

Agenda Item	5.4
Report No	PLN/090/24

HIGHLAND COUNCIL

Committee: North Planning Applications Committee
Date: 4 December 2024
Report Title: 23/05538/PIP: Lochalsh and Skye Housing Association
Land 70M South of Lone Tree, Staffin Road, Portree, Isle Of Skye
Report By: Area Planning Manager - North

Purpose/Executive Summary

Description: Erection of 34no. residential units and supporting infrastructure

Ward: 10 - Eilean A' Cheò

Development category: Local Development

Reason referred to Committee: Number of Objections and more than 30 houses

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.

Recommendation

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

1. PROPOSED DEVELOPMENT

- 1.1 This application seeks planning in principle permission for a residential development comprising up to 34 residential units, open space, landscaping, access road and associated infrastructure. An indicative layout has been provided which comprises a mix of flats and houses, with a 'signature' 3 storey block of flats in the north eastern corner of the site. Detailed designs for each of the unit types and the final mix of units will be brought forward through future applications. A SUDs pond has been indicated on the site layout plan in the lowest part of the site adjacent to Staffin Road. An area of land on the eastern side of Staffin Road is also in the applicant's ownership and a further SUDs pond is shown here as well as new dog-walking footpaths. There is a further area of land owned by the applicant which lies between the site's western boundary and existing houses on Stormy Hill Road. The submitted site layout plan states that existing paths in this area (which is also in the applicant's ownership) would be retained. As such, this area would form an open space buffer between the site and these existing houses.
- 1.2 The site forms part of the PT03 Kiltraglen (South) Housing Allocation in the West Highlands and Islands Local Development Plan 2019 with has an indicative capacity of 30 units.
- 1.3 The eastern edge of the site runs alongside the A855 Staffin Road and its northern boundary consists of land on which planning permission has been granted for the Portree Link Road (application 22/02739/FUL, as listed below), which would connect the Staffin Road on the eastern side of Portree with the A87 on the town's western side. Existing houses lie to the north, south and south west of the site. Slightly further to the west is an area of open land which is the subject of planning permission for 66 houses (application 22/00221/PIP, as listed below). Both this site to the west and the subject site would be accessed by the Portree Link Road. The Council recently announced that construction of this road is expected to commence in Spring 2025.
- 1.4 **Pre-Application Consultation:** No formal pre-application submission was made, although the proposal was discussed at the July 2023 Skye and Lochalsh Housing Hub meeting with members of the Planning Service.
- 1.5 Supporting Information:
- Design and Access Statement
 - Geo- Environmental Risk Assessment
 - Archeological Desk-Based Assessment
 - Site Investigation Report
 - Drainage Impact Assessment
- 1.6 **Variations:** The indicative number of units has been reduced from 35 to 34 by removing three detached houses from the southern part of the site and by adding two semi-detached units at the southern end of the internal access road. The southern portion of the site previously occupied by the three detached houses is now shown as being retained in open space for enhanced biodiversity. In addition, the proposed 3 storey block of flats at the site's north eastern corner has been sunk lower into the landform, with a pedestrian access bridge into this building being

added. Finally, the site access has been amended from an arm off the consented new Link Road roundabout with Staffin Road to a 'T' junction off the Link Road itself.

2. SITE DESCRIPTION

- 2.1 The site comprises an area of mostly open grassland which slopes downhill away from Stormy Hill Road towards Staffin Road in an easterly direction, with a fall of some 22m over this section of the site. The southern end of the site is adjacent to a house with a large curtilage which contains a number of mature trees. A small disused building (which is understood to have once been an abattoir) lies near the Staffin Road. Between the south western boundary of the site and existing housing (which is accessed from Stormy Hill road and Storr Road) there is an area of grassland (which is also in the ownership of the applicant). As noted above, the submitted site plan states that existing paths in this area would be retained and also shows existing paths in the area east of Staffin Road being retained.
- 2.2 The site is not the subject of any ecology or landscape designations.

3. PLANNING HISTORY

- | | | | |
|-----|-----------------|--|--------------------|
| 3.1 | 6 February 2023 | 22/02739/FUL. Creation of a new link road. | PERMISSION GRANTED |
| 3.2 | 6 July 2023 | 22/00221/PIP. Masterplan for erection of 66 residential units (this is the site to the west). | PERMISSION GRANTED |
| 3.3 | 5 July 2023 | 21/05951/FUL. Erection of 14 residential units and associated infrastructure - Phase 1 of Home Farm Development (again, this is the site to the west). | PERMISSION GRANTED |

4. PUBLIC PARTICIPATION

- 4.1 Advertised: Unknown Neighbour

Date Advertised: 22 December 2023

Representation deadline: 5 January 2024

Timeous representations: 7 from 7 households

Late representations: 1 from 1 household

- 4.2 Material considerations raised are summarised as follows:

- The small community shop will not cope with demand. Officer response: There is no shop proposed as part of this application.
- The development will add to pressure on already strained dental, medical and police resources. Officer response: The development seeks to provide accommodation for people on the local housing list, so no additional strain would be placed on these resources from an incoming population.
- Increased road safety risk. Officer response: There is no objection to the development from either Transport Planning or Transport Scotland.

- d) The inclusion of dog walking trails would require people to cross a busy and hazardous road. Officer response: Transport Planning recognise the need for crossing facilities on Staffin Road, and ask for a condition requiring suitable road crossing infrastructure to be provided by the developer.
- e) Adverse effect on habitat, wildlife and trees. Officer response: The site is the subject of a development plan allocation for housing and is not the subject of any ecological designations. The Ecology Officer does not raise any objection.
- f) Concerns about flooding at the southern end of the site. Officer response: The Flood Team have reviewed the submitted Drainage Impact Assessment and have no objection to the application.
- g) Query regarding archaeological search. Officer response: The Historic Environment team offer no objection, but do require a written scheme of investigation to be undertaken following its submission and approval by the Planning Authority in advance of development.
- h) Housing density is higher than the development allocation. Officer response: The 30 units ascribed to the development plan allocation for this site is indicative, rather than prescriptive. The consultation response from Development Plans notes the difference between what is being proposed relative to the indicative site capacity but does not raise any objection in this respect. It is not considered that the proposed housing density would be at odds with nearby existing and approved developments involving the applicant.
- i) The three-storey block of flats does not respect the local vernacular of Staffin Road. Officer response: It is agreed that this element of the proposal is significantly at odds with the local pattern of single and one and a half storey development which provides the nearest built context. It is also considered that this element jars with the rest of the proposal. As such, it is not supported. However, because this is an application for Planning in Principle the submitted layout is indicative only and a condition can be applied which would prevent this element being included in any future planning application on the site.
- j) The three detached houses at the southern end of the site would overlook adjacent properties. Officer response: These three houses have been omitted from the latest indicative site plan. The area of land involved has now been identified as being for Biodiversity Enhancement.
- k) Concern that the development would exacerbate existing water pressure problems. Officer response: Scottish Water's consultation response raises no objection to the development but advises that the applicant should complete a pre-development enquiry form to confirm capacity within the Portree Torvaig Water treatment Works.
- l) No provision for a play area. Officer response: Development Plans are satisfied with the amount of green space provision within the development.
- m) Drilling below a rock face could cause land slip. Officer response: Any land engineering of steep slopes would require to comply with the relevant Building Standards.

