

**THE HIGHLAND COUNCIL**  
**NORTH PLANNING APPLICATIONS**  
**COMMITTEE (via MS TEAMS)**

**24 NOVEMBER 2020**

**MINUTES & ACTION NOTE**

Listed below are the decisions taken by Committee at their meeting and the actions that now require to be taken. The webcast of the meeting will be available within 48 hours of broadcast and will remain online for 12 months: <https://highland.public-i.tv/core/portal/home>

A separate memorandum will be issued if detailed or further instructions are required, or where the contents of the memorandum are confidential. Please arrange to take the required action based on this Action Sheet.

**Committee Members Present (via MS Teams):**

Mr R Bremner, Mrs I Campbell, Ms K Currie, Mr M Finlayson, Mr C Fraser, Mr R Gale, Mr J Gordon, Mr D MacKay, Mrs A MacLean, Mr C Macleod, Mrs M Paterson, Mr K Rosie, Mr A Sinclair (except items 6.2-7.2) and Ms M Morley-Smith (**Chair**)

**Substitutes:**

None

**Officers Participating:**

Dafydd Jones – Acting Head of Development Management – Highland  
Julie Ferguson (JF) – Team Leader  
Mark Harvey (MH) – Team Leader  
Simon Hindson (SH) – Team Leader  
Gillian Pearson (GP) – Principal Planner  
Mark Fitzpatrick (MF) – Planner  
Alison Harvey (AH) – Planner  
Graham Sharp (GS) – Planner  
Jane Bridge – Senior Engineer (Development Management)  
Karen Lyons – Principal Solicitor (Planning) and Clerk  
Alison MacArthur – Administrative Assistant

**Guests:**

None

<b>ITEM NO</b>	<b><u>DECISION</u></b>	<b><u>ACTION</u></b>
<b>1</b>	<b>Apologies for Absence Leisgeulan</b>	
	Apologies for absence were received from Mr D Macleod and Mr A Rhind.	<b>N/A</b>
<b>2</b>	<b>Declarations of Interest</b>	

	<b>Foillseachaidhean Com-pàirt</b>	
	None.	<b>N/A</b>
<b>3</b>	<b>Confirmation of Minutes Dearbhadh a' Gheàrr-chunntais</b>	
	There had been submitted for confirmation as a correct record the minutes of the meeting of the Committee held on 20 October 2020 which were <b>APPROVED.</b>	<b>N/A</b>
<b>4</b>	<b>Major Development Update Iarrtasan Mòra</b>	
	<p>The Acting Head of Development Management – Highland advised Members that 2 vacant planning posts (Dingwall and Fort William) and maternity cover post (Dingwall) had been filled and that planners, Mark Fitzpatrick and Meadhbh Maguire, had both recently achieved chartered status with the RTPI.</p> <p>In answer to Members' questions the Acting Head of Development Management – Highland advised that:</p> <ul style="list-style-type: none"> <li>• Application ref 18/05159/PIP - only Phase 1 of the development could be built prior to road improvements being implemented; and</li> <li>• Application ref 20/00539/FUL - the consideration of the Rosehaugh proposal and relevant consultation responses would have regard to the A9 Munlochry junction.</li> </ul> <p><b>Agreed:</b> to <b>NOTE</b> the report.</p>	<b>DJ/SH</b>
<b>5</b>	<b>Major Developments – Pre-application consultations Leasachaidhean Mòra – Co-chomhairle Ro-iarrta</b>	
5.1	<p><b>Description:</b> Erection of whisky maturation warehouses, cask filling and disgorging facility with associated tank farm, tanker filling bay, welfare facilities and car park (20/03919/PAN) (PLN/044/20)</p> <p><b>Ward:</b> 7</p> <p><b>Applicant:</b> The Glenmorangie Company</p> <p><b>Site Address:</b> Land 700 m NW of Tower View, Fearn.</p>	
	<b>Agreed:</b> no additional considerations raised by Members.	
5.2	<p><b>Description:</b> Erection of grid stability facility with ancillary works including access, parking, landscaping and grid connection (20/04223/PAN) (PLN/045/20)</p> <p><b>Ward:</b> 2</p> <p><b>Applicant:</b> WP Grid Services Ltd</p> <p><b>Site Address:</b> Land East of Thurso South Substation, Geiselittle, Thurso, KW14 8YH.</p>	

