

**The Highland Council
South Planning Applications Committee**

Minute of Meeting of the South Planning Applications Committee commenced at 10.30 am in the Council Chamber, Council Headquarters, Glenurquhart Road, Inverness on Tuesday 20 May 2014.

Committee Members Present:

Mr R Balfour
Mr B Clark
Mrs M Davidson (except Item 5.3)
Mr A Duffy
Mr D Fallows (except Item 5.12)
Mr J Ford
Mr M Green
Mr D Kerr
Mr R Laird (except Item 5.9)
Mr B Lobban
Mr C Macaulay
Mr T Prag
Ms J Slater
Mr H Wood (except Items 5.8 to 6)

Non- Committee Members Present:

Mrs H Carmichael

Officials in attendance:

Mr A Todd, Area Planning Manager South
Mr D Mudie, Team Leader
Ms N Drummond, Team Leader
Mr A McCracken, Team Leader
Mr K Gibson, Principal Planner
Mr J Kelly, Planner
Mr J Danby, Principal Engineer
Ms S Blease, Principal Solicitor (Clerk)
Mrs P Bangor-Jones, Administrative Assistant

Business

**1. Apologies
Leisgeulan**

Apologies were received from Mr A Baxter, Mr J Gray, Mr F Parr, Mr T MacLennan and Mr J Crawford.

**2. Declarations of Interest
Foillseachaidhean Com-pàirt**

Item 5.8 - Mr H Wood (non-financial)

Item 5.9 – Mr H Wood (non-financial)
Item 5.9 - Mr R Laird (non-financial)
Item 5.12 – Mr D Fallows (non-financial)

3. Confirmation of Minutes Dearbhadh a' Gheàrr-chunntais

There had been circulated for confirmation the minutes of the Committee meeting held on 8 April 2014.

Mr R Laird advised that in relation to Item 6.1 of the minute, he was Vice Chair and not Chair of the Inverness Civic Trust.

Thereafter, the minute was **APPROVED**.

4. Major Applications

There had been circulated Report No. PLS/031/14 by the Head of Planning and Building Standards which provided a summary of all cases within the “Major” development category, currently with the Planning and Development Service for determination.

Mr Mudie updated Members with regard to an expected amendment to the Cairn Duhie Wind Farm application. It was now predicted that the application would not come forward to Committee before August or September 2014.

Members discussed a possible visit to the Cairn Duhie Wind Farm site and any issue this might create with regard to meeting the consultation deadline. In this regard, it was explained that Highland Council as the main consultee, was in regular contact with the Energy Consents Unit and could seek an extension of the response deadline if the committee process caused one to be needed. It was further clarified that the Energy Consents Unit was aware of the committee process required before a response could issue from Highland Council.

With regard to the new process of pre-application scrutiny of Major Developments, it was confirmed that Members training would take place in August before implementation in September 2014.

Thereafter, Committee agreed to **NOTE** the current position.

5. Planning Applications to be Determined Iartasan Dealbhaidh rin Dearbhadh

5.1

Applicant: Highlands and Islands Enterprise (13/00618/S42) (PLS/032/14)

Location: Land at Beechwood Farm, Inverness (Ward 17 and 20)

Nature of Development: Application for non-compliance with Condition 20 of Planning Permission in Principle 09/00887/PIPIN (Inverness Campus); Raigmore Bus Gate.

Recommendation: Grant

There had been circulated Report No PLS/032/14 by the Head of Planning and Building Standards recommending that planning permission be granted subject to the variations to conditions recommended in the report.

Mr Mudie presented the report and recommendation.

During discussion Members commented as follows:

- with the planning permission conditions based on square metres, if failed to provide an understanding of timescale to completion of the development;
- with regard to the Inshes and Raigmore Development Brief, it was acknowledged that the transport component of the development would feed into the brief;
- the proposed bus link from Churchill Road to the Campus via Raigmore, whilst not necessarily attractive to those travelling to and from the Campus, would benefit the residents of the Raigmore Estate by allowing a public transport connection to wider Inverness;
- expressed concern that the ongoing NHS access issues through Raigmore Hospital estate had not yet been resolved.

