

THE HIGHLAND COUNCIL
NORTH PLANNING APPLICATIONS
COMMITTEE (via MS TEAMS)

26 APRIL 2022

MINUTE

Listed below are the decisions taken by Committee at their meeting and the actions that now require to be taken. The webcast of the meeting will be available within 48 hours of broadcast and will remain online for 12 months: <https://highland.public-i.tv/core/portal/home>

A separate memorandum will be issued if detailed or further instructions are required, or where the contents of the memorandum are confidential. Please arrange to take the required action based on this Minute.

Committee Members Present (via MS Teams):

Mr R Bremner (except items 7.9-8.1), Mrs I Campbell (except items 7.9-7.10), Mr M Finlayson (except item 7.2), Mr R Gale (except item 7.6), Mr J Gordon, Mr D MacKay, Mr C Macleod, Mr H Morrison, Mr A Rhind, Mr K Rosie, and Ms M Morley-Smith (**Chair**)

Substitutes Present:

Mr A Mackinnon

Other Members Present:

Mr I Cockburn and Mr D Louden.

Officers Participating:

Dafydd Jones (DJ) – Area Planning Manger – North
Mark Harvey (MH) – Team Leader
Simon Hindson (SH) – Team Leader – Strategic Projects Team
Gillian Pearson (GP) – Principal Planner
Claire Farmer-McEwan (CFM) – Planner
Michael Kordas (MK) – Planner
Meadhbh Maguire (MMG) – Planner
Craig Simms (CS) – Planner
Jane Bridge – Senior Engineer (Development Management)
Karen Lyons – Principal Solicitor (Planning) and Clerk
Alexander Fowler – Trainee Solicitor
Alison MacArthur – Administrative Assistant

Guests:

None

ITEM NO	<u>DECISION</u>	<u>ACTION</u>
1	Apologies for Absence Leisgeulan	
	Mr C Fraser, Mrs A Maclean and Mrs M Paterson, Mr A Sinclair	N/A

2	Declarations of Interest Foillseachaidhean Com-pàirt	
	Mr D Mackay in respect of items 5.1 and 7.3 Mrs I Campbell in respect of item 7.10 (Mrs I Campbell took no part in item 7.9 as the presentations were linked)	N/A
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 15 March 2022 which were APPROVED .	N/A
4	Major Development Update Iartasan Mòra	
	Update on new applications received since the report was issued, current appeals and those applications coming forward in 2022. The Strategic Projects Team Leader updated the Committee as follows: <ul style="list-style-type: none"> • A s36 application consultation has been received for Chleansaid wind Farm (16 turbines, 12 turbines at 200m and 4 turbines at 180m, generating around 96mW). • A s36 application has been submitted to the Energy Consents Unit for Armadale Wind Farm (in Sutherland, not Skye). • Bad Fearn Wind Farm appeal has been dismissed. • South Kilbraur Wind Farm appeal decision has been appealed to the Court of Session. The Scottish Government has agreed that the decision does need to be reconsidered therefore the appeal has been re-opened. The Team Leader also reminded the Committee about the “tilted balance”, presumption in favour of sustainable development. Agreed: to NOTE the report.	SH/DJ
5	Major Developments – Pre-application consultations Leasachaidhean Mòra – Co-chomhairle Ro-iarrta	
5.1	Description: Lochend Extension Wind Farm – erection and operation of a wind farm comprising 5 wind turbines with a maximum blade tip height of 150 m and a total capacity of up to 21 mW and ancillary infrastructure. (22/00436/PAN) (PLN/023/22) Ward: 2 Applicant: CWE Lochend Limited Site Address: Land 600 m NE of 10 Lochend Holding, Barrock.	GP
	Agreed: no further considerations raised.	

