



**24/00263/PPP – PLANNING PERMISSION IN PRINCIPLE TO ERECT SINGLE BEDROOM PROPERTIES (14 No) WITHIN 2/3 BUILDINGS AND CREATE ASSOCIATED ACCESS AND PARKING, EAST TARBERT, ISLE OF HARRIS**

Report by Chief Planning Officer

**PURPOSE**

- 1.1 The planning application has been subject to more than six representations and therefore in accordance with the Scheme of Delegation is referred to the Planning Applications Board for a decision.

**EXECUTIVE SUMMARY**

- 2.1 This Report relates to a planning application for planning permission in principle for the erection of single bedroom properties (14 No) within a configuration of 2/3 buildings and to create access and parking at East Tarbert, Isle of Harris.
- 2.2 The application site extends to 0.27 ha (0.67ac) and is located on the easterly edge of Tarbert, Isle of Harris, beyond Sunnyhill and before the Comhairle Roads Depot, Urgha. The site would be accessed from an existing access serving three workshop units developed about 10 years ago, that access coming off the Tarbert to Kyles Scalpay road. The site straddles the prominent hills and mountains landscape character type (LCT) and the Linear Crofting LCT. The site is within the South Lewis, Harris and North Uist National Scenic Area (NSA).
- 2.3 The site lies to the rear of these three modern workshop units with the proposed access to the site to be taken between the central and most westerly unit. Tarbert is classed as a Main Settlement in the Comhairle Development Strategy and the boundary of same is mapped. The site lies outwith but shares its southern boundary with the mapped area of the main settlement of Tarbert. The land is agricultural/rough grazing land and in common with much of the undeveloped land around Tarbert comprises outcrops of rock, shelves of bedrock, interspersed with shallow pockets of peat and soil. Vegetation cover is rough/rank grasses and heather.
- 2.4 Eleven representations against the proposed development have been received. Consultees have made comments and offered advice, but none have raised an objection.
- 2.5 The application is for Planning Permission in Principle (PPP). The purpose of such an application is to establish whether the principle of developing a piece of land is acceptable. A further application(s) for the Approval of Matters Specified in Conditions (AMSC) is then required to confirm the final details of the development. This type of application allows a proposal to be assessed without having to give the details of the layout, design or finish of any buildings.
- 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.
- 2.7 The approved 2023 – 2042 Outer Hebrides Housing Need and Demand Assessment (HNDA) evidences that there is a demonstratable need for housing in Tarbert and Harris more generally. There are challenges associated with identifying suitable land. An assessment against the Development Plan has found that although outwith the mapped settlement boundary of Tarbert, the proposed development appropriately managed would not compromise the settlement pattern of Tarbert and its immediately

surrounding rural context. Further, it would not significantly harm existing residential neighbour amenity.

- 2.8 However, if permitted, residential use would restrict any future use of the workshop units to Use Classes 4 (business and light industrial) and 6 (storage) and to 'residential compatible' sui generis uses. It is also acknowledged that the access point to the site lies 270m to the east of the established social housing development at Sunnyhill where the public footpath currently terminates; if a footpath link is deemed essential this could be challenging to achieve.
- 2.9 Despite this, subject to an acceptable submission at AMSC stage to address the relevant development policies relating to access arrangements, parking, road safety, off-street parking, drainage, housing, landscape and the siting, scale and appearance of the buildings being of a quality to not compromise the special qualities of National Scenic Area (NSA) the site should be capable of being developed for the proposed use.
- 2.10 The assessment and recommendation for approval is a balanced one, having had regard to the Development Plan and to all material considerations.
- 2.11 Achieving a development on the site will be reliant upon satisfactory details at the AMSC/full planning stage to demonstrate compliance with the Development Plan, having had regard to all material considerations including relevant planning matters raised in representation.

## RECOMMENDATION

- 3.1 It is recommended that the planning application be **APPROVED** subject to the conditions set out in Appendix 1 to this Report.

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Appendix 1 Schedule of Proposed Conditions  
Appendix 2 Plans and Supporting Information  
Appendix 3 Representations  
Appendix 4 Consultation Responses  
Appendix 5 Site Photographs  
Appendix 6 Applicant response to representations  
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 This Report relates to the proposed development of the site for the erection of single bedroom properties (14 No) configured within 2/3 buildings and to create access and parking at a site at East Tarbert, Isle of Harris.
- 5.2 The planning application is an application in principle and was registered as valid on 15 July 2024. The planning application was advertised for public comment in the public notices section of the Stornoway Gazette on 25 July 2024. Neighbours were notified on 17 July 2024 and given 21 days to make representations. Consultations were issued to NatureScot, Scottish Water and Scottish and Southern Electricity Networks and to the Comhairle Roads, Building Standards, and Environmental Health Services.

