

The Highland Council

Minutes of Meeting of the **Planning Review Body** held in the **Council Headquarters, Glenurquhart Road, Inverness** on Wednesday, 20 September 2023 at 10.30am.

Present:

Mrs I Campbell (remote)
Mr D Fraser
Mr R Gale
Mr B Lobban
Mr T Maclennan (Chair)
Mr D Millar (remote)
Mr P Oldham

In Attendance:

Mr B Strachan, Independent Planning Adviser to the Planning Review Body
Mrs K Lyons, Principal Solicitor/Clerk
Ms A Macrae, Senior Committee Officer

Preliminaries

The Chair confirmed that the meeting would be webcast and gave a short briefing on the Council's webcasting procedure and protocol.

1. Apologies for Absence

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

2. Declarations of Interest

There were no declarations of interest.

3. Minutes of Previous Meeting

There had been circulated and **APPROVED** the Minutes of the Meeting held on 16 August 2023.

4. Criteria for Determination of Notices of Review

The Clerk confirmed that, for all subsequent items on the agenda, Members had contained in their SharePoint all of the information supplied by all parties to the Notice of Review – namely everything submitted at the planning application stage and the Notice of Review stage from the applicant and interested parties together with the case officer's report on handling and the decision notice that had been issued. When new information had been identified and responded to by the case officer, that information had also been included in SharePoint.

Members were reminded that when determining each planning application subject to a Notice of Review, they were to give full consideration of the planning application afresh (also known as the "de novo" approach) in accordance with the advice contained in the letter from the Chief Planner dated 29 July 2011. The Clerk confirmed that this meant that, in each Notice of Review case, the Review Body needed to assess the planning application against the development plan – including the recently adopted National Planning Framework 4 – and decide whether it accorded with or was contrary to the development plan. Following this

assessment, the Review Body then required to consider all material considerations relevant to the application and decide whether these added to or outweighed their assessment of the application against the development plan. In carrying out this assessment, all documents lodged by the applicant and interested parties needed to be considered by the Review Body – all material planning considerations required to be taken into account; considerations that were not material planning considerations must not be taken into account.

The Clerk also confirmed that Google Earth and Street view could be used during the meeting in order to inform Members of the site location. Members were reminded of the potential limitations of using these systems in that images may have been captured a number of years ago and may not reflect the current position on the ground. All the Notices of Review were competent.

5. New Notices of Review to be Determined

5.1 Internal alterations to form restaurant and spa facilities and erection of hotel accommodation wing, (Planning Application ref: 23/01593/FUL) at Glencoe House Hotel, Glencoe, Ballachulish for Perle Hotels 23/00023/RBNON

There had been circulated Notice of Review 23/00023/RBNON for internal alterations to form restaurant and spa facilities and erection of hotel accommodation wing, (Planning Application ref: 23/01593/FUL) at Glencoe House Hotel, Glencoe, Ballachulish for Perle Hotels

Preliminaries

Having **NOTED** the Clerk's confirmation that this was a valid and competent Notice of Review, and her advice with regard to the way the Review should be determined (item 4 above refers), the Review Body discussed whether its requirement for information had been satisfied by the Notice of Review documentation contained in Members' SharePoint, no further procedures having been requested by the applicant.

Members requested sight of Google Earth and Streetview to inform their understanding of the application site. The Independent Planning Adviser provided this, during which he advised that the following key planning issues applied in relation to the application:-

- non-determination review, has the PRB sufficient information to determine?;
- is the proposed extension suitably sited and designed in this context and with regard to the existing hotel building?;
- are the access and parking arrangements and impact of increased traffic acceptable?;
- is the tree loss acceptable with the compensatory planting proposed?.

In response to questions, the Independent Planning Adviser provided further clarity on the following:-

- it was not possible to attach a condition to the grant of planning permission that non-residents were not permitted to use the facilities at the premises as this would be unenforceable. This matter was only a material planning consideration in terms of traffic generation;
- Transport Planning were of the view that the mitigation proposed by the applicant would address any issues arising for the road network as a result of the development in terms of traffic impacts and intensification of use;

- the applicant had indicated they were agreeable to making a contribution towards road improvements, but the scale of this developer contribution was not yet quantified or agreed by all parties and would potentially require a planning obligation to secure the roads mitigation;
- it was appropriate for Historic Environment Scotland to hand the responsibility for detailed comments on a 'B' listed building to the Council's Historic Environment Team who following extensive discussions with the applicant continued to have concerns at the setting and design of the proposal;
- there was some indication of the materials to be used for the external cladding in the drawings but no detail in terms of colours and finishes. This could be controlled by condition in the event planning permission was granted;
- some of the trees proposed to be felled were in high or moderate condition i.e. category A or B, with a lifespan of over 20 years and 40 years respectively; and
- the response from the Council's Forestry Team and the fact they were concerned about the loss of trees and objected to the proposal. They were also not supportive of the type and location of the proposed compensatory planting.