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 **Transport Planning:** Initial objection to the access into the development being taken from the consented Link Road roundabout on Staffin road and the lack of certain pieces of information. Following the amendment of the site plan to provide a revised access arrangement in the form of a 'T' junction off the Link Road, and the provision of the requested information, Transport Planning now offer no objection. This is subject to conditions in respect of: the detailed design of the vehicular access point; internal road and footway layouts; new car and cycle parking areas; new facilities on existing public roads to cater for new walking desire lines created by the development; appropriate new bus stops to be provided by the developer; refuse storage and collection; surface water collection/ storage/treatment and discharge arrangements; and finally, street lighting.
- 5.2 **Forestry Team:** Following removal of the three units on the southern portion of the site no objection is offered, subject to conditions in respect of tree planting and biodiversity enhancement, tree protection, tree constraints and arboricultural impact.
- 5.3 **Historic Environment Team:** No objection. The application lies within an area of archaeological potential and should be the subject of a programme of archaeological works. As such, a condition requiring the submission and approval of an archaeological Written Scheme of Investigation (WSI) by the Planning Authority is necessary.
- 5.4 **Flood Risk Management Team:** No objection. It is noted that surface water runoff from the development will be collected into a SUDs system for treatment before being discharged at pre-development rates into the nearby water course. The surface water drainage system will be put forward for vesting by Scottish Water and The Highland Council under a Section 7 Agreement. The Flood Team are content with the proposed drainage strategy. However, a condition is sought which requires that the final detailed drainage design is submitted for the written approval of the Planning Authority.
- 5.5 **Development Plans:** No objection. As this proposal is being put forward by Lochalsh and Skye Housing Association, it is assumed that 100% of the proposed houses will be affordable. The proposal will be in overall conformity with the approved development plan subject to securing suitable mitigation of its adverse effects. The proposed area is zoned for development in WestPlan (allocation PT03), albeit for 30 houses, rather than the slightly higher number proposed in this application.

The application drawings contain annotations and indications of use and layout outwith the redline application boundary but within the blue ownership boundary. These annotations, greenspace and footpath provisions are desirable components of the overall development and should be formalised (perhaps by condition). For example, adequate greenspace provision and biodiversity enhancement can't be delivered within the tightly drawn red line boundary but could and should be secured within the wider blue ownership boundary.

The applicant's Design and Access Statement also states that some informal paths (existing dog walking paths) would be lost through the development, to which the applicant is proposing compensatory public access amenity space in the parcel of

land on the eastern side of the Saffin Road. The Council should seek the retention of the remainder of informal paths within the redline and blueline boundary areas, in line with NPF4 policy 20 and HwLDP policy 77, to ensure that footpath provision is not compromised by the development.

The proposed development is on land that is currently in grazing use and has some biodiversity and informal recreational greenspace. As per the requirements of NPF4, a development should not result in a net adverse impact on biodiversity and greenspace. Accordingly, the Council should seek the conditioning of offsite publicly accessible greenspace retention and enhancement (for biodiversity and recreational access). Also, there are areas of native planting (trees) on the blueline boundary, which should be retained through conditioning as part of the proposed application, in line with NPF policy 6 and HwLDP policy 51.

- 5.6 **Outdoor Access Officer:** No objection. Building houses and gardens on the site will remove land over which access rights apply and which is regularly used by the local community for dog walking and other recreation. This has been recognised in the application which includes alternative recreational provision, including the development of an amenity area to the east of the new link road.

The submitted proposal further states that pedestrian links to Staffin Road and the development plots of PT02 and PT04 and into the established residential area to the west will be included. The inclusion of this informal network of paths to retain public access to green space and across the site is welcome. Consideration should be given to the form of construction and drainage of these paths to minimise future ongoing maintenance, and the inclusion of shared use and accessible paths should be included in the final design. The proposed pedestrian link to Staffin Road in particular should be a formal shared use path, surfaced with a durable surface, such as bitmac or similar with associated drainage, in line with Secured by Design principles.

Conditions can be applied to secure these details.

- 5.7 **Contaminated Land:** No objection. Much of this site is previously undeveloped agricultural land, however, there is a former abattoir in the centre of the site which has the potential for land contamination. The standard suspensive contamination condition is sought.

- 5.8 **Ecology:** No objection. The outline biodiversity enhancement measures are suitable for this Planning in Principle application. To support any future full or MSC application(s), detailed enhancement proposals, a Habitat Management Plan and an Ecological Impact Assessment (EclA) would be required.

- 5.9 **Scottish Water:** No objection. The site would be served by the Portree Torvaig Water Treatment Works and Portree Waste Water Treatment Works. As Scottish Water is unable to currently confirm mains water capacity it is suggested that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water via their Customer Portal.

Scottish Water records indicate that there is live infrastructure in the proximity of the development area that may impact on existing Scottish Water assets, namely a 200mm HPPE water main and a 4 inch AC main within the site boundary. The

applicant must identify any potential conflicts with Scottish Water assets and contact their Asset Impact Team via the Customer Portal for an appraisal of the proposals.

- 5.10 **Crofting Commission:** No objection. The Commission have provided their standard response which does not raise any concerns in respect of the Council's policy on the development of croft land.
- 5.11 **Transport Scotland:** No objection, subject to a condition requiring the submission and approval of a Residential Travel Pack which sets out proposals for reducing dependency on the private car.

6. **DEVELOPMENT PLAN POLICY**

The following policies are relevant to the assessment of the application

6.1 **National Planning Framework 4 (NPF4) (2023)**

Policy 1 - Tackling the Climate and Nature Crises

Policy 2 - Climate Mitigation and Adaptation

Policy 3 - Biodiversity

Policy 6 - Forestry, Woodland and Trees

Policy 12 - Zero Waste

Policy 13 - Sustainable Transport

Policy 14 - Design Quality and Place

Policy 15 - Local Living and 20 Minute Neighbourhoods

Policy 16 - Quality Homes

Policy 18 - Infrastructure First

Policy 19 - Heating and Cooling

Policy 20 - Blue and Green Infrastructure

Policy 22 - Flood Risk and Water Management

6.1 **Highland Wide Local Development Plan 2012**

28 - Sustainable Design

29 - Design Quality and Place-making

30 - Physical Constraints

31 - Developer Contributions

32 - Affordable Housing

34 - Settlement Development Areas

51 - Trees and Development

64 - Flood Risk

74 - Green Networks

77 - Public Access

6.2 **West Highlands and Islands Local Development Plan (WestPlan) 2019**

The site is located within the defined settlement development area (SDA) for Portree. The Placemaking Priorities for Portree most relevant to this application are as follows:

- Consolidate the existing settlement area by promoting and supporting infill and redevelopment opportunities.
- 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.

