

Minute

Local Review Body

Tuesday, 7 June 2022 at 15:00.

Council Chamber, Council Offices, School Place, Kirkwall.



Present

Councillors Kristopher D Leask, Graham A Bevan, Alexander G Cowie, P Lindsay Hall, James R Moar, Raymond S Peace, John A R Scott, Ivan A Taylor, Mellissa-Louise Thomson and Duncan A Tullock.

Clerk

- Angela Kingston, Committees Officer.

In Attendance

- Roddy Mackay, Planning Advisor.
- Katharine McKerrell, Legal Advisor.

Apologies

- Councillor Jean E Stevenson.
- Councillor Owen Tierney.

Declarations of Interest

- No declarations of interest had been intimated.

Chair

- Councillor Kristopher D Leask, Vice Chair.

1. Planning Application (21/369/PP)

Proposed Erection of Three Glamping Pods and Associated Work at Inganess Cottage, Berstane Road, Kirkwall

After consideration of a report by the Corporate Director for Strategy, Performance and Business Solutions, copies of which had been circulated, the Local Review Body:

Noted:

1.1. That planning permission for the proposed erection of three glamping pods and associated works at Inganess Cottage, Berstane Road, Kirkwall, was refused by the Appointed Officer on 11 April 2022, for the reasons outlined in section 3.2 of the report by the Corporate Director for Strategy, Performance and Business Solutions.

1.2. That the applicant had submitted a Notice of Review requesting that the decision of the Appointed Officer to refuse planning permission for the erection of three glamping pods and associated works at Inganess Cottage, Berstane Road, Kirkwall, be reviewed.

1.3. That, in accordance with policy, the Local Review Body had undertaken an unaccompanied visit to the site at Inganess Cottage, Berstane Road, Kirkwall, at 14:15 on 7 June 2022.

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

Resolved, in terms of delegated powers:

1.4. That the review in respect of the decision of the Appointed Officer to refuse planning permission for the proposed erection of three glamping pods and associated works at Inganess Cottage, Berstane Road, Kirkwall, should be determined without further procedure.

Councillor Duncan A Tullock, seconded by Councillor Alexander G Cowie, moved that the decision of the Appointed Officer to refuse the application for planning permission for the proposed erection of three glamping pods and associated works at Inganess Cottage, Berstane Road, Kirkwall, be upheld.

Councillor John A R Scott, seconded by Councillor Ivan A Taylor, moved an amendment that the decision of the Appointed Officer to refuse the application for planning permission for the proposed erection of three glamping pods and associated works at Inganess Cottage, Berstane Road, Kirkwall, be reversed, as, in their opinion:

(1) Although no demonstrable locational requirement had been provided for the development which required it to be located in the countryside, or in that specific location, the economic benefits of the proposed development and the desire to support a new tourism venture in an accessible location adjacent to the settlement boundary made the proposal acceptable.

(2) The proposal would enhance the range of visitor accommodation available by providing a new niche type of tourist accommodation, allowing a growing market to be exploited.

(3) The design, layout and scale of the proposed development was appropriate for the location and could be satisfactorily accommodated without having a negative impact on the landscape.

And, accordingly, the proposed development would comply with the following policies of the Orkney Local Development Plan 2017.

- Policy 1 – Criteria for All Development.
- Policy 2 – Design.
- Policy 4B (ii) – Business, Industry and Employment.
- Policy 9G – Landscape.

On a vote being taken 5 members voted for the amendment and 5 for the motion and, on the casting vote of the Vice Chair, the Local Review Body:

Resolved, in terms of delegated powers:

1.5. That the decision of the Appointed Officer to refuse planning permission for the proposed erection of three glamping pods and associated works at Inganess Cottage, Berstane Road, Kirkwall, should not be upheld.

1.6. That planning permission be granted in respect of the proposed erection of three glamping pods and associated works at Inganess Cottage, Berstane Road, Kirkwall, subject to conditions.

1.7. That the Local Review Body's reasons for granting planning permission were that, in the Committee's opinion:

- Although no demonstrable locational requirement had been provided for the development which required it to be located in the countryside, or in that specific location, the economic benefits of the proposed development and the desire to support a new tourism venture in an accessible location adjacent to the settlement boundary made the proposal acceptable.
- The proposal would enhance the range of visitor accommodation available by providing a new niche type of tourist accommodation, allowing a growing market to be exploited.
- The design, layout and scale of the proposed development was appropriate for the location and could be satisfactorily accommodated without having a negative impact on the landscape.

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.
- Policy 4B (ii) – Business, Industry and Employment.
- Policy 9G – Landscape.

1.8. That powers be delegated to the Corporate Director for Strategy, Performance and Business Solutions, in consultation with the Planning Advisor and the Legal Advisor, to determine the necessary conditions to attach to the planning permission for the proposed erection of three glamping pods and associated works at Inganess Cottage, Berstane Road, Kirkwall, based on the following relevant matters:

- Access to the public road.
- Access, manoeuvring and parking within the site.
- Relationship between Inganess Cottage and the proposed development, due to access required through land outwith the application site.
- Design.
- Nature and purpose of use.
- Landscaping and boundary treatment.
- Surface water drainage, including no outfall to roadside ditch.

- Foul drainage, including no outfall to roadside ditch.
- External lighting.

2. Conclusion of Meeting

At 15:30 the Vice Chair declared the meeting concluded.

Signed: Kristopher D Leask.