

The Highland Council

Minutes of Meeting of the **Planning Review Body** held **remotely** on Tuesday, 4 May 2021 at 10.30 am.

Present:

Mr R Balfour
Mrs I Campbell
Mr L Fraser
Mr A Henderson
Mr W Mackay (except items 5.2 and 5.3)
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. Apology for Absence

An apology for absence was intimated on behalf of Mr R Bremner.

2. Declarations of Interest

Items 5.2 and 5.3: Mr W Mackay (non-financial)

3. Minutes of Previous Meeting of 16 March 2021

The Minutes of the previous Meeting held on 16 March 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 Erection of two dwellings (semi-detached), (Planning Reference: 20/03828/FUL) on Land at Telford Road To Rear Of Rockburn Cottage, 58 Lochalsh Road, Inverness for Interurban Developments Ltd 21/00008/RBREF (RB-07-21)

There had been circulated Notice of Review 21/00008/RBREF for the erection of two dwellings (semi-detached), (Planning Reference: 20/03828/FUL) on land at Telford Road to Rear of Rockburn Cottage, 58 Lochalsh Road, Inverness for Interurban Developments Ltd

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:-

- adequacy of private amenity space provision
- likely effects on the residential amenities of occupants of No 71 Telford Road & Telford Court
- suitability of the car parking arrangements

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

- the extent of the land in the applicant's ownership and the difference in height between the proposed house and the existing garage on the site;
- the information supplied in terms of the proposals for the front wall of the development;
- this was a flat roofed development;
- the proposal did not include provision for off-street parking on the site, and Transport Planning had not commented on the application;

- the proximity of the development to the neighbouring properties, noting there was no rule of thumb as to what was considered to be overbearing development;
- the methodology used for calculating the loss of daylight to neighbouring properties resulting from the development; and
- it was not clear from the information provided whether there had been a dwellinghouse on the site in the past.

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

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

Members commented that the proposal represented overdevelopment, the site being more suitable for a single dwellinghouse, and would have an adverse impact on the amenity of the neighbouring properties. Members expressed concern at the suitability of the car parking arrangements, specifically the lack of off-street parking.

Decision

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

5.2. Amendment to 20/01333/FUL to include a balcony, (Planning Reference: 20/04324/FUL) at Vendale, Latheronwheel, Latheron for Ms Lynsey Mowat 21/00005/RBREF (RB-08-21)

Mr W Mackay declared a non-financial interest in this item on the grounds he was a local Member for Ward 03: Wick and East Caithness and therefore not permitted to participate in the determination of the Notice of Review and he left the meeting for the determination of this item and the remainder of the meeting.

There had been circulated Notice of Review 21/00005/RBREF for amendment to 20/01333/FUL to include a balcony, (Planning Reference: 20/04324/FUL) at Vendale, Latheronwheel, Latheron.

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:-

- Effect on the character and appearance of the host Listed Building
- Potential impact on neighbour's garden due to overlooking (Melbourne House)

In response to questions, the Independent Planning Adviser provided further clarity on the proximity of the host property to the adjacent property, Melbourne House, and the overlooking aspect from the proposed balcony.

The Clerk explained that planning permission had already been granted for the extension to the host property and this application sought to introduce a balcony above the single storey flat roofed element of that extension.

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.

In discussion, a number of Members commented that the proposal would have an adverse impact on the character and appearance of the listed building and would result in overlooking of the neighbour's garden.

A contrary view was expressed that the proposal would not have a detrimental impact on the listed building and that the Notice of Review be upheld.

Decision

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

5.3. Erection of 2 no. extensions (Planning Reference: 19/03111/FUL) at 2 Weir Crescent, Milton, Wick for Mr John Miller 21/00012/RBREF (RB-09-21)

Mr W Mackay having declared an interest in this item on the grounds he was a local Member for Ward 03: Wick and East Caithness and therefore not permitted to participate in the determination of the Notice of Review, was not present for the determination of this item.

There had been circulated Notice of Review 21/00012/RBREF for the erection of 2 no. extensions (Planning Reference: 19/03111/FUL) at 2 Weir Crescent, Milton, Wick for Mr John Miller.

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 issues should apply in relation to the application:-

- Appropriateness of the siting, scale & design of the front extension to the host property
- The in-combination effect of the porch and front extensions on the quantity of development proposed and the impact on the plot/private amenity ground (bearing in mind the previous rear extension)
- Appropriateness of the siting, scale & design of the front extension to the character/amenity of the local area
- Possible effects of the front extension on the residential amenity of neighbours to the north and south of the host property

In response to questions, the Independent Planning Adviser provided an explanation on the alterations made to the boundary wall to the front of the host property over time, and in relation to the blank wall that would face the property of the neighbours who had objected to the application.

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.

In discussion, Members considered that the proposal represented overdevelopment and specifically that its siting, scale and design would have an adverse impact on the host property and the character/amenity of the local area. Members were also concerned about the impact of the development on the residential amenity of the neighbours.

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 12.45pm.