5.2	<p>Description: Battery storage facility with capacity up to 50 mW, access and associated infrastructure (22/01308/PAN) (PLN/024/22)</p> <p>Ward: 6</p> <p>Applicant: Intelligent Land Investments Group Plc</p> <p>Site Address: Land at Mid Balnacraig, Alness IV17 0XL.</p>	GP
	Agreed: no further considerations raised.	
6.	<p>Continued Item</p> <p>Cuspairean a' Leantainn</p>	
6.1	<p>Applicant: Mr Clarck Nussey (21/04050/PIP) (PLN/025/22) (PLN/096/21)</p> <p>Location: 84 East Helmsdale, Strath Road, Helmsdale, KW8 6JL (Ward 4).</p> <p>Nature of Development: Erection of house and formation of access.</p> <p>Recommendation: Grant.</p>	
	<p>As this was a continued item only the following Members could take part Mr Finlayson, Mr Gale, Mr Gordon, Mr Mackay, Mr Morrison, Mr Rosie, Mr Rhind and Ms Morley-Smith.</p> <p>Amendment to agenda and report – the application site is within Ward 4.</p> <p>In answer to Members' questions, the Planner advised:</p> <ul style="list-style-type: none"> • there was a condition on the timescales for delivery of the access, the access works would have to commence before construction works start; • the road itself was adopted as it was an historic turning area; and • as this application was for planning permission in principle, a further detailed application/approval of matters specified in condition would follow. <p>During debate the following views were expressed:</p> <ul style="list-style-type: none"> • there were concerns with the parking head being used inappropriately; and • the amended parking head should be put in place before construction starts. 	GP/MFitzpatrick
	AGREED to GRANT planning permission subject to the conditions contained in the report of handling.	

7.	Planning Applications to be Determined Iarrtasan Dealbhaidh rin Dearbhadh	
7.1	<p>Applicant: REG Strath Tirry Limited (20/05067/FUL) (PLN/026/22)</p> <p>Location: Land 1450 m NE of Dalmichie, Lairg (Ward 1).</p> <p>Nature of Development: Strath Tirry Wind Farm – erection and operation of a wind farm for a period of 30 years, comprising of 4 wind turbines and a maximum blade tip height of 135 m, access tracks, borrow pits, substation, control building, meteorological mast and ancillary infrastructure.</p> <p>Recommendation: Refuse.</p>	CFM
	<p>In answer to Members' questions, the Planner advised:</p> <ul style="list-style-type: none"> • there had been pre-planning advice given; and • the reason for refusal was the visual impact of the proposed development from a number of viewpoints. <p>During debate the following views were expressed:</p> <ul style="list-style-type: none"> • this project was a reasonable project, it did not sit too high and was localised and could not be seen from the village of Lairg; • this development fitted well and would not be seen when travelling down from the North; • VP1 and 2 have trees growing at a rapid pace which will screen the windfarm; • the turbines could be seen in proximity to the road. The woodland would only screen from one angle and these trees would be felled at some point; and • Lairg Community Council had supported the development whilst Rogart Community Council had not. <p>The Area Planning Manager – North advised that the Strategic Project Team have tried to assimilate wind farms where they can, with time spent working with developers. In this instance and in this area great care had been taken to ensure turbines were set back from the road. Due to landownership issues, it was a constrained area of land and the turbines are dominant. The trees being a commercial plantation will go over time.</p> <p>Motion by Mr H Morrison, seconded by Mrs I Campbell, to grant the application subject to conditions to be approved by the local member represented on the Committee (Mr H Morrison) for the following reason:</p> <p>This modest proposal is considered to be well sited in the landscape and of an appropriate scale for the location. The application is supported by the local Lairg Community Council, there have been no objections from internal Council departments, there are no objections from bodies such as SEPA or NatureScot and there are only three local objections. It is not a controversial application locally or wider afield and the landscape impact referred to in the two suggested reasons for refusal are not considered to be unacceptable or to justify the refusal of the application. The identified landscape and visual impacts will be localised and it is relevant that there are no concerns from any consultee regarding impacts on any national</p>	

