

## AGENDA ITEM 8iv

### The Highland Council South Planning Applications Committee

Minute of site visit of the South Planning Applications Committee held in the Chamber, Council Headquarters, Glenurquhart Road, Inverness on Wednesday 4 December 2019 at 10.30 am.

#### **Committee Members Present:**

Mr A Baxter, Mr B Boyd (excluding items 6.2, 6.3 and 6.12), Ms C Caddick, Mr G Cruickshank (excluding item 6.4), Mrs M Davidson, Mr L Fraser, Mr J Gray, Mr T Heggie (excluding item 6.2), Mr B Lobban (excluding item 6.3), Mr R MacWilliam, Mr N MacLean (excluding items 6.5 to 6.10) and Mr B Thompson (excluding item 6.5) and Mr J Bruce (substitute).

#### **Non-Committee Members Present:**

Mrs E Knox  
Mr D Rixson  
Mrs T Robertson

#### **Officials in attendance:**

Mr D Mudie, Area Planning Manager – South  
Mr M Clough, Senior Engineer, Transport Planning  
Mrs S Macmillan, Team Leader  
Mr B Robertson, Team Leader  
Mr S Hindson, Team Leader  
Ms L Prins, Principal Planner  
Ms L Stewart, Planner  
Miss C McArthur, Principal Solicitor, Regulatory Services  
Mr I Meredith, 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.

**Good news item:** In the Scottish Awards for Quality in Planning, The Highland Council had won four of the prestigious awards.

#### **Business**

##### **1. Apologies for Absence Leisgeulan**

Apologies for absence were intimated on behalf of Ms P Hadley and Mr A Jarvie.

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

There were no declarations of interest.

**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 29 October 2019 which was **APPROVED**.

There had been comments on social media relating to Items 6.2 and 6.3 and Members were advised to disregard these comments.

**4. Major Development Update  
Iarrtasan Mòra**

There had been circulated Report No PLS/086/19 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.

Updates to the report should be made as follows:

19/04030/FUL – development of 34 houses in Beaully should read anticipated determination in January 2020 and not 2019.

In relation to the two applications for Mid Lairgs quarry, one decision notice had been issued and the other decision notice was due to be issued next week.

The following new major applications had also been received and were in the process of, or had been validated:

19/05203/FUL – application for the erection of a Primary school and Nursery at Ness Castle, Inverness;

19/05065/S42 – application for non-compliance with condition 17 on the site at Ness Castle in relation to Members request to bring forward the remote footpath on the site;

19/05091/S37 – consultation from Energy Consents Unit – national development on the installation of a 15 km, 132 kV overhead line to connect the consented Glen Kyllachy windfarm to the national grid.

The Committee **NOTED** the current position.

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

**5.1 Description:** Renewal of planning permission in principle, application reference 12/04255/S42 (original application reference number 05/01294/OUTIN) for residential and leisure development including housing, marina, boat yard, yacht club, visitors centre, nature conservation zones and hotel with supporting community facilities and sewage treatment plant (19/04622/PAN) (PLS/087/19)

**Ward:** 17

**Applicant:** Ardersier Port Ltd

**Site Address:** Former Fabrication Yard, Ardersier, Nairn.

There had been circulated Report No PLS/087/19 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:

- i. **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; and
- ii. **AGREED** that a site visit would be undertaken by Members should any planning application come forward.

**5.2 Description:** One operational needs farmhouse including access and drainage infrastructure (19/05044/PAN) (PLS/088/19)

**Ward:** 19

**Applicant:** Colin and Dara Wares

**Site Address:** Land 730 m NW of King's Stables Cottage, Westhill, Inverness.

There had been circulated Report No PLS/088/19 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:** Manda Construction Ltd (19/00732/FUL) (PLS/089/19)

**Location:** Land 70 m SE of Manda Lodge, West Heather Road, Inverness.  
(Ward 15)

**Nature of Development:** Development of offices, related access, parking, servicing and landscaping.

**Recommendation:** Grant.

There had been circulated Report No PLS/089/19 by the Area Planning Manager – South recommending the grant of the application, subject to the conditions detailed in the report. This application had been deferred from the meeting on 17 September 2019 to allow the applicant the opportunity to (1) reconfigure the car parking arrangements and (2) extend the landscaping and boundary treatments along the full length of the boundary between the site and the residential properties to ensure that there is no adverse impact on the residential amenity of the neighbouring properties.

