

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 27 November 2018 at 10.30 am.

Committee Members Present:

Mr R Bremner (excluding items 5.1 – 5.3, 6.1 and 7.1), Mrs I Campbell (excluding items 7.11 – 8.3), Mr M Finlayson (excluding items 6.1 – 8.3), Mr C Fraser, Mr R Gale (excluding item 6.1), Mr D MacKay, Mrs A MacLean, Mr C MacLeod (excluding item 7.1), Mr D Macleod (excluding items 6.1, 7.1 – 7.4, 7.11 – 8.3), Mrs M Paterson (excluding items 7.2, 7.3, 7.5 – 7.9, 7.11 – 8.3), Mr A Rhind, Mr K Rosie (excluding item 7.4 and 7.11 – 8.3), Mr A Sinclair and Ms M Smith.

Other Members Present:

Mrs J Barclay
Mr J Bruce
Mr L Fraser
Mr M Reiss (Items 7.5 and 7.10)

Officials in attendance:

Mr D Jones, Acting Head of Development Management - Highland
Mr D Mudie, Area Planning Manager – South
Mr J Murray, Senior Environmental Health Officer
Ms J Bridge, Senior Engineer (Development Management)
Mrs E McArthur, Principal Planner
Dr S Turnbull, Coastal Planning Officer
Mrs R Hindson, Planner
Mr G Sharp, Planner
Mrs G Pearson, Planner
Mrs K Lyons, Principal Solicitor – Planning and Clerk
Mrs A MacArthur, Administrative Assistant

Business

Ms Maxine Smith in the Chair

The Chair delayed the start of the meeting to 11.00 am to allow time for the webcast to be made available. Unfortunately due to technical difficulties which could not be resolved the meeting was not webcast.

Items were taken in the following order 1 – 3, 9, 4 – 6.1, 7.10, 7.5, 7.1 – 7.4, 7.6 – 7.9, 7.11, 8.1 – 8.3 but for clarity the minute will stay in numerical order.

**1. Apologies
Leisgeulan**

Apologies for absence were intimated on behalf of Ms K Currie and Mr J Gordon.

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

Item 7.1 – Mr R Bremner (non-financial)

Item 7.5 – Mr K Rosie (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 16 October 2018 which following amendment on page 3, item 5.2, to record Councillor Fraser's and Councillor Adam's concerns about the operational needs assessment process was **APPROVED**.

**4. Major Development Update
Iarrtasan Mòra**

There had been circulated Report No PLN/065/18 by the Acting Head of Development Management - Highland providing an update on progress of all cases within the "Major" development category currently with the Planning and Development Service for determination.

The Acting Head of Development Management – Highland responded to Members queries as follows:-

- applications that had been ongoing before the changes to the ward numbers could not now have their ward numbers changed on the planning system, new applications would, however, reflect the current ward numbers; and
- in relation to Culcairn Farmhouse, Evanton the planning application had been in principle so further detailed planning would be brought back to committee in the form of an application.

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

**5. Major Developments – Pre-application consultations
Leasachaidhean Mòra – Co-chomhairle Ro-iarrtais**

5.1 Description: Wind farm and associated infrastructure (18/04363/PAN) (PLN/066/18)

Ward: 3

Applicant: Cogle Moss Renewables LLP

Site Address: Land 816M NE Of Blackpark, Watten.

There had been circulated Report No PLN/066/18 by the Acting Head of Development Management - Highland on the submission of a Proposal of Application Notice (PAN), describing the site and setting out likely relevant policies and potential material planning considerations.

The Committee **NOTED** the submission of the PAN and highlighted no material planning considerations they wished brought to the applicant's attention other than those identified in the report.

5.2 Description: Proposed new 275/220 kV electricity substation on land at Lower Dounreay (18/05143/PAN) (PLN/067/18)

Ward: 2

Applicant: Scottish Hydro Electric Transmission Plc

Site Address: Land To South Of Existing Substation, Dounreay.

There had been circulated Report No PLN/067/18 by the Acting Head of Development Management - Highland on the submission of a Proposal of Application Notice (PAN), describing the site and setting out likely relevant policies and potential material planning considerations

The Committee **NOTED** the submission of the PAN and highlighted no material planning considerations they wished brought to the applicant's attention other than those identified in the report.

5.3 Description: Erection of 11 wind turbines (up to 40 mW) including associated infrastructure (access roads, hard crane standings, met mast, internal cable routes, drainage, buildings and compounds (18/05226/PAN) (PLN/068/18)

Ward: 3

Applicant: E.ON Climate and Renewables UK Developments Ltd

Site Address: Camster II Wind Farm, Land 2000M NW Of Tannach Hill, Tannach, Wick.

There had been circulated Report No PLN/068/18 by the Acting Head of Development Management - Highland on the submission of a Proposal of Application Notice (PAN), describing the site and setting out likely relevant policies and potential material planning considerations

The Committee **NOTED** the submission of the PAN and highlighted no material planning considerations they wished brought to the applicant's attention other than those identified in the report.

6. Continued Item Cuspairean a' Leantainn

6.1 Applicant: Mr Ike Barnes (18/00385/FUL) (PLN/069/18) (PLN/057/18)

Location: Land 70M NW Of Seaview, 178 Armadale, Sutherland (Ward 1).

Nature of Development: Siting of a residential static caravan with composting toilet; installation of surface/grey water soakaway, siting of temporary storage containers; partial change of use of land to accommodate two yurts for temporary seasonal accommodation.

Recommendation: Grant (Wrongly shown on agenda and on PLN/069/18 as "Refuse").

Only Members taking part in the previous meeting on 11 September 2018 could take part in this item, namely, Ms I Campbell, Mr C Fraser, Mr D MacKay, Mrs A MacLean, Mrs M Paterson, Mr A Rhind, Mr K Rosie, Mr A Sinclair and Ms M Smith.

There had been circulated Report No PLN/069/18 and recirculated Report No PLN/057/18 by the Acting Head of Development Management - Highland recommending that the Committee grant the application subject to the conditions detailed in the report and the amendment of condition 5 to extend the time period to 5 December 2020. This application had been deferred from the meeting on 11 September 2018 to allow for the submission of detailed proposals for future intentions on the land. Drone footage had been taken of the application site and this was shown to Members.

The Planning Officer responded to Members' questions as follows:

- an agricultural shed did not always require planning permission, this depends on the size and position of the shed, the applicant was now very attuned to the need for planning permission;
- no representations or objections had been withdrawn since the original application;
- the site had been tidied to an extent with some native tree planting and fencing undertaken;
- the applicant was prepared to do more work to the area if he was granted planning permission; and
- the removal of the containers from the site would be a condition of any permission.

During discussion, Members' comments included the following:-

- Members had been critical of this development in September and very little had improved on site since then;
- Members would see what works had been undertaken when the planning application came in for the croft house; and
- As regards retrospective applications generally, members welcomed inclusion in the new Planning (Scotland) Bill provision that retrospective applications for planning permission would pay a higher fee;

The Committee **AGREED** to **GRANT** planning permission subject to the conditions listed in the report and subject to (i) amendment of the date in condition 1 from 15 September 2020 to 5 December 2020; and (ii) an additional condition requiring removal of the containers off site by 5 December 2020.

7. Planning Applications to be Determined Iarrtasan Dealbhaidh rin Dearbhadh

7.1 Applicant: A M O'Brien (17/04927/FUL) (PLN/070/18)

Location: Smithy Cottage, Ulbster, Lybster, KW2 6AA (Ward 3).

Nature of Development: Siting of 3 wood burners and 1 wood drying container (retrospective).

Recommendation: Grant.

Declaration of Interest – Mr R Bremner declared a non-financial interest in this item on the basis that he knew the applicant socially and that his sister, a member of the Community Council, had made a representation and as such left the Chamber during consideration of this item.

There had been circulated Report No PLN/070/18 by the Acting Head of Development Management - Highland recommending that the Committee grant the application subject to the conditions detailed in the report.

The Planning Officer and Senior Environmental Health Officer responded to Members' questions as follows:

- the initial problems had been caused by the incorrect use of the wood burners, condition 1 had been amended to ensure the development was operated in strict accordance with the approved details including the approved wood burner specifications; and
- Environmental Health officers would continue to monitor the development, the next step, following complaints, would be enforcement action, including the possibility of fixed penalty notices.

During discussion, Members' comments included the following:-

- on a question as to whether this would have been recommended for refusal if the application had not been retrospective, the Acting Head of Development Management - Highland advised that, as the issue had been with the operation of the wood burners, there would have been no reason to refuse this application;
- this was a low scale renewable heating initiative; and
- Members indicated their concerns about retrospective planning applications.

Mr D Mackay, seconded by Mrs M Paterson, moved that a site visit be undertaken prior to a determination being made.

Ms M Smith, seconded by Mrs A MacLean, moved as an **amendment** that the application be determined without a site visit.

On a vote being taken, 3 votes were cast in favour of the **motion** and 8 in favour of the **amendment**, as follows:

For the motion (3)

Mrs I Campbell, Mr D Mackay and Mrs M Paterson.

For the amendment (8)

Mr C Fraser, Mr R Gale, Mrs A MacLean, Mr D Macleod, Mr K Rosie, Mr A Sinclair, Mr A Rhind and Mrs M Smith.

The amendment became the finding of the meeting and the Members proceeded to determine the application.

Mr K Rosie, seconded by Mrs M Paterson, moved that the application be refused but, having failed to provide reasons in support of the motion, it was withdrawn.

The Committee **AGREED** to **GRANT** the application subject to the conditions contained in the report.

7.2 Applicant: Migdale Smolt Ltd (18/01202/S42) (PLN/071/18)

Location: Jubilee Site, Loch Shin, Lairg. IV27 4NY (Ward 1).

Nature of Development: Application under section 42 to remove condition of planning permission 06/00473/FULSU – removal of 10 year condition.

Recommendation: Grant.

There had been circulated Report No PLN/071/18 by the Acting Head of Development Management - Highland recommending that the Committee grant the application subject to the conditions detailed in the report.

The Planning Officer responded to Members' questions as follows:

- the smolt farm had smaller fish and the applicant was addressing the issue of the fish that had been trapped downstream, this would be monitored by Marine Scotland and the Fishery Board.

During discussion, Members' comments included the following:-

- escaped fish put wild fish at risk; and
- in the previous ten years there had been no issues, a further permission for 10 years would address concerns from the District Salmon Fishery Board and the Scottish Government.

The Committee **AGREED** to **GRANT** the application subject to the conditions contained in the report.

7.3 Applicant: Migdale Smolt Ltd (18/01203/S42) (PLN/072/18)

Location: Loch Merkland, Achfary, Lairg, IV27 4NZ (Ward 1).

Nature of Development: Application under section 42 to remove condition 2 of planning permission 08/00038/FULSU – temporary permission for 10 years expiring on 27/11/2018.

Recommendation: Grant.

There had been circulated Report No PLN/072/18 by the Acting Head of Development Management - Highland recommending that the Committee grant the application subject to the conditions detailed in the report.

The Committee **AGREED** to **GRANT** the application subject to the conditions contained in the report.

7.4 Applicant: Different Roads Management (18/02161/FUL) (PLN/073/18)

Location: Balmacara Hotel, Balmacara, Kyle IV40 8DH (Ward 5).

Nature of Development: Proposed alterations and extension to hotel.

Recommendation: Grant.

There had been circulated Report No PLN/073/18 by the Acting Head of Development Management - Highland recommending that the Committee grant the application subject to the conditions detailed in the report.

The Planning Officer responded to a Member's question by stating that there had been no issues with the new footpath shown on the plan and the existing footpath was to be renewed and not removed.

The Committee **AGREED** to **GRANT** the application subject to the conditions contained in the report.

7.5 Applicant: Pentland Property Limited and Premier Inn Hotels Limited (18/02298/FUL) (PLN/074/18)

Location: Thurso Auction Mart, Ormlie Road, Thurso (Ward 2).

Nature of Development: Erection of hotel with ancillary restaurant and bar with outdoor seating area and associated car parking, servicing, external plant area, new road and pedestrian access (including engineering operations).

Recommendation: Grant.

Declaration of Interest – Mr K Rosie declared a non-financial interest in this item on the basis that he had publicly supported the development and as such left the Chamber during consideration of this item.

There had been circulated Report No PLN/074/18 by the Acting Head of Development Management - Highland recommending that the Committee grant the application subject to the conditions detailed in the report.

The Planning Officer responded to Members' questions as follows:

- there was a suspensive condition to upgrade the pavement, the detailed plans would show the reconstruction.

During discussion, Members' comments included the following:-

- the objections seemed to be concerned with the building phase and not the development itself;
- the development would have a positive impact on the town centre and in the wider economy with the added competition;
- there was no like for like business, business customers provided 60% of the business for existing establishments;
- based on survey work by Visit Scotland this development would bring £1.85 million to the wider economy;
- this area had been an eyesore since the auction marts had moved out of the site, development was welcome; and
- the development would bring jobs to the area.

The Committee **AGREED** to **GRANT** the application subject to the conditions contained in the report.

7.6 Applicant: Glendevon Energy Company Ltd (18/02458/FUL) (PLN/075/18)

Location: Land at Loch A Bhraoin, Braemore, Loch Broom (Ward 5).

Nature of Development: Installation of hydro-electric scheme (up to 2.0 mW) including dam and intakes, buried pipelines, powerhouse, tailrace, formation of access track, borrow pits, and buried 33 kV cable grid connection (EIA development)

Recommendation: Grant.

There had been circulated Report No PLN/075/18 by the Acting Head of Development Management - Highland recommending that the Committee grant the application subject to the conditions detailed in the report.

The Committee **AGREED** to **GRANT** the application subject to the conditions contained in the report.

7.7 Applicant: Mr D Ross (18/02836/FUL) (PLN/076/18)

Location: 10 Shore Street, Shandwick, Tain (Ward 7).

Nature of Development: Change of use of land to form garden ground. Erection of 1.8 m high fence and widening of road.

Recommendation: Grant.

There had been circulated Report No PLN/076/18 by the Acting Head of Development Management - Highland recommending that the Committee grant the application subject to the conditions detailed in the report.

The Committee **AGREED** to **GRANT** the application subject to the conditions contained in the report

7.8 Applicant: Mr James Coghill (18/02975/FUL) (PLN/077/18)

Location: Land 45M West of Ocala, Oldwick, Wick. (Ward 3).

Nature of Development: Erection of single storey dwelling, creation of new private access and installation of private drainage system.

Recommendation: Refuse.

There had been circulated Report No PLN/077/18 by the Acting Head of Development Management - Highland recommending that the Committee refuse the application for the reasons detailed in the report.

The Planning Officer and Senior Engineer (Development Management) responded to Members' questions as follows:

- the applicant had sought pre-application advice and had been asked to reposition the house and this corner had been suggested;
- the traffic was generated at that junction and the junction was severely substandard; and
- this development was out with the settlement development area in the CASPLAN and the application had been made prior to adoption of the CASPLAN.

Mr R Bremner, seconded by Mr A Sinclair, **moved** that the application be granted for the following reasons:

1. the proposal is not considered to be in conflict with the HwLDP in that it is sympathetic in terms of its siting and design to the pattern of development in the surrounding area including Carnaby Road and March Road; and
2. the proposal is not considered to be contrary to Policy 28 given that the main access would be via Carnaby Road.

Ms M Smith, seconded by Mrs A MacLean, moved as an **amendment** that the application be refused.

On a vote being taken, 7 votes were cast in favour of the **motion** and 5 in favour of the **amendment**, as follows:

For the motion (2)

Mr R Bremner, Mrs I Campbell, Mr D MacKay, Mr C MacLeod, Mr D MacLeod, Mr K Rosie and Mr A Sinclair.

For the amendment (12)

Mr C Fraser, Mr R Gale, Mrs A MacLean, Mr A Rhind and Ms M Smith.

The motion therefore became the finding of the meeting and the Committee **AGREED** to **GRANT** the application subject to conditions to be drafted and approved by the Chair and local members, Mr R Bremner and Mr A Sinclair, including a condition requiring the property to be connected to the public water system. For the avoidance of doubt, the proposed septic tank arrangement is not approved, for the reasons given in the report.

7.9 Applicant: Baoighill Aoigheachd Ltd (18/03257/FUL) (PLN/078/18)

Location: Sgeir Bhuidhe, Plockton, IV52 8TL (Ward 5).

Nature of Development: Change of use from residential (use class 9) to guest house (use class 7).

Recommendation: Grant.

There had been circulated Report No PLN/078/18 by the Acting Head of Development Management - Highland recommending that the Committee grant the application subject to the conditions detailed in the report.

The Committee **AGREED** to **GRANT** the application subject to the conditions contained in the report.

7.10 Applicant: Moray Offshore Windfarm (West) Limited (18/03309/S36) (PLN/079/18)

Location: (Ward 3).

Nature of Development: Offshore windfarm comprising installation of a maximum of 85 turbines with a maximum height to tip of 285 m and rotor diameter of 250 m.

Recommendation: Raise an objection.

There had been circulated Report No PLN/079/18 by the Acting Head of Development Management - Highland recommending that the Committee Raise an objection for the reasons detailed in the report. Members were shown drone footage of the area with the existing turbines coloured to enable Members to see them.

The Planning Officer responded to Members' questions as follows:

- the turbines had been given strong colours to show the worst case scenario of the turbines;
- an addendum had been received recently but the impact of the addendum had yet to be assessed by officers;
- the addendum had compacted the turbines but had not reduced their number;
- with no response from the Community Council nobody was aware of their views;
- the turbines would be fitted with lights for aviation purposes; and
- the officer indicated that he was aware that community councils had met to discuss the application but nothing had been received thereafter.

During discussion, Members' comments included the following:-

- the turbines were obvious with the colours shown but in reality they were hardly seen unless on a very clear day;
- in relation to items 8.1 and 9.7 of the Report on economic impact, the government was looking to capitalise on the wind farm resource and would be increasing targets, with further development to come, this development was less intrusive;
- the objections related to fishery aspects;
- there were very few complaints in comparison to complaints for onshore wind farms; and

- there was substantial benefit to the area with the jobs that would be created;

The Committee thereafter **AGREED** to **RAISE NO OBJECTION** to the application for the following reason:

Whilst it is acknowledged that the proposed development will sometimes, dependant on visibility, cause a detrimental impact on the open and panoramic sea views, recognised in the Council's Assessment of Highland Special Landscape Areas, the application needs to be assessed in its entirety. In support of the development are the likely positive effects on the local economy, in particular the amount of jobs that are to come to the Highlands; and the need to make Scotland self-sufficient in its energy generation, as supported by directives from the Scottish Government. The economic benefits offered by this development were considered to outweigh the adverse impacts.

7.11 Applicant: Cairn Housing Association (17/05598/FUL) (PLN/080/18)

Location: Memorial Field Station Road Avoch (Ward 9).

Nature of Development: Erection of housing development (34 units) and associated infrastructure (phase 1).

Recommendation: Grant.

There had been circulated Report No PLN/080/18 by the Acting Head of Development Management - Highland recommending that the Committee grant the application subject to the conditions detailed in the report.

The Planning Officer responded to Members' questions as follows:

- the 20 mph speed limit would be extended beyond the development;
- public art would be included in the community benefit and the developers would consult with local Members, this could be either on site or in a different location;
- the houses were two storey but there was a lot of under building and you would not see the full extent of the houses from the road; and
- it was the most sensible location for the tallest building as it was the lowest part of the site.

During discussion, Members' comments included the following:-

- developer contributions would be provided for primary school accommodation, public art, infrastructure improvements to bus shelters;
- the secondary school and surgery had the capacity for this new housing development and developer contributions had not been requested for these;
- a larger play area would be expected when the second phase came for planning; and
- the area across the road from the development was the drop off point for school buses, the drains had a lot of issues and would need to be kept clear.

The Committee **AGREED** to **GRANT** the application subject to the conditions contained in the report.

8. Decisions on Applications to the Scottish Government Directorate for Energy and Climate Change and Planning Appeals
Co-dhùnadh mu Iarrtas do Bhuidheann-stiùiridh Riaghaltas na h-Alba airson Lùth agus Atharrachadh Aimsir

8.1 Applicant: West Garty Renewables LLP (14/04486/S36)

Location: 4 km South of Helmsdale and 10 km North of Brora, Highland

Nature of Development: 17 turbines, 13 with a maximum height from ground to blade tip of 100 m and 4 with a maximum height from ground to blade tip of 110 m.

The Committee **NOTED** the decision of the Scottish Ministers to refuse the application for consent made under Section 36 of the Electricity Act 1989 and to refuse planning permission for the reasons stated in the Decision Letter.

8.2 Applicant: Mr R Wilkie (18/01441/FUL) (PPA-270-2199)

Location: Hillside, South Obbe, Kyleakin, Isle of Skye, IV41 9PN (Ward 10)

Nature of Development: Demolition of garage and erection of ancillary accommodation.