Thereafter, the Review Body **AGREED** that its requirement for information had been satisfied by the Notice of Review documentation contained in Members' SharePoint and the Google Earth/Streetview presentation.

Debate

Following discussion, Mr T Maclennan seconded by Mr P Oldham **moved** to dismiss the Notice of Review for the reasons stated in the report of handling.

As an **amendment**, Mr R Gale seconded by Mr D Millar moved to uphold the Notice of Review and grant planning permission subject to (i) the prior conclusion of a planning obligation to secure roads mitigation and (ii) conditions to be drafted by the Independent Planning Adviser (conditions to include appropriate mitigation for the trees to be felled), for the following reasons:

The application is considered to accord with NPF4 as it would have a significant positive impact on the local economy; the new building is completely unique in design and is not considered to detract from the existing listed building; and road improvements and loss of trees can be appropriately addressed.

On a vote being taken, there were 4 votes for the motion, 3 for the amendment and no abstentions, and the **MOTION** was carried, the votes having been cast as follows:

Motion: Mr D Fraser, Mr B Lobban, Mr T Maclennan, Mr P Oldham

Amendment: Mrs I Campbell, Mr R Gale, Mr D Millar

Decision

The Review Body **AGREED** to **DISMISS** the Notice of Review and refuse planning permission for the reasons contained in the report of handling as follows:

1. The extension, by virtue of its siting, scale and design on the south elevation would have a significant and adverse impact on the principal elevations of Glencoe House, which is a category B listed building. The extension would dominate the approach, obscuring the main entrance,

and it would be prominent in more distant views from where Glencoe House is viewed together with Glencoe village and above Loch Leven. The extension would be neither deferential nor subservient to the existing building; the design neither respects nor reflects any features of, or the character of the existing building. It displays no local distinctiveness, and it would neither complement nor sit comfortably beside the existing architecture. It would conflict visually with the Scots baronial character of the existing House.

The proposal would not preserve the character, special architectural and historic interest and setting of Glencoe House contrary to policy 7 of NPF4, Policies 29 and 57 of the HwLDP and Historic Environment Policy for Scotland (HEP4).

2. The loss of between 8 and 11 trees from the south side of the existing listed building, which are mature trees of very high semi-naturalness and moderately high native-ness, listed on the Ancient Woodland Inventory and Native Woodland Survey of Scotland, would conflict with policy 6 of NPF4, and policies 51 and 57 of the HwLDP, and the Trees Woodland and Development Supplementary Guidance.

3. The loss of tree T136 (19m tall beech category A), T138 (8m tall oak category A), and T139 (17m tall sycamore category B) and risk of significant adverse impacts to T130 (17m tall sycamore category B) and T132 (14m tall silver birch category B, and T137 (20m tall beech category A) would have a significant detrimental impact on the setting of the listed building and on the visual amenity of the area, contrary to policy 7 of NPF4, Policies 28, 51 and 57 of the Highland wide Local Development Plan.

4. The applicant has failed to demonstrate that there would be no adverse impacts on protected species and no biodiversity net gain has been demonstrated contrary to policy 3 of NPF4 and policy 58 of the HwLDP.

5.2 Construction of EV charging station, (Planning Application ref:22/03820/FUL) on land 95m SW of 19 Dellness Way, Dellness Way, Inverness Ionity Gmbh C/o Poise 23/00025/RBREF

There had been circulated Notice of Review 23/00025/RBREF for the construction of EV charging station, (Planning Application ref:22/03820/FUL) on land 95m SW of 19 Dellness Way, Dellness Way, Inverness Ionity Gmbh C/o Poise

Preliminaries

Having **NOTED** the Clerk's confirmation that this was a valid and competent Notice of Review, and her advice with regard to the way the Review should be determined (item 4 above refers), the Review Body discussed whether its requirement for information had been satisfied by the Notice of Review documentation contained in Members' SharePoint, no further procedures having been requested by the applicant.

Members requested sight of Google Earth and Streetview to inform their understanding of the application site. The Independent Planning Adviser provided this, during which he advised that the following key planning issues applied in relation to the application:-

- differences and materiality of the 2015 & 2022 LDP allocations;
- would the proposed development deliver on the emerging allocation as currently envisaged?

- is the layout, siting, design and landscaping appropriate?
- if not, are there any material considerations that would justify a departure from the development plan allocation or policy?

In response to questions, the Independent Planning Adviser clarified that Transport Planning had indicated its support for the development and considered it would deliver a number of benefits.

The Review Body **AGREED** that its requirement for information had been satisfied by the Notice of Review documentation contained in Members' SharePoint and the Google Earth/Streetview presentation.

