



23/00413/PPD – DEMOLISH EXISTING RUINS AND ERECT 3 NO. CHALETs, UTILITY SHED, PARKING AND DRAINAGE AT GARRYGALL, ISLE OF BARRA

Report by Depute Chief Executive

PURPOSE

- 1.1 Since the planning application has received more than six representations, which are considered by the Appointed Officer to be valid and raising material planning considerations, the application cannot be determined under delegation and is presented for decision.

EXECUTIVE SUMMARY

- 2.1 This Report relates to an application for the siting of three chalet units (which are designed to meet the definition of a caravan in planning terms), for use as short-term let tourist accommodation, together with a utility shed, an access road, and parking provision. A seating area and footpaths connecting this area to the individual chalet units are also indicated within the site, together with a bin storage area close to the entrance to the site.
- 2.2 In addition, a 12-person sewage treatment plant is proposed to serve the development. An existing septic tank serving the adjacent dwelling is located towards the north boundary of the site. Revised details have been submitted to indicate its location, which is capable of retention within the proposed layout, although a proposed new septic tank to serve the neighbouring property is also indicated, as an alternative to the existing provision.
- 2.3 The application site is within the township of Garrygall. This part of Garrygall is accessed through the established rural settlement of Brevig. The site is set back a short distance from the Brevig township road and is located to the north of an existing dwelling. The site is not within crofting tenure and is separated from this neighbouring dwelling by a strip of land that forms an access to an area of common grazing. To the south of the site, there is a small group of dwellings, which are accessed off and clustered around the end of the public road. The site is set back a short distance from the coast, which lies to the east.
- 2.4 The location is characterised as Dispersed Crofting in NatureScot's Landscape Character Assessment 2019. The site is mapped as a combination of mineral soil and Class 5 Carbon and Peatland. The site is located outwith any environmental designated areas. The nearest designated sites are some significant distance away to the southwest and northeast of the site, such that it is considered the development proposed would have no likely significant effects on the sites, or their qualifying or natural features. The site is outside an area identified as at risk of flooding on the SEPA Flood Maps.
- 2.5 At the time of writing, 22 individuals and the Community Council had submitted representations in relation to the application. The representations raised a large number of concerns about or objections to the proposed development.
- 2.6 The Comhairle is required to determine planning applications in accordance with the provisions of the statutory Development Plan, comprising the Outer Hebrides Local Development Plan 2018 (OHLDP) and National Planning Framework 4 (NPF4), unless material planning considerations indicate otherwise. Material considerations have been given due consideration and none individually or collectively indicate that a decision should be taken other than in accordance with the Development Plan.

- 2.7 The assessment against the Development Plan has concluded that the development would make a positive contribution towards the provision of tourism and holiday accommodation, whilst not unacceptably detracting from the established wider landscape character of the local area or neighbouring amenity. Subject to the control of external lighting and restrictions to limit the life of the permission and limit the use to the design of units specified, it is considered that the longer-term visual impact of the proposal would remain acceptable. A restriction on the timing of construction operations would satisfactorily protect nesting birds. If otter, a European Protected Species, is found to be present in or around the site (by a survey awaited at the time of writing), any adverse impacts can be secured through the use of condition to secure appropriate mitigation measures. Details of surface water drainage for the site can be secured to prevent flooding and the approval of hard landscaping details for the site, including the routes of the footpaths within the site, would protect the adjacent watercourse. Adequate space can be provided within the site for the parking and turning of vehicles and the existing means of access is considered appropriate.
- 2.8 As a result, overall, subject to the awaited otter survey confirming that any identified impacts can be managed by conditions, the assessment concludes the development is acceptable and, for the reasons set out in this Report, would result in economic and social benefits to the area, with the identified potential environmental impacts capable of satisfactory mitigation. Subject to concluding on the otter survey outcome, the proposed development is considered to accord with the Development Plan and no material considerations are considered to exist which would justify a decision other than in accordance with the Development Plan.

RECOMMENDATION

- 3.1 It is recommended that if, following the outcome of a survey on otter (a European Protected Species) (awaited at the time of writing), any potential adverse effect on otter can be mitigated by condition, the planning application be **APPROVED** subject to the conditions set out in Appendix 1 to this Report with any additional otter mitigation condition deemed necessary.

