

Minute

Planning Committee

Wednesday, 6 July 2022, 09:30.

Council Chamber, Council Offices, School Place, Kirkwall.



Present

Councillors Owen Tierney, Kristopher D Leask, Graham A Bevan, Alexander G Cowie, James R Moar, Raymond S Peace, John A R Scott, Jean E Stevenson, Ivan A Taylor, Mellissa-Louise Thomson and Duncan A Tullock.

Present via remote link (Microsoft Teams)

Councillor P Lindsay Hall.

Councillor Mellissa-Louise Thomson (for Items 2 to 6).

Clerk

- Angela Kingston, Committees Officer.

In Attendance

- Roddy Mackay, Head of Planning and Community Protection.
- Jamie Macvie, Service Manager (Development Management).
- Susan Shearer, Service Manager (Development and Marine Planning).
- James Green, Senior Policy Planner (Development and Marine Planning) (for Items 1 to 3).
- Paul Maxton, Solicitor (for Items 1 to 4).
- Peter Trodden, Solicitor (for Items 4 to 6).
- Donald Wilson, Roads Authority Officer.

Observing

- Hayley Green, Corporate Director for Neighbourhood Services and Infrastructure.
- David Barclay, Senior Planner (Development Management) (for Items 1 to 3).
- Hazel Flett, Team Manager (Committees).
- Kirsty Groundwater, Communications Team Leader (for Items 1 and 2 and 4 to 6).

Declarations of Interest

- Councillor John A R Scott – Item 4.
- Councillor Owen Tierney – Item 2.

Chair

- Councillor Owen Tierney.

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. Planning Application 21/410/MAR

Proposed Creation of Salmon Farming Site with Feed Barge at Toyness, Orphir, Scapa Flow

Councillor Owen Tierney declared a non-financial interest in this item, in that one of the objectors was a close family member, and was not present during discussion thereof.

Signed: Owen Tierney.

Councillor Kristopher D Leask took the Chair for this item.

Amanda Tresise, Mark Steward and Richard Darbyshire, representing the applicant, Scottish Sea Farms, were present during consideration of this item.

After consideration of a report by the Corporate Director for Neighbourhood Services and Infrastructure, copies of which had been circulated, and after hearing a report from the Planning Manager (Development Management), the Committee:

Noted:

2.1. That letters of objection relating to the application for planning permission in respect of the proposal for the creation of a salmon farming site with feed barge at Toyness, Orphir, Scapa Flow, had been received from the following:

- Iain Talbot, Creel Cottage, Orphir.
- Kathleen Dinsdale, Norn's Cottage, Orphir.
- Orkney Trout Fishing Association.
- The Royal Society for the Protection of Birds.

After hearing a statement from Orkney Trout Fishing Association, which was read out by the Clerk, and after hearing representations from Richard Darbyshire, representing the applicant, Scottish Sea Farms, on the motion of Councillor Duncan A Tullock, seconded by Councillor John A R Scott, the Committee:

Resolved, in terms of delegated powers:

2.2. That planning permission be granted in respect of the proposal for the creation of a salmon farming site with feed barge at Toyness, Orphir, Scapa Flow, subject to the conditions attached as Appendix 1 to this Minute.

Signed: Kristopher D Leask.

Councillor Mellissa-Louise Thomson left the meeting during this item and, as she was not present throughout consideration of the whole item of business, in terms of Standing Order 8.6 she could not, and did not, participate in the determination of the application.

Councillor Mellissa-Louise Thomson rejoined the meeting at this point via remote link (Microsoft Teams).

3. Planning Application 21/411/MAR

Proposed Creation of Salmon Farming Site with Feed Barge at Bring Head, Hoy, Scapa Flow

Amanda Tresise, Mark Steward and Richard Darbyshire, representing the applicant, Scottish Sea Farms, were present during consideration of this item.

After consideration of a report by the Corporate Director for Neighbourhood Services 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 creation of a salmon farming site with feed barge at Toyness, Orphir, Scapa Flow, had been received from the following:

- Orkney Trout Fishing Association.
- The Royal Society for the Protection of Birds.

After hearing a statement from Orkney Trout Fishing Association, which was read out by the Clerk, and after hearing representations from Richard Darbyshire, representing the applicant, Scottish Sea Farms, on the motion of Councillor Duncan A Tullock, seconded by Councillor John A R Scott, the Committee:

Resolved, in terms of delegated powers:

3.2. That planning permission be granted in respect of the proposal for the creation of a salmon farming site with feed barge at Bring Head, Hoy, Scapa Flow, subject to the conditions attached as Appendix 2 to this Minute.