The Committee **NOTED** the decision of the Scottish Ministers to refuse the application for the reasons stated in the Decision Letter.

Claim for an award of expenses decision

8.3 Applicant: Morgan McDonnell Architecture (17/05184/FUL) (PPA-270-2196)

Location: Land 75 metres East of 162 Stoer, Lochinver (Ward 1)

Nature of Development: Restoration and conversion of disused church to residential, installation of sewage treatment plant and soakaway

The Committee **NOTED** the decision of the Reporter who had found that the Council had not acted in an unreasonable manner resulting in liability for expenses and had declined to make any award of expenses for the reasons stated in the Decision Letter.

9. Any Other Business

The planning small applications team, set up last year and headed by Bob Robertson, had won a Quality Award. The team had worked hard in terms of performance and were a valuable team.

Following a Committee decision in March 2015 (reference 15/00346/FUL) the Nuclear Archive Building in Wick had won the prestigious Royal Incorporation of Architects in Scotland (RIAS) Andrew Doolan Best Building in Scotland Award for 2018 <https://www.bbc.co.uk/news/uk-scotland-highlands-islands-46099467>. Members recognised that the Nuclear Archive Building was a stunning building that was worth promoting. The building gave a huge boost to the area following the closure of Dounreay. A photograph of the completed building was to be circulated to Members of NPAC.

There being no further business the meeting closed at 17.45 pm.

**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 Wednesday 5 December 2018 at 10.30 am.

Committee Members Present:

Mr R Balfour
Mr A Baxter (excluding item 6.6)
Mr J Bruce (substitute)
Mr B Boyd
Ms C Caddick
Mrs M Davidson (excluding items 6.4, 6.8 and 6.9)
Mr L Fraser (excluding items 1 – 6.1)
Mr J Gray
Mr T Heggie
Mr R Laird (excluding items 1 – 6.4)
Mr B Lobban
Mr N McLean (by video conferencing) (excluding items 6.8 – 7.3)
Mr B Thompson (excluding item 6.8)

Non Committee Member Present:

Mrs T Robertson (excluding items 1- 5.1 and 6.7 – 7.3)

Officials in attendance:

Mr D Mudie, Area Planning Manager – South
Mrs S Macmillan, Team Leader
Mr M Clough, Senior Engineer, Transport Planning
Mr K Gibson, Principal Planner
Mr S Hindson, Principal Planner
Mr R Dowell, Planner
Mrs S Hadfield, Planner
Ms L Stewart, Planner
Ms S Blease, Principal Solicitor (Regulatory Services)
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 intimated on behalf of Ms P Hadley, Mr A Jarvie and Mr R MacWilliam.

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 23 October 2018 which was **APPROVED**.

4. Major Development Update Iarrtasan Mòra

There had been circulated Report No PLS/082/18 by the Area Planning Manager – South which provided a summary of all cases within the “Major” development category currently with the Planning and Development Service for determination.

During discussion, it was requested that a site visit be arranged in relation to the seven pending planning applications for river hydro-electric schemes on Glen Etive to allow Members to consider their cumulative impact.

The Committee **NOTED** the current position and **AGREED** that a site visit be held in relation to the seven pending planning applications for river hydro-electric schemes on Glen Etive to allow Members to consider their cumulative impact.

5. Major Development – Pre-application consultation Leasachaidhean Mòra – Co-chomhairle Ro-iarrtais

5.1 **Description:** Proposed housing development of up to 200 units with associated roads, infrastructure and landscaping. (18/05234/PAN) (PLS/083/18).

Ward: 19 – Inverness South

Applicant: Tulloch Homes Ltd

Site Address: Land at Druids Temple, Old Edinburgh Road South, Inverness.

There had been circulated Report No PLS/083/18 by the Area Planning Manager – South on the submission of a Proposal of Application Notice (PAN), describing the site and setting out likely relevant policies and potential material planning considerations.

The Committee **NOTED** the submission of the PAN and highlighted the following material planning consideration they wished brought to the applicant's attention:-

- Consideration of the access and the concern about the amount of extra traffic on the access into the Parks Farm development.

together with the other material considerations identified in the report.

The Committee also **AGREED** that the case officer would discuss the details of the application, once known, with Local Members at their ward business meeting

5.2 Description: Phase 1 new residential development consisting of up to 200 dwelling, including landscaping, access and associated site development works. and for enabling works (roads, access, drainage and services infrastructure) for all phases of development. (18/05383/PAN) (PLS/084/18).

Ward: 21 – Fort William and Ardnamurchan

Applicant: Link Group

Site Address: Land at Upper Achintore, Fort William.

There had been circulated Report No PLS/084/18 by the Area Planning Manager – South on the submission of a Proposal of Application Notice (PAN), describing the site and setting out likely relevant policies and potential material planning considerations.

The Committee **NOTED** the submission of the PAN and highlighted the following material planning consideration they wished brought to the applicant's attention:-

- Drainage issues especially affecting the adjacent properties further down the hill
- The impact on the junction at Connochie Road and Ross Place
- Wider connectivity issues in Fort William including cycle and pedestrian routes
- The provision of open space, play areas and sports space
- The issue of contaminated land including the possibility of levels of nickel and how this will be addressed

together with the other material considerations identified in the report.

The Committee also **AGREED** that:-

- officers would consider whether the developer contributions in relation to community facilities can be ring fenced for this side of town to avoid cross town travel; and
- the case officer would discuss the details of the application, once known, with Local Members at their ward business meeting.

5.3 Description: New residential development of up to 400 dwelling including landscaping, access and associated site development works. (18/05381/PAN) (PLS/085/18).

Ward: 21 – Fort William and Ardnamurchan

Applicant: Link Group

Site Address: Land at Upper Achintore, Fort William.

There had been circulated Report No PLS/085/18 by the Area Planning Manager – South on the submission of a Proposal of Application Notice (PAN), describing the site and setting out likely relevant policies and potential material planning considerations.

The Committee **NOTED** the submission of the PAN and highlighted the following material planning consideration they wished brought to the applicant's attention:-

- Drainage issues especially affecting the adjacent properties further down the hill
- The impact on the junction at Connochie Road and Ross Place
- Wider connectivity issues in Fort William including cycle and pedestrian routes
- The provision of open space, play areas and sports space
- The issue of contaminated land including the possibility of levels of nickel and how this will be addressed

together with the other material considerations identified in the report.

The Committee also **AGREED** that:-

- officers would consider whether the developer contributions in relation to community facilities can be ring fenced for this side of town to avoid cross town travel; and
- the case officer would discuss the details of the application, once known, with Local Members at their ward business meeting.

6. Planning Applications to be Determined Iarrtasán Dealbhaidh rin Dearbhadh

- 6.1 **Applicant:** Lochaber Housing Association (18/02761/FUL) (PLS/086/18)
Location: Site South of Tigh Aran, Spean Bridge. (Ward 11)
Nature of Development: Housing development – 20no. units.
Recommendation: Grant.

There had been circulated Report No PLS/086/18 by the Area Planning Manager – South recommending the grant of the application, subject to the conditions detailed within the report.

Mrs S Macmillan presented the report and recommendation, during which she advised of the following corrections to the figures at paragraph 8.17 of the report for developer conditions:-

- The development sub-total for Contribution Rate (per house) should read £28,720 rather than £20,568;
- The Development Total should read £58,432 rather than £50,280; and
- The Total Per Home should read £2921 rather than £2514.

In response to questions, the following was confirmed:-

- In response to concerns regarding potential flooding in Spean Crescent, Members were advised that the responsibility for dealing with any flood event would be dependent on where the flooding occurred; however, if the flooding occurred at the culvert then this would come under the remit of Transport Scotland;
- Drainage within the application site had been designed so as to improve on the current condition and would provide a better run-off rate and storage to within the 1 in 200 year event predicted frequency; there was to be an increased sized SUDS swale which could hold water better and avoid spilling into adjacent properties;

- With regard to drainage at the site access, the entrance to the Bridge Café would be subject to a road construction consent to take it up to the adopted standards;
- With reference to the developer contribution towards an indoor training and community centre, it was confirmed that developer contributions could only be secured towards a specific project identified within the Council's Action Plan Programme; however, should there be any change to the projects identified within the said Programme, developer contributions could be reallocated;
- Whilst no deficiencies had been identified in the provision of the play area within Spean Bridge that would necessitate a developer contribution, a further condition could be included in relation to providing further formal play areas and open space;
- Discussion had taken place with Transport Planning regarding the best way forward to discourage vehicular movements on the junction from Bridge Café onto the access road and the potential for road markings which encourage drivers to stop where the car park joins the access road could be highlighted as part of the road construction consent;
- The provision of outside drying facilities were included within the proposed development; and
- A further condition could be included to provide outside storage in addition to the bike storage.

During discussion, Members' comments included the following:-

- In welcoming the proposed development, it was emphasised that there was a strong demand for housing for young families in Spean Bridge;
- In the context of young families being the likely buyers of the proposed houses, improvements to the amount of play space provision would be welcomed;
- Whilst acknowledging the cost to the developer of building the proposed development, reservation was expressed at the design of the proposed houses;
- In welcoming the developer contributions within the application towards the proposed indoor training and community centre, it was emphasised that the main beneficiaries from it should be the community of Spean Bridge;
- In highlighting the comments received from the community council, it was suggested that the format in which these had been presented in full within the report should be used for future reports to aid Member's determination of applications;
- Whilst it was acknowledged that there was some local objection to the proposed development, there was a recognition by the community council of the need for housing in Spean Bridge; and
- Disappointment was expressed that the proposed boundary treatment had only been included as part of the public art provision as it was considered that a high-spec boundary treatment should be included in every development and it was suggested that the Council's review of public art provision look at how to improve the way developer contributions were used.

The Committee agreed to **GRANT** planning permission subject to the conditions recommended in the report, together with an amendment to the figures at paragraph 8.17 for developer contributions and the following additional conditions:-

- A further condition in relation to providing further formal play areas and open space; and
- A further condition to provide outside storage in addition to the bike storage.

6.2 **Applicant:** Road to the Isles Facilities Group (SCIO) (18/04322/FUL) (PLS/087/18)

Location: West Bay Car Park, Mallaig. (Ward 11)

Nature of Development: Construction of new public toilet block.

Recommendation: Grant.

There had been circulated Report No PLS/087/18 by the Area Planning Manager – South recommending the grant of the application, subject to the condition detailed within the report.

Mrs S MacMillan presented the report and recommendation.

In response to questions, the following was confirmed:-

- The motorhome hardstanding/grey water drainage station had been removed from the proposed development in order to prevent a delay in the determination of the application;
- The main concern which had been raised by the public in relation to the motorhome hardstanding/grey water drainage station was how motorhome vehicles would occupy and manoeuvre within West Bay Car Park;
- The applicants were seeking an alternative location for the motorhome hardstanding/grey water drainage station and representations had been made suggesting that this could be accommodated further along the road towards the existing sewage works or through new facilities based in Arisaig.

During discussion, Members' comments included the following:-

- A significant amount of community endeavour had gone into the application;
- Improvements were needed to infrastructure along the West Coast from Mallaig through Morar and Arisaig in order to make the visitor experience more attractive during the summer; and
- Whilst acknowledging the objections which had been received, it was emphasised that there was a strong will from the community to improve the current situation with regards to infrastructure and waste disposal.

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

6.3 **Applicant:** Ms Lyn McLardy (18/03148/FUL) (PLS/088/18)

Location: Land 70M NW of Upper Aultvaich, Beauly. (Ward 12)

Nature of Development: Erect dwelling and associated works.

Recommendation: Refuse.

There had been circulated Report No PLS/088/18 by the Area Planning Manager – South recommending the refusal of the application on the grounds as detailed in the report.

Mr K Gibson presented the report and recommendation, during which he advised that the second reason for refusal contained within the report had been removed.

In response to questions, the following was confirmed:-

- The operation of the business could be undertaken elsewhere and did not necessitate having a house or accommodation on site; and
- The number of man hours required to operate the animal husbandry did not justify one labour unit.

During discussion, Members' comments included the following:-

- The removal of the second reason for refusal was welcomed as the single track ended at the entrance to the application site;
- It was acknowledged in the report that there were no issues in relation to siting and design and it was considered that the proposed house was well designed and would not intrude on neighbouring amenity;
- The proposed development was for a business that was seeking to offer courses in running permaculture and other small holding and agricultural related industries;
- People attending the courses would be able to be accommodated within the house;
- The applicant had set out a decent business plan and the proposed development would reduce their carbon footprint and preserve an active countryside;
- The proposed development would have a positive impact on the environment and it was suggested that better use of planning legislation should be made to improve the environment; and
- It was emphasised that planners in their assessment of the application had done so based on current planning guidance; however, their interpretation of planning guidance could be viewed differently by Members in their own assessment of the application.

No consensus having been reached between the members, Mr J Gray, seconded by Ms C Caddick, then moved that the application be refused for the reasons detailed in the report.

Mrs M Davidson, seconded by Mr B Lobban, moved as an amendment that the application be granted, contrary to recommendation, for the following reason:-

- There was a clear business need to support the development on the site and therefore it met one of the exceptions under Policy 35 of the Highland wide Local Development Plan as defined in the Housing in the Countryside Supplementary Guidance.

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

Motion

Mr J Gray
Ms C Caddick

Amendment

Mr R Balfour
Mr A Baxter

Mr J Bruce
 Mr B Boyd
 Mrs M Davidson
 Mr L Fraser
 Mr T Heggie
 Mr B Lobban
 Mr N McLean
 Mr B Thompson

The amendment to **GRANT** planning permission for the reasons stated accordingly became the finding of the meeting.

It was further **AGREED** to delegate authority to the Area Planning Manager to impose any conditions of planning permission which were considered appropriate in consultation with the Chair and Vice Chair.

- 6.4 **Applicant:** Mrs Laura Whitham (18/04719/FUL) (PLS/089/18)
Location: Land to NE of Cairnside, Westhill, Inverness. (Ward 19)
Nature of Development: Erection of shed for agricultural and storage purposes.
Recommendation: Grant.

There had been circulated Report No PLS/089/18 by the Area Planning Manager – South recommending the grant of the application, subject to the conditions detailed within the report.

Mr K Gibson presented the report and recommendation, during which he advised of an amendment to Condition 1 to delete reference to ‘house, garage and driveway’ and to replace with ‘shed’.

During discussion, Members’ comments included the following:-

- Whilst the application site was within the Culloden Muir Conservation Area, it was not located within the National Trust for Scotland part of the battlefield site but instead within the wider designation;
- The applicant had worked well with Historic Environment Scotland to avoid sensitive areas;
- Whilst the proposed development might not enhance the area, it was not considered to have a detrimental impact given its location within an agricultural area;
- The proposed development would provide a functional building to replace the existing store and caravan;
- In response to the comments received from the National Trust for Scotland, it was considered that no precedent had been set and applications were dealt with on their own merits;
- It was highlighted that the majority of objections were from individuals outwith the local area;
- Whilst supportive of the proposed development, concern was expressed that the application was located within a conservation area and that an awareness must be shown in relation to the archaeological assessment and the potential for artefacts relating to the battlefield to be removed, destroyed or damaged;
- In response to concerns raised, it was emphasised that the proposed development was not a breach of planning guidelines;
- Concern was expressed regarding the cumulative impact of applications around Culloden Battlefield and that whilst the proposed development might

be considered minor, it had an effect on what was a site of national historic importance and future developments around the battlefield site needed to be treated sensitively; and

- Whilst acknowledging the concerns regarding the sensitivity of development in and around Culloden Battlefield, the proposed shed was located within an area used for agricultural and therefore agricultural buildings were likely to be required in this area.

The Committee agreed to **GRANT** planning permission subject to the conditions recommended in the report together with an amendment to Condition 1 to delete reference to 'house, garage and driveway' and to replace with 'shed'.

6.5 **Applicants:** Mr & Mrs R Huston (18/00971/FUL) (PLS/090/18)

Location: Land East of Burnside, Corry, Muir of Ord. (Ward 12)

Nature of Development: Change of use of steading to residential and erection of extension.

Recommendation: Grant.

There had been circulated Report No PLS/090/18 by the Area Planning Manager – South recommending the grant of the application, subject to the conditions detailed within the report.

Mrs S Hadfield presented the report and recommendation.

In response to questions, the following was confirmed:-

- The proposals included a screen fence which would be off-set 0.5 metres from the boundary at the lower level of the embankment and screen planting which could be conditioned to ensure that existing trees were retained; and
- Whilst the occupants of the neighbouring property had asked that the screen fencing be located at the top of the embankment, this could intrude on the amenity of the existing steading.

During discussion, Members' comments included the following:-

- Whilst it had been suggested that the proposed fence screening should be located on the top of the embankment, it was considered that the fence could be of a temporary nature as the beech hedging would continue to grow and act as an effective screen; therefore, the proposed development was considered acceptable.

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

6.6 **Applicant:** EE (18/02223/FUL) (PLS/091/18)

Location: Land 290m NE of Keepers Croft, Glenlia, Foyers. (Ward 12)

Nature of Development: Erection of 30m tower, ground based equipment cabinets, electrical generator, satellite dish, ancillary equipment, formation of access.

Recommendation: Grant.

There had been circulated Report No PLS/091/18 by the Area Planning Manager – South recommending the grant of the application, subject to the conditions detailed within the report.

Before any presentation of the report and recommendation took place, Members debated whether or not to defer determination of the application.

Thereafter, the Committee agreed to **DEFER** determination of the application to allow further discussion with the applicant as to alternative sites and to seek clarity as to which areas the mast would cover for emergency cover.

- 6.7 **Applicant:** Cairngorm School of Dance (18/03445/FUL) (PLS/092/18)
Location: Unit 17 – 7 Spey Valley Business Park, Dalfaber Industrial Estate, Dalfaber Drive, Aviemore. (Ward 20)
Nature of Development: Change of use of Units 6, 7 and 8 from Class 4 to Class 11.
Recommendation: Refuse.

There had been circulated Report No PLS/092/18 by the Area Planning Manager – South recommending the refusal of the application on the grounds as detailed in the report.

Ms L Stewart presented the report and recommendation.

In response to questions, the following was confirmed:-

- The opportunity to explore alternative sites to accommodate the dance school had not been taken up by the applicant;
- The location of an existing café and laundrette within the industrial site and the Aviemore Orbital path were identified within the plans;
- It had been observed within the report that Aviemore was a winter resort and that the pavements within the industrial estate were unlikely to be a priority route in terms of gritting during the winter; therefore, it was considered unreasonable to justify a lack of parking within the industrial estate on the expectation that children would walk the distance from the nearest public transport link; and
- A timetable submitted by the applicant indicated that there would be eleven occupants attending on average per class at various times of the day and that this would primarily be during the afternoon after school hours.

During discussion, Members' comments included the following:-

- Dalfaber Industrial Estate was not considered to be a traditional industrial estate and it could be argued that the proposed development was compatible with and complementary to its existing business use;
- There had been a number of shops and restaurants established within the industrial estate that might not be considered as being compatible with its intended business use;
- Whilst concerns had been raised in the report regarding child safety, there was an ice cream parlour with external seating within yards of the proposed development and therefore it was not considered an issue;
- Whilst the application had been recommended for refusal on the basis that the industrial estate should be retained for industrial and business use, there were examples of other developments with the same planning designation which had recently been granted approval for change of use and were also located within the land designated for economic development;

- It was emphasised that no issues had been raised locally regarding parking provision within the industrial estate or overspill parking which could affect neighbouring residential streets;
- There was unlikely to be an issue with parking as the majority of users of the dance school would be children being dropped off for classes;
- In explaining that the main bus route that was likely to be used was located on Dalfaber Drive and not Grampian Road, it was highlighted that school children were regularly picked up and dropped off on Dalfaber Drive close to the entrance to the industrial estate;
- The close proximity of the Council's transport depot meant that Dalfaber Drive was likely to be one of the first locations to be gritted during winter;
- The new Active Aviemore project would complement the existing network path which contained pedestrian links from the housing estate to the industrial estate;
- As there were already a number of businesses located within the estate it was not considered to be a traditional industrial estate;
- The second reason for refusal was based on the provisions of Policy 3 "Sustainable Design" of the Cairngorms National Park Local Development Plan (2015) and within the report it was indicated that one of the reasons that the proposed development was contrary to Policy 3 was due to road safety concern, particularly during the winter months;
- Industrial estates within small rural towns were used for a wide range of purposes and sympathy was expressed at officers who were having to make decisions taking into consideration the policy and guidance in place whilst communities were seeking to make the best use of industrial estates;
- It was highlighted that within Inverness in both the Longman and Carsegate Industrial Estates there were units which were used for both leisure and amenity which sat beside industrial units, therefore the proposed development was considered acceptable in the context of Dalfaber Industrial Estate; and
- It was suggested that changing the name of an industrial estate to a trading estate could help to reflect the change of use from industrial to business and trading.