In response to a question it was confirmed that:

- if an applicant could not achieve compliance with a condition, then the applicant was entitled to come back to committee to seek to have a condition amended or removed. It was, of course, within the committee's powers to agree or refuse such an application;
- with regard to timescales, at present the development was approaching 20,000 square metres of approved floor space. It was further confirmed that 50,000 square metres was a condition that was used to allow sufficient completion time and to tie the development into other infrastructure requirements; and
- it was possible and reasonable to word a condition which included both square metres and a time limit.

The Committee agreed to **GRANT** planning permission subject to the variations to conditions recommended in the report, with the following amendments:

- In Part A of the recommendation, part ii) of varied Condition 20 should be amended to include a time limit as follows: "prior to the occupation of 50,000 m2 gross floor area within the development or within five years of first occupation of the development (whichever is the sooner) ..."; and
- In part B of the recommendation, the list of conditions should be amended to Conditions 3-5, 7 and 9.

5.2

Applicant: Hugh MacRae & Co, Academy Street Restorations Ltd and Mr A H Rapson (14/01198/S42) (PLS/033/14)

Location: Land to the North East of Ness Castle, Inverness (Ward 16)

Nature of Development: Application for non-compliance with Conditions 1 and 2 of Planning Permission in Principle 07/01043/OUTIN.

Recommendation: Grant

There had been circulated Report No PLS/033/14 by the Head of Planning and Building Standards recommending that planning permission be granted subject to the variation to conditions recommended in the report.

Mr Mudie presented the report and the recommendation.

In response to questions it was confirmed that:

- with regard to the use of the suffix OUTIN and PIP, it was explained that the terminology had changed from 2009 when the Planning Act (Scotland) 2006 came into force and “outline planning permission” was replaced by “planning permission in principle”. Outline applications registered before that change, however, had retained the OUTIN suffix in their Highland Council reference number; and
- the development would be expected to progress in accordance with the phasing approved. However, the developer would be entitled to divide each phase of the development into stages, provided they complied with the Phasing Plan.

Thereafter, the Committee agreed to **GRANT** planning permission subject to the variation to conditions recommended in the report, subject to an amendment to condition 21 in Part B of the recommendation to replace the words “on occupation” with words importing a defined deadline for implementation.

5.3

Applicant: Highlands and Islands Enterprise and University of the Highlands and Islands (14/01282/MSC) (PLS/034/14)

Location: Land at Beechwood Farm, Inverness (Inverness Campus) (Ward 17 and 20)

Nature of Development: Application for approval of Matters Specified in Conditions 2 (c) of Planning Permission in Principle 09/00887/PIPIN at Beechwood Farm, Inverness (Inverness Campus). Specifically this application relates to the detailed design and layout for the building on Plot 10 which is for a mixed use enterprise research facility.

Recommendation: Approve Matters Specified in Conditions

There had been circulated Report No PLS/034/14 by the Head of Planning and Building Standards recommending approval of matters specified in Condition 2(c) of 09/00887/PIPIN for Plot 10.

Mr Mudie presented the report and the recommendation.

During debate Members commented as follows:

- with regard to design, it would have been helpful to have a set of visualisations of the building in the context of the surrounding buildings;
- concerns were raised about the proposed number of car parking spaces, which was considerably less than the standard for this size of development. It was noted that HIE had committed to improving opportunities for alternative travel modes to the Campus site. Whilst supportive of HIE’s Active Travel Plans, Members urged caution not to underestimate the number of cars which would use the car park facilities and to allow for further parking if required;

- the proposed design was attention-grabbing, although it was recognised that it was possible the design may not be universally appreciated; and
- there was interest in the use of alternative materials in the build and their appropriateness to the overall site.

In response to questions it was confirmed that:

- visuals of the overall development were not normally available at this stage of the development but could be requested, if Members wished;
- with regard to the use of aluminium in the design, the advantage in the use of metal was in terms of lifecycle costs and maintenance. It was further confirmed that the materials chosen were appropriate to the site and context and were compliant with the approved Design Statement;
- the use of aluminium was considered by the developer's architects to be an innovative step forward in architectural design; and
- Highland Council, due to the constitution of PLACE, the Inverness Design Review Panel, was unable to ask for a review. If a review was required it was for developers to make contact with PLACE.

The Committee agreed to **APPROVE** matters specified in Condition 2(c) of 09/00887/PIPIN for Plot 10.