	<p>interests such as National Scenic Areas or wild land areas. The proposal will make a positive contribution to reducing greenhouse gas emissions. The Community Benefit Fund and the Local Infrastructure Fund will be of great benefit locally for the duration of the proposal. Overall, the proposal is considered to comply with the principal renewable energy policy of the Highland-wide Local Development Plan, Policy</p> <p>Amendment by Ms M Morley-Smith to refuse the application, seconded by Mr R Bremner for the reasons given in the report.</p> <p>Vote:</p> <p>Motion: 7 (Mrs I Campbell, Mr J Gordon, Mr D Mackay, Mr A Mackinnon, Mr C Macleod, Mr H Morrison, Mr A Rhind) Amendment: 5 (Mr R Bremner, Mr M Finlayson, Mr R Gale, Mr K Rosie, Ms M Morley-Smith) Abstentions: 0 Motion carried 7 votes to 5.</p>	
	<p>Agreed: to GRANT planning permission subject to conditions to be approved by the local member represented on the Committee (Mr H Morrison).</p>	
7.2	<p>Applicant: WKN Sallachy Ltd (21/01615/FUL) (PLN/027/22) Location: Land at Sallachy Estate, Lairg (Ward 1). Nature of Development: Sallachy wind farm – erection and operation of a wind farm for a period of 30 years, comprising of 9 wind turbines with a maximum blade tip height of 149.9 m, access tracks, temporary borrow pits and construction compound, substation compound and ancillary infrastructure. Recommendation: Grant.</p>	SH/CFM
	<p>Mr M Finlayson left the meeting during consideration of this item and took no part in the determination of it.</p> <p>The Strategic Projects Team Leader advised that draft NPF4 could only be given limited weight in the decision-making process and clarified that, despite what is stated in Section 11 of the report, NatureScot has confirmed that this is not a notifiable application. Scottish Government had been asked by a third party to issue a direction to call in and determine the application. At the time of presenting the item to Committee, no decision had been received from Scottish Government on that request.</p> <p>The Strategic Projects Team Leader advised that, in applications where the development plan is 5+ years old, the tilted balance in favour of sustainable development applies.</p> <p>In answer to Members' questions, the Strategic Projects Team Leader advised:</p> <ul style="list-style-type: none"> • a third party (local landowner) had asked Scottish Ministers to call in this application but written confirmation had not yet been received; 	

	<ul style="list-style-type: none"> requests are considered by Scottish Government officials and passed to Scottish Ministers. The reasons given for the request are the impacts of the proposed development on the National Scenic Area and Wild Land Area; with regard to the objection from Rogart Community Council there was control over the roads network. The applicant has assessed the route for delivery of the components going through Rogart but they had to go through procurement processes for an appropriate route in partnership with their haulage contractors, Transport Scotland and the area roads team. A condition for a Traffic Management Plan was in place for all the details to be approved prior to the development; and the hard core is to come from borrow pits within the application site. If these are insufficient there would be a further planning application for further borrow pits and this was covered through the construction traffic management plan. SSE Renewables have objected to one of the borrow pits so that may need to be reconsidered by the applicant. The management plan would further cover any mitigation required for the roads network, including widening of roads, new surface overlays, structures for bridges and culverts to protect the local road network. <p>During debate the following views were expressed:</p> <ul style="list-style-type: none"> there had been no objections from 6 community councils and this development was widely supported in the area which demonstrated how important windfarms were to the area and the benefit to the local areas. 	
	Agreed: to GRANT planning permission subject to the conditions contained in the report of handling..	
7.3	<p>Applicant: Cogle Moss Renewables LLP (22/00462/S42) (PLN/028/22)</p> <p>Location: Land 477 m NE of Blackpark, Watten (Ward 3).</p> <p>Nature of Development: Application for non-compliance with condition 1 (commencement of development) and condition 13 (archaeology) of planning permission 15/02769/FUL.</p> <p>Recommendation: Grant.</p>	SH
	Agreed: to GRANT planning permission subject to the conditions contained in the report of handling.	
7.4	<p>Applicant: The Highland Council (21/05639/FUL) (PLN/029/22)</p> <p>Location: Craighill School, Craighill Terrace, Tain, IV19 1EU (Ward 7).</p> <p>Nature of Development: Erection of community campus including nursery, school, playgrounds, sport pitches and associated infrastructure.</p> <p>Recommendation: Grant.</p>	CFM
	<p>The Planner advised of the need to:</p> <ul style="list-style-type: none"> Update condition 4 to read: <p>“The audit shall include the areas and the approved layout drawings for conditions 12, 16, 19, 20 and 21 not 4, 5, 6 and 7 as stated in the report of handling.”</p>	

- Update condition 23 to read:
“No development shall commence until a scheme for double yellow lines, including waiting and loading restriction on Craighill Terrace, has been implemented to the satisfaction of the Planning Authority, in consultation with the Road Authorities.”
- Update condition 22 to include a variety of waiting and loading restrictions.
- Delegated authority sought to make any other necessary minor modifications to the conditions subject to the agreement of the Chair of the Committee.

In answer to Members’ questions, the Planner and Senior Engineer advised:

- the private road from Innes Mhor Road into the car park would remain private, the left-hand lane was for coming out of the school; and
- the left turn lane is for vehicles turning out as traffic will be funnelled through that junction. The current junction would struggle to cope with the amount of vehicles predicted, there would be no restriction on direction and more detail would be given and picked up in the road safety audit.

