

THE HIGHLAND COUNCIL
CAITHNESS, SUTHERLAND & EASTER ROSS PLANNING
APPLICATIONS AND REVIEW COMMITTEE
4 DECEMBER 2007

Agenda Item	2
Report No	40/07

**07/00372/FULCA: alterations to workshops (revised plans) at units north west of
Radio Station, Neil Gunn Drive, Ormlie Industrial Estate, Thurso.**

Report by Area Planning and Building Standards Manager

1. CURRENT SITUATION

- 1.1 At the last meeting of the Caithness, Sutherland & Easter Ross Planning Applications and Review Committee on 20 November 2007 a report was tabled which outlined the background to consideration of the above application (copy attached) and advised the Committee that the applicant had indicated that he was going to submit an appeal against the failure of the Council to determine the application within the permitted two month period.
- 1.2 In the intervening period between writing the report and the date of the meeting a copy of the Appeal sent to the Scottish Ministers by the applicant's agent was received by the Planning Office.
- 1.3 Since the Committee meeting a formal notification of the submission of the Appeal has been received by the Council from the Scottish Government (copy of covering letter enclosed). In order to comply with the prescribed time periods, the Appeal Questionnaire has now been completed and sent to the Scottish Government.
- 1.4 At the meeting of the Caithness, Sutherland & Easter Ross Planning Applications and Review Committee on 20 November 2007 it was agreed that a copy of the applicant's appeal submission would be circulated to Committee Members in order for the Committee to decide whether it could come to any conclusions as to the merits of the application – that is, would the Committee have been minded to (a) grant the application and, if so, subject to what conditions; or (b) refuse the application and, if so, for what reasons. If the Committee cannot come to a conclusion on the merits of the application (c) a statement requires to be submitted to the Scottish Government stating the Council's view on the proposal.

2. CONSIDERATION

- 2.1 I would now invite Committee to decide between options (a), (b) or (c) above and to provide an explanation for that decision in order that the Council's Statement on the Appeal can be submitted to the Scottish Government. The Statement needs to be submitted by 14 December 2007.

Signature:

Designation: Area Planning & Building Standards Manager

Author: Iain Ewart, Team Leader (01955 607751)

Background Papers: As referred to in the report above and case file reference number 07/00372/FULCA

Date: 27 November 2007

THE HIGHLAND COUNCIL

CAITHNESS, SUTHERLAND & EASTER ROSS PLANNING
APPLICATIONS AND REVIEW COMMITTEE
20 NOVEMBER 2007

Agenda Item	
Report No	

07/00372/FULCA: alterations to workshops (revised plans) at units north west of Radio Station, Neil Gunn Drive, Ormlie Industrial Estate, Thurso.

Report by Area Planning and Building Standards Manager

1. BACKGROUND

- 1.1 **Members** will recall that a situation has arisen at Ormlie Industrial Estate, Thurso whereby industrial units were being erected on the industrial estate in terms of planning permission reference 03/00434/FULCA granted on 4 December 2003 but where the units being erected are not the same as those which had been approved. That being the case, the developer was instructed to cease operations and to apply for planning permission for the units he was erecting. That application was duly submitted. The difference between the units, ostensibly, was that the originally approved units had an external height of 4m to the eaves and 8m to the roof ridge but the revised units, the subject of the current planning application, have a height of 5.6m to the eaves and 7.2m to the ridge. The footprint of both proposals is the same, and both proposals comply with the Local Plan, being industrial units on land allocated for industrial purposes. The original application attracted no objections from the public but the revised (current) application has attracted 8 letters of objection from residents of the adjacent residential area. A copy of the report of the Area Planning and Building Standards Manager to the Caithness, Sutherland and Easter Ross Planning Applications and Review Committee of 28 August 2007 is appended to this report.
- 1.2 The recommendation to the Committee was that the revised application should be granted permission. The Committee, however, decided to continue consideration of the application in order for a site inspection by Members to take place and thereafter to make its decision.
- 1.3 The site inspection duly took place on Tuesday 4 September 2007 following which a Special Meeting of the Committee was held in the Pentland Hotel, Thurso (copy of the minute of the meeting attached) at which the Committee agreed to continue consideration of the application until a future meeting in order to offer the applicant the opportunity to produce to the Planning Officer a scheme for improving the appearance of the front elevation of the building using appropriate materials and landscaping and boundary treatments which would ameliorate the impact of the building on neighbouring properties to the satisfaction of the Committee.