6.3 The proposed development lies within allocation PT03: Kiltaraglen (South), which has an identified housing use, with an indicative capacity of 30 units.

The Developer Requirements for PT03 are:

- Minimum 6 metre buffer between watercourses and development; Protect and enhance green corridors;
- Retain and where possible enhance the core path network;
- Protected species survey;
- Financial contributions proportionate to the traffic generated towards the completion of the Portree Link Road; and
- High quality of architectural siting and design particularly for development fronting Staffin Road and the Portree Link Road.

Paragraph 3.20 of WestPlan sets out the transport developer contributions for allocation PT03, which relate to the completion of the Portree Link Road.

6.4 **Highland Council Supplementary Planning Policy Guidance**

Roads and Transport Guidelines for New Developments (May 2013)

Developer Contributions (March 2018)

Flood Risk and Drainage Impact Assessment (Jan 2013)

Green Networks (Jan 2013)

Highland Historic Environment Strategy (Jan 2013)

Managing Waste in New Developments (March 2013)

Open Space in New Residential Developments (Jan 2013)

Public Art Strategy (March 2013)

Standards for Archaeological Work (March 2012)

Sustainable Design Guide (Jan 2013)

Trees, Woodlands and Development (Jan 2013)

Biodiversity Enhancement Planning Guidance (May 2024)

7. OTHER MATERIAL POLICY CONSIDERATIONS

- 7.1
- PAN 1/2011 – Planning and Noise (Mar 2011)
 - PAN 60 – Planning for Natural Heritage (Jan 2008)
 - PAN 61 – Sustainable Drainage Systems (Jul 2001)
 - PAN 68 – Design Statements (Aug 2003)
 - PAN 75 – Planning for Transport (Aug 2005)
 - PAN 77 – Designing for Safer Places (Mar 2006)
 - PAN 83 – Master Planning (Sept 2008)
- 7.2
- Skye Raasay Futures 2021 was adopted by the Skye and Raasay Area Committee in August 2021. This set out a total of 7 outcomes including: Strengthening Communities (where everyone has access to good quality affordable housing); Transport Infrastructure (integrated and well maintained network of high quality of sustainable transport options); and Diverse and Green Economy (embracing a range of employment opportunities).

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) design and layout
 - c) impact on amenity
 - d) access, roads, parking and wider access
 - e) biodiversity
 - f) built and cultural heritage
 - g) water supply and drainage
 - h) developer contributions, and
 - i) any other material considerations.

Development plan/other planning policy

- 8.4 Development Plan Policy is set out in National Planning Framework 4, the Highland-wide Local Development Plan 2012 (HwLDP), the West Highland and Islands Local Development Plan, 2019 (WestPlan), and statutorily adopted supplementary guidance.
- 8.5 **NPF4** forms part of the Development Plan and Policies 1-3 apply to all development proposals throughout Scotland. When considering development proposals, significant weight will be given to the global climate and nature crises. Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible. Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible.
- 8.6 Policy 4 (Natural places) intends to protect, restore and enhance natural assets making best use of nature-based solutions. Policy 6 (Forestry, woodland and trees) intends to protect and expand forests, woodland and trees. Policy 12 (Zero waste) intends to encourage, promote and facilitate development that is consistent with the waste hierarchy. Policy 13 (Sustainable transport) intends to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably. Policy 14 (Design, quality and place) intends to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle. Policy 15 (Local Living and 20 minute neighbourhoods) intends to encourage, promote and facilitate the application of the Place Principle and create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, cycling or using sustainable transport options. Policy 16 (Quality homes) intends to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choice across tenures that meet the diverse housing needs of people and communities across Scotland. Policy 18 (Infrastructure first) intends to encourage, promote and facilitate an infrastructure first approach to land use planning, which puts infrastructure considerations at the heart of placemaking. Policy 20 (Blue and green infrastructure) intends to protect and enhance blue and green infrastructure and their networks. Policy 22 (Flood risk and water management) intends to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding.
- 8.7 In this case the Development Plan is also comprised of the West Highlands and Islands Local Development Plan which places the site within the Portree Settlement Development Area and the PT03 Housing allocation, as set out above. The final policy element of the Development Plan is provided by the Highland-Wide Local Development Plan, of which the following policies are relevant: 28 Sustainable Development, 29 Design Quality and Place-Making, 31 Developer Contributions, 32 Affordable Housing, 51 Trees and Development, 64 Flood Risk, 65 Waste Water Treatment, 66 Surface Water Drainage, 74 Green Networks and 77 Public Access.

8.8 Skye and Raasay Futures was adopted in August 2021 and is a shared statement of the values, ambition and priorities for partners to work together to improve outcomes for everyone across the area. It also outlines how current and future actions and investments can help to address these priorities. It is intended to act as an investment portfolio for the future of Skye and Raasay and will create a credible and robust case for seeking future funding. The document sets out seven outcomes for people and place. The proposed affordable housing development will contribute toward the following outcomes set out in the document:

- Outcome 2 - Strengthening Communities – A resilient, inclusive and resourceful community network where everyone has access to good quality, affordable housing options, appropriate access to essential services, and where Gaelic and the area's unique culture and identity is celebrated.
- Outcome 4 - An integrated and well maintained network of high-quality sustainable transport options which support social inclusion, a competitive economy and deliver the wider ambitions for the area

The document highlights the need for affordable housing. In addition, the Portree Link Road is a specific case study and is a project that has the potential to both transform the way people move around Portree and unlock much needed housing development coupled with a range of regeneration opportunities across the town.

8.9 It is considered that the proposal conforms with the above policies for the reasons set out below.

Design and Layout

8.10 The application is for planning permission in principle. In assessing applications of this nature, the Planning Authority need to be satisfied that enough space has been identified for the proposed use of the site, and that the use is appropriately sited.

8.11 The submitted drawings show that from the proposed 'T' junction with the Link Road the internal access road would run parallel with the Link Road. Four blocks of semi-detached houses would be provided on the northern side of this section of the internal road and three semi-detached blocks on its southern side before it turns south to run parallel with the Staffin Road. On the western side of this section of the internal road there would be two semi-detached blocks of houses and two blocks of flats. The only building on the western side of this part of the internal road would be the proposed 'signature' three storey block of flats. All of the other buildings would be two storeys in height. No floor plans have been provided. The submitted Design and Access Statement sets out that Place-making is central to the design of the scheme. It is stated that by staggering the position of the dwellings on each side of the internal road and providing generous spaces between each property the sense of openness and views is enhanced. This document provides images of intended cladding materials of natural timber boarding, render and sheet metal.

