

**THE HIGHLAND COUNCIL**  
**SOUTH PLANNING APPLICATIONS**  
**COMMITTEE**

**9 OCTOBER 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 6.3), Mr R Balfour, Mr J Bruce, Mrs C Caddick, Mrs M Davidson, Mr L Fraser, Mr J Gray, Mr T Heggie, Mr A Jarvie (excluding item 6.3), Mr B Lobban, Mr R MacWilliam, M N Mclean (excluding Item 6.3), Ms E Roddick (item 6.3 only)

**Non-Committee Members Present:**

Mr D Macpherson  
 Mr A Henderson  
 Mrs T Robertson

**Substitutes:**

None

**Apologies:**

Mr B Boyd  
 Mr B Thompson

**Officers participating:**

Mr D Mudie, Area Planning Manager – South (DM)  
 Mr S Hindson, Team Leader (SHi)  
 Mr B Robertson, Team Leader (BR)  
 Ms L Prins, Principal Planner (LP)  
 Mr P Wheelan, Planning Officer (PW)  
 Mr M Clough, Senior Engineer, Transport Planning (MC)  
 Mr A Fraser, Principal Engineer, Flood Risk Management (AF)  
 Ms C McArthur, Principal Solicitor, Regulatory Services (CMcA)

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

<b>1</b>	<b>Apologies for Absence Leisgeulan</b>	
	Apologies for absence were received from Mr B Boyd and Mr B Thompson.	<b>n/a</b>
<b>2</b>	<b>Declarations of Interest Foillseachaidhean Com-pàirt</b>	
	No declarations of interest were raised.	<b>n/a</b>
<b>3</b>	<b>Confirmation of Minutes Dearbhadh a' Gheàrr-chunntais</b>	
	There had been submitted for confirmation as a correct record the action note and minute of the meeting of the Committee held on 18 August 2020 which was <b>APPROVED</b> .	<b>n/a</b>
<b>4</b>	<b>Major Development Update Iartasan Mòra</b>	
	<p>There had been circulated Report No PLS/045/20 by the Area Planning Manager - providing an update on progress of all cases within the "Major" development category currently with the Infrastructure and Environment Service for determination.</p> <p>Mr S Hindson confirmed that two further major applications had been submitted since the report was written:</p> <p>20/03444/FUL – Erection of 42 houses and associated works at land adjacent to Fire Station, East End, Beauly. The applicant is Springfield Properties PLC and the case officer is Elaine Watt. It is anticipated that this application will be determined at SPAC early 2021.</p> <p>20/03263/S36 - Farr Wind Farm - Variation of Section 36 Consent under the Electricity Act 1989 to extend the operational period of Farr Wind Farm from 25 years to 35 years. The applicant is Farr Wind Farm Limited and the case officer is Simon Hindson. It is anticipated that this will be reported to SPAC for determination in December 2020.</p> <p>In response to a question by Mrs M Davidson, Mr S Hindson confirmed that the s.36 application for Cloiche Wind Farm (20/07936/S36) would likely be determined in Spring 2021 now, due to an outstanding objection, rather than the anticipated date of December 2020.</p> <p>The Committee <b>NOTED</b> the current position with the applications.</p>	<b>SHi</b>
<b>5</b>	<b>Major Developments – Pre-application consultations</b>	
5.1	<p><b>Description:</b> Battery energy storage system 30MW comprising steel containers, GRP substation, tree planting and fencing (20/02740/PAN) (PLS/046/20) <b>Ward:</b> 12</p>	

	<p><b>Applicant:</b> Intelligent Land Investments Group Plc  <b>Site Address:</b> Land 325M SW Of Torrdhuin, Auchteraw, Fort Augustus.</p>	
	<p><b>Agreed:</b> to note the submission and ask that the following material issues be brought to the applicant's attention in addition to the material considerations referred to in the report:</p> <ul style="list-style-type: none"> <li>• Further information confirming what the proposed development would look like including details on the scale and size of the containers</li> <li>• Clarification on how much disruption is anticipated during the construction phase</li> </ul>	<b>KG</b>
<b>6</b>	<p><b>Planning Applications to be Determined</b>  <b>Iarrtasan Dealbhaidh rin Dearbhadh</b></p>	
6.1	<p><b>Applicant:</b> Tulloch Homes Ltd; Mackenzie Parks LLP; D&amp;N Mackenzie LLP (19/05179/FUL) (PLS/047/20)  <b>Location:</b> Land 160M SW of 1 Parks of Inshes, Old Edinburgh Road South, Inverness. (Ward 19)  <b>Nature of Development:</b> Erection of 155no houses, roads, landscaping and infrastructure.  <b>Recommendation: Grant</b></p>	
	<p>The case officer confirmed at the end of his presentation that the development would be subject to a s.75 legal agreement securing the developer contributions and the conditions recommended within the report subject to an amendment to the wording of conditions 23(d) and 24(a) as follows:</p> <ul style="list-style-type: none"> <li>• Demolition and construction work to take place only between the hours of 09:00 to 13:00 on Saturdays with no work to be undertaken on Sundays or any Bank Holiday in Scotland.</li> </ul> <p>After listening to the presentation, Members sought clarification on the following points:</p> <ul style="list-style-type: none"> <li>• Whether the priority signage for the development could be conditioned</li> <li>• How would the condition of the verges on Old Edinburgh Road be dealt with</li> <li>• The number of common parking bays that would be used up with electrical vehicle charging points</li> <li>• Where the two pedestrian access points would be within the development</li> <li>• Whether the details of the street lighting would be subject to a further application</li> <li>• Clarity on whether the downstream burns were a sensitive area in terms of flooding</li> <li>• What advice had been provided to the applicant in terms of overlooking into adjacent properties</li> <li>• What pre planning had been put in place for providing the cabling for broadband</li> </ul>	<b>PW</b>