- 1.4 Amended plans were thereafter submitted by the applicant's agent to satisfy the Committee's concerns and the amended scheme was presented to the meeting of the Caithness, Sutherland and Easter Ross Planning Applications and Review Committee on 23 October 2007 for determination.
- 1.5 The Committee, however, "agreed that the application be deferred in order that the applicant could present a more satisfactory solution in relation to the location and design of the building".

2. UPDATE

- 2.1 Following communication of the Committee's decision to the applicant's agent, I have received two letters from him, both dated 6 November 2007 (copies attached), from which Members will note that it is now his client's intention to submit an appeal to the Scottish Government against the failure of the Council to determine the application within the prescribed two month period.
- 2.2 Once I have received the necessary appeal paperwork I will again revert to the Committee in order to receive its instruction as to how it wishes to conduct its defence on the issue.

Signature:

Designation: Area Planning & Building Standards Manager

Author: Iain Ewart, Team Leader (01955 607751)

Background Papers: As referred to in the report above and case file reference number 07/00372/FULCA

Date: 12 November 2007

Directorate for Planning and Environmental Appeals

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The Area Planning & Building Control Manager
The Highland Council
Market Square
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CAITHNESS
KW1 4AB

Your ref: 07/00372/FULCA
Our ref: P\PPA\270\510



19 November 2007

Dear Sirs

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
PLANNING APPEAL: SITE NO 2 , NEIL GUNN DRIVE, ORMLIE INDUSTRIAL
ESTATE, THURSO KW14 7QU**

Your Council should have been served with a copy of this appeal which was received by Scottish Ministers on 16 November 2007. It has been checked and is in order.

You will note from the appeal form that the appellant wishes the appeal to be decided on the basis of written submissions. In accordance with Regulation 5 of the Town and Country Planning (Appeals) (Written Submissions Procedure) (Scotland) Regulations 1990 you are required to complete the enclosed questionnaire and return it to this office within 14 days of the receipt of the appeal. At the same time a copy (with enclosures) should be sent direct to the appellant or agent as appropriate. In terms of Regulation 6, if your Council chooses to lodge a statement containing your written submissions, it must be sent to Scottish Ministers and the appellant or agent not later than 28 days from receipt of the appeal. For the purpose of calculating these periods it will be assumed that your council received the appeal form on the same day as it was received in this office unless you advise us to the contrary. Failure to adhere to these time limits may result in Scottish Ministers under Regulation 8 of the Town and Country Planning (Appeals) (Written Submissions Procedure) (Scotland) Regulations 1990 proceeding to a decision taking into account only such written submissions as have been sent within the relevant time limits.

In terms of Regulation 4 you are required to give notice of the appeal to (1) any persons whom you notified or consulted about the application and who made representations; and (2) any other persons who made representations. This notification should be given not more than 14 days from receipt of the appeal and

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should advise that any further representations **must be submitted to this office within 14 days of the date of receipt of your notification.**

Parties to an appeal are expected to meet their own administration costs, however, it should be noted that any person may make a claim for an award of expenses on the grounds that there has been unreasonable behaviour by another party to the appeal. More information regarding expenses claims is contained in SDD Circular 6/1990, a copy of which can be obtained from this office. **Claims for an award of expenses will only be considered where the claim has been submitted before or with the submission of the party's final statement, or in the case of a public local inquiry or hearing before the inquiry or hearing is concluded.**

Finally, if you wish to discuss the case or if you are dissatisfied with any aspect of the service provided by the Directorate for Planning and Environmental Appeals, please contact Colin Bell, who is the person dealing with this appeal, at the above number. If you remain dissatisfied, or wish to lodge a complaint, please write to the Directorate Manager at the same address.

