

The Highland Council South Planning Applications Committee

Minute of site visit of the South Planning Applications Committee held in Nairn at 9.00 am and the meeting held in the Chamber, Council Headquarters, Glenurquhart Road, Inverness on Tuesday 29 October 2019 at 10.30 am.

Committee Members Present:

Mr R Balfour, Mr A Baxter, Mr B Boyd (excluding item 6.1), Mr L Fraser (excluding item 6.4, 6.5 and 6.6), Mr J Gray, Mr T Heggie (excluding item 6.2), Mr A Jarvie (excluding item 6.4, 6.7 and 6.8), Mr B Lobban (excluding item 6.3), Mr B Thompson (excluding item 6.5) and Mr D Macpherson (substitute).

Non-Committee Members Present:

Mrs T Robertson

Officials in attendance:

Mr D Mudie, Area Planning Manager – South
Mr M Clough, Senior Engineer, Transport Planning
Mr G MacCormick, Senior Environmental Health Officer
Mr B Robertson, Team Leader
Mr S Hindson, Team Leader
Mr K Gibson, Principal Planner
Ms L Prins, Principal Planner
Mr J Kelly, Planner
Ms L Stewart, Planner
Miss C McArthur, Principal Solicitor (Regulatory Services)
Mrs A MacArthur, Administrative Assistant

Mr J Gray in the Chair

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 for the site visit on 29 October 2019 were intimated on behalf of Mr B Boyd, Ms C Caddick, Mrs M Davidson, Ms P Hadley, Mr B Thompson and Mr R MacWilliam. Apologies for absence for the meeting on 29 October 2019 were intimated on behalf of Ms C Caddick, Mrs M Davidson, Ms P Hadley and Mr R MacWilliam.

2. Declarations of Interest Foillseachaidhean Com-pàirt

Item 6.3 – 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 17 September 2019 which was **APPROVED**.

4. Major Development Update
Iartasan Mòra

There had been circulated Report No PLS/075/19 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: Holiday let, leisure and hospitality facilities, holiday lodges, service building, restaurant and landscaping. (19/04472/PAN/FUL) (PLS/076/19)

Ward: 19

Applicant: Inverness Paving.

Site Address: Land at Treetops Stable, Faebuie, Culloden Moor, Inverness.

There had been circulated Report No PLS/076/19 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 **AGREED** to note the submission and ask that the following material issue be brought to the applicant’s attention in addition to the material considerations referred to in the report:

- a full traffic survey is carried out for the area including the junction

Councillor Jarvie requested that the details of any traffic survey be circulated to Members should this proposal come forward as an application to the South Planning Applications Committee.

5.2 Description: Mixed use development of residential, community, business/commercial and tourism uses. (19/04229/PAN) (PLS/077/19)

Ward: 17

Applicant: Kirkwood Homes.

Site Address: Newlands of Culloden, Culloden Moor, Inverness.

There had been circulated Report No PLS/077/19 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 no further material planning considerations they wished brought to the applicant’s attention other than those identified in the report.

6. Planning Applications to be Determined Iarrtasan Dealbhaidh rin Dearbhadh

6.1 Applicant: Albyn Housing Society Ltd (18/05908/FUL) (PLS/078/19)

Location: Land 50 m North of The Hermitage, St Olaf Manor, Cawdor Road, Nairn. (Ward 18)

Nature of Development: Erection of ten dwellings with associated garden and parking areas.

Recommendation: Grant.

There had been circulated Report No PLS/078/19 by the Area Planning Manager – South recommending the grant of the application, subject to the conditions detailed in the report.

A site visit had taken place prior to the meeting attended by the following Members: Mr R Balfour, Mr A Baxter, Mr J Gray, Mr T Heggie, Mr B Lobban, Mr L Fraser, Mr A Jarvie and Mr D Macpherson (Substitute). Only those Members who had attended the site visit took part in the determination of the application.

Ms L Stewart presented the report and recommendation.

In response to questions, the following was confirmed:-

- the Albyn Housing Society would be responsible for the maintenance of amenity areas, this has been secured by condition;
- a plan showing any overshadow had not been produced;
- the existing trees on site were taller than the proposed barrier;
- Environmental Health recommended a noise level below 45 dB, there was no specific standard but various standards had been taken into account and the developer had worked to reduce the noise level to an anticipated 38 dB;
- Transport Planning had been consulted and were content with the parking specified and the number of parking spaces exceeded the planning guidelines;
- the sawmill would have to mitigate any additional noise from new machinery; and
- there had been no noise complaints from the existing care home;

The Clerk confirmed that there was provision made within the Planning (Scotland) Act 2019 for planning authorities when considering an application for a “noise sensitive” development to take particular account of whether sufficient measures are included to mitigate, minimise or manage the effect of noise from existing businesses, but this was not yet in force.