8.12 With the exception of the proposed 'signature' three storey building it is considered that the indicative layout which has been provided responds well to the constraints presented by this sloping site, and to the context provided by neighbouring houses and the consented scheme to the west (application 21/05951/FUL, as listed above).

Conditions can be used to control the precise layout and the design of each building to be brought forward by future applications.

- 8.13 However, it is not considered that the same comments can be applied to the proposed three storey block of flats. This large structure with a shallow mono-pitched roof would jar with the design of the traditionally proportioned, pitched roof buildings occupying the remainder of the site and the design of the other traditionally styled properties in the vicinity. The submitted Design and Access Statement seeks to justify the design of this building on the basis that it would occupy the key entrance point to the site from a spur to be taken off the new Link Road roundabout on Staffin Road, where it would stand 'as a sentinel over the entrance from the roundabout'. Given that the entrance into the development has been moved further to the west away from this roundabout following an objection from Transport Planning this justification falls away. It is considered that the site is large enough for the accommodation which this structure would provide to be accommodated in another form, so there is no pressing need for a three storey building to be provided. On the basis of these considerations a condition can be applied to restrict any future application(s) on this site to provide buildings of no more than two storeys.

Impact on Amenity

- 8.14 The site slopes upward generally from east to west and has neighbouring residential properties to the north, south and south west. The applicant has set back the proposed development from existing properties in the indicative layout and used the topography of the site, along with the orientation of properties within the development to avoid impacts as a result of overlooking. The layout shows separation from existing neighbouring properties well in excess of the 18m minimum distance. The layout also shows that the minimum window to window separation distance between the buildings within the development itself can be achieved.

Access, roads, parking and wider access

- 8.15 Access for the development will require to be taken from the Portree Link Road. The Council has submitted an application for the detailed layout and design of the Portree Link Road with a view to commencing construction in the near future. In line with all other development in this area of Portree, developer contributions will also be secured toward the provision of the Portree Link Road. The developer will be required to pay £4000 per dwelling, index linked from a base date of Q2 2022, toward the construction of the Portree Link Road. It is considered that this mitigation is proportionate to the impact on the road network.
- 8.16 The information submitted in relation to the proposed junction with the Link Road, the internal road layout, car and cycle parking is acceptable to Transport Planning. These and other matters including street lighting, refuse storage/collection, car and cycle parking, the inclusion of shared use and accessible paths, new bus stops and surface water drainage can all be controlled by conditions.
- 8.17 The applicant has shown a range of paths around the development to facilitate active travel. The application site is considered to be well connected to both via active travel and recreational routes. An Access Management Plan and a Safer Route to School Plan can be secured by condition.

- 8.18 It is understood that Transport Scotland's project to simplify the A87(T) / A855 junction by installing a signal-controlled junction is progressing and will assist in mitigating the impacts of the development.
- 8.19 To facilitate a move toward a low carbon economy Government policy involves the phasing out of diesel and petrol cars. Facilitating this change requires the provision of electric car charging points. The details of the design and scale of this infrastructure can be secured by condition. In addition, Transport Scotland have requested a residential travel pack to be produced to encourage residents of the properties to use more sustainable modes of transport. This can be secured by condition.

Biodiversity

- 8.20 There are no statutory natural heritage designations within the site boundary. The Ecology Officer has advised that An Ecological Impact Assessment and Biodiversity Enhancement can be secured by condition. The southern portion of the site is now available for Biodiversity enhancement, given that the three detached houses which were originally propose for this location have been removed from the application and the revised site plan shows this area being retained as open space.

Built and Cultural Heritage

- 8.21 There are no Scheduled Ancient Monuments, Listed Buildings or Conservation Areas within the application site. The proposed development is unlikely to have a significant adverse impact on the setting of any sites or buildings designated for their built or cultural value.
- 8.22 The Council's Historic Environment Team (HET) recognises that the site is within an area of archaeological potential. The results of the survey work done to date indicate remains are likely to be present on the site and there is the potential for further buried remains to survive. As such HET recommend that an archaeological watching brief is taken forward during any site clearance and excavation work. This can be secured by a planning condition.

Water and Drainage (including flood risk)

- 8.23 The applicant's intention is to connect to both the public water supply and foul drainage systems. Scottish Water have no objection to the scheme but requests that the developer submits a Pre-Development Enquiry to confirm capacity in relation to the public water supply network.
- 8.24 The Flood Team advise that, based on the site topography and the flood risk information provided, they are content that the development is at low risk of flooding. Surface water runoff from the development will be collected into a SUDs system for treatment before being discharged at pre-development rates into a nearby water course. The surface water drainage system will be put forward for vesting by Scottish Water and The Highland Council under a section 7 agreement. The Flood Team are content with the proposed drainage strategy.

- 8.25 The submitted Drainage Impact Assessment includes network simulations that show the drainage system will manage storms up to and including a 1 in 200 year plus climate change rainfall event. There is no flooding from the system during a 30 year (plus climate change) storm, although some flooding from a couple of manholes is predicted during a 200 year event. This will need to be managed within the site without causing flooding to property or critical roads. The Flood Team request a condition that the final detailed drainage design is submitted for review.

Developer Contributions

- 8.26 HwLDP Policy 31 sets out that developer contributions may be sought when a development would result in a deficiency in public services. Contributions can be sought to address such deficiencies, for example towards increased education capacity, transportation and infrastructure. The assessment of developer contributions is made against NPF4 Policy 18 (Infrastructure first), which requires development to take into account the capacity and any additional needs for community services and facilities, HwLDP Policy 31: Developer Contributions, and the Developer Contributions Supplementary Guidance.
- 8.27 The development is located within the Portree Primary School and Portree High School Catchment Areas. The School Roll Forecasts demonstrate that there is sufficient capacity within both primary and secondary education facilities to accommodate the proposed development. As such, no developer contributions are required towards enhancements in education infrastructure to mitigate the impacts of the development.
- 8.28 The Development Plans Team have confirmed that the housing elements of the application will require to contribute towards enhanced community facilities. The contribution will be £1,568 per house, based on quarter 2 2023 prices.
- 8.29 As set out earlier in this report, the development will be required to contribute toward the completion of the Portree Link Road which is being forward funded by the Council via an infrastructure loan fund and the capital programme. Each residential unit will be required to contribute £4,000 based on quarter 2 2022 prices.
- 8.30 Policy 32 (Affordable Housing) of the HwLDP requires a contribution of 25% affordable housing for all developments of four or more houses. It is understood that the applicant is working with Lochalsh and Skye Housing Association on the provision of affordable housing. The breakdown of affordable housing provision across the site can be secured by condition.

Other material considerations

- 8.31 The Councils Contaminated Land Team do not object to the application and are content with the finding of the Geo-environmental Risk Assessment Report. However, it requests that a remediation and validation report is secured by a planning condition. There are no other material considerations.