Yours faithfully



p.p COLIN BELL

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**Town & Country Planning (Scotland) Act 1997
Planning Appeal**

**Highland Council (Caithness)
Planning Application Ref 07/00372/FULCA**

**Alterations to (previously approved) Workshops/Stores
on Site No 2 (part of)
Ormlie Industrial Estate, Thurso**

**The Scottish Government – Directorate for Planning and
Environmental Appeals – Ref Temp/772**

Report Prepared by:

Knight & McDonald Architects (Agents)

On behalf of:

E Petrie Painters (Applicants)

**Ref: 16376
Date: 14 November 2007**

Town & Country Planning (Scotland) Act 1997

Planning Appeal

Highland Council (Caithness) Planning Application Ref 07/00372/FULCA

Alterations to (previously approved) workshops/stores on Site No 2 (part of)

Ormlie Industrial Estate, Thurso

The Scottish Government – Directorate for Planning and Environmental Appeals – Ref Temp/772

GROUNDS OF APPEAL

- A The continuing (three times) refusal of the Planning Authority to make a decision on the above noted application.
- B "The attitude of and the reasons given by the Planning Committee to defer (for the third time) a decision, advising this on the basis of:
- (1) The Applicants should consider an alternative site.
 - (2) The Applicants should consider amendments to the siting/location of the proposed building within the application site.
 - (3) The Committee requesting further improvements to a scheme which had been improved to, specifically, the request they had made at a previous deferral.
 - (4) That the Committee ignored the actual application both in terms of it being site specific, but more specifically on the basis that the application was for alterations to modify an existing approved scheme/project.
- C A precedent has (recently) been set with regards the proximity of approved industrial units and a housing development on adjoining sites.

INTRODUCTION (HISTORICAL)

- The land on which this application refers to is zoned, in the Local Development Plan, and has been so zoned since the 1980's, for industrial use, and over the following years occupied, almost to full capacity, by various industrial users with, and in many instances, large buildings constructed on the various sites – the majority of which, throughout the site, are of steel frame construction, and box profile metal decking to roofs and external wall cladding.
- The nearby land to the north/north west of the application site has similarly been zoned for housing purposes from approximately the same time, although, like the industrial site, housing development on that land has been piecemeal and "continuous", and is continuing as yet.
- In the (present) adopted Development Plan (September 2002) no detail, in either of those zoning arrangements is given as to the landscaping, separation, or specific design of the interface, although in each instance account must be taken of the adjoining uses.
- Following zoning for industrial use of the site and the surrounding area on which the application building lies, the Highland Council (or their predecessors) specifically formed, by means of cut and fill, the application site as part of a split level three site development, all with the aid of Roads Engineers/Civil Engineers etc, who set out roads, access to the sites, and serviced all sites by means of drainage, water, electricity etc – funded, we believe, by the Highland Council themselves (public purse).
- No modifications have been made to this site, or the adjoining sites in the intervening period, other than that on one of the lower sites an industrial building (now owned and occupied by Autoparts) was built, and when built the owner of that building also owned the application site and the third site within this small complex (refer later).
- Housing units were not built, on the adjacent land, until after the formation of this site, with particular reference to the road layouts, site levels, access and servicing.
- The original owners of the site, LED, operating as North Plan Construction Ltd firstly built the LED industrial unit now owned by Autoparts, and obtained full planning permission, subject to conditions, under reference 03/00434/FULCA through their appointed agents (The Rodgers Practice) on 4 December 2003 for the erection of six industrial units (refer Appendix 1).
- On the various housing development proposals/approvals for the areas immediately to the north and north west of the application site, conditions were imposed on landscaping, within the housing site areas, as part of the approvals, although no landscaping conditions were imposed on the planning application referenced above and shown in Appendix 1 (refer Appendix 2), nor or any further industrial site detail development proposal were landscaping requirements imposed/required (refer Appendix 13).

