

## **The Highland Council South Planning Applications Committee**

Minute of Meeting of the South Planning Applications Committee held in the Chamber, Council Headquarters, Glenurquhart Road, Inverness on Tuesday 24 October 2017 at 10.30 pm.

### **Committee Members Present:**

Mr R Balfour (excluding items 3 - 5.1)  
Mr A Baxter  
Mr B Boyd (excluding item 5.1)  
Ms C Caddick (excluding item 5.1)  
Mr G Cruickshank (excluding item 5.1)  
Mrs M Davidson (item 6.4 only)  
Mr L Fraser (excluding items 3 - 5.1)  
Mr J Gray  
Ms P Hadley (excluding item 5.1)  
Mr A Jarvie  
Mr R Laird (excluding item 5.1)  
Mr B Lobban  
Mr R MacWilliam  
Mr B Thompson

### **Officials in attendance:**

Ms N Drummond, Area Planning Manager South/Major Developments  
Mr D Mudie, Team Leader  
Mrs S Macmillan, Team Leader  
Mr M Clough, Senior Engineer, Transport Planning  
Ms L Prins, Principal Planner  
Mr S Hindson, Acting Principal Planner  
Mr R Dowell, Planner  
Mr J Kelly, Planner  
Ms S Blease, Principal Solicitor (Clerk)  
Miss C McArthur, Solicitor (Regulatory Services)  
Mr S Taylor, Administrative Assistant

### **Mr J Gray in the Chair**

### **Preliminaries**

The Chairman 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.

### **Business**

#### **1. Apologies for Absence Leisgeulan**

Apologies for absence were submitted on behalf of Mr T Heggie and Mr N McLean.

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

None

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

There had been circulated for confirmation as a correct record the minute of the Committee meeting held on 19 September 2017 which was **APPROVED**.

Arising from the minute, the Area Planning Manager advised that a date for Member training on fish farm applications would be confirmed soon.

**4. Major Development Update  
Iarrtasan Mòra**

There had been circulated Report No PLS/053/17 by the Head of Planning and Environment which provided a summary of all cases within the "Major" development category currently with the Planning and Development Service for determination.

The Committee **NOTED** the current position.

**5. Continued Item  
Cuspairean a' Leantainn**

**5.1 Applicant:** Cityheart Ltd (16/03329/FUL) (PLS/050/17)

**Location:** Land 35M North of St Marys Roman Catholic School, Fassifern Road, Fort William. (Ward 21)

**Nature of Development:** Erection of student accommodation block consisting of 40 no. rooms and associated car parking and external landscaping.

**Recommendation:** Grant

There had been circulated Report No PLS/050/17 by the Area Planning Manager – South/Major Developments recommending the grant of the application, subject to the conditions detailed in the report.

A site visit had taken place on Monday, 23 October 2017 attended by the following Members: Mr A Baxter, Mr J Gray, Mr A Jarvie, Mr B Lobban, Mr R MacWilliam and Mr B Thompson. Only those Members who had attended the site visit and were present at the meeting took part in the determination of the application.

Mrs S Macmillan presented the report and recommendation.

In response to questions, it was confirmed that:-

- The height of the two upper floor windows on the south western gable of the main building measured 1.6 metres to the bottom of the window and 1.8 metres to the centre of the glazing.

- Whilst negotiations had taken place with the applicant seeking to increase parking provision, it was considered that 8 parking spaces for 40 bedrooms was the maximum that could be achieved within the site and compared favourably with similar town centre student accommodation projects in Fort William and in Inverness.
- Condition 6 within the recommendation had been included to ensure that the timescale for formation of two footpaths to the rear of Inverness Cottage and Mo Dhachaidh would not be delayed if the applicant sought an alternative arrangement.

During discussion, Members' comments included the following:-

- There was insufficient provision for car parking on site and the level of car ownership by students using the proposed accommodation had been underestimated.
- Whilst it was acknowledged that the parking ratio was similar to that of student accommodation at the Nevis Centre, the close proximity of town centre parking to the Nevis Centre had made that development acceptable.
- Concern was expressed regarding the height of the proposed building and that there was potential for it to overlook onto the neighbouring Invernevis Cottages leading to a loss of privacy.
- Whilst the principle of student accommodation was supported by the local Members, the siting and massing of the proposed development could impact negatively on the surrounding cottage gardens and greenspace area along Fassifern Road.
- Concerns had been raised locally that Duncansburgh MacIntosh Church car park was being used by drivers as a public car park.
- The entrance to the car park was narrow and could restrict the size of vehicles entering the site.
- There was sufficient parking in the town centre to address concerns regarding a lack of suitable on-site parking.
- Having accepted the principle of development for student accommodation on the site, it would be difficult to refuse the application on the grounds of a lack of parking provision.