Mr J Kelly presented the report and recommendation.

In response to questions, the following was confirmed:-

- the Historic Environment Officer had asked that the scheduled ancient monument be protected during the construction phase and that the footpath be pegged out on site as part of the development to ensure protection of the monument and these points could be covered by additional conditions; and
- at the request of Transport Planning the car parking spaces had been reduced from 30 to 25 spaces in line with the Council's parking standards to promote active travel

During discussion, Members' comments included the following:-

- the increased use of this site would further affect the local amenity;
- concern at the planning stipulations relating to the traffic plan as opposed to having a traffic plan in place before approval of the application; and
- this application was immeasurably better and satisfied the concerns Members had from the previous meeting.

The Committee **AGREED** to **GRANT** planning permission subject to conditions recommended in the report and delegated authority to the case officer to draft three additional conditions to address:

1. Fencing around the scheduled ancient monument during the construction phase.
2. The applicant to provide a travel plan in lieu of the additional car parking spaces.
3. Improved connectivity with all abilities access active travel links into the site from both the SDR and Slackbuie Avenue

6.2 **Applicant:** JAHAMA Highland Estates (19/02766/FUL) (PLS/090/19)

**Location:** Kinlochleven. (Ward 21)

**Nature of Development:** Two pairs of zip wires, launch platform, 2 landing platforms, container style reception building, 2 floating jetties, access path to the launch platform and mini bus turning area.

**Recommendation:** Grant.

There had been circulated Report No PLS/090/19 by the Area Planning Manager – South recommending the grant of the application, subject to the conditions detailed in the report.

Ms L Prins presented the report and recommendation for this and the following application.

Members were content with the information in the report, the visualisations and the plans and decided that a site visit was not necessary.

In response to questions, the following was confirmed:-

- the cabin would be sited on steep ground and on stilts and be markedly different from the previous three cabins that had been demolished;
- it was difficult to say how much of the zip wire could be seen crossing the water as it would depend on where it was being viewed from;
- it would be 330 m across the water from shore to shore and the zipwire would not be viewed in its entirety, it would also be unlikely that you would see the zipwire from the viewpoint shown in the presentation;
- as indicated when looking at an enlarged picture of electric cables, the zip wires would not be very visible depending on the light and the distance from which it was viewed;
- mitigation had been proposed by the Environmental Health Officers and was dealt with by way of condition;
- some of the trees would be lost at the landing site but this was not thought to be excessive and the trees were not part of the ancient woodland;
- the hours of operation could be increased with a period of testing allowed within the noise management plan following installation of the zip wire;
- the reception building near the pier incorporated a café; and
- the scheme was almost carbon neutral, but as the applicant was a large landowner, additional tree planting could be requested.

The Committee **AGREED** to **GRANT** planning permission subject to the conditions recommended in the report together with the following amendments:

- Condition 1 to be amended to include provision within the noise management plan that there will be a period allowed for noise testing.
- Condition 2 to be amended to increase the hours of operation to 8 am to 8 pm during the summer, 7 days a week.
- Condition 16 to be amended to incorporate provision for further tree planting in addition to what is already proposed.

**6.3 Applicant:** JAHAMA Highland Estates (19/002767/FUL) (PLS/091/19)  
**Location:** Land 110 m NE of Lorien, Hostel Brae, Foyers Road, Kinlocheven.  
(Ward 21)  
**Nature of Development:** Siting of cabin and formation of car park.  
**Recommendation:** Grant.

There had been circulated Report No PLS/091/19 by the Area Planning Manager – South recommending the grant of the application, subject to the conditions detailed in the report.

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

**6.4 Applicant:** Mrs D MacGregor (19/03731/FUL) (PLS/092/19)  
**Location:** Land 60 m NW of Achnasol House, Achnabobane, Spean Bridge.  
(Ward 11)  
**Nature of Development:** Erection of house (retrospective amendment to planning permission 17/05834/FUL)  
**Recommendation:** Grant.

There had been circulated Report No PLS/092/19 by the Area Planning Manager – South recommending the grant of the application, subject to the conditions detailed in the report.

Mrs S Macmillan presented the report and recommendation.

