

THE HIGHLAND COUNCIL
SOUTH PLANNING APPLICATIONS
COMMITTEE

26 MAY 2020

MINUTES & ACTION NOTE

Listed below are the decisions taken by Committee at their virtual Microsoft Teams 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 action note.

Committee Members Present:

Mr A Baxter (excluding Item 5.4), Mr B Boyd, Mr J Bruce, Mrs C Caddick, Mrs M Davidson, Mr L Fraser, Mr J Gray, Mr T Heggie, Mr A Jarvie, Mr B Lobban, Mr R MacWilliam, Mr N McLean, Ms E Roddick

Non-Committee Members Present:

None

Substitutes:

None

Apologies:

Mr R Balfour, Mr B Thompson

Officers participating:

Mr D Mudie, Area Planning Manager – South (DM)
Mr S Hindson, Team Leader (SH)
Mr J Kelly, Principal Planner (JK)
Ms L Stewart, Planner (LS)
Ms S Hadfield, Planner (SHad)
Mr R Dowell, Planner (RD)
Mr M Clough, Senior Engineer, Transport Planning (MC)
Mr G MacCormick, Senior Environmental Health Officer (GMcC)
Ms C McArthur, Principal Solicitor, Regulatory Services (CMcA)

ITEM NO	<u>DECISION</u>	<u>ACTION</u>

1	Apologies for Absence Leisgeulan	
	Apologies for absence were received from Mr R Balfour and Mr B Thompson.	n/a
2	Declarations of Interest Foillseachaidhean Com-pàirt	
	No declarations of interest were raised.	n/a
3	Confirmation of Minutes Dearbhadh a' Gheàrr-chunntais	
	There had been submitted for confirmation as a correct record the action note and minute of the meeting of the Committee held on 10 March 2020 which was APPROVED .	n/a
4	Major Development Update Iartasan Mòra	
	<p>There had been circulated Report No PLS/027/20 by the Area Planning Manager - providing an update on progress of all cases within the "Major" development category currently with the Planning and Development Service for determination.</p> <p>Members were advised that the following major applications had since been submitted:</p> <ul style="list-style-type: none"> Cloiche Wind Farm - Erection and Operation of a Wind Farm comprising 36 Wind Turbines (maximum blade tip height of 149.9m), access tracks, LiDAR, borrow pits, temporary construction compounds (inclusive of concrete batching area), substation and operations building (20/01796/S36) <p>The Committee NOTED the current position with these applications.</p>	SH
5	Planning Applications to be Determined Iartasan Dealbhaidh rin Dearbhadh	
5.1	<p>Applicant: Albyn Housing Society Ltd (20/00493/FUL) (PLS/028/20) Location: Land 50m North of The Hermitage, St Olaf Manor, Cawdor Road, Nairn (Ward 18) Nature of Development: Erection of 10. No amenity FIT homes. Recommendation: Grant</p>	
	Mr T Heggie raised concerns about noise issues given the proximity of the proposed development to the sawmill and the consequences of this if there was any change of operation at the sawmill. Mr T Heggie also raised concern at the narrow margin of error for deemed acceptable noise levels. The Senior Environmental Health Officer explained that noise levels are tested over a specified period of time and an average level is calculated.	LS

	<p>Mr A Jarvie questioned the daylight impact on the properties with the proposed noise mitigation measures.</p> <p>Motion: by Mr J Gray seconded by Mrs C Caddick to grant planning permission subject to the conditions recommended in the report.</p> <p>Amendment: by Mr T Heggie seconded by Mr L Fraser to refuse planning permission - despite the proposed landscaping measures put forward by the applicant, I am not satisfied that these address the concerns with the scale and height of the acoustic barrier fencing and, therefore, the development would be contrary to Policy 28 of the Highland wide Local Development Plan as it would have a detrimental impact on individual and community residential amenity.</p> <p>For the Motion: Mr J Bruce, Mrs C Caddick, Mr J Gray</p> <p>For the Amendment: Mr A Baxter, Mr B Boyd, Mrs M Davidson, Mr L Fraser, Mr T Heggie, Mr A Jarvie, Mr B Lobban, Mr R MacWilliam, Ms E Roddick</p> <p>Abstention: Mr N McLean</p> <p>Agreed: to REFUSE planning permission for the following reason:</p> <p>Despite the proposed landscaping measures put forward by the applicant, Members are not satisfied that these address their concerns with the scale and height of the acoustic barrier fencing and, therefore, the development would be contrary to Policy 28 of the Highland wide Local Development Plan as it would have a detrimental impact on individual and community residential amenity.</p>	
5.2	<p>Applicant: Tulloch Homes Ltd (19/04259/FUL) (PLS/029/20) Location: Land 130m NE of 60 Newton Park, Kirkhill (Ward 12) Nature of Development: Erection of 94 houses and flats with associated roads and services. Recommendation: Grant</p>	
	<p>Mrs M Davidson questioned whether the primary school education developer contribution could be provided upfront to allow works to be carried out sooner to the primary school to alleviate capacity issues. Mr A Jarvie questioned whether the Access Officer's concerns in relation to the widening of the footpath had been resolved. The case officer confirmed that the path would be increased from 2 metres to 3 metres wide. The case officer also clarified the following:</p> <ol style="list-style-type: none"> 1. An additional condition was recommended in relation to visibility splays: <p>No development shall commence until visibility splays at the junction of the B9164 and the A862 of 4.5m x 120m (the X dimension and Y dimension respectively) to the east have been formed from the centre line of the junction. Within the stated visibility splay, at no time shall anything obscure visibility between a driver's eye height of 1.05m positioned at the X dimension and an object height of 0.60m anywhere along the Y dimension.</p> <p>Reason: In order to ensure the safety and free flow of traffic on the public road</p>	SHad