4. Planning Application 22/043/PP

Proposed Conversion of Redundant Buildings to House, Alter and Extend, and Change of Use of Self-Catering Unit and Agricultural Shed to Domestic at Gerraquoy, South Ronaldsay

Councillor John A R Scott declared a non-financial interest in this item, in that the applicant was known to him and had also shared details of the application with Councillor Scott, and was not present during discussion thereof.

After consideration of a report by the Corporate Director for Neighbourhood Services 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, as the application for planning permission in respect of the proposal for the conversion of redundant buildings to a house, including alterations and extension, and the change of use of a self-catering unit and agricultural shed to domestic at Gerraquoy, South Ronaldsay, was made by an elected member of Orkney Islands Council at the time of submission, in accordance with the Scheme of Administration, the application required to be reported to the Planning Committee for determination.

On the motion of Councillor Kristopher D Leask, seconded by Councillor Graham A Bevan, the Committee resolved, in terms of delegated powers:

4.2. That planning permission be granted in respect of the proposal for the conversion of redundant buildings to a house, including alterations and extension, and the change of use of a self-catering unit and agricultural shed to domestic at Gerraquoy, South Ronaldsay, subject to the conditions attached as Appendix 3 to this Minute.

5. Planning Application 22/119/PP

Proposed Conversion of Shop, Gallery and Music Venue to 14 Residential Units and Associated Works at 8 Laing Street, Kirkwall

Neil Stevenson, applicant, and Stephen Omand, agent for the applicant, were present during consideration of this item.

After consideration of a report by the Corporate Director for Neighbourhood Services 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 Roads Services had objected to the application for planning permission in respect of the proposal for the conversion of a shop, gallery and music venue to 14 residential units and associated works at 8 Laing Street, Kirkwall, on the grounds that the proposed parking provision was inadequate and failed to comply with the National Roads Development Guide.

5.2. That, given the implications of the position of Roads Services on the potential redevelopment of other town centre sites, in combination with the importance of the building at 8 Laing Street, Kirkwall, in a town centre and historic cultural perspective, the Corporate Director for Neighbourhood Services and Infrastructure had opted not to exercise delegated powers, and the application was therefore submitted to the Planning Committee for determination.

5.3. The recommendation of the Corporate Director for Neighbourhood Services and Infrastructure that the application for planning permission in respect of the proposal for the conversion of a shop, gallery and music venue to 14 residential units and associated works at 8 Laing Street, Kirkwall, should be refused, as the development was contrary to Policy 14B(iii) of the Orkney Local Development Plan 2017.

After hearing representations from Stephen Omand, agent for the applicant, on the motion of Councillor Graham A Bevan, seconded by Councillor Duncan A Tullock, the Committee:

Resolved, in terms of delegated powers:

5.4. That, notwithstanding the recommendation of the Corporate Director for Neighbourhood Services and Infrastructure, planning permission be granted in respect of the proposal for the conversion of a shop, gallery and music venue to 14 residential units and associated works at 8 Laing Street, Kirkwall.

5.5. That the Committee's reasons for granting planning permission against the recommendation of the Corporate Director for Neighbourhood Services and Infrastructure were that, in the Committee's opinion:

- Taking cognisance of the requirement that developments must accord with the car parking standards that were set out in the National Roads Development Guide, which had been adopted as Planning Policy Advice, there were other material planning considerations in determining the application for the proposed development which outweighed the requirement to adhere to policy with regards to parking provision, as follows:
 - The proposed development would secure a new use for a currently vacant historical property for which there was currently no other viable use and would ensure that the building would not fall into disrepair.
 - The proposed development would improve the vitality and viability of the town centre by providing new residential development and extending the type of housing available to meet housing needs by providing accommodation for smaller households.

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

- Policy 1 – Criteria for All Development, parts (i) to (iv).
- Policy 2 – Design, parts (i), (ii), (iii) and (v).
- Policy 5 – Housing, Section B: Affordable Housing.
- Policy 14 – Transport, Travel and Road Network Infrastructure, Section B: Sustainable Travel, part (ii).

5.6. That powers be delegated to the Corporate Director for Neighbourhood Services and Infrastructure to determine appropriate conditions and thereafter issue the consent in respect of the permission referred to at paragraph 5.4 above.

6. Conclusion of Meeting

At 12:27 the Chair declared the meeting concluded.

Signed: Owen Tierney.