

## **Minute**

### **Planning Committee**

Wednesday, 18 December 2019, 10:30.

Council Chamber, Council Offices, School Place, Kirkwall.



### **Present**

Councillors Robin W Crichton, John A R Scott, Alexander G Cowie, Norman R Craigie, David Dawson, Barbara Foulkes, Stephen Sankey, Graham L Sinclair, Magnus O Thomson, Owen Tierney, Duncan A Tullock and Kevin F Woodbridge.

### **Clerk**

- Angela Kingston, Committees Officer.

### **In Attendance**

- Roddy Mackay, Head of Planning, Development and Regulatory Services.
- Jamie Macvie, Planning Manager (Development Management).
- Georgette Herd, Solicitor.
- Donald Wilson, Roads Authority Officer.

### **Observing**

- Stuart West, Planning Manager (Development and Marine Planning).
- David Hartley, Communications Team Leader.
- David Barclay, Senior Planner (Development Management).
- Susan Shearer, Senior Planner (Development and Marine Planning) (for Item 1).

### **Declaration of Interest**

- Councillor Duncan A Tullock – Item 2.

### **Chair**

- Councillor Robin W Crichton.

## **1. Planning Application 19/191/PP**

### **Change of Use from Storage to Men's Shed and Extend (Part Retrospective) at The Shed, Maitland Place, Finstown**

As Councillor Alexander G Cowie had not been involved in previous discussions at the Committee regarding this application, nor taken part in the site visit, in terms of Standing Order 31 he took no part in the discussion thereof.

Morgan Marcus, applicant, Andrew Swain, accompanying the applicant, and Marie Nicolson, objector, were present during consideration of this item.

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

Noted:

**1.1.** That letters of objection relating to the application for planning permission, part retrospective, in respect of change of use of a shed from storage to a Men's Shed and extend at Maitland Place, Finstown, had been received from the following:

- Marie Nicolson, Cruanbreck, Finstown.
- Steven and Mandy Ward, Laharna, Finstown.
- S De Rees, 2A Maitland Place, Finstown.

**1.2.** That, on 30 October 2019, the Planning Committee deferred consideration of the application for planning permission, part retrospective, in respect of change of use of a shed from storage to a Men's Shed and extend at Maitland Place, Finstown, to enable members of the Committee to undertake an unaccompanied site visit.

**1.3.** That the site visit, referred to at paragraph 1.2 above, had taken place at 09:15 on 18 December 2019.

After hearing representations from Marie Nicolson, objector, and from Morgan Marcus, applicant, Councillor Robin W Crichton, seconded by Councillor Kevin F Woodbridge, moved that the application for planning permission, part retrospective, in respect of change of use of a shed from storage to a Men's Shed and extend at Maitland Place, Finstown, be refused, for the reasons proposed by officers.

Councillor Owen Tierney, seconded by Councillor Duncan A Tullock, moved an amendment that the application for planning permission, part retrospective, be granted in respect of change of use of a shed from storage to a Men's Shed and extend at Maitland Place, Finstown, as, in their opinion, although the potential road safety hazard that could result from intensification of use of the access to the development site was a legitimate consideration, there were no recorded accidents on the public road either side of the access resulting from vehicles entering/exiting the development site and any resulting intensification of the access arising from the change of use was not of such significance that it could create an unacceptable road safety hazard to merit refusal of the application, and was outweighed by other material considerations in favour of the development, and conformed with the following policies within the Orkney Local Development Plan 2017:

- Policy 1 – Criteria for All Development, parts (i) to (vi).
- Policy 11 – Outdoor Sports, Recreation and Community Facilities, parts (i) and (ii).

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

Resolved, in terms of delegated powers:

**1.4.** That the application for planning permission, part retrospective, in respect of change of use of a shed from storage to a Men's Shed and extend at Maitland Place, Finstown, be refused for the following reason:

- Policy 1 – Criteria for All Development, part (vi) notes that development will only be supported where it “does not result in an unacceptable level of risk to public health and safety”. Policy 14C – Road Network Infrastructure states that development will only be permitted where “(ii) It can be safely and conveniently accessed by service, delivery and other goods vehicles, as appropriate to the development.”. The development and change of use of the building would result in an intensification in use of an existing substandard access, with no means of it being upgraded. Roads Services, as the Roads Authority, has advised that the development would create an unacceptable road safety hazard. On that basis, the development is contrary to Policies 1, part (vi) and 14C of the Orkney Local Development Plan 2017.

## **2. Planning Application 19/285/PP**

### **Proposed Erection of Anemometer Mast for Temporary Period of Two Years on Land near Quanterness Farm, St Ola**

Councillor Duncan A Tullock declared a non-financial interest in this item, in that a close family member was involved in the application, and was not present during discussion thereof.

