

## Minute

### Planning Committee

Wednesday, 2 September 2020, 09:30.

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

- Gavin Barr, Executive Director of Development and Infrastructure.
- Roddy Mackay, Head of Planning, Development and Regulatory Services.
- Jamie Macvie, Planning Manager (Development Management).
- Susan Shearer, Planning Manager (Development and Marine Planning).
- Georgette Herd, Solicitor.
- Donald Wilson, Roads Authority Officer.

### Observing

- David Hartley, Communications Team Leader.

### Not Present

- Councillor Magnus O Thomson.

### Declarations of Interest

- No declarations of interest were intimated.

### Chair

- Councillor Robin W Crichton.

## 1. Suspension of Standing Orders

The Committee **suspended Standing Order 8.11** to enable members to participate in the meeting from a remote location, as a party had the right to be heard in person or through a representative and 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 Committee resolved that, should a vote be required in respect of the planning applications 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 20/048/PP**

### **Proposed Demolition of Former Bus Station and Change of Use of Land to Parking at Great Western Road, Kirkwall**

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 letters of objection relating to the application for planning permission in respect of the proposal for the demolition of the former bus station and the change of use of land to parking at Great Western Road, Kirkwall, had been received from the following:

- Agnieszka and Maja Borys, 6 Sommerville Square, Kirkwall.
- Brian Watt, 5 Sommerville Square, Kirkwall.
- Rachel Harris and Jean Malone, 7 Sommerville Square, Kirkwall.
- Angela Way, 8 Sommerville Square, Kirkwall.
- Vince Halleran, 4 Sommerville Square, Kirkwall.

On the motion of Councillor Robin W Crichton, seconded by Councillor Norman R Craigie, the Committee resolved, in terms of delegated powers:

**3.2.** That planning permission be granted in respect of the proposal for the demolition of the former bus station and the change of use of land to parking at Great Western Road, Kirkwall, subject to the conditions attached as Appendix 1 to this Minute.

## **4. Planning Application 20/155/PP**

### **Proposed Erection of Two Houses at Eastbrae, Stromness**

Stephen Omand, agent for the applicant, Wardhill Homes Limited, was 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:

**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 at Eastbrae, Stromness, had been received from A Fiddler, on behalf of C Fotheringham, Enfield, Stromness.

After hearing representations from Stephen Omand, agent for the applicant, Wardhill Homes Limited, on the motion of Councillor Robin W Crichton, 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 for the erection of two houses at Eastbrae, Stromness, subject to the conditions attached as Appendix 2 to this Minute.

## **5. Planning Application 20/199/VR**

### **Proposed Variation of Condition of 15/454/TPP at Springfields, Berstane Lodge Road, St Ola**

Stephen Kemp, applicant, and William Wilson, representing the objectors, 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:

**5.1.** That letters of objection relating to the application for planning permission in respect of the proposal for the variation of Condition 02, relating to noise, attached to 15/454/TPP, for the erection of a wind turbine at Springfields, Berstane Lodge Road, St Ola, had been received from the following:

- Robert Horrobin, Zanmoir, Berstane Road, Kirkwall.
- Sandra Johnston, 9 Ingavoe Drive, Kirkwall.
- Gordon Kynoch, 11 Ingavoe Drive, Kirkwall
- David and Gill Newstead, Roundhouse, Berstane Road, Kirkwall.
- Laurence Tait, Morvean, Berstane Road, St Ola.
- Peter Work, Viggie, 10 Ingavoe Drive, Kirkwall.
- William Wilson, Falkland, Berstane Road, Kirkwall.

After hearing representations from William Wilson, representing the objectors, and from Stephen Kemp, applicant, Councillor Robin W Crichton, seconded by Councillor John A R Scott, moved that planning permission be granted in respect of the proposal for the variation of Condition 02, relating to noise, attached to 15/454/TPP, for the erection of a wind turbine at Springfields, Berstane Lodge Road, St Ola, subject to conditions as proposed by officers.

