

# THE HIGHLAND COUNCIL

## NORTH PLANNING APPLICATIONS COMMITTEE

27 SEPTEMBER 2022, 10.30AM, COUNCIL CHAMBER, INVERESS

### MINUTE / 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 Michael Baird	Mr Drew Millar ( <b>in the Chair except Item 6.3</b> )
Mrs Isabelle Campbell	Mr Alasdair Rhind (except item 6.3)
Ms Tamala Collier (remote)	Mrs Margaret Paterson
Mr Richard Gale	Mr Karl Rosie ( <b>in the Chair for item 6.3</b> ) (remote)
Ms Liz Kraft	Mr Ruraidh Stewart
Mrs Angela MacLean	
Ms Jan McEwan (remote) (except item 6.6)	

#### Non-Committee Members Present:

Ms L Johnston

#### Officers participating:

Mr D Jones, Area Manager - North (DJ)  
Mr S Hindson, Team Leader (SH)  
Ms E McArthur , Principal Planner (EMcA)  
Ms S Hadfield, Planner (SH)  
Mr P Wheelan, Planner (PW)  
Mr M Kordas, Planner (MK)  
Mr L Burnside, Planner (LB)  
Mr M Harvey, Planner (MH)  
Ms G Pearson, Planner (GM)  
Ms R Banfro, Solicitor and Clerk  
Ms R Ross, Committee Officer  
Ms F MacBain, Committee Administrator

ITEM NO	DECISION	ACTION
1	<b>Apologies for Absence Leisgeulan</b>  Ms Sarah Atkin, Mr Raymond Bremner, Mr Matthew Reiss	
		n/a
2	<b>Declarations of Interest Foillseachaidhean Com-pàirt</b>	

	Item 6.3 – Mr D Millar	
		n/a
3	<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 meetings of the Committee held on 10 August 2022 which were <b>APPROVED</b> .	n/a
4	<b>Major Development Update Iartasan Mòra</b>	
	<p>There had been circulated Report No PLN/063/22 by the Area Planning Manager – North, providing an update on progress of all cases within the “Major” development category currently with the Infrastructure and Environment Service for determination.</p> <p>Updates were provided as follows:</p> <ul style="list-style-type: none"> <li>• 22/04160/PAN Construction of access track alternative access for Strathy South Wind Farm - Strathy</li> <li>• 22/04329/PAN Erection and operation of a hydrogen electrolyser plant and associated infrastructure - Gordonbush, Brora</li> <li>• 22/04095/PAN Balmeanach Wind Farm - The proposed development would consist of up to 10 wind turbines with tip heights up to 149.9m and an overall estimated capacity of 45MW- Struan, Skye</li> <li>• 22/03864/S36 Pentland Offshore Wind Farm - Erection and Operation of an offshore floating wind farm and associated offshore infrastructure comprising up to seven floating wind turbines of up to 300m to blade tip height, seven floating substructures with associated mooring lines and anchors / piles, inter-array cables, two export cables, landfall, and associated scour and cable protection measures – North West of Dounreay</li> <li>• 22/03723/S42 Application for non-compliance with conditions 10 (Aviation Lighting and Information) and Condition 30 (Noise) of deemed planning permission 20/03481/S36 (Strathy South Wind Farm Variation)- Strathy South Wind Farm, Strathy</li> <li>• 22/04104/PIP Construction and operation of a business park and low carbon industrial hub comprising up to 325m2 of Class 1 Food Retail, 2786m2 of Class 4 Business Use, up to 7432m2 of Class 5 Industrial Use, up to 7432m2 of Class 4 Storage and distribution, Class 7 Hotel with up to 61 bedrooms, 100 car parking space, park and ride, access, roads, landscaping and ancillary infrastructure - Tore</li> <li>• 22/03558/FUL Cairnmore Hill Wind Farm (Re-design) - Erection and Operation of a Wind Farm for a period of 35 years, comprising of 5 Wind Turbines with a maximum blade tip height 138.5m, access tracks, substation, control building, battery energy storage system, and ancillary infrastructure - Forss, Thurso</li> </ul> <p>Clarification was sought and provided on whether the development at Tore was within the boundaries of the new Inner Moray Firth Local Development Plan and whether the Plan had been out to consultation with the relevant residents.</p> <p>The Committee <b>NOTED</b> the current position with the applications.</p>	SH

