

**The Highland Council**

**North Planning Applications Committee**

Minute of the meeting of the North Planning Applications Committee held in the Council Chamber, Council Headquarters, Glenurquhart Road, Inverness on Tuesday 17 October 2017 at 10.30 am.

**Committee Members Present:**

Mrs I Campbell, Ms K Currie, Mr M Finlayson, Mr C Fraser (excluding Items 5.5-6.1), Mr R Gale, Mr J Gordon (by video conference from Skye), Mr D MacKay, Ms A MacLean, Mr C MacLeod, Mr D MacLeod, Mrs M Paterson, Mr A Rhind, Mr A Sinclair and Ms M Smith.

**Non-Committee Members Present:**

Mr G Adam, Mrs J Barclay, Mr W Mackay and Mrs T Robertson.

**Officials in attendance:**

Mr D Jones, Area Planning Manager North  
Ms J Bridge, Senior Engineer (Development Management)  
Mrs J Ferguson, Team Leader, Planning  
Ms E Forbes, Principal Planner  
Mrs S Hadfield, Planner  
Mr R Bryan, Senior Technician  
Mrs K Lyons, Principal Solicitor – Planning and Clerk  
Mr S Taylor, Administrative Assistant

**Business**

**Ms Maxine Smith in the Chair**

The Chair confirmed that the meeting would be filmed and broadcast over the Internet on the Highland Council website and would be archived and available for viewing for 12 months.

**1. Apologies  
Leisgeulan**

Apologies for absence were intimated on behalf of Mr R Bremner and Mr K Rosie.

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

Item 5.6 – Mr C Fraser (non-financial)

**3. Confirmation of Minutes  
Dearbhadh a' Gheàrr-chunntais**

There had been submitted for confirmation as a correct record the minutes of the meeting of the Committee held on 12 September 2017 which were **APPROVED**.

**4. Major Applications  
Iarrtasan Mòra**

There had been circulated Report No PLN/058/17 by the Head of Planning and Environment providing an update on progress of all cases within the "Major" development category currently with the Planning and Development Service for determination.

The Planning Officer responded to Members comments as follows:

- it was confirmed that the PAN process and public consultation in relation to the application to alter the existing Oyster Farm at Cromarty Bay had commenced and that the applicant would be unable to submit a formal application until the time period for this process had expired; and
- the Report references to ward numbers would be revised to reflect the recent boundary changes to wards.

The Committee **NOTED** the current position with these applications.

**5. Planning Applications to be Determined  
Iarrtasan Dealbhaidh rin Dearbhadh**

**5.1 Applicant:** Mr Angus MacLean (13/00497/FUL) (PLN/059/17)

**Location:** Land East of Balloan Road and South of Ord Road, Marybank (Ward 5)

**Nature of Development:** Formation of one house plot and access (further application to planning permission 07/00777/FULRC)

**Recommendation:** Grant.

There had been circulated Report No PLN/059/17 by the Area Planning Manager recommending that the Committee grant the application subject to the conditions detailed therein. The Planning Officer detailed an amendment to condition 10 of the Report.

The Planning Officer responded to Members' comments as follows:

- a condition had been included within the recommendation requiring contact details of the party responsible for the maintenance of the drainage infrastructure to be provided to the planning authority and Flood Risk Management Team;
- the appropriate infrastructure would have to be in place prior to commencement of the development of the subsequent plots in applications 13/00498/FUL and 13/00499/FUL;
- whilst it was preferable to have affordable housing on the site first, it was for the developer to agree an approach with the housing management team as to what type of housing would be built initially;

- the provision of a play area would be required prior to the commencement of building the first house;
- the installation of an overland flow interceptor drain would be required prior to the commencement of development of the first house in either application 13/00498/FUL or 13/00499/FUL, depending on which application commenced first;
- a waste water treatment works had recently been built in the area with additional capacity to support planned development; and
- the submission of the design of traffic calming measures would be required to be submitted to Transport Planning prior to the commencement of development of the first house in either application 13/00498/FUL or 13/00499/FUL, depending on which application commenced first.

The Committee agreed **to GRANT** subject to the conditions detailed in the report and subject to amendment of condition 10 to add “and thereafter maintained in perpetuity.” after “commences on site”.

**5.2 Applicant:** Mr Angus MacLean (13/00498/FUL) (PLN/060/17)  
**Location:** Land East of Balloan Road and South of Ord Road, Marybank (Ward 5)  
**Nature of Development:** Formation of 16 house plots including access, landscaping and amenity/play areas (further application to planning permission 07/00777/FULRC).  
**Recommendation:** Grant.

There had been circulated Report No PLN/060/17 by the Area Planning Manager recommending that the Committee grant the application subject to the conditions detailed therein. The Planning Officer detailed an amendment to condition 8 of the report.

The Committee agreed **to GRANT** subject to the conditions detailed in the report and subject to amendment of condition 8 to add “and thereafter maintained in perpetuity.” after “commences on site” and final wording of condition 11 - traffic calming to be agreed by Chair.