Councillor David Dawson, seconded by Councillor Owen Tierney, moved an amendment that the application for planning permission in respect of the proposal for the variation of Condition 02, relating to noise, attached to 15/454/TPP, for the erection of a wind turbine at Springfields, Berstane Lodge Road, St Ola, be refused as, in their opinion, the proposed development would have an adverse effect on the amenity of neighbouring properties and the variation of Condition 02 would result in a condition which would be difficult to monitor and enforce causing an unacceptable level of risk to public health and safety.

Accordingly, the proposed development was contrary to Policy 1 – Criteria for All Development, part (vi) of the Orkney Local Development Plan 2017.

The result of a recorded vote was as follows:

For the Amendment:

Councillors Alexander G Cowie, David Dawson, Owen Tierney and Duncan A Tullock (4).

For the Motion:

Councillors Norman R Craigie, Robin W Crichton, Barbara Foulkes, Stephen Sankey and John A R Scott (5).

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

**5.2.** That planning permission be granted in respect of the proposal for the variation of Condition 02, relating to noise, attached to 15/454/TPP, for the erection of a wind turbine at Springfields, Berstane Lodge Road, St Ola, subject to the conditions attached as Appendix 3 to this Minute.

## **6. Planning Application 20/018/PIP**

### **Proposed Siting of House for Retiring Farmers at Lower Durrisdale, Jubidee Road, Evie**

Raymond Flaws, applicant, and Colin Begley, agent for the applicant, 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), and after hearing representations from Colin Begley, agent for the applicant, Raymond Flaws, Councillor Robin W Crichton, seconded by Councillor John A R Scott, moved that the application for planning permission in principle in respect of the proposal for the siting of a house for retiring farmers at Lower Durrisdale, Jubidee Road, Evie, be refused, for the reasons as proposed by officers.

Councillor Barbara Foulkes, seconded by Councillor David Dawson, moved an amendment that the application for planning permission in principle in respect of the proposal for the siting of a house for retiring farmers at Lower Durrisdale, Jubidee Road, Evie, be approved, subject to conditions, as, in their opinion:

(1) Although the proposed development did not strictly meet all the necessary criteria required to provide a single house to allow for retirement and succession of a farm, in that there was no opportunity to sell or transfer the farm business to a family member, consideration should be given to the exceptional circumstances of the case insofar as the policy did not provide for the particular circumstances and there was a desire to provide a house site for a retiring farmer.

(2) Noting the requirement for the proposed house to be located adjacent to the existing farm steading, it was considered that sufficient justification had been provided for an alternative site on the basis that, as the farm was not being transferred or sold to a family member, there was no longer a connection with the farm business and other opportunities for an alternative housing site location on the farm had been fully investigated and discounted on operational farming grounds.

(3) As the application was for planning in principle, it was considered that a house could be designed of a scale, form and design appropriate to the location and sympathetic to the character of the local area.

And, accordingly, the proposed development complied with the following policies:

- Orkney Local Development Plan 2017:
  - Policy 1 – Criteria for All Development, parts (i) and (ii).
  - Policy 5E – Housing – Single Houses and New Housing Clusters in the Countryside.
  - Policy 9 – Natural Heritage and Landscape.
  - Policy 13 – Flood Risk, SuDS and Waste Water Drainage.
  - Policy 14 – Transport, Travel and Road Network Infrastructure.
- Supplementary Guidance: Housing in the Countryside.

The result of a recorded vote was as follows:

For the Amendment:

Councillors Alexander G Cowie, Norman R Craigie, David Dawson, Barbara Foulkes, Owen Tierney and Duncan A Tullock (6).

For the Motion:

Councillors Robin W Crichton, Stephen Sankey and John A R Scott (3).

The amendment was therefore carried and the Committee thereafter resolved, in terms of delegated powers:

**6.1.** That planning permission in principle be granted in respect of the proposal for the siting of a house for retiring farmers at Lower Durrisdale, Jubidee Road, Evie.

**6.2.** That powers be delegated to the Executive Director of Development and Infrastructure, in consultation with the Chair and Vice Chair of the Planning Committee, to finalise the conditions to be attached to the planning permission in principle, referred to at paragraph 6.1 above, and thereafter issue the permission.