PLANNING APPLICATION REF 07/00372/FULCA

Introduction

The Applicants, having purchased the land around a 1½ years ago, and in the knowledge that full planning consent (subject to conditions acceptable to the Applicants) had been issued for a six unit building set on the site in a position the Applicants were happy with, and built to a height that the Applicants were, initially, happy with, the Applicants approached Knight & McDonald Architects (Agents) with a view to progressing the project through the building warrant, engineering certification, and construction phase, and work on the scheme commenced around June 2006 – the building warrant approval, and an amendment to the original approval to comply with the Applicants' final intentions, are to hand and copies of the approval notices are included in Appendix 1 – copies of the stamped approved drawings can be provided if required, but it is confirmed that these advise the scheme as presented to the Planning Authority with the box section cladding as a wall finish throughout.

The Application

Initially the Applicants simply wished to apply for a building warrant based on the scheme approved under the original planning arrangements. However fairly early on in those considerations it was noted that whilst approximately 3 metre high roller shutter doors had been proposed and approved, that for some reason or another the original owners had restricted the ground floor ceiling heights to approximately 2.4 metres, a height which obviously did not allow the new Applicants/owners vehicular access to the building, the Applicants being a painting and decorating contractor by trade, and access to the buildings for vans with roof racks etc being required.

At this point therefore the Applicants (through their Agents) varied the design by means of raising the ground floor ceiling height which in turn necessitated the raising of the eaves level. To compensate for this the ridge height and roof pitch were lowered, ensuring that the building did not rise, in its completed form, to any greater a height than that originally approved (as can be seen from the Planning Authority's/Planning Officer's reports and recommendations to his Committee, the actual ridge height of the new building is to be lower than the ridge height of the building originally proposed and approved).

Initially the Applicants also received "verbal" approval from the Planning Authority to proceed with the project on the basis that the Planning Officer considered these amendments, to be a "non-material variation to the original approval", and that is the reason why the works initially commenced on site, although it is also conceded that subsequently, with further amendments to the visual appearance of the property, the Planning Officer was obliged to advise that a formal application had to be submitted, although at that time the Applicants were not instructed, to cease work, it also being confirmed that the building warrant application had been lodged and approved, and that an amendment to the original approval/application had also been approved, and that from the Building Control's perspective, work could commence.

It should also be noted that the footprint and the positioning of the building on site is exactly as per the original approval, and therefore in the Agents opinion, the Applicants had every right to commence work.

However/

The Application. Cont/....

However it is accepted by the Agents and Applicants that as other modifications were proposed, as indicated above, in that the height of the block wall being built to the new eaves height was perhaps in excess of both commonsense and structural integrity, and that therefore initial consideration was given to a part block wall to door height, and a box profile cladding from door height to eaves (matching the roof), subsequently, after further consideration, particularly bearing in mind that the majority of buildings around the industrial site were box section profile in terms of the walls, the Applicants and Agents decided to complete the external face of the whole building, from eaves to base course level, in box section metal cladding.

A formal planning application was therefore lodged, and that submission was effected as per the documentation shown in Appendix 3, and lodged on 9 July 2007.

That lodgement was acknowledged on 12 July 2007 and a copy of that acknowledgement is included in Appendix 3.

The Planning Officer, following these submissions, but also following his receipt of a number of objections from both neighbours notified, and other non-notified parties from within the area, placed the matter on his agenda for the Planning Committee Meeting of 28 August 2007 reporting the application and the general situation pertaining thereto, and recommending approval of the application (Refer Appendix 4).

Planning (Committee) Considerations

It is to be noted that the Planning Committee for this area comprises 14 members, 4 of whom come from the Sutherland Area, 4 from the Easter Ross Area, and 6 from the Caithness Area. At the initial meeting in Lairg (28 August 2007) 11 members only were present, although all 6 of the Caithness members were in attendance.

Subsequently at the site meeting referred to below only 6 members of the full Committee attended, 5 of whom came from the Caithness Area, and 1 from the Sutherland Area, although also in attendance at the site visit were other members of the Highland Council, but who were not members of the Planning Committee. (It is also noted that 1 of the Caithness members subsequently retired due to other commitments and although he was replaced by a Caithness member, on the Planning Committee, the new member would not be eligible to vote as he had not attended the site meeting) – apparently only members who attended the site meeting (6 in total) had the right to vote, and those 6 members attended the meeting held in the Pentland Hotel immediately after the site visit and also all 6 members attended the meeting on 23 October.