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Appendix 1: Schedule of Proposed Conditions
Appendix 2: Plans
Background Papers: None

IMPLICATIONS

- 4.1 The following implications are applicable in terms of the Report.

Resource Implications	Implications/None
Financial	None
Legal	None
Staffing	None
Assets and Property	None
Strategic Implications	Implications/None
Risk	None
Equalities	None
Corporate Strategy	None
Environmental Impact	None
Consultation	None

BACKGROUND

Application

- 5.1 Pre-application discussion took place in relation to this application between the applicant and the Planning Service, prior to the submission of the application. This raised concerns about the density of development proposed, with three units indicated on a smaller site than the current application site. Subsequently, the proposed site area was enlarged and forms the basis of the current application.
- 5.2 The current planning application was registered as valid on 26 October 2023. Following revisions made to the proposal, to the site layout and the height of the proposed chalet units, the application was re-publicised and further consultations sent. A subsequent correction was made to the revised details, to amend an inadvertent change made to the access arrangements for the site.

SITE CONTEXT AND PROPOSAL

Description of site and its context

- 6.1 The application site extends to approximately 0.2ha and is within the township of Garrygall. This part of Garrygall is accessed through the established rural settlement of Brevig. The site is within a reasonable distance to Castlebay, which is some 2.5 miles away and contains a range of local services and facilities.
- 6.2 The site is set back a short distance from the Brevig township road, which runs southwest from its junction with the main circular A888 road to the north. The site is located to the north of an existing dwelling and is separated from this by a strip of land that forms an access to an area of common grazing situated to the west of the application site. To the south of the site, there is a small group of dwellings, which are accessed off and clustered around the end of the public road. The site is set back a short distance from the coast, which lies to the east.
- 6.3 The site is not within crofting tenure. The location is characterised as Dispersed Crofting in NatureScot's Landscape Character Assessment 2019. The site is mapped as a combination of mineral soil and Class 5 Carbon and Peatland. The site is located outwith any environmental designated areas. The nearest designated sites are some significant distance away to the southwest and northeast of the site, such that it is considered the development proposed would have no likely significant effects on the sites, or their qualifying or natural features. The site is outside an area identified as at risk of flooding on the SEPA Flood Maps.

Description of development

- 6.4 The application seeks permission for the siting of three chalet units (which are designed to meet the definition of a caravan in planning terms), for use as short-term let tourist accommodation, together with a utility shed, an access road, and parking provision. A seating area and footpaths connecting this area to the individual chalet units are also indicated within the site, together with a bin storage area close to the entrance to the site.
- 6.5 The individual chalet units would be approximately 9m in length by 4m in width and would have a monopitch roof, which would be just under 3m in height at its lowest point and some 3.7m in height at its tallest. The chalet units are proposed to be clad with vertical board over board timber, stained or painted grey, with grey metal profile sheeting, incorporating a photovoltaic solar array. The doors and windows would be uPVC in anthracite. The chalet units would sit on timber bearers on concrete pads.
- 6.6 In addition, a 12-person sewage treatment plant is proposed to serve the development. An existing septic tank serving the adjacent dwelling is located towards the north boundary of the site. Revised details have been submitted to indicate its location, which is capable of retention within the proposed layout, although a proposed new septic tank to serve the neighbouring property is also indicated, as an alternative to the existing provision.

- 6.7 The application was accompanied by a number of plans and drawings (attached as Appendix 2 to this Report).

LEGISLATIVE CONTEXT

- 7.1 The Town and Country Planning (Scotland) Act 1997 (the Act) is the principal legislation. Sections 25 and 37(2) of the Act require that planning decisions be made in accordance with the Development Plan unless material considerations indicate otherwise. The weight to be attached to any relevant material consideration is for the judgment of the decision-maker. Two main tests are used when deciding whether a consideration is material and relevant:

- It should serve or be related to the purpose of planning. This means it should relate to the development and use of land.
- It should fairly and reasonably relate to the particular application being determined.

- 7.2 This Report sets out an assessment against the policies and provisions of the Development Plan and has regard to all relevant material planning considerations, to inform a conclusion and recommendation as to the determination.

- 7.3 In terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, the class and scale of development is such that it falls within the classification of a 'Local Development'.

