

Minute

Local Review Body

Friday, 25 September 2020, 14:15.

Microsoft Teams.



Present

Councillors Robin W Crichton, John A R Scott, Alexander G Cowie, Norman R Craigie, David Dawson, Barbara Foulkes, Stephen Sankey, Owen Tierney and Duncan A Tullock.

Clerk

- Angela Kingston, Committees Officer.

In Attendance

- Roddy Mackay, Planning Advisor.
- Peter Trodden, Legal Advisor.

Observing

- Ellis Inkster, Press Officer.

Apology

- Councillor Magnus O Thomson.

Declarations of Interest

- No declarations of interest were intimated.

Chair

- Councillor Robin W Crichton.

1. Suspension of Standing Orders

The Local Review Body **suspended Standing Order 8.11** to enable members to participate in the meeting from a remote location, as the decision to be made was as a result of a quasi-judicial or regulatory hearings process, such as a planning application or an appeal.

2. Form of Voting

The Local Review Body resolved that, should a vote be required in respect of the Notices of Review to be considered at this meeting, notwithstanding Standing Order 21.4, the form of voting should be by calling the roll or recorded vote.

3. Planning Application (18/500/HH)

Retrospective Planning Permission for Two Garage Doors, 47 Dundas Street, Stromness

After consideration of a report by the Chief Executive, copies of which had been circulated, the Local Review Body:

Noted:

3.1. That retrospective planning permission for the replacement of two garage doors at 47 Dundas Street, Stromness, was refused by the Appointed Officer on 20 December 2019, for the reasons outlined in section 3.2 of the report by the Chief Executive.

3.2. That the applicant had submitted a Notice of Review requesting that the decision of the Appointed Officer, referred to at paragraph 3.1 above, be reviewed.

3.3. That, in accordance with policy, the Local Review Body had undertaken an unaccompanied visit to the site, referred to at paragraph 3.1 above, at 10:00 on 25 September 2020.

After hearing a report from the Planning Advisor, the Local Review Body:

Resolved, in terms of delegated powers:

3.4. That the review be determined without further procedure.

Councillor Robin W Crichton moved that the decision of the Appointed Officer to refuse the application for retrospective planning permission for the replacement of two garage doors at 47 Dundas Street, Stromness, be upheld.

On receiving no seconder, his motion fell.

Councillor David Dawson, seconded by Councillor Barbara Foulkes, moved that retrospective planning permission be granted in respect of the replacement of two garage doors at 47 Dundas Street, Stromness, as, in their opinion:

(1) Within the Stromness Conservation Area there were examples of non-traditional garage doors having been installed in a variety of materials and there were similarities in the appearance, style and colour of the installed garage doors at 47 Dundas Street and other garage doors in the vicinity.

(2) The colour of the installed garage doors was co-ordinated with the colour of the windows on the associated property and was sympathetic to the character of the surrounding area and, as a result, the development did not have an adverse impact on the amenity of the conservation area.

(3) The replaced garage doors were in a very poor condition and of different designs, with one being an up and over door, of metal construction, and the other being vertical panelled timber construction, and the modern material finish of the replacement doors enhanced and had a positive effect on the appearance and amenity of the area.

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

- Policy 1 – Criteria for All Development, parts (i), (iv) and (x).
- Policy 2 – Design, parts (i) and (ii).

Councillor Owen Tierney, seconded by Councillor Robin W Crichton, moved an amendment that retrospective planning permission be granted in respect of the replacement of two garage doors at 47 Dundas Street, Stromness, subject to a condition that the external colour/finish of the garage doors should be painted in a traditional colour/finish appropriate to the character of the conservation area, with details of the alternative colour/finish to be agreed, in writing, by the Planning Authority as, in their opinion:

(1) The colour and finish of the installed doors did not reflect the historic colour and finish of the replaced doors and was not considered sympathetic to the character of the conservation area.

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

- Policy 1 – Criteria for All Development, parts (i), (iv) and (x).
- Policy 2 – Design, parts (i) and (ii).

The result of a recorded vote was as follows:

For the Amendment:

Councillors Norman R Craigie, Robin W Crichton and Owen Tierney (3).

For the Motion:

Councillors Alexander G Cowie, David Dawson, Barbara Foulkes, Stephen Sankey, John A R Scott and Duncan A Tullock (6).

The motion was therefore carried and the Local Review Body thereafter resolved, in terms of delegated powers:

3.5. That retrospective planning permission be granted in respect of the replacement of two garage doors at 47 Dundas Street, Stromness.

