

Minute

Local Review Body

Friday, 29 January 2021, 11:30.

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, Duncan A Tullock and Heather N Woodbridge.

Clerk

- Angela Kingston, Committees Officer.

In Attendance

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

Observing

- Lorraine Stout, 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 Notice of Review to be considered at this meeting, notwithstanding Standing Order 21.4, the form of voting should be by calling the roll (recorded vote).

3. Planning Application (20/170/PP)

Proposed Erection of Artist Studio and Gallery and Installation of Air Source Heat Pump at Daisy Cottage, Orphir

As the meeting was convened for one item only and, as she had not taken part in the site visit, in terms of Standing Order 8.6, Councillor Heather N Woodbridge could not take part in the deliberations of the Local Review Body and left the meeting at this point.

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

Noted:

3.1. That planning permission for the proposed erection of an artist studio and gallery and installation of an air source heat pump at Daisy Cottage, Orphir, was refused by the Appointed Officer on 27 August 2020, 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 29 January 2021.

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.

On the motion of Councillor Barbara Foulkes, seconded by Councillor David Dawson, the Local Review Body resolved, in terms of delegated powers:

3.5. That planning permission be granted in respect of the proposed erection of an artist studio and gallery and installation of an air source heat pump at Daisy Cottage, Orphir, subject to conditions.

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

- It was important to support a small scale tourism related development which would have a positive and sustainable socio-economic impact on a rural area thereby supporting one of the key objectives of the Orkney Tourism Strategy 2020-25, which was that tourist activity should be dispersed throughout the whole of Orkney, and that significant weight should be given to that Strategy in relation to determination of the application.
- Although located outwith the settlement boundary, the sequential approach to development of commercial facilities applied by the Town Centre First Principle was not directly applicable in consideration of the application as the proposed development would not generate significant footfall, therefore negating the requirement for the sequential approach set out in Policy 3A.

- The site was located adjacent to the existing dwellinghouse thereby respecting the existing development pattern and the design, scale and form of the replacement building was appropriate and sympathetic to the nature and character of the surrounding area.
- The proposed development would provide an enhancement of an existing art studio/ business which was part of the Orkney Creative Trail and, by replacing the existing building, which was associated with the dwellinghouse (Daisy Cottage), the applicant had demonstrated a locational requirement for the development on the proposed site.

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 – Business, Industry and Employment – In the Countryside.

3.7. 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 appropriate conditions to be attached to the planning permission which should include a condition requiring that operation of the studio and gallery could only be in conjunction with the adjacent dwellinghouse (Daisy Cottage).

4. Conclusion of Meeting

At 12:04 the Chair declared the meeting concluded.

Signed: Rob Crichton.