policies 28 and 51 of the Highland Wide Local Development Plan 2012.

- 2 The proposal is considered likely to result in an increased level of pedestrian movements along the un-footpathed edge of the A87 carriageway from employment and housing areas to the south. It will also lead to increased pedestrian movements across the A.87 and within the wider hardstanding area which is also used by vehicular traffic. This is considered likely to result in direct conflicts between pedestrian and vehicular road users resulting in an unacceptable reduction in road safety. The proposal is contrary therefore to the requirements of Policies 28 and 51 of the Highland Wide Local Development Plan 2012.

- 3 The proposal is considered likely to result in an increased level of vehicular movements on and off the 70m frontage of the wider hardstanding area surrounding the proposal with the probability of simultaneous access and egress movements by vehicles at different points along this frontage. This is considered likely to result in conflicts between these vehicles and those on the A87 carriageway resulting in an unacceptable reduction in road safety. The proposal is contrary therefore to the requirements of Policies 28 and 51 of the Highland Wide Local Development Plan 2012.

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
 Author: Chris Hallas
 Background Papers: Documents referred to in report and in case file.
 Relevant Plans:

Document Type	Document No.	Version No.	Date Received
Plan 1 - Location Plan	000001	Rev C	13 September 2021
Plan 2 – Site Layout Plan	000002		6 September 2021



The Highland Council
Comhairle na Gàidhealtachd

Planning and Development Service

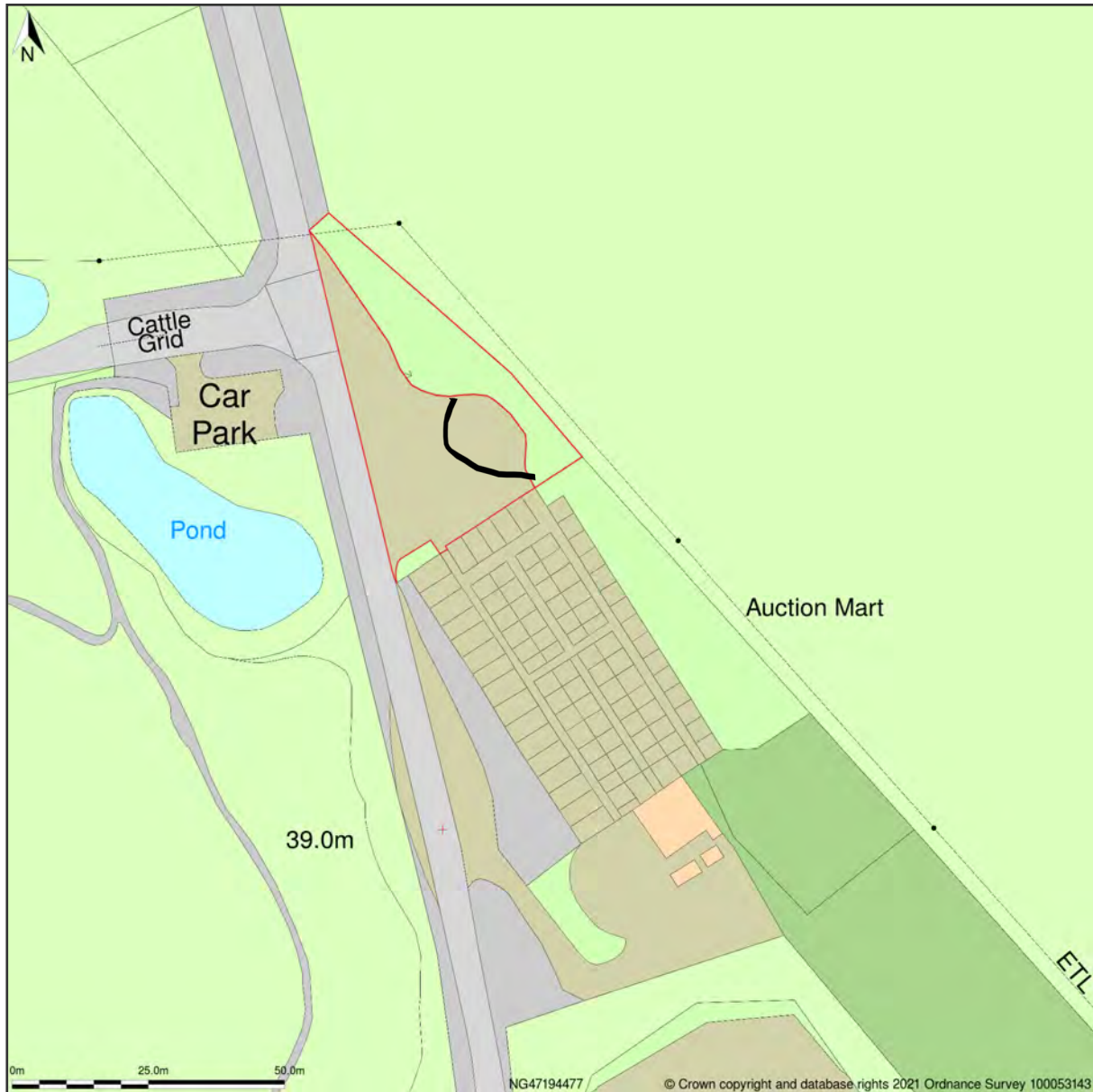
Location Plan
21/02619/FUL
Siting of a catering trailer

