

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

**25 JANUARY 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, Mrs I Campbell, Mr R Gale, Mr J Gordon, Mr D MacKay, Mrs A MacLean, Mr C Macleod, Mr H Morrison, Mr K Rosie, Mr A Rhind, Mr A Sinclair and Ms M Morley-Smith (Chair)

**Substitutes Present:**

Mr A Mackinnon (for Mrs M Paterson) (except items 1-5 and 6.2).

**Other Members Present:**

Mrs H Carmichael (item 6.3)

**Officers Participating:**

Dafydd Jones (DJ) – Acting Head of Development Management – Highland  
Simon Hindson (SH) – Team Leader – Strategic Projects Team  
Mark Harvey (MH) – Team Leader  
Erica McArthur (EMcA) – Principal Planner  
Susan Hadfield (SHD) – Planner  
Michael Kordas (MK) – Planner  
Craig Simms (CS) – Planner  
Alan Fraser – Principal Engineer  
Jane Bridge – Senior Engineer (Development Management)  
Karen Lyons – Principal Solicitor (Planning) and Clerk  
Alexander Fowler – Trainee Solicitor  
Alison MacArthur – Administrative Assistant

The Chair advised that she would take items 6.1 and 6.3 after 1030 when Mr A Mackinnon would be in attendance as substitute member for Ward 8.

**Guests:**

None

ITEM NO	<u>DECISION</u>	<u>ACTION</u>
1	<b>Apologies for Absence Leisgeulan</b>	
	Mr M Finlayson, Mr C Fraser and Mrs M Paterson.	<b>N/A</b>
2	<b>Declarations of Interest Foillseachaidhean Com-pàirt</b>	
	None.	<b>N/A</b>
3	<b>Confirmation of Minutes Dearbhadh a' Gheàrr-chunntais</b>	
	There had been submitted for confirmation as a correct record the minutes of the meeting of the Committee held on 7 December 2021 which were <b>APPROVED</b> .	<b>N/A</b>
4	<b>Major Development Update Iartasan Mòra</b>	
	Update on new applications received since the report was issued, current appeals and those applications coming forward in 2022.  Clarification was sought on the recent announcement regarding offshore wind licenses and the overhead line requirements connected to battery storage developments.  <b>Agreed:</b> to <b>NOTE</b> the report.	<b>DJ/SH</b>
5	<b>Major Developments – Pre-application consultations Leasachaidhean Mòra – Co-chomhairle Ro-iarrta</b>	
5.1	Description: Creation of an energy storage facility with a capacity of up to 49.9 mW comprising up to 50 energy storage containers, control building, transformers, switchgear and ancillary infrastructure (21/05957/PAN) (PLN/002/22) Ward: 2 Applicant: Whirlwind Energy Storage Ltd Site Address: Land 295M South Of Mill House, Stainland, Thurso.	
	<b>Agreed:</b> no further considerations raised.	<b>Negar Maydanchi</b>
	There had been a discrepancy in the printing of some of the plans for items 6.1, 6.3, 6.5 and 6.9 but these were explained during the presentation on each item.	

6	<b>Planning Applications to be Determined</b> <b>Iarrtasan Dealbhaidh rin Dearbhadh</b>	
6.1	Applicant: Graham MacGregor Joinery Ltd (19/04687/FUL) (PLN/003/22) Location: 3A Inchrory Drive, Business Park, Dingwall (Ward 8). Nature of Development: Erection of office/workshop building. Recommendation: Refuse.	
	<p>In answer to Members' questions, the Planner advised:</p> <ul style="list-style-type: none"> <li>• unsure if other owner/occupiers of the business park are aware of the informal nature of the flood defences. The flood defence was informal as it did not meet the current standard of flood prevention and had not been adopted by the Highland Council.</li> <li>• the Principal Engineer from the Flood Defence Team further advised that it was not a formal flood defence under the Flood Act and that it required to be adopted by the local authority through a flood protection scheme or through flood works. In order to consider a flood scheme the Council would require the appropriate standard of protection be met and would require the condition of the embankment to be of a sufficient standard. Due to the presence of mature vegetation the condition of the embankments was below the standard required. The Council would have to decide whether to adopt these bunds taking into consideration the future liability for maintenance, upgrading of the heights of the bund and the remedial works to improve the condition of the bund;</li> <li>• it was understood that each property owner had responsibility for the maintenance of the bund within their site. HIE have been involved in negotiations and it was believed they had some form of factoring agreement and it may therefore be possible for them to provide maintenance through a factoring agreement;</li> <li>• understood HIE owned the business park and that this site had been sold as part of the adjacent mountain rescue base and was no longer in HIE ownership; and</li> <li>• officers were unaware of any previous flooding events in the business park.</li> </ul> <p>The Area Planning Manager North advised that the business park had been built in two phases and when they had been built there had been a level of flood protection created that had been acceptable at that time. However due to the challenges of climate change and the risk of increased flooding events, the flood protection standards had been upgraded and the business park now required further work to be undertaken to meet the new standards.</p>	
	<p><b>Agreed:</b> to notify Scottish Ministers of the Committee's proposal to <b>GRANT</b> planning permission subject to conditions to be approved by the local members represented on the Committee, for the reasons given by Mrs A Maclean and Mr A Mackinnon summarised as follows:</p> <ul style="list-style-type: none"> <li>-the application site is within an existing Business Park and the proposed development is compatible with surrounding uses;</li> <li>-economic recovery and supporting creation of local jobs are the Council's focus moving forward out of the pandemic;</li> </ul>	<b>SHD</b>