**5.3 Applicant:** Mr Angus MacLean (13/00499/FUL) (PLN/061/17)  
**Location:** Land East of Balloan Road and South of Ord Road, Marybank (Ward 5)  
**Nature of Development:** Formation of 10 house plots including access, landscaping and amenity/play areas (further application to planning permission 07/00777/FULRC).  
**Recommendation:** Grant.

There had been circulated Report No PLN/061/17 by the Area Planning Manager recommending that the Committee grant the application subject to the conditions detailed therein. The Planning Officer detailed an amendment to condition 7 of the Report.

The Committee agreed **to GRANT** subject to the conditions detailed in the report and subject to amendment of condition 7 to add “and thereafter maintained in perpetuity.” after “commences on site” and final wording of condition 10 - traffic calming to be agreed by Chair.

**5.4 Applicant:** Madison Sol Ltd (16/04389/FUL) (PLN/062/17)

**Location:** Land to West of Doelcam, Jamestown (Ward 5)

**Nature of Development:** Formation of two house plots, installation of access road, turning area and footpath.

**Recommendation:** Grant.

There had been circulated Report No PLN/062/17 by the Area Planning Manager recommending that the Committee grant the application subject to the conditions detailed therein. The Planning Officer detailed an additional footnote to be included within the permission should the Committee be minded to grant the application.

The Planning Officer responded to Members' comments as follows:

- Scottish Natural Heritage had not been consulted regarding the presence of wildcats as any advice in their response would have been taken from Scottish Wildcat Action who had conducted a wildcat survey which found no signs of wildcat within the site;
- Scottish Water's right of access to the water treatment area to the south west of the application site would not be prejudiced by the proposed development;
- it would be incumbent on prospective householders and developers to be aware of the circumstances relative to Scottish Water's right of access in the future;
- in view of the distance involved, it was considered disproportionate to require the access track to be brought up to adopted standards;
- due to the narrow road, traffic speed within Jamestown was unlikely to necessitate the need for formal traffic calming measures and it was deemed that the emphasis in terms of road safety should be on the provision of improved infrastructure for pedestrians.

During discussion, comments included the following:

- it was requested that wildcat surveys be undertaken across all applications;
- whilst there had been comment within the representations regarding the 40mph speed limit, it was very unlikely that traffic would be able to reach this due to the narrow roads and high hedges; and
- the proposed development represented a rounding off of an existing group of houses and would not set any precedent in terms of density of housing within this location.

The Committee agreed **to GRANT** subject to the conditions detailed in the report and an additional footnote as follows:

### **Indicative Layout and Future Applications**

For the avoidance of doubt permission is granted solely for the servicing and infrastructure as shown and subject to the relevant conditions attached to the decision notice. The size, orientation and location of the houses as shown on the approved plans is indicative only and does not have the benefit of planning permission. The detailed siting, design scale and finish

of the house will require to be the subject of a separate planning application/s to the Planning Authority.

**5.5 Applicant:** Lochalsh Estates Ltd (17/01301/FUL) (PLN/063/17)

**Location:** Land 45 m North of Keyanu, 1 Lochalsh View, Auchtertyre, Balmacara (Ward 5)

**Nature of Development:** Erection of 6 dwelling houses.

**Recommendation:** Grant.

There had been circulated Report No PLN/063/17 by the Area Planning Manager recommending that the Committee grant the application subject to the conditions detailed therein.

The Planning Officer responded to Members' comments as follows:-

- whilst consideration had been given to forming an access into the site from the A890, this could be difficult to achieve due to the steep change in gradient from the A890 down to the development site and the significant financial expenditure required to facilitate this;
- safety concerns regarding the speed of traffic on the A890 could also prohibit the formation of an access into the site;
- Transport Planning was of the view that the proposed access from the public road within the settlement was acceptable and was not considered disproportionate in terms of the development's location within a village setting and the volume of traffic arising from the proposed development;
- whilst it was acknowledged that there were long standing concerns within the community regarding the safety of the junction onto the old Stromeferry road, Transport Planning was of the view the scale of the proposed development did not give rise any significant concerns regarding road safety; and
- the concerns raised regarding road safety within the area were beyond the scope of the application and it was suggested that these be raised at the Ross and Cromarty Area Committee with a view to discussion with Transport Scotland.

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

**5.6 Applicant:** Parklands Developments Ltd (17/02523/FUL) (PLN/064/17)

**Location:** Land to North East of King George V Park, Ness Road, Fortrose (Ward 9)

**Nature of Development:** Erection of 40 bedroom care home.

**Recommendation:** Refuse.

#### **Declaration of Interest**

**Having previously spoken in support of the application during a pre-election hustings, Mr C Fraser declared a non-financial interest in this item and left the Chamber for the duration of this item.**

There had been circulated Report No PLN/064/17 by the Area Planning Manager recommending that the Committee refuse the application.