In response to questions, the following was confirmed:-

- inter and overlooking rather than overshadow was the issue due to the distance between this property and the neighbouring house;
- the conditions would be in perpetuity applying to any subsequent owner of the house;
- in terms of any breaches these would be taken on a case by case basis;
- the overlooking issue would be in relation to bedroom 4; and
- it was the intention to monitor the height of the hedge annually and take a proactive approach with the high hedge legislation to limit the height of the hedge.

During discussion, Members' comments included the following:-

- it wasn't a necessity for bedroom 4 to have a Juliet balcony, it would overlook the next-door garden and it should be altered to a smaller window similar in nature to the window on the north east side of the building.

The Committee **AGREED** to **DEFER** the application to allow the case officer to discuss with the applicant minor revisions to the design of the building, in particular, the removal of the Juliet balcony and instead incorporate a standard smaller window of a similar nature to the window on the north east side of the building.

**6.5 Applicant:** ILI (Highlands PSH) Ltd (18/05427/S36) (PLS/093/19)

**Location:** Land 630 m East of Park Cottage, Dores. (Ward 12)

**Nature of Development:** To construct and operate a pumped storage hydro scheme approximately 14 km SW of Inverness.

**Recommendation:** Raise no Objection.

There had been circulated Report No PLS/093/19 by the Area Planning Manager – South recommending the grant of the application, subject to the conditions detailed in the report. Additional drawings were circulated at the meeting.

Ms L Stewart presented the report and recommendation.

In response to questions, the following was confirmed:-

- the provision of a park and ride facility had been conditioned but the condition could be reinforced to ensure the facility must be used;
- in relation to the canals, there was a suspensive condition that would oversee canal and road usage, the condition would ensure that the planning authority knew what they proposed to take via the canal, but the planning authority had no control over how much they used the canal;
- Forestry Scotland have recommended a condition on compensatory planting and this with further detail on the felling and timescales for landscaping could be secured by condition;
- a sentence could be added to the end of condition 2 to ensure that a dark sky is maintained for the whole site; and
- the Community Liaison Group would include Inverness West.

Mrs M Davidson, seconded by Mr R MacWilliam, moved the Committee raise an objection for the following reason:

- The proposal is contrary to Policies 57, 61 and 67 of the Highland wide Local Development Plan based on the proposed visual impact on the landscape character of the surrounding area, in particular to the North side of Loch Ness and the A82, but also the wider impact on the Loch Ness and Duntelchaig Special Landscape Area, particularly in relation to the construction and remediation stages.

Mr J Gray, seconded by Mrs C Caddick, moved the Committee raise no objection.

On a vote being taken, eight votes were cast in favour of the motion and four votes in favour of the amendment, with no abstentions as follows:-

### **Motion**

Mr A Baxter

Mr B Boyd

Mr G Cruickshank

Mrs M Davidson

Mr L Fraser

Mr T Heggie  
Mr B Lobban  
Mr R MacWilliam

### **Amendment**

Mr J Bruce  
Mrs C Caddick  
Mr J Gray  
Mr B Thompson

The Committee **AGREED** to **RAISE AN OBJECTION** for the reason given.

The committee also **NOTED** that as part of any Public Local Inquiry, that the recommended conditions should be amended as follows:

- Condition 10 to be amended to make it clear that park and ride facility has to be delivered and used during the construction phase.
- Condition 2 to be strengthened in relation to external lighting provision to ensure a dark sky is achieved during the construction phase.
- Inverness West Community Council to be consulted as part of any development

**6.6 Applicant:** Robertson Homes Ltd (19/00524/MSC) (PLS/094/19)

**Location:** Land 110 m SE of 4 The Square, Craig Dunain, Inverness. (Ward 13)

**Nature of Development:** Submission of matters specified in conditions 2, 3, 6, 7, 10, 11 and 12 of planning permission 12/01832/S42 – erection of 60 houses with associated, roads, parking, drainage and infrastructure.

**Recommendation:** Approve.

There had been circulated Report No PLS/094/19 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.

In response to questions, the following was confirmed:-

- Environment management and construction management had to be confirmed before the development commenced;
- the overall design had been approved for this area, this application looked at the detailed design layout and infrastructure provision of 60 houses within site 6 of the Wester Craigs development, if these matters were approved today this part of the site would not come back to this Committee unless there were changes; and



- it was understood there were concerns about the Wester Craigs area, but it took time for the Master Plan to come together, the footpath connections were starting to come through, this application was assessed on the number of houses for the whole development (550) and if more houses were to be applied for further opportunities may arise for changes.