At the meeting of 28 August 2007 (which neither the Applicants nor the Agents attended) the application was deferred on the basis that the Committee requested a site visit. That site visit was set for 3 September 2007 and to be followed by a meeting, in Thurso, to review the application.

At the site meeting, attended by only 6 members of the Planning Committee, the Planning Officer explained the application again, again recommended approval, and although both the Applicants (through their Agents) and one or two of the objectors were allowed to pass comment/make observations, no further input was requested nor allowed at the site visit, although the Council Officials, including the Planning Officer and Roads Engineer, specifically advised the Committee members present that it was not practical, and indeed was inappropriate, to make any alterations to the actual site itself, as that site had been specifically designed and serviced by means of roadways, water and drainage etc for the site levels set by the Highland Council themselves, back in the 1980's or perhaps early 1990's.

Planning (Committee) Considerations Cont/....

At the subsequent meeting that followed, that day, in the Pentland Hotel the Committee unanimously, in this instance the 6 members entitled to vote, again requested that the application be deferred to allow the Applicants to consider amending the front elevation with a view to making it more domestically acceptable. It was also suggested that some judicious landscaping be incorporated in the layout.

At no time during those discussions/requests was any suggestion made as to re-siting the building or relocating it on another site and, unanimously and quite specifically the 6 members who were entitled to vote, requested only that the front elevational treatment be reconsidered and that consideration be given to the landscaping as stated.

These amendments were made strictly in accordance with the discussions the Agents on behalf of the Applicants had with Committee members and the Planning Officer immediately following the actual meeting itself, and the revised scheme was resubmitted on 7 September (refer Appendix 5).

Also at that meeting it had been suggested by the members present that a special meeting could be called to consider these amendments when lodged, although no such action was taken by the Planning Committee/Planning Authority despite the Agents "reminding" the Planning Authority of those suggestions as per the Agents letter of 19 September 2006 (refer Appendix 6).

The Planning Officer also, and subsequently, requested a more detailed specification for the landscaping proposed, by means of his letter of 14 September 2007, and that information was returned to the Planning Officer under cover of the Agents letter of 27 September 2007 with the relevant drawing attached thereto (refer Appendix 7).

Subsequently, but at a formal Planning Committee Meeting, and not a Special Committee Meeting as originally suggested, the Planning Officer issued his report for that meeting which was held on 23 October 2007, the report again covering the general background and history to the application and the amendments etc, advising on the improvements made by the Applicants' Agents in terms of front elevational treatment and landscaping and again recommending approval, and all as indicated in the papers issued to the Committee members, and with the Planning Officer's reminder that in this instance, again, that only 6 members of the Committee had the right to vote (refer Appendix 8).

At/

Planning (Committee) Considerations Cont/....

At that meeting, and following lengthy discussions, the majority of which were irrelevant in terms of the application lodged, the Committee again refused to make a decision, despite the application documentation having been amended specifically as per their request. They advised that their refusal to make a decision, and therefore to defer the application yet again, was based on a request for the building to be relocated, either within the existing site, or, and specifically proposed by one of the Councillors, that the Applicants look at alternative sites – no paperwork, documentation, nor formal advice has been issued to the Agents, or the Applicants, pertaining to that meeting, and at the time of preparing this Appeal the minutes of that meeting were not available. Attached (refer Appendix 9) is a copy of the press report as issued in the local Caithness Courier the day after the meeting where, in principle, it should be noted that the reporter's comments and records are generally in accordance with the discussions and decisions taken – ie the Councillor who was most vociferous in terms of his wish to have the application rejected, in advising that the Applicants should "investigate an alternative site for the units", was a Councillor who had no voting rights, although we believe that he did have the right to voice an opinion - Councillor Rosie who made these suggestions, however, was reminded that he had no right to make a formal proposal at the meeting, as he was not one of the 6 members entitled to vote. Councillor Bremner, to whom reference is made in the report (Appendix 9) did make a formal proposal - this was "corrected" by the legal agents representing the Council and it is understood that the final recommendation for the deferral, yet again, was that the Applicants should try to find a satisfactory solution "in relation to the location and design of the units".