Following discussion, Mr B Lobban, seconded by Ms C Caddick, then moved that the application be granted, contrary to recommendation, for the following reasons:-

- The change of use was supported by Policy 8.1(b) of the CNPA Local Plan 2015 by way of meeting an identified community need. It was also supported by Policy 2.2 in that it enhanced the existing formal recreation and leisure facilities and Policy 2.3 in that it supported the vitality and viability of the area. Together, these benefits outweighed any concerns documented in the recommendation.

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

It was further **AGREED** to delegate authority to the Area Planning Manager to impose any conditions of planning permission which were considered appropriate in consultation with the Chair and Vice Chair.

6.8 **Applicant:** Highland Housers Ltd (18/04143/FUL) (PLS/093/18)

Location: Land on Telford Road to the rear of Rockburn Cottage, 58 Lochalsh Road, Inverness. (Ward 14)

Nature of Development: Erection of 2 semi-detached houses.

Recommendation: Grant.

There had been circulated Report No PLS/093/18 by the Area Planning Manager – South recommending the grant of the application, subject to the conditions detailed within the report.

Ms L Stewart presented the report and recommendation.

In response to questions, the following was confirmed:-

- There were no policies restricting the size of a house based on a house to plot ratio;
- Council guidelines in relation to car parking recommended that two parking spaces should be provided within the curtilage of a small housing development in an urban area;
- It was estimated that the distance between the gable end of the proposed development and the windows on the adjoining boundary of 71 Telford Road was around 3 to 4 metres and around 2 metres between the proposed development and the flats at Telford Court; and
- Transport Planning's assessment of the application had considered the current car parking operation within the surrounding area and concluded that as the proposed development was located within a city centre boundary, there was an opportunity to relax the guidelines given its proximity to off street parking and other forms of transport such as cycle routes and public transport; and
- There were currently no restrictions over on-street parking on Telford Road.

During discussion, Members' comments included the following:-

- Whilst the principle of residential development had previously been established, concern was expressed at the scale of the proposed development and it was considered to be an over-development in the context of a small gap site that would be better suited to a single storey dwelling;
- Parking within the street was a perennial issue for residents due to the recent development of flatted accommodation in the surrounding area;
- As Telford Road was an established residential area and not a city centre location, the expected standards recommended for car parking should not be relaxed;
- Whilst there were no formal records of problems regarding traffic movement or parking in the surrounding Merkinch area, this was a frequent issue raised by local Members and the community council and the proposed development could exacerbate this problem; and
- Whilst acknowledging the efforts of the applicant to change the fenestration of the windows facing 71 Telford Road, concern was expressed regarding the impact the proposed development could have on the amenity of the properties either side of the application site and the flats in Telford Court.

Following discussion, Mr R Laird, seconded by Mr R Balfour, then moved that the application be refused for the following reasons:-

- The application was contrary to Policy 28 of the Highland wide Local Development Plan on the grounds that it would have a detrimental impact on the individual and community residential amenity due to (1) it being an application for two dwellings on a site better suited to a single dwelling and (2) the insufficiency of off-street parking.

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

6.9 **Applicant:** Mr Duncan Wink (18/04525/FUL) (PLS/094/18)

Location: Land 10m West of Daytona Court, East Terrace, Kingussie. (Ward 20)

Nature of Development: Erection of new dwellinghouse and detached garage (amendment to 16/05517/FUL).

Recommendation: Grant.

There had been circulated Report No PLS/094/18 by the Area Planning Manager – South recommending the grant of the application, subject to the conditions detailed within the report.

Mr R Dowell presented the report and recommendation.

In response to questions, the following was confirmed:-

- The roof ridge height had increased to 93.5 cm;
- The finished floor level on the lower ground floor had been raised by 55.8cm and by 69.5cm at ground floor; and
- The proposed louvre fencing along the eastern elevation walkway was considered sufficient to safeguard the amenity of neighbouring properties and occupants.

During discussion, Members' comments included the following:-

- Whilst acknowledging the concerns regarding amenity which had been raised by residents, it was considered that the proposed louvre fencing along the eastern elevation walkway would mitigate these concerns;
- Whilst welcoming the action taken by the Council in response to the breach of planning control complaint, concern was expressed that the developer should have been aware of planning regulations and that approval of the application could set the wrong example to other potential developers; and
- In acknowledging the concerns regarding the retrospective nature of the application, the view was expressed that the application represented the best possible outcome in the circumstances.

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

7. Decisions 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 **Applicants:** Mr and Mrs Gregory (PAC-270-2001) (18/02098/PNO)
Location: Invermoriston Holidays, Dalcraig Road, Invermoriston, Inverness-shire IV63 7YF. (Ward 12)
Nature of Appeal: Erection of agricultural shed for tractors, implements, ground/woodland maintenance tools and associated workshop.

The Committee **NOTED** the decision of the Reporter to allow the appeal and grant prior approval consent.

- 7.2 **Applicant:** Mr Michael McHardy (PPA-270-2195) (17/05470/FUL)
Location: Land 120 metres north of Brooklea, Lentrán, Inverness IV3 8RL. (Ward 12)
Nature of Appeal: Erect 3 houses with integral garages, installation of drainage and access.

The Committee **NOTED** the decision of the Reporter to dismiss the appeal and refuse planning permission.

- 7.3 **Applicants:** Mr and Mrs Reid (PPA-270-2197) (17/05908/FUL)
Location: Cottage, Lower Muckovie, Inshes, Inverness, IV2 5BB. (Ward 19)
Nature of Appeal: Redevelopment to provide new house with access.

The Committee **NOTED** the decision of the Reporter to dismiss the appeal and refuse planning permission.

8. Dates of Meetings in 2019
Cinn-latha Choinneamhan ann an 2019

The Committee **NOTED** the following dates for 2019, as agreed at The Highland Council on 6 September 2018. All meetings will take place in the Council Chamber, Council Headquarters, Glenurquhart Road, Inverness:-

Tuesday, 29 January
 Tuesday, 12 March
 Tuesday, 30 April
 Tuesday, 11 June
 Wednesday, 7 August
 Tuesday, 17 September
 Tuesday, 22 October
 Wednesday, 4 December

The meeting ended at 1:30 pm

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 22 January 2019 at 10.30 am.

Committee Members Present:

Mr R Bremner (by video conference), Mrs I Campbell, Ms K Currie (excluding items 5.3 – 5.8, 5.10 – 6.1), Mr M Finlayson (excluding items 5.3 – 5.8 and 5.10 – 6.1), Mr C Fraser, Mr R Gale, Mr J Gordon (excluding item 5.1 and 5.4), Mr D MacKay, Mrs A MacLean, Mr C MacLeod (excluding items 5.3 – 5.8 and 5.10), Mr D Macleod, Mrs M Paterson, Mr A Rhind (excluding items 5.8 and 5.10 – 6.1), Mr K Rosie (by video conference), Mr A Sinclair (excluding items 5.2, 5.8 and 5.10 – 6.1) and Ms M Smith.

Other Members Present:

Mrs J Barclay
Mr G Adam (Item 5.9)

Officials in attendance:

Mr D Jones, Acting Head of Development Management - Highland
Ms J Bridge, Senior Engineer (Development Management)
Mrs E McArthur, Principal Planner
Mrs R Hindson, Planner
Ms L Stewart, Planner
Mrs G Pearson, Planner
Mrs K Lyons, Principal Solicitor – Planning and Clerk
Mrs A MacArthur, 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.

Items were taken in the following order 1 – 4, 5.9, 5.1 – 5.8 and 5.10 – 6.1 but for clarity the minute will stay in numerical order.

1. Apologies Leisgeulan

There were no apologies for absence.

2. Declarations of Interest Foillseachaidhean Com-pàirt

Item 5.1 – Mr J Gordon (non-financial)
Item 5.8 – Mr A Sinclair (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 27 November which was **APPROVED**.

**4. Major Development Update
Iarrtasan Mòra**

There had been circulated Report No PLN/001/19 by the Acting Head of Development Management - Highland providing an update on progress of all cases within the "Major" development category currently with the Planning and Development Service for determination.

The Acting Head of Development Management – Highland responded to Members queries as follows:-

- in relation to item 18/05159/PIP for 104 houses at Black Isle Road, Muir of Ord, a letter had been received relating to concerns for the A835 road, with concerns that the pavement would be widened to the detriment of the road, planning would look at these comments; and
- the 18 hole golf course at Embo application had been called in, an inquiry was due to start on 26 February and would be held at the Carnegie Hall, Clashmore.

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

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

5.1 Applicant: Mr William MacAskill (17/05940/FUL) (PLN/002/19)

Location: Land 25 m South of Cromlus, 6 Struanmore, Struan (Ward 10).

Nature of Development: Erection of two residential properties for holiday letting purposes.

Recommendation: Refuse.

Declaration of Interest – Mr J Gordon declared a non-financial interest in this item on the basis that the applicant was his brother-in-law and left the Chamber during consideration of this item.

There was a short adjournment to establish which ward members had called this application to Committee, Mr Gordon having declared an interest in the application. It was confirmed that Mr Gordon had declared an interest when notified had not participated in the calling in of the application. In terms of the Scheme of Delegation, as 2 other ward members had called the application to Committee, the application required to be reported to and determined by Committee. This matter having been clarified, the application proceeded to be considered as indicated below.

There had been circulated Report No PLN/002/19 by the Acting Head of Development Management - Highland recommending that the Committee refuse the application for the reasons detailed in the report.

The Planning Officer responded to Members' questions as follows:

- there did appear to be a civil dispute on the ownership boundary of the land but ownership of the land was not a planning consideration;
- planning permission had been granted previously for one house on the site;
- the hedge in the photograph was no longer there;
- the trees are set further back than the house;
- the separation distance between the two proposed properties was five metres, the distance from the most northern property to the house known as Cromlus was ten metres;
- there were windows on the gable end of the nearest house facing the proposed properties; and
- the previous permission was for a single house, approved by Committee in 2003, contrary to the recommendation to refuse.

During discussion, Members' comments included the following:-

- there was a shortage of accommodation in Skye. This development would be beneficial, encourage tourism and meet tourist demand;
- the character of the properties fitted well with the surrounding area;
- noise would not be an issue, tourists generally got up and toured all day before returning to their properties at night; and
- the reasons for refusal were valid, this proposed development was against the established character of the area and the house site lent itself to one house and not two.

Mr D MacLeod, seconded by Ms B Campbell, moved approval of the application for the following reason:

1. The policy is not contrary to Policy 28 and demonstrated sensitive siting and high quality design in keeping with the local character, especially historic and natural environment as the dwellings replace an old former steading;
2. The application is not contrary to Policy 34 and fits well into the existing pattern of development and landscape character on account of their planned traditional appearance; and
3. Application is consistent with Policy 14 providing tourism accommodation reflecting a demand for this type of accommodation without adversely affecting the landscape and character of the area.

Ms M Smith, seconded by Mr M Finlayson, moved as an **amendment** that the application be deferred for the applicant to change the design and siting of the houses.

On a vote being taken, 8 votes were cast in favour of the **motion** and 7 in favour of the **amendment**, as follows:

For the motion (8)

Mrs I Campbell, Mr C Fraser, Mr D Mackay, Mr C MacLeod, Mr D MacLeod, Mrs M Paterson, Mr A Rhind and Mr A Sinclair.

For the amendment (7)

Mr R Bremner, Ms K Currie, Mr M Finlayson, Mr R Gale, Mrs A MacLean, Mr K Rosie and Mrs M Smith.

The Committee **AGREED** to **GRANT** planning permission subject to conditions to be agreed with Councillor C Macleod as local member and the Chair.

5.2 Applicant: Mr and Mrs Garton Jones (18/00948/FUL) (PLN/003/19)

Location: Land 70 m SW of West Highland College UHI, Struan Road, Portree. (Ward 10).

Nature of Development: Change of use of land to allow the siting of 27 camping pods, 5 staff accommodation pods, hub building, pool sauna, new access parking, internal road and footpaths.

Recommendation: Grant.

There had been circulated Report No PLN/003/19 by the Acting Head of Development Management - Highland recommending that the Committee grant the application subject to the conditions detailed in the report.

The Planning Officer and Senior Engineer responded to Members' questions as follows:

- this was not a traditional hotel but it was a hotel for all intents and purposes;
- from the majority of places you would see the development against the rising skyline;
- for this form of development to be classed as a major development, the development site would need to be greater than 2 hectares;
- the whole site to be developed was quite large, the footpath provision would be proportionate for this development, the remaining allocated site was large and would secure road improvements in line with the development plan;
- a current application from Skye and Lochalsh Housing Association would have access taken within the existing shared access with the college and would involve them widening the first section of Struan Road beyond that access to ensure the junction worked in a safe manner;
- the focus was on road safety rather than capacity, the traffic would be spread throughout the day and would be less likely at key peak times;
- the road speed would be reduced from 30 to 20 mph;
- the correct notifications had been carried out for this application;
- occupancy of staff accommodation was for a maximum of 10 months out of 12 to avoid staff accommodation becoming the main or principal residence of the occupants. It was acknowledged that this condition would be difficult to monitor;
- the tree planting condition was to ensure tree planting was carried out; and

- the peat area was approximately 20 square metres, the Scottish Government guidance was to try and avoid moving the peat, but if you had to move it, not to move it too far.

During discussion, Members' comments included the following:-

- very concerned about the traffic on Struan Road a fuller transport assessment would be beneficial;
- the development and staff accommodation as a whole was welcomed;
- this development would sit well in this environment;
- pods had become very popular, this was a great project and had been well thought out; and
- welcome and encourage developments in Skye.

The Committee **AGREED** to **GRANT** the application subject to the conditions contained in the report.

5.3 Applicant: Jog2 Ltd per Trail Architects (18/02634/PIP) (PLN/004/19)

Location: Land NW of Seaview Hotel, John O'Groats (Ward 3).

Nature of Development: Permission in principle for mixed use development including residential and commercial elements (renewal of previous permission 14/01808/PIP).

Recommendation: Grant.

There had been circulated Report No PLN/004/19 by the Acting Head of Development Management - Highland recommending that the Committee grant the application subject to the conditions detailed in the report. The Report should be amended at section 13 to read that a Section 75 Agreement was required.

The Planning Officer responded to Members' questions as follows:

- if there was a further major application submitted it would come back to Committee, happy to keep Members posted as to progress;
- when the detailed application came back parking requirements would be incorporated and there would need to be a Transport Assessment undertaken;
- applicants have acknowledged the need for parking and maintaining the parking at current levels;
- the applicants have stated a willingness to retain the "end-of-the-road-roundabout; and
- the suggested five year duration of planning permission was considered appropriate for a larger masterplan application.

During discussion, Members' comments included the following:-

- this was within a confined area at the end of the A99 where there would be no change in policy;
- welcomed the development contribution to Wick High School;
- hope to see improved landscaping and would hope for a quality development;

- happy to see similar or increased levels of car parking especially now we have the NC500; and
- hope to see this development happen sooner rather than later.

The Committee **AGREED** to **GRANT** subject to (i) a section 75 agreement to secure developer contributions towards the upgrading of Wick High School; and (ii) the conditions contained in the report.

5.4 Applicant: Moray Offshore Windfarm (West) Limited (18/03309/S36) (PLN/005/19) (PLN/079/18)

Location: Moray Offshore Windfarm, Ulbster, Lybster (Ward 3).

Nature of Development: Installation of 85 wind turbines with a maximum height to tip of 285 m, rotor diameter of 250 m.

Recommendation: Raise no Objection.

Only Members taking part in the previous meeting on 11 November 2018 could take part in this item, namely, Mr R Bremner, Ms I Campbell, Mr C Fraser, Mr R Gale, Mr D MacKay, Mrs A MacLean, Mr D MacLeod, Mrs M Paterson, Mr A Rhind, Mr K Rosie, Mr A Sinclair and Ms M Smith.

There had been circulated Report No PLN/005/19 and recirculated Report No PLN/079/18 by the Acting Head of Development Management - Highland recommending that the Committee raise no objection to the application subject to the conditions detailed in the report. The developer had submitted an alternative layout and alteration to the site boundary from the previous application in December 2018. This was an addendum to the original application which would give the developer another option, it did not supersede the previous application.

The Planning Officer and Clerk responded to Members' questions as follows:

- GVA stood for gross value added;
- As regards this application, the Council was a consultee not the decision maker, it was for Marine Scotland to determine the application after receiving responses from those that it had consulted and representations from the public;
- this application was to change the site boundary and reduce the amount of turbines from 85 to 78; and
- RSPB and SNH have objected to the proposals in summary because they feel that the development has the potential to impact the qualifying interests and birds of the East Caithness Cliffs SPA, it would be for Marine Scotland to make a determination on the application for the offshore development.

During discussion, Members' comments included the following:-

- Moray and Aberdeen Councils had raised no objection to the original application, these Council's would also be responding to this new layout; and
- if there are to be any further changes to the application, these should be reported to Committee.

The Committee **AGREED** to **RAISE NO OBJECTION** subject to the conditions listed in section B of the recommendation and deletion of section A of the recommendation. Members are to be notified of any changes to the application/conditions.

5.5 Applicant: Mr Gordon Adam (18/04042/FUL) (PLN/006/19)

Location: Land 560 m NE of Hillockhead, Rosemarkie (Ward 9).

Nature of Development: Siting of accommodation unit (retrospective)

Recommendation: Grant.

There had been circulated Report No PLN/006/19 by the Acting Head of Development Management - Highland recommending that the Committee grant the application subject to the conditions detailed in the report.

The Committee **AGREED** to **GRANT** the application subject to the conditions contained in the report.

5.6 Applicant: Mr Gordon Adam (18/04788/PIP) (PLN/007/19)

Location: Land 560 m NE of Hillockhead, Rosemarkie (Ward 9).

Nature of Development: Erection of house (renewal of planning permission 14/00912/PIP).

Recommendation: Grant.

There had been circulated Report No PLN/007/19 by the Acting Head of Development Management - Highland recommending that the Committee grant the application subject to the conditions detailed in the report.

The Committee **AGREED** to **GRANT** the application subject to the conditions contained in the report.

5.7 Applicant: Muir of Allangrange Ltd (18/04082/PIP, 18/04084/PIP and 18/04085/PIP) (PLN/008/19)

Location: Land South East of Allandown, Allangrange Muir, Muir of Ord (Ward 9).

Nature of Development: Formation of house site, drainage and access (plot 1), formation of house site, access and drainage (plot 2) and formation of house site, access and drainage (plot 3).

Recommendation: Grant.

There had been circulated Report No PLN/008/19 by the Acting Head of Development Management - Highland recommending that the Committee grant the applications subject to the conditions detailed in the report.

Mrs M Paterson was concerned about the impact of traffic generated by the development on the Sir Hector MacDonald monument and asked that the planning officer take this into consideration when looking at the junction.

The Committee **AGREED** to **GRANT** the applications subject to the conditions contained in the report.

5.8 Applicant: Mr Euan Jappy (18/04991/FUL) (PLN/009/19)

Location: Shaltigoe, 5 John Horne Drive, Wick (Ward 3).

Nature of Development: Erection of garage extension.

Recommendation: Refuse

Declaration of Interest – Mr A Sinclair declared a non-financial interest in this item and left the Chamber during consideration of this item.

There had been circulated Report No PLN/009/19 by the Acting Head of Development Management - Highland recommending that the Committee refuse the application for the reasons detailed in the report.

The Planning Officer responded to Members' questions as follows:

- access to the garage from the South face was not acceptable as cars would be pulling out without clear visibility, the East side of the proposed garage was not acceptable either as it affected the visibility of drivers exiting their drives from neighbouring properties.

The Committee **AGREED** to **REFUSE** in accordance with the reasons contained in the report.

5.9 Applicant: Mrs Robyn Myers (18/05203/PIP) (PLN/010/19)

Location: Land 60 m SE of Shellcroft, Munlochry (Ward 9).

Nature of Development: Erection of house.

Recommendation: Refuse.

There had been circulated Report No PLN/0010/19 by the Acting Head of Development Management - Highland recommending that the Committee grant the application subject to the conditions detailed in the report.

The Planning Officer responded to Members' questions as follows:

- for houses to be considered as a group there had to be a minimum of three houses, they had to have a physical relationship with each other and they have to have a well-defined cohesive characteristic;
- there had been no material change to the application made in February 2018 from the previous application and the previous reason for refusal was still applicable, a Notice of Review in respect of the earlier application was dismissed by the Planning Review Body in May 2018;
- sight lines would be achievable and therefore acceptable; and
- the flood team had commented that, if planning permission was granted, there should be no development or land raising at or below the 7 m contour and the house would have to be positioned on higher ground within the site.