	<p>-businesses have shown they want to invest in Dingwall and locate their businesses in the Business Park;</p> <p>-the concerns of SEPA, also based in the Business Park, are understood. Despite the requirement for flood protection being the same across all uses, the development of the site as an office/workshop is within the least vulnerable use category as defined by SEPA when the impact of flooding is considered;</p> <p>-while acknowledging that SEPA indicate that the existing bunding needs to be discounted, it was constructed to meet the guidance in place at the time the Business Park was developed and appears to have protected the existing units from flooding to date;</p> <p>-the Council in conjunction with HIE and SEPA are actively exploring options to try and resolve the future improvement and maintenance of the bund surrounding the Business Park.</p>	
6.2	<p>Applicant: Mr Archie and Mrs Sandra Macnab (20/04204/PIP) (PLN/004/22)</p> <p>Location: Land 40 m West of Torwood, Blairninich, Strathpeffer (Ward 5).</p> <p>Nature of Development: Erection of a house.</p> <p>Recommendation: Refuse.</p>	
	<p>In answer to Members' questions, the Team Leader advised:</p> <ul style="list-style-type: none"> <li>• the existing house had now been sold to someone unconnected with the croft;</li> <li>• the chalet was for holiday accommodation to provide a further income, the applicants had not realised they needed planning permission for the chalet; and</li> <li>• the applicant had sought pre-consultation advice.</li> </ul> <p>During debate the following views were expressed:</p> <ul style="list-style-type: none"> <li>• there was sympathy for this couple going into retirement;</li> <li>• this house falls just out with the Council's development plan rural housing policy. The previous houses had been de-crofted and this croft was now operating as a bare land croft;</li> <li>• the Council's flood team response only indicated a possible future risk of flooding;</li> <li>• the applicants were currently living in the chalet and would be at risk of homelessness if they were forced to move by planning enforcement;</li> <li>• the applicant had brought this on themselves as this was to be their third property;</li> <li>• Hinterland policy doesn't preclude the application; and</li> <li>• in respect of flooding, all the other properties in the area clearly had access without flood risk, it would not therefore be unreasonable to ask the applicant to demonstrate how he would overcome the flood risk.</li> </ul>	
	<p><b>Motion</b> by Ms M Morley-Smith seconded by Mrs A Maclean to refuse the application for the reasons given in the report of handling and to encourage the Planning Service to engage with the applicants to try and find a solution.</p>	<b>MH</b>

