

Minute

Planning Committee

Wednesday, 1 June 2022, 09:30.

Council Chamber, Council Offices, School Place, Kirkwall.



Present

Councillors Owen Tierney, Alexander G Cowie, P Lindsay Hall, Kristopher D Leask, James R Moar, John A R Scott, Ivan A Taylor, Mellissa-Louise Thomson and Duncan A Tullock.

Present via remote link (Microsoft Teams)

Councillor Graham A Bevan.

Clerk

- Angela Kingston, Committees Officer.

In Attendance

- Roddy Mackay, Head of Planning and Community Protection.
- Jamie Macvie, Planning Manager (Development Management).
- Paul Maxton, Solicitor.
- Donald Wilson, Roads Authority Officer.

Observing

- Hayley Green, Corporate Director for Neighbourhood Services and Infrastructure.
- David Barclay, Senior Planner (Development Management).
- Margaret Gillon, Senior Planner (Development Management).
- Hazel Flett, Senior Committees Officer.
- Kirsty Groundwater, Communications Team Leader.

Apologies

- Councillor Raymond S Peace.
- Councillor Jean E Stevenson.

Declarations of Interest

- No declarations of interest had been intimated.

Chair

- Councillor Owen Tierney.

1. Appointment of Vice Chair

The Chair called for nominations for the post of Vice Chair of the Planning Committee, and the Committee:

Resolved, in terms of delegated powers, that Councillor Kristopher D Leask be appointed Vice Chair of the Planning Committee.

2. Planning Application 21/346/PP

Proposed Demolition of House, Erection of Seven Houses, Associated Parking and Landscaping and Creation of Access (Part Retrospective) at Oakdene, Cairston Road, Stromness

Stephen Kemp, representing the applicant, Orkney Builders Limited, was present during consideration of this item.

After consideration of a report by the Corporate Director for Neighbourhood Services and Infrastructure, copies of which had been circulated, and after hearing a report from the Planning Manager (Development Management), the Committee:

Noted:

2.1. That, as the application for planning permission in respect of the proposal for the demolition of a house, erection of seven houses, associated parking and landscaping and creation of an access (part retrospective) at Oakdene, Cairston Road, Stromness, had been called in by two Councillors, in accordance with the Scheme of Administration, the application must be reported to the Planning Committee for determination.

2.2. The recommendation of the Corporate Director for Neighbourhood Services and Infrastructure that the application for planning permission in respect of the proposal for the demolition of a house, erection of seven houses, associated parking and landscaping and creation of an access (part retrospective) at Oakdene, Cairston Road, Stromness, should be refused, as the development was contrary to Policies 1 and 2 of the Orkney Local Development Plan 2017.

After hearing representations from Stephen Kemp, representing the applicant, Orkney Builders Limited, Councillor Duncan A Tullock, seconded by Councillor Alexander G Cowie, moved that the application for planning permission in respect of the proposal for the demolition of a house, erection of seven houses, associated parking and landscaping and creation of an access (part retrospective) at Oakdene, Cairston Road, Stromness, be refused, for the reasons as proposed by officers.

Councillor Owen Tierney, seconded by Councillor Kristopher D Leask, moved an amendment that planning permission in respect of the proposal for the demolition of a house, erection of seven houses, associated parking and landscaping and creation of an access (part retrospective) at Oakdene, Cairston Road, Stromness, be granted, subject to conditions, as, in their opinion:

(1) The proposed density of the development was appropriate to the location, having regard to the characteristics of the surrounding area.

(2) The proposed site layout and design of the development was appropriate given the mixed character of the surrounding area.

And, accordingly, the proposed development complied with the following policies of the Orkney Local Development Plan 2017:

- Policy 1 – Criteria for All Development.
- Policy 2 – Design.

On a vote being taken 6 members voted for the amendment and 4 for the motion, and the Committee:

Resolved, in terms of delegated powers:

2.3. That, notwithstanding the recommendation of the Corporate Director for Neighbourhood Services and Infrastructure, planning permission be granted in respect of the proposal for the demolition of a house, erection of seven houses, associated parking and landscaping and creation of an access (part retrospective) at Oakdene, Cairston Road, Stromness.

2.4. That the Committee's reasons for granting planning permission against the recommendation of the Corporate Director for Neighbourhood Services and Infrastructure were that, in the Committee's opinion:

- The proposed density of the development was appropriate to the location having regard to the characteristics of the surrounding area.
- The proposed site layout and design of the development was appropriate given the mixed character of the surrounding area.

And, accordingly, the proposed development complied with the following policies of the Orkney Local Development Plan 2017:

- Policy 1 – Criteria for All Development.
- Policy 2 – Design.

2.5. That powers be delegated to the Corporate Director for Neighbourhood Services and Infrastructure to finalise appropriate conditions and issue the consent in respect of the permission referred to at paragraph 2.3 above.

3. Planning Application 22/047/PP

Proposed Erection of House and Creation of Access at Eastr, Stromness

Corrine Sinclair, applicant, and Stephen Omand, agent for the applicant, were present during consideration of this item.

After consideration of a report by the Corporate Director for Neighbourhood Services and Infrastructure, copies of which had been circulated, and after hearing a report from the Planning Manager (Development Management), the Committee:

Noted:

3.1. That, as the application for planning permission in respect of the proposal for the erection of a house with integral garage, installation of an air source heat pump and creation of an access at Eastra, Stromness, had been called in by two Councillors, in accordance with the Scheme of Administration, the application must be reported to the Planning Committee for determination.

