

## **The Highland Council**

Minutes of Meeting of the **Planning Review Body** held **remotely** on Tuesday, 5 October 2021 at 10.30 am.

### **Present:**

Mr R Balfour  
Mr R Bremner  
Mrs I Campbell  
Mr L Fraser  
Mr A Henderson  
Mr W Mackay  
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**

An apology for absence was intimated on behalf of Mrs M Paterson.

#### **2. Declarations of Interest**

There were no declarations of interest.

#### **3. Minutes of Previous Meeting of 24 August 2021**

The Minutes of the previous Meeting held on 24 August 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 extension and installation of air source heating system, (Planning Reference: 21/01229/FUL) at Dachaigh, Camilla Street, Halkirk for Mr A Kevill 21/00034/RBREF (RB-15-21)**

There had been circulated Notice of Review 21/00034/RBREF for the erection of extension and installation air source heating system, (Planning Reference: 21/01229/FUL) at Dachaigh, Camilla Street, Halkirk for Mr A Kevill

#### **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, 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:-

Whether the scale/design of the proposed extension complemented the character and appearance of:

(a) development in the surrounding local area

(b) the host property.

In response to questions, the Independent Planning Adviser advised that from the visual information provided, there were no windows on the side of the property to the west that would be overlooked by the development. He provided clarity on the distance from the roof and wall of the proposed extension to the site boundary and how this related to the existing surrounding properties, and also in relation to the scale and height of the mix of dwellings in the local area.

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**

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

The Planning Review Body **UPHELD** the Notice of Review subject to conditions to be drafted by the Independent Planning Adviser to the PRB and approved by the Chair of the PRB and clarification as to the approved plans (given the discrepancy in the height of the extension on the plans submitted along with the planning application), for the following reasons, Mr R Bremner having spoken to the local characteristics of the dwellings in the locality and provided examples of dwellings comparable to what was proposed in the application:

- 1) The proposed design solution for the extension to the west elevation considered to be appropriate in urban design and streetscape terms. The scale and positioning of the extension would not disrupt the established settlement pattern and would not dominate in terms of its height and roof massing. Although, the proposal is not subservient to the original house, the proposal would not introduce a significant change to the streetscape or change the existing character of the area. Accordingly, the proposal is considered to accord with Development Plan policy 28 Sustainable Design, and policy 29 Design Quality and Place-making of the Highland-wide Local Development Plan (2012); and
- 2) Although the proposal does not reflect the general design principles set out by the House Extensions and Other Residential Alterations Guidance, this does not result in a building with a different design, scale, mass, form, and proportions to the original buildings of the street; and therefore it does respect the form and scale of the surrounding development on Camilla Street and does not interrupt the character and rhythm of the designed streetscape. It therefore does accord with Development Plan policy 28 Sustainable Design, as it does demonstrate sensitive and high-quality design in keeping with local character.

### **5.2 Change of use of land from forestry to residential (Planning Reference: 21/00358/FUL,) 93 Stratherrick Road, Inverness for Mrs and Mr Susanne and Scott Hamilton 21/00036/RBREF (RB-16-21)**

There had been circulated Notice of Review 21/00036/RBREF for the change of use of land from forestry to residential, (Planning Reference: 21/00358/FUL) at 93 Stratherrick Road, Inverness for Mrs and Mr Susanne and Scott Hamilton.

### **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, 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:-

- whether there was a demonstrated need for a wooded site to be used for the development and that clear and significant public benefits would result;
- whether there would be harm to trees/woodland from the development and the extent of such harm; and
- whether proven need/benefits from the development would outweigh any likely harm.

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

- the trees which had been inadvertently felled had been located on land acquired by the applicant;
- the existing stone wall next to the site entrance had a retaining function. The proposed line and construction of the proposed new wall on the extended area of ground was not clear from the information submitted by the applicant;
- the Forestry Officer had advised that the existing stone wall provided a significant indicator this was the boundary of the ancient woodland and the trees that had been felled formed part of the tree preservation order area and therefore had been protected.

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 during which Members expressed their support for forestry officer and case officer's considerations of the application and found no reason to overturn the decision to refuse planning permission.

### **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 Noon.

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