3.6. That the Local Review Body's reasons for granting retrospective planning permission was that, in the Local Review Body's opinion:

- Within the Stromness Conservation Area there were examples of non-traditional garage doors having been installed in a variety of materials and there were similarities in the appearance, style and colour of the installed garage doors at 47 Dundas Street and other garage doors in the vicinity.
- The colour of the installed garage doors was co-ordinated with the colour of the windows on the associated property and was sympathetic to the character of the surrounding area and, as a result, the development did not have an adverse impact on the amenity of the conservation area.

- The replaced garage doors were in a very poor condition and of different designs, with one being an up and over door, of metal construction, and the other being vertical panelled timber construction, and the modern material finish of the replacement doors enhanced and had a positive effect on the appearance and amenity of the area.

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

- Policy 1 – Criteria for All Development, parts (i), (iv) and (x).
- Policy 2 – Design, parts (i) and (ii).

4. Planning Application 19/374/PP

Proposed Erection of House with Integral Garage at Plot 80, The Meadows, Kirkwall

Review/Variation of Condition 1

The Local Review Body **noted** that this Notice of Review had been withdrawn.

5. Planning Application (19/398/PIP)

Proposed Siting of House at Lower Valley, Orphir

After consideration of a report by the Chief Executive, copies of which had been circulated, the Local Review Body:

Noted:

5.1. That planning permission in principle for the proposed siting of a house on land near Lower Valley, Orphir, was refused by the Appointed Officer on 20 January 2020, for the reasons outlined in section 3.2 of the report by the Chief Executive.

5.2. That the applicant had submitted a Notice of Review requesting that the decision of the Appointed Officer, referred to at paragraph 5.1 above, be reviewed.

5.3. That, as part of the Notice of Review, referred to at paragraph 5.2 above, the applicant had submitted information which, in terms of Section 43B of the Town and Country Planning (Scotland) Act 1997 as amended, was deemed as new information.

5.4. That, in accordance with policy, the Local Review Body had undertaken an unaccompanied visit to the site, referred to at paragraph 5.1 above, at 10:50 on 25 September 2020.

After hearing a report from the Planning Advisor, the Local Review Body:

Resolved, in terms of delegated powers:

5.5. That the new information, referred to at paragraph 5.3 above, namely an amendment to the location of the proposed access to the site, should not be taken into account when determining the review.

5.6. That the review be determined without further procedure.

On the motion of Councillor Robin W Crichton, seconded by Councillor David Dawson, the Local Review Body resolved, in terms of delegated powers:

5.7. That the decision of the Appointed Officer, to refuse the application for the proposed siting of a house on land near Lower Valley, Orphir, be upheld, for the reasons outlined in Appendix 1 to this Minute.

6. Conclusion of Meeting

At 15:05 the Chair declared the meeting concluded.

Signed: Rob Crichton.

Appendix 1.

Proposed Siting of House at Lower Valley, Orphir (19/398/PIP)

Reasons for Refusal:

01. The proposed site location would not reflect the character of the surrounding rural area and would appear incongruous and intrusive due to inappropriate siting within the landscape. The development fails to comply with Policy 1 – Criteria for All Development, sections i and ii, of the Orkney Local Development Plan 2017.

02. The proposed site location is not considered to reflect the local settlement pattern, nor would it reinforce the distinctive identity of Orkney's rural built environment and is not sympathetic to the character of the local area. The development fails to comply with Policy 2 – Design, sections i, ii and iii, of the Orkney Local Development Plan 2017.

03. The proposed development fails to address the requirements of a new house in the countryside. There is no justification for the proposed house in respect of housing in the countryside policy. The development is therefore contrary to Policy 5E – Housing - Single Houses and New Housing Clusters in the Countryside, of the Orkney Local Development Plan 2017.

04. The proposed house site is not considered to be situated to minimise negative impacts on the local landscape. The proposed site location would also have the potential to create incongruous development of individual houses in the landscape. Given the location of the development and prominence within the local landscape the proposal is considered contrary to Policy 9 – Natural Heritage and Landscape, section G i & ii, of the Orkney Local Development Plan 2017.

05. The proposed development would be contrary to road safety owing to the proposed creation of a further access onto the public road. The application is therefore contrary to Policy 14 – Transport, Travel and Road Network Infrastructure, section C, of the Orkney Local Development Plan 2017.

06. The proposed development does not accord with all ten Development Criteria (DC), as required and as stated within Supplementary Guidance: Housing in the Countryside 2017:

- The proposed site is not located nor situated to fit into the landscape nor does it minimise landscape and visual impacts of the development, contrary to DC1.
- The development is not in keeping with the location, contrary to DC2.
- The proposed pattern of development will add to the suburbanisation of Orkney's Countryside, contrary to DC3.
- The proposed development would result in an unacceptable junction with the public road and would therefore be considered as having a negative effect on road safety interests, contrary to DC4.