Sweyn Johnston and David Hannon, representing the applicant, Orkney Islands Council, and Jason McGray, representing the applicant's agent, TNEI, were present during consideration of this item.

After consideration of a report by the Executive Director of Development 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 letters of objection relating to the application for planning permission in respect of the proposal for the erection of an anemometer mast for a temporary period of two years on land near Quanterness Farm, St Ola, had been received from the following:

- Mrs C Lea, Spindrift, Northfield Road, Burray.
- Ms J Gray, Laithe, Tenston, Sandwick.
- Mrs L Lea, 44 Grieveship Brae, Stromness.
- Mrs N Dixon, 24 Coplands Drive, Stromness.
- Mr L Sinclair, 31A Broad Street, Kirkwall.

After hearing representations from Jason McGray, representing the applicant's agent, TNEI, and from Sweyn Johnston, representing the applicant, Orkney Islands Council, on the motion of Councillor Barbara Foulkes, seconded by Councillor John A R Scott, the Committee:

Resolved, in terms of delegated powers:

**2.2.** That planning permission be granted in respect of the proposal for the erection of an anemometer mast for a temporary period of two years on land near Quanerness Farm, St Ola, subject to the conditions attached as Appendix 1 to this Minute.

Councillor Graham L Sinclair joined the meeting at this point.

### **3. Planning Application 19/286/PP**

#### **Proposed Erection of Anemometer Mast for Temporary Period of Two Years on Land near Wee Fea, Hoy**

Sweyn Johnston and David Hannon, representing the applicant, Orkney Islands Council, and Jason McGray, representing the applicant's agent, TNEI, were present during consideration of this item.

After consideration of a report by the Executive Director of Development 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 a letter of objection relating to the application for planning permission in respect of the proposal for the erection of an anemometer mast for a temporary period of two years on land near Wee Fea, Hoy, had been received from Leslie Sinclair, 31A Broad Street, Kirkwall.

After hearing representations from Jason McGray, representing the applicant's agent, TNEI, on the motion of Councillor Robin W Crichton, seconded by Councillor David Dawson, the Committee:

Resolved, in terms of delegated powers:

**3.2.** That planning permission be granted in respect of the proposal for the erection of an anemometer mast for a temporary period of two years on land near Wee Fea, Hoy, subject to the conditions attached as Appendix 2 to this Minute.

### **4. Planning Application 19/342/VAR**

#### **Proposed Removal of Condition 02 from Planning Permission 18/136/PP (Occupation of House) at Seaways, Firth**

After consideration of a report by the Executive Director of Development 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 to remove condition 02 of planning permission 18/136/PP (occupation of house) at Seaways, Firth, had been received from Edward Drever, Marsdene, Grimbister, Kirkwall.

**4.2.** That, although a representation had been received from the objector prior to the meeting, in terms of paragraph 18.3 of the Hearings Process for the Determination of Planning Applications, as the representation exceeded the 250 word limit, it was not permissible for the Clerk to read the representation to the Committee and, accordingly, the representation did not form part of the determination of the application.

On the motion of Councillor Barbara Foulkes, seconded by Councillor Norman R Craigie, the Committee resolved, in terms of delegated powers:

**4.2.** That planning permission be granted in respect of the proposal to remove condition 02 of planning permission 18/136/PP (occupation of house) at Seaways, Firth, subject to the following condition:

- Surface Water drainage provision within the application site shall accord with the principles of Sustainable Urban Drainage Systems (SUDS) and is designed to the standards outlined in Sewers for Scotland Second Edition (or any superseding guidance prevailing at the time).
  - Reason: To ensure that surface water drainage is provided timeously and complies with the principles of SUDS; in order to protect the water environment.

## **5. Planning Application 19/357/PP**

### **Proposed Installation of Telecommunications Tower and Ancillary Equipment on Land north of Upper Stove, Stove Road, Deerness**

After consideration of a report by the Executive Director of Development 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 a letter of objection relating to the application for planning permission in respect of the proposal for the installation of a telecommunications tower and ancillary equipment on land north of Upper Stove, Stove Road, Deerness, had been received from Elizabeth Corsie, Upper Noltland, Deerness.

On the motion of Councillor David Dawson, seconded by Councillor Stephen Sankey, the Committee resolved, in terms of delegated powers:

**5.2.** That planning permission be granted in respect of the proposal for the installation of a telecommunications tower and ancillary equipment on land north of Upper Stove, Stove Road, Deerness, subject to the conditions attached as Appendix 3 to this Minute.

## **6. Conclusion of Meeting**

At 12:15 the Chair declared the meeting concluded.

Signed: Rob Crichton.