	<p><b>Amendment</b> by Mrs I Campbell seconded by Mr J Gordon to grant the application subject to conditions to be approved by the local member (Mrs I Campbell) and the upfront payment of the contribution referred to in the report of handling on the basis of the following reasons:</p> <ul style="list-style-type: none"> <li>-The proposed house is for a retiring crofter and it is located close to existing housing, the application only just falls out with the Council's development plan rural housing policy.</li> <li>-Because previous house sites have been de-crofted, it appears this croft is operating as a bare land croft - one without a house on it. A crofter has the right to build a house on their croft subject to planning permission being granted.</li> <li>-Crofting usually involves land being used for a diverse number of uses. If permission is granted for a house, then the chalet could, with the appropriate permissions, allow the applicants to continue making an income from the croft into their retirement.</li> <li>-the objection from the Council's flood team is based on 1 in 200 year flood events. The report indicates "the site is potentially at risk of flooding during a severe weather event." While the distress and danger that flooding causes is not under-estimated, this response suggests that there is only a future possibility of flooding.</li> <li>-despite this application being contrary to the development plan, there are sufficient reasons to support the grant of the application.</li> <li>-a condition limiting the size of house to reflect the applicants' desire for a retirement property could be attached to the planning permission in principle.</li> </ul> <p>Vote:  Motion – 4 (Mr R Gale, Mrs A Maclean, Mr K Rosie, Ms M Morley-Smith)  Amendment – 7 (Mr R Bremner, Mrs I Campbell, Mr J Gordon, Mr D Mackay, Mr C Macleod, Mr H Morrison, Mr A Rhind)  Abstentions – 1 (Mr A Sinclair – due to IT issues)  Amendment carried 7 votes to 4.</p> <p><b>Agreed:</b> to <b>GRANT</b> planning permission subject to conditions to be approved by the local member (Mrs I Campbell) and the upfront payment of the contribution referred to in the report of handling on the basis of the reasons stated in Mrs I Campbell's amendment.</p>	
6.3	<p>Applicant: Fraser MacKenzie Electrical (21/01019/FUL) (PLN/005/22)  Location: Land 110 m NE of 3B Inchroy Drive, Business Park, Dingwall (Ward 8).  Nature of Development: Erection of commercial storage and office unit.  Recommendation: Refuse.</p>	
	<p><b>Agreed:</b> to notify Scottish Ministers of the Committee's proposal to <b>GRANT</b> planning permission subject to conditions to be approved by the local members represented on the Committee, for the reasons given by Mrs A Maclean and Mr A Mackinnon summarised as follows:</p> <ul style="list-style-type: none"> <li>-the application site is within an existing Business Park and the proposed development is compatible with surrounding uses;</li> </ul>	<b>SH</b>

	<p>-economic recovery and supporting creation of local jobs are the Council's focus moving forward out of the pandemic;</p> <p>-businesses have shown they want to invest in Dingwall and locate their businesses in the Business Park;</p> <p>-the concerns of SEPA, also based in the Business Park, are understood. Despite the requirement for flood protection being the same across all uses, the development of the site as an office/workshop is within the least vulnerable use category as defined by SEPA when the impact of flooding is considered;</p> <p>-while acknowledging that SEPA indicate that the existing bunding needs to be discounted, it was constructed to meet the guidance in place at the time the Business Park was developed and appears to have protected the existing units from flooding to date;</p> <p>-the Council in conjunction with HIE and SEPA are actively exploring options to try and resolve the future improvement and maintenance of the bund surrounding the Business Park.</p>	
6.4	<p>Applicant: Jacqueline Morrison (21/02619/FUL) (PLN/006/22)  Location: Land 185 m North of Unit 1C Market Place, Portree (Ward 10).  Nature of Development: Siting of a catering trailer.  Recommendation: Refuse.</p>	
	<p>Members were advised that, if the Committee proposed to grant planning permission it would require to be notified to Scottish Ministers given that an objection had been received from Transport Scotland.</p> <p>In the report reference should have been made to policy 41 and not policy 51.</p> <p>In answer to Members' questions, the Team Leader advised:</p> <ul style="list-style-type: none"> <li>• the development would have access from the A87 trunk road that was the subject of a 40 mph speed restriction;</li> <li>• the key issue was the heavy demand for catering trailers and several had been approved in recent years on Skye, however there tends to be a more defined area in and out of a layby. The width of this layby/parking area precludes safe usage;</li> <li>• there was no tree or woodland issue related to this site;</li> <li>• this area was used as an informal car park during auction mart use which did not relate to this application; and</li> <li>• this applicant had correctly applied for planning permission, the previous trailer did not have planning permission and as such no weight should be given to the previous trailer.</li> </ul> <p>During debate the following views were expressed:</p> <ul style="list-style-type: none"> <li>• going to be more vehicles than footfall as people generally travelled to this location by car;</li> <li>• the trailer would mainly be used by tourists and there would be sufficient space for parking; and</li> <li>• concerns expressed on the safety aspects.</li> </ul>	