The Planning Officer responded to Members' comments as follows:-

- the policies contained within the Council's various development plans accorded with Scottish Planning Policy;
- the various elements of the Inner Moray Firth Local Development Plan (IMFLDP) were considered during the planning officer's determination of the application;
- any general aspirations which had been identified post-adoption of the IMFLDP would not have been reflected in the officer's determination of the application;
- the application site comprised of prime agricultural land identified as being Class 2 in the Land Capability Classification for Agriculture developed by Macaulay Land use Research Institute;
- whilst there was acknowledgment of the view expressed locally of the need for a care home within the area following recent closures, Members were being asked to determine whether the proposed development was appropriate in terms of planning and policy terms;
- the size and scale of the car park at the cemetery had no bearing on the Committee's determination of the application as car parks were assessed under different policies to those used for buildings of the size and scale proposed in the application;
- the existing single house development on the corner of the junction between Ness Road and Rosemarkie Road formed part of the settlement whereas the proposed development site was separated from the edge of the settlement and would significantly intrude into the agricultural field;
- the Ness Gap development site had been allocated for housing within the IMFLDP and had been developed as such; and
- a number of alternative sites had been identified within the IMFLDP as being suitable for care home use.

During discussion, comments included the following:-

- there was overwhelming support within the local community for the proposed development to be granted planning permission;
- whilst alternative sites had been identified, the applicant had indicated these were unsuitable;
- whilst it was acknowledged that the proposed development would lead to the loss of prime agricultural land, the importance of providing elderly people with locally based care was emphasised;
- the proposed development would not intrude significantly into the green wedge between Fortrose and Rosemarkie and whilst any future development on this wedge would have to be assessed on its own merits, further encroachment into this land would be unlikely to be supported;
- there was an established need for care home facilities in the Black Isle following the closure of Marine House and the threat to the continuation of supported living in Abbeyfield;
- it was emphasised that planning officers were following the policies contained within the IMFLDP and whilst the issue of care home provision was an emotive subject, it was unfair to criticise officers for following guidelines which had been adopted by the Council;

- concern was expressed that approval could set a precedent for further development on the green wedge between Fortrose and Rosemarkie;
- the design of the proposed development was acceptable in this location;

The Committee agreed **to GRANT** subject to the addition of conditions to be drafted by officers and approved by the Chair and Local members under delegated powers. The reasons given in support of granting planning permission were:

1. While the site of the proposed development is contrary to the aims and objectives of the Inner Moray Firth Local Development Plan which seeks to protect and maintain the distinct identities of Fortrose and Rosemarkie by retaining as undeveloped the green wedge between the villages, given the existing built development on Ness Road to the east of the application site and the existing limit of the Fortrose settlement boundary to the west of the application site and given the exceptional need for this type of facility, the proposed development is not considered to result in a significant intrusion of built development into the green wedge. However, it must be noted that this does not give approval for a wider encroachment into this agricultural land and notes that this application only seeks to build on a small portion of this green wedge. Anything beyond this is not envisaged at this time.
2. Although the site lies outwith the Settlement Development Area of Fortrose as defined in the Inner Moray Firth Local Development Plan (adopted 2015), the proposed development is supported as it is not judged to be significantly detrimental to the criteria contained in Policy 36 (Development in the Wider Countryside) of the Highland-wide Local Development Plan. Referring back to point 1, this application is approved on the basis that it is contained within the small section applied for and the committee does not support further encroachment into this land.
3. Although agricultural land is protected under para 80 of Scottish Planning Policy 2014, the established need for the development and there being no other suitable sites available is considered to justify the loss of prime agricultural land. Since the last IMFLDP was drawn up there has been a loss of 1 care home and the forthcoming closure of a supported housing facility in the vicinity of the Black Isle so the established community need for this facility is noted, so on this occasion justifies approval of this application. The revised design on the new application is deemed more acceptable and less intrusive in this location, given there is no other site available in the locale.

The applicant needs to demonstrate, by way of conditions, how they will avoid unnecessary disturbance, degradation, or erosion of peat and soils. (Policy 55 (Peat and Soils) of the Highland-wide Local Development Plan)

**6. Decisions of Appeals to the Scottish Government's Planning and Environmental Appeals Division**  
**Co-dhùnaidhean Ath-thagraidhean do Bhuidheann-stiùiridh Riaghaltas na h-Alba airson Ath-thagraidhean Dealbhaidh agus Àrainneachd**

**6.1 Applicant:** Mr Robert Finnie (16/04199/FUL) (PPA-270-2170)

**Location:** Torsealladh, Munro Park, Contin, Strathpeffer, IV14 9ES

**Nature of Development:** Change of use of land to domestic curtilage, erection of two garages and a garden shed (retrospective)

The Committee **NOTED** that the appeal to the Scottish Government's Planning and Environmental Appeals Division had been allowed for the change of use to domestic curtilage, the erection of the southernmost garage and garden shed and planning permission granted subject to the conditions detailed in the decision notice and that the appeal for the erection of the northernmost garage had been dismissed for the reasons stated in the decision notice.

There being no further business the meeting closed at 2.00 pm