- What percentage of the homes were to be affordable
- Who was responsible for the maintenance of the SUDS pond
- What were the original housing allocation figures for these sites
- Clarity on whether the flow rate of Burn 2 was reduced by excluding the catchment area of Phase 1 and Phase 3 and whether the figures within the drainage impact assessment report were accurate

The following responses were provided by the Officers:

- The signage required is subject to a condition
- The verges would be scraped back to remove the mud and turf off the carriageway, This would improve the condition of the road and allow for white lining
- It would depend on what type of electric vehicle chargers were provided, the details of which were subject to a condition. It was confirmed that fast chargers take up more space than trickle chargers. The Planning Authority would liaise with the Energy Team on this matter.
- The connections would be between the two estates and between Phase 1 and the playground
- The details of the street lighting are subject to a condition
- It was confirmed that it was further downstream and not this site where flood sensitivities arose
- It was confirmed that the applicant didn't seek any pre application advice on overlooking but there was a tree belt between the existing houses and proposed Phase 1. There was also a minimum of 18 metres separation distance between habitable bedrooms for each property
- There was a 2 metre service strip provided in either the road or verges for telecommunications infrastructure
- A 25% minimum affordable housing had to be provided in relation to this development. The case officer confirmed that some of this had already been provided but a further 33 affordable houses were to be provided within IN50.
- The maintenance of the SUDS pond was to be a joint responsibility between Scottish Water (for the underground) and the factor (for the overground)
- The original allocation for IN43 was for 305 homes and 96 homes for IN50
- It was confirmed that the overall impermeable area was directed into the SUDS pond which then discharged into Burn 2. The discharge rate would provide a betterment for the whole site with a reduced flood risk. The technical officer confirmed that he was content that the figures provided within the drainage impact assessment report.

**Motion:** by Mr Gray seconded by Mrs C Caddick to grant planning permission subject to (1) the prior conclusion of a section 75 legal agreement securing the contributions set out at 8.94 of the 18 August 2020 report and (2) the conditions recommended in the 18 August 2020 report, subject to the following amendments:

- Condition 2 to be amended to include that the details of the material palette, including colour of entrance doors and feature cladding panels has been submitted to and approved in writing by the Planning Authority in consultation with the Local Members of the

	<p>South Planning Applications Committee.</p> <ul style="list-style-type: none"> <li>• Condition 3 to be amended to include that the full details of the public art and street furniture provision are submitted and approved in writing by the Planning Authority in consultation with the Local Members of the South Planning Applications Committee.</li> <li>• The substitution of condition 13 as per the recommendation set out within section 6 of the 22 September 2020 committee report.</li> <li>• Condition 13(d) and condition 15(h),(k) and (l) to be amended to include that the final lighting proposals and specification details are submitted and approved in writing by the Planning Authority in consultation with the Local Members of the South Planning Applications Committee.</li> <li>• Amendments to the wording of conditions 23(d) and 24(a) to ensure demolition and construction works only take place between the hours of 09:00 to 13:00 on Saturdays with no work to be undertaken on Sundays or any Bank Holiday in Scotland.</li> </ul> <p>Mr A Jarvie put forward an amendment to refuse planning permission as follows:</p> <ul style="list-style-type: none"> <li>• Despite the technical officials assessment, I remain unsatisfied that the revised flood assessments are an accurate reflection or provide sufficient mitigation against flooding due to the lack of full calculations of the drainage rate in all catchment areas, with particular regards to known downstream sensitivities. The application is, therefore, contrary to Policy 64 of the Highland-wide Local Development Plan and paragraph 255 of the Scottish Planning Policy.</li> </ul> <p>With no seconder, the amendment fell.</p> <p><b>Agreed:</b> to <b>GRANT</b> planning permission subject to (1) the prior conclusion of a section 75 legal agreement securing the contributions set out at 8.94 of the report and (2) the conditions recommended in the report (subject to the amendments set out above).</p>	
6.2	<p><b>Applicant:</b> Forest Holidays Ltd (20/00311/FUL) (PLS/048/20)  <b>Location:</b> Land 450M SW Of Highland Wood Energy, Lochaber Rural Complex, Aonach Mor Access Road, Fort William. (Ward 21)  <b>Nature of Development:</b> Erection of 50 cabins with associated forest retreat, manager's accommodation, cycle store, maintenance area, internal roads, paths, utilities (including renewable heating technologies) and drainage.  <b>Recommendation:</b> Grant.</p>	
	<p>After listening to the presentation from the case officer, Mr A Baxter queried:</p> <ul style="list-style-type: none"> <li>• whether amendments could be made to proposed conditions 9 and 11 to ensure the play park, ranger station and cycle hire facility infrastructure were provided from the date of first occupation of the cabins rather than 6 months after completion of the development.</li> </ul>	LP

