

The Highland Council

Minutes of Meeting of the **Planning Review Body** held **remotely** on Tuesday, 16 March 2021 at 10.30 am.

Present:

Mr R Bremner
Mrs I Campbell
Mr L Fraser
Mr A Henderson
Mr W Mackay
Mrs M Paterson
Mrs T Robertson

In Attendance:

Mrs K Lyons Principal Solicitor/Clerk
Mr M McLoughlin, Independent Planning Adviser to the Planning Review Body
Ms A Macrae, Committee Administrator
Mrs A MacArthur, Administrative Assistant

Mr A Henderson in the Chair.

Preliminaries

The Chair confirmed that the meeting would be webcast and gave a short briefing on the Council's webcasting procedure and protocol.

Business

1. Apologies for Absence

There were no apologies for absence.

2. Declarations of Interest

There were no declarations of interest.

3. Minutes of Previous Meeting of 2 February 2021

Following discussion, the Minutes of the previous Meeting held on 2 February 2021, copies of which had been circulated, were **APPROVED**.

4. Criteria for Determination of Notices of Review

The Clerk confirmed that, for all subsequent items on the agenda, Members had contained in their SharePoint all of the information supplied by all parties to the Notice of Review – namely everything submitted at the planning application stage and the Notice of Review stage from the applicant and interested parties together with the case officer's report on handling and the decision notice that had been issued. When new information had been identified and responded to by the case officer, that information had also been included in SharePoint.

Members were reminded that when determining each planning application subject to a Notice of Review, they were to give full consideration of the planning application afresh (also known as the "de novo" approach) in accordance with the advice contained in the

letter from the Chief Planner dated 29 July 2011. The Clerk confirmed that this meant that, in each Notice of Review case, the Review Body needed to assess the planning application against the development plan and decide whether it accorded with or was contrary to the development plan. Following this assessment, the Review Body then required to consider all material considerations relevant to the application and decide whether these added to or outweighed their assessment of the application against the development plan. In carrying out this assessment, all documents lodged by the applicant and interested parties needed to be considered by the Review Body – all material planning considerations required to be taken into account; considerations that were not material planning considerations must not be taken into account.

The Clerk also confirmed that Google Earth and Street view could be used during the meeting in order to inform Members of the site location; Members were reminded of the potential limitations of using these systems in that images may have been captured a number of years ago and may not reflect the current position on the ground. All the Notices of Review were competent.

5. New Notices of Review to be Determined

5.1 Increase overall height of house to form 1st floor and alterations, (Planning Reference: 20/02060/FUL) at 64 Scorguie Drive, Inverness for Mr Andrew Mowat 21/00001/RBREF (RB-05-21)

There had been circulated Notice of Review 21/00001/RBREF to increase overall height of house to form 1st floor and alterations, (Planning Reference: 20/02060/FUL) at 64 Scorguie Drive, Inverness.

Preliminaries

Having **NOTED** the Clerk's confirmation this was a valid and competent Notice of Review, and her advice with regard to the way the Review should be determined (item 4 above refers), the Review Body discussed whether its requirement for information had been satisfied by the Notice of Review documentation contained in Members' SharePoint, no further procedures having been requested by the applicant.

Members requested sight of Google Earth and Streetview to inform their understanding of the application site. The Independent Planning Adviser provided this, during which he advised that the following determining issues should apply in relation to the application:-

- the impact of the design on the character, appearance and amenity of the local area; and
- effects on the amenities of occupants of neighbouring residences.

In response to questions, the Independent Planning Adviser provided further clarity in relation to the windows and cladding of the proposed development and modifications to the ground floor, the increase in the overall height of the existing house and topography of the local area. He also referred to the photos submitted by the applicant showing varying designs of properties within the vicinity of the development and their appearance in the streetscape.

Thereafter, the Review Body **AGREED** that its requirement for information had been satisfied by the Notice of Review documentation contained in Members' SharePoint and the Google Earth/Streetview presentation.

Debate and Decision

Following discussion, the Planning Review Body **AGREED** to **UPHOLD** the Notice of Review and grant planning permission subject to conditions to be drafted by the Independent Planning Adviser to the Review Body for the following reasons:

Members did not share the concerns of the case officer regarding the design of the proposed development, the impact of the proposed development on the streetscape and the impact of the proposed development on residential amenity. Instead members were complimentary about the modern design proposed and the submission made by the applicant which made clear how the design of the proposed development would appear in the streetscape and confirmed the variety of house styles already in the vicinity of the application site. Members were in agreement that they could support the design of the proposed development and that, in their opinion, it was not contrary to Polices 28 and 29 of the Highland-wide Local Development Plan.

5.2. Erection of 2 Holiday Cabins (Planning Reference: 20/01678/FUL) at Solas, Farr, Inverness for Mr & Mrs T Brown 21/00002/RBREF (RB-06-21)

There had been circulated Notice of Review 21/00002/RBREF for the erection of 2 Holiday Cabins, (Planning Reference: 20/01678/FUL) at Solas, Farr, Inverness

Preliminaries

Having **NOTED** the Clerk's confirmation that this was a valid and competent Notice of Review, and her advice with regard to the way the Review should be determined (item 4 above refers), the Review Body discussed whether its requirement for information had been satisfied by the Notice of Review documentation contained in Members' SharePoint, a site visit having been requested by the applicant.

Members requested sight of Google Earth and Streetview to inform their understanding of the application site. The Independent Planning Adviser provided this, during which he advised that the following determining issue should apply in relation to the application:-

- whether the arrangements at the junction of the proposed access with the public road are satisfactory in road safety terms.

In response to questions, the Independent Planning Adviser confirmed that:-

- the access track and junction was owned by a private landowner;
- the improvements undertaken at the junction as part of the Inverarnie Village Improvement Scheme had delivered benefits, however the works had not increased the geometry or width of the junction so that it met Council standards for this type of development; and
- a condition could be attached to any grant of planning permission in relation to compensatory tree planting.

Thereafter, the Review Body **AGREED** that its requirement for information had been satisfied by the Notice of Review documentation contained in Members' SharePoint and the Google Earth/Streetview presentation, and were of the view that a site inspection was not required.

Debate

Having considered the supporting paperwork and the Google Earth presentation, the Planning Review Body discussed the Notice of Review.

Members commented that the arrangements at the junction of the proposed access with the public road were not satisfactory in road safety terms and that the applicant had offered no mitigation to overcome this issue. Members therefore expressed support for the case officer's handling of the application and reasons for refusal.

In addition, Members considered the proximity of the proposed development to an overhead powerline which crossed the application site to be dangerous and expressed concern at the failure of Scottish and Southern Energy to respond to the case officer and Independent Planning Adviser on this issue as part of the planning application and Notice of Review processes.

Decision

The Planning Review Body **DISMISSED** the Notice of Review and refused planning permission for the reasons given by the case officer.

The meeting ended at 12.15pm.