	The Area Planning Manager North advised that there would be no trailer on mart days as the lease precluded use on those days.	
	<p><b>Motion</b> by Mr J Gordon seconded by Mr C Macleod to grant the application subject to conditions to be approved by the local members (Mr J Gordon and Mr C Macleod) on the basis of the following reasons:</p> <ul style="list-style-type: none"> <li>• the proposed development is to be accessed from a stretch of the A87 trunk road that is subject to a 40mph speed restriction;</li> <li>• the application site is the cattle mart car park in Portree which has a history of a catering trailer being sited there and the car park is only well used during cattle sales;</li> <li>• with some limited marking out of vehicle parking spaces, the site could be managed in such a way as to minimise risk both to those using the trunk road and those visiting the catering trailer;</li> <li>• the siting of the trailer would have no detrimental negative impact on the surrounding area;</li> <li>• approval of developments such as this one promotes economic development and are welcomed by the travelling public visiting the island;</li> <li>• a temporary permission for 3 years could assess the effectiveness of conditions (including parking management).</li> </ul> <p><b>Amendment</b> by Ms M Morley-Smith to refuse the application for the reasons given in the report of handling failed to obtain a seconder and fell.</p> <p><b>Agreed:</b> to notify Scottish Ministers of the Committee's proposal to <b>GRANT</b> planning permission subject to conditions (including granting permission for a temporary period of 3 years) to be approved by the local members (Mr J Gordon and Mr C Macleod).</p>	<b>Chris Hallas</b>
6.5	<p>Applicant: Margaret Grigor (21/02630/PIP) (PLN/007/22)  Location: Land to South of Roch-Ach, Cemetery Brae, Avoch (Ward 9).  Nature of Development: Erection of a house and formation of an access.  Recommendation: Grant.</p>	
	<b>Agreed:</b> to <b>GRANT</b> planning permission subject to the conditions contained in the report and the upfront payment of a primary education contribution.	<b>CS</b>
6.6	<p>Applicant: Mr H Anderson (21/03429/FUL) (PLN/008/22)  Location: 312 Hilton, Dornoch (Ward 4).  Nature of Development: Siting of holiday letting unit.  Recommendation: Grant.</p>	
	<p>During debate the following views were expressed:</p> <ul style="list-style-type: none"> <li>• this appeared to be the ideal space for the pod; and</li> <li>• there were no issues with the parking.</li> </ul>	
	<b>Agreed:</b> to <b>GRANT</b> planning permission subject to the conditions contained in the report.	<b>DJ/David Borland</b>

6.7	<p>Applicant: The Highland Council Housing (21/03683/PIP) (PLN/009/22)  Location: Land 370 m NE of Cromlet House, Cromlet Drive, Invergordon (Ward 6).  Nature of Development: Erection of 93 residential units, access roads, landscaping and ancillary infrastructure.  Recommendation: Grant.</p>	
	<p>In answer to Members' questions, the Planner advised:</p> <ul style="list-style-type: none"> <li>the applicants had talked about extending their factoring agreement to cover the area known as the black path and the maintenance of the area, however this would need to be confirmed with the applicant;</li> <li>in relation to the lighting of the black path, the wider proposals for the area are just indicative at this stage, the detail would come with the full application and further discussion with the applicant; and</li> <li>a condition or strong message that the area at the black path had to be replanted and lit and started or completed within the first phase.</li> </ul>	
	<p><b>Agreed:</b> to <b>GRANT</b> planning permission subject to the conditions contained in the report (amended conditions 2, 6 and 17 to be agreed with local member, Ms M Morley-Smith) and the upfront payment of the developer contribution referred to in the report of handling.</p>	<b>MK</b>
6.8	<p>Applicant: The Highland Council Housing (21/03684/FUL) (PLN/010/22)  Location: Land 370 m NE of Cromlet House, Cromlet Drive, Invergordon (Ward 6).  Nature of Development: Residential development comprising 35 units, access, roads, landscaping and ancillary infrastructure (Phase 1 of Cromlet masterplan).  Recommendation: Grant.</p>	
	<p><b>Agreed:</b> to <b>GRANT</b> planning permission subject to the conditions contained in the report (amended conditions 2, 6 and 17 to be agreed with local member, Ms M Morley-Smith) and upfront payment of the developer contribution related to this part of the masterplan development referred to in the report of handling.</p>	<b>MK</b>
6.9	<p>Applicant: Scottish Mountaineering Club (21/04667/PIP) (PLN/011/22)  Location: Land 80 m NE of Dipin, Annat, Torridon (Ward 5).  Nature of Development: Erection of new bunkhouse and meeting area, with parking and drainage arrangements.  Recommendation: Grant.</p>	
	<p><b>Agreed:</b> to <b>GRANT</b> planning permission subject to the conditions contained in the report.</p>	<b>EMcA</b>
6.10	<p>Applicant: Mr G Andrew (21/04707/FUL) (PLN/012/22)  Location: Land 35 m SE of 56 Feddon Hill, Feddon Hill, Fortrose (Ward 9).  Nature of Development: Erection of house.  Recommendation: Grant.</p>	
	<p>On a query from Members, the Planner outlined previous planning applications.</p>	