## **SITE CONTEXT AND PROPOSAL**

### **Description of site and its context**

- 6.1 The application site extends to 0.27 ha (0.67ac). The site is on the edge of the settlement of Tarbert, Isle of Harris and would be accessed from the Tarbert to Kyles Scalpay Road when heading in an easterly direction when leaving Tarbert. The site lies to the rear of three modern business unit buildings located on the east side of Tarbert (approved by planning permission ref 11/00581/PPD) and access to the site is proposed to be taken between the central and most westerly workshop unit.
- 6.2 The site straddles the prominent hills and mountains landscape character type and the Linear Crofting landscape character type. The site is within the South Lewis, Harris and North Uist National Scenic Area (NSA).
- 6.3 There are no existing buildings within the site and the site is currently grazing land (agricultural land) owned by North Harris Trust and under Crofting common grazings 'tenancy'.
- 6.4 The site comprises predominantly hard rocky ground, with numerous outcrops of rock with shallow pockets of peat and soil, with a ground cover of rough/rank grasses and heather. The land is uneven and begins to incline almost immediately towards a ridge to the rear of the site. There is a high voltage overhead line crossing a portion of the site.

### **Description of development**

- 6.5 The application is for planning permission and seeks permission to erect single bedroom properties (14 No) within 2/3 buildings and to create associated access and parking.
- 6.6 The application is for planning permission in principle only and no details of the design of the proposed buildings, parking or how it would be integrated with the site topography have been submitted at this time.
- 6.7 The application is accompanied by plans and supplementary information which describes, more fully, the development concept (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 previous planning applications on the application site. In 2012 Planning Permission 11/00581/PPD was granted on adjoining land for the Construction of 3 workshop units, formation of new road access and provision of car parking spaces and associated landscape works. The workshop development was undertaken and is now established on land immediately to the south of the application site.

## **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**

Scottish Water has no objection to this planning application.

This proposed development is within the Tarbert W Isles Water Treatment Works catchment. To allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry.

According to our records there is no public waste water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options.

- **Building Standards Section**

There was no response from this consultee.

- **Comhairle Roads Section**

The proposed access will branch off from the workshop units at Iomairt an Obain which currently operates with a one-way system.

The access to the site should be double width with a footpath and streetlamps. Standard access conditions would apply relating to road drainage, road safety and surfacing.

According to the local development plan there should be parking provision for 2 cars per house within a housing development, flats require 1.5 spaces. The site layout should also contain a turning area suitable for a 10m refuse vehicle.

From the submitted plans it's unclear at this stage if the proposed road could be considered for road adoption following a Road Construction Consent application.

The development is within walking distance from Tarbert but the nearest footpath is located at Sunnyhill. A project of this nature must consider some footpath provision for pedestrians.

- **Scottish and Southern Electricity Networks**

As discussed for both sites with the proximity of the 11,000V overhead line, all construction will need to adhere to the HSE guidance GS6 which relates to work in proximity to overhead lines. As such without any detailed site plans at present the applicant will need to ensure that any development be located 9m from the existing overhead line.

Should there be a requirement for any development within 9m of the existing overhead line the applicant will need to submit an application to divert or underground the overhead line prior to any construction taking place.

- **Environmental Health**

There is a potential for noise disturbance from the ... construction of this development, and from activities associated with it. The following conditions [provided] during the construction period relating to the control of hours of operation, noise and dust are recommended.

- **NatureScot**

The proposal is located within the South Lewis, Harris and North Uist National Scenic Area (NSA). Given the [potential] scale of development on the edge of the village of Tarbert, adjacent to existing housing, sympathetic design should ensure that there will not be any adverse effects on the special qualities of the NSA at this location. We expect to see this addressed when application is made for full planning permission.

## **PUBLIC PARTICIPATION**

- 10.1 The planning application was advertised for public comment in the public notices section of the Stornoway Gazette in the publication dated 25 July 2024 as required by regulations.
- 10.2 Neighbours notifiable, per the regulations pertaining to neighbour notification, were notified by post on 17 July 2024.
- 10.3 Eleven representations were received in relation to the application. Many raised similar issues and to avoid repetition the matters have been summarised and considered on an issue-by-issue basis. The applicant made a response to the matters raised in representation. The issues relevant to planning are addressed under material considerations while the details of the representations are contained in Appendix 3 to this Report. The key issues can be summarised as follows:

### **Road Safety**

- Increase in levels of traffic
- No pedestrian footpath from site to Tarbert
- No street lights
- Speeding issues in area

### **Siting, Construction, Amenity**

- Noise, disturbance and light pollution during construction and following completion of development
- Air pollution from increase in vehicles
- 24 hour a day activity
- Smell and vermin from refuse bins
- Loss of privacy and overlooking
- Backland Development

- Views from Harbour will be impacted

#### **General**

- Submission doesn't give detailed enough information
- Plans not accurate and don't show enough information
- Public consultation was poor
- Impacts on wildlife
- Insufficient infrastructure in area (no sewer)
- Devaluation of property values
- Existing workers right will be affected by temporary staff and impacts on economy because of this.