Debate

Following discussion, Mr T Maclennan seconded by Mr D Millar **moved** to dismiss the Notice of Review for the reasons stated in the report of handling.

As an amendment, Mr B Lobban seconded by Mr R Gale moved to uphold the Notice of Review and grant planning permission subject to (i) the prior conclusion of a planning obligation to secure developer contributions and (ii) conditions to be drafted by the Independent Planning Adviser, for the following reasons:

Despite being contrary to the allocation in the IMFLDP and the proposed allocation in IMFLDP2, greater weight should be given to the proposed development's compliance with NPF4 Policy 1 (Tackling the Climate Crisis) and Policy 13 Sustainable Transport (a)(i) (electric vehicle charging infrastructure).

On a vote being taken, there were 2 votes for the motion, 4 for the amendment and 1 abstention, and the **AMENDMENT** was therefore carried, the votes having been cast as follows:

Motion: Mr T Maclennan, Mr D Millar

Amendment: Mrs I Campbell, Mr D Fraser, Mr R Gale and Mr B Lobban

Abstain: Mr P Oldham

Decision

The Review Body **AGREED** to **UPHOLD** the Notice of Review and grant planning permission subject to (i) the prior conclusion of a planning obligation to secure developer contributions and (ii) conditions to be drafted by the Independent Planning for the reasons stated in Mr B Lobban's amendment.

5.3 Erection of self-contained residential unit, (Planning Application ref: 22/04600/FUL) on land east of Camus Fearn, Glenmore, Glenborrodale for Mr Zander MacGregor 23/00026/RBNON

There had been circulated Notice of Review 23/00026/RBNON for the erection of self-contained residential unit, (Planning Application ref: 22/04600/FUL) on land east of Camus Fearn, Glenmore, Glenborrodale for Mr Zander MacGregor.

Preliminaries

Having **NOTED** the Clerk's confirmation that this was a valid and competent Notice of Review, and her advice with regard to the way the Review should be determined (item 4 above refers), the Review Body discussed whether its requirement for information had been satisfied by the Notice of Review documentation contained in Members' SharePoint, no further procedures having been requested by the applicant.

Members requested sight of Google Earth and Streetview to inform their understanding of the application site. The Independent Planning Adviser provided this, during which he advised that the following key planning issues applied in relation to the application:-

- non-determination review, has the PRB sufficient information to determine?;
- is the PRB satisfied that this is considered primarily as tourist accommodation and not as a hut?
- is the siting and design acceptable, or is it contrary to the pattern of development and likely to result in a detrimental visual impact?;
- are there any material considerations that indicate support for the proposed development?

In response to questions, the Independent Planning Adviser and Clerk provided further clarity on the following:-

- the case officer considered the proposal did not comply with Policy 30 of NPF4 as it was deemed to be primarily tourist accommodation on the basis of the information supplied the applicant;
- a key reason for the non-determination of the application was that the applicant had been advised there were concerns about the siting of the building and there had been discussions over a period of time over changing its location to be more in keeping with the existing pattern of development. When it had been pointed out to the applicant this would require the application to be withdrawn and resubmitted, he had decided to continue with the current application; and
- precedent was a factor in the background but should not be an overwhelming planning consideration on the basis that each individual planning application should be determined on its own merits.

Thereafter, the Review Body **AGREED** that its requirement for information had been satisfied by the Notice of Review documentation contained in Members' SharePoint and the Google Earth/Streetview presentation.

Debate

During the debate, the Chair commented that allowing this development on the shore side on a remote headland could lead to many other applications of a similar nature across the Highlands.

Thereafter, Members expressed the view that this was a tourist development and the building was considered to be a small dwellinghouse and not a hut. The proposal represented inappropriate development on this shore side location and the individual merits of the application did not warrant approval and support was expressed for the case officer's reasons for refusing the application.

Decision

The Review Body **AGREED** to **DISMISS** the Notice of Review and refuse planning permission for the reasons stated by the case officer as follows:

1. The siting of the hut, vehicular access, parking, bin storage, turning area, path and ground mounted solar panels in this isolated situation on this undeveloped headland would have an adverse effect on visual amenity, it would not be sympathetic to the settlement pattern, and it would not be in keeping with the local character and natural environment, contrary to policies 28, 36, 44 and 49 of the Highland wide Local Development Plan and Policy 30 of NPF4. It would not demonstrate high quality siting on this sparsely developed shore side of the road within Sunart Special Area of Conservation.
2. The proposed hut would not be necessary to support the blue economy, net zero emissions or to contribute to the economy or wellbeing of communities whose livelihood depend on marine or coastal activities, nor is it for essential infrastructure in this location, contrary to policy 10 of NPF4.

The meeting ended at 12.40pm.