During discussion, Members' comments included the following:-

- this application was dismissed by the Planning Review Body on a very narrow margin;
- this small piece of land was an eyesore and this would be the only viable use for it and an improvement to the area
- the drainage had been addressed by condition and by SUDS;

- this application was not within policy, the Chair had asked that the Housing in the Countryside Policy be reviewed and that would happen later this year;
- there was ample opportunity to buy property in the area as Munlochry had grown considerably in recent years;
- decrofting of the land was not a concern for planning;
- there was an opportunity to review policy and amend with discussion over the Moray Firth Local Development Plan and that would be an opportunity for the public to become involved; and
- weight given to settlement patterns: the nature of houses in rural Highland tended to be sporadic.

Ms M Smith, seconded by Mrs A MacLean, **moved** that the application be refused.

Mr C Fraser moved as an amendment that the application be approved but, having failed to provide reasons in support of the motion, this amendment was withdrawn.

The Committee thereafter **AGREED** to **REFUSE** the application in accordance with the reasons contained in the report.

5.10 Applicant: South Kilbraur Wind Farm Ltd (18/05340/FUL) (PLN/011/19)

Location: Land 850 m SE of Ar Taig, Achork, Rogart (Ward 4).

Nature of Development: Erection of meteorological mast with guy wire supports, maximum height of 80.4 m.

Recommendation: Grant.

There had been circulated Report No PLN/011/19 by the Acting Head of Development Management - Highland recommending that the Committee grant the application subject to the conditions detailed in the report.

The Planning Officer responded to Members' questions as follows:

- the guy wires would not be visible from a distance but the footprint was to allow for the guy wires;
- the mast would inform on wind speed which could potentially bring a future windfarm application and an EIA scoping request had been received from South Kilbraur Wind Farm Ltd at the same time as the mast application;
- the objection from SNH could be mitigated against; and
- this application was for a mast and as such there no community benefit contribution would be secured.

During discussion, Members' comments included the following:-

- the community in that area were against this development, the community councils had also raised strong objections;
- the applicant had had no pre-application discussion;
- SNH had raised concerns; and
- if the windfarm was not approved the mast would have to be removed;

Ms M Smith, seconded by Mrs A MacLean, **moved** that the application be granted.

Mr R Gale, seconded by Mr C Fraser, moved as an **amendment** that the application be refused for the following reasons:

This application does not comply with Policy 28 in that it does not take into consideration the impact upon individual and community residential amenity:

There are several residential properties in the Knockarthur and Inchomney areas which overlook the area and this mast adds to the existing pylons and impacts adversely on the visual amenity of the area. Furthermore it does not demonstrate sensitive siting and is not in keeping with the local character which is that of a typical crofting area.

With regard to Policy 58, while mitigation is proposed it does not fully remove the significant risk to protected species and it is noted that SNH have shown their concern by asking for protective measures to be implemented. However, the risk remains and specifically to the Black Throated Diver.

In addition it does not comply with Policy 61 as it in no way reflects the landscape character, adding an additional un-natural feature to the area. The erection of this mast will do nothing to promote sustainable growth in keeping with this crofting area and will impose an alien element to an otherwise natural environment.

To justify this development by stating that there are pylons already in existence in the area is not acceptable and in no way should that influence the decision to refuse.

On a vote being taken, 6 votes were cast in favour of the **motion** and 4 in favour of the **amendment**, as follows:

For the motion (6)

Mr R Bremner, Ms I Campbell, Mr J Gordon, Mrs A MacLean, Mr K Rosie and Ms M Smith.

For the amendment (4)

Mr C Fraser, Mr R Gale, Mr D MacKay and Mrs M Paterson.

The Committee therefore **AGREED** to **GRANT** the application subject to the conditions contained in the report.

6. Decision of Appeals to the Scottish Government Planning and Environmental Appeals Division
Co-dhùnadh mu Iarrtas do Bhuidheann-stiùiridh Riaghaltas na h-Alba airson Lùth agus Atharrachadh Aimsir

6.1 Applicant: Marine Harvest (Scotland) Ltd (17/02707/FUL) (PPA-270-2190)
Location: Site 2130 metres East of Sconser Quarry, Sconser, Isle of Skye, IV48 8TD (Ward 10)
Nature of Development: New site consisting of 12 x 120 metre circumference circular cages plus installation of feed system.

The Committee **NOTED** the decision of the Reporter to allow the appeal and grant planning permission subject to the seven conditions listed in annex 1 of the Decision Notice.

7. Any Other Business

The Acting Head of Development Management – Highland advised that the Best House in Britain, a Royal Incorporation of Architects (RIAS) Award, had been awarded to a house in Ross and Cromarty and Members were shown slides of the house.

Slides for the Nuclear Archive Building in Wick which had won the RIAS Andrew Doolan Best Building in Scotland Award for 2018 were also shown to Members.

The meeting closed at 4:40 pm.

**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 29 January 2019 at 10.30 am.

Committee Members Present:

Mr R Balfour
Mr A Baxter (excluding items 6.5 and 6.9)
Mr B Boyd
Ms C Caddick
Mr G Cruickshank
Mrs M Davidson (excluding items 1 – 4)
Mr L Fraser (excluding items 6.6 – 6.9)
Mr J Gray
Ms P Hadley (excluding items 1 – 6.2)
Mr T Heggie (excluding items 1 – 5.1)
Mr R Laird
Mr B Lobban (excluding item 6.5)
Mr D MacPherson (item 6.9 only)

Non Committee Members Present:

Mrs T Robertson (excluding items 6.2 and 6.3)

Officials in attendance:

Mr D Mudie, Area Planning Manager South
Mr M Clough, Senior Engineer, Transport Planning
Mr S Hindson, Principal Planner
Mr K McCorquodale, Principal Planner
Mr R Dowell, Planner
Mrs S Hadfield, Planner
Mr J Kelly, Planner
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 intimated on behalf of Mr A Jarvie, Mr R MacWilliam, Mr N McLean and Mr B Thompson.

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

Item 6.5 – Mr B Lobban (non-financial).

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 5 December 2018 which was **APPROVED**.

4. **Major Development Update** **Iarrtasan Mòra**

There had been circulated Report No PLS/001/19 by the Area Planning Manager – South, 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. **Major Developments – Pre-application consultations** **Leasachaidhean Mòra – Co-chomhairle Ro-iarrtais**

5.1 **Description:** Housing development with associated landscaping, boundary treatment, SUDS and infrastructure. (18/04935/PAN) (PLS/002/19)

Ward: 20 – Badenoch and Strathspey.

Applicant: Tulloch Homes Ltd

Site Address: Land 80M SE of 2 Carr Place, Carrbridge.

There had been circulated Report No PLS/002/19 by the Area Planning Manager – South on the submission of a Proposal of Application Notice (PAN), describing the site and setting out likely relevant policies and potential material planning considerations.

The Committee **NOTED** the submission of the PAN and highlighted the following material planning considerations they wished brought to the applicant's attention:-

- Consideration given to the access to the site from the existing Carr Road; and
- The density of development within the site given the original site was much larger and allocated for the same number of houses.

together with the other material considerations identified in the report.

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

6.1 **Applicant:** Lochaber Housing Association (18/02761/FUL) (PLS/003/19)

Location: Site South of Tigh Aran, Spean Bridge. (Ward 11)

Nature of Development: Housing development – 20 no. units.

Recommendation: Revise the previously agreed developer contribution.

There had been circulated Report No PLS/003/19 by the Area Planning Manager – South recommending the Committee agree to revise the previously agreed developer contribution.

Mr D Mudie presented the report and recommendation.

During discussion, reassurance was sought and received, that a procedure would be put in place to ensure that calculations, in relation to developer contributions, would be double checked prior to their circulation in light of the recent adoption of a revised developer contributions supplementary guidance by the Council.

The Committee **AGREED** to **REVISE** the previously agreed developer contribution for the reasons set out in the report and **NOTED** that the updated conditions agreed at the previous meeting would still be put into place.

6.2 **Applicant:** EE (18/02223/FUL) (PLS/004/19)

Location: Land 290m NE of Keepers Croft, Glenlia, Foyers (Ward 12)

Nature of Development: Erection of 30m tower, ground based equipment cabinets, electrical generator, satellite dish, ancillary equipment, formation of access.

Recommendation: Grant.

There had been circulated Report Nos PLS/004/19 by the Area Planning Manager – South recommending the grant of the application, subject to the conditions detailed in the report.

Mrs S Hadfield presented the report and recommendation.

During discussion, Members' comments included the following:-

- Concern was expressed that local residents and Stratherrick and Foyers Community Council had not been involved during initial discussions regarding the proposed siting of the mast;
- The stretch of road for which the proposed tower would provide emergency coverage was so infrequently used that there was grass growing in the middle of it;
- Whilst the applicant had been instructed by the Home Office to cover every area for emergency service coverage, it was considered more appropriate to install a mast to serve this purpose in a location which was closer to people such as at Inverfarigaig;
- In highlighting the visual intrusion the mast would have on a local dwelling, it was emphasised that this could be an opportunity to discuss with the Forestry Commission the potential to locate the mast in an alternative site as felling was taking place in the area;
- The applicant had provided reasonable analysis for potential alternative locations for the siting of the proposed tower;
- It would be contradictory to refuse an application which would provide emergency service telecommunication coverage in a rural area given the demands which had previously been made for greater service coverage in the Highlands by the Council;
- As the road was so infrequently used, very few people were likely to see the mast; and
- The importance of providing improved emergency services telecommunication coverage in the area was emphasised.

The Chairman, seconded by Mr A Baxter moved that the application be granted subject to the conditions detailed in the report.

Mrs M Davidson then moved as an amendment that the application be refused on the grounds that the infrastructure was not sited sensitively to avoid adverse impact on residential properties and was therefore contrary to Policies 28 and 46 of the Highland-wide Local Development Plan but having failed to find a seconder the amendment failed.

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

- 6.3 **Applicant:** Swallowfield Smallholding Ltd (18/03526/PIP) (PLS/005/19)
Location: Land 60m NE of Teandalloch Farmhouse, Beauty (Ward 12)
Nature of Development: Erection of 4 houses.
Recommendation: Refuse.

There had been circulated Report Nos PLS/005/19 by the Area Planning Manager – South recommending the refusal of the application on the grounds as detailed in the report.

Mrs S Hadfield presented the report and recommendation.

In response to questions, the following was confirmed:-

- One of the exceptions to Policy 35 of the Highland-wide Local Development Plan (HwLDP) (Housing in the Countryside (Hinterland Areas)) is that affordable housing is required to meet a demonstrable local affordable housing need;
- Whilst the site layout was indicative, the proposed site access would have to remain in its intended position as visibility splays could not be achieved at the rear of the development; and
- A proposal to move the position of the four house plots within the site to along the frontage would increase the density and give the impression of a linear development. There is a general presumption against linear development within the Housing in the Countryside and Siting and Design Supplementary Guidance.

During discussion, Members' comments included the following:-

- Concern was expressed regarding the comments within the report that there was no local affordable housing need given local people could not afford to live locally as it was too expensive;
- Whilst the layout of the site was not ideal, it was considered that there could be an opportunity to make alterations as the application was for planning in principle;
- Negotiations with the applicant regarding improvements to the road and layby could be undertaken;
- It was emphasised that a lack of affordable housing did not deter people from wanting to live in the countryside and there was a lack of opportunities for people to live in the countryside;
- There was a clear presumption against housing in the Hinterland and no exceptions to policies within the HwLDP had been identified which could support the proposed development;
- There required to be supporting evidence from an affordable housing provider indicating that they would build these houses as currently there was no

information provided as to how the proposed development would be operated;

- It was suggested that further general discussions regarding Policy 35 - Housing in the Countryside (Hinterland areas) policy was required and how it should be interpreted in terms of affordable housing;
- The inclusion of two affordable housing plots within the proposals was not enough to outweigh the concerns raised regarding the layout and design of the proposed development; and
- The proposed development required alterations to the design and more certainty was needed regarding the affordable housing element of the proposal.

In response to discussion regarding affordable housing in the countryside, the Area Planning Manager – South recognised there was a need for affordable housing in rural areas but confirmed that, in this instance the applicant had not demonstrated a demand for affordable housing as was required to meet the justification for the development under the policy and that had the application been submitted by or with support from a Registered Social Landlord then it might have been justified. Whilst it was considered that there was demand for affordable housing, this demand would be taken up by the development in Muir of Ord.

The Committee agreed to **REFUSE** planning permission for the reasons detailed in the report.

6.4 **Applicant:** Innogy Renewables UK Ltd (18/05083/S42) (PLS/006/19)

Location: Land 6000m West of Findhorn Bridge at Glen Kyllachy, Tomatin (Ward 19)

Nature of Development: Construct and erect windfarm without compliance with Condition 1 attached to Glen Kyllachy wind farm (13/02441/FUL) as approved on appeal (Appeal Ref PPA-270 -2115) to allow operation of the turbines for 30 years.

Recommendation: Grant.

There had been circulated Report Nos PLS/006/18 by the Area Planning Manager – South recommending the grant of the application, subject to the conditions detailed in the report and the updating of the s.75 legal agreement to reflect the longer period of operation.

Mr K McCorquodale presented the report and recommendation.

In response to a question, it was confirmed that the applicant had given a commitment to commence development of the windfarm and that the purchase of the wind turbines would require decisions to be made, such as the choice of manufacturer, whilst keeping close scrutiny of the finances required for the project.

The Committee agreed to **GRANT** planning permission subject to the conditions recommended in the report and the updating of the s.75 legal agreement to reflect the longer period of operation.

6.5 **Applicant:** Mr Alistair Wighton (18/04400/FUL) (PLS/007/19)

Location: Land 40M South of Mains of Curr Farmhouse, Dulnain Bridge (Ward 20)

Nature of Development: Erection of new dwelling house and detached garage.

Recommendation: Grant.

Declaration of Interest – Mr B Lobban declared a non-financial interest in this item as he had been contacted by a member of the public and it had been suggested that he might not be able to be impartial in determining the application and therefore left the Chamber for the duration of this item.

There had been circulated Report No PLS/007/19 by the Area Planning Manager – South recommending the grant of the application, subject to the conditions detailed in the report and the upfront payment of a £1250 affordable housing contribution or, alternatively, a legal agreement to secure this sum.

Mr R Dowell presented the report and recommendation.

The Committee agreed to **GRANT** planning permission subject to the conditions recommended in the report and the upfront payment of a £1250 affordable housing contribution or, alternatively, a legal agreement to secure this sum.

6.6 **Applicant:** Dr Alison Wagstaff (18/03656/FUL) (PLS/008/19)

Location: Ord Cottage, Feshie Bridge, Kingussie, PH21 1NG (Ward 20)

Nature of Development: Demolition of existing house and erection of replacement property for holiday let.

Recommendation: Grant.

There had been circulated Report Nos PLS/008/19 by the Area Planning Manager – South 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, the following was confirmed:-

- Condition 1 within the report sought to control the use of the replacement property as a holiday let;
- Any future application to change the use of the replacement property from a holiday let to private residential use would require an affordable housing contribution from the applicant;
- Due to the location of the application site, no associated education contributions would be required if an application for a change of use to private residential use was submitted in the future; and
- Council guidelines in relation to car parking recommended that two parking spaces should be provided for housing developments with up to four bedrooms and three parking spaces for housing developments with five or more bedrooms.

During discussion, Members' comments included the following:-

- The proposed development was a replacement for an existing holiday let and was considered a better design than the existing building; and
- Whilst small communities could benefit economically in a minor way from tourist accommodation, it was emphasised that there was currently a lack of

affordable housing in this area and developments such as holiday lets did not help to promote sustainable communities.

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

- 6.7 **Applicant:** Springfield Properties PLC (18/03073/FUL) (PLS/009/19)
Location: Land to South of Nairn Road, Ardersier (Ward 17)
Nature of Development: Erection of 117 Houses and Associated works.
Recommendation: Grant.

There had been circulated Report Nos PLS/009/19 by the Area Planning Manager – South recommending the grant of the application, subject to the conditions detailed in the report and the prior conclusion of a s.75 legal agreement securing the contributions as set out at paragraph 8.40 of the report.

Mr S Hindson presented the report and recommendation, during which he advised of a correction to Condition 18 to refer to ‘Ardersier and Petty Community Council’ rather than ‘Holm Community Council and Lochardil and Drummond Community Council’.

He further recommended that the Committee agree to grant delegated powers to the Area Planning Manager to revise Condition 20 to include further details of traffic calming measures within the adopted road corridor on Fettes Road and Connage Crescent between the accesses to the development and junctions of the aforementioned roads with Nairn Road

In response to questions, the following was confirmed:-

- The Flood Risk Management Team had looked at the potential flood risks arising from the proposed development, in particular the surface water drainage system, and was satisfied with the level of drainage anticipated from the site and that the conditions proposed in relation to management and maintenance of the drainage within the site were appropriate;
- School roll numbers were constantly under review and the methodology used under the adopted Developer Contributions Supplementary Guidance could be reviewed by the Environment, Development and Infrastructure Committee in due course if school roll numbers increased;
- The proposed development had been taken forward in partnership with the applicant and Albyn Housing Society and whilst an area within the application site had been outlined for affordable housing, the design of the affordable and private housing were considered extremely similar;
- The proposed affordable housing was located within one particular area as it was easier for the management of the properties and would be a mix of affordable tenures and not just socially rented properties; and
- Traffic calming measures in relation to Fettes Road would be taken forward by Transport Planning through the road construction consent process and could be secured by condition.

During discussion, Members’ comments included the following:-

- In welcoming the 25% affordable housing allocation and the revised design of the properties proposed, appreciation was expressed that the applicant had taken into consideration comments which had been received in relation to the

original proposals regarding the proposed location of some of the properties ; and

- In light of the concerns which had been raised in relation to the original proposal to access the development site directly from the B9006 and access on Nairn Road, the revised proposals to the access arrangements were welcomed.

In response to further questions, the following was confirmed:-

- The level of developer contributions identified within the report was in line with the required amount as set out by the adopted Developer Contributions Supplementary Guidance and would be combined with developer contributions from other local developments into a cumulative pot for the replacement or extension of Culloden Academy;
- A condition had been included within the recommendation requiring provision of a pedestrian crossing of Nairn Road; and
- Discussions with Transport Planning could take place as to whether the calming platform at the east end of Nairn Road could be refurbished.

The Committee agreed to **GRANT** planning permission subject to the prior conclusion of a s.75 legal agreement securing the contributions as set out at paragraph 8.40 of the report and the conditions recommended in the report (subject to the amendment of condition 18 to refer to 'Ardersier and Petty Community Council' rather than 'Holm Community Council and Lochardil and Drummond Community Council').

The Committee also agreed to **GRANT DELEGATED POWERS** to the Area Planning Manager to revise condition 20 to include further details of traffic calming measures within the adopted road corridor on Fettes Road and Connage Crescent between the accesses to the development and junctions of the aforementioned roads with Nairn Road.

It was further agreed that the case officer would have discussions with Transport Planning as to whether the calming platform at the east end of Nairn Road could be refurbished.

6.8 **Applicant:** NHS Highland (18/04829/FUL) (PLS/010/19)

Location: Land 330M NW of Inverness College UHI, 1 Inverness Campus, Inverness (Ward 19)

Nature of Development: Construction of a new Centre for Health Science 2 including an Elective Care Centre (NHS), Life Science Business Incubator (HIE) and Health Innovation Facility (UHI).

Recommendation: Grant.

There had been circulated Report Nos PLS/010/19 by the Area Planning Manager – South recommending the grant of the application, subject to the conditions detailed in the report.

Mr J Kelly presented the report and recommendation, during which he recommended that the Committee agree to grant delegated powers to the Area Planning Manager to attach additional conditions to (1) address the mitigation measures requested by Transport Scotland and (2) to set out the operational arrangements for car parking on site as required by Transport Planning.

In response to questions, the following was confirmed:-

- The proposed development included provision for 245 car parking spaces;
- Whilst the total number of users of the building was not known at this stage, Transport Scotland had advised that any potential traffic impacts would be contained wholly within the site rather than spilling out onto the main junction and the trunk road;
- The proposed additional condition to address the mitigation measures requested by Transport Scotland had been recommended so as to ensure more effective control over the operation of the car parks within the proposed development and to clearly identify which car parks were specifically allocated for either public or staff use;
- The applicant had provided trip generation analysis to create a profile of the number of people likely to be coming to and leaving the site which had been evaluated to peak at 370 people trips at the busiest time;
- It had been proposed that the new bus gate would provide access to the Raigmore Hospital site from Raigmore estate through the existing Centre for Health Science complex;
- The proposed bus priority lane would be installed from the back of the Raigmore estate to the junction on Old Perth road;
- It was recognised that there was currently a lack of sufficient public transport provision within the Raigmore Hospital site and it was intended that the completion of the North Bridge would provide a direct route for buses to the site and also into the Inverness Business and Retail Park; and
- There was an expectation that there would be interest from bus companies in operating commercially viable routes through the campus site; and
- A travel plan was in the process of being developed by the applicant and business users with participation from Stagecoach.