During debate the following views were expressed:

- a great day for the community and long awaited;
- any school at school entry and departure times would always be very busy with traffic. Good to see further parking if required. Staff car parking within the site was quite sufficient. The passive school would be the first of its kind for the Highlands. Several consultations had been held for the school and it was hoped that consultation with local members would take place regarding the small paths. Craighill Terrace was a very difficult road with cars parked outside residential properties so there will no doubt be difficulties there. Underpasses were important and many pupils were not using these paths preferring to use more dangerous crossings. The underpass would need some work to encourage the children not to cross the A9;
- with further discussions the road concerns will be alleviated; and
- aspiration that local Members would be involved in the plan for the landscaping to ensure the landscaping is easily maintained for the Council in years to come.

The Senior Engineer advised that restrictions on parking on Craighill Terrace would be required due to the large vehicles (buses and delivery vehicles) entering and leaving the site. It was recognised that care had to be taken on restrictions however there was a need to have some restrictions for safety reasons and to enable buses and large vehicles into and out of the site.

Mr Loudon thanked the planners for the work that had been undertaken and for the public consultations held to take this development forward. This will provide a much better environment for both teachers and pupils to work in.

	Agreed: to GRANT planning permission subject to the conditions contained in the report (as amended).	
7.5	<p>Applicant: Mr Martin Brown (20/03725/PIP, 20/03720/PIP and 20/03722/PIP) (PLN/030/22)</p> <p>Location: Land to East of Smithy House, Ardross, Alness (Ward 6).</p> <p>Nature of Development: Formation of three house plots.</p> <p>Recommendation: Grant.</p>	MK
	<p>In answer to Members' questions, the Planner advised:</p> <ul style="list-style-type: none"> • this area was designated in the Inner Moray Firth Local Development Plan under Policy 3 which takes a view on whether housing can support a key local facility. The key facility here would be the primary school and the local community hall and so we would expect the occupiers of these houses to make use of those facilities and to be wanting to cross the road. Exact details of the pedestrian crossing point would have to be agreed in more detail with the roads management team under the roads construction process and would be the financial responsibility of the developer; • the requirement is for a safe place to cross, there were some issues with the path and the location of the drainage ditch. There is a longstanding community desire to reduce the speed of traffic in this area but we don't think it would achieve compliance, a solution is possible and this can be addressed under the full planning application; and • passing places further down the road would not be considered with this application as it would not be proportionate for this level of development. <p>During debate the following views were expressed:</p> <ul style="list-style-type: none"> • there have been longstanding issues with this road which required speed restrictions and talks for this were ongoing; and • the road is important but should not be a part of the consideration for this development. 	
	Agreed: to GRANT planning permission subject to the conditions contained in the report.	
7.6	<p>Applicant: Mr David MacDonald (21/04622/FUL) (PLN/031/22)</p> <p>Location: Land 15 m NW of Lower Flat, Hill House, Stormy Hill Road, Portree (Ward 10).</p> <p>Nature of Development: Material change of use of existing class 1 first floor to domestic class 9 residential and proposed change of use of existing ground floor shop to beauty bar.</p> <p>Recommendation: Refuse.</p>	MH/C Hallas
	<p>In answer to Members' questions, the Team Leader advised:</p> <ul style="list-style-type: none"> • Members were reminded that the beauty bar had permission to operate and could currently be operating; and 	