The Committee **AGREED** to **APPROVE** matters specified in conditions as set out at section 1.4 of the report. It was further agreed that matters specified in conditions 2(b) and 2(d) be approved subject to the condition set out at section 11 of the report to provide clarification

**6.7 Applicant:** Barratt North Scotland (19/01776/MS) (PLS/095/19)

**Location:** Land to North of Torbreck, Inverness. (Ward 15)

**Nature of Development:** Matters specified in conditions 2, 4, 7, 9 and 10 of planning permission in principle 04/02780/S42 (17/03541/S42) - erection of 180 residential dwellings.

**Recommendation:** Approve.

There had been circulated Report No PLS/095/19 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.

In response to questions, the following was confirmed:-

- in terms of drainage, phase 1 and phase 2 had separate drainage networks from phase 3, each phase of development of the site that was brought forward would bring drainage impact assessments considered by Transport Planning and our Flood Risk Management Team, Transport Planning are looking at whether these can be vested by Scottish Water and whether they meet the relevant standards in terms of any road run off and our Flood Risk Management Team are looking at the flood risk within the site and whether it is sufficient in terms of capacity;
- no ongoing monitoring of the drainage had been undertaken for phase 1 and 2 but it would be taken into the drainage impact assessment and nothing had been raised by colleagues;
- phase 3 drainage had two levels, a filter trench outwith the site boundary and then onto an infiltration basin at the top of the development and would be controlled through Scottish Water and partially The Highland Council through a section 75 agreement;
- the planning authority could stipulate the width of any access with phasing by condition so there would be safe access;
- at the September committee it set out a new condition for the community liaison which would require all of the developers to set up the community liaison group; and
- in terms of the installation of electric vehicle charging points, the applicant had set out that there would be within each house with an individual driveway infrastructure to allow for additional charging points to be installed.

The Committee **AGREED** to **APPROVE** matters specified in conditions as set out at section 1.3 of the report subject to the completion of a modified section 75 legal agreement to tie the provisions of the minded to grant Section 42 permission to the existing legal agreement. It was further agreed that matters specified in conditions 2, 4, 7, 9 and 10 be approved subject to the condition set out at section 11 of the report to provide clarification and an additional condition to secure an access management plan to allow public access to the south of the site.

**6.8 Applicant:** Mr R Matheson (19/00990/PIP) (PLS/096/19)

**Location:** Drakies House, Culcabock Avenue, Inverness. (Ward 16)

**Nature of Development:** Development of 24 residential units comprising six detached villas, four town houses, six semi-detached houses and eight flats

**Recommendation:** Grant.

There had been circulated Report No PLS/096/19 by the Area Planning Manager – South recommending the grant of the application, subject to the conditions detailed in the report.

The Committee **AGREED** to **DEFER** the application until the next SPAC meeting of 28 January 2020 for a site visit to allow Members to fully consider the layout of the site.

**6.9 Applicant:** Mr R Matheson (19/00982/FUL) (PLS/097/19)

**Location:** Land 35 m East of 38 Old Perth Road, Inverness. (Ward 16)

**Nature of Development:** Formation of access road to serve residential development comprising 24 dwellings.

**Recommendation:** Grant.

There had been circulated Report No PLS/097/19 by the Area Planning Manager – South recommending the grant of the application, subject to the conditions detailed in the report.

The Committee **AGREED** to **DEFER** the application until the next SPAC meeting of 28 January 2020 for a site visit to allow Members to fully consider the layout of the site.

**6.10 Applicant:** Coire Glas Pumped Storage Ltd (18/01564/S36) (PLS/098/19)

**Location:** Coire Glass EIA Addendum. (Ward 11)

**Nature of Development:** Revised Coire Glas pumped storage scheme.

**Recommendation:** Raise no Objection.

There had been circulated Report No PLS/098/19 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.

In response to questions, the following was confirmed:-

- Local Members could be consulted on the conditions previously submitted to Scottish Ministers to discuss any possible amendments prior to notification of this decision.

The Committee **AGREED** to **RAISE NO OBJECTION** to the application subject to the conditions previously submitted to Scottish Ministers as contained within Appendix 2 of the report.

It was further **AGREED** that consultation would take place with local Members on the conditions previously submitted to Scottish Ministers to discuss any possible amendments prior to notification of this decision.