5.4

Applicant: Springfield Properties PLC (13/03759/FUL) (PLS/035/14)

Location: Land To South Of West Kingsteps, Kingsteps, Lochloy Road, Nairn (Ward 19)

Nature of Development: Revision of masterplan and mixed use development incorporating residential and community uses

Recommendation: Grant

There had been circulated Report No PLS/035/14 by the Area Planning Manager South recommending that planning permission be granted subject to the conditions recommended in the report.

Mr A McCracken presented the report and the recommendation.

During discussion Members commented as follows:

- it was vital that the shortfall of two affordable houses was addressed. Furthermore, appropriate siting and design of any affordable housing was essential. It was important to ensure that affordable houses would be pepper-potted throughout the development and not sited together in a cluster which marked out the properties as affordable housing;
- whilst the significant new planting areas were welcomed, Members stressed the importance of open parkland, amenity areas and play parks being sited appropriately taking account of residents' requirements;
- with regard to the provision of a pedestrian and cycle rail crossing, this was an important linkage element of the development. Previous experience suggested that the process of delivery of a rail crossing was notoriously difficult to achieve and, in light of this, it was suggested that it was the discussion process should be started as early as possible. Members further deliberated if a Section 75

could be used as a lever to put pressure for an early delivery of the rail crossing;

- it was imperative that condition five which dealt with the maintenance and management of all communal spaces, facilities and landscaping, play parks and amenity space be as watertight as possible. It was further discussed that it was essential that play areas required to be fully equipped and to ensure the best possible outcome, it was suggested that play area delivery plans would come back to Local Members, which would facilitate discussion with the community; and
- concerns remained over the ability of the local road network and the Lochloy and A96 junction to cope with the additional vehicular traffic generated by the development.

In response to questions it was confirmed that:

- with regard to the concerns with the two additional planting areas, any worries could be raised and dealt with when the detailed plans of planting came forward;
- the new s75 required to be more precise with regard to a delivery timetable for the provision of the pedestrian and cycle rail crossing;
- the developer had confirmed that two further affordable houses could be added to address the shortfall in affordable housing highlighted in the report; and
- with regard to equipped play areas, it would be possible to request written details of these and officers would then consult with Local Members on the detail.

Thereafter, the Committee agreed to **GRANT** planning permission subject to the conclusion of a s75 agreement to secure the matters listed in the report and subject to the conditions recommended in the report, subject also to the following:

- an additional condition requiring amendment to the layout to incorporate a further two affordable houses;
- a requirement that the scheme to be submitted in terms of Condition 3 include details of an equipped play area. Officers are to consult with Local Members on the details of the equipped play area when submitted; and
- a delivery plan for the railway crossing should be secured as part of the provisions of the s75 agreement.

5.5

Applicant: Mr E. MacDonald (14/00104/PIP) (PLS/036/14)

Location: Land 1376 m east of Purlie Lodge, Abriachan (Ward 13)

Nature of Development: Formation of 2 house plots, installation of waste water treatment system and soakaway, and formation of vehicular access

Recommendation: Grant

There had been circulated Report No PLS/036/14 by the Area Planning Manager South recommending that planning permission be granted subject to the conditions recommended in the report.

The Committee agreed to **DEFER** determination of the application to the next meeting, to allow time for discussion with the applicant on an alternative entrance route to the site which would have less impact on residents' amenity.

5.6

Applicant: Mr D and Mrs A Black (14/00342/FUL) (PLS/037/14)

Location: Land 300 m SE of Garlyne, Nethybridge (Ward 21)

Nature of Development: Erection of new farmhouse

Recommendation: Refuse

There had been circulated Report No PLS/037/14 by the Area Planning Manager South recommending that planning permission be refused for the reasons recommended in the report.

The application was **WITHDRAWN**.

5.7

Applicant: Jamie Macvie (14/00784/FUL) (PLS/038/14)

Location: Allasdale, St Ninian Road, Nairn (Ward 19)

Nature of Development: Sub-divide and extend dwelling to form 2 dwellings, formation of new vehicle access and upgrade existing access

Recommendation: Grant

There had been circulated Report No PLS/038/14 by the Area Planning Manager South recommending that planning permission be granted subject to the conditions recommended in the report.

Mr A McCracken presented the report and the recommendation.

The Committee agreed to **GRANT** planning permission subject to the conditions recommended in the report.