	<b>Agreed:</b> no additional considerations raised by Members.	
5.3	<p><b>Description:</b> Formation of development platform and erection of 132 kV switching station and associated development including switchgear building, site access, SUDS and drainage, security fencing, temporary compound and landscaping (20/04299/PAN) (PLN/046/20)</p> <p><b>Ward:</b> 3</p> <p><b>Applicant:</b> Scottish Hydro Electric Transmission Plc</p> <p><b>Site Address:</b> Land 500 m West of Philips Mains, Mey.</p>	
	<b>Agreed:</b> no additional considerations raised by Members.	
<b>6</b>	<b>Planning Applications to be Determined</b> <b>Iarrtasan Dealbhaidh rin Dearbhadh</b>	
6.1	<p><b>Applicant:</b> Ben Sca Wind Farm Limited (20/00013/FUL) (PLN/047/20)</p> <p><b>Location:</b> Land 2800 m SW of Edinbane Primary School, Edinbane, Isle of Skye (Ward 10).</p> <p><b>Nature of Development:</b> Installation and operation of up to 7 (previously 9) wind turbines with maximum blade tip height of 135 m and associated infrastructure.</p> <p><b>Recommendation:</b> Grant.</p>	
	<p>In answer to Members' questions, the Planner advised:</p> <ul style="list-style-type: none"> <li>• T3 had not been removed because the applicant had advised that without it the yield from the development would have been too low to be worthwhile. Removal of T1 and T2 would reduce the impact of the development and while removal of T3 would be reduce the effects further, on balance the wind farm was considered acceptable with T1 and T2 removed and T3 retained;</li> <li>• The existing access point and start of the access track would be shared with Ben Aketil wind farm and then the new track to this development would split off;</li> <li>• That the turbines would appear as large structures from the Edinbane viewpoint. An assessment following Landscape Institute guidelines had been undertaken and had concluded that the impacts did not cross the threshold into unacceptability;</li> <li>• Edinbane Community Council area is within the monetary catchment. As this is not a planning consideration it was not assessed as part of the report;</li> <li>• A noise assessment had been undertaken and the development was considered acceptable subject to the noise condition recommended;</li> <li>• Avoiding cumulative impact is challenging for the site. The landscape has a certain capacity and it is considered that the capacity hasn't been reached yet but any future application will have to be carefully considered;</li> <li>• The community councils had been consulted on the original scheme pre-pandemic and on the revised scheme during the pandemic and she had contacted them to make sure they had received these consultations. No response was received to the consultations;</li> <li>• Both Ben Aketil and Edinbane wind farms are around 100m to tip, Ben Ullinish is 145m to tip – the way the market is moving is towards bigger rotors.</li> </ul> <p>During debate the following views were expressed:</p>	<b>AH</b>

	<ul style="list-style-type: none"> <li>• Support for the development as originally submitted (9 turbines);</li> <li>• Concern that the revised development (7 turbines) was too many turbines;</li> <li>• Confirmation that the community councils had been active during the pandemic;</li> <li>• Concern about the height of the turbines now being proposed.</li> </ul> <p><b>Agreed:</b> to <b>GRANT</b> planning permission subject to the conditions contained in the report.</p>	
6.2	<p><b>Applicant:</b> Bells Seafoods Ltd (20/01245/FUL) (PLN/048/20)  <b>Location:</b> Unit 3, Seafood Park, Scrabster, Thurso, KW14 7UJ (Ward 2).  <b>Nature of Development:</b> Erection of extension to building.  <b>Recommendation:</b> Refuse.</p>	
	<p>A representation from the Scrabster Harbour Trust had been circulated to Members in advance of the meeting as it post-dated circulation of the report.</p> <p>In answer to Members' questions, the Principal Planner advised:</p> <ul style="list-style-type: none"> <li>• The condition suggested by HSE to allow their objection to be withdrawn wasn't feasible in planning terms as the applicant had no control over the oil storage premises.</li> <li>• The HSE and the Harbour Trust advised that there had been no reportable incidents at the oil storage facility that either organisation was aware of.</li> <li>• The applicant had advised that there would be no increase in staff working at the expanded premises, the additional space would allow improved operating procedures and adherence to social distancing guidelines.</li> </ul> <p><b>Motion:</b> by Mr K Rosie seconded by Mr D Mackay to grant planning permission subject to conditions (and prior notification of Scottish Ministers) on the grounds that, although the site lies within the Development Proximity Zone of a Health and Safety Executive Major Hazard site, as the developer has demonstrated that the proposed development will not result in additional personnel on site, the application is considered to accord with the provisions of Policy 30 of the Highland-wide Local Development Plan (Physical Constraints) and related Supplementary Guidance as approval of the development will not increase the risk to human health and safety.  <b>Amendment:</b> None.  <b>Vote:</b> N/A.</p> <p><b>Agreed:</b> subject to the prior notification of Scottish Ministers to <b>GRANT</b> planning permission subject to appropriate conditions for the reasons stated in Mr K Rosie's motion.</p>	<b>GP</b>
6.3	<p><b>Applicant:</b> Rebecca Main (20/03592/FUL) (PLN/049/20)  <b>Location:</b> Kirkton Bay House, Kirkton, Glenelg (Ward 5).  <b>Nature of Development:</b> Erection of annexe to main house for use as bed and breakfast rooms.  <b>Recommendation:</b> Grant.</p>	
	<p>No questions were raised and Members indicated their support for the proposed development in accordance with the recommendation contained in the report.</p>	<b>GS</b>