No consensus having been reached between the members, Mr A Baxter, seconded by Mr B Lobban, then moved that the application be refused on the grounds that due to the scale, mass and height of the proposed development along with its close proximity to the neighbouring properties, the development was not acceptable in the context of the surrounding area in that it did not demonstrate sensitive siting and would lead to a detrimental impact on individual and community residential amenity. It was judged to be significantly detrimental in terms of these criteria and was accordingly contrary to Policy 28 and therefore also Policy 34 of the HwLDP.

The Chairman, seconded by Mr R MacWilliam, then moved as an amendment that the application be granted subject to the conditions recommended in the report.

On a vote being taken, four votes were cast in favour of the motion and two votes in favour of the amendment, with no abstentions as follows:-

## **Motion**

Mr A Baxter  
Mr A Jarvie  
Mr B Lobban  
Mr B Thompson

## **Amendment**

Mr J Gray  
Mr R MacWilliam

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

## **6. Planning Applications to be Determined Iarrtasan Dealbhaidh rin Dearbhadh**

- 6.1 **Applicant:** Mr William Lewis (17/02525/FUL) (PLS/054/17)  
**Location:** Land 85M south west of Cnoc Mor, Isle of Eigg. (Ward 11)  
**Nature of Development:** Proposed erection of a dwelling house (AIRIGH) with access, parking and turning, and associated services.  
**Recommendation:** Grant

There had been circulated Report No PLS/054/17 by the Area Planning Manager – South/Major Developments recommending the grant of the application, subject to the conditions detailed in the report.

Ms L Prins presented the report and recommendation.

In response to questions, it was confirmed that:-

- The National Record of the Historic Environment and previous surveys undertaken within the area had not identified any features within the footprint of the site which were likely to impact on the proposed development.
- Crofting interests on neighbouring land would not be prejudiced by the development of a single house within this location.
- The siting of the proposed development must be considered against the context of the surrounding built and landscape environment.
- Whilst the design of the proposed development was similar in appearance to a house to the north of the application site, this did not set a precedent for similar housing to be built in a different setting.
- Further details had been submitted by the applicant to demonstrate that the proposals for a water supply to the house were acceptable in terms of the quantity and quality of the supply.
- A condition could be included requiring the applicant to demonstrate that a sustainable power and heating supply to the house would be installed and that this would not include the use of diesel, petrol or any other type of fossil fuel generator.
- The distance of the nearest neighbouring houses to the proposed development were Cnoc Mor, 85m to the north east of the application site and the Roman Catholic Church of St Donnan and Chapel Bothy, approximately 190m to the south west of the site.

During discussion, Members' comments included the following:-

- Concern was expressed regarding the siting of the proposed development as its design did not fit within the context of the surrounding natural and built environment.
- The dwellings at Cleadale were of traditional form and were not considered to break the settlement pattern as they were set up against the escarpment beside the public road.
- Whilst the area to the north of the application site was of a mixed settlement, this was on flatter ground and the dwellings were well hidden within the rolling terrain.
- The proposed house would be the first building visible from the public road when viewing towards Laig beach.
- The church and chapel bothy were the only buildings to break the settlement pattern to the south of the site and were considered acceptable in the context of the surrounding area.
- Concern was expressed that the proposed development could lead to the expansion of the settlement area of Cleadale towards Laig beach.

Following discussion, Mr B Thompson, seconded by Mr A Jarvie, moved that the application be refused on the following grounds.

- Due to the prominent visibility of the proposed dwelling house from the well frequented route from the village to the bay, the development fails to demonstrate sensitive siting and is judged to be significantly detrimental in terms of this criterion and therefore contrary to Policy 28 of the HwLDP.
- For the same reason, the development also fails to make a positive contribution to the visual quality of the place in which it is located and fails to demonstrate sensitivity towards the local distinctiveness of the landscape and is accordingly contrary to Policy 29 of the HwLDP.

There being no amendment, the motion therefore became the finding of the meeting and the Committee agreed to **REFUSE** planning permission for the above reasons.

6.2 **Applicant:** Mr & Mrs M Shaw (17/02832/FUL) (PLS/055/17)

**Location:** Land 85m south west of Drimnatorran Farm House, Strontian (Ward 21)

**Nature of Development:** Erection of House (Resubmission of planning application 17/00940/FUL).

**Recommendation:** Grant

There had been circulated Report No PLS/055/17 by the Area Planning Manager – South/Major Developments recommending the grant of the application, subject to the conditions detailed in the report.