Although Members would like to see FIT homes they had grave reservations with this particular development.

Following discussion, Mr L Fraser, seconded by Mr T Heggie, moved refusal of the application for the following reason:

Due to the scale and height of the proposed mitigation of barrier fencing, this development would be contrary to Policy 28 of the Highland wide Local Development Plan as it would have an unacceptable impact on individual and community residential amenity.

There being no amendment the Committee **AGREED** to **REFUSE** planning permission for the reason stated.

6.2 Applicant: Mr and Mrs Ray and Jennifer Thomas (19/00280/FUL)
(PLS/079/19)

Location: Land 59 m N of Benview, Lochyside, Fort William. (Ward 11)

Nature of Development: Change of use from holiday unit to house and change of use from croft land to garden ground.

Recommendation: Refuse.

There had been circulated Report No PLS/078/19 by the Area Planning Manager – South recommending refusal of the application, for the reasons detailed in the report. The reason for refusal in the report should be amended to read:

1. The change from a holiday letting unit to an independent, permanently occupied dwelling unit would be unacceptable by virtue of the dwelling's overbearing relationship with the adjacent smaller holiday chalet, in terms of its close proximity at 3 m and the site layout, contrary to policy 28 of the Highland wide Local Development Plan. These amenity concerns could not be adequately overcome by the provision of a 2 m high fence separating the unit from the remaining holiday chalet and the provision of additional garden ground to the rear.

Ms L Prins presented the report and recommendation.

In response to questions, the following was confirmed:-

- there was currently no limit to the time the unit was occupied in a year, therefore, there would be no change to the occupancy level; and
- the distance between the units presently is 3 m, the previous permission from 2013 had a separation distance of 13 m.

It was thought that adapting an existing building rather than building a new building was to be welcomed.

Mr B Thompson, seconded by Mr A Baxter, moved to grant the application for the following reason:

The change from holiday letting to a permanently occupied dwelling unit is considered acceptable given (1) the physical separation from the nearest housing unit, (2) the presence of fencing screening between the properties and (3) the planning history of this particular site, which includes permission for a very similar permanently occupied housing unit. This, therefore, accords with Policy 28 of the Highland wide Local Development Plan

Mr B Lobban, seconded by Mr J Gray, moved the application be refused as recommended in the report.

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 A Baxter
Mr B Boyd
Mr A Jarvie
Mr R Balfour
Mr B Thompson
Mr D Macpherson

Amendment

Mr L Fraser
Mr J Gray
Mr B Lobban

The Committee **AGREED** to **GRANT** planning permission subject to either the upfront payment or the prior conclusion of a section 75 legal agreement to secure the developer contribution of £1,557 for the reason stated above.

6.3 Applicant: Marine Harvest (Scotland) Ltd (18/02922/FUL) (PLS/080/19)

Location: Site at Maclean's Nose, Loch Sunart, Acharacle. (Ward 21)

Nature of Development: Increase number of fin fish pens from 12 to 16 at established fish farm.

Recommendation: Grant.

There had been circulated Report No PLS/078/19 by the Area Planning Manager – South recommending the grant of the application, subject to the conditions detailed in the report.

Mr M Harvey presented the report and recommendation.

In response to questions, the following was confirmed:-

- the Fisheries Board were maintaining their objection to this application;
- there was a three month period when wild salmon passed through the waters where there was a raised sea lice load, but at the moment there was little information on their specific migrating times and where they were at particular times, and the level of vulnerability at that time;
- sea lice were the major concern of the Fisheries Board and sea lice had declined in recent years;
- the Environment Management Plan (EMP) was highly active at monitoring and provided information on the routes of wild salmon and the nature of their migration, it also involved work on sea lice dispersion on which there was limited information at this time;
- in this case SNH are satisfied that the adaptive management available would ensure that an adverse effect on site integrity would not occur; and
- these are net cage structures, therefore uneaten food, waste etc falls through onto the sea bed, the sea bed is regulated by SEPA and the legislation is under review at the present time.

Mr J Gray, seconded by Mr A Baxter, moved approval of the application as recommended in the report.

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

6.4 Applicant: Springfield Properties Plc (18/03073/FUL) (PLS/081/19)
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 No PLS/078/19 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.