Matters to be secured by Legal Agreement / Upfront Payment

- 8.32 In order to mitigate the impact of the development on infrastructure and services the following matters require to be secured prior to planning permission being issued:
- a) Contributions to the delivery of enhanced community facilities within the Portree High School Catchment Area (£1,568 per dwelling, indexed to Q2, 2023);
 - b) Contributions to the provision of the Portree Link Road (£4,000 per dwelling, indexed to Q2 2022).

- 8.33 The applicant has four months from the date that the Council's solicitor writes to the Applicant's solicitor indicating the terms of the legal agreement or other appropriate mechanism to secure mitigation for the impacts of the development agreed by the Planning Service, to deliver to the Council a signed legal agreement. Should an agreement or other appropriate mechanism to secure the mitigation agreed by the Planning Service not be delivered within four months, the application may be refused under delegated powers for the following reason:

The proposed application has failed to conclude a legal agreement required to secure reasonable and proportionate contributions to secure mitigation for the impacts of the proposed development. As such the application is contrary to the provisions of Policy 31 (Developer Contributions and Policy 32 (Affordable Housing) of the Highland-wide Local Development Plan and Policy 2 (Delivering Development) of the West Highland and Islands Local Development Plan.

9. CONCLUSION

- 9.1 The site is allocated for housing in the WestPlan, albeit at a slightly lower density than that proposed through this application. While the indicative number of units outlined in the development plan has been exceeded the increase in numbers is acceptable given the quality of design and layout that demonstrates efficient use of the site. There are significant benefits to Portree and the wider area as a result of this proposal, including the opportunity deliver affordable homes towards meeting current need and demand and facilitation of the delivery of the Portree Link Road.
- 9.2 Subject to a suite of conditions to manage the design and layout of the development, the indicative layout is acceptable and will facilitate the delivery of a high quality development which would not have a significantly detrimental impact on the local community.
- 9.3 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.

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: The application provides an opportunity to deliver electric vehicle charging points.
- 10.5 Risk: Not applicable
- 10.6 Gaelic: Not applicable

11. RECOMMENDATION

Action required before decision issued Y

Conclusion of Section 75 Obligation Y

Subject to the above actions, it is recommended to **GRANT** the application subject to the following conditions and reasons and the prior conclusion of a legal agreement

1. An application or applications for the approval of matters specified in conditions attached to this planning permission in principle must be made no later than whichever is the latest of the following:
 - i. The expiration of THREE YEARS from the date on this decision notice;
 - ii. The expiration of SIX MONTHS from the date on which an earlier application for the requisite approval was refused; or
 - iii. The expiration of SIX MONTHS from the date on which an appeal against such refusal was dismissed.

The development to which this planning permission in principle relates must commence no later than TWO YEARS from the date of the requisite approval of any matters specified in conditions (or, in the case of approval of different matters on different dates, from the date of the requisite approval for the last such matter being obtained)., whichever is the later. If development has not commenced within this period, then this planning permission in principle shall lapse.

Reason: In accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. No development shall commence until an application, or applications, has been submitted to and approved by the Planning Authority in respect of the following matters, insofar as they relate to the details of the proposed development taking full account of Creating Places, Designing Streets and other relevant national and local policy and guidance related to the matters set out below:-
 - a. the siting, design and external appearance of all buildings and other structures which shall be no more than 2 storeys in height;

- b. details of sustainable design considerations inclusive of energy strategy;
- c. the means of access to the site including connections to the Portree Link Road for all modes of transport;
- d. the layout of the site, in accordance with Designing Streets principles;
- e. A scheme for the provision of affordable housing on the site;
- f. road layout including:
 - i. junction layouts and design
 - ii. junction forward visibility requirements;
 - v. junction spacing both within the development and on the Portree Link Road;
 - vi. vehicle tracking at junctions and standard radii;
 - vii. details of any bus routes and bus stops inclusive of bus tracking;
 - viii. details of waste management routes inclusive of waste management vehicle tracking;
 - ix. details of provision for cyclists and pedestrians (including linkages to the Portree Link Road) with junctions and crossing(s) designed to facilitate active travel;
 - x. provision for disabled users following consultation with the Skye Access Panel;
 - xi. details of safer routes to school; and
 - xii. details of the location and type of service strips within the intended adoptable road boundary.
- f. the provision of car parking inclusive of disabled parking including in-curtilage parking, communal parking areas, parking courts and on-street parking, with no driveways being located in positions where they may conflict with traffic movements at junctions;
- g. the provision of covered cycle parking including resident cycle parking in houses and communal secure covered cycle parking at flats and external secure, covered visitor cycle parking at flats;
- h. the details of and timetable for delivery of the provision of public open space, including, in accordance with the Open Space in New Residential Developments: Supplementary Guidance, (or any superseding guidance prevailing at the time of submission);
- i. the details of, and timetable for, the hard and soft landscaping of the site;
- j. details of management and maintenance arrangements of the areas identified in (h), (i), (k) and (j) above;
- k. the provision for service vehicles following occupation of the development;

l. details of the provision of surface water drainage systems, including access for maintenance, and management and maintenance arrangements of said infrastructure;

m. details of the water and waste water connections, with connection to the public water and waste water networks;

n. means of dealing with domestic waste in accordance with the Highland Council's 'Managing Waste in New Developments' Supplementary Guidance' including any details of the siting of a recycling facility (or any superseding guidance prevailing at the time of submission);

o. details of existing trees, shrubs and hedgerows to be retained;

p. details of existing and proposed site levels with fall arrows supported by a cut and fill calculation and plan;

q. details of finished floor levels;

r. details of all street lighting and lighting of car parking areas ensuring that safety and security are addressed with no lighting directed skyward; and

s. detailed designs of all watercourse crossings in the site;

t. details of pedestrian links to and across Staffin Road and the development plan allocations PT02 and PT04, and into the established residential area to the west of the site;

u. details of an archaeological Written Scheme of Investigation.

v. details of a land contamination survey.

Reason: Planning permission is granted in principle only and these specified matters must be approved prior to development commencing.

3. Any details pursuant to Condition 2 above shall be informed by and include an access management plan (including details of footpaths and cycle ways and lighting (existing, during construction and upon completion) and information on temporary or permanent diversion or closure)) shall be submitted for the written approval of the planning authority. The plan shall show:-

a. All existing paths, tracks and rights of way and any areas currently outwith or excluded from statutory access rights;

b. Any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance or curtilage in relation to proposed buildings or structures;

c. All paths and tracks proposed to be constructed for use by walkers, riders, cyclists, all-abilities users etc and how these will integrate with existing or proposed networks. Details shall include but not be limited to;

i. Pedestrian access to any and all core paths;

ii. Construction details of all paths, inclusive of material finishes and drainage details;

d. Any diversion of paths, temporary or permanent proposed for the purposes of the development;

e. Links to the Highland Council's core paths and green frameworks.

The Access Management Plan shall be implemented as approved and in accordance with the timetables outlined therein, unless otherwise approved in writing by the Planning Authority.

