MINUTE of the MEETING of the LOCAL REVIEW COMMITTEE of ORKNEY ISLANDS COUNCIL held in COUNCIL OFFICES, KIRKWALL on 4 NOVEMBER 2015 at 9.30am

Present: Councillors Robin W Crichton, Owen Tierney, Janice Annal, Maurice C Davidson, Andrew Drever, J Harvey Johnston, Rachael A King, W Leslie Manson, Graham L Sinclair, James W Stockan and William T Stout

Clerk to the Committee: Angela Kingston, Committees Officer

In Attendance: Roddy MacKay, Planning Advisor
Katharine McKerrell, Legal Advisor

Observing: Sandra Craigie, Committees Officer
Kirsty Groundwater, Press Officer

Apology: Councillor James W R Moar

Councillor Robin W Crichton in the Chair

1 PLANNING APPLICATION 14/448/PP REMOVE SINGLE GLAZED TIMBER WINDOWS AND INSTALL DOUBLE GLAZED UPVC WINDOWS (PART RETROSPECTIVE) AT MILLHOUSE, WILLOW ROAD, KIRKWALL

As the meeting was convened for one item only, Councillor J W R Moar had tendered his apologies as he had not been involved in previous discussions at the Committee regarding this review, nor taken part in the site visit and, accordingly, in terms of Standing Order 31, he could not take part in the discussion thereof.

Bruce and Pat Sutherland, applicants; Jamie Macvie, Senior Planner; Stuart West, Planning Manager (Development and Marine Planning); and Nick Blowfield, Planning and Environmental Control Officer, were present during consideration of this item.

After consideration of a report by the Executive Director of Corporate Services, copies of which had been circulated, the Committee:-

NOTED:-

1.1 that the application for planning permission (part retrospective) to remove single glazed timber windows and install double glazed uPVC windows at Millhouse, Willow Road, Kirkwall, had been refused by the Appointed Officer on 31 March 2015, for the reasons outlined in section 4.2 of the report by the Executive Director of Corporate Services;

1.2 that the applicant had submitted a Notice of Review requesting that the decision of the Appointed Officer, referred to at paragraph 1.1 above, be reviewed;
1.3 that, in accordance with policy, the Local Review Committee had undertaken an unaccompanied visit to the site, referred to at paragraph 1.1 above, at 10.15am on 2 September 2015;

1.4 that, on 2 September 2015, the Local Review Committee resolved that the review should not be determined without further procedure, and that the further procedure should comprise a hearing session to clarify the following matters:-

1.4.1 the process and timescales involved in extending the Kirkwall Conservation Area including details of all public consultation and any notification of property owners affected;

1.4.2 the effect on the property of the conservation area designation, including implications for works that had already progressed prior to designation, and works undertaken post-designation; and

1.4.3 in terms of Policy HE3 – Listed Buildings and the Orkney Local List, the status of the Local List and its applicability to the assessment of the proposed development; and

1.5 that the Local Review Committee agreed that the following persons be invited to attend the hearing session, referred to at paragraph 1.4 above:-

1.5.1 the applicant;

1.5.2 the Senior Planner who had determined the original planning application;

1.5.3 the Planning Manager (Development and Marine Planning) who had overseen the Kirkwall Conservation Area boundary review; and

1.5.4 the Planning and Environmental Control Officer who had advised the applicant on the breach of planning control.

After hearing representations from Jamie Macvie, Senior Planner; Stuart West, Planning Manager (Development and Marine Planning); Nick Blowfield, Planning and Environmental Control Officer, and Bruce and Pat Sutherland, applicants, and after hearing a report from the Planning Advisor, the Committee:-

RESOLVED, in terms of delegated powers:-

1.6 that the review be determined without further procedure.

Jamie Macvie, Senior Planner; Stuart West, Planning Manager (Development and Marine Planning); Nick Blowfield, Planning and Environmental Control Officer, and Bruce and Pat Sutherland, applicants, left the meeting at this point.
Councillor R W Crichton, seconded by Councillor O Tierney, moved that planning permission (part retrospective) be granted in respect of the removal of single glazed timber windows and installation of double glazed uPVC windows at Millhouse, Willow Road, Kirkwall, as the impact of the current development upon the character and appearance of the conservation area would be neutral and therefore complied with policy HE4 – Conservation Areas, “Urban Conservation Areas Management Plan” and Managing Change in the Historic Environment Guidance Note “Windows”.

Councillor J W Stockan, seconded by Councillor W L Manson, moved an amendment that the decision of the Appointed Officer be varied by granting retrospective planning permission in respect of the three uPVC windows which were already installed.

On a vote being taken 2 members voted for the amendment and 8 for the motion.

Councillor M C Davidson moved a further amendment, notice of which had been given, that the decision of the Appointed Officer to refuse the application for planning permission (part retrospective) be upheld.

On receiving no seconder, his amendment fell, and the Committee:–

RESOLVED, in terms of delegated powers:–

1.7 that planning permission (part retrospective) be granted, in respect of the removal of single glazed timber windows and installation of double glazed uPVC windows at Millhouse, Willow Road, Kirkwall; and

1.8 that the Committee’s reason for granting planning permission was that, in the Committee’s opinion, the alterations to the property in respect of the uPVC windows already installed, together with the additional uPVC windows proposed, would not have a detrimental nor unacceptable impact on the character and appearance of the conservation area and, accordingly, the development was in accordance with the following:–

1.8.1 Orkney Local Development Plan 2014 Policy HE4 – Conservation Areas;

1.8.2 Supplementary Guidance – Urban Conservation Areas Management Plan; and

1.8.3 Managing Change in the Historic Environment Guidance Note “Windows”.

2 CONCLUSION OF MEETING

At 11.10am the Chair declared the meeting concluded.

Signed: Rob Crichton