5	<b>Major Developments – Pre-application consultations</b> <b>Leasachaidhean Mòra – Co-chomhairle Ro-iarrtais</b>	
5.1	<b>Description:</b> Whisky maturation warehousing site and associated roads and infrastructure (22/03450/PAN) (PLN/064/22) <b>Ward:</b> 06 <b>Applicant:</b> Whyte & Mackay <b>Site Address:</b> Land to the West of Cromarty Firth Industrial Park, Invergordon.	
	<b>NOTED</b> the application.	<b>DJ / SH</b>
5.2	<b>Description:</b> Allt Na Moine Hydro Electric Station Grid Connection – Installation and operation of approximately 26 kilometres of underground 33kv electricity cable (22/03544/PAN) (PLN/065/22) <b>Ward:</b> 05 <b>Applicant:</b> Renewable Energy Transmission Ltd <b>Site Address:</b> Land 1570M East of Collie Mhuiridh, Applecross	
	<b>NOTED</b> the application.	<b>DJ / SH</b>
6	<b>Planning Applications to be Determined</b> <b>Iarrtasan Dealbhaidh rin Dearbhadh</b>	
6.1	<b>Applicant:</b> Springfield Properties PLC (21/04031/FUL) (PLN/066/22) <b>Location:</b> Land 120M North of Glenburn, Station Road, Dornoch (Ward 04). <b>Nature of Development:</b> Erection of 112 residential units. <b>Recommendation: Grant</b>  Attention was drawn to one further representation that had been received citing lack of an invite to the developer consultation event and reiterating concerns relating to the safety of the proposed footpath linkage. These were addressed in the report and presentation.	
	<b>Agreed:</b> to <b>GRANT</b> planning permission subject to the conditions recommended in the report.	<b>GP</b>
6.2	<b>Applicant:</b> Whiterow Properties Ltd (21/05855/FUL) (PLN/067/22) <b>Location:</b> Land 40M West of McColls Store Gairloch (Ward 05). <b>Nature of Development:</b> Erection of retail unit. <b>Recommendation: Grant</b>	
	<b>Agreed:</b> to <b>GRANT</b> planning permission subject to the conditions recommended in the report.	<b>EMcA</b>
6.3	<b>Applicant:</b> Mr Campbell Dickson (22/01508/FUL) (PLN/068/22) <b>Location:</b> Wych Hazel, 3 East Park, Portree (Ward 10). <b>Nature of Development:</b> Change of use from house to House in Multiple Occupancy. <b>Recommendation: Grant</b>  <b>Declaration of interest: Mr D Millar declared an interest in this item as a member of Portree and Braes Community Council and left the meeting during the discussion and decision. Mr K Rosie took the Chair for this item.</b>	

	<p><b>Motion:</b> Mr R Stewart, seconded by Mrs I Campbell, as follows:</p> <p>‘Firstly, I do not share the officer’s view that the proposed development has adequate parking provision for this development. In my assessment, this will have a significantly detrimental on traffic and pedestrian safety on account of increased parking pressures and the volume of traffic where there is no pedestrian foot path. Given the topography and location of the site, I am of the view that this development fails to reduce reliance on the use of private vehicles and is not supported by sustainable active travel choices given the lack of pedestrian foot paths and location of the site. Secondly, I am of the opinion that there is insufficient land within the applicant’s control to provide the shortfall in parking provision and as such this would cause obstruction to the Glaslyn property.</p> <p>Given there is already an HMO operating in what is described as a small cul de sac, I cannot agree with the officers’ view that little material weigh can be given to the cumulative impact of the development on neighbouring amenity. It is also my understanding that the increased vehicle movements from the property would have a significantly detrimental impact on the amenity of the existing residential properties in the small cul de sac by causing excessive disturbance. As such it is my contention that this proposal is in contravention of Policy 28 of the Highland-wide Local Development Plan and Policy HMO3. I am of the view that this development should therefore be refused.’</p> <p><b>Amendment:</b> Mr K Rosie, seconded by Ms J McEwan, to grant the application as recommended, (including an additional condition linking the proposed House in Multiple Occupancy to staff employed at the Applicant’s existing businesses).</p> <p>On a vote being taken, the results were as follows:</p> <p><b>For the motion:</b> Campbell, Paterson, Stewart (3)</p> <p><b>For the amendment:</b> Baird, Collier, Gale, Kraft, MacLean, McEwan, Rosie (7)</p>	
	<p><b>Agreed:</b> to <b>GRANT</b> planning permission subject to conditions as detailed above.</p>	<p><b>MH</b></p>
<p><b>6.4</b></p>	<p><b>Applicant:</b> Mr Sandy Munro (22/02050/FUL) (PLN/069/22)  <b>Location:</b> Sonas, Lochussie, Conon Bridge, Dingwall (Ward 08).  <b>Nature of Development:</b> Erection of 4no. self contained holiday letting units and  <b>Recommendation: Refuse</b></p> <p><b>Motion:</b> Mrs M Paterson, seconded by Mrs A MacLean, proposed that the application achieved sensitive siting and is reasonably well screened, and while potentially visible, additional landscaping would soften any impacts. She did not agree that it was contrary to Policy 28. It was supported by policy 44-Tourist Accommodation which supported the proposal for Tourist Accommodation, which this was.</p> <p><b>Amendment:</b> Mr D Millar, to refuse the application as recommended. Mr Millar’s amendment failed to find a seconder and fell.</p>	