#### **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.
- 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:

##### **OHLDP:**

- Policy DS1: Development Strategy – Main Settlement
- Policy PD1: Placemaking and Design
- Policy PD2: Carparking & Roads Layout
- Policy PD3: Housing
- Policy PD4: Zero and Low Carbon Buildings
- Policy EI 2: Water and Wastewater
- Policy EI 4: Waste Management
- Policy EI 5 - Soils
- Policy NBH1: Landscape

##### **NPF4:**

- 1 - Tackling the climate and nature crises
- 2 - Climate mitigation and adaptation
- 3 – Biodiversity
- 4 – Natural places
- 5 - Soils
- 14 - Design, quality and place
- 16 – Quality homes
- 17 – Rural Development

## PLANNING ASSESSMENT

### Main issues

#### Spatial strategy and principle of development

- 12.1 The site is located on the eastern edge of Tarbert, Isle of Harris, classed and mapped as a Main Settlement in the 'Development Strategy' of the OHLDP. Harris is classed a 'remote rural area' in terms of The Scottish Government's 6-fold Urban Rural Classification 2020 which is referenced in the NPF4 policies on Rural homes and Rural development.
- 12.2 NPF Policy 16 deals with quality homes and requires that development proposals for new homes on land not allocated for housing in the LDP will only be supported where the proposal is consistent with the local development plan spatial strategy and other relevant policies.
- 12.3 NPF Policy 17 on rural homes seeks to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable rural homes in the right locations and provides that development proposals for new homes in remote rural areas will be supported where the proposal supports and sustains existing fragile communities and supports identified local housing outcomes; and is suitable in terms of location, access, and environmental impact.
- 12.4 Policy PD3 of the OHLDP covers housing and the requirement for the Comhairle to deliver a housing supply target of an average of 92 homes per year for at least a five-year period. The policy response is discussed further below under Housing and Quality homes; however, it is acknowledged that the proposed development would contribute to this target.
- 12.5 The site is located on the edge of the main settlement of Tarbert, Isle of Harris. The OHLDP Development Strategy policy (policy DS1) states the principal policy objective is to support and consolidate the strategic role of main settlements within their island groupings and to promote connectivity between transport and service infrastructure, while ensuring a quality of place-making appropriate to a port of entry and key service centre. New community, education, and healthcare facilities should be located close to transport nodes in order to optimise access.
- 12.6 Development proposals within main settlements will be assessed against all of the following:
- a) Siting and design should be appropriate to the characteristics of main settlements and should contribute positively to the key approaches to the settlement and any waterfront or quayside character.
  - b) Proposals for commercial uses should ensure the site layout and access arrangements contribute positively to the space onto which they publicly face. Appropriate landscaping may be required to achieve this.
  - c) Higher density development within the settlement centres will be acceptable where it is compatible with the surrounding built form and character.
  - d) The protection and retention of functional Open Space which actively contributes to local amenity, recreation or biodiversity objectives.
  - e) Developments on 'croft land' should not adversely affect the operational use and sustainability of the croft, unless the development is required for reasons of over-riding public interest. Proposal sites should be sited to use the least amount of productive croft land where practical and should not fragment the croft in such a way that affects its potential to be used for cultivation or other 'purposeful use.' An access corridor to the croft should be maintained.

12.7 For Rural settlements, the principal policy objective is to accommodate development to meet sustainable growth for local needs, particularly for residential, agriculture, tourism and service activities. Housing clusters and economic development proposals will be supported provided they are of an appropriate scale and do not threaten residential amenity.

12.8 Development proposals within Rural Settlements will be assessed against all of the following:

- a) A siting and design appropriate to the established rural character and settlement pattern of the local area.
- b) Residential proposals should be of a lower level of density and respect the character of the individual settlement.
- c) Developments on 'croft land' should not adversely affect the operational use and sustainability of the croft, unless the development is required for reasons of over-riding public interest. Proposal sites should be sited to use the least amount of productive croft land where practical and should not fragment the croft in such a way that affects its potential to be used for cultivation or other 'purposeful use'. Proposals should ensure access to the croft is maintained and of a suitable width for agricultural machinery to access. At a minimum this should be four metres in width.