5.8

Applicant: Allt Carach Wind Farm Ltd (14/00644/FUL) (PLS/039/14)

Location: Land SW of Urchany and Farley Forest, Struy, Beaully (Ward 13)

Nature of Development: Erection of temporary 80m high meteorological mast & associated fencing for temporary period of 5 years in relation to the proposed Allt Carach Wind Farm

Recommendation: Grant

Mr H Wood declared a non-financial interest in this item as a recipient of recent hospitality from Allt Carach Wind Farm Ltd and left the chamber for the duration of this item.

There had been circulated Report No PLS/039/14 by the Area Planning Manager South recommending that planning permission be granted subject to the conditions recommended in the report.

Mr K Gibson presented the report and the recommendation.

During debate Members commented as follows:

Item 3

- given the location of the mast it was important to consider the effect of the structure on tourism;
- it was vital to consider each application on its merits. It was not an application for wind turbines. It was further commented that the application description used the words “proposed wind farm”, which added weight to the objectors’ perception that the mast was a precursor to a wind farm;
- the location of the mast was not acceptable in terms of visual impact and did not represent a satisfactory form of development within the landscape. Therefore, it was not compatible with Policies 67 and 61;
- there was surprise that no comment had been received from the RSPB and that there was no objection from Scottish Natural Heritage;
- there were a number of high level crofts and dwellings in the location of the site of the proposed mast; and
- there was concern that the Beaully area was becoming saturated with developments related to the energy industry.

In response to questions it was confirmed that:

- with regard to studies on the impact of anemometers and associated guide-wires on birds, Highland Council Planning Department were unaware of any formal studies;
- four-wheel drive and tracked vehicles would use the existing formal estate tracks and no new tracks would be formed. It was further confirmed that, bog matting would be used where soft ground conditions existed;
- the infra-red aviation warning light requested by the Ministry of Defence was invisible to the naked eye, and
- due to the nature of the terrain a mast of 80 metres was required to ensure accuracy of the wind-speed data. It was further confirmed that, the Supplementary Guidance mentioned in one of the objections as recommending a maximum height of 50 metres related to small wind turbines and did not relate to anemometer masts. Anemometers were generally higher than 50 metres to ensure accurate recording of weather conditions

Following discussion, Mrs M Davidson, seconded by Mr A Duffy, then moved that planning permission be refused for the following reasons:

- due to its height and elevated position the mast will be readily visible from the surrounding landscape and community and as such would be contrary to Policy 28 of the Highland-wide Local Development Plan in that it would have a significantly detrimental impact on landscape and scenery and on individual and community residential amenity.

Mr T Prag, seconded by Mr C Macaulay, then moved as an amendment that planning permission be granted for a period of three years subject to the conditions recommended in the report.

On a vote being taken, ten votes were cast in favour of the motion and three votes in favour of the amendment as follows:

Motion

Mr R Balfour

Mrs M Davidson
Mr A Duffy
Mr D Fallows
Mr J Ford
Mr M Green
Mr D Kerr
Mr R Laird
Mr B Lobban
Mrs J Slater

Amendment

Mr B Clark
Mr C Macaulay
Mr T Prag

The motion to **REFUSE** planning permission for the reasons stated above accordingly became the finding of the meeting.

5.9

Applicant: Mr Angus MacDonald (14/00754/FUL) (PLS/040/14)

Location: Development Site East of Cathedral, Ness Walk, Inverness (Ward 15)

Nature of Development: Refreshment kiosk

Recommendation: Grant

Mr H Wood declared a non-financial interest in this item as a Committee Member of Inverness Civic Trust who had objected to the development and left the chamber for the duration of this item.

Mr R Laird declared a non-financial interest in this item as a Committee Member of Inverness Civic Trust who had objected to the development and left the chamber for the duration of this item.

There had been circulated Report No PLS/040/14 by the Area Planning Manager South recommending that planning permission be granted subject to the conditions recommended in the report.

Mr K Gibson presented the report and the recommendation.

During discussion Members welcomed the application and emphasised the need for a swift decision with regard to the Stopping-up Order.

It was confirmed that Legal Services had promoted a Stopping-up Order and, as objections to the proposed Order had been lodged, it was for Scottish Ministers to determine whether the Order should be confirmed.

The Committee agreed to **GRANT** planning permission subject to the conditions recommended in the report.

