

**THE HIGHLAND COUNCIL**

**NORTH PLANNING APPLICATIONS COMMITTEE**

**15 MARCH 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:**

Mr R Bremner (Ward 3)  
Mrs I Campbell (Ward 5)  
Mr R Gale (Ward 4) by VC (items 1-6.2 only)  
Mr D MacKay (Ward 2) (items 1-4 and 5.2-7.2 only)  
Mrs M Paterson (Ward 8)  
Mr K Rosie (Ward 2) (items 6.4-6.6 only)  
Mr A Sinclair (Ward 3) (items 6.2-7.2 only)  
Ms M Smith (Ward 6)

**Substitutes Present:**

Mr A Mackinnon (for Mrs A MacLean) (items 1-6.3 and 6.5-7.2 only)

**Other Members Present:**

Mr G Adam (items 6.5 and 6.6), Mr D Louden and Ms F Robertson (both item 6.3)

**Officers Participating:**

Dafydd Jones (DJ) – Acting Head of Development Management – Highland  
Simon Hindson (SH) – Team Leader – Strategic Projects Team  
Erica McArthur (EMcA) – Principal Planner  
Susan Hadfield (SHA) – Planner  
Michael Kordas (MK) – Planner  
Jane Bridge – Senior Engineer (Development Management)  
Karen Lyons – Principal Solicitor (Planning) and Clerk  
Alexander Fowler – Trainee Solicitor  
Fiona MacBain – Committee Administrator  
Alison MacArthur – Administrative Assistant

**Guests:**

None

<b>ITEM NO</b>	<b><u>DECISION</u></b>	<b><u>ACTION</u></b>
<b>1</b>	<b>Apologies for Absence Leisgeulan</b>	
	Mr M Finlayson, Mr C Fraser, Mr J Gordon, Mr H Morrison, Mrs A Maclean, Mr C Macleod, Mr A Rhind	<b>N/A</b>
<b>2</b>	<b>Declarations of Interest Foillseachaidhean Com-pàirt</b>	
	Mr A Mackinnon declared a non-financial interest in respect of item 6.4 Mr D MacKay declared a non-financial interest in respect of item 5.1	<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 minutes of the meeting of the Committee held on 25 January 2022 which were <b>APPROVED</b> .	<b>N/A</b>
<b>4</b>	<b>Major Development Update Iarrtasan Mòra</b>	
	Update on new applications received since the report was issued, current appeals and those applications coming forward in 2022.  There has recently been an Application under Section 42 of the Town and Country Planning (Scotland) Act for Strathroy wind farm. This will be reported in June.  To update members, officers are in touch with Planning Aid Scotland to deliver planning training for members.  <b>Agreed:</b> to <b>NOTE</b> the report.	<b>SH/DJ</b>
<b>5</b>	<b>Major Developments – Pre-application consultations Leasachaidhean Mòra – Co-chomhairle Ro-iarrta</b>	
5.1	Description: Cairnmore Hill Windfarm – Erection and operation of Wind Farm (22/00235/PAN) (PLN/014/22) Ward: 2 Applicant: RES Site Address: Land 1580 m SE of Schoolhouse, Forss, Thurso.	
	<b>Agreed:</b> no further considerations raised.	