	<ul style="list-style-type: none"> the parking was in relation to the domestic use of the first floor flat and not in relation to the beauty bar. <p>During debate the following views were expressed:</p> <ul style="list-style-type: none"> it was only a one-minute walk from this development to various parking areas; these historic buildings will never be able to create parking; and this was previously a grocery store with delivery vehicles often parked in front of the building, there had never been a problem with this building or with the related parking and road safety. <p>Motion by Mr J Gordon seconded by Mr C Macleod to grant the applicaiton for the following reason:</p> <p>This building had significant importance to Portree, it has been a grocery shop for over 70 years and was close to the Town centre where there was ample parking.</p> <p>The proposal reflects the aspirations of Portree Town Centre by renovating an existing building to create a self-contained residential unit. Together with the proposal to change the ground floor into a hairdressing salon, this means that the building will be fully utilized. Regeneration of our commercial centres is vital in the recovery from the pandemic and diversification is a means by which to achieve this. In the historic, central parts of the village which have good links to public transport and parking, I do not feel that failure to provide off street parking in the curtilage of the application site should be a reason to refuse permission.</p> <p>It is a feature of town centre living, in particular flats above amenity space In my opinion, any negative impacts caused by the development are offset by the positive impacts of the re-use of the property. On balance I am satisfied that the proposed development accords with policies 28, 29 and 34 of the HWLDP as it will contribute to the economic and social development of the community</p> <p>Amendment by Ms M Morley-Smith, to refuse the application for the reasons given in the report of handling did not receive a seconder and fell.</p>	
	<p>Agreed: to GRANT planning permission subject to conditions to be agreed with the local members (Mr J Gordon and Mr C Macleod).</p>	
7.7	<p>Applicant: Mr Scott Paton (21/01171/FUL) (PLN/032/22) Location: Land 120 m South of Strawberry Lea, Knockbreck Gardens, Tain (Ward 7). Nature of Development: Erection of showroom and workshop building with associated parking. Formation of access road and service yard area. Recommendation: Grant.</p>	<p>GP/M Fitzpatrick</p>
	<p>The Principal Planner advised the Committee that there was an error in the description of the proposed development contained in the report in that allotments are not being brought forward as part of this application.</p>	

	<p>During debate the following views were expressed:</p> <ul style="list-style-type: none"> • unfortunate that work had started on site before permission had been granted; • due to the scale of this building it was important to have proper landscaping and it was unfortunate that some of the trees had been damaged; • good to see a business thriving; and • the Community Council had not objected. 	
	<p>Agreed: to GRANT planning permission subject to the conditions contained in the report.</p>	
7.8	<p>Applicant: Ossian Developments Ltd (21/04108/FUL) (PLN/033/22) Location: Land 50 m NW of Caberfeidh Braes, Ullapool (Ward 5) Nature of Development: Siting of 9 pods and 2 staff accommodation buildings. Recommendation: Grant.</p>	MMG
	<p>In answer to Members' questions, the Planner advised:</p> <ul style="list-style-type: none"> • the planning service had corresponded with Transport Scotland on the visibility splays and had been informed that it had been consistent with pre-planning advice given by Transport Scotland on the development; • Transport Scotland did not consider this development would constitute a significant increase in vehicle movements and that it was an existing junction with no accident safety records; • it was not considered that the structures would be highly visible due to the surrounding trees, although the development included two-storey structures there were no immediate neighbours for overlooking issues; • the applicant has shown a blue line boundary which demonstrates ownership of the land, there had been a lot of objections to this application which mentioned drainage, this was out with the Flood Risk Management Team's remit as it was for SEPA to issue a CAR licence for the drainage; • the Forestry Officer had objected to the felling of woodland as it was not considered that the applicant had put forward a public benefit, following information from the applicant on replanting and restocking the Forestry Officer had removed his objection and suspensive conditions had been added to the planning permission; • in policy terms this development was not against policy; • the applicant had been asked to provide two additional passing places at the upper section of the site and to provide greater signage of the existing passing places which had been secured by condition; • there was already a substantial amount of development in this area so this development did not constitute a significant increase in traffic. Some improvements were to be made to the road where it would be practicable; and • if this road had been the responsibility of the Highland Council a visibility splay of 120 m on both sides would be required. 	

During debate the following views were expressed:

- having considered the reasons given to support the granting of this application and noting that some initial consultee objections have been overcome, I am however persuaded by the material considerations raised by the objectors to the application and the response by the Community Council summarised in paras 4.2 and 5.1 of the report that this is not the right location for this proposed development;
- it was very easy to miss the turn off to Braes Road and the only place to turn was 30 yards beyond the junction causing issues on the road. As most people coming to this development would not know the road it would be an ongoing problem;
- the visibility splays at the junction were 73 m and 80 m and were not adequate. These splays would be reduced further in the summer when the trees were in leaf;
- nothing against this kind of development but this the wrong place for this development;
- Transport Scotland advised that most people walk into Ullapool, but people going for a holiday in a pod would not be walking into Ullapool; and
- the major core path to the Braes was very challenging so most movement to these pods would be by car.

Motion by Mrs I Campbell seconded by Mr R Bremner to refuse the application for the following reasons:

I have carefully considered the reasons given in support of granting this application and note that some initial consultee objections have been overcome. However, I am persuaded by the material considerations raised by objectors to the application and in the response by the Community Council (summarised in para 4.2 and 5.1 of the report), that this is not the right location for the proposed development.