Subsequently, "but in private", a further meeting with the Planning Officer was requested by the Chairman of the Planning Committee (Councillor MacKay) and Councillor Rosie that the Planning Officer meet with them on site to view alternative sites – that meeting was followed by the Planning Officer's written request to the Applicants, through the Agent's offices, and dated 5 November 2007. This is noted in Appendix 10 together with a letter from the Agents, on the Applicants' behalf, dated 6 November, but dictated prior to receipt of the Planning Officer's letter of 5 November. A response to the Planning Officer's letter of 5 November and dated 6 November was also lodged (refer Appendix 10).

PRECEDENT

On land within the very close proximity to the application site, and adjacent to the recently approved and now under construction Pentland Housing Association's project for Thor Housing, a local building contractor received Planning Authority approval to erect 4 industrial workshops/units similar in appearance, style, massing, height and materials to those proposed under the Appeal application, with ridge heights approximately 7.5 metres (just a little higher than the Appeal project) and with a visual appearance of light grey box profile metal decking for a roof and cladding for wall finishes together with roller shutter doors of a similar style, nature and size, and possibly even just a little larger, than those proposed under the Appeal site.

There were no conditions for landscaping of that industrial site, similarly there was no request for any change to the elevation that faced the housing development and the application was approved (refer Appendix 13).

It should also perhaps be noted that the Applicants on the Appeal site have made every conceivable effort to satisfy the Planning Authority/Planning Committee in their request for improvements to the front elevation, landscaping etc, whereas on the land/buildings advised here, no such request was made, and if the Reporter is of a mind to allow the project on the application site to proceed, the Applicants would still prefer to have box profile metal sheeting on the front elevation, to match the box profile sheeting proposed for the remainder of the building – and whilst the Applicants will be happy to grass and maintain that grass on the 4 metre wide strip between the roadways and the hardstanding parking/loading/turning area, and again if the Reporter is of a mind to approve the application/Appeal then as Agents for the Applicants we request consideration be given to removing the requirement to actually have planting/shrubs on that 4 metre wide border, as elsewhere within the whole of the Ormlie Industrial Estate, no planting, other than grass would appear to have been requested, and certainly none provided by any of the site owners/occupants.

OTHER SUPPORTING EVIDENCE

(Appendix 11 refers)

This includes copies of maps and information from the present Caithness Local Plan adopted in September 2002.

- Inset 12 Thurso Town – outlined in red and shaded pink are, respectively, the Ormlie Industrial Estate and the application site. Outlined in blue is the housing area (Ormlie) that abuts the industrial site and shaded in blue is the landscape band to which reference is made in part of the Local Plan.
- Pages 61, 62 and 63 from the Caithness Local Plan with the areas shaded or outlined in green, and with reference the Inset 12 Thurso Plan, a housing site that is at present under construction and which in turn abuts the Ormlie Industrial Estate and for which planning permission has only recently been granted – a copy of the Engineer's layout plan for the area showing the roads that access/egress the site, with one of those roads running directly through the Industrial Estate, and the other forming a junction with the road immediately opposite the application site – details of landscaping requested/proposed are not known, but in principle the industrial site, including the buildings thereon (photographs also attached) abuts the edge, and indeed some of the buildings are actually tight to the boundary of the housing site – colour coding as previously.
- Also attached are copies of much earlier detailed planning approval notices that refer to the Albyn Housing development around Henderson Street/Henderson Court etc together with a copy of the Planning Authority's notes that advise where application/approval reference 85/385 lies with reference the application site – shaded red.

SUMMARY

This Appeal is lodged, in principal, against the "refusal" of the Highland Council Planning Committee to make a decision on the planning application lodged on 9 July 2007 under reference 07/00372/FULCA.