5.2	<p>Description: Strathroy Wind Farm – Erection and operation of a wind farm for a period of 35 years, comprising of up to 7 wind turbines, access tracks, borrow pits, substation, control building and ancillary infrastructure (22/00310/PAN) (PLN/015/22)  Ward: 6  Applicant: Energiekontor UK Ltd  Site Address: Land at Torr Leathann, Strathroy, Ardross, Alness.</p>	
	<p><b>Agreed:</b> no further considerations raised.</p>	
6	<p><b>Planning Applications to be Determined</b>  <b>Iarrtasan Dealbhaidh rin Dearbhadh</b></p>	
6.1	<p>Applicant: (Broadland Properties Ltd (20/00539/FUL) (PLN/016/22)  Location: Rosehaugh, South Avoch (Ward 9).  Nature of Development: Formation of 39 serviced house plots (amended from 41 serviced house plots), access, drainage and open space.  Recommendation: Grant.</p>	<p><b>EMcA/JB</b></p>
	<p>Mr R Gale lost VC connection during this item and took no part in the determination.</p> <p>Amendment to wording of condition 1 as set out in section 11 of the report.</p> <p>In answer to Members' questions, the Planner advised:</p> <ul style="list-style-type: none"> <li>• the Senior Engineer had not been involved in recent discussions in relation to the A9 Munloch junction but understood amendments had been made to the junction by Transport Scotland who had been looking at the whole route from Kessock Bridge to the Tore roundabout. An update would be given to Members following the meeting;</li> <li>• the playparks at MacKay Terrace and Rose Street were Council owned. There would be separate play areas within the development. The conditions included maintenance as part of the factoring agreement for all the open spaces. A detailed planning application would be lodged for each plot;</li> <li>• a revision to the wording of condition 7 in relation to play areas with details requested of when each of the play areas would be delivered; and</li> <li>• although there were more units there was not a significant increase in relation to traffic, the speed of traffic and the traffic calming measures were appropriate and acceptable.</li> </ul> <p><b>Agreed:</b> to <b>GRANT</b> planning permission subject to (i) the conditions contained in the report including the revised wording for condition (1) as indicated by the case officer in her presentation and a revised wording for condition (7) to be approved by the Chair and Ward 9 Members and (ii) the prior conclusion of a section 75 agreement to secure the obligations contained in the report.</p>	

6.2	<p>Applicant: Tulloch Homes Ltd (21/03207/FUL) (PLN/017/22)  Location: Land 100 m SW of Broompark, Conon Bridge (Ward 8).  Nature of Development: Erection of 27 residential units with associated works.  Recommendation: Approve.</p>	<b>SH</b>
	<p>Mr R Gale lost VC connection during this item and took no part in the determination.</p> <p>In answer to Members' questions, the Planner advised:</p> <ul style="list-style-type: none"> <li>• the onus was on the developer to carry out any clearing of mud on the road. The reality of the resources available to the roads and planning services did not enable the works to be actively managed. In the event of an issue arising, representations should be made to the site manager;</li> <li>• the hedges and walled areas were detailed in the scheme; and</li> <li>• there was an existing playpark and amenity space within the development.</li> </ul> <p>During debate the following views were expressed:</p> <ul style="list-style-type: none"> <li>• most of the objections from the Community Council had been taken on board including flood risk and broadband reception;</li> <li>• there were several developments in the area and a major concern was with the junction on the Leanaig A835(T) Tore to Maryburgh road where it turns on to the B9163. A request was made for a condition securing improvements before any development starts. There are regular road traffic incidents at this junction. A reduction in the speed limit and an extension of the junction with an exit lane would solve most of the issues.</li> </ul> <p>The Acting Head of Development Management - Highland advised that the number of units applied for was no greater than the capacity that had already been set out and agreed. With the level of development being no greater it would be unreasonable to insist on improvements to the junction as the overall development had been approved. The Committee could write to Transport Scotland and copy to the MSP with concerns in relation to the junction. Members would be aware that the Scottish Government had been involved in other trunk road improvements (A9 at Munlochy junction).</p> <p>The press office was to be contacted and a press release should also be sent out today with a strong signal that the Council is not happy with the existing junction.</p> <p><b>Agreed:</b> to (I) <b>GRANT</b> planning permission subject to (i) the conditions contained in the report and (ii) the prior conclusion of a section 75 agreement to secure the obligations contained in the report;</p>	