January 2022



Scale:

Auction mart Portree, Highland, IV51 9FD

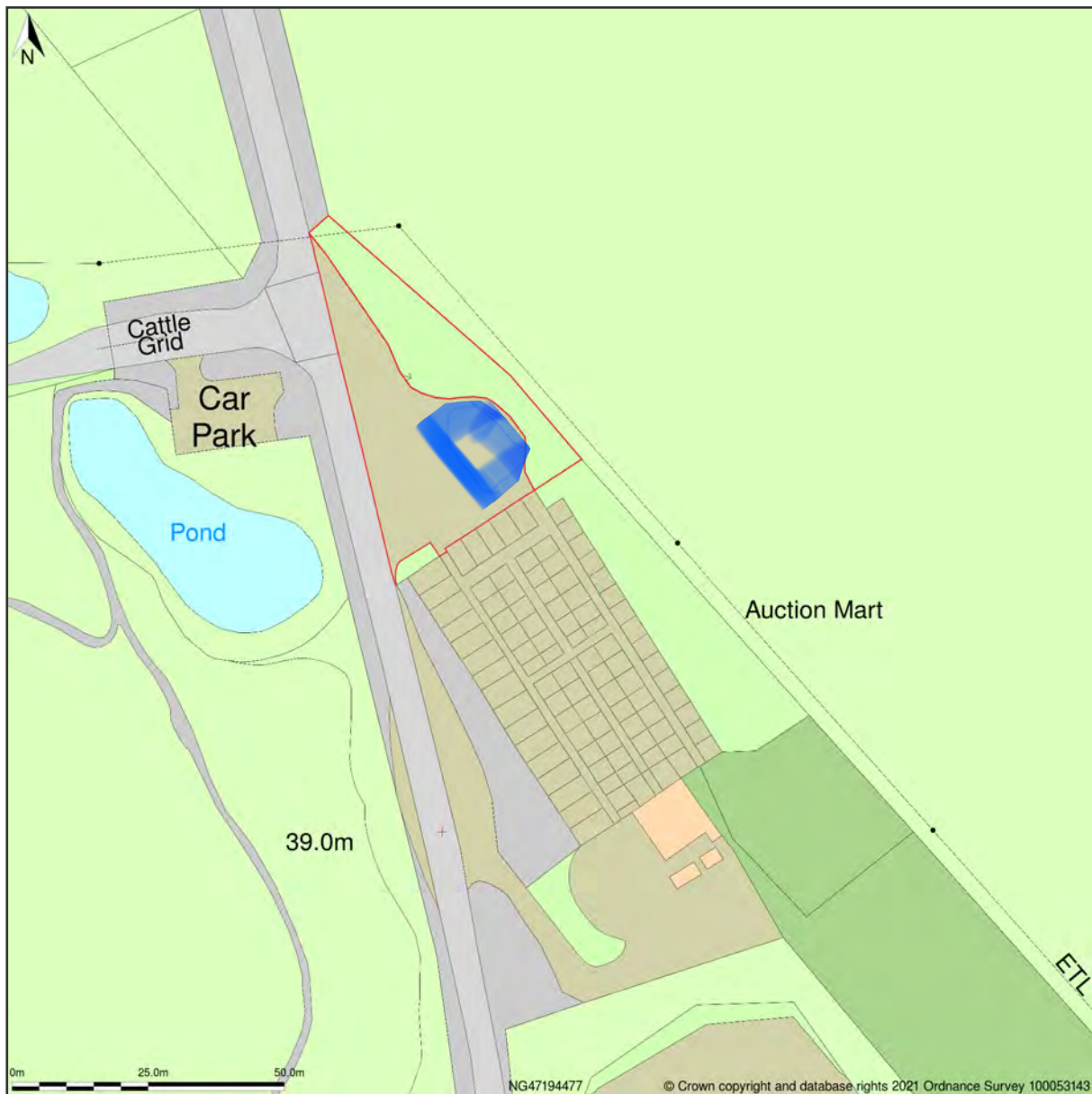


Site Plan shows area bounded by: 147098.82, 844679.69 147298.82, 844879.69 (at a scale of 1:1250), OSGridRef: NG47194477. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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