	<p>2. The report was to be amended to include the following:</p> <ul style="list-style-type: none"> • 8.77(i) The developer contributions towards active travel enhancements to be flexible, to be used for the Kirkhill – Beaully cycle path provision, or for other active travel enhancements toward shops, services, and adjacent communities for the benefit of existing and future residents of Kirkhill. • Appendix 2: Road Traffic Orders. The developer is to implement the introduction of a 20mph zone and the associated traffic calming, and cover all associated costs (e.g. Road Traffic Order) <p>Agreed: Members unanimously agreed to GRANT planning permission subject to (1) the conditions recommended in the report (subject to the proviso stated below), (2) the prior conclusion of a section 75 legal agreement securing the developer contributions set out at 8.77 of the report and (3) the additional condition in relation to visibility splays</p> <ul style="list-style-type: none"> • The conditions relating to both the active travel plan and the traffic management plan would be updated to include local member consultation. <p>It was further agreed that the case officer would have a conversation with the applicant to discuss the possibility of an upfront payment in relation to the primary school education contribution.</p>	
5.3	<p>Applicant: Forthpoint Ltd (20/00898/FUL) (PLS-030-20) Location: 7 – 17 Union Street, Inverness (Ward 14) Nature of Development: Conversion of buildings to form mixed use development comprising 6 No. commercial units and 53No. residential flats. Recommendation: Grant</p>	
	<p>Ms E Roddick queried whether all occupants of the residential units would have access to the courtyard area. This was confirmed by the case officer. A number of members raised concerns about the lack of parking available at the proposed development and whether adequate bin storage would be provided. The case officer confirmed that, taking into account the existing use of the building and what the level of car parking should be, there was a shortfall of 13 parking spaces and, therefore, a contribution of £41,860 is required for active travel enhancements. Transport Planning confirmed that there was cycle storage facilities provided on site and it was proposed that refuse collection would be carried out by a private organisation and shared large commercial bins would be used.</p> <p>Agreed: Members unanimously agreed to GRANT planning permission subject to (1) the conditions recommended in the report (subject to the proviso stated below) and (2) the prior conclusion of a s.75 legal agreement securing the developer contribution set out at 8.21 of the report:</p> <ul style="list-style-type: none"> • Condition 10 to be amended to ensure detailed arrangements in relation to the bin storage are submitted for approval to the planning authority, in consultation with the local members; and • Local members to be consulted on the contents of the Travel Pack required by Condition 9. 	JK

5.4	<p>Applicant: Mr Ryan Ireland (20/00312/FUL) (PLS/031/20) Location: Invernairne Guest House, Thurlow Road, Nairn, IV12 4EZ (Ward 18) Nature of Development: Erection of self-contained accommodation annex. Recommendation: Grant</p>	
	<p>Mr T Heggie raised concerns about the location of the proposed development and the design being out of character for the area. Mr N McLean questioned the lifespan of the construction.</p> <p>Motion: Mr T Heggie seconded by Mr L Fraser to refuse planning permission – the proposed development is contrary to Policy 28 of the Highland-wide Local Development Plan as it does not demonstrate sensitive siting due to its prominent location. In addition, the scale of the proposed development would have a detrimental impact on individual and community residential amenity due to the intensification of the use of the site.</p> <p>Amendment: none</p> <p>Agreed: Members unanimously agreed to REFUSE planning permission for the following reason:</p> <p>The proposed development is contrary to Policy 28 of the Highland-wide Local Development Plan as it does not demonstrate sensitive siting due to its prominent location. In addition, the scale of the proposed development would have a detrimental impact on individual and community residential amenity due to the intensification of the use of the site.</p>	RD
	The meeting concluded at 4:25pm	