Mrs S Macmillan presented the report and recommendation.

In response to questions, it was confirmed that:-

- Whilst an objection had been made from the Community Council on the ground that the siting of the proposed development could adversely impact on

the neighbouring property "Alltan", no representations had been received from the owner of "Alltan" objection to the proposed development.

- The existing trees along the Strontian River provided screening of the proposed development from the Anaheilt public road.
- Policy contained within the former Highland Structure Plan, which required improvements to private access based on the number of houses using the access track, had been superseded by the Highland wide Local Development Plan, 2012 which sought commensurate improvements to private access roads based on the scale of development proposed.

During discussion, Members' comments included the following:-

- Whilst the issues raised in the representations regarding right of access and land owners restricting access to the cemetery were noted, it was emphasised that these were not a material consideration for the Committee in its determination of the application.

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

6.3 **Applicant:** Trustees of Richard Tyser's Overseas Settlement (17/03541/S42) (PLS/056/17)

**Location:** Land to North of Torbreck, Inverness. (Ward 15)

**Nature of Development:** Section 42 Application for Non-compliance with Condition 1 of Planning Permission in Principle Application Ref No. 04/00585/PIP.

**Recommendation:** Grant

There had been circulated Report No PLS/056/17 by the Area Planning Manager – South/Major Developments recommending the grant of the application, subject to the conditions detailed in the report.

Mr S Hindson presented the report and recommendation.

In response to a question, it was confirmed that:-

- Developer contributions had been received in respect of the proposed development the Section 42 application referred to and it was anticipated that improvement works to Torbreck Lane would be implemented within a 6 month period. However, measures were in place to address any slippage in these improvement works by way of discussion with the applicant in terms of provision of signage and information packs to residents to provide information on other safer routes to school.

The Committee agreed to **GRANT** the s.42 Application for non-compliance with condition 1 subject to (1) the prior conclusion of a modified s.75 legal agreement to reconfirm commitment to delivery of the affordable housing, public transport contributions, contributions to primary and secondary education facilities, provision of a site for a primary school, contributions towards safer routes to schools and contributions toward strategic road infrastructure and (2) the rewording, deletion and modification of the conditions attached to planning permission 04/00585/OUTIN as set out at paragraph 10.1 of the report.

- 6.4 **Applicant:** The Scottish Prison Service (17/02529/PIP) (PLS/057/17)  
**Location:** Land to Rear of Inverness Retail and Business Park, Eastfield Way, Inverness. (Ward 16)  
**Nature of Development:** Erection of Prison, to incorporate Visits Building, Family Help Hub, Regimes and Facilities Building, Community Integration Unit and Car Parking.  
**Recommendation:** Grant

There had been circulated Report No PLS/057/17 by the Area Planning Manager – South/Major Developments recommending the grant of the application, subject to the conditions detailed in the report and the prior conclusion of a s 75 agreement.

Mr J Kelly presented the report and recommendation.

In response to questions, it was confirmed that:-

- It was proposed that a secondary secure access point into the prison from the active travel link with the Inverness Campus development would be for the use of commercial deliveries and prisoner transport.
- It was proposed that the active travel link with the Inverness Campus development would incorporate a new bridge across the railway line to be provided by Highlands and Islands Enterprise once a specific capacity within the Campus had been reached.
- The application was for planning in principle only and the final design of the proposed development, including the height and scale of the security wall, would be subject to a future planning application which would be referred to the Committee for determination.

The Committee agreed to **GRANT** planning permission in principle subject to the conditions recommended in the report and the prior conclusion of a s.75 agreement to ensure the safeguarding of land for future road improvements between the A96 roundabout, the link road to the Business and Retail Park internal roundabout and Eastfield Way, the provision of the active travel link to the campus and development contributions towards the future road improvements referred to above, the provision of the active travel link and sustainable travel links in the locality.

- 6.5 **Applicant:** Garten 1 LLP (17/03827/FUL) (PLS/058/17)  
**Location:** Moorfield House, Deshar Road, Boat of Garten, PH24 3BN. (Ward 20)  
**Nature of Development:** Change of Use from Guest House (Class 7) to Dwelling/Holiday Let (Class 9) and alterations.  
**Recommendation:** Grant

There had been circulated Report No PLS/058/17 by the Area Planning Manager – South/Major Developments recommending the grant of the application, subject to the conditions detailed in the report.

Mr R Dowell presented the report and recommendation.

