

The Highland Council

North Planning Applications Committee

Minute of the meeting of the North Planning Applications Committee held in the Council Chamber, Council Headquarters, Glenurquhart Road, Inverness on Tuesday, 26 November 2019 at 10.30 am.

Committee Members Present:

Mr R Bremner (by video conference from Wick), Mrs I Campbell, Ms K Currie, Mr C Fraser (excluding item 6.6), Mr R Gale, Mr J Gordon, Mr D MacKay (excluding items 6.2 and 6.7), Mrs A MacLean, Mr C MacLeod (excluding item 6.10 and 6.11), Mr D MacLeod, Mr A Sinclair (m excluding items 6.10 to 7.2), Ms M Smith, Mr A Mackinnon (substitute for Mrs M Paterson) (excluding items 6.8 to 7.2) and Mrs P Munro (substitute for Mr M Finlayson).

Officials in attendance:

Mr D Jones, Acting Head of Development Management - Highland
Ms J Bridge, Senior Engineer (Development Management)
Mr M Harvey, Team Leader
Mrs D Stott, Principal Planner
Mr S Hindson, Principal Planner
Mrs R Hindson, Planner
Mrs K Lyons, Principal Solicitor – Planning and Clerk
Mrs A MacArthur, Administrative Assistant

Business

Ms Maxine Smith in the Chair

The Chair 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.

Good News Item:

**1. Apologies
Leisgeulan**

Apologies for absence were received from Mr M Finlayson, Mrs M Paterson and Mr K Rosie.

**2. Declarations of Interest
Foillseachaidhean Com-pàirt**

Item 6.6: Cllr C Fraser (non-financial)
Item 6.7: Cllr D Mackay (non-financial)
Items 6.8, 6.11 and 6.12: Cllr A Mackinnon (financial)

3. **Confirmation of Minutes** **Dearbhadh a' Gheàrr-chunntais**

There had been submitted for confirmation as a correct record the minutes of the meeting of the Committee held on 8 October 2019 which, while noting that page 3 of the minute appeared between pages 27 and 28 in Booklet A due to a printing error, was **APPROVED**.

Good news item: In the Scottish Awards for Quality in Planning, the Highland Council had won four of the prestigious awards. Members are asked to look on line at the exciting Fort William 2040 plan.

4. **Major Development Update** **Iarrtasan Mòra**

There had been circulated Report No PLN/083/19 by the Acting Head of Development Management - Highland providing an update on progress of all cases within the "Major" development category currently with the Planning and Development Service for determination.

The Committee **NOTED** the current position with these applications.

5. **Major Developments – Pre-application consultations** **Leasachaidhean Mòra – Co-chomhairle Ro-iarrtais**

5.1 **Description:** Mixed use development including commercial uses, leisure facilities and self-catered holiday accommodation units. (19/04890/PAN) (PLN/084/19)

Ward: 7

Applicant: Natural Land 4 LLP

Site Address: Land 700 m NE of North Lodge, Balnagown, Kildary.

There had been circulated Report No PLN/084/19 by the Acting Head of Development Management - Highland 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 raised the following issues that they wished addressed should an application be lodged:

- consideration of the environmental impact of the proposed development;
- clarity as to how traffic will enter/exit the application site;
- securing public transport connections; and
- if housing is to be included in the proposed development, clarity as to whether this is for holiday let (tourist accommodation) or permanent housing.

6. Planning Applications to be Determined Iarrtasan Dealbhaidh rin Dearbhadh

The Committee heard item 6.7 before item 6.1 but for clarity the minute would remain in numeral order.

6.1 Applicant: Ian Elliot Ltd (19/00233/S42) (PLN/085/19)

Location: Land 150 m West of Wyndhill Industrial Estate, Muir of Ord (Ward 8).

Nature of Development: Section 42 application to vary condition 8 of planning permission 123/04534/PIP to allow 60 houses to be developed in phase 1 of the mixed use scheme.

Recommendation: Grant.

There had been circulated Report No PLN/085/19 by the Acting Head of Development Management - Highland recommending that the Committee grant the application subject to the conditions detailed in the report.

The Committee **AGREED** to **GRANT** the application subject to the conditions referred to in the report and to modification of the existing section 75 agreement.

6.2 Applicant: Ian Elliot Ltd (19/00234/MS) (PLN/086/19)

Location: Land 150 m West of Wyndhill Industrial Estate, Muir of Ord (Ward 8).

Nature of Development: Erection of 60 residential units (discharge of conditions 13/04534/PIP).

Recommendation: Grant.

There had been circulated Report No PLN/086/19 by the Acting Head of Development Management - Highland recommending that the Committee grant the application subject to the conditions detailed in the report.

The Committee **AGREED** to **GRANT** the application subject to the conditions referred to in the report and to modification of the existing section 75 agreement.

6.3 Applicant: Conan Brae Farms (19/01628/PIP) (PLN/087/19)

Location: Land 40 m North East of Drummondreach Steading, Alcaig, Conon Bridge (Ward 9).

Nature of Development: Erection of replacement house.