The Committee **AGREED** to **GRANT** planning permission subject to (1) the conditions recommended in the report and (2) the prior conclusion of a section 75 legal agreement securing the contributions set out at 4.22 of the report.

6.5 Applicant: Castle Stuart Golf LLP (19/02933/FUL) (PLS/082/19)
Location: The Golf Lodge, Castle Stuart, Dalcross, Inverness. (Ward 17)
Nature of Development: Formation of second 18 hole championship golf course.
Recommendation: Grant.

There had been circulated Report No PLS/078/19 by the Area Planning Manager – South recommending the grant of the application, subject to the conditions detailed in the report.

Mr K Gibson presented the report and recommendation.

In response to questions, the following was confirmed:-

- the access to old Petty Church yard would remain; and
- details of the access arrangements were given; and
- Historic Environment Scotland had not brought up any issues with this development in relation to the area relating to Columba Bay.

The Committee **AGREED** to **GRANT** planning permission subject to (1) the conditions recommended in the report together with an amendment to Condition 24 to allow the construction access from the U2358 to be retained after the construction works for use as a maintenance access only and (2) a modification to the current section 75 legal agreement to include this new permission.

6.6 Applicant: Mr John Birrell (19/03116/PIP) (PLS/083/19)
Location: Delmore Bungalow, Inverness. (Ward 13)
Nature of Development: Erection of house.
Recommendation: Grant.

There had been circulated Report No PLS/078/19 by the Area Planning Manager – South recommending the grant of the application, subject to the conditions detailed in the report.

Mr K Gibson presented the report and recommendation.

In response to questions, the following was confirmed:-

- the curtilage area of the application site outlined in red was shown on the map;
- it would be desirable to have the house sited at the proposed site rather than the site of the previous house;
- the previous building had been demolished as it was structurally unsafe; and
- the public road from Woodside Crescent was probably the easiest access although both options were available.

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

6.7 Applicant: Saltire Business Parks Ltd (19/01005/FUL) (PLS/084/19)

Location: Land 80 m SE of Balmakeith Business Park, Nairn. (Ward 18)

Nature of Development: Creation of 13, 96 sqm business starter units and parking.

Recommendation: Refuse.

There had been circulated Report No PLS/078/19 by the Area Planning Manager – South recommending refusal of the application, for the reasons detailed in the report.

Mr B Robertson, presented the report and recommendation.

In response to questions, the following was confirmed:-

- the contributions from this development would be for the footpath and not the railway bridge; and
- only when considering individual developments could contributions be taken for footpaths and the footpath network improved.

Mr J Gray, seconded by Mr B Lobban, moved refusal of the application as recommended in the report.

The Committee **AGREED** to **REFUSE** planning permission for the reason set out in the report.

6.8 Applicant: SRP Inverness Ltd (19/02357/FUL) (PLS/085/19)

Location: Rose Street Car Park, Rose Street, Inverness. (Ward 14)

Nature of Development: Demolition of two storey car park and construction of hotel development, including retail/commercial units with associated landscaping, infrastructure and creation of new bus/taxi street.

Recommendation: Grant.

There had been circulated Report No PLS/078/19 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.

In response to questions, the following was confirmed:-

- there is a dedicated plant room in the roof space of the building so no water tanks would be visible on the roof; and
- this will be a shared use passageway for pedestrians and cyclists and the one-way street will be strictly for buses and taxis from the bus station through to Rose Street and regulated through a Traffic Order and Road Construction Consent.

The Committee **AGREED** to **GRANT** planning permission subject to (1) the conditions recommended in the report and (2) the upfront payment of a developer contribution of £39,000 towards the upgrading of the pavement and road between the site and Academy Street.

7. Decision 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 Applicant: Mr Coinneach MacMillan (ENA-270-2030)

Location: Crown House, 54 Crown Drive, Inverness, IV2 3QG. (Ward 16)

Nature of Appeal: The application of paint to previously unpainted quoins and architectural detail to the front elevation of the property without the required planning permission (section 123(1)(a) of the Act) within the Inverness (Crown) Conservation Area

The Committee **NOTED** the decision of the Reporter to uphold the enforcement notice dated 24 May 2019, subject to the terms as specified in the decision notice.

7.2 Applicant: Mr Brian Rizza (ENA-270-2031)

Location: High View, Lower Muckovie, Inshes, Inverness, IV2 5BB. (Ward 19)

Nature of Appeal: Unauthorised development of a gabion wall and garage without the required planning permission.

The Committee **NOTED** the decision of the Reporter to uphold the enforcement notice dated 30 May 2019, subject to the terms as specified in the decision notice.

The meeting ended at 3.40 pm.