**6.3.** That the Committee's reasons for granting planning permission in principle against the recommendation of the Executive Director of Development and Infrastructure were that, in the Committee's opinion:

- Although the proposed development did not strictly meet all the necessary criteria required to provide a single house to allow for retirement and succession of a farm, in that there was no opportunity to sell or transfer the farm business to a family member, consideration should be given to the exceptional circumstances of the case insofar as the policy did not provide for the particular circumstances and there was a desire to provide a house site for a retiring farmer.
- Noting the requirement for the proposed house to be located adjacent to the existing farm steading, it was considered that sufficient justification had been provided for an alternative site on the basis that, as the farm was not being transferred or sold to a family member, there was no longer a connection with the farm business and other opportunities for an alternative housing site location on the farm had been fully investigated and discounted on operational farming grounds.
- As the application was for planning in principle, it was considered that a house could be designed of a scale, form and design appropriate to the location and sympathetic to the character of the local area.

And, accordingly, the proposed development complied with the following policies:

- Orkney Local Development Plan 2017:
  - Policy 1 – Criteria for All Development, parts (i) and (ii).
  - Policy 5E – Housing – Single Houses and New Housing Clusters in the Countryside.
  - Policy 9 – Natural Heritage and Landscape.
  - Policy 13 – Flood Risk, SuDS and Waste Water Drainage.
  - Policy 14 – Transport, Travel and Road Network Infrastructure.
- Supplementary Guidance: Housing in the Countryside.

## **7. Planning Application 20/222/PP**

### **Proposed Erection of Three Houses at Cairston Road, Stromness**

Stephen Kemp, representing the applicant, Orkney Builders Limited, and Sam Sweeney, agent for the applicant, 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), and after hearing representations from Stephen Kemp, representing the applicant, Orkney Builders Limited, Councillor Robin W Crichton moved that the application for planning permission in respect of the proposal for the erection of three houses at Cairston Road, Stromness, be refused, for the reasons as proposed by officers.

On receiving no seconder, his motion fell.

Councillor Barbara Foulkes, seconded by Councillor John A R Scott, moved that the application for planning permission in respect of the proposal for the erection of three houses at Cairston Road, Stromness, be approved, subject to conditions, including a condition to undertake an otter survey to determine the level of otter usage along the Mill Burn and any mitigation measure required to protect the species, as, in their opinion:

(1) A buffer strip could be provided around the Mill Burn, which would be free from development.

(2) By provision of an appropriate buffer, soil and water quality would be protected and the habitat and species around the water course would be safeguarded.

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 5A – Housing and Settlements.
- Policy 10B – Open Space and Settlements.

Councillor David Dawson, seconded by Councillor Alexander G Cowie, moved an amendment that the application for planning permission in respect of the proposal for the erection of three houses at Cairston Road, Stromness, be deferred to enable members of the Committee to undertake an accompanied site visit.

The result of a recorded vote was as follows:

For the Amendment:

Councillors Alexander G Cowie and David Dawson (2).

For the Motion:

Councillors Norman R Craigie, Robin W Crichton, Barbara Foulkes, Stephen Sankey, John A R Scott, Owen Tierney and Duncan A Tullock (7).

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

**7.1.** That planning permission be granted in respect of the proposal for the erection of three houses at Cairston Road, Stromness.

**7.2.** That powers be delegated to the Executive Director of Development and Infrastructure, in consultation with the Chair and Vice Chair of the Planning Committee, to finalise the conditions to be attached to the planning permission, referred to at paragraph 7.1 above, and thereafter issue the permission.

**7.3.** That the Committee's reasons for granting planning permission against the recommendation of the Executive Director of Development and Infrastructure were that, in the Committee's opinion:

- A buffer strip could be provided around the Mill Burn, which would be free from development.
- By provision of an appropriate buffer, soil and water quality would be protected and the habitat and species around the water course would be safeguarded.

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 5A – Housing and Settlements.
- Policy 10B – Open Space and Settlements.

## **8. Conclusion of Meeting**

At 13:10 the Chair declared the meeting concluded.

Signed: Rob Crichton.