12.9 The proposal is not commercial and will not impact on functional Open Space. The application site is outwith the mapped limits of the Tarbert main settlement but lies immediately to the rear of the linear settlement line and shares its southern boundary with the main settlement. It is therefore on the edge of a main settlement, arguably on land that transitions into a rural settlement. A summary assessment of the application scheme against these criteria is set out below:

- The application site extends to 0.27 ha (0.67ac) and is of a size that should comfortably accommodate the equivalent of three detached residential units with parking and wastewater facilities. Being an application for planning permission in principle, the final siting and design has not yet been determined but appropriately designed buildings (scale, massing and appearance) of residential character could be accommodated within the context of the existing buildings without harm to the character of the settlement and compatible with the surrounding built form.
- The proposal for two/three buildings accommodating a maximum of 14 single bedroom units or flats will be equivalent to two 5-bedroom houses and one 4-bedroom house and considered to be a housing density that can be accepted given the unique nature of the proposal and the proposed location.
- The site is on agricultural/common grazing land, but is not of high quality and as such, the development is not considered to negatively impact on 'croft land' or adversely affect the operational use and sustainability of a croft, with remaining land accessible and its use unhindered.

Development Strategy (Main Settlements), Placemaking and Design and Design, quality and place

12.10 The site is within a main settlement. Tarbert is the next largest settlement in the Outer Hebrides, after Stornoway. On account of its development around the harbour and steep topography, Tarbert has a traditional core and linear ribbon development merging into rural dispersed settlement, in a number of different directions (towards, the Caw, Urgha, and west Tarbert/Leachin). The settlement hosts a school, shops, distillery and visitor centre, two hotels, numerous businesses and a mix of housing types and tenure. Housing, buildings and businesses within the traditional centre of Tarbert are predominately built in close proximity to each other but those on the edge are more dispersed as is typical of crofting units.



- 12.11 The proposed site is located on the edge of the main settlement of Tarbert, where development is more dispersed than in the centre of the village. The site would be accessed through and lies behind three small business units. The current uses of these workshop units are for a restaurant, a business/office unit and one as a brewery (Sui Generis). All current uses are compatible with residential development, but the grant of residential use on this side would preclude future Class 5 (Industrial) use of the workshop units.
- 12.12 Aside from the business units, existing development in the general location of the proposed development consists largely of a number of dwellinghouses, in a dispersed 'crofting settlement' pattern, some sited adjacent to the road and some accessed off lengthy access roads, generally on the south side of the road where the land begins to fall towards the coast.
- 12.13 The nearest neighbouring dwellinghouse to the site is approximately sixty-two metres to the south west. The buildings will be viewed within the context of the adjacent buildings and will not be at odds with the nature of the settlement pattern in general and therefore would not be out of keeping with the established character of the settlement. The proposal is within the density levels considered appropriate for the area.
- 12.14 The proposed site comprises predominantly hard rocky ground, with numerous outcrops of rock with shallow pockets of peat and soil, with a ground cover of rough/rank grasses and heather. The land is uneven and begins to incline almost immediately towards a ridge to the rear of the site. Ground levels and ground conditions on the site are challenging, but unlikely to be insurmountable. It is proposed that in order to manage the potential impact of the development within acceptable limits, a condition requiring pre- and post-development site levels and relevant cross sections of the site would be applied to any application. Given the elevated nature of the land, it is also proposed to append conditions to any consent to ensure that any building is to be of a single or 1.5 storey design, in order to manage the visual impacts of the proposed development.
- 12.15 The detailed siting, design, scale, and form of the proposed buildings will be required by condition for consideration at AMSC stage. The proposal will then be assessed against the relevant local and national policies and guidance.
- 12.16 The proposed development is sited sufficiently distant from the nearest dwelling house, and therefore negative impacts are unlikely in relation to neighbour amenity.
- 12.17 There is a high voltage overhead line crossing the site and Scottish and Southern Electricity Networks have commented on the requirements in this regard, which will be appended to any consent by way of an informative.
- 12.18 The site is located on poor quality agricultural/common grazing land, and the proposed development will not have an undue impact on 'good inbye' croftland.
- 12.19 The proposal is for planning permission in principle. The site is on the edge of a main settlement and within easy connectivity and walking distance of the main settlement. The site is not served by a public sewer and the public road at this location does not benefit from a pedestrian footpath. Nevertheless, the site is of sufficient area to accommodate the scale of development, is not significantly elevated, would be viewed in the context of other building (workshop units and croft houses) and overall it is considered that the siting of well-designed buildings of good proportions on the proposed site could be accommodated without eroding the character of the area.
- 12.20 Subject to meeting the requirements of conditions, the application is considered to be capable of compliance with Policy PD1 of the OHLDP.