Reason: To ensure that the development is adequately connected with existing and proposed pedestrian and cycle routes and to accord with the Land Reform (Scotland) Act 2003.

4. No development shall commence until pre-commencement surveys to locate the presence protected species have been undertaken and copies submitted to both the Planning Authority. Should any of these species be found within or adjacent to an area likely to be affected by construction activities, appropriate mitigation measures shall be put in place by the developer prior to development commencing and be maintained for the duration of development, details of which shall first be submitted to, and approved in writing by, the Planning Authority.

Reason: To protect and enhance nature conservation from construction activities.

5. Any details pursuant to Condition 2 above shall include full details of surface water drainage provision within the relevant Phase or sub-Phase and how that relates to the surface water drainage approach for the site as a whole (which should accord with the principles of Sustainable Urban Drainage Systems (SUDS) and be designed to the standards outlined in the CIRIA Manual and Sewers for Scotland Fourth Edition, or any superseding guidance prevailing at the time). This shall also detail updated greenfield run-off rates to reflect the details of the proposed development.

Reason: In the interests of amenity, to protect and enhance the natural environment, protect the water environment and prevent pollution.

6. The development shall not be occupied until details of the relevant person or party responsible for the maintenance of the on-site surface water drainage system have been provided to the Planning Authority. For the avoidance of doubt any part of the surface water drainage system not vested by Scottish

Water or another responsible authority shall remain the responsibility of the developer and be maintained in line with the scheme to be approved.

Reason: To ensure that the surface water drainage system is maintained by an appropriate party and that the party responsible for maintenance can be easily identified should any issue arise.

7. All plant, machinery and equipment associated with ventilation, air-conditioning, heating and refrigeration or similar mechanical services, including fans, ducting and external openings shall be installed, maintained and operated such that any operating noise complies with Noise Rating Curve 20 and details and a noise assessment of each installation will require to be submitted for the written approval of the planning authority.

Reason: In the interests of amenity.

8. Any details pursuant to condition 2 above shall be informed by and include a Waste Management Strategy. This shall detail the approach to sustainable waste management in the operational of all aspects of development with identification of bin stores, bin collection points, and refuse vehicle collection routes.

Reason: In the interests of amenity, to manage waste and prevent pollution.

9. No development shall commence until a Construction Traffic Management Plan (including a routing plan for construction vehicles) has been submitted to, and approved in writing by, the Planning Authority. This shall ensure no Heavy Goods Vehicle traffic movements or deliveries to the site during school pick up or drop off times for Portree Primary School and Portree High School. The approved Construction Traffic Management Plan shall be implemented prior to development commencing and remain in place until the development is complete.

Reason: In the interests of road safety, to limit the impacts on the local road network and to limit the amenity impacts of the construction phase of the development on local residents.

10. Any details pursuant to condition 2 above shall show car parking spaces provided and formed in accordance with The Highland Council's Roads and Transportation Guidelines for New Developments prior to first occupation of the development, thereafter being maintained for this use in perpetuity.

Reason: To ensure adequate provision of car parking.

11. Any details pursuant to condition 2 above shall show secure, covered cycle parking spaces provided and formed in accordance with The Highland Council's Roads and Transportation Guidelines for New Developments prior to first occupation of the development, thereafter being maintained for this use in perpetuity.

Reason: To ensure that the proposed cycle parking is safe and secure for use by the public.

12. Any details pursuant to condition 2 above shall include details, including full specifications, for the layout, design and construction of green spaces and recreation facilities that comply with, or exceed, the Highland Council's adopted standards contained within 'Open Space in New residential Development' shall be submitted to and agreed in writing by the planning authority. The agreed scheme shall be implemented thereafter to the satisfaction of the planning authority.

Reason: In the interests of amenity and to ensure that open space and recreational facilities are in accordance with Council standards.

13. Any details pursuant to condition 2 above shall include and be informed by an archaeological Written Scheme of Investigation (WSI) which been submitted to and approved in writing by the planning authority and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be occupied or brought into use unless a Post-Excavation Research Design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority. The PERD shall be carried out in complete accordance with the approved details.

Reason: To ensure the protection and/or recording of the historical and archaeological interest that may be found on the site.

14. Any details pursuant to Condition 2 above shall be informed by:
 - a. an Arboricultural Assessment;
 - b. a Tree Constraints and Protection Plan
 - c. an Arboricultural Method Statement; and
 - d. a Tree and Woodland Management Plan for retained trees.

Such details should be in accordance with BS5837:2012 - Trees in Relation to Design, Demolition and Construction (or any superseding document prevailing at the time). Thereafter, development shall progress in line with the approved details unless otherwise agreed in writing by the Planning Authority.

Reason: In order to ensure the protection of retained trees, which are important amenity assets, both during construction and thereafter.

15. Any details pursuant to Condition 2 shall include details of a scheme of hard and soft landscaping works. 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 proposed walls, fences, gates, seating and other landscaping features, within each open space including 1:20 scale plans showing the detail of the feature;
 - iv. The location, type and design, including materials product name and specification, of any proposed play equipment and associated safety features (if required), including 1:20 scale plans, within each open space;
 - v. 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, with no fruit bearing trees; and
 - vi. 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 that phase of development to which the scheme relates.

Any trees or plants which within a period of five years from the completion of the phase of development to which they relate, 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 a high standard of landscaping is achieved, appropriate to the location of the site.

16. Any details pursuant to condition 2 shall include:
- a. a scheme for provision of a connected and sealed surface active travel network within the site connecting to the wider path network and providing safe routes to Portree Primary School, Bun-sgoil Ghàidhlig Phort Rìgh and Portree High School. Such provision shall be designed in accordance with the guidelines contained within Transport Scotland's Cycling by Design 2021. Thereafter, the scheme shall be implemented in full prior to the occupation of any residential unit within the development;
 - b. a scheme for the design and implementation of path links to Storr Road, and the new dog-walking paths on the eastern side of Staffin Road (including the necessary infrastructure for the safe crossing of Staffin road), to a minimum width of 3m inclusive of all surfacing details. The agreed scheme

shall be implemented prior to the occupation of any residential unit within the development.

Reason: To ensure that an adequate level of access is timeously provided for the development; in the interests of road safety and amenity.

17. Any details pursuant to Condition 2 shall include and be informed by a scheme detailing the provision electric vehicle charging points. The scheme shall include:

a. identification of locations for communal electric vehicle charging points serving flatted developments and any areas of communal parking within the development;

b. the provision of infrastructure, defined as the provision of cabling from the consumer unit within the property to an external point, to allow charging of electric vehicles within the curtilage of each house where the house has in-curtilage car parking provision;

c. a timescale for implementation of the above infrastructure; and

d. outline detail of a communication pack to be provided to each household on first occupation explaining how they can access electric vehicle charging infrastructure.

The approved scheme(s) shall be implemented in line with the approved timescales.