I have 3 main concerns that form my reasons for opposing this application

1. Given the dimensions of the carriageway and lack of footways along the U5065 Braes Road, development of this scale within The Braes of Ullapool would exacerbate existing road conditions to the detriment of road and pedestrian safety. It appears that the possibility of mitigation is constrained by the geometry of the Braes Road and I do not consider that the mitigation proposed by condition 5 is sufficient.

2. In addition, despite the reference to sightline improvement works in the report and no objection from Transport Scotland, I remain of the view that the geometry of the A835 trunk road in the vicinity of its junction with the Braes Road has resulted in a substandard sightline that offers poor visibility for those exiting the Braes Road onto the trunk road. I understand that it falls below Highland Council's threshold. The objections received detail the specific concerns including increased traffic volumes and speeds. These are entirely valid concerns given the current popularity of stay-cations in the

	<p>North-West of Scotland and the Islands - Ullapool being the departure/arrival point for the Stornoway ferry. Development of this scale within The Braes would intensify the use of this junction to the detriment of the safety of road users. It appears no mitigation is proposed to address this concern.</p> <p>3. Finally, given the proposed loss of trees to allow for the development, I am of the opinion that this application would have a significant detrimental impact on the visual and residential amenity of The Braes' residents contrary to Policy 36 and Policy 28 of the Highland-wide Local Development Plan.</p>	
	AGREED: to REFUSE the application for the reasons given by Mrs I Campbell in her motion.	
	Items 7.9 and 7.10 were taken together as the applications were linked.	
7.9	<p>Applicant: The Highland Council (21/04788/FUL) (PLN/034/22) Location: Dunvegan Primary School, Colbost, Dunvegan, Isle of Skye (Ward 10). Nature of Development: Mixed use Masterplan comprising 16 residential units, primary school, outdoor sports facilities and ancillary infrastructure. Recommendation: GRANT.</p>	SH/A Harvey
	<p>Mr R Bremner left the meeting before the start of this item. Mrs I Campbell left the meeting for the duration of items 7.9 and 7.10.</p> <p>During debate the following views were expressed:</p> <ul style="list-style-type: none"> • tribute was paid to the officers and others who had worked exhaustively to bring this forward; and • this was a beautiful part of Skye and the new school with sporting facilities and housing was welcomed and much needed. 	
	Agreed: to GRANT planning permission subject to the conditions contained in the report.	
7.10	<p>Applicant: Lochalsh and Skye Housing Association (21/04800/FUL) (PLN/035/22) Location: Land 90 m SE of Dunvegan Primary School, Colbost, Dunvegan (Ward 10). Nature of Development: Erection of 16 affordable housing units and access road. Recommendation: GRANT.</p>	SH/A Harvey
	Agreed: to GRANT planning permission subject to the conditions contained in the report and the upfront payment of the developer contribution referred to in the report.	

7.11	<p>Applicant: Campbell Dickson (21/05642/S42) (PLN/036/22) Location: Rosedale Hotel, Beaumont Crescent, Portree (Ward 1). Nature of Development: Application under section 42 to remove condition 1 of planning permission 21/00146/FUL. Recommendation: Grant.</p>	MH
	<p>In answer to Members' questions, the Planner advised:</p> <ul style="list-style-type: none"> • there was an objection from the Transport Planning team and general concern about the narrowing of the carriageway; • the previous planning permission had only been granted to October 2021; • a large proportion of the site was adopted road; and • this was a two-way street giving access to people living beyond this road. <p>During debate the following views were expressed:</p> <ul style="list-style-type: none"> • this development had only been allowed during the covid period. 	
	<p>Agreed: to GRANT planning permission subject to the conditions contained in the report.</p>	
7.12	<p>Applicant: Mr and Mrs Turner (22/00024/FUL) (PLN/037/22) Location: Land to East of 12 Drynie Park, Muir of Ord (Ward 8). Nature of Development: Erection of house and garage. Recommendation: Refuse.</p>	MMG
	<p>Agreed: to REFUSE the application for the reasons contained in the report of handling.</p>	
7.13	<p>Applicant: Kyle of Sutherland Development Trust (22/00337/FUL) (PLN/038/22) Location: Land 40 m East of South Bonar Public Toilets, Ardgay (Ward 1). Nature of Development: Construction of shelter containing wc and shower facilities, provision of services to provide serviced overnight parking and camping site. Recommendation: Refuse.</p>	DJ/L Burnside
	<p>In answer to Members' questions, the Area Planning Manager – North advised:</p> <ul style="list-style-type: none"> • although people tend to want to park next to the water, unfortunately these places are not always very suitable; • it was very laudable of the Trust to try and mitigate concerns but unfortunately this site was not suitable due to the flood risk; • the probability of a flood in this area in the future was very high. We now have to look at what was likely with increased flooding events and heavy rain rather than what had happened in the past; • because of the objection from SEPA, if this was approved today, the planning department would be obliged to formally notify Scottish Ministers; and 	