	<p><b>Agreed:</b> to <b>GRANT</b> planning permission for the reasons provided by Mrs Paterson, subject to conditions to be drafted by Planning officers in consultation with Ms M Paterson and Ms A Maclean as the Ward 8 members of NPAC.</p>	<b>SH</b>
<b>6.5</b>	<p><b>Applicant:</b> Midfearn Distillery Company Limited (22/02261/FUL) (PLN/070/22)</p> <p><b>Location:</b> Land 470M North West Of Farmhouse, Easter Fearn, Ardgay (Ward 04).</p> <p><b>Nature of Development:</b> Erection and operation of whisky distillery with associated warehousing, bottling facility, tank farm, energy centre, landscaping and associated infrastructure.</p> <p><b>Recommendation: Grant</b></p> <p>A late representation had been received from the objector, which raised three principal concerns, over and above those set out within the report, as follows:</p> <p>1) The first concern was with Edderton Community Council's support for the application, due to an alleged breach of the Community Council's code of conduct. In response, whether there had been a breach of the code of conduct or not, the Community Council had since withdrawn their response to the application. Therefore Members were advised that in determining the application today, no weight could be attributed to the Community Council's previous position of support. The withdrawal of the response did not alter my assessment of the application, or the recommendation to support the application. The alleged breach had been reported to Legal Services to respond accordingly.</p> <p>2) The second concern was with the originally intended long sea outfall pipe from the distillery, and this was not being assessed at this stage. The objector regarded this pipe to form an integral part of the development and should therefore undergo an Environmental Impact Assessment. In response, the application before Members today did not propose a long sea outfall pipe with an alternative solution being proposed, with operational waste water from the distillery to be removed from site by road in tankers. Any proposed introduction of a long sea outfall pipe would require separate planning application, which would be assessed against the EIA regulations at that time. In response to this concern, please note that paragraph 1.5 of the report of handling should be corrected to clarify that following the feedback received at the EIA Scoping stage, the originally proposed pipe was removed before the planning application was made. In the interest of clarity, the proposed Operational Management Plan required by Condition 12 was also recommended to be amended, to include the requirement for: 'a scheme for the removal of effluent from site, with all effluent to be discharged by road'.</p> <p>3) The final concern related to there being a lack of a clear methodology for the Transport chapter of the EIA Report, with its conclusions being challenged. In response, based on the information presented in the EIA Report, and the responses from Transport Scotland and Transport Planning, the development's transport impacts on the road network have found to be acceptable, with no other concerns having been raised.</p>	
	<p><b>Agreed:</b> to <b>GRANT</b> planning permission subject to the conditions recommended in the report.</p>	<b>PW</b>

6.6	<p><b>Applicant:</b> Groam House Museum (22/02374/FUL) (PLN/071/22)  <b>Location:</b> Arndene, 19 High Street, Rosemarkie, Fortrose, IV10 8UF (Ward 09).  <b>Nature of Development:</b> Change of use from residential to museum and erect  <b>Recommendation: Grant</b></p> <p>A late representation had been received from the local Community Council and the issues raised were covered during the presentation.</p>	
	<p><b>Agreed:</b> to <b>GRANT</b> planning permission subject to the conditions recommended in the report.</p>	<b>MK</b>
6.7	<p><b>Applicant:</b> Mr Sean &amp; Mrs Jane Laird (22/02780/FUL) (PLN/072/22)  <b>Location:</b> Land 180M East Of East Achinchanter Cottage, Dornoch (Ward 04).  <b>Nature of Development:</b> Erection of a house and stables/outbuildings,  <b>Recommendation: Grant</b></p>	
	<p><b>Agreed:</b> to <b>GRANT</b> planning permission subject to the conditions recommended in the report.</p>	<b>LB</b>
7.1	<p><b>Decision of Appeals to the Scottish Government Planning and Environmental Appeals Division</b>  <b>Co-dhùnadh mu larrtas do Bhuidheann-stiùiridh Riaghaltas na h-Alba airson Lùth agus Atharrachadh Aimsir</b></p> <p><b>Applicant:</b> M T Austin (PPA-270-2263) (21/04972/FUL)  <b>Location:</b> Land 60m NW of 12 Knock Shortie Road, Portmahomack, IV20 1RL (Ward 07)  <b>Nature of Development:</b> Erection of three houses.</p>	
	<p>Further to the Reporter's Notice of Intention to grant planning permission reported to the last meeting of the Committee, the Committee <b>NOTED</b> the decision of the Reporter appointed by the Scottish Ministers to allow the appeal and grant planning permission subject to the six conditions listed at the end of the decision notice. Attention was drawn to the three advisory notes at the end of the notice.</p>	
	<p>The meeting ended at 3.15pm.</p>	