Recommendation: Grant.

There had been circulated Report No PLN/087/19 by the Acting Head of Development Management - Highland recommending that the Committee grant the application subject to the conditions detailed in the report.

Following discussion on the objector's request for a pre-determination hearing, Members decided a hearing was not necessary in this instance.

The Committee **AGREED** to **GRANT** the application subject to the upfront payment of a developer contribution and to the conditions referred to in the report.

6.4 Applicant: J S Fraser (19/01884/FUL) (PLN/088/19)

Location: Poyntzfield Farm, Poyntzfield, Dingwall, IV7 8LX (Ward 9).

Nature of Development: Installation of biomass boilers (retrospective)

Recommendation: Grant.

There had been circulated Report No PLN/088/19 by the Acting Head of Development Management - Highland recommending that the Committee grant the application subject to the conditions detailed in the report.

In response to questions, the following was confirmed:

- a condition relating to the correct operation of the boilers according to manufacturer's guidelines had been imposed, with proper use there should be no emission issue; and
- Environmental Health officers would investigate should there be any complaints bearing in mind these were already in operation and there had been no complaints.

Members were disappointed at the retrospective nature of this and the following two applications.

The Committee **AGREED** to **GRANT** the application subject to the conditions referred to in the report.

6.5 Applicant: J S Fraser (19/01888/FUL) (PLN/089/19)

Location: Farness, Poyntzfield, Dingwall (Ward 9).

Nature of Development: Installation of biomass boilers (retrospective).

Recommendation: Grant.

There had been circulated Report No PLN/089/19 by the Acting Head of Development Management - Highland recommending that the Committee grant the application subject to the conditions detailed in the report.

In response to questions, the following was confirmed:

- Environmental Health officers had taken into account the cumulative impact of all three in operation and the emissions had been considered acceptable;
- the Renewable Heating Scheme also monitored fuel usage and a fuel log had to be kept and would be inspected by the Renewable Heating Scheme; and
- there was no indication that noise output would be detrimental to neighbours.

The Committee **AGREED** to **GRANT** the application subject to the conditions referred to in the report.

6.6 Applicant: J and J Henderson (19/02236/FUL) (PLN/090/19)
Location: Udale Farmhouse, Poyntzfield, Dingwall, IV7 8LY (Ward 9).
Nature of Development: Installation of biomass boilers (retrospective).
Recommendation: Grant.

Declaration of interest: Mr C Fraser declared a non-financial interest on the grounds that he knew the applicant.

There had been circulated Report No PLN/090/19 by the Acting Head of Development Management - Highland recommending that the Committee grant the application subject to the conditions detailed in the report.

The Committee **AGREED** to **GRANT** the application subject to the conditions referred to in the report.

6.7 Applicant: Wathegar 2 Limited (19/02647/S42) (PLN/091/19)
Location: Land 100 m NW of Wathegar, Bilbster, Wick (Ward 3).
Nature of Development: Application under section 42 for the variation of condition 2 of planning permission 14/01082/S42.
Recommendation: Grant.

Declaration of interest: Mr D Mackay declared a non-financial interest on the grounds that he had made public his views on wind farm applications within Caithness.

There had been circulated Report No PLN/091/19 by the Acting Head of Development Management - Highland recommending that the Committee grant the application subject to the conditions detailed in the report.

The Committee **AGREED** to **GRANT** the application subject to the conditions referred to in the report and to amendment to the existing section 69 agreement.

6.8 Applicant: Organic Sea Harvest (19/03093/FUL) (PLN/092/19)
Location: Land 1520 m NE of Bridgend Cottage, Flodigarry (Ward 10).
Nature of Development: New marine fish farm for atlantic salmon consisting of 12 x 120 m circumference circular cages in an 80 m mooring grid with associated feed barge.
Recommendation: Grant.

Declaration of interest: Mr A Mackinnon declared a financial interest on the grounds that he is a Director of Organic Sea Harvest, the applicant.

There had been circulated Report No PLN/092/19 by the Acting Head of Development Management - Highland recommending that the Committee grant the application subject to the conditions detailed in the report.

After discussion on the objector's request for a pre-determination hearing, Members decided a hearing was necessary in this instance and deferred the application to a future meeting of the Committee details of which to be confirmed in writing to the applicant, community council and interested parties.

The Committee **AGREED** to **DEFER** the application for a hearing in accordance with the Council's hearing procedure on the following matters:

- Objectors to confirm on what basis the area is of crucial importance/sensitivity;
- Applicant to provide detail and examples of how they have interacted with statutory consultees and have taken on board feedback through the application process;
- Objector to produce evidence of how fish farms affect tourism (if available);
- Applicant to produce evidence of how fish farming benefits the economy (particularly the local economy);
- Objectors to evidence their concerns about noise, smell and light from the development and Applicant to evidence what how measures can address these issues.

In addition, clarification of the position of the Community Council, Marine Scotland Science, Skye District Salmon Fishery Board, RSPB and SNH was requested in order that this could be reported back to Committee by the case officer.