PLANNING HISTORY

- 8.1 There have been no recent planning applications on the site.
- 8.2 The application is not within a 'sensitive area' as defined in the Regulations and the site area falls below the one-hectare size threshold, as specified in Schedule 2, Section 12 Tourism and Leisure (e) Permanent camp sites and caravan sites. It was therefore not necessary to be screened under Regulation 11 of the Environmental Impact Assessment (Scotland) Regulations 2017 (the EIA Regulations).

CONSULTATION ADVICE

- 9.1 Statutory consultation was undertaken as required by Regulations. The detailed responses of statutory and other consultation bodies are summarised as follows.

- **Scottish Water**
No objection. Advice provided on water and waste water availability and capacity and surface water drainage.
- **Building Standards**
Suitable access for sewage treatment plant servicing vehicles must be provided to within 25.0m of the sewage treatment tank, and able to support an axle loading of 14 tonnes. All parts of the drainage system, including any soakaway, must be at least 5.0m from a boundary and 10.0m from coastal waters or road, to comply with 3.9.4. Percolation test results must be provided. Ensure the new septic tank (2800l) specified for dwelling No 37 is suitable. A Building Warrant will be required.
- **Roads and Streetlighting**
None to date.

- **Comhairle Environmental Health Section**

None to date.

PUBLIC PARTICIPATION

- 10.1 The planning application was advertised for public comment in the public notices section of the Guth Bharraidh dated 3 November 2023. The cyber incident took place before the completion of the period for public comments. As a result, the application was readvertised on 12 January 2024, with a further period of 14 days for comment. Following revisions made to the scheme, the application was advertised again on 11 April 2024, with a further 14-day period for public comment.
- 10.2 There are three notifiable neighbours in relation to this planning application, who received individual notification in relation to the proposal. Following revisions to the applications, these neighbours were re-notified on 04 April 2024, with a period of 21 days to submit comments.
- 10.3 Several representations were received in relation to the application. At the time of writing this Report, 22 individuals and the Community Council had submitted comments, all of which objected to the proposal.
- 10.4 The main issues raised by those commenting can be summarised as follows:
 - Impact of the development on the character and appearance of the township and the wider area
 - Scale of development proposed
 - Demolition and loss of ruins
 - Impact on cultural heritage
 - Use of croft land
 - Impact on access to crofts
 - Need
 - Preference for an alternative type of development (dwellings)
 - Relocation of existing septic tank
 - Impact on existing septic tank
 - Impact on and proximity to watercourse (Allt Alasdair)
 - Feasibility of sewage infrastructure
 - Impact on otter, bats, and birds, including nesting Snipe and Corncrake
 - Impact on habitat biodiversity, including orchids, and coastal wetlands
 - Likely limited lifespan of structures
 - Impact on neighbouring living conditions and amenity, including privacy
 - Impact on road safety, bridge condition and local road network, including construction impacts
 - Increase in noise and disturbance, light spillage, and pollution
 - Concerns over remote site management
 - Sustainability of the development
 - Limited local benefits
 - Potential for antisocial behaviour and crime
 - Construction impacts
 - Flood risk
 - Compromise to the potential development of adjacent sites
- 10.5 These issues will be considered in the assessment below, along with the applicant's response to the concerns raised.

POLICY CONTEXT

The Development Plan

- 11.1 In Scotland, the planning system is 'plan-led' and sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (the Act) require that planning decisions be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 11.2 Following the enactment of a provision of the Planning (Scotland) Act 2019 on 13 February 2023, the statutory Development Plan for the administrative area of Comhairle nan Eilean Siar is comprised of National Planning Framework 4 (NPF4) (2023) and the Outer Hebrides Local Development Plan (LDP) 2018 and its Supplementary Guidance (SG).
- 11.3 NPF4 comprises the 'National Spatial Strategy for Scotland' up to 2045 and also provides the Scottish Government's updated statement of National Planning Policy. The OHLDP sets out the strategic land use policy and provides the local framework to develop and sustain the communities of the Outer Hebrides. Section 24(3) of the Act provides that in the event of any incompatibility between a provision of NPF4 and a provision of the LDP that whichever of them is the later in date, is to prevail.
- 11.4 The Development Plan policies with particular relevance to the application are:

NPF4:

- Policy 1 - Tackling the climate and nature crises
- Policy 2 - Climate mitigation and adaptation
- Policy 3 - Biodiversity
- Policy 4 - Natural places
- Policy 7 - Historic assets and places
- Policy 9 - Brownfield, vacant and derelict land and empty buildings
- Policy 22 - Flood risk and water management
- Policy 29 - Rural development
- Policy 30 - Tourism