#### Housing and Quality homes

- 12.21 Policy PD3 sets density levels for housing. The proposed site is not within an identified housing site.
- 12.22 The proposal is unusual in the sense that it is not the form of conventional housing usually presented for consideration and is an innovative response by the applicant to the long-established identified need for housing and accommodation for key workers in an area where there is a need to attract and retain staff to support business development.
- 12.23 The housing density levels identified in the OHLDP reflect a mix of unit sizes and types.
- 12.24 Policy PD3 goes on to state that a development proposal which does not accord with the housing density identified in the OHLDP will not be acceptable, unless it is demonstrated that there is a need for housing in the area, or the site-specific development issues, combined with the overriding public benefit of the development of the site, would justify the proposal.
- 12.25 The approved 2023 – 2042 Outer Hebrides Housing Need and Demand Assessment (HNDA) will inform the emerging Development Plan. Key Issues identified for the Local Housing Strategy and the Development Plan, are 'non-permanent housing' needs which includes specifically for migrant and seasonal workers. The HNDA recognises the need for non-permanent housing provision for migrant (and seasonal) workers, and other workers. This could include agency and contracted staff across sectors including health and social care, hospitality, and aquaculture, against a lack of availability of longer-term rental options.
- 12.26 It has also been recognised by a range of stakeholders that there is a shortage of affordable housing in the Harris area in general and in the Tarbert area specifically. The lack of housing has been compounded in recent years by the upturn in the tourism industry in the area, requiring service industry personnel to be housed coupled with house prices escalating out of reach of average local salary levels. As a consequence of inadequate accommodation, a range of service industries and other businesses are unable to attract or retain staff.
- 12.27 This is having negative effects on the economic growth of the area and has in turn reduced the housing stock for permanent residents. The provision of additional accommodation within the area will to some extent address the need for and assist in the continuity of staff availability for local business, thereby sustaining the local economy, providing public benefit.
- 12.28 The policy intent of NPF 16 Quality homes is 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.
- 12.29 The policy goes on to state that in rural and island areas, authorities are encouraged to set out tailored approaches to housing which reflect locally specific market circumstances and delivery approaches and diverse needs.
- 12.30 As alluded to above, the development, as proposed, is in response to the specific housing and accommodation issues within the area, the provision of which is aimed at addressing these matters.
- 12.31 The proposal would be subject to a condition to seek further details on the number and configuration of units and thereafter assessed to establish compliance with Policy PD3.
- 12.32 Further details on the number and configuration of units would be required to conclusively assess density and establish compliance with Policy PD3.

#### Carparking & Roads Layout

- 12.33 LDP Policy PD2 sets out the Comhairle approach to parking, roads and interactions with the existing public road network. It provides that housing developments of two or more houses will have road standards *commensurate with the nature of the adjoining road network*. The policy also sets standards for access bell mouths.
- 12.34 The Comhairle Roads section has been consulted on this application. As the application is for planning permission in principle, little in the way of detail requires to be presented in relation to access and parking arrangements. However, the Roads section have provided site specific advice which is as follows:
- *The access to the site should be double width with a footpath and streetlamps;*
  - *Standard access conditions would apply relating to road drainage, road safety and surfacing;*
  - *The site layout should also contain a suitable turning area suitable for a 10m refuse vehicle;*
  - *The development is within walking distance from Tarbert, but the nearest footpath is located at Sunnyhill. A project of this nature must consider some footpath provision.*
- 12.35 It is proposed to seek access and parking details by way of conditions and incorporate Comhairle Roads current advice as an informative. There may be challenges associated with meeting the above requirements of Comhairle Roads in relation to the proposed access to the site requiring a double width road with a footpath (given the existing workshop units are served by a one way in/out single width road) but moreover the ability to achieve a footpath link through to the village over a distance of 270 metres.
- 12.36 Further information would be required to conclusively assess whether the proposed development would be capable of compliance with Policy PD2: Car Parking and Roads Layout.