In response to questions, it was confirmed that:-

- The property had previously operated as a bed and breakfast and the proposed changes would result in a change of classification from a Guest House (Class 7) to Dwelling/Holiday Let (Class 9) thereby necessitating the requirement for an application for change of use.
- Environmental Health had not raised any objection as any noise-related issues arising from the proposed change of use could be dealt with through their own powers and therefore did not necessitate the need for the inclusion of a condition within the recommendations to control this.
- A condition restricting the planning permission to the current applicant had been included within the recommendation to address concerns regarding the prospect of the current applicant relinquishing ownership of the property and to enable the Planning Authority to revisit the consent should that occur.

During discussion, whilst it was not anticipated that the ownership of the property would change, it was suggested that a time limit on the permission to enable any potential issues regarding noise disturbance to be addressed be added to the recommendation.

The Committee agreed to **GRANT** planning permission for the change of use from Guest House to Dwelling/Holiday Let and alterations, subject to the conditions recommended in the report and an additional condition restricting the permission to a two year temporary consent in order to allow monitoring of any noise-related issues.

- 6.6 **Applicant:** Kincardine Estate Lodges (17/00125/FUL) (PLS/059/17)  
**Location:** Land 470m south west of Kincardine Lodge, Street of Kincardine, Boat of Garten. (Ward 20)  
**Nature of Development:** Development of a single timber holiday chalet.  
**Recommendation:** Grant

There had been circulated Report No PLS/059/17 by the Area Planning Manager – South/Major Developments recommending the grant of the application, subject to the conditions detailed in the report.

Mr R Dowell presented the report and recommendation.

In response to questions, it was confirmed that:-

- Ristol Consulting Ltd was the agent acting on behalf of the applicant and had been incorrectly referred to as a consultee on the Council's ePlanning website.
- The first sentence of Condition 8 within the recommendation could be reworded to remove "(by natural regeneration)" after Compensatory Planting Plan.

During discussion, Members' comments included the following:-

- Reference within the applicant's representations alluding to the location of the site being within the settlement area of Boat of Garten was incorrect as the application site was located outwith the settlement boundary.



- Whilst the forestry officer had raised no objection, the applicant had not confirmed what the public benefit associated with the proposed development would be.
- Transport Planning had indicated within their response that they were unable to make meaningful comment due to there being insufficient roads related information submitted with the application to assess whether appropriately sized visibility splays could be achieved.
- Concern was expressed that the proposed development would require the removal of 48 trees and that the proposal to offset this by compensatory planting to the east of the site would not mitigate the destruction of an area of ancient woodland.

No consensus having been reached between the members, Mr B Lobban, seconded by Ms P Hadley, then moved that the application be refused on the grounds that the development would be contrary to:-

- The Scottish Government's Control of Woodland Removal Policy (SPP paragraph 218) as it had not been demonstrated that it would achieve any significant and clearly defined additional public benefits.
- Policy 4.3 of the Cairngorms National Park Authority Local Development Plan 2015 in that it would adversely affect an identified semi-natural ancient woodland site and it had not been demonstrated that either (a) the objectives of the identified site and overall integrity of the identified area would not be compromised, or (b) any significant adverse effects on the qualities for which the area or site had been identified would be mitigated by the provision of features of commensurate or greater importance to those that would be lost.

The Chairman, seconded by Mr R MacWilliam, then moved as an amendment that the application be granted subject to the conditions recommended in the report.

On a vote being taken, eight votes were cast in favour of the motion and five votes in favour of the amendment, with no abstentions as follows:-

### **Motion**

Mr R Balfour  
 Mr A Baxter  
 Mr G Cruickshank  
 Mr L Fraser  
 Ms P Hadley  
 Mr A Jarvie  
 Mr B Lobban  
 Mr B Thompson

### **Amendment**

Mr B Boyd  
 Ms C Caddick  
 Mr J Gray  
 Mr R Laird  
 Mr R MacWilliam

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

**7. Decision on Appeal to the Scottish Government Directorate for Planning and Environmental Appeals**  
**Co-dhùnaidhean Ath-thagraidhean do Bhuidheann-stiùiridh Riaghaltas na h-Alba airson Ath-thagraidhean Dealbhaidh agus Àrainneachd**

**7.1 Applicant:** RES Ltd

**Location:** Land at Cairn Duhie, about 1.5 kilometres south-east of Ferness, off the A939 between Nairn and Grantown on Spey. (Ward 18)

**Nature of Appeal:** Application for consent (S36 Electricity Act 1989) and deemed planning permission (S57 Town and Country Planning (Scotland) Act 1997) for the construction and operation of Cairn Duhie Wind Farm.

The Committee **NOTED** the decision of the Reporter to allow the appeal and grant planning permission, subject to the conditions set out in Annex 2 of the Decision Notice.

The meeting ended at 1.30 pm