	<ul style="list-style-type: none"> there were two factors for flood events in this area, both pluvial (rainfall) and fluvial (coastal). <p>During debate the following views were expressed:</p> <ul style="list-style-type: none"> all for this kind of development but it had to be in the right place and global warming had to be taken seriously. <p>Motion by Mr H Morrison seconded by Mr R Gale to grant the application subject to conditions to be agreed with the local Member (Mr H Morrison) and the Chair and the prior notification of the Scottish Ministers for the following reasons:</p> <p>Contrary to the advice received from SEPA the Committee does not accept the level of risk associated with coastal and fluvial flooding at the application site. Given the informal existing use of the application site for the use applied for, the Committee is of the view that it should be granted planning permission subject to conditions and the prior notification of Scottish Ministers.</p> <p>Amendment by Ms M Morley-Smith to refuse the application in accordance with the recommendation did not receive a seconder and therefore fell.</p>	
	<p>Agreed: to GRANT planning permission subject to conditions to be agreed with the local member (Mr H Morrison) and the chair and the prior notification of the Scottish Ministers.</p>	
7.14	<p>Applicant: Mr and Mrs McGlinn (21/05603/FUL) (PLN/039/22) Location: Braetongue Croft, 40 Brae Tongue, Tongue (Ward 1). Nature of Development: Erection of house and 2 holiday lodges. Recommendation: Refuse.</p>	CS
	<p>Mr R Gale left the meeting during the presentation for this item.</p> <p>In answer to Members' questions, the Planner advised:</p> <ul style="list-style-type: none"> there was an existing shed on the site and there had been notification for an agricultural shed to sit beside that shed on the site; there had been a previous house application that had been withdrawn; the applicants did initially put forward the case that there had been historic permissions. Having researched with the roads team it had been confirmed that the work was unauthorised; there was an argument that the house in the next croft created a pattern of development. Planning officers however determined that this was not a pattern of development and the neighbouring house was considered more of an outlying croft house. What is being proposed is a new building where the next house was an historic croft house; no evidence had been submitted to state that this development was essential to the working of the croft; the access proposed was a new access; and 	

	<ul style="list-style-type: none"> the planning officer had engaged with the applicant's agent, however the applicants had decided to have the application determined in its originally submitted configuration. <p>The Area Planning Manager – North advised that this area was part of the national scenic area. The Tongue and Braes of Tongue areas had outstanding scenic value. There was an opportunity for a development here however the applicants had declined to negotiate with planners. As a planning authority we try to work with applicants to get a good solution. In terms of the settlement pattern, there was a very clear and well-established settlement pattern in this area and this development undermined that pattern, a better solution could be found through negotiation. The current proposed development was unacceptable.</p> <p>During debate the following views were expressed:</p> <ul style="list-style-type: none"> the planning officers had tried to negotiate with the applicants however they had insisted on the application as it stood; if a future development did not include this road the applicants would have to reinstate the area; and although tourism was supported, tourism was not supported at any cost. 	
	Agreed: to REFUSE the application for the reasons contained in the report of handling.	
8	Decision of Appeals to the Scottish Government Planning and Environmental Appeals Division (PP 149 - 180) Co-dhùnadh mu Iarrtas do Bhuidheann-stiùiridh Riaghaltas na h-Alba airson Lùth agus Atharrachadh Aimsir	
8.1	Applicant: Energiekontor UK Ltd (20/00180/FUL) (PPA-270-2251) Location: Land at Braemore Road, Dunbeath (Ward 3) Nature of Development: Erection of 6 wind turbines with a maximum height of up to 149.9 m and associated infrastructure.	CFM
	The Committee NOTED the decision of the Reporter to dismiss the appeal and to refuse to grant planning permission for the reasons given in the decision notice.	
	The meeting finished at 18.20	