	<b>Agreed:</b> to <b>GRANT</b> planning permission subject to the conditions contained in the report.	<b>MK</b>
<b>7</b>	<b>Decision of Appeals to the Scottish Government Planning and Environmental Appeals Division (PP 149 - 180)</b> <b>Co-dhùnadh mu larrtas do Bhuidheann-stiùiridh Riaghaltas na h-Alba airson Lùth agus Atharrachadh Aimsir</b>	
7.1	Applicant: Ms Eve Wilder (21/00246/ENF) (ENA-270-2038) Location: Land 90 m South West of Birchwood Lodge, Migdale, Bonar Bridge, IV24 3AR (Ward 1) Nature of Enforcement: the unauthorised erection of a dwelling house without the required planning permission.	
	<b>Agreed:</b> to <b>NOTE</b> the decision of the Reporter to uphold the enforcement notice but allow the appeal to the extent that the terms of the notice have been varied by changing the time period for compliance to four months.	<b>Aidan Brennan/ Claire Farmer- McEwan</b>
7.2	Applicant: Ross Lambie (20/04824/PIP) (PPA-270-2247) Location: Land 70 m SW of Tigh Na Greine, Broadford IV49 9AS (Ward 10) Nature of Development: Planning permission in principle for a one and a half storey dwelling plot.	
	The Local Members expressed disappointment that the grant of planning permission for this and the related developments would result in the loss of a path to the Broadford River and noted that there were a number of conditions that needed to be purified prior to development commencing as this is an in principle permission.  <b>Agreed:</b> to <b>NOTE</b> the decision of the Reporter appointed by the Scottish Ministers to allow the appeal and to grant planning permission in principle subject to the conditions stated in the determination notice.	<b>Chris Hallas</b>
7.3	Applicant: Ross Lambie (20/04825/PIP) (PPA-270-2248) Location: Land 90 metres SW of Tigh Na Greine, Broadford, IV49 9AS (Ward 10) Nature of Development: Planning permission in principle for a one and a half storey dwelling plot.	
	<b>Agreed:</b> to <b>NOTE</b> the decision of the Reporter appointed by the Scottish Ministers to allow the appeal and to grant planning permission in principle subject to the conditions stated in the determination notice.	<b>Chris Hallas</b>
7.4	Applicant: Ross Lambie (20/004826/PIP) (PPA-270-2249) Location: Land 120 m SW of Tigh Na Greine, Broadford, IV49 9AS (Ward 10) Nature of Development: Planning permission in principle for a one and a half storey dwelling plot.	
	<b>Agreed:</b> to <b>NOTE</b> the decision of the Reporter appointed by the Scottish Ministers to allow the appeal and to grant planning permission in principle subject to the conditions stated in the determination notice.	<b>Chris Hallas</b>

7.5	<p>Applicant: Energiekontor UK Ltd (20/00584/FUL) (PPA-270-2250)</p> <p>Location: Land at Torr Leathann, Strathrory, Ardross, Alness, IV17 0YD (Ward 6).</p> <p>Nature of Development: Erection and operation of a wind farm for a period of 35 years, comprising of 7 wind turbines with a maximum blade tip height of 149.9 metres, access tracks, borrow pit, substation, control building and ancillary infrastructure.</p>	
	<p>The Committee was advised that the appellant has lodged a PAN in respect of this development to increase the height of turbines because of lower wind speeds being recorded on site making the original scheme unviable.</p> <p><b>Agreed:</b> to <b>NOTE</b> the decision of the Reporter to allow the appeal and to grant planning permission subject to the conditions listed in the decision notice.</p>	<b>Peter Whelan</b>
	The meeting finished at 14:48.	