**6.11 Applicant:** Vastint Hospitality BV (19/03933/FUL and 19/03991/FUL) (PLS/099/19)

**Location:** Former swimming pool site, Glebe Street, Inverness. (Ward 14)

**Nature of Development:** Erection of hotel development with associated landscaping, car parking and ancillary uses.

**Recommendation:** Grant.

There had been circulated Report No PLS/099/19 by the Area Planning Manager – South recommending the grant of the application, subject to the conditions detailed in the report. Developer contribution needed to be reduced by £3,490 to account for additional car parking space.

Mr D Mudie presented the report and recommendation.

During discussion, Members' comments included the following:-

- design was subjective, this was a derelict site in the centre of Inverness and the development would create positive economic activity in this area of Inverness.

Mr A Baxter, seconded by Mr R McWilliam **moved** grant of the application.

The Committee **AGREED** to **GRANT** planning permission 19/03933/FUL subject to (1) the prior conclusion of a section 75 legal agreement/upfront payment securing contributions towards active travel and the Wayfinding Strategy within Inverness City Centre as set out in section 8.39 of the report, with the commuted sum figure reduced by £3,490 to account for the additional car parking space available, and (2) the conditions recommended in the report and **GRANT** planning permission 19/03991/FUL, subject to condition to ensure existing trees along site boundary are protected during construction.

**6.12 Applicant:** Springfield Properties Plc (19/02761/FUL and 19/02762/FUL) (PLS/100/19)

**Location:** Land at Drum Farm, South of Fire Station, Drumnadrochit and Land 125 m SW of Scottish Fire and Rescue Service, Drumnadrochit. (Ward 12)

**Nature of Development:** 19/02761/FUL - Erection of 93 (including 24 affordable) homes and associated works; and 19/02762/FUL – Formation of mixed use village core of nursery, office space and retail (food and non-food).

**Recommendation:** Grant.

There had been circulated Report No PLS/100/19 by the Area Planning Manager – South recommending the grant of the application, subject to the conditions detailed in the report. Amendments to the report should be made as follows:

1. For each application, condition 9 should cross reference condition 6 (not 7);
2. For 19/02762/FUL, condition 8 should refer to “unit owner” (not “home owner”);
3. For 19/02792/FUL, 3 further conditions sought by Transport Scotland should be included to include details of lighting within site and landscaping along the trunk road boundary to be agreed pre-commencement in consultation with Transport Scotland, and requiring no connections to the trunk road drainage system;
4. For 19/02792/FUL, condition 28 should cross reference condition 27 (not 25);
5. For both applications, 2 further informatives should be included to cover matters of “Transport Scotland” and “Radon Potential”;
6. It should be noted that the list of relevant plans in the report does not fully and correctly reflect the set of plans that are appended to the report.

Mr D Cowie presented the report and recommendation and distributed further correspondence from objectors received after the report had been finalised.

In response to questions, the following was confirmed:-

- condition 10 and 11 gave details on the surface water drainage scheme and this would be implemented and completed prior to development commencing;
- due to the size of the site, the developer would require a construction site licence from SEPA for the construction phase during which they would have to address the construction site drainage;
- there were several provisions in terms of landscaping and these were highlighted;
- there is the possibility for further planting, although if buildings were moved for additional planting a further application would have to be put forward;
- normally it is a 1:200 years + 20% flood risk relating to climate change, the risk for this development has been increased to 40% to give a higher level of protection.

During discussion, Members' comments included the following:-

- one of the hardest things to do was to convince towns that they needed housing, Drumnadrochit, however, had taken this on board and during development of the Inner Moray Firth Development Plan they agreed to support development on this piece of land for 55 houses and not the 93 houses proposed; and
- the community is disappointed that after all the discussion over the development plan that an application should come in for substantially more houses.

Mrs M Davidson, seconded by Mr G Cruickshank **moved** refusal of the application for the following reason:

The development is contrary to the allocation in the Inner Moray Firth Development Plan Policy 2 and site allocation DR5, and Policies 28 and 29 of the Highland wide Local Development Plan on the basis that the development does not conform with the character of Drumnadrochit village due to the density, layout and individual design of the development.

The Committee **AGREED** to **REFUSE** planning permissions 19/02671/FUL and 19/02762/FUL for the reason given.

The meeting ended at 4.15 pm.