OHLDP:

- Policy DS1 - Development Strategy – Rural Settlement
- Policy ED3 - Caravans Huts and Temporary Buildings
- Policy NBH1 - Landscape
- Policy PD1 - Placemaking and Design
- Policy PD6 - Compatibility of Neighbouring Uses
- Policy NBH2 - Natural Heritage
- Policy NBH4 - Built Heritage
- Policy EI1 - Flooding
- Policy PD2 – Car Parking and Roads Layout
- Policy EI2 - Water and Waste Water
- Policy EI3 – Water Environment
- Policy EI4 - Waste Management

Supplementary Guidance:

- SG – Caravans, Huts and Temporary Buildings

PLANNING ASSESSMENT

Main issues

Principle of development

- 12.1 The application site is located within an established rural settlement. Policy DS1 indicates the principal objective for these areas is to accommodate development to meet sustainable growth for local needs,

including tourism. Economic development proposals that are of an appropriate scale and that do not threaten residential amenity will be supported. The siting and design should be appropriate to the established rural character and settlement pattern of the area.

- 12.2 Local and national planning policies are generally supportive of local tourism development, subject to an assessment of likely impacts, which is undertaken below. Policy ED3 requires proposals for caravans, or pods/chalets that meet the definition of a caravan in planning terms, to comply with the policies within the SG on Caravans, Huts and Temporary Buildings. The SG confirms that the aim of the policy in relation to holiday caravans is to facilitate growth in this sector through sensitive and unobtrusive development without compromise to the amenity and environment of the islands. It also confirms that, if approved, consents would be time limited.
- 12.3 The overall extent of development would be relatively modest, with three chalets (satisfying the legal definition of a caravan) proposed for use as tourist accommodation, which would expand the existing tourism offer within the local area. The occupiers of the proposed units would be very likely to make use of local services and facilities during their visits. As such, it is considered that the proposal would be likely to have local social and economic benefits. Given the nature and overall scale of the development proposed, the scale of these benefits is likely to be relatively limited. However, it would provide some support for local employment and also contribute to the viability, sustainability, and diversity of the rural community.
- 12.4 The site is not located on croft land. The site is separated from the dwelling to the south (No 37) by an unsurfaced access to an area of common grazing to the west of the site. The application proposals would retain this access and the development also proposes a realignment of the existing fence line within this area, to provide a minimum width of 4m for the length of the access route.
- 12.5 In response to concerns raised, the financial viability of the development, and whether or not there is a need for further tourism accommodation within the area, is largely a commercial matter for the developer. National and local planning policies for this type of development do not require an assessment of need to be undertaken.
- 12.6 The ownership of the site and the location of the applicant company are not considered to carry significant weight in the assessment of the planning merits of the proposal. Planning permission generally runs with the land, rather than the applicant. Moreover, the planning process primarily considers the impact of the development and use of land, irrespective of the landowner or developer.
- 12.7 Concerns have also been raised that the development proposed could preclude or adversely affect the potential development of adjacent land. However, there are no proposals for nearby sites currently before the Planning Authority for consideration. Furthermore, each proposal would be assessed on its planning merits, within the policy context at the time of determination.
- 12.8 Preference has also been expressed for the potential development of the site for housing, as an alternative to the current proposal. However, the Planning Authority is required to assess the development proposal as submitted. There is no policy requirement to consider possible alternative uses of the land. As such, it is considered that the consideration of possible alternatives should not be a decisive matter in the assessment of the development proposal submitted.

Character and appearance

- 12.9 The site is located within an area identified as 'Dispersed Crofting' in the NatureScot Landscape Character Assessment 2019. These townships are found in coastal locations and are distinguished from the Linear Crofting Landscape Character Type, due to its more varied landform and non-linear field patterns. The identified Key Characteristics of this landscape type are: short, even slopes interspersed between rocky knock and boulder outcrops; small and intimate landscape scale; strong, simple relationship between crofting townships and the sea; dispersed settlement pattern, with occasional

groups focussed around harbours and sheltered glens; combination of landform variation and coastal location of townships create a landscape with a high level of natural diversity in a relatively small area; and absence of woodland and trees.