Reason: To facilitate the move toward the reduction in reliance of petrol and diesel cars.

18. No development shall commence until the principles for the siting and design of all on street above ground infrastructure (including electrical substations, junction boxes and broadband cabinets) within the development have been submitted to and approved in writing by the Planning Authority. Thereafter the delivery of above ground infrastructure shall be delivered in accordance with the approved principles.

Reason: In the interests of visual amenity and to ensure that these matters can be considered in detail to ensure the character and identity of the development is maintained.

19. No part of the development shall be occupied until a Residential Travel Pack that sets out proposals for reducing dependency on the private car has been submitted and approved in writing by the Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority. This Residential Travel Pack shall identify measures to be implemented, the system of management, monitoring, review, reporting and the duration of the plan.

Reason: To be consistent with the requirements of Scottish Planning Policy (SPP) and PAN 75 Planning for Transport.

20. No dwelling shall be occupied until all roads and pavements within the application site are formed to base course level. Thereafter, the final wearing surface shall be applied concurrently with the construction of the last residential home, or upon the expiry of a period of three years from the date of first occupation, whichever is the sooner.

Reason: To ensure that an adequate level of access is timeously provided for the development; in the interests of road safety and amenity.

21. No dwelling shall be occupied until the Portree Link Road has been laid out and constructed substantially in accordance with the indicative layout, or such other drawings as may subsequently be approved in writing by the planning authority.

Reason: In the interests of road safety and the effective management of the transport network.

22. Any details pursuant to Condition 2 above shall include a scheme to deal with potential contamination on site has to be submitted to and agreed in writing by the Planning Authority. The scheme shall include:

a) the nature, extent and type of contamination on site and identification of pollutant linkages and assessment of risk (i.e. a land contamination investigation and risk assessment), the scope and method of which shall be submitted to and agreed in writing by with the Planning Authority, and undertaken in accordance with PAN 33 (2000) and British Standard BS 10175:2011+A2:2017 Investigation of Potentially Contaminated Sites - Code of Practice;

b) the measures required to treat/remove contamination (remedial strategy) including a method statement, programme of works, and proposed verification plan to ensure that the site is fit for the uses proposed;

c) measures to deal with contamination during construction works;

d) in the event that remedial action be required, a validation report that will validate and verify the completion of the agreed decontamination measures;

e) in the event that monitoring is required, monitoring statements shall be submitted at agreed intervals for such time period as is considered appropriate by the Planning Authority.

No development shall commence until written confirmation has been received that the scheme has been implemented, completed and, if required, monitoring measurements are in place, all to the satisfaction of the Planning Authority.

Reason: In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.

23. Any details pursuant to Condition 2 above shall include the detailed design of one additional bus stop, bus shelter and real time information at the stop. The design shall include suitable pedestrian access from the development to the shelter including an accessible crossing of the carriageway if required. The stop should be located within 400m of the site on the Portree Link Road. The detailed design of the bus stop and the associated infrastructure shall be agreed by the Planning Authority prior to commencement. The agreed infrastructure shall be constructed prior to occupation.

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

24. Any details pursuant to Condition 2 above shall include a scheme for the provision of on-site affordable housing (which meets the definition of affordable housing outlined in The Highland Council's Affordable Housing Supplementary Planning Guidance dated August 2008 (as amended, revoked or replaced; with or without modification)) as part of the development hereby approved has been submitted to, and approved in writing, by the Planning Authority. The scheme shall include:

- i. the numbers, type, tenure and location of the affordable housing provision to be made, which shall consist of not less than 100% of the total number of housing units proposed within the application site;
- ii. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii. the arrangements for the management of the affordable housing;
- iv. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Thereafter, the affordable housing shall be provided in accordance with the approved scheme.

Reason: To ensure that affordable housing is provided as part of the development, in order to reflect the need for the affordable housing within the area, alongside market housing, which has been established through the Council's Affordable Housing Supplementary Planning Guidance.

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.

INFORMATIVES

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.

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.

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

Signature:

Designation: Area Planning Manager North

Author: Graham Sharp

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

Relevant Plans:

- Plan 1 - Committee Location Plan
- Plan 2 - Location Plan - 485_PP_001 REV A
- Plan 3 - Site Layout Plan 485_PP_200 REV C
- Plan 4 - Site Plan – House Types 485_PP_201 REV C
- Plan 5 - Elevation Plan North - 485_PP_301 REV A
- Plan 6 - Section Plan BB - 485_PP_401 REV A
- Plan 7 - Landscaping Plan - 485_PP_202
- Plan 8 - Elevation Plan East - 485_PP_300
- Plan 9 - Section Plan AA - 485_PP_400

Appendix 2

	COMPLETE FOR LEGAL AGREEMENTS AND UPFRONT PAYMENTS				REQUIRED FOR LEGAL AGREEMENTS ONLY				
Type	Contribution	Rate (per house)	Rate (per flat)	Total Amount* ¹	Index Linked ¹	Base Date* ²	Payment Trigger* ³	Accounting Dates* ⁴	Clawback Period* ⁵
Schools²									
Primary – Build Costs	0	£0.00	£0.00	£0.00	BCIS	Q2 2018	TOC/CC	Apr/Oct	15 or 20
Primary – Land Costs	0	£0.00	£0.00	£0.00	BCIS	Q2 2018	TOC/CC	Apr/Oct	15 or 20
Secondary – Build Costs	0	£0.00	£0.00	£0.00	BCIS	Q2 2018	TOC/CC	Apr/Oct	15 or 20
Secondary – Land Costs	0	£0.00	£0.00	£0.00	No		TOC/CC	Apr/Oct	15 or 20
Community Facilities	£34,646	£1019	£1019	£34,646	BCIS	Q4 2023	TOC/CC	Apr/Oct	15 or 20
Affordable Housing									
On-site provision ³	X units. Insert details of unit size and timescale for delivery if agreed	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Off-site provision ⁴	X units. Insert details of location, unit size and timescale for delivery if agreed	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Commuted Sum ⁵	£0.00 per affordable unit not delivered on/off site. Insert expected timescale for payment - can be in installments	N/A	N/A	£0.00	N/A	N/A	Insert specific payment date	N/A	5 Years
Agreement for Delivery Needed	Y/N. If delivery for affordable housing has not yet been agreed, enter Y and specify the date/timescale that the scheme for delivery is to be submitted for approval	N/A	N/A	N/A	N/A	N/A	Insert date for submission to Planning Authority	N/A	N/A

¹ If the contribution is to be used towards infrastructure projects involving building e.g. new school, new cycle route etc BCIS ALL IN TENDER will be the index, if it doesn't involve building then another appropriate index may need to be chosen with the agreement of Team Leader

² Indicate whether or not 1 bed houses/flats are exempt

³ Indicate whether a penalty payment due for late delivery (and, if so, what it is based upon).