During discussion, Members' comments included the following:-

- Concern was expressed regarding the transport planning proposals submitted by the applicant as junctions in this area were already over capacity and the site could become overwhelmed by cars;
- Concern was also expressed regarding the potential impact the transport planning proposals could have on in-patients using the medical facility;
- Whilst welcoming the proposed development and the collaborative work undertaken between organisations, concern was expressed that the proposals for car parking within the campus had been designed on the basis that active travel would be facilitated;
- There were currently ongoing issues in relation to bus times to the UHI College not suiting the needs of staff or students and it was likely that more private cars would be used to access the proposed development than currently anticipated; and
- Concern was expressed regarding the volume of traffic generated at the Inshes Junction during peak hours from people travelling to Raigmore Hospital and the UHI Campus and that whilst the proposed A9/A96 East Link road could help to mitigate this, traffic problems were likely to increase if the proposed development was completed prior to the construction of the East Link road.

In response to a further question, it was confirmed that NHS Highland had advised that in terms of the potential impact on Raigmore Hospital and the elective care centre arising from the proposed development, care services would transfer over from the existing Raigmore complex.

During further discussion, Members' comments included the following:-

- Whilst supportive of the proposed development, the management of transport was of concern, in particular to the east of Inverness and the impact parking at Raigmore Hospital had on Raigmore estate and Drakies;
- The issues and concerns which had been raised during discussion in relation to traffic problems and public transport were not the applicant's problem but were for the Council and Traffic Scotland to address;
- Transport Planning were commended for their stance in retaining the requirement for a bus lane in the proposals;
- The provision of a bus gate in the Raigmore estate was welcomed as it would enable better public transport from the estate into the hospital and could improve the general public transport network in Inverness; and
- The proposed development did not represent a simple transfer of existing services from Raigmore Hospital onto a new site and its purpose was to increase day to day health provision in the Highlands.

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

It was further agreed to **GRANT DELEGATED POWERS** to the Area Planning Manager to attach additional conditions to (1) address the mitigation measures requested by Transport Scotland and (2) to set out the operational arrangements for car parking on site as required by Transport Planning.

6.9 **Applicant:** Ardersier Port Ltd (18/04552/PIP) (PLS/011/19)

Location: Former Fabrication Yard, Ardersier, Nairn (Ward 17)

Nature of Development: Establish a port and port related services for energy related uses, including marine channel dredging, quay realignment, repair and maintenance, erection of offices, industrial and storage buildings, delivery and export of port related cargo and associated new road access, parking, infrastructure, services, temporary stockpiling of dredged material, re-grading and upfilling of landward areas and landscaping (Renewal of planning permission 13/01689/PIP).

Recommendation: Grant.

There had been circulated Report Nos PLS/011/19 by the Area Planning Manager – South recommending the grant of the application, subject to the conditions detailed in the report.

Mr D Mudie presented the report and recommendation.

The Committee agreed to **GRANT** planning permission subject to the conditions recommended in the report and **NOTED** that if Members wished to visit the site, this could be arranged outwith the planning process.

7. A.O.B.

The Chair confirmed that a site visit and Special Meeting of the Committee would be held in conjunction with the proposed Glen Etive hydro-electric scheme on 18 February 2019 (Site Visit) and 20 February 2019 (Special Meeting).

The meeting ended at 1.05 pm

**The Highland Council
South Planning Applications Committee**

Minute of the South Planning Applications Committee site visit held on Monday 18 February 2019 at 12.00 noon and the special meeting held in the Chamber, Council Headquarters, Glenurquhart Road, Inverness on Wednesday 20 February 2019 at 10.30 am.

Committee Members Present:

Mr R Balfour
Mr A Baxter
Mr B Boyd
Mr J Bruce (Substitute)
Mr J Gray
Mr A Jarvie (as an observer)
Mr B Lobban
Mr D Macpherson (Substitute)
Mr C Smith (Substitute)
Mr B Thompson

Non Committee Members Present:

Mrs T Robertson (as an observer)

Officials in attendance:

Mr D Mudie, Area Planning Manager – South
Ms S Macmillan, Team Leader
Mr M Clough, Senior Engineer, Transport Planning
Mr D Haas, Inverness City Area Manager (Clerk)
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.

The Committee **NOTED** that item 3.8 on the agenda had been deferred to the next meeting of the Committee:-

3.8 **Applicant:** Vento Ludens Ltd (18/05750/FUL) (PLS/019/19)

Location: Land 1100m SW of Glencoe Caravan and Camping Site, Glencoe. (Ward 21)

Nature of Development: Construction of a run of river hydro scheme, including intake, buried pipeline, turbine house, outfall, grid connection & access tracks.

Recommendation: Grant.

Business

1. Apologies for Absence Leisgeulan

Apologies for absence for the Site visit on 18 February 2019 and the meeting on 20 February 2019 were intimated on behalf of Ms C Caddick, Mr G Cruickshank, Mrs M Davidson, Mr L Fraser, Ms P Hadley, Mr T Heggie, Mr R Laird, Mr R MacWilliam and Mr N McLean.

2. Declarations of Interest Foillseachaidhean Com-pàirt

None.

3. Planning Applications to be Determined Iarrtasan Dealbhaidh rin Dearbhadh

In relation to items 3.1 – 3.7 on the agenda, there had been circulated Reports No PLS/012/19 (Item 3.1), PLS/013/19 (Item 3.2), PLS/014/19 (Item 3.3), PLS/015/19 (Item 3.4), PLS/016/19 (Item 3.5), PLS/017/19 (Item 3.6) and PLS/018/19 (Item 3.7) by the Area Planning Manager – South recommending the grant of the applications, subject to the conditions detailed in the report.

A site visit had taken place on the 18 February 2019 attended by the following Members: Mr R Balfour, Mr A Baxter, Mr B Boyd, Mr J Bruce (Substitute), Mr J Gray, Mr B Lobban, Mr D Macpherson (Substitute), Mr C Smith (Substitute) 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 applications.

The Committee **AGREED** that the reports and recommendations be presented by the planning officer in the order that the applications were viewed on the site visit.

Mrs S MacMillan presented the report and recommendation for the following items:-

- 3.3 **Applicant:** Dickins Hydro Resources Ltd (18/02742/FUL) (PLS/014/19)
Location: Land 1000M SW of Altachaorin, Glenetive (Allt Chaorainn). (Ward 21)
Nature of Development: Installation of (1,640kW) run-of-river hydropower system, including two intakes, buried pipeline, powerhouse building, outfall, and bridge (Allt Chaorainn)
Recommendation: Grant.

Mr A Baxter advised that he was a Member of the John Muir Trust which had objected to the application. He confirmed, however, that he did not consider this to be a declarable interest and that he would take part in the deliberation and determination of this item.

In response to questions, the following was confirmed:-

- It was proposed that an on-demand system encompassing an on-off switch to control river flow be arranged between the applicant and the Scottish Canoe

Association (SCA) to enable canoeists to use the rivers located within the proposed hydro-scheme;

- If an agreement could not be reached regarding the on-demand system, specific periods of shutdown to allow canoe access would be imposed by SEPA under the Controlled Activities Regulations (CAR) license;
- The planning authority was seeking to put into place effective monitoring of the reinstatement of tracks through increased dialogue with the Ecological Clerk of Works and the Landscape Clerk of Works;
- It was anticipated that the contact details of the main contractors would be published on notice boards around the proposed development;
- The construction method statement included all contact details of the developers and the Council could be used as a point of contact for reporting any breaches of planning;
- The proposed compensatory tree planting plan would only include provision to replace those trees which required to be removed due to the construction of the proposed development;
- Provision could be made within the construction management plan for a point of contact with the contractor within Glen Etive for members of the public for the duration of the construction works; and
- The Access Management Plan could include provision for temporary signage close to the junction with the A82 advertising the temporary bridge closure.

3.6 **Applicant:** Dickins Hydro Resources Ltd (18/05439/FUL) (PLS/017/19)

Location: Land North West of Inbhirfhaolain, Glenetive (Allt Fhaolain). (Ward 21)

Nature of Development: Installation of (425kW) run-of-river hydropower system, associated plant, buildings and access roads (Allt Fhaolain)

Recommendation: Grant

No points of clarification were raised.

3.1 **Applicant:** Dickins Hydro Resources Ltd (18/02738/FUL) (PLS/012/19)

Location: Land 400M North Of Glenview, Glenetive (Allt Charnan). (Ward 21)

Nature of Development: Installation of (1,035kW) run-of-river hydropower system, associated plant, buildings and access roads (Allt Charnan)

Recommendation: Grant.

In response to questions, the following was confirmed:-

- SEPA had originally objected to the application due to a lack of detailed information; however, the issues which had been identified could be mitigated through condition;
- In relation to the Environmental Impact Assessment Reports (EIARs), the applicant had not provided a direct assessment of the predicted impact of the development on tourism;
- Whilst the EIARs had not made reference to the potential benefits to the estate owners of income from the hydro schemes, it had been highlighted in the report that the proposed development could help to sustain local employment in the glen;
- The application was located within the area of the Argyll District Salmon Fisheries Board;
- Protections could be put in place by SEPA through the CAR Licence to ensure retention of low flows in the rivers and to regulate the amount of water that can be extracted from the rivers;

- The upgrading of the existing overhead line would be determined under section 37 of the Electricity Act 1989 by Scottish Ministers and the Council would be a consultee on a section 37 application;
- Consideration had been given to the potential impact on the wider appreciation of the wild land area or qualities in the area arising from the proposed development;
- The Construction Method Statement required all construction vehicles (including workforce vehicles) to use the forestry road from Invercharnan to the jetty, avoiding the lower section of the public road;
- Information submitted with the application had been based on a five-man team of workforce using one vehicle and the number of trips had been calculated taking into account the duration of the development;
- A capacity assessment of the existing public road had not been undertaken by the applicant;
- The recommendation included conditions requiring localised road improvements to be made prior to commencement of construction;
- Local area roads officers had previously looked into potential opportunities to provide a temporary clear way or other traffic prohibition order in relation to passing places; however, it was unlikely that this would receive authority;
- There was requirement to enhance the Construction Management Plan and any impact on existing users of the public road from construction traffic would be reviewed; and
- Further details of the proposed management of staff trips and speed limits would be included within the Construction Management Plan and it was anticipated that staff trips would be on the basis of one trip into the site and one trip out per day.

3.4 **Applicant:** Dickins Hydro Resources Ltd (18/03024/FUL) (PLS/015/19)

Location: Land 240m North West of Schoolhouse Cottage Bothy, Glenetive (Allt nan Gaoirean). (Ward 21)

Nature of Development: Installation of (980kW) run-of-river hydropower system, associated works (Allt nan Gaoirean)

Recommendation: Grant

No points of clarification were raised.

3.2 **Applicant:** Dickins Hydro Resources Ltd (18/02739/FUL) (PLS/013/19)

Location: Land 155m south of Glen Ceitlein, Glenetive (Allt Ceitlein). (Ward 21)

Nature of Development: Installation of (810kW) run-of-river hydropower system, associated plant, buildings and access roads (Allt Ceitlein)

Recommendation: Grant.

Mr A Baxter advised that he was a Member of the John Muir Trust which had objected to the application. He confirmed, however, that he did not consider this to be a declarable interest and that he would take part in the deliberation and determination of this item.

In response to questions, the following was confirmed:-

- It was proposed that a temporary construction track (3.4m) be formed from the Ceitlein bridge to the intakes within the proposed development; and
- The proposed powerhouse was formed of a part-buried structure and would be approximately 5m high from the base of the river bank.

- 3.7 **Applicant:** Dickins Hydro Resources Ltd (18/05440/FUL) (PLS/018/19)
Location: Land 650m south west of Coiletir, Glenetive (Allt Mheuran). (Ward 21)
Nature of Development: Installation of (885kW) run-of-river hydropower system, including one intake structure, buried pipeline, powerhouse building, outfall, bridges, formation of borrow pits and access tracks (Allt Mheuran)
Recommendation: Grant

In response to questions, the following was confirmed:-

- The visibility of the proposed intake was dependent on the height of the river flow; however, measures had been suggested to minimise the impact of structures within the intake which could be visible during low river flow;
- The proposed temporary construction access track from the powerhouse to the intake would be 3.4 metres wide;
- Scottish Natural Heritage did not raise butterfly interests in its consultation response; and
- The potential for compensatory planting around the existing deer stalker's track to the right hand side of the burn had not been raised by Scottish Natural Heritage.

- 3.5 **Applicant:** Dickins Hydro Resources Ltd (18/03026/FUL) (PLS/016/19)
Location: Land 290M North of Hollybank, Glenetive (Allt a Bhiorain). (Ward 21)
Nature of Development: Installation of (715kW) run-of-river hydropower system, associated plant, buildings and access roads (Allt a Bhiorain)
Recommendation: Grant

No points of clarification were raised.

The meeting briefly adjourned for a comfort break.

Following the adjournment, and in response to further questions, it was confirmed that an advisory note to the applicant could be included under item 3.3 seeking the inclusion of Rowan trees within the compensatory planting scheme.

It was also confirmed that the following changes to the recommendations contained within the reports could be made:-

- Condition 3(b) in all the applications to read as “weekly” rather than “monthly”;
- The inclusion of the following sentence at the end of Condition 5 in items 3.1, 3.2, 3.6 and 3.7 and Condition 6 in item 3.3: “Thereafter the passing place improvements shall be fully undertaken in accordance with the approved details prior to the commencement of any other part of the development.”;
- The inclusion of the following additional sub condition in Condition 3 in items 3.2 to 3.7: “Provision made for a point of contact with the contractor within Glen Etive for members of the public for the duration of the construction works.”;
- The inclusion of the following sentence at the end of Condition 20 in item 3.2, Condition 18 in items 3.3 and 3.7: “For the avoidance of doubt the Access Management Plan shall include provision for temporary signage close to the junction with the A82 advertising the temporary bridge closure.”

During discussion, Members' comments included the following:-

- In emphasising the potential cumulative impact of all seven proposed developments on the whole of Glen Etive, particular concern was expressed regarding the three applications that were within wild land areas;
- Whilst Glen Etive could be described as being “far from pristine” due to the impact of forestry works, the wild land areas contained within the glen had clear characteristics and qualities which made the area special;
- Concern was expressed that SNH, as the progenitors for designating wild land areas in Scotland, did not object on the grounds of the potential impact of the proposed developments on the wild land areas;
- Whilst the proposed developments were described as being on the edge of the wild land areas, the principle of wild land areas was sacrosanct and the impact of any potential development on the edge of wild land areas should be considered in the context of the wider wild land area;
- In highlighting the impact of construction tracks which had arisen from other developments within the Lochaber area, concern was expressed in relation as to how the reinstatement process for construction tracks would be managed here and the potential impact this could have on Glen Etive despite the applicant's assurances that these would be minimised;
- It was emphasised that the number of material considerations which had been identified within the report showed the substantial impact the proposed developments could have on the area;
- In highlighting the substantial changes which had taken place in the glens over the years, it was considered that the proposed hydro development could have a positive impact;
- With reference to a recent report by the International Panel on Climate Change (IPCC) and the Scottish Government's energy strategy which targeted a low carbon economy, it was emphasised that developments such as that proposed at Glen Etive and the aggregation of other micro hydro projects could help to achieve this;
- It was emphasised that the success of hydro schemes could make estates profitable and therefore the positive economic impact could enable better management and conservation of these estates going forward; and
- The changes made by the applicant to the original proposals, the remuneration requirements contained within the recommendation, and the improvements which had been made in enforcement and monitoring of similar developments had provided enough reassurance to support the granting of the applications.

Decisions

3.1 **Applicant:** Dickins Hydro Resources Ltd (18/02738/FUL) (PLS/012/19)

Location: Land 400M North Of Glenview, Glenetive (Allt Charnan). (Ward 21)

Nature of Development: Installation of (1,035kW) run-of-river hydropower system, associated plant, buildings and access roads (Allt Charnan)

Recommendation: Grant.

Decision

The Committee agreed to **GRANT** planning permission subject to the conditions recommended in the report and to the following amendments:-

- Condition 3(b) to read as “weekly” rather than “monthly”; and

- The inclusion of the following sentence at the end of Condition 5: “Thereafter the passing place improvements shall be fully undertaken in accordance with the approved details prior to the commencement of any other part of the development.”

3.2 **Applicant:** Dickins Hydro Resources Ltd (18/02739/FUL) (PLS/013/19)

Location: Land 155m south of Glen Ceitlein, Glenetive (Allt Ceitlein). (Ward 21)

Nature of Development: Installation of (810kW) run-of-river hydropower system, associated plant, buildings and access roads (Allt Ceitlein)

Recommendation: Grant.

No consensus having been reached between the members, Mr J Gray, seconded by Mr B Thompson, moved a motion that the application be granted subject to the conditions detailed in the report.

Mr A Baxter, seconded by Mr B Lobban, moved as an amendment that the application be refused on the grounds that:-

- the proposed development was contrary to Paragraph 200 of the Scottish Planning policy National Planning Framework 3 and Policy 57 of the Highland Wide Local Development Plan as it would have an unacceptable impact on the wild land characteristics displayed in wild land area 9 which was an area very sensitive to any form of intrusive human activity and had no capacity to accept this development, in particular, it would erode the sense of remoteness within the wild land area by extending built development and other man-made features beyond the glen floor thereby challenging the integrity of wild land qualities.

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

Motion

Mr R Balfour
Mr B Boyd
Mr J Bruce
Mr J Gray
Mr D MacPherson
Mr B Thompson

Amendment

Mr A Baxter
Mr B Lobban
Mr C Smith

Decision

The Committee agreed to **GRANT** planning permission subject to the conditions recommended in the report and to the following amendments:-

- Condition 3(b) to read as “weekly” rather than “monthly”;
- Condition 3 to include an additional sub condition: “Provision made for a point of contact with the contractor within Glen Etive for members of the public for the duration of the construction works.”;

- The inclusion of the following sentence at the end of Condition 5: “Thereafter the passing place improvements shall be fully undertaken in accordance with the approved details prior to the commencement of any other part of the development.”; and
- The inclusion of the following sentence at the end of Condition 20: “For the avoidance of doubt the Access Management Plan shall include provision for temporary signage close to the junction with the A82 advertising the temporary bridge closure.”

3.3 **Applicant:** Dickins Hydro Resources Ltd (18/02742/FUL) (PLS/014/19)

Location: Land 1000M SW of Altachaorin, Glenetive (Allt Chaorainn). (Ward 21)

Nature of Development: Installation of (1,640kW) run-of-river hydropower system, including two intakes, buried pipeline, powerhouse building, outfall, and bridge (Allt Chaorainn)

Recommendation: Grant.

No consensus having been reached between the members, Mr J Gray, seconded by Mr B Thompson, moved a motion that the application be granted subject to the conditions detailed in the report.

Mr A Baxter, seconded by Mr B Lobban, moved as an amendment that the application be refused on the grounds that:-

- the proposed development was contrary to Paragraph 200 of the Scottish Planning policy National Planning Framework 3 and Policy 57 of the Highland Wide Local Development Plan as it would have an unacceptable impact on the wild land characteristics displayed in wild land area 9 which was an area very sensitive to any form of intrusive human activity and had no capacity to accept this development, in particular, it would erode the sense of remoteness within the wild land area by extending built development and other man-made features beyond the glen floor thereby challenging the integrity of wild land qualities.

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

Motion

Mr R Balfour
Mr B Boyd
Mr J Bruce
Mr J Gray
Mr D MacPherson
Mr B Thompson

Amendment

Mr A Baxter
Mr B Lobban
Mr C Smith

Decision

The Committee agreed to **GRANT** planning permission subject to the conditions recommended in the report and to the following amendments:-

- Condition 3(b) to read as “weekly” rather than “monthly”;
- Condition 3 to include an additional sub condition: “Provision made for a point of contact with the contractor within Glen Etive for members of the public for the duration of the construction works.”;
- The inclusion of the following sentence at the end of Condition 6: “Thereafter the passing place improvements shall be fully undertaken in accordance with the approved details prior to the commencement of any other part of the development.”; and
- The inclusion of the following sentence at the end of Condition 18: “For the avoidance of doubt the Access Management Plan shall include provision for temporary signage close to the junction with the A82 advertising the temporary bridge closure.”

The Committee also **AGREED** that an advisory note be included seeking the inclusion of Rowan trees within the compensatory planting scheme.