- 12.10 The wider area is predominantly agricultural in character. Existing development mainly consists of individual dwellings, set within parcels of croftland and largely undeveloped grazing land or open moorland. The application site is located at the far end of the Brevig township road. This area, beyond Allt Alasdair, is part of Garrygall township and there is a small cluster of dwellings loosely grouped around the end of the public road, set within or against the backdrop of the surrounding hillside.
- 12.11 Most of the dwellings close to the site are single storey in scale or have rooms in the roof space. There are expansive views to the adjacent coast to the east, as well as inland, to the north. Although the existing dwellings are quite widely spaced, due to their setting, topography and the clustered pattern of development, they have an intimate scale within the wider landscape and can be perceived as a close-knit small group of properties.
- 12.12 The application site is located to immediately to the south of Allt Alasdair, on ground that rises up to the south, away from the watercourse. The submitted site plan indicates that the ground level changes from approximately 7m AOD in the north-east of the site, to some 13m AOD in the south-west of the site. The neighbouring dwelling to the south, No. 37, is sited on ground that is about 14m AOD. The proposed site layout would reflect this existing topography, with the hardstandings for the proposed chalets located between roughly 8m AOD (to the east) and 11m AOD (to the west).
- 12.13 In addition, the layout of the proposed access road within the site is curved, with it proposed to meander through the site, initially down the slope from the site entrance, before turning to travel up the slope between the first and second chalet units. It would then roughly follow the line of the 11.5m contour towards the west of the site and the third chalet unit. The proposed seating area would be located at a slightly lower level than the third chalet unit, at some 10m AOD, broadly in line with that of the second unit.
- 12.14 It is considered that this approach to the proposed site layout would work well with the existing topography and contours of the site. It would result in a more informal layout, which would be more appropriate to this sloping site on the edge of the settlement, than a more rigid pattern of development. Moreover, the siting of the chalet units would provide for a relatively generous spacing between them and the units would vary in their orientation. As such, the overall character of the proposed development would reflect that of the existing pattern of development within the settlement.
- 12.15 The chalet units would not be excessive in size and would be predominantly seen against a backdrop of the existing development within the small settlement. The overall height of the chalet units has been reduced marginally since the original submission and, at a maximum external height of 3.7m, it is considered that the structures would not be visually dominant. Although the proposed chalet units would have a somewhat functional form, this is often characteristic of caravans and other types of units that meet the definition of a caravan, such as chalets or pods. Moreover, the use of timber cladding would soften their appearance, such that they would not be unacceptably obtrusive or appear out of place.

Cultural and natural heritage

- 12.16 The existing site contains the ruined remains of a number of former buildings. Several comments made on the application have expressed concern at the loss of these former dwellings, with some of those recalling time spent living in or visiting the properties. Whilst these former buildings are clearly valued by several people for their social and cultural heritage, they are in a very poor condition, with only the walls remaining. Given their current condition, in relation to planning policy, they would not be considered as existing buildings suitable for conversion to another use. They are not within a

Conservation Area and are not listed. As such, in planning terms, their demolition would not be considered unacceptable. It would also enable the reuse of a previously developed site.

- 12.17 The application site is not within a designated environmental area. A number of representations have made reference to the possible use of the site by otter. Otter is a European Protected Species (EPS), with a licence required from NatureScot for any activity that has the potential to disturb a protected species. Whilst there was no apparent evidence of a holt noted within the site during the site visit, given the proximity of the site to a watercourse, it is recognised that transient use by otter may occur.
- 12.18 Otters are locally common around the coast of the Outer Hebrides and are highly mobile, typically with extensive ranges and more than one holt (resting place). They come ashore to bathe in fresh water, eat, rest and nest. It is considered fairly likely that otters are present in and around the application site and therefore an absence/presence survey has been requested and the results awaited at the time of writing this Report. At the time of writing, this has yet to be received.
- 12.19 Taking into account the relatively limited amount of operational development (construction or engineering works) that would be required in relation to the proposal, and the location of the site adjacent to existing residential development, it is considered that the proposed development is unlikely to result in disturbance to otter, although there may be some risk of displacement during the construction phase. The risk of adverse impact can generally be managed by condition, typically requiring a species protection plan, identifying specific mitigation measures.
- 12.20 As such, the recommendation seeks delegated authority to determine the application subject to any mitigation measures recommended within the survey, which would be secured by condition. Any risks of disturbance to an EPS necessitate the developer securing an EPS licence. These licenses are only issued (by NatureScot) if strict tests are met. The grant of a planning permission would not over-ride the requirement to obtain or meet the terms of any EPS licence.
- 12.21 There is also representation on the presence of wild birds, specifically corncrake. All wild birds and their nests are also protected by the Wildlife and Countryside Act 1981 (as amended) (the 1981 Act). While wild birds may be present, the habitat here is not typical of the habitat of corncrake, and protection is existing under the 1981 Act. An informative can be included within any decision notice, drawing attention to obligations under the 1981 Act to ensure the developer takes appropriate measures to avoid disturbance should any construction work be carried out during the bird breeding season.
- 12.22 Given the scale and nature of the proposal, it is considered that it would not conflict with national and international aims in relation to the global climate and nature crises. The need to enhance biodiversity can be highlighted by the use of an informative. Furthermore, whilst the use would be likely to result in some additional use of energy, the extent of this would be relatively limited. Consequently, the impact of the proposal on greenhouse gas emissions is not considered unacceptable in this instance.