#### Zero and Low Carbon Buildings, Tackling the climate and nature crises, Climate mitigation and adaptation and Biodiversity

- 12.37 NPF4 requires that when considering all development proposals, significant weight will be given to the global climate and nature crises, and that developments should be designed to reduce, minimise, or avoid greenhouse gas emissions. Although it is not necessary to demonstrate this at the planning permission in principle stage, the development will be required to demonstrate the requirement to reduce greenhouse gas emissions, by meeting modern insulation and heat loss standards at the AMSC stage, which will largely be achieved as a result of the requirements of the Building Warrant process. Further, new housing developments of this nature, aimed at housing a workforce, and in locations such as this, will improve and increase opportunities for local living and working and would potentially reduce the need for commuting and other carbon-contributing travel.
- 12.38 Policy 3 of the NPF4 requires that development proposals will contribute to the enhancement of biodiversity. Proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity in accordance with national and local guidance. The site is currently used for grazing and comprises a largely rocky landscape, with poor quality soils, rough and rank grasses and heather and as such the ecological interest in the application site is likely to be fairly limited. NatureScot has put together guidance in support of policy 3(c) of NPF4 and can be read in the following link: [Developing with Nature guidance | NatureScot](#). This will be referenced by informative on any consent with the developer encouraged to adopt measures appropriate to a house curtilage to support and further the cause of biodiversity.
- 12.39 Information relating to Zero or Low Carbon Buildings will be required by condition for assessment at AMSC stage. Subject to satisfactory details, the proposal is expected to be capable of complying with Policy PD4.

#### Water and waste-water

- 12.40 The applicant proposes to connect to the public water supply. Scottish Water has advised that no public sewerage network exists in the area and a private treatment system will be required. While the detail of this would require to be dealt with during the Building Warrant process, the planning assessment requires to ensure there is sufficient land within the proposed site to accommodate a foul water system and be satisfied a private system would not be harmful to the water environment. Scottish Water has also indicated that infrastructure is present within the site boundary and this information will be appended to any consent by way of an informative. The proposal complies with Policy EI12.
- 12.41 On the basis that the 2/3 buildings would incorporate up to 14 single person units and these could collectively be served by a single wastewater treatment plant, it is the view of the Planning Authority that the site has sufficient space to accommodate such infrastructure, but the detail would be confirmed at AMSC stage. This information would be required by suspensive condition.

#### Soils

- 12.42 The site is within an area mapped as Class 2 Carbon and Peatland as identified by the Carbon and Peatland 2016 Map. The site to be developed is comprised of largely areas of exposed bedrock and rocky outcrops where soil depth is minimal. It has been considered that the development of the site would not impact on a significant volume or depth of peat soils.

#### Waste management

- 12.43 Policy EI4 of the OHLDP requires that space to accommodate the provision of recycling facilities must be designed into all new residential development proposals both during the construction phase as well as the completed development. As the application is for planning permission in principle, no detail in relation to waste management proposals have been provided. However, it is proposed to append a condition to any consent requesting details for the provision of bin storage within the site.

#### Landscape (NSA) and Natural Places

- 12.44 The application site, in common with the rest of Tarbert and Harris, is sited within the South Lewis, Harris and North Uist NSA. The application site straddles the Prominent Hills and Mountains landscape character type and the Linear Crofting landscape character type, as per NatureScot's Western Isles Landscape Character Assessment.
- 12.45 Policy NBH1 – Landscape and NPF4 – Natural places provide that development that affects a National Scenic Area (NSA) will only be permitted where: the objectives of designation and the overall integrity of the area will not be compromised; or any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.
- 12.46 Linear Crofting Landscape Character Type, as per NatureScot's Western Isles Landscape Character Assessment is characterised by short, even slopes, interspersed between rocky cnoic and boulder outcrops. Generally, the slope is towards the coast where land meets the sea in a series of deeply indented, low lying rocky promontories, small beaches, and offshore islets. To the landward side, this character type tends to merge into rocky moor or mountain massif. Skylines are complex with sharp changes in incline, often receding to a distant sea horizon.
- 12.47 The Prominent Hills and Mountains landscape as per NatureScot's Western Isles Landscape Character Assessment is characterised by individual peaks with pronounced summits, long ridges, and slopes, rising steadily from the surrounding terrain. Steep sided corries and short u-shaped glens form an integral part of this character type. The upper slopes of the Prominent Hills and Mountains consist of irregular rock buttresses, ledges, shelves, and deep gullies. Where the hills and mountains meet the coast the deeply indented coastline is dominated by rocky headlands, sea cliffs and occasional caves.
- 12.48 Development proposals should not have an unacceptable significant landscape or visual impact.

- 12.49 The development site comprises uneven, rocky ground and begins to incline almost immediately towards a ridge to the rear of the site. This backcloth of rising land will provide a suitable backdrop for a well-designed and scaled development.
- 12.50 Views of the site will be relatively localised to the immediate vicinity when travelling for a short period along the Tarbert to Kyles Scalpay road and as stated above, will have the benefit of rising land to the rear and will be viewed amongst existing buildings. Nevertheless, in order to manage potential landscape impacts, it is proposed that a condition be appended to any consent in order to ensure that any buildings will be of a single or 1.5 storey and external materials recessive in appearance, to aid absorption of new building on the site into the landscape.
- 12.51 Detailed designs will be considered in more detail in a subsequent application for approval of matters specified in conditions to ensure that the overall scale, form, design, and appearance will not result in an unacceptable significant landscape or visual impact or negative impacts on the special qualities of the NSA.