5.10

Applicant: Mr William MacMillan (12/00103/FUL) (PLS/041/14)

Location: 42 – 44 Millburn Road, Inverness (Ward 17)

Nature of Development: Change of use of motorcycle showroom and workshop to restaurant and separate class 3 hot food takeaway

Recommendation: Grant

There had been circulated Report No PLS/041/14 by the Area Planning Manager South recommending that planning permission be granted subject to the conditions recommended in the report.

Ms N Drummond presented the report and the recommendation.

The Committee agreed to **GRANT** planning permission subject to the conditions recommended in the report.

5.11

Applicant: Mr William Crawford (13/03013/FUL) (PLS/042/14)

Location: Land 65M West of The Cottage, Leanassie, Beaully (Ward 13)

Nature of Development: Erection of dwellinghouse

Recommendation: Grant

There had been circulated Report No PLS/042/14 by the Area Planning Manager South recommending that planning permission be granted subject to the conditions recommended in the report.

Ms N Drummond presented the report and the recommendation.

During discussion, Members noted the work undertaken by officers and the applicant and welcomed the improved application. In addition, Members indicated that they would welcome a policy review with regard to possible contributions by developers to single track road maintenance.

The Committee agreed to **GRANT** planning permission subject to the conditions recommended in the report. It was further agreed that additional conditions and/or advisory notes as considered appropriate, be included in order to:

- clarify that, for the avoidance of doubt, demolition of the existing buildings is not approved by this planning permission and shall not take place without the applicant fulfilling his responsibilities in terms of the Habitats Regulations and the protection afforded to European Protected Species;
- impose appropriate restrictions on construction working hours (to be determined by the Area Planning Manager) in the interest of residential amenity; and
- impose a requirement that no development take place until the position of the house has been pegged out on site and the pegged out position has been approved by the Planning Authority.

5.12

Applicant: Highland Housing Alliance (14/00661/FUL) (PLS/043/14)

Location: 7 Balvonie Green, Inverness (Ward 20)

Nature of Development: Erection of 6 houses

Recommendation: Grant

Mr D Fallows declared a non-financial interest in this item as a Director of Highland Housing Alliance and left the chamber for the duration of this item.

There had been circulated Report No PLS/043/14 by the Area Planning Manager South recommending that planning permission be granted subject to the conditions recommended in the report.

Ms N Drummond presented the report and the recommendation.

During discussion Members were supportive of the application and welcomed the possibility of additional car parking spaces.

The Committee agreed to **GRANT** planning permission subject to the conditions recommended in the report. It was further agreed that delegated authority be granted to the Area Planning Manager to require and approve a minor variation to the layout plan to increase the number of car parking spaces by reducing the bin storage area (to allow for 18 bins as opposed to the 36 currently provided for in the layout plan).

5.13

Applicant: Mrs Brenda MacKenzie (14/01367/FUL) (PLS/044/14)

Location: 18 - 21 Harbour Road, Inverness, IV1 1UA (Ward 14)

Nature of Development: Change of use of Unit 4 from Euro car rental to pet supplies and delivery service

Recommendation: Grant

There had been circulated Report No PLS/044/14 by the Area Planning Manager South recommending that planning permission be granted subject to the conditions recommended in the report.

Ms N Drummond presented the report and the recommendation.

The Committee agreed to **GRANT** planning permission subject to the condition recommended in the report.

6. Decisions of the Scottish Government's Directorate for Planning and Environmental Appeals, Energy and Climate Change Directorate, and Directorate for Local Government and Communities
Co-dhùnaidhean Ath-thagraidhean do Bhuidheann-stiùiridh Ath-thagraidhean Dealbhaidh is Àrainneachd, Buidheann-stiùiridh Cumhachd agus Atharrachadh Gnàth-shìde, agus Buidheann-stiùiridh Riaghaltas Ionadail is Coimhearsnachdan Riaghaltas na h-Alba

6.1

Applicant: The Trustees of Hercules Unit Trust plc - CLUD-270-2002 (12/03814/CLP)

Location: Units 1A-8 at Phase 1 Inverness Retail Park, Eastfield Way, Inverness IV2 7GD

Application: Application for certificate of lawful use of specified units at Inverness Retail Park for the sale of all retail goods including food.

The Committee **NOTED** the decision of the Reporter to decline to make an award of expenses to the appellant. The claim for expenses related to a previous appeal by the appellant, which was reported to the South Planning Applications Committee on 21 January 2014, Item 6.1.

The meeting ended at 14.45