- 3.4 **Applicant:** Dickins Hydro Resources Ltd (18/03024/FUL) (PLS/015/19)
Location: Land 240m North West of Schoolhouse Cottage Bothy, Glenetive (Allt nan Gaoirean). (Ward 21)
Nature of Development: Installation of (980kW) run-of-river hydropower system, associated works (Allt nan Gaoirean)
Recommendation: Grant.

Decision

The Committee agreed to **GRANT** planning permission subject to the conditions recommended in the report and to the following amendments:-

- Condition 3(b) to read as “weekly” rather than “monthly”; and
- Condition 3 to include an additional sub condition: “Provision made for a point of contact with the contractor within Glen Etive for members of the public for the duration of the construction works.”

- 3.5 **Applicant:** Dickins Hydro Resources Ltd (18/03026/FUL) (PLS/016/19)
Location: Land 290M North of Hollybank, Glenetive (Allt a Bhiorain). (Ward 21)
Nature of Development: Installation of (715kW) run-of-river hydropower system, associated plant, buildings and access roads (Allt a Bhiorain)
Recommendation: Grant.

Decision

The Committee agreed to **GRANT** planning permission subject to the conditions recommended in the report and to the following amendments:-

- Condition 3(b) to read as “weekly” rather than “monthly”; and
- Condition 3 to include an additional sub condition: “Provision made for a point of contact with the contractor within Glen Etive for members of the public for the duration of the construction works.”

- 3.6 **Applicant:** Dickins Hydro Resources Ltd (18/05439/FUL) (PLS/017/19)
Location: Land North West of Inbhirfhaolain, Glenetive (Allt Fhaolain). (Ward 21)
Nature of Development: Installation of (425kW) run-of-river hydropower system, associated plant, buildings and access roads (Allt Fhaolain)
Recommendation: Grant.

Decision

The Committee agreed to **GRANT** planning permission subject to the conditions recommended in the report and to the following amendments:-

- Condition 3(b) to read as “weekly” rather than “monthly”;
- Condition 3 to include an additional sub condition: “Provision made for a point of contact with the contractor within Glen Etive for members of the public for the duration of the construction works.”; and
- The inclusion of the following sentence at the end of Condition 5: “Thereafter the passing place improvements shall be fully undertaken in accordance with the approved details prior to the commencement of any other part of the development.”

- 3.7 **Applicant:** Dickins Hydro Resources Ltd (18/05440/FUL) (PLS/018/19)
Location: Land 650m south west of Coiletir, Glenetive (Allt Mheuran). (Ward 21)
Nature of Development: Installation of (885kW) run-of-river hydropower system, including one intake structure, buried pipeline, powerhouse building, outfall, bridges, formation of borrow pits and access tracks (Allt Mheuran)
Recommendation: Grant.

No consensus having been reached between the members, Mr J Gray, seconded by Mr B Thompson, moved a motion that the application be granted subject to the conditions detailed in the report.

Mr A Baxter, seconded by Mr B Lobban, moved as an amendment that the application be refused on the grounds that:-

- the proposed development was contrary to Paragraph 200 of the Scottish Planning policy National Planning Framework 3 and Policy 57 of the Highland Wide Local Development Plan as it would have an unacceptable impact on the wild land characteristics displayed in wild land area 9 which was an area very sensitive to any form of intrusive human activity and had no capacity to accept this development, in particular, it would erode the sense of remoteness within the wild land area by extending built development and other man-made features beyond the glen floor thereby challenging the integrity of wild land qualities.

On a vote being taken, five votes were cast in favour of the motion and three votes in favour of the amendment, with one abstention as follows:-

Motion

Mr R Balfour
 Mr B Boyd
 Mr J Bruce
 Mr J Gray
 Mr B Thompson

Amendment

Mr A Baxter
Mr B Lobban
Mr C Smith

Abstention

Mr D MacPherson

Decision

The Committee agreed to **GRANT** planning permission subject to the conditions recommended in the report and to the following amendments:-

- Condition 3(b) to read as “weekly” rather than “monthly”;
- Condition 3 to include an additional sub condition: “Provision made for a point of contact with the contractor within Glen Etive for members of the public for the duration of the construction works.”;
- The inclusion of the following sentence at the end of Condition 5: “Thereafter the passing place improvements shall be fully undertaken in accordance with the approved details prior to the commencement of any other part of the development.”; and
- The inclusion of the following sentence at the end of Condition 18: “For the avoidance of doubt the Access Management Plan shall include provision for temporary signage close to the junction with the A82 advertising the temporary bridge closure.”

The meeting ended at 1:15 pm

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 5 March 2019 at 10.30 am.

Committee Members Present:

Mr R Bremner (excluding items 1 – 6.1), Mrs I Campbell, Ms K Currie (excluding items 6.10 – 6.13), Mr M Finlayson, Mr C Fraser, Mr R Gale, Mr J Gordon, Mr D MacKay, Mr D Macleod, Mrs M Paterson, Mr A Rhind (excluding items 6.5, 6.7 and 6.8 – 6.13), Mr A Sinclair (excluding items 6.5 and 6.13), Ms M Smith and Mr A Mackinnon (substitute for Mrs A MacLean) (excluding items 6.4, 6.5, 6.9 and 6.13).

Other Members Present:

Mrs J Barclay
Mr G Adam

Officials in attendance:

Mr D Jones, Acting Head of Development Management - Highland
Ms J Bridge, Senior Engineer (Development Management)
Mr M Harvey, Team Leader
Mrs E McArthur, Principal Planner
Mr S Hindson, Principal Planner
Mr K McCorquodale, Principal Planner
Dr S Turnbull, Coastal Planning Officer
Mrs R Hindson, Planner
Mrs G Pearson, Planner
Mrs K Lyons, Principal Solicitor – Planning and Clerk
Mrs A MacArthur, 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.

The Chair advised that this was Ken McCorquodale's last meeting prior to his retirement. She thanked Mr McCorquodale for all the advice and assistance he had given to Members with his invaluable wealth of experience and on behalf of the Committee she wished Mr McCorquodale a long and happy retirement.

1. Apologies Leisgeulan

Apologies for absence were received from Mrs A MacLean, Mr C MacLeod and Mr K Rosie.

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

There were no declarations of interest.

**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 22 January 2019 which was **APPROVED**.

**4. Major Development Update
Iarrtasan Mòra**

There had been circulated Report No PLN/012/19 by the Acting Head of Development Management - Highland providing an update on progress of all cases within the "Major" development category currently with the Planning and Development Service for determination.

The Acting Head of Development Management – Highland responded to Members queries as follows:-

- the former fish factory site in Conon Bridge was still progressing, there had been long standing issues and information was still required, this would be brought to Committee when the information had been received;
- the development of 104 houses in Muir of Ord was awaiting further information and would also be brought to Committee when the information had been received;
- the 33 house development in Culbokie had just received consultation responses and was likely to come to the next Committee in April; and
- the section 75 for the development at Novar, Evanton had been concluded and the permission had issued therefore it was no longer on the list.

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

**5. Major Developments – Pre-application consultations
Leasachaidhean Mòra – Co-chomhairle Ro-iarrtais**

5.1 Description: A mixed use development comprising housing, affordable housing, community uses and open space, a new village and development site access will be formed with the trunk road and the old road stopped up, a replacement car park for the school and bus turning circle and access will also form part of the development (18/05397/PAN) (PLN/013/19)

Ward: 5

Applicant: Lochalsh Estates Ltd

Site Address: Land 130 m NE of Auchtertyre Primary School, Auchtertyre, Balmacara.

There had been circulated Report No PLN/013/19 by the Acting Head of Development Management - Highland on the submission of a Proposal of Application Notice (PAN), describing the site and setting out likely relevant policies and potential material planning considerations.

The Committee **NOTED** the local Member's concern about school capacity and infrastructure in the vicinity of the application site and also requested that the applicant clearly define what is meant by "public housing".

5.2 Description: Proposed wind turbine development comprising up to seven wind turbines with tip height up to 149.9 m, including access tracks, a substation, energy storage systems and other related ancillary components including temporary construction compound and on site borrow pits (19/00695/PAN) (PLN/014/19)

Ward: 4

Applicant: Wind 2 Ltd

Site Address: Land 1700 m South of 43 Farlary, Rogart.

There had been circulated Report No PLN/014/19 by the Acting Head of Development Management - Highland on the submission of a Proposal of Application Notice (PAN), describing the site and setting out likely relevant policies and potential material planning considerations.

The Committee **NOTED** the local Member's concern about overprovision of wind farm developments in the area and the potential impact on residents. Together with the existing Kilbraur Wind Farm this development would be in danger of encircling a number of residential properties.

6. Planning Applications to be Determined

Iarrtasan Dealbhaidh rin Dearbhadh

6.1 Applicant: Mr Phil Davidson (17/02436/FUL) (PLN/015/19)

Location: Land 3,290 m NE of Church of Scotland, West Helmsdale (Ward 4).

Nature of Development: Navidale wind farm comprising 5 wind turbines (3 mW each) with a tip height up to 125 m and associated infrastructure.

Recommendation: Refuse.

There had been circulated Report No PLN/015/19 by the Acting Head of Development Management - Highland recommending that the Committee refuse the application for the reasons detailed in the report.

Members, with the exception of Cllr Mackinnon, confirmed that they had all received the email from Greencat Renewables Ltd emailed in advance. Cllr Mackinnon was provided with a copy of the email.

The Planning Officer responded to Members' questions as follows:

- pre-planning advice had been sought;
- turbines had been reduced from 12 to 5;
- Scottish Government's SPP 2014 spatial framework identifies as follows: Group 1 – Areas where wind farms will not be acceptable, Group 2 – Areas of significant protection and Group 3 – Areas with potential for wind farm development. The application site is within Group 2;

- surveys of the peat bog had been undertaken with the turbines being kept to the shallower areas of peat, if the peat bog was pristine and deep it had been avoided as far as possible;
- this was a small highland estate, planning officers could not dictate the scale of the development they had to take applications as they came forward; and
- there would be a satisfactory link to the grid.

The Committee **AGREED** to **REFUSE** planning permission in accordance with the reasons contained in the report

6.2 Applicant: Miss Natalie Bayfield (18/02046/FUL) (PLN/016/19)

Location: Land 55 m East of 19 Colbost Dunvegan (Ward 10).

Nature of Development: Erection of 2 letting chalets and associated works at.

Recommendation: Grant.

There had been circulated Report No PLN/016/19 by the Acting Head of Development Management - Highland recommending that the Committee grant the application subject to the conditions detailed in the report.

The Planning Officer and Senior Engineer responded to Members' questions as follows:

- the travel plan stated that the new access was acceptable, visibility was measured against road speed, the speed here was 30 mph and there was therefore sufficient visibility for this road speed;
- tarmac would not be required as this was a long access, an artificial surface would have drainage implications, therefore it would be a gravel drive; and
- a shared access would have been preferable but as this hadn't come forward the access was considered acceptable.

The Committee **AGREED** to **GRANT** subject to the conditions contained in the report.

6.3 Applicant: The Ben Loyal Hotel (18/02420/FUL) (PLN/017/19)

Location: Ben Loyal Hotel, Tongue, Lairg, IV27 4XE (Ward 1).

Nature of Development: Erection of 6 glamping pods and associated works.

Recommendation: Refuse.

There had been circulated Report No PLN/017/19 by the Acting Head of Development Management - Highland recommending that the Committee refuse the application for the reasons detailed in the report.

The Planning Officer and Senior Engineer responded to Members' questions as follows:

- No pre-planning advice had been sought. The site had been visited, a speed restriction of 20 mph would require visibility splays of 25 metres and only 9 metres could be achieved, no solution could therefore be found;
- mirrors were not a recommended solution as it was proven hard to judge distance with road mirrors;

- if the hotel had come forward as an application now it would not have been given planning permission in its current built form;
- the scale of the increased traffic from the pods was significant;
- the hotel's lean to extension was the main cause of the problem, if this could be brought back 2 m it would increase the visibility splays; and
- although the traffic speed in the vicinity of the hotel was generally low the additional traffic from the development would exacerbate the road safety problem caused by inadequate sightlines from the hotel car park onto the public road.

During discussion, Members' comments included the following:-

- areas were suffering financially and everything had to be done to enable businesses to be economically viable;
- the pods would generate a maximum of six extra cars;
- the existing access had been there for many years; and
- traffic was slower at this junction as cars on the road were decreasing their speed for the road junction

The Committee **AGREED** to **GRANT** subject to conditions to be agreed by the Chair and the local Member.

Reason to overturn recommendation: the proposed development fits well with the Council's Tourism policies contained in the HwLDP in that it will meet local need for tourist accommodation and will provide a boost to the local economy. Poor visibility when exiting the access to the application site is acknowledged but as traffic speeds in the locality are low, this is not considered to be a sufficient reason to refuse the application

6.4 Applicant: Dr W Fraser (18/03570/PIP) (PLN/018/19)

Location: Ness Gap, Fortrose (Ward 9).

Nature of Development: Erection of 12 houses (PIP).

Recommendation: Grant.

There had been circulated Report No PLN/018/19 by the Acting Head of Development Management - Highland recommending that the Committee grant the application subject to the conditions detailed in the report.

The Planning Officer and Roads Engineer responded to Members' questions as follows:

- the VISSIM microsimulation model was a computer model of the traffic calming that had been put in place, which reduced, through the shuttle working one lane, the traffic and which had shown the Fortrose High Street to be acceptable for a certain volume of traffic and this further development would be within those levels;
- the development did not have a conventional footpath but areas had been identified for pedestrians; and
- Any further development generating traffic in excess of that of a residential development of 4 houses or the equivalent which will utilise Fortrose High Street should be required to demonstrate that the vehicular traffic generated will not have a detrimental impact on the operation of the High Street. The

assessment must be based on observed traffic flows and committed development current when any application for planning permission is submitted and on suitable traffic modelling of the High Street as complex evaluation of issues such as queues, delays and road safety will be required. Any scheme of mitigation on the High Street which might be necessary to reduce the impact would also require a suitable model to demonstrate its acceptability

During discussion, Members' comments included the following:-

- concern expressed in relation to the traffic on Fortrose High Street, however it was not possible to widen the road; and
- safety concerns about the B9169 junction with the A9.

The Committee **AGREED** to **GRANT** subject to a section 75 agreement and to the conditions contained in the report.

6.5 Applicant: Compass Building and Construction Services Ltd (18/04315/FUL) (PLN/019/19)

Location: Land 30 m SW of Ginn Park, Gairloch (Ward 5).

Nature of Development: Erection of 8 bungalows, associated infrastructure and services.

Recommendation: Grant.

There had been circulated Report No PLN/019/19 by the Acting Head of Development Management - Highland recommending that the Committee grant the application subject to the conditions detailed in the report.

The Committee **AGREED** to **GRANT** subject to the conditions contained in the report.

6.6 Applicant: The Highland Council (18/04459/FUL) (PLN/020/19)

Location: Land 70 m SW of 4 Wood Park, Dunvegan Road, Portree (Ward 10).

Nature of Development: Erection of 15 residential units.

Recommendation: Grant.

There had been circulated Report No PLN/020/19 by the Acting Head of Development Management - Highland recommending that the Committee grant the application subject to the conditions detailed in the report.

The Planning Officer responded to Members' questions as follows:

- on a question about the compulsory purchase order on this piece of ground, the planning officer advised that the Council's Housing Service and the Housing Association were currently in discussion and she was unable to clarify at this time, however ownership of the land was not a matter material to the determination of this planning application;
- the Acting Head of Development Management – Highland advised that the applicant would have to satisfy themselves as to their title before development could commence on site;
- Transport Scotland had not objected and preferred the proposed staggered arrangement as an improvement to this junction;

- the SUDs ensured that surface water run-off from the site would be no worse post than pre-development;
- the SUDs retention basin would generally be dry, however, during periods of heavy rain it would fill and slow down the discharge of water into the burn;
- the flood team had accepted the detail of the SUDs retention basin;
- the development contribution to be secured is in line with other developments in the area, the development contribution applied is in line with the guidance in place at the time the application had been lodged, this is consistent with the approach taken by the Planning Authority to non-Council planning applications;
- there was peat at this development and it was a condition that the applicant come back with a peat management plan;
- a floating road consisted of a layer of terram on the peat and then the tarmac road floated above, several of these “floating roads” existed across the Highlands; and
- developer contributions in terms of school provision take account of existing capacity. As the Education Service had responded that there was sufficient capacity and therefore no contribution was required towards school provision.

During discussion, Members’ comments included the following:-

- Dunvegan Road required a traffic survey before any further developments utilised the road;
- a previous application for one house had been refused in relation to the additional traffic at the junction;
- there appeared to be little room between the SUDs basin and the 6 metre buffer next to the river for the new access to the existing house; and
- this was a large development on a small site.

Members discussed the use of drone footage to view the site, however it was considered that drone footage would be limited as the site was very overgrown.

The Committee thereafter **AGREED** to **DEFER** for a site visit on Thursday 18 April 2019 with determination thereafter in Portree. Only those members present today could participate.

6.7 Applicant: Highland Housing Alliance (18/04659/FUL) (PLN/021/19)

Location: Land West of Kinellan Drive, Strathpeffer (Ward 5).

Nature of Development: Erection of 42 houses.

Recommendation: Grant.

There had been circulated Report No PLN/021/19 by the Acting Head of Development Management - Highland recommending that the Committee grant the application subject to the conditions detailed in the report. There had been a late submission from an adjacent landowner, and further comments from the original objectors. The planning officer covered these points within the report and his presentation.

The Planning Officer and Senior Engineer responded to Members' questions as follows:

- only poor quality trees would be removed and these would be replaced within the site;
- the speed of traffic on Kinellan Drive would be 20 mph and therefore the visibility splays would be acceptable;
- in relation to planning gain, applicants could decide to make two payments per year or one large payment prior to planning permission being issued;
- a contribution was to be taken for the future development of Dingwall Academy;
- a contribution would also be taken towards school transport from Strathpeffer to Dingwall;
- there was also a contribution towards the community-led Strathpeffer Community Park;
- an estimate for children in a development was taken as 0.3 pupils per house for primary schools and 0.17 pupils per house for academy schools;
- this was an allocated site in the local development plan; and
- works had been undertaken on the overall drainage in Strathpeffer and a Flood Risk Assessment had been undertaken of the site which had the approval of both SEPA and the Council's Flood Team.

During discussion, Members' comments included the following:-

- pleased to see that safer routes to school had been carried out; and
- that a flood risk assessment had been undertaken.

The Committee **AGREED** to **GRANT** subject to upfront payment of the developer contributions detailed in the report and to the conditions contained in the report

6.8 Applicant: 3B Construction (18/04941/FUL) (PLN/022/19)

Location: Land 260 m North East of the Achuvoldrach Waste Transfer Station. (Ward 1).

Nature of Development: Temporary siting of 21 static caravans and 4 portable cabins and associated services, upgrading of access and formation of temporary car park.

Recommendation: Grant.

There had been circulated Report No PLN/022/19 by the Acting Head of Development Management - Highland recommending that the Committee grant the application subject to the conditions detailed in the report.

The Committee **AGREED** to **GRANT** subject to the conditions contained in the report.

6.9 Applicant: Mr Clair and Miss Helen Harper (18/05061/FUL) (PLN/023/19)
Location: Land 50 m West of Windygates, Newton Row, Wick (Ward 3).
Nature of Development: Erection of house.
Recommendation: Refuse.

There had been circulated Report No PLN/023/19 by the Acting Head of Development Management - Highland recommending that the Committee refuse the application for the reasons detailed in the report.

The Planning Officer responded to Members' questions as follows:

- no pre-planning advice had been sought however during the course of the application alternative sites for the proposed house had been suggested by planning officers;
- the use of a shared access was always preferable to a single access; and
- SEPA would expect a ground investigation for drainage;

During discussion, Members' comments included the following:-

- Hill of Newton Farm was on a dead end road;
- driving up the A9 the house would not be visible;
- no issues with this proposal; and
- there had not been a full assessment on the drainage of the site.

The Committee **AGREED** to **DEFER** for the applicant to submit information to address SEPA's objection re the proposed septic tank and soakaway (is it sufficient to deal with foul drainage) and to explore alternative locations within the applicants' landownership.

The Chair advised that this was Shona Turnbull's last meeting prior to her departure from the Council. Dr Turnbull was thanked for all the advice and invaluable assistance on coastal planning. The loss of her wealth of experience and knowledge would be keenly felt. Members thanked her for the advice and assistance she had given to Members and wished her every success in the future.

6.10 Applicant: Cromarty Mussels, T/A MacKenzie Oysters (18/05344/FUL) (PLN/024/19)
Location: Cromarty Bay West, Cromarty (Ward 9).
Nature of Development: Siting of marine shellfish farm (24,000 x 1 m x 3 m oyster trestles).
Recommendation: Grant.