#### **Material Planning Considerations**

- 12.52 Housing Need and Demand - the approved 2023 – 2042 Outer Hebrides Housing Need and Demand Assessment (HNDA) will inform the emerging Development Plan. Key Issues identified for the Local Housing Strategy and the Development Plan, include 'non-permanent housing' needs which includes specifically for migrant and seasonal workers. The HNDA recognises the need for non-permanent housing provision for migrant (and seasonal) workers, and other workers. This could include agency and contracted staff across sectors including health and social care, hospitality, and aquaculture, against a lack of availability of longer-term rental options. The lack of affordable housing options for workers is the driver for this application which proposes to deliver single person accommodation. With the information presented in the HNDA and an acknowledged crises in the availability of affordable housing for young people and service industry workers in the Western Isles, in common with other rural parts of Scotland, this is a planning matter that carries significant weight.
- 12.53 Eleven representations were received in relation to this application, largely raising similar concerns relating to road safety. For ease of reference, the representations have been grouped together and considered below and can be viewed in full at Appendix 3 to this Report.
- 12.54 Road Safety Concerns include:
- *Increase in levels of traffic*
  - *No pedestrian footpath from site to Tarbert*
  - *Road surface damage*
  - *No street lights*
  - *Speeding issues in area*
- 12.55 These issues have been assessed at LDP Policy PD2 - Carparking & Roads Layout within Paragraphs 12.33 to 12.36 of this Report.
- 12.56 The access to the proposed development will branch off from the access Units at Iomairt an Obain which currently operates with a one-way system and is accessed from the C78 Tarbert to Kyles Scalpay road, which has a 60-mph speed limit.
- 12.57 Comhairle Roads has fully appraised the application site and its location and have not objected but have provided advice. It is acknowledged that some of the advice of Comhairle Roads may be challenging to achieve and while their advice is a material planning consideration, satisfying planning policy is the over-riding consideration. The grant of planning permission in principle would be subject to a condition seeking details of the road layout, design, and specification as well as that of parking. This includes sufficient information to address matters such as the provision of a pedestrian footpath

from the site to Sunnyhill, Tarbert and the need or otherwise for streetlighting along 270 metres of a two-way road.

- 12.58 Allegations of speeding are a matter for the police and the current condition of the road a matter for the Roads Authority. The setting of speed limits on a road is also a matter for the Roads Authority.
- 12.59 It is acknowledged that the potential requirements for a pedestrian footpath per the advice of Comhairle Roads would require the submission of further detail and assessment of same.
- 12.60 Siting, Construction, Amenity concerns include:
- *Noise, disturbance and light pollution during construction and following completion of development*
  - *Air pollution from increase in vehicles*
  - *24 hour a day activity*
  - *Smell and vermin from refuse bins*
  - *Loss of privacy and overlooking*
  - *Air pollution from increase in vehicle*
  - *Impacts on wildlife*
  - *Insufficient infrastructure in area (no sewer)*
- 12.61 In relation to noise, disturbance etc. during construction, it is acknowledged that there may be some time limited effects. However, it is also acknowledged that the site is not in close proximity to other residences. Conditions to manage such matters are standard on construction sites for the scale of development proposed and would be appended to any consent to manage hours of construction operation, noise and dust within acceptable limits.
- 12.62 Any incidence of smell from and risk of vermin around bins, are matters for Environmental Health to address, in the unlikely event that such issues were to arise. Details on bin storage provision would be required as part of the design details and it is anticipated that bins would be collected for this development as they are from all housing.
- 12.63 Additionally, the proposed site is approximately sixty-two metres from the nearest dwelling, with other dwellings in the area being significantly more distant, where the issues raised above are unlikely to result in significant effects.
- 12.64 The site, which comprises large areas of exposed bedrock, adjacent to existing development, is not designated for any protected species or as a habitat for wildlife. All developers require to adhere to the legislation around protected habitats and species.
- 12.65 It is acknowledged that there is no public sewerage network in the area, and therefore the development would require to be served by a private treatment facility. The application site is considered to have sufficient area to accommodate a private treatment plant but the siting of same will form a matter specified by conditions. The finalised design of any private sewage treatment facility would be subject to Building Warrant requirements.
- 12.66 Informatives will be appended to any consent advising the developer of their obligations in relation to infrastructure.
- 12.67 General concerns include:
- *Backland Development*
  - *Views from Harbour will be impacted*
- 12.68 While private views are not a material planning consideration impacts on wider visual amenity are as assessed at the relevant policy sections in the main body of this Report, the location of the proposed

site, behind existing buildings and with rising land providing a backcloth to development is considered to be capable of being assimilated into the landscape without harm to visual amenity.