	<p>(II) send a letter to Transport Scotland and Kate Forbes MSP on behalf of the committee requesting a meeting to address improvements to the A835/B9163 junction which turns into Conon Bridge, given accidents in this vicinity; and</p> <p>(III) issue a press release on matter (II).</p>	
6.3	<p>Applicant: Mr T Austin (21/04972/FUL) (PLN/018/22)  Location: Land 60 m NW of 12 Knock Shortie, Portmahomack (Ward 7).  Nature of Development: Erection of three houses.  Recommendation: Approve.</p>	<b>SH</b>
	<p>Mr R Gale left during this item due to a continuing VC issue and took no part in the determination.  Mr K Rosie joined the meeting during this item and took no part in the determination.</p> <p>The Planning Officer advised that, on P.89 (para 8.16) of the report, where it states “7 metres from the boundary”, this should read “2.6 metres from the boundary”.</p> <p>In answer to Members’ questions, the Planner advised:</p> <ul style="list-style-type: none"> <li>• the original outline planning permission in 1992 did not include houses in this area. Plans for neighbouring houses appeared to show this area as plot 21 but no application had ever come forward naming this as plot 21; and</li> <li>• the development was positioned closer to Gordon Brae than Chapel Place.</li> </ul> <p>During debate the following views were expressed:</p> <ul style="list-style-type: none"> <li>• three houses on this site would be overdevelopment and would look congested;</li> <li>• the houses would not be in keeping with the houses in Chapel Place or the Knockshortie houses;</li> <li>• although Members were keen to encourage more houses this application appeared to impact on the amenity of houses in Chapel Place; and</li> <li>• there would be a substantial playpark in the area and the access area for this development would be too close to the playpark.</li> </ul> <p><b>Agreed:</b> to <b>REFUSE</b> the application for the following reasons:  The development off Golf Road is a contained development with established boundaries. Similarly, the houses on Chapel Place form an established boundary at the rear. There are a number of houses in an elevated position above the application site. Having considered the context of the application site, Members concluded that the application site at the rear of Chapel Place is not substantial enough to provide for the proposed development resulting in overdevelopment. The development would appear constrained, it would not demonstrate sensitive siting and would be</p>	

	significantly detrimental to the individual and community residential amenity of existing residents. For these reasons it was considered that the proposed development would be contrary to policies 28 and 29 of the Highland-wide Local Development Plan.	
6.4	<p>Applicant: Firth Plumbing Heating and Roofing Ltd (21/05232/PIP) (PLN/019/22)</p> <p>Location: 1 and 3 Blairnaparc Road, Dingwall Business Park, Dingwall (Ward 8).</p> <p>Nature of Development: Erection of office and workshop building, installation of storage unit and associated parking arrangements.</p> <p>Recommendation: Refuse.</p>	<b>SH</b>
	<p>Mr A Mackinnon had declared an interest in this item and took no part in the determination.</p> <p>The Area Planning Manager North updated the Committee on the two previous applications that had been referred to the Scottish Government. The Scottish Government had requested further time for consideration of these applications. Discussions had been progressing with Senior Officials in Scottish Government and there was ongoing work between HIE, the council and SEPA. HIE had written to all the business owners and were progressing costings for a feasibility study on the bund.</p> <p>In answer to Members' questions, the Planner advised:</p> <ul style="list-style-type: none"> <li>• until something can be done with the bund, the planning service would continue to recommend refusal.</li> </ul> <p><b>Agreed:</b> to <b>NOTIFY</b> 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 following reasons given by Mrs M Paterson:</p> <p>The application site is within the existing business park and the proposed development is compatible with the surrounding uses. As we move out of the pandemic we are very aware that the economy has to recover and this is very high on the Council's agenda. It is very important that we support opportunities for local jobs. Businesses have shown that they want to locate in the business park in Dingwall and, as a Council, we should welcome their investment. SEPA indicates that the existing bunding needs to be discounted - it was constructed to meet guidance that was in place when the business park was developed and appears to have protected the existing units from flooding to date. The Council along with HIE and SEPA are exploring further options for improvement and maintenance of the bund around the business park. The development of the site as an office building is within the least vulnerable use category as defined by SEPA when the impact of flooding is considered and therefore the development should be supported.</p>	