Summarising the reasons for the Appeal, and all matters in support of that Appeal, are the following:

1. The Planning Committee have steadfastly refused to make a decision on this application despite their own appointed professional Planning Officers advising its approval.
2. The Planning Committee have not dealt with the application as submitted, in that the application was site specific in the first instance, and on every occasion when they requested amendments or adjustments be made to "improve" the amenity of the area and those adjustments have been made, they have again requested continuing modifications that were not raised nor discussed at previous meetings.
3. The application site is defined for industrial use, carries full detailed consent for a building that is visually more obtrusive, physically larger and of poorer design and quality than the one proposed.
4. The Planning Committee are refusing to acknowledge the fact that the Applicants have no control over adjoining or nearby sites, that they specifically purchased the application site with a view to erecting the six industrial units previously approved and it is inappropriate and unacceptable for the Planning Committee to suggest that they re-site the building on adjacent or nearby land – again we reiterate that the application is site specific.
5. Whilst it is conceded that the work commenced prior to approval for this specific design proposal, the site carried detailed consent for the construction of industrial units on exactly the same footprint as that proposed, and initially it had been verbally advised that the original modifications would be accepted as a non-material variation, and although again it is accepted that subsequently further modifications suggested that a formal application be lodged, and immediately upon the request of the Planning Officer to stop work, that activity on site ceased, the Applicants still had every right to commence work despite the objections raised.
6. Although the Applicants have amended the proposed frontage elevation and provided site landscaping as specifically and unanimously requested by the 6 Committee members entitled to vote at the last meeting of the Committee, they made further requests for other and inappropriate considerations.
7. It is not appropriate for the Committee to ask for the application site to be amended as, and using public funds, the Highland Council themselves put this site in place under the present Development Plan, and its predecessors, formed the access in the position noted and defined, and provided services such as water and drainage to specific levels and points within the site – it is not appropriate to have the site amended or altered as this would compromise access and servicing.
8. Whilst it could be argued that the Planning Authority's (Development Department in particular) decision to have housing so close to industrial sites is inappropriate, this is not relevant to this particular application as the Applicants have complied with all the relevant requirements and requests related to conditions, approvals and the Development Plan.

SUMMARY Cont/....

9. The Planning Authority have also recently approved a similar arrangement on adjoining land where housing is being constructed, again in accordance with the Development Plan, but adjacent to and in this instance much closer to industrial units which are of a similar size and nature to the application site, and even more recently approved, basically unconditionally, and with no landscaping requirements or modifications to steel box section frontage, a building of similar height in close proximity to the housing approved a short time previously, and under construction at present – a precedent has been set (refer Appendix 12)
10. The Committee appear to be considering the application as a new development, whereas it has been specifically presented as modifications to an originally approved project.

ADDENDUM TO APPEAL

Under Section 11 of the Scottish Executive Inquiry Reporters Unit booklet headed Planning Appeals in Scotland it is noted that expenses can be awarded against any party acting unreasonably.

In support of the concerns as to how the Planning Committee have handled this application we would also like to highlight the following.

Whilst Councillors Smith and Rowantree were the 2 Members who supported the Planning Officer's recommendation at the last Committee meeting to have the application approved, the other 4 members with a voting right still refused to make a decision.

Councillor Smith is, in our opinion, a highly respected and competent/experienced Councillor, particularly on planning matters, having been the Chairman of the Planning Committee over the previous Council, and although we are not acquaint with Councillor Rowantree as he represents a Constituency in the Sutherland Area, we understand that he, too is an experienced Councillor.

Of the 4 Members who supported the wish to defer the application yet again, 3 of them, Councillor Thurso, Councillor Coghill and Councillor Bremner were newly elected to the Council itself, (and thereafter to the Planning Committee), at the Elections in May 2007, and Councillor MacKay although a Council Member during the previous Electoral period, was also only appointed as Chairman of the Planning Committee commencing in May this year.

As can be seen from the Statements made, the Minutes issued, and all other matters pertaining to the application and this Appeal these 4 Councillors have not understood the application as lodged or the responsibilities they have, and despite Councillor Smith's and Councillor Rowantree's efforts to persuade them to make a decision, and support their Planning Officer whose recommendations it has been to have this application approved, on each of the 3 occasions it has been presented to the Committee, these 4 Councillors steadfastly refused to actually make a decision.

In this instance therefore the Applicants/Appellants, and their Agents believe that the Planning Authority/Committee have acted unreasonably, and expenses that have been incurred due to delays, refusal to make a decision, and the preparation of this Appeal, will be lodged, when those expenses are known.