There had been circulated Report No PLN/024/19 by the Acting Head of Development Management - Highland recommending that the Committee grant the application subject to the conditions detailed in the report.

The Planning Officer responded to Members' questions as follows:

- the Cromarty Firth Port Authority did not have jurisdiction in this area, navigational issues would be dealt with by Marine Scotland.

Mr C Fraser personally thanked Dr Turnbull for her support over the years.

The Committee **AGREED** to **GRANT** subject to the conditions contained in the report.

6.11 **Applicant:** Diageo (18/05564/FUL) (PLN/025/19)

Location: Land 195 m SE of Talisker Distillery, Carbost (Ward 10).

Nature of Development: Alterations and extension to existing distillery visitor centre car park. (Ward 10)

Recommendation: Grant.

There had been circulated Report No PLN/025/19 by the Acting Head of Development Management - Highland recommending that the Committee grant the application subject to the conditions detailed in the report.

The Committee **AGREED** to **GRANT** subject to the conditions contained in the report.

6.12 **Applicant:** Mr and Mrs A Fraser (18/05804/PIP) (PLN/026/19)

Location: Land 90 m North East of Hopefield Cottage, Flowerburn, Rosemarkie (Ward 9).

Nature of Development: House site and entrance.

Recommendation: Refuse.

There had been circulated Report No PLN/026/19 by the Acting Head of Development Management - Highland recommending that the Committee refuse the application for the reasons detailed in the report.

The Planning Officer responded to Members' questions as follows:

- the steading was derelict and works had not started to redevelop the steading into a house;
- a group was defined as three existing houses;
- the separation distances and absence of a relationship between the houses, did not qualify the house as part of a cohesive housing group; and
- housing in the countryside policy discouraged houses in open fields and there were no boundaries or fences to the open field.

During discussion, Members' comments included the following:-

- the steading was in the process of being built and would count as a house making this a housing group; and
- there had been no objections from the Community Council, neighbours, Transport Planning, Scottish Water or other consultees.

The Clerk then read out the Housing in the Countryside Siting and Design Supplementary Guidance as it relates to housing groups and rounding off of housing groups and circulated an extract to Members.

Ms M Smith, seconded by Mr M Finlayson, **MOVED** refusal of the application for the reasons stated in the report.

Mr C Fraser, seconded by Mr J Gordon, moved as an **AMENDMENT** that the application be approved.

Reason to overturn recommendation: in Members' view, contrary to the case officer's view, the housing in the vicinity of the application site comprise a group for the purposes of the Supplementary Guidance and the policy from which it comes (Policy 35 of the HwLDP) and the proposed development is considered to comprise rounding off of that group. Having concluded that the application was in accordance with the HwLDP, Members indicated that, in their view, there were no material considerations that would justify refusal of the application

On a vote being taken, 3 votes were cast in favour of the **motion** and 9 in favour of the **amendment**, as follows:

For the motion (3)

Mr M Finlayson, Ms M Smith and Mr A Sinclair.

For the amendment (9)

Mr R Bremner, Mrs I Campbell, Mr C Fraser, Mr R Gale, Mr J Gordon, Mr A MacKinnon, Mr D MacKay, Mr D MacLeod and Mrs M Paterson.

The Committee **AGREED** to **GRANT** subject to conditions to be agreed by the Chair and the local Member.

6.13 Applicant: Mr R Wiseman (18/03848/FUL) (PLN/027/19)

Location: Land North of Boom House, Mellon Charles (Ward 5).

Nature of Development: Construction of a private way for croft access from existing way.

Recommendation: Refuse.

There had been circulated Report No PLN/027/19 by the Acting Head of Development Management - Highland recommending that the Committee refuse the application for the reasons detailed in the report.

The Planning Officer responded to Members' questions as follows:

- the Crofters Commission had objected as there was an existing route of access, they didn't feel given the nature of the land here, that there was any operational need for this track;
- there was a legal issue with the neighbouring landowner preventing the development of the house site, however this was a private legal matter;
- to access the Southern route to his house he would manage so far by vehicle and then have to complete on a quad or on foot;
- the existing track would also be used to access the house plot;
- pre-planning advice had been that the planning service could not support the route proposed; and
- the track would be close to Boom House and would cause an intrusion to that property.

During discussion, Members' comments included the following:-

- having requested representations from the Crofters Commission, Members should take cognizance of their response;
- 80 metres of track in that area would have very little impact;
- how has the crofter managed to work his croft until now; and
- the Crofters Commission had stated that it would be a loss of agricultural land, it looked like rock and not agricultural land.

Mr D MacLeod, seconded by Ms B Campbell, **moved** approval of the application.

Reasons to overturn recommendation:

1. The proposal does not conflict with Policy 28 of the HwLDP in that the proposed track does not constitute a significant intrusion into the natural environment. The extent of the track made up of cut and fill is minimal and will have little effect on the visual amenity of the area.
2. The proposal will have little effect on the visual impact within the Wester Ross National Scenic Area.
3. The operational requirement has been demonstrated in section 1.2 of the Report on Handling.
4. The proposal does accord with Policy 57 of the HwLDP in that any landscape scarring and visual impact resulting from this development will be minimal.
5. The development does not significantly alter or impact upon landscape quality by its scale or form

Ms M Smith, seconded by Mr R Gale, moved as an **amendment** that the application be refused for the reasons stated in the Report.

On a vote being taken, 7 votes were cast in favour of the **motion** and 3 in favour of the **amendment**, as follows:

For the motion (7)

Mr R Bremner, Mrs I Campbell, Mr C Fraser, Mr J Gordon, Mr D Mackay, Mr D MacLeod and Mrs M Paterson.

For the amendment (3)

Mr M Finlayson, Mr R Gale and Ms M Smith.

The Committee **AGREED** to **GRANT** subject to conditions to be agreed by the Chair and the local Members.

The meeting closed at 5.45 pm.

**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 12 March 2019 at 10.30 am.

Committee Members Present:

Mr R Balfour
Mr A Baxter (excluding items 6.5 – 7.2)
Mr B Boyd
Ms C Caddick
Mr G Cruickshank (excluding items 6.1 and 6.2)
Mrs M Davidson
Mr J Gray
Ms P Hadley
Mr T Heggie
Mr A Jarvie
Mr R Laird
Mr B Lobban
Mr R MacWilliam
Mr B Thompson

Non Committee Member Present:

Mr A Henderson (item 6.2 only)

Officials in attendance:

Mr D Mudie, Area Planning Manager – South
Mrs S MacMillan, Team Leader
Mr M Clough, Senior Engineer, Transport Planning
Mr S Hindson, Principal Planner
Mr K McCorquodale, Principal Planner
Ms L Stewart, Planner
Miss C McArthur, Principal 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.

The Chairman, on behalf of the Committee, congratulated Mr Ken McCorquodale, Principal Planner on his forthcoming retirement and thanked him for his contribution to the Development and Infrastructure service over the years.

Business

1. Apologies for Absence Leisgeulan

An apology for absence was intimated on behalf of 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 minutes of the Committee meetings held on 29 January 2019 and 20 February 2019, both of which were **APPROVED**.

4. Major Development Update Iartasan Mòra

There had been circulated Report No PLS/020/19 by the Area Planning Manager – South, 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. Major Developments – Pre-application consultations Leasachaidhean Mòra – Co-chomhairle Ro-iarrtais

5.1 **Description:** Residential development and associated infrastructure. (19/00409/PAN) (PLS/021/19)

Ward: 12 – Aird and Loch Ness.

Applicant: Springfield Properties PLC

Site Address: Land 230M West of East Lodge, Achnagairn, Kirkhill.

There had been circulated Report No PLS/021/19 by the Area Planning Manager – South on the submission of a Proposal of Application Notice (PAN), describing the site and setting out likely relevant policies and potential material planning considerations.

The Committee **NOTED** the submission of the PAN and requested that the following material issues be brought to the applicant’s attention in addition to the material considerations referred to in the report to give an idea of the scale of the development:-

- Confirmation of where this proposed development sits within the local development plan;
- Confirmation of what had already been built within the settlement of Kirkhill to date; and

- Confirmation of how this proposed development sits with the indicative figures for housing within allocated land in Kirkhill as set out in the local development plan.

5.2 **Description:** Demolition of 2 storey car park and construction of a hotel development including retail units with associated landscaping infrastructure and creation of a new bus/taxi lane. (19/00693/PAN) (PLS/022/19)

Ward: 14 – Inverness Central.

Applicant: SRP Inverness Ltd

Site Address: Rose Street Hall, 24 Rose Street, Inverness.

There had been circulated Report No PLS/022/19 by the Area Planning Manager – South on the submission of a Proposal of Application Notice (PAN), describing the site and setting out likely relevant policies and potential material planning considerations.

The Committee **NOTED** the submission of the PAN and requested that the following material issues be brought to the applicant's attention in addition to the material considerations referred to in the report:-

- Consideration to be given to the access for servicing in particular concern was raised in relation to access from Academy Street either through Rose Street or Strothers Lane;
- Consideration to be given to the access for any on-site parking and directing traffic to use Longman Road from the A82 rather than directing traffic to use Rose Street, Strothers Lane, Railway Terrace or Farraline Park;
- Indication from the applicant as to whether any prospective operator intends to make use of coach tours/parties and ensure that an assessment of the impact that this would have on the vehicular access to the site is undertaken;
- Indication from the applicant as to what plans they have for Rose Street Hall which is included within the boundary of the application site;
- Consideration to be given to the height of the proposed development and any visual impact that the elevations of the building would have from Friars Bridge, Inverness Castle and any particular view from the river side to ensure it blends in with the current skyline of Inverness rather than becoming a dominant feature;
- Consideration to be given to the other major developments taking place along Academy Street and whether any joint up strategy can be used, for example when demolition works are being carried out; and
- Consideration to be given to the venal access from Academy Street to this site to ensure that an amenity benefit is continued.

6. Planning Applications to be Determined Iarrtasán Dealbhaidh rin Dearbhadh

6.1 **Applicant:** Vento Ludens Ltd (18/05750/FUL) (PLS/019/19)

Location: Land 1100m SW of Glencoe Caravan and Camping Site, Glencoe. (Ward 21)

Nature of Development: Construction of a run of river hydro scheme, including intake, buried pipeline, turbine house, outfall, grid connection & access tracks.

Recommendation: Grant.

There had been circulated Report No PLS/019/19 by the Area Planning Manager – South recommending the grant of the application, subject to the conditions detailed in the report.

Ms L Stewart presented the report and recommendation.

In response to questions, the following was confirmed:-

- Forestry Commission Scotland (FCS) was keen to ensure that there would be no detrimental impact arising from the proposed development and the proposed replanting alongside the proposals set out in the FCS Land Management Plan would help to screen new infrastructure and therefore reduce any landscape and visual impact;
- Transport Scotland's response recommend that conditions should be attached to any permission given; however, they had not provided any further comment as to why they deemed the proposed development acceptable;
- Whilst a socio-economic impact assessment had been submitted, the potential community benefits arising from the proposed development should not form part of the Committee's consideration of the planning merits of the application;
- The intakes were located behind the Forestry Commission plantation and would be set so far down from the tributaries that they could only be visible from localised viewpoints;
- A representation had been received from the Woodland Trust; however, whilst the organisation was not a statutory consultee, concerns it had raised in relation to the powerhouse being located within an ancient woodland could be addressed by compensatory planting; and
- It was not anticipated that there would be any change in the vegetation around the access tracks and penstock following regeneration and compensatory planting.

During discussion, Members' comments included the following:-

- The proposed development was considered to be appropriately sited within the area and it was highlighted that, in terms of its impact on the National Scenic Area, there were already a number of existing commercial operations located within the area;
- Whilst supportive of the proposed access to the site from the A82, concern was expressed that Transport Scotland and the Forestry Officer had been inconsistent in their approach as they had both previously objected to a separate development which required the creation of a new road access from this stretch of the A82;
- The inclusion of a condition requiring the submission of proposals for an archaeological watching brief prior to construction was welcomed;
- In response to concern raised regarding the design of the turbine house and that the finish should be appropriate to the landscape, it was suggested that an additional condition be included within the recommendation requiring that prior to the commencement of development, the applicant submit details of the finishes for the building and that these be agreed in consultation with the local Members; and
- Whilst the proposed development was of a small scale, it represented support for hydro energy and it was considered that appropriate mitigation and restoration measures had been proposed.

The Committee agreed to **GRANT** planning permission, subject to the conditions recommended in the report and an additional condition that, prior to commencement of development, the applicant will submit details of the finishes for the building which are to be agreed in consultation with the local Members.

6.2 **Applicant:** Vento Ludens Ltd (18/03110/FUL) (PLS/023/19)

Location: Land 2400M NW of Ardechive Cottage, Achnacarry, Spean Bridge. (Ward 11)

Nature of Development: Construction of a 950kW run of river hydro scheme, including intake, buried pipeline, turbine house, outfall, grid connection & access tracks (Allt Mhuic).

Recommendation: Grant.

There had been circulated Report Nos PLS/023/19 by the Area Planning Manager – South 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, the following was confirmed:-

- The extent of the proposed development within the context of the Wild Land Area and the location of a number of existing hydro schemes within the Loch Arkaig area were identified;
- There would be a retained access track from the existing forest track up to the intake along the line of the penstock;
- The retained track would be restored down post construction to a running width of 2m wide, with corner sections 2.5m wide;
- No track would be retained on the lower section of the scheme towards the loch;
- The CAR licence had been processed without SEPA being aware of the kayaking interest; however, as kayaking in this area was generally only possible during spate condition, the proposed development was unlikely to have an impact as hydro schemes tended to only affect low to medium flows;
- The applicant has been asked to provide live information on a website of flow conditions by way of condition;
- The recommendation included a condition requiring the applicant to provide live flow data to inform recreational users of the Allt Mhuic, to off-set any loss of canoeing/kayaking days;
- The applicant had sought to keep a 4x4 vehicular access to the intake for future maintenance purposes and health and safety of personnel given the inclement weather conditions and terrain;
- Whilst alternative routes for the penstock had been discussed, this could be difficult due to the location of the outflow which required water to be returned into the Allt Mhuic at a point upstream of where the substrate provided spawning habitat for fish;
- It was acknowledged that remedial work had been sought at Cia-Aig and Allt Dubh hydro schemes due to issues regarding the landscape and visual impact of the tracks installed; however, it was anticipated that with the planned mitigation measures the proposed development should contrast with these other schemes; and

- In response to comment that some non-statutory organisations had specifically objected to the proposed development but had been noted in the report as having concerns would be recorded appropriately as either being for or against a development within the officer's report.

During discussion, Members' comments included the following:-

- The inclusion of the local community council's comments within the report was helpful and whilst they had raised concerns regarding construction, this could be dealt with by condition;
- In highlighting that two similar hydro schemes at Cia-Aig and Allt Dubh had not remediated well, the further extent of control proposed for the development, in particular, the Environmental Clerk of Works, Landscape Clerk of Works and Arboriculturalist reporting to the Council on a weekly basis was welcomed;
- Whilst in the context of other renewable energy developments the proposed hydro scheme might be considered small, it would help contribute to the Council's renewable energy ambitions and could power a large number of houses;
- Concern was expressed that the contribution renewable energy schemes made to provision of energy should not outweigh any potential damage arising from the proposed development;
- Concern was also expressed that Scottish Natural Heritage had not objected to the proposed development despite having set out the Wild Land Area designation;
- The requirement for a permanent access track, as opposed to an all-terrain vehicle track on the grounds of the height, altitude and length of track was not justified as there were examples of tracks within the Cairngorms at all-terrain vehicle track level in more remote and higher terrain than that within the proposed location;
- In highlighting the scars left from other hydro scheme developments within Loch Arkaig which had required remedial action to be sought by the Council, concern was expressed at the potential for similar disruption to occur in a Wild Land Area as a result of the proposed development;
- It was acknowledged that wild land at a higher altitude took time to recover and whilst the applicant had provided assurances that the track would be remediated, this could be difficult to achieve;
- Concern was expressed regarding the impact of the track in the context of the surrounding landscape and that there was no requirement for the track to be retained at 2.5m in width as it would only be periodically used for maintenance;
- Concern was expressed that the track was unlikely to return to its original state prior to construction and would leave a scar across the landscape in perpetuity;
- Attention was drawn to the industrial appearance of the powerhouse and its sitting which it was considered would detract from the character and quality of visitors' experiences of the reserve and it was suggested that details of the finishes for the powerhouse should be looked at again by the applicant;
- Whilst acknowledging the potential impact of the tracks on the landscape, the benefits of the proposed scheme outweighed these concerns and it was unfair to compare the damage caused by existing schemes when the applicant had taken measures to ensure remediation;

- It was suggested that in order to alleviate some of the concerns raised regarding the remediation of the track, greater emphasis should be made on the timescales proposed for remediation work and how the Council intended to enforce this if the work did not meet the standards required;
- It was further suggested that the width of the access track be reduced to a 1.8 m all-terrain vehicle track post-construction;
- Caution was expressed against making significant amendments to the conditions, in particular, as the applicant had indicated that the width of the track as proposed was necessary for the purposes of health and safety and access; and
- Members were supportive of the use of drone footage during the presentation of the report and it was requested that it was used where possible as an alternative to site visits in future applications.

In response to questions arising during discussion, the following was confirmed:-

- An amendment to Condition 2 could be included within the recommendation to further reduce the width of the access track to a 1.8m all-terrain vehicle track post construction;
- It was acknowledged that restoration in the upper area of the development would be more difficult due to the increased height; and
- Reassurance was provided that the Environmental Clerk of Works and Landscape Clerk of Works would be in attendance on site and would be able to raise any concerns directly with the Council.

No consensus having been reached between the members, Mr J Gray, seconded by Mr B Thompson, moved a motion that the application be granted subject to the conditions recommended in the report and to the inclusion of the following:-

- an additional condition requiring that prior to commencement of development, the applicant will submit details of the finishes for the building which are to be agreed in consultation with the local Members; and
- an amendment to condition 2 to further reduce the width of the access track to a 1.8m all-terrain vehicle track post construction.

Mr R MacWilliam then moved as an amendment that the application be granted subject to the conditions recommended in the report and to the inclusion of an additional condition requiring that prior to commencement of development, the applicant will submit details of the finishes for the building which are to be agreed in consultation with the local Members, but having failed to find a seconder the amendment fell.

Mr A Baxter, seconded by Mr A Jarvie, moved as an amendment that the application be refused on the grounds that:-

- The proposed development is contrary to paragraph 200 of Scottish Planning Policy and Policy 57 of the Highland-wide Local Development Plan as it will have an unacceptable impact on the wild land characteristics displayed in Wild Land Area 18, which is an area very sensitive to any form of intrusive human activity and has no capacity to accept this development; in particular, it would erode the sense of remoteness within the wild land area by extending built development and thereby affecting the sense of prospect towards

distant, rugged mountains and sanctuary within the glen thereby challenging the integrity of wild land qualities; and

- It is also contrary to paragraph 215 of Scottish Planning Policy as the applicant has not demonstrated that any significant effects on the qualities of the area can be overcome by siting, design or other mitigation.

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

Motion

Ms C Caddick
Mr B Boyd
Mr J Gray
Mr T Heggie
Mr R MacWilliam
Mr B Thompson

Amendment

Mr R Balfour
Mr A Baxter
Mrs M Davidson
Ms P Hadley
Mr A Jarvie
Mr R Laird
Mr B Lobban

The amendment to **REFUSE** planning permission accordingly became the finding of the meeting.

- 6.3 **Applicant:** Mr Alan Walker (18/04298/PIP) (PLS/024/19)
Location: Land 45m SW of Mains of Garten, Boat of Garten. (Ward 20)
Nature of Development: Erection of house.
Recommendation: Grant.

There had been circulated Report Nos PLS/024/19 by the Area Planning Manager – South recommending the grant of the application, subject to the conditions detailed in the report and the upfront payment of a £1250 affordable housing contribution or, alternatively, a legal agreement to secure this sum.

Ms L Stewart presented the report and recommendation.

In response to questions, the following was confirmed:-

- The mature trees located on the front edge of the site along the B970 would not be impacted by the proposed development;
- The more recently planted and self-seeded aspen trees were located near the existing chalets;
- Scottish Water's response had advised that there was sufficient capacity in Aviemore Water Treatment Works; and
- The planning history made reference to applications which had previously been submitted to erect a house on the site in 1998, 2001 and 2002 and the

applications submitted in 2007, 2008 and 2009 were in relation to the development of annex accommodation outwith the application site to the north east.

During discussion, it was considered that the proposed development would be adequately screened from the road and that reference to previous refusals on site was not a material consideration as the planning policy used to refuse permission had been superseded by current policy guidance.