6.5	<p>Applicant: Mr B Adams (21/05554/FUL) (PLN/020/22)  Location: Land 35 m SE of Site 2, Avoch Industrial Estate, Avoch (Ward 9).  Nature of Development: Erection of industrial unit (partly in retrospect).  Recommendation: Grant.</p>	<b>MK</b>
	<p>In answer to Members' questions, the Planner advised:</p> <ul style="list-style-type: none"> <li>• the crane gantry had to be accommodated inside the building and this had resulted in the increased height of the building;</li> <li>• the transport planning team had stated that this was for an increase in height and the original development was also not of the scale that would require a transport assessment; and</li> <li>• there are conditions in the original report for the outside lighting.</li> </ul> <p>Mr Adam then expressed the following views:</p> <ul style="list-style-type: none"> <li>• one concern in the community was the traffic but the building did not impact traffic; and</li> <li>• the other concern was for the height of the building. The height required to be raised by 0.7 metres for the crane gantry which was integral to the whole development, this appeared to be a reasonable compromise.</li> </ul>	
	<p><b>Agreed:</b> to <b>GRANT</b> planning permission subject to the conditions contained in the report.</p>	
6.6	<p>Applicant: Mr and Mrs Foran (21/05944/FUL) (PLN/021/22)  Location: Land 85 m South of Windrill, Drumsmittal, North Kessock (Ward 9). Nature of Development: Erection of house and detached garage.  Recommendation: Refuse.</p>	<b>MK</b>
	<p>In answer to Members' questions, the Planner advised:</p> <ul style="list-style-type: none"> <li>• it would be the impact of the engineering works that were a planning consideration and not the actual engineering works.</li> </ul> <p>Mr Adam then expressed the following views:</p> <ul style="list-style-type: none"> <li>• this comes under the realm of what is a housing group and what is not. The point of having housing groups is to avoid undesirable development. The houses would be equally dispersed on this road. Although you cannot see the other houses they are still in a group and have a relationship.</li> </ul> <p>The Acting Head of Development Management - Highland advised that if you were to travel on this road you would see that the houses would have no relationship to each other. From a planning perspective this development does not form part of an existing group and does not conform to policy.</p> <p>Motion by Ms M Smith seconded by Mr D Mackay to grant Planning Permission for the following reasons.</p>	

	<p>The house is considered to be infill development to an existing housing group, therefore the application is in accordance with policy 35 of the Highland-wide Local Development Plan and related Rural Housing Supplementary Guidance.</p> <p>Amendment by Mr R Bremner seconded by Cllr Mackinnon to refuse the application in accordance with the recommendation contained in the report.</p> <p>Vote:  Motion – 5 (Mrs I Campbell, Mr D Mackay, Mrs M Paterson, Mr A Sinclair, Ms M Smith)  Amendment – 3 (Mr R Bremner, Mr K Rosie, Mr A Mackinnon)  Abstain - 0  Motion carried 5 votes to 3.</p> <p><b>Agreed:</b> to <b>GRANT</b> planning permission for the reasons set out in Cllr Smith’s motion subject to conditions to be approved by the Chair and ward 9 members.</p>	
<b>7</b>	<p><b>Decision of Appeals to the Scottish Government Planning and Environmental Appeals Division (PP 149 - 180)</b>  <b>Co-dhùnadh mu Iarrtas do Bhuidheann-stiùiridh Riaghaltas na h-Alba airson Lùth agus Atharrachadh Aimsir</b></p>	
7.1	<p>Applicant: South Kilbraur Wind Farm Limited (19/04826/FUL) (PPA-270-2237)  Location: Land 1,645 metres South of 43 Farlary, Rogart, Sutherland, IV28 (Ward 4)  Nature of Development: Installation of up to 7 wind turbines of up to 149.9 metres tip height and ancillary infrastructure.</p>	
	<p>The Committee <b>NOTED</b> the decision of the Reporter to dismiss the appeal and to refuse to grant planning permission for the reasons given in the decision notice.</p>	<b>Gillian Pearson</b>
7.2	<p>Applicant: John Nightingale (17/03202/FUL) (PPA-270-2244)  Location: Daffodil Field, Miller Road, Cromarty, IV11 8XH (Ward 9)  Nature of Development: Erection of three houses and erection of garage/boathouse.</p>	
	<p>The Committee <b>NOTED</b> note the decision of the Reporter to dismiss the appeal and to refuse to grant planning permission for the reasons given in the decision notice.</p>	<b>EMcA</b>
	<p>The meeting finished at 14.58</p>	