Neighbouring living conditions and amenity

- 12.23 The closest chalet unit to the neighbouring dwelling at No.37 would be the second, or middle, unit. This chalet would be some 19m from the neighbouring property, at its closest point. The orientation of the chalet units is designed to maximise the views to the coast and to Heabhal. The main outlook of the neighbouring property is east, towards the coast. There is also planting along the boundary, that appears to be within the boundary of the neighbouring property. However, it is recognised that planting, by its nature, is not a permanent form of screening. Given the separation distances, the respective land levels and orientation of the proposed units to neighbouring properties, it is considered that the proposed development would not have an unacceptable or adverse impact on the privacy or outlook of neighbouring occupiers.

- 12.24 There is likely to be some change in the level of noise generated from the site, given its current grazing use. It is also recognised that the nature of short-term residential use of properties used for holiday accommodation may be different to how permanent dwellings are used. However, although each unit is proposed to accommodate a small porch area, the main seating area proposed to serve the development would be located towards the north-west of the site, at a lower level and further from neighbouring properties. Taking this into account, together with the nature of the use proposed, the small number of chalet units proposed and their intended size (which would each be capable of accommodating 4 people), it is considered that the level of noise and disturbance likely to be generated is unlikely to be unacceptable.
- 12.25 Taking into account the largely rural nature of the site, it is considered that inappropriate external lighting would have the potential to result in unacceptable levels of light spillage and pollution. Accordingly, it is recommended that details of external lighting are conditioned. Given the relatively limited works required on site for the development, it is considered unlikely that the construction phase of the proposal would result in harmful impacts to the amenity of neighbouring occupiers. However, issues of this nature, including potential nuisance from noise or dust, are matters that can be addressed by Comhairle Environmental Health under the relevant nuisance legislation.
- 12.26 Similarly, as a caravan site, a site licence would be required. This would consider detailed matters of the operation of the site, including its management practices. Matters such as anti-social behaviour or crime are issues that would be considered under separate mechanisms outwith the planning process, by Police Scotland.

Roads

- 12.27 The application would be served by an existing public road. The amount of traffic reasonably likely to be generated by the use of three units of holiday accommodation would be relatively limited and very likely to comprise cars and other light vehicles. Two parking spaces have been proposed to serve each four-bed unit (each with one double bed and one set of single bunk beds).
- 12.28 Having regard to the level and type of accommodation proposed and taking into account the nature and configuration of the public road, a development of this scale is considered very unlikely to result in significant levels of congestion. Furthermore, it is also considered that any significant structural impacts on the existing bridge, which forms part of the public road, would also be unlikely.
- 12.29 Space would be provided within the site for the turning of vehicles and for parking. Having regard to the parking requirements set out in the SG, these details are considered appropriate to serve a development of this nature in this location. As such, it is considered that the proposal would be unlikely to result in unacceptable inconvenience to other road users and that road safety would be unlikely to be materially affected by the development.