	<b>Agreed:</b> to <b>GRANT</b> planning permission subject to the conditions contained in the report.	
6.4	(pp 125 - 139) (Plans pp 28 - 36) <b>Applicant:</b> Glen Homes (Scotland) Ltd (20/03090/FUL) (PLN/050/20) <b>Location:</b> Development Site at The Maltings, Wards Drive, Muir of Ord (Ward 8). <b>Nature of Development:</b> Erection of houses on plots 22 to 29 with amended finished floor levels (Amendment to 16/02703/FUL - Erection of eight houses (amendment from three blocks of flats)). <b>Recommendation:</b> Grant.	
	<p>The Team Leader advised Members of the following amendment to her report which states that the finished floor level at plot 29 was 4.4m higher than the finished floor level of the flats previously approved, whereas it is 1.4m higher.</p> <p>In response to Members' questions, the Team Leader advised:</p> <ul style="list-style-type: none"> <li>• That it was a result of changes in site levels that the finished floor level and height of the houses are higher than the approved level/height.</li> <li>• That it was regrettable that the mistake had been made and not picked up.</li> <li>• That, in the past, there was a process of checking building warrant applications against planning permissions but the resource implications of doing so meant that this wasn't sustainable in the long term.</li> </ul> <p>Members expressed disappointment that this retrospective application was a consequence of a housebuilder's construction error that shouldn't have occurred and emphasised their concerns about the impact that this retrospective application was having on neighbouring householders.</p> <p>The Acting Head of Development Management – Highland advised that he had taken on board Member comments regarding better integration between Council services and would look to implement improvements in so far as resources allowed.</p> <p><b>Agreed:</b> to <b>GRANT</b> planning permission subject to the conditions contained in the report – condition 1 to be amended to reflect increased height of fencing between the development and 13 Wards Close to be provided as soon as possible and painted white.</p>	<b>JF</b>
6.5	<b>Applicant:</b> Andy Brand and Struan Mackie (20/03370/FUL) (PLN/051/20) <b>Location:</b> Unit 1, Murkle House, 23 Forss Business and Energy Park, Forss, Thurso (Ward 2). <b>Nature of Development:</b> External alterations and partial change of use of building from Class 4 (Business) to Class 5 (General Industrial) (Distillery). <b>Recommendation:</b> Grant.	
	<p>The Planner advised Members of the following amendments to his report:</p> <ul style="list-style-type: none"> <li>• Paragraph 3.4 - Supporting Information should read: 'Supporting Planning Statement detailing that noise generation will be insignificant and onsite production processes will mitigate odour concerns.'</li> </ul>	<b>MF</b>

	<ul style="list-style-type: none"> <li>Paragraph 3.5 – The amended information was uploaded on 05<sup>th</sup> November 2020</li> <li>Paragraph 4.1 – should say that the building's roof material is profile metal sheeting.</li> </ul> <p>No questions were raised and Members indicated their support for the proposed development in accordance with the recommendation contained in the report.</p> <p><b>Agreed:</b> to <b>GRANT</b> planning permission subject to the conditions contained in the report.</p>	
<b>7</b>	<p><b>Decision of Appeals to the Scottish Government Planning and Environmental Appeals Division (PP 149 - 180)</b>  <b>Co-dhùnadh mu larrtas do Bhuidheann-stiùiridh Riaghaltas na h-Alba airson Lùth agus Atharrachadh Aimsir</b></p>	
7.1	<p><b>Applicant:</b> The Scottish Salmon Company (19/01413/FUL) (PPA-270-2217)  <b>Location:</b> North Aird, Ardheslaig, Loch Shieldaig (Ward 5)  <b>Nature of Development:</b> Marine Fish Farm – Atlantic salmon; new site consisting of 4 x 100 metre circumference circular cages.</p>	
	<p>The Committee noted the decision of the Reporter appointed by the Scottish Ministers and Mr C Fraser expressed his disappointment that the application has been approved despite the impacts of the proposed development on the Special Area of Conservation.</p> <p>The Acting Head of Development Management – Highland reminded Members that other regulators would be involved in the licensing and operation of the proposed development.</p>	<b>MH</b>
7.2	<p><b>Applicant:</b> SMECH Properties Limited (19/03181/FUL) (PPA-270-2231)  <b>Location:</b> Land to North West of Corriehallie, Glebe Road, Inverinate, Kyle, IV40 8HD (Ward 5)  <b>Nature of Development:</b> Erection of lodge house, formation of access and installation of drainage system.</p>	
	<p>The Acting Head of Development Management – Highland updated Members as to the release of planning permission on 23 November following payment by the applicant of a contribution of £30,000 towards affordable housing provision as required by the Council's Developer's Contributions Supplementary Guidance and in accordance with the Reporter's appeal decision.</p> <p>The Committee noted the decision of the Reporter appointed by the Scottish Ministers and expressed disappointment that the application had been approved despite the impacts of the proposed development on the neighbouring proprietor.</p>	<b>GS</b>
	The meeting finished at 1325.	