⁴ As above

⁵ Indicate whether a penalty payment is due for late payment of commuted sum (and, if so, what it is based upon)

Type	COMPLETE FOR LEGAL AGREEMENTS AND UPFRONT PAYMENTS				REQUIRED FOR LEGAL AGREEMENTS ONLY				
	Contribution	Rate (per house)	Rate (per flat)	Total Amount*1	Index Linked ¹	Base Date*2	Payment Trigger*3	Accounting Dates*4	Clawback Period*5
Transport									
Active Travel	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Safer Routes to Schools	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Public Realm	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Wayfinding	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Public Transport	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
School Transport	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Road Improvements	Portree Link Road	£0.00	£0.00	£0.00	BCIS	Q4 2024	TOC/CC	Apr/Oct	15 or 20
Parking	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
EV Charging	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Traffic Signals	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Lighting	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Road Traffic Orders	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Cumulative Transport Contributions	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Green Infrastructure									
Open Space	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Green Network	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Built/Natural Heritage	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Water and Waste									
Catchment Improvement Works	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Strategic Flood Scheme	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Maintenance of SuDs	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Off Street Waste Storage	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Recycling Point Provision	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Glass Banks	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
		£0.00	£0.00	£0.00					
Public Art	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Other (Please Specify)	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20

*1 Adjust total to take account of flat exemptions

*2 Base Date – Set out in Supplementary Guidance on Developer Contributions

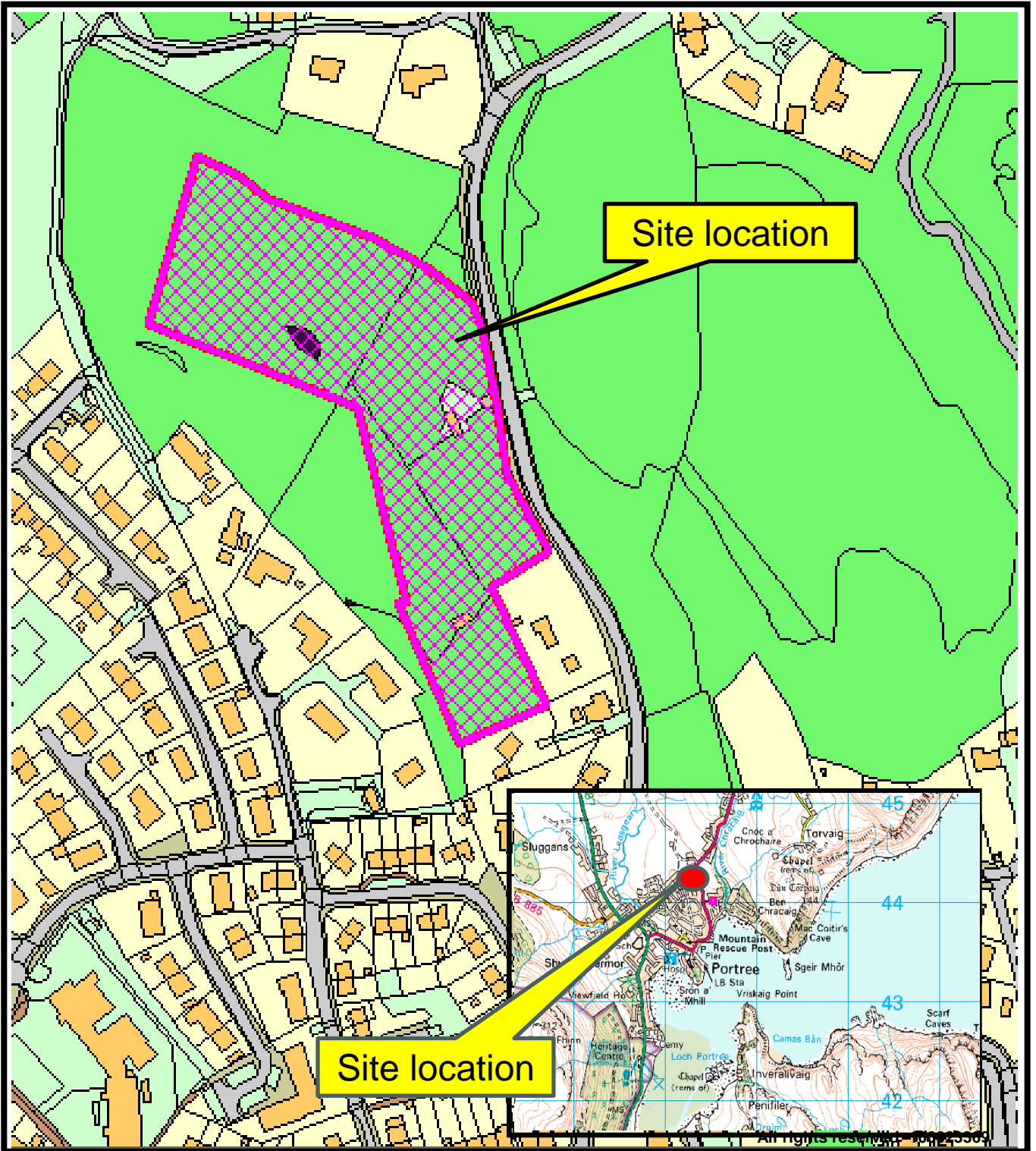
*3 TOC/CC – The earlier of the issue of either a temporary occupation certificate or a completion certificate – or specify alternative time if appropriate

*4 Accounting dates - 1 April and 1 October each year of development (if the contribution is to be paid on a basis other than related to units completed in the preceding 6 months (e.g. lump sum on a specific date) then indicate this instead of the Apr/Oct payment dates)

*5 Clawback – 15 years for Major development; 20 years for Local development

Other Legal Agreement requirements

Type	Details
Bond	1. Describe the purpose of the Bond
	2. Specify the amount to be secured
	3. Restriction on Bond provider
	4. Set the review date and mechanism for review
	5. Describe the call on circumstances
	6. Any other relevant details
Habitat Management Plan	1. Describe what the Plan is to cover
	2. Describe the area the Plan is to cover (and provide a plan)
	3. Set the timetable for submission of the Plan
	4. Set the timescale for implementation of the Plan
	5. Describe requirements to consult third parties
	6. Specify the financial contribution (if any)
	7. Specify the clawback period (if any)
	8. Any other relevant details
Road Survey	1. Specify the timescale for the initial survey
	2. Describe which roads are to be surveyed (provide a plan)
	3. Specify an interim survey date (if required)
	4. Specify the final survey requirements and timescale
	5. Any other relevant details
Land and Asset Transfer	1. Describe the area of land / asset to be transferred (provide a plan)
	2. Describe the use of the land / asset
	3. Specify the cost of transfer
	4. Any other relevant details



Development & Infrastructure Service

23/05538/PIP

Erection of 34no. residential units and supporting infrastructure

**Land 70M South Of Lone Tree, Staffin Road
Portree**

December 2024