The Committee agreed to **GRANT** planning permission subject to the conditions recommended in the report and the upfront payment of a £1250 affordable housing contribution or, alternatively, a legal agreement to secure this sum.

- 6.4 **Applicant:** Scottish Courts and Tribunals Service (19/00323/FUL) (PLS/025/19)
Location: Land 85M North of Northern Constabulary Area Command, Burnett Road, Inverness. (Ward 16)
Nature of Development: Development of Justice Centre - Amendments to design of Planning Permission 17/03079/FUL including changes to south and west elevations and roof form.
Recommendation: Grant.

There had been circulated Report Nos PLS/025/19 by the Area Planning Manager – South 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 the design of the building had been looked at by Building Standards and that any issues arising following occupation of the building in relation to the design of the roof windows and whether there was potential for water penetration into the building would be for the applicant to raise with engineers.

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

- 6.5 **Applicant:** Alexander Ross & Sons (Sand and Gravel) Ltd (18/01691/FUL) (PLS/026/19)
Location: Mid Lairgs Quarry, Farr, Inverness. (Ward 12)
Nature of Development: Extension to quarry.
Recommendation: Grant.

There had been circulated Report No PLS/026/19 by the Area Planning Manager – South recommending the grant of the application, subject to the conditions detailed in the report.

Mr D Mudie presented the report and recommendation.

In response to questions, the following was confirmed:-

- A settlement had been reached on a financial contribution to the Council and this could be used to address any impacts from quarry traffic as part of the overall South Loch Ness Road Improvement Strategy; and

- Developer contributions for improvements works in relation to the A9 could only be requested by Transport Scotland if there were any particular issues arising from the proposed development which required a financial contribution.

During discussion, it was commented that the applicant had been a major industrial operator in and around the Inner Moray Firth area for a number of years and there had been good liaison with the community council regarding the proposed development.

The Committee agreed to **GRANT** planning permission subject to the conditions recommended in the report and the prior conclusion of a s.75 legal agreement securing the restoration bond and contributions as set out in paragraph 8.35 of the report.

7. Decisions on Appeal to the Scottish Government Directorate for Planning and Environmental Appeal

Co-dhùnaidhean Ath-thagraidhean do Bhuidheann-stiùiridh Riaghaltas na h-Alba airson Ath-thagraidhean Dealbhaidh agus Àrainneachd

7.1 **Applicant:** Mr Paul Moores (ENA-270-2026) (16/00095/ENF)

Location: Land 100m SW of River Coe Lodge, Glencoe. (Ward 21)

Nature of Appeal: The alleged breach of planning control: Unauthorised engineering works and siting of a caravan (timber structure with deck on the front) on land without the required planning permission.

The Committee **NOTED** the decision of the Reporter to dismiss the appeal and direct that the enforcement notice dated 30 October 2018 be upheld, subject to the variation of the terms of the notice by deleting the words “and should be completed by 10th March 2019” in section 4.

7.2 **Applicant:** Mr David Duthie (ENA-270-2025) (17/00432/ENF)

Location: 21 Crown Street, Inverness, IV2 3AX. (Ward 14)

Nature of Appeal: The alleged breach of planning control: Unauthorised removal of front garden wall, railings and gate.

The Committee **NOTED** the decision of the Reporter to dismiss the appeal and direct that the enforcement notice dated 29 October 2018 be upheld, subject to the variation of the terms of the notice by:

- a) deleting from section 4(i) the words “no later than 31st March 2019” and replacing them with the words “no later than 10 May 2019”; and
- b) deleting from section 4(ii) the words “no later than the 19th December 2018” and replacing them with the words “no later than 19 April 2019”.

The meeting ended at 1.15 pm

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Minutes of Meeting of the **Waste Strategy Working Group** held in Committee Room 2, Council Headquarters, Glenurquhart Road, Inverness on Thursday 7 February 2019 at 2.00 pm.

Present:-

Mr A Henderson (Chair) Mrs T Robertson
Mr H Morrison (by tele conferencing) Mr G Ross

In attendance:-

Mr W Gilfillan, Director of Community Services
Mr A Summers, Head of Environmental and Amenity Services, Community Services
Mr S Graham, Project Manager, Corporate Resource Service
Miss J MacLennan, Principal Administrator, Chief Executive's Service

Business

1. Apologies for Absence

Apologies for absence were intimated on behalf of Mr J Bruce, Dr I Cockburn, Mr J Gray, Mrs L MacDonald and Ms M Smith.

2. Declarations of Interest

The Committee **NOTED** the following declarations of interest:-

Item 4 – Mr G Ross (non-financial)

3. Minutes

There had been circulated, and was **NOTED**, Minutes of Meeting of the Waste Strategy Working Group held on 7 December 2018.

4. Progress Update on Residual Waste Management Project

Declaration of Interest – Mr G Ross, as the Chair of the Inverness Common Good Fund Sub-Committee, declared a non-financial interest in respect of this item but, having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors' Code of Conduct, concluded that his interest did not preclude him from taking part in the discussion.

There had been circulated Report No WS/01/19 dated 30 January 2019 by the Head of Environmental and Amenity Services.

The Head of Environmental and Amenity Services provided an update on progress explaining that Soft Market Testing had been now carried out, the results of which were detailed. In addition a procurement workshop had taken place on 23 January 2019, the District Valuer had carried out a ground market rent assessment for the land identified at the former Longman Landfill Site for the Materials Recovery Facility (MRF) and there had been substantial progress with the submission of the planning application. In particular, as Members were aware, a Special meeting of the Environmental, Development and Infrastructure

was scheduled for 28 February 2018²¹ where Members would be asked to agree procurement recommendations concerning the MRF.

Continuing, Members were also informed that one issue which had arisen during the workshop was the possibility of a bidder suggesting that, either as a contingency or as part of their solution, waste be transported to England and landfilled there, where there was no prohibition on landfill planned. In this regard, Members were reminded that the MRF was unlikely to be ready until Mid 2021, some months after the 1 January 2021 deadline set by the Scottish Government. In conclusion, Members were provided with updates of developments of Waste Transfer Stations at Fort William, Aviemore and Invergordon.

During discussion, the following points were raised:-

- while sending waste to England was financially attractive, it was politically unacceptable to do this in the long term;
- although consultations had taken place, it would be interesting to gauge the public's response to the planning application. It was acknowledged that some objections would be received but it was hoped that the detailed work carried out by officers would minimise this;
- it was important that the public knew that the Council was moving forward and was addressing how it planned to process waste in the future. With time running out it was vital to act now;
- if, in the longer term, an Energy from Waste plant was built, it would be important to consider how the power would be used. As an incentive, ideally it would be good if it was used locally;
- looking at the Vision and Context maps, officers should move forward with the option with the least resistance; and
- Members praised the work of all the officers involved in managing to progress the Project so quickly.

The Working Group:-

- i. **NOTED** the contents of the Report;
- ii. **AGREED** the approach being advocated at paragraph 4.1 of the report, Soft Market Testing with regard to hosting a suppliers' open day;
- iii. **AGREED** that further investigation be conducted into the Council's long term options for Waste Management, including Energy from Waste; and
- iv. **AGREED** on a position Highland Council should take, as outlined in paragraph 4.2, and as a guide for Officers when developing procurement specifications, concerning the acceptability of landfilling in England should that be proposed within prospective bidders' submissions.

5. Date of Next Meeting

The Working Group **NOTED** that the next meeting is scheduled for Thursday, 4 April 2019 at 2.00 pm.

The meeting ended at 3.00 p.m.

The Highland Council

Minutes of Meeting of the **Harbours Management Board** held in Committee Room 1, Council Headquarters, Glenurquhart Road, Inverness on Wednesday 6 March 2019 at 2.00 pm.

Present:-

Dr I Cockburn
Mrs L MacDonald
Ms A MacLean

Mr D MacLeod
Mr H Morrison (Chair)
Mr D Rixson

In attendance:-

Ms C Campbell, Head of Performance and Resources
Mr T Usher, Harbours Manager, Community Services
Mr A MacIver, Principal Engineer, Project Design Unit, Development and Infrastructure Service (Item 4)
Miss J MacLennan, Principal Administrator, Chief Executive's Service

Business

1. Apologies for Absence

Apologies for absence were intimated on behalf of Ms K Currie, Mr M Finlayson, Mr A Henderson and Mr W MacKay.

2. Declarations of Interest

There were no declarations of interest.

3. Minutes

There had been circulated, and were **NOTED**, Minutes of Meeting of the Harbours Management Board held on 15 November 2018.

4. Uig Harbour Infrastructure Redevelopment

There had been circulated Report No HMB1/19 dated 28 February 2019 by the Director of Community Services accompanied by a presentation on progress made to date with the Uig Harbour Redevelopment. To date there was still no confirmation of funding but the official timescale for the delivery of the vessel remained Spring 2020. In addition, information was provided on consents and licences, the harbour revision order, potential outage for the works, the location of the new terminal building and potential risks in relation to the construction over running. To assist Members with the proposed layout visualisations were also provided.

During discussion, the following issues were raised:-

- the plan to use LNG had delayed the project;
- in light of the funding proposals requiring to go through a more robust and governance approval process, assurances were sought, and provided, that Scottish Government grant funding would still be provided for improvement works at Uig Harbour;

- confirmation was sought, and received, that the £1.5m included in the draft capital programme to improve the state of the existing pier would still be in place even if the ferry proposals slipped;
- bearing in mind the consultations which had taken place and the expectations of those already working there, it was important to recognise the effect the delay could have on the local community; and
- given the potential loss of Harbour Dues during the period of construction works, it was important to consider how these losses could be mitigated.

The Board otherwise **NOTED** the position.

5. Schedule of Rates and for Financial Year 2019/20

There had been circulated Report No HMB2/19 dated 27 February 2019 by the Director of Community Services.

During discussion, the following issues were considered:-

- it was queried what the impact of a 4% increase would have but it was explained that fuel prices were a more influential factor;
- consideration should be given in future to include motorhomes in the list of Passengers and Vehicles (embarking or landing at pier) given the increase in their numbers and the range of sizes now available;
- clarification was provided that the charge for Authorised Persons (Diving Operations) related to the permit; and
- the Highland Piers and Harbours operation had been commended for the manner in which it handled debt. However, a report prepared for the Council by Deloitte had made recommendations as to how debts and invoicing should be handled but it was important to emphasise that the Piers and Harbours operation had to operate on a commercial footing and that had to be considered as part of any proposals for change.

The Board:-

- i. **NOTED** the contents of the Schedules of Rates and Dues, inclusive of the 4% uplift; and
- ii. **AGREED** to recommend to the Community Services Committee that it approves the publication Schedules of Rates and Dues for Highland Council Harbours for the financial year 2019/20.

6. Request to Sublet Badentarbet Pier

There had been circulated Report No HMB3/19 dated 28 February 2019 by the Director of Community Services.

A request to sublet Badentarbet Pier had been received from the Summer Isles Enterprise Limited with a view to repair and reopen the pier for use by the public. The Harbours Management Board had considered the future of the pier on a number of occasions, the details of which were outlined in the report.

In discussion the considerable investment Summer Isles Enterprise Limited had made to the local economy was acknowledged. In addition, with their programme to develop Tanera Mor into a retreat for paying guests, considerable employment had been generated. The proposal to sublet the pier would enhance these opportunities, especially as it was hoped to open a café both on the island and the pier. The pier was

part of the history of the local community and, as the sublet involved investment in repairing the pier, the proposal was welcomed.

Concern was expressed at the conflicting structural inspection reports received over the past 6 years and it was important to ensure that the pier was safe to avoid any damage to the Council's reputation. In response Members were assured that the information officers had was accurate in determining what structural repairs were required. However, in addition, it would be possible to include a clause in the sublease that the pier close if there were any concerns raised regarding its structural stability.

Subject to the inclusion of a clause regarding the pier's structural stability, the Board **AGREED** to recommend to the Environment, Development and Infrastructure Committee that:-

- i. Badentarbet pier be declared surplus to the requirements of the Highland Council;
- ii. the sublet on the subtenant's acceptance of specific conditions:-
 - a. The public access for pedestrians and vessels is maintained throughout the period of the lease.
 - b. The rent be set at a market value and be tied to the Crown Estate rent to protect the Council against arbitrary rent increases by the Crown Estate.
 - c. The pier is made structurally safe as per the recommendations in the Wallace Stone report and to the satisfaction of the Highland Council before being opened to the public.
 - d. All ladders, steps, handrails are brought up to a suitable standard.
 - e. Insurance is provided by the sub tenant to indemnify the Council against third party accidents.
 - f. The sublet be undertaken on a full operation, maintenance and repair basis.
 - g. Annual inspections of the structure are undertaken by the tenant to ensure structural security.
- iii. in principle, subject to the outcome of the lease negotiations in 2026, the sublet be permitted to continue for an extended period.

7. Kyle Land Lease Request

There had been circulated Report No HMB4/19 by the Director of Community Services.

Members were aware of back rent due by the individual but were minded to grant the lease, albeit for a shorter term than requested. Members believed that a lease of 25 years was more appropriate but gave the Harbour Manager scope to negotiate on this aspect if necessary.

The Board **AGREED** to recommend to the Environment, Development and Infrastructure Committee that:-

- i. the area of land was available for lease; and
- ii. in principle, to lease the land to Aska Marine for the purpose of fish processing subject to successful conclusion of a lease.

8. Financial Performance 1 April to 31 January 2019

There had been circulated Report No HMB5/19 dated 28 February 2019 by the Director of Community Services.

During discussion, the issue of vacancy management was considered. Concern was expressed that an administrative post in Harbours Headquarters which was to become vacant at the end of March might go unfilled or be reduced in hours. Members were made aware of discussions with Business Support that the work could be done in a different way and in different locations. Members were also of the view that this post was especially integral to the successful trading operation of the Council's Harbours. This post was also vital to the local rural community and there was therefore not only financial but reputational risk should this post remain unfilled. Members were informed that previously a 0.5FTE administrative post which became vacant in January 2018 had not been filled as the Harbour Manager had managed to absorb the workload within existing resources. As a consequence Members supported officers in having these posts filled appropriately and timeously and with a view to their transfer within the remit of the Harbours operation.

The Board:-

- i. **NOTED** the financial position to 31 January 2019; and
- ii. **AGREED** that an update be provided on the staffing situation at the Harbour Management Board's next meeting.

9. Debt Management

There had been circulated Report No HMB6/19 dated 28 February 2019 by the Depute Chief Executive/Director of Corporate Resources.

The Board **NOTED** the current debt position.

The meeting ended at 3.30 pm.

Minutes of Meeting of the **Stromeferry Working Group** held in Committee Room 1, Council Headquarters, Glenurquhart Road, Inverness on Wednesday 20 March 2019 at 3.00 pm.

Present:-

Mr H Morrison
Mrs T Robertson
Mrs I Campbell

Mr A MacInnes
Mr D MacLeod

In attendance:-

Mr C Howell, Head of Infrastructure, Development and Infrastructure Service
Mr R Bain, Ward Manager, Project Manager, Chief Executive's Service
Miss J MacLennan, Principal Administrator, Chief Executive's Service

Business

1. Appointment of Chair

Mrs I Campbell, having been duly nominated and seconded, was unanimously appointed Chairman.

2. Apologies for Absence

Apologies for absence were intimated on behalf of Mr A Henderson, Mr A Mackinnon, Mr M Reiss and Dr I Cockburn.

3. Declarations of Interest

There were no declarations of interest.

4. Remit

The Working Group **NOTED** that, as agreed at the Environment, Development and Infrastructure Committee on 31 January 2019, the Remit of the Working Group was to consider the recommendation of the preferred long term solution for a bypass at Stromeferry.

5. Stromeferry Bypass Options Appraisal - Preferred Route Selection

There had been circulated Report No SWG1/19 by the Director of Development and Infrastructure.

A presentation was provided by the Head of Infrastructure detailing the history, location, inspection regime and the remedial works undertaken of the 4km section of road and rail which lay close to the rock face at Stromeferry. Built in 1970 the bypass had necessitated the blasting of the rock face which, it was believed, had contributed to its instability. A rock fall in December 2011 resulted in the closure of the A890 at the Stromeferry Bypass for four months and the closure led to major disruption with motorists facing a 130 mile diversion. The inspection which had taken place in 2018 had identified 4 areas of very high risk of a rock fall. Funding had been approved to undertake stabilisation works in 2019 and 2020. The works in 2019 required traffic

management which was under review⁸⁸ and it was likely it would include work to be carried out with the road being closed over 3 weekends. There were various other types of traffic management which could be implemented with the details again being outlined.

However, a long term solution was needed and in 2011 a STAG Appraisal had begun looking at all possible solutions and, over the years, this had progressed through to STAG Stage 2. Members were informed that Transport Scotland used the STAG process to identify preferred routes and the process involved scoring routes against assessment criteria.

Following further analysis the STAG from Stromeferry had been narrowed down to possible alternatives ranging in cost from £57-86m (if Lochcarron was to be bypassed as well, the cost would increase to £105m). These routes were:-

- an offline north route which required a bridge crossing of the Strome Narrows
- an online improvement of the A890 including a 1.8km by pass of the rock fall area by means of a rail viaduct into the loch
- a southern offline route from the A890 through Glen Udalain

It was identified that the “do minimum” - continuing the stabilisation of the rock face – was also one of the long term options that should be considered.

Approaches had been made to Transport Scotland regarding funding but they had maintained that this was a local road and therefore the responsibility of Highland Council. Nevertheless, it was important to move forward with this and also consult with the local communities to determine their preference.

In addition, Members were informed of the on-going work by HITRANS who were investigating road/rail sharing arrangements on the Kyle of Lochalsh line involving changing the route into a tramway, allowing road traffic to share the rail corridor with new tram rolling stock. This proposal had been rejected by Network Rail but HITRANS was still working on it and addressing the problems identified. In considering this matter, Members acknowledged the interesting work but, at this stage, did not think there was merit in HITRANS making a presentation of the road/rail sharing options to the Working Group.

During discussion, the following points were raised:-

- disappointment was expressed that although the Scottish Government had previously pledged funding for this project this was not now forthcoming. The usage of the route had changed in the last 20 years and it was argued that the Scottish Government should look at undertaking a review of the Strategic Road Network so that the route was recognised as a Trunk road. Whilst acknowledging previous approaches, Members were of the view the Leader should once again write to the Transport Scotland and the Transport Minister emphasising the need for this;
- there was a possibility that money might be available from the Prosperity Fund;
- since 1990 there had been 182 days when the route had been closed at Stromeferry and this would be unacceptable if it had taken place in the Central Belt;
- the temporary closure of Uig Ferry Terminal might put additional pressure on the route;

- with forward notification local communities could plan around closures;
- confirmation was sought, and received, that preliminary designs for alternative routes had been prepared;
- there were concerns that the higher route over Glen Udalain might be adversely affected by ice and snow although it was understood that confirmation had been received that a gritter could manage to cross it. In addition, having someone from Community Services to discuss the possible necessary winter maintenance of this route would be beneficial;
- the online route involving the viaduct would be difficult to build. Furthermore, the road would still be close to the cliff face and it was important to move away from any risk of a rock fall and it should therefore be discounted;
- the bridge option was the most natural route but it was also the most expensive and there were also risks associated with it;
- the bypassing of Lochcarron needed to be taken into consideration. There was local support for this given how narrow the road was in parts of the village but it would also have an economic impact on businesses;
- it was suggested that consultation could be done by means of a postal survey;
- caution was urged of consulting the community and raising expectations when, at present, there was no money available to undertake any route;
- a “drop-in” session was planned on 24 April to explain the traffic management arrangements for the Autumn 2019 works and it was suggested a presentation could also be made to the two Community Councils involved;
- a Value for Money (VFM) Workshop would help inform decisions and could involve representatives from the community; and
- communication was key to the process and it was suggested that the presentation be made available on the Council’s website.

The Working Group, having **NOTED** the conclusions of the latest STAG appraisal, **AGREED:-**

- i. that the Leader write to Transport Scotland and the Transport Minister stressing the need for a Strategic Road Network Review and for funding to be made available;
- ii. a Communication and Consultation plan be prepared for consideration at the next meeting of the Working Group;
- iii. with a view to being open and transparent, the presentation and report be placed on the Council’s website, recognising the minutes would be appended to the papers for the next Environment, Development and Infrastructure Committee;
- iv. to remove the online option of improving the A890 which included a 1.8km bypass of the rock fall area by means of a viaduct;
- v. information be compiled summarising the differences between the two remaining options;
- vi. in relation to a potential VFM Workshop, officers draw up weightings for the various factors for consideration at the Working Group’s next meeting; and
- vii. not to invite HITRANS to present their road/rail sharing option at this stage to the Working Group.

The meeting ended at 4.35 pm