Water, waste water and waste management

- 12.30 The units would be connected to the public water supply and a new 12-person septic tank is proposed to serve the development, the details of which would be a matter for the Building Warrant application process.
- 12.31 An existing septic tank serving the adjacent dwelling is located towards the north boundary of the site. Revised details have been submitted to indicate its location, which is capable of retention within the proposed layout. A proposed new septic tank to serve the neighbouring property is also indicated, as an alternative to the existing provision. It is understood that the neighbouring occupier does not wish to relocate the septic tank to the revised position. This is a matter between the parties concerned.
- 12.32 Concerns have been raised about the impact of the proposed development on the operation of the existing septic tank, including the proposed construction of the site access road and a hardstanding for one of the proposed chalet units across the drainage run from the neighbouring dwelling to the existing

septic tank. This is largely a matter for the Building Warrant application process. Furthermore, whilst this arrangement may have long-term practical implications for the developer, it is not considered to represent a robust reason to refuse the proposal in planning terms, as sufficient space exists within the application site to relocate the drain, if necessary.

- 12.33 In terms of the impact of the proposed development on Allt Alasdair, at its closest point, the submitted details indicate that the existing fence line is some 3m from the watercourse. Although the application site follows this existing fence line in this part of the site, the proposed new access road and hardstanding areas would be set further up the slope and notably further from the watercourse, at a distance of some 7m at the closest point. This is beyond the minimum 6m separation buffer required by OHLDP Policy E13.
- 12.34 However, the path from the proposed first chalet to the seating area would be within the 6m buffer zone. It is therefore recommended that the line of this path is varied, to ensure that it remains at least 6m from the watercourse, to prevent pollution. It is therefore recommended that this matter is secured by a landscaping condition, requiring the routes of the footpaths and the precise location of the seating area, to be approved.
- 12.35 The application site is not located on land identified as at risk of flooding on the SEPA Flood Maps. However, as the site is situated on the slope of a hill and would result in an increase in hard surfaced areas within the site, it is considered appropriate to require details of the surface water drainage provision to be approved and to specify the use of porous surfacing materials for the access drive and parking areas, within any paved areas laid to allow drainage between the paving.
- 12.36 Sufficient space exists within the site for the provision of refuse and recycling storage facilities.

Other matters

- 12.37 To meet the requirements of Policy ED3 and the SG, it would be necessary to restrict the use for holiday let to a maximum of 28 days in one occupation, with no return within 28 days, and to limit the length of the consent. Having regard to the specification details provided, it is considered that the higher limit of 10 years would be reasonable.

REASONED CONCLUSION

- 13.1 Planning Authorities are required to determine planning applications in accordance with the Development Plan unless material planning considerations indicate otherwise. An assessment has been carried out against the provisions of the OHLDP and the relevant policies of NPF4 and consideration has been given to all relevant material planning considerations.
- 13.2 It is considered that the development would make a positive contribution towards the provision of tourism and holiday accommodation, whilst not unacceptably detracting from the established wider landscape character of the local area or neighbouring amenity. Subject to the control of external lighting and restrictions to limit the life of the permission and limit the use to the design specified, it is considered that the longer-term visual impact of the proposal would remain acceptable. The protection of otters, if present, is likely to be such that any impacts can be secured through the use of appropriate mitigation measures, as identified in the otter survey (awaited at the time of writing this Report). Details of surface water drainage for the site can be secured to prevent flooding and the approval of hard landscaping details for the site, including the routes of the footpaths within the site, would protect the adjacent watercourse. Adequate space can be provided within the site for the parking and turning of vehicles and the existing means of access is considered appropriate.
- 13.3 As a result, overall, it is concluded that the development is acceptable and, for the reasons set out above, would result in economic and social benefits to the area, with the identified potential environmental impacts capable of satisfactory mitigation. The proposed development accords with

the National Planning Framework 4 and Outer Hebrides Local Development Plan 2018 as a whole and, in particular, with Policies 1, 2, 3, 4, 7, 9, 22, 29, 30, DS1, ED3, PD1, PD2, NBH1, NBH2, NBH4, EI1, EI2, EI3, EI4, and the Supplementary Guidance on Caravans, Huts and Temporary Buildings 2021. No material considerations exist which would justify a decision other than in accordance with the Development Plan.

RECOMMENDATION

- 14.1 It is recommended that if, following the outcome of a survey on otter (a European Protected Species) (awaited at the time of writing), any potential adverse effect on otter can be mitigated by condition, the planning application be approved subject to the conditions set out in Appendix 1 to this Report with any additional otter mitigation condition deemed necessary.