3.2. The recommendation of the Corporate Director for Neighbourhood Services and Infrastructure that the application for planning permission in respect of the proposal for the erection of a house with integral garage, installation of an air source heat pump and creation of an access at Eastra, Stromness, should be refused, as the development was contrary to Policies 1, 2, 5E and 9 of the Orkney Local Development Plan 2017.

After hearing representations from Stephen Omand, agent for the applicant, on the motion of Councillor Duncan A Tullock, seconded by Councillor John A R Scott, the Committee:

Resolved, in terms of delegated powers:

3.3. That, notwithstanding the recommendation of the Corporate Director for Neighbourhood Services and Infrastructure, planning permission be granted in respect of the proposal for the erection of a house with integral garage, installation of an air source heat pump and creation of an access at Eastra, Stromness.

3.4. That the Committee's reasons for granting planning permission against the recommendation of the Corporate Director for Neighbourhood Services and Infrastructure were that, in the Committee's opinion:

- Noting that the personal circumstances of the applicant could be regarded as a material planning consideration in extremely exceptional circumstances where a specific case had been made by an applicant:
 - The supporting information provided by the applicant indicated a lifelong, significant and debilitating health condition and the proposed site provided accommodation independent from, but close to, the parental home, which provided for the significant medical and health needs of the applicant as requested in the medical advice provided by the applicant's general practitioner.
 - The supporting information had demonstrated that, in this case, the exceptional personal circumstances of the applicant should be regarded as a significant material planning consideration, to be given sufficient weight to outweigh the policies of the Orkney Development Plan 2017.
- The proposed development was appropriately sited and designed to minimise impacts on the landscape and reflect the character of the surrounding area.

And, accordingly, the proposed development complied with the following policies of the Orkney Local Development Plan 2017:

- Policy 1 – Criteria for All Development, parts (i) to (vii).
- Policy 2 – Design, parts (i) and (ii).
- Policy 9 – Natural Heritage and Landscape, paragraphs A (ii) and G (i) to (iii).
- Policy 12 – Coastal Development, paragraph A (i) and (ii).

- Policy 13 – Flood Risk, SuDS and Waste Water Drainage.
- Policy 14 – Transport, Travel and Road Network Infrastructure.

3.5. That powers be delegated to the Corporate Director for Neighbourhood Services and Infrastructure to finalise appropriate conditions, including an access specification but not a requirement to widen the road across the frontage of the site, and issue the consent in respect of the approval referred to at paragraph 3.3 above.

4. Planning Application 22/060/PP

Proposed Erection of Two Houses and Creation of Access at Plots 1A and 1B Eastbrae, Wardhill Road, Stromness

Stephen Omand, agent for the applicant, Wardhill Homes Limited, was present during consideration of this item.

After consideration of a report by the Corporate Director for Neighbourhood Services and Infrastructure, copies of which had been circulated, and after hearing a report from the Planning Manager (Development Management), the Committee:

Noted:

4.1. That a letter of objection relating to the application for planning permission in respect of the proposal for the erection of two houses, with air source heat pumps, and creation of an access (resubmission of planning application 21/095/PP) at Plots 1A and 1B Eastbrae, Wardhill Road, Stromness, had been received from Kenneth Garrioch, Annandale, Wardhill Road, Stromness.

After hearing representations from Stephen Omand, agent for the applicant, Wardhill Homes Limited, Councillor Owen Tierney, seconded by Councillor P Lindsay Hall, moved that planning permission in respect of the proposal for the erection of two houses, with air source heat pumps, and creation of an access (resubmission of planning application 21/095/PP) at Plots 1A and 1B Eastbrae, Wardhill Road, Stromness, be granted, subject to the conditions as proposed by officers, with condition 07 being amended to refer to the installation of a footpath from the application site to the junction of Wardhill Road with Downies Lane.

Councillor Duncan A Tullock moved an amendment that planning permission in respect of the proposal for the erection of two houses, with air source heat pumps, and creation of an access (resubmission of planning application 21/095/PP) at Plots 1A and 1B Eastbrae, Wardhill Road, Stromness, be granted, subject to the conditions as proposed by officers.

On receiving no seconder, his amendment fell, and the Committee:

Resolved, in terms of delegated powers:

4.2. That planning permission be granted in respect of the proposal for the erection of two houses, with air source heat pumps, and creation of an access (resubmission of planning application 21/095/PP) at Plots 1A and 1B Eastbrae, Wardhill Road, Stromness, subject to the conditions attached as Appendix 1 to this Minute.

5. Planning Application 22/131/HH

Proposed Extension to House at Kirraquoy, Nearhouse Road, Harray

After consideration of a report by the Corporate Director for Neighbourhood Services and Infrastructure, copies of which had been circulated, and after hearing a report from the Planning Manager (Development Management), the Committee:

Noted:

5.1. That, as the application for planning permission in respect of the proposal for the extension to a house at Kirraquoy, Nearhouse Road, Harray, was made by a member of staff employed within the Planning Service, in accordance with the Scheme of Administration, the application must be reported to the Planning Committee for determination.

On the motion of Councillor Duncan A Tullock, seconded by Councillor Alexander G Cowie, the Committee resolved, in terms of delegated powers:

5.2. That planning permission be granted in respect of the proposal for the extension to a house at Kirraquoy, Nearhouse Road, Harray.

6. Conclusion of Meeting

At 12:00 the Chair declared the meeting concluded.

Signed: Owen Tierney.