- whether a firm commitment could be provided to the provision of a shuttle bus from the centre including the route, when this would commence and the period it would be provided for.
- whether the signage for the development could be linked into the HITRANS plan
- whether the public art condition could be strengthened to ensure the provision benefits the wider public, in particular the users of the Core Path network.

In response, the case officer confirmed:

- if the Committee deemed it reasonable, conditions 9 and 11 could be amended.
- the details of the active travel plan were the subject of a condition which could be approved in consultation with local members
- the developer could also be made aware of the HITRANS project to discuss with them a joint up approach.
- the public would not be excluded from any area of the site as there were no private curtilages around the cabins but it could be requested that the applicant provides the public art provision to ensure it also benefits the users of the Core Path network.

Mr N Mclean confirmed that he supported all of Mr A Baxter's comments.

Members unanimously agreed to grant planning permission subject to the conditions recommended in the report together with the following amendments:

- Condition 8 to be amended to include that the full details of the intended routing, condition of and proposed enhancements to the active travel links connecting this site to key local destinations and to the wider transport infrastructure are submitted and approved in writing by the Planning Authority in consultation with the Local Members of the South Planning Applications Committee. In particular, the developer should submit further details on the provision of the proposed shuttle bus service including details of the route, confirmation that the service will be available from the date of the cabins first becoming available for occupation and a commitment to providing this service for a minimum number of years.
- Condition 9 to be amended to ensure that the cycle hire facility shall be provided from the date of the cabins first becoming available for occupation.
- Condition 11 to be amended to ensure that the play area and ranger station shall be provided from the date of the cabins first becoming available for occupation.
- Condition 19 to be amended to include that the details of the proposals and budget for the artwork to be incorporated into the development are submitted and approved in writing by the Planning Authority in consultation with the Local Members of the South Planning Applications Committee. In particular, the developer should provide the artwork on or adjacent to the Core Path.

**Agreed:** to **GRANT** planning permission subject to the conditions

	<p>recommended in the report (as amended above).</p> <p>The applicant would also be made aware of the current HITRANS project in relation to signage to discuss whether the active travel signage proposed for this project could be integrated.</p>	
6.3	<p><b>Applicant:</b> The Highland Council (20/00338/FUL) (PLS/049/20)  <b>Location:</b> 62 King Street, Nairn. (Ward 18)  <b>Nature of Development:</b> Erection of 12 flats and CAB offices.  <b>Recommendation:</b> Grant.</p>	
	<p>After listening to the presentation, Members made the following comments:</p> <ul style="list-style-type: none"> <li>• The Nairn Town Centre Action Plan provided a steer as to what development might take place rather than what would be delivered</li> <li>• The proposed development was similar in style to the Raining Stairs development in Inverness which had won various awards</li> <li>• The design and building was appropriate</li> <li>• There was a need to repopulate town centres</li> <li>• The loss of parking didn't preclude development in the area</li> <li>• It was the right building but in the wrong place</li> <li>• The proposed building would tower over the existing old building</li> <li>• Nairn town centre is gifted with lots of car parks</li> <li>• It was a good use of a brownfield site</li> </ul> <p><b>Motion:</b> by Mr Gray seconded by Mr T Heggie to grant planning permission subject to the conditions recommended in the report.</p> <p><b>Amendment:</b> by Mr R MacWilliam seconded by Mr L Fraser to refuse planning permission for the following reasons:</p> <ul style="list-style-type: none"> <li>• The location of the proposal does not demonstrate sensitivity in terms of distinctiveness of this part of Nairn town centre and is, therefore, contrary to Policy 29 of the Highland-wide Local Development Plan. In addition, it doesn't reflect the aspiration of the Nairn Town Centre Action Plan.</li> </ul> <p><b>Votes for the Motion (7):</b> Mr J Bruce, Mrs C Caddick, Mrs M Davidson, Mr J Gray, Mr T Heggie, Mr B Lobban, Ms E Roddick</p> <p><b>Votes for the Amendment (3):</b> Mr R Balfour, Mr L Fraser, Mr R MacWilliam</p> <p><b>Agreed:</b> to <b>GRANT</b> planning permission subject to the conditions recommended in the report.</p>	<b>KG/BR</b>
	The meeting concluded at 4:47pm	