Members also sought an update from the case officer regarding the round table discussion on fish farming being led by the Scottish Government.

6.9 Applicant: Mr A Munro (19/03381/FUL) (PLN/093/19)

Location: Land 50 m NE of Munro House, Oldshoremore, Rhiconich (Ward 1).

Nature of Development: Erection of café/house and two glamping pods, construct access road, install treatment plant with discharge to river.

Recommendation: Grant.

There had been circulated Report No PLN/093/19 by the Acting Head of Development Management - Highland recommending that the Committee grant the application subject to the conditions detailed in the report.

Clarification was provided to the Committee as to why public comments had been made sensitive on the planning portal.

In response to questions, the following was confirmed:

- The nearest village would be Kinlochbervie which was approximately 3 km from the site.

Members comments included:

- an appreciation of the amount of people who had contributed comments on line but disappointment at the lack of respect in some of these comments;
- there was a real need for quality accommodation where people could stay with their pets;
- although this was a difficult application it fitted well with planning policy; and
- this development would benefit people in the local area.

The Committee **AGREED** to **GRANT** the application subject to the conditions referred to in the report.

6.10 Applicant: Mrs J Barclay (19/03904/FUL) (PLN/094/19)

Location: Muiryden Farmhouse, Fortrose (Ward 9).

Nature of Development: Demolition of farmhouse and erection of replacement house and garage (renewal of 16/02619/FUL).

Recommendation: Grant.

There had been circulated Report No PLN/094/19 by the Acting Head of Development Management - Highland recommending that the Committee grant the application subject to the conditions detailed in the report.

The Committee **AGREED** to **GRANT** the application subject to the upfront payment of a developer contribution and the conditions referred to in the report.

6.11 Applicant: Organic Sea Harvest (19/03930/S42) (PLN/095/19)

Location: Site 1335 m East of Seaforth, 9 Culnacnock, Isle of Skye (Ward 10).

Nature of Development: Marine fish farm, atlantic salmon, - application under section 42 to develop the site other than in accordance with condition 1 of planning permission 17/04749/FUL by installing a feed barge of smaller dimensions than the model specified in condition.

Recommendation: Grant.

Declaration of interest: Mr A Mackinnon declared a financial interest on the grounds that he is a Director of Organic Sea Harvest, the applicant.

There had been circulated Report No PLN/095/19 by the Acting Head of Development Management - Highland recommending that the Committee grant the application subject to the conditions detailed in the report.

The feed barge was a permanent feature of this development. Only the design of the feed barge had been changed not its position.

The Committee **AGREED** to **GRANT** the application subject to the conditions referred to in the report.

6.12 Applicant: Organic Sea Harvest (19/03940/S42) (PLN/096/19)

Location: Land 1300 m East of Tote Scorrybreck, Isle of Skye (Ward 10).

Nature of Development: Marine fish farm, atlantic salmon, - application under section 42 to develop the site other than in accordance with condition 1 of planning permission 17/04735/FUL by installing a feed barge of smaller dimensions than the model specified in condition.

Recommendation: Grant.

Declaration of interest: Mr A Mackinnon declared a financial interest on the grounds that he is a Director of Organic Sea Harvest, the applicant.

There had been circulated Report No PLN/096/19 by the Acting Head of Development Management - Highland recommending that the Committee grant the application subject to the conditions detailed in the report.

The Committee **AGREED** to **GRANT** the application subject to the conditions referred to in the report.

6.13 Applicant: Mr Mark Boyd (19/04045/FUL) (PLN/097/19)
Location: 14 Shore Street, Thurso (Ward 2).
Nature of Development: Erection of summerhouse.
Recommendation: Grant.

There had been circulated Report No PLN/097/19 by the Acting Head of Development Management - Highland recommending that the Committee grant the application subject to the conditions detailed in the report.

The Committee **AGREED** to **GRANT** the application subject to the conditions referred to in the report.

6. Decision of Appeals to the Scottish Government Planning and Environmental Appeals Division
Co-dhùnadh mu larrtas do Bhuidheann-stiùiridh Riaghaltas na h-Alba airson Lùth agus Atharrachadh Aimsir

7.1 Applicant: Combined Heat and Power (Highlands) Limited (08/00455/FULRC) (PPA-270-2017-2)
Location: Land at Cromarty Firth Industrial Estate, Invergordon, IV18 0LT (Ward 6)
Nature of Development: Erection of waste to energy combined heat and power plant.

The Committee **NOTED** the Reporters' decision to dismiss the appeal for the reasons given in the decision letter.

7.2 Applicant: Mr Phil Davidson (17/02436/FUL) (PPA-270-2212)
Location: Land 2,390 metres NE of Church of Scotland, West Helmsdale, Helmsdale, KW8 6JS (Ward 4)
Nature of Development: Erection of 5 wind turbines with a tip height up to 125 metres and associated infrastructure, including upgraded and new access tracks, crane hardstandings and a sub-station building.

The Committee **NOTED** the Reporter's decision to dismiss the appeal for the reasons given in the decision letter.

The meeting closed at 1.15 pm.