- 12.69 It is accepted that the site would result in 'backland development' but on account of the topography constraints in Tarbert, this is the case at several locations throughout Tarbert including at locations in relatively close proximity to the application site.
- 12.70 Procedural concerns include:
- *Submission doesn't give detailed enough information*
  - *Plans not accurate and don't show enough information*
- 12.71 The application is for planning permission in principle (PPP). The purpose of such an application is to establish whether the principle of developing a piece of land is acceptable. A further application(s) for the approval of matters specified in conditions is then required to confirm the final details of the development. A PPP application allows a proposal to be assessed at a high level (in principle) ahead of a developer investing in design details of the layout, design or finish of any buildings. The plans submitted to accompany this application are minimal but do include the limits of the application site and the intended position of access to the site. These are acknowledged as the minimum requirements for this type of application.
- 12.72 Concerns that are not material to Planning include:
- *Public consultation was poor*
  - *Devaluation of properties and self-catering lets*
  - *Existing workers' rights will be affected by temporary staff.*
- 12.73 Public consultation between a developer and the community for a development categorised as a 'local development' is not mandatory. In this case it is not a material planning matter.
- 12.74 The contention that existing workers' rights will be affected by temporary staff, devaluation of property and that the uptake of holiday rentals may be affected by the development, are not material planning considerations.
- 12.75 Views of the Applicant in response to representation - the Applicant has submitted a response to the matter raised in representations, in order to address community concerns and further explain the rationale for the development. This can be viewed at Appendix 6 to this Report.

## **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 The application is for planning permission in principle. The purpose of such an application is to establish whether the principle of developing a piece of land is acceptable. A further application(s) for the approval of matters specified in conditions is then required to confirm the final details of the development. This type of application allows a proposed use/development of land to be assessed prior to full details of the layout, design or finish of any buildings.
- 13.3 The Housing Needs and Demand Assessment supports the views of many stakeholders that there is a demonstratable need for housing in Tarbert and Harris more generally. This is a material planning consideration that carries some weight.

- 13.4 Further it is acknowledged that there are challenges associated with identifying suitable land for development within Tarbert on account of topography, ground conditions and availability.
- 13.5 An assessment against the Development Plan has found that although outwith the mapped settlement boundary of Tarbert, the proposed development appropriately managed would not compromise the settlement pattern of Tarbert and its immediately surrounding rural context. Further, it would not significantly harm existing residential neighbour amenity.
- 13.6 However, if permitted, residential use would restrict any future use of the workshop units to Use Classes 4 and 6 and to 'residential compatible' sui generis uses. It is also acknowledged that the site is not serviced by a public sewer and a private system would require to be provided. Furthermore, the proposed point of access lies 270 metres to the east of the established social housing development at Sunnyhill where the public footpath currently terminates. If, as advised by the Comhairle Roads section, that a footpath link is deemed essential, this may be challenging to achieve.
- 13.7 Despite these challenges, subject to an acceptable submission at AMSC stage to address the relevant development policies relating to access arrangements, parking, road safety, off-street parking, drainage, housing, landscape and the siting, scale and appearance of the buildings being of a quality to not compromise the special qualities of National Scenic Area (NSA), the site should be capable of accommodating the proposed development. It is however acknowledged that there may be challenges around development viability given infrastructure constraints and difficult ground conditions.
- 13.8 Proposed conditions include securing details of access arrangements, parking, siting, scale and appearance of the buildings, as well as location and details of wastewater drainage.
- 13.9 This assessment and recommendation for approval is a balanced one. It recognises the need for and lack of affordable housing for single persons, and the limited availability of suitable land for development. Further, that while the site is outwith, it is on the edge of the mapped main settlement boundary and the proposed development would be viewed in the context of existing buildings. It is considered that the site can accommodate a sensitively designed development without compromising the special qualities of the NSA and is sufficiently distant from neighbouring houses so as to avoid unacceptable impacts on residential amenity. The absence of a sewer and public footpath are nevertheless acknowledged as challenges that would require to be addressed through the design and AMSC process.
- 13.10 This assessment has had regard to the Development Plan and to all Material considerations and concluded that subject to further details to be secured by conditions, satisfying a range of Development Plan policies, that the proposed development could be accommodated on the application site.

## **RECOMMENDATION**

- 14.1 It is recommended that the Planning Permission in Principle application be approved subject to the conditions set out in Appendix 1 to this Report.