

## **Minute**

### **Planning Committee**

Wednesday, 12 February 2025, 09:30.

Council Chamber, Council Offices, School Place, Kirkwall.



### **Present**

Councillors Owen Tierney, David Dawson, P Lindsay Hall, W Leslie Manson, James R Moar, Raymond S Peace, John A R Scott, Ivan A Taylor and Duncan A Tullock.

### **Present via remote link (Microsoft Teams)**

Councillors Janette A Park and Jean A Stevenson.

### **Clerk**

- Hazel Flett, Service Manager (Governance).

### **In Attendance**

- Jamie Macvie, Service Manager (Development Management).
- Derek Manson, Team Manager (Development Planning).
- Paul Maxton, Solicitor.
- David Barclay, Senior Planner.
- Margaret Gillon, Senior Planner.
- Donald Wilson, Roads Authority Officer.

### **Observing**

- Hayley Green, Corporate Director for Neighbourhood Services and Infrastructure.
- Isla McLeod, Graduate Planner.
- Shanka Weerasekara, Graduate Planner.

### **Declaration of Interest**

- Councillor Ivan A Taylor – Item 4.

### **Chair**

- Councillor Owen Tierney.

## **1. Planning Application 23/071/PP**

### **Proposed Extension of Industrial Storage Yard and Erection of Bund (Retrospective) at East Quoys, Birsay**

Michael Swannie, applicant, and Di Grieve, the applicant's agent, 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, the Committee:

Noted:

**1.1.** The recommendation of the Corporate Director for Neighbourhood Services and Infrastructure that the application for retrospective planning permission in respect of the proposed extension of an industrial storage yard and erection of a bund at East Quoys, Birsay, be refused, as the proposed development failed to comply with Policies 1, 2, 4 and 9 of the Orkney Local Development Plan 2017, Policies 9, 14, 26 and 29 of National Planning Framework 4 and Development Management Guidance – Business Development Outwith Town Centres (2023).

After hearing a report from the Service Manager (Development Management), and after hearing representations from Di Grieve, agent representing the applicant, Michael Swannie, Councillor Duncan A Tullock, seconded by Councillor P Lindsay Hall, moved that retrospective planning permission be granted in respect of the proposed extension of an industrial storage yard and erection of a bund at East Quoys, Birsay, as, in their opinion, the proposed development:

- Would preserve the amenity of the surrounding area, resulting in no adverse impacts on the amenity of the adjacent domestic property of East Quoys, Birsay.
- Would be sympathetic to the character of the rural area in which it was located and would not have an overall negative effect on the appearance and amenity of the area.
- Would be compatible in use with the existing business site, including a demonstrable locational requirement for the business, noting no suitable alternative sites in either Stromness or Kirkwall.
- Would be of a nature and scale compatible with the surrounding area.
- Would provide suitable biodiversity enhancement.

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

- Orkney Local Development Plan 2017:
  - Policy 1 – Criteria for All Development.
  - Policy 2 – Design.
  - Policy 4 – Business, Industry and Employment.
  - Policy 9 – Natural Heritage and Landscape.
- National Planning Framework 4:
  - Policy 26 – Business and Industry.
  - Policy 29 – Rural development.

Councillor Ivan A Taylor, seconded by Councillor David Dawson, moved an amendment that the application for retrospective planning permission in respect of the proposed extension of an industrial storage yard and erection of a bund at East Quoys, Birsay, be refused, for the following reasons:

- The proposed development was not sited or designed to take into consideration the location and the wider landscape character, and the amenity of the surrounding area would not be preserved, resulting in adverse impacts on the amenity of the adjacent domestic property of East Quoys, Birsay. As such, the development was contrary to Policy 1 'Criteria for All Development', provisions (i) and (iv), Policy 2 'Design' and Policy 9 'Natural Heritage and Landscape', part G 'Landscape' of the Orkney Local Development Plan 2017.
- The proposed development was not sympathetic to the character of the rural area in which it was located, having an overall negative effect on the appearance and amenity of the area. As such, the development was contrary to Policy 2 'Design', provisions (i) and (ii) of the Orkney Local Development Plan 2017.
- By virtue that it was not demonstrated that there were no suitable alternative sites, or that the nature and scale of the activity was compatible with the surrounding area, the development was contrary to, Policy 26 'Business and industry' paragraph (d), and Policy 29 'Rural development' paragraph (b) of National Planning Framework 4 and, in the absence of a demonstrable locational requirement for the business, the development was contrary to Policy 4 'Business, Industry and Employment' of the Orkney Local Development Plan 2017.

On a vote being taken 3 members voted for the amendment, and 8 for the motion, and the Committee:

Resolved, in terms of delegated powers:

**1.2.** That, notwithstanding the recommendation of the Corporate Director for Neighbourhood Services and Infrastructure, retrospective planning permission be granted in respect of the proposed extension of an industrial storage yard and erection of a bund at East Quoys, Birsay.

**1.3.** 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, the proposed development:

- Would preserve the amenity of the surrounding area, resulting in no adverse impacts on the amenity of the adjacent domestic property of East Quoys, Birsay.
- Would be sympathetic to the character of the rural area in which it was located and would not have an overall negative effect on the appearance and amenity of the area.
- Would be compatible in use with the existing business site, including a demonstrable locational requirement for the business, noting no suitable alternative sites in either Stromness or Kirkwall.
- Would be of a nature and scale compatible with the surrounding area.
- Would provide suitable biodiversity enhancement.

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

- Orkney Local Development Plan 2017:
  - Policy 1 – Criteria for All Development.
  - Policy 2 – Design.
  - Policy 4 – Business, Industry and Employment.
  - Policy 9 – Natural Heritage and Landscape.
- National Planning Framework 4:
  - Policy 26 – Business and Industry.
  - Policy 29 – Rural development.

**1.4.** That powers be delegated to the Corporate Director for Neighbourhood Services and Infrastructure to finalise appropriate conditions, based on conditions which were consistent with the remainder of the site, and thereafter issue the consent in respect of the permission referred to at paragraph 1.2 above.

## **2. Planning Application 24/039/PP**

### **Proposed Installation of New and Replacement Lighting, Fencing and Gate, Felling One Tree and Landscaping Works at The Robert Rendall Building, Orkney Research and Innovation Campus, Franklin Road, Stromness**

After consideration of a report by the Corporate Director for Neighbourhood Services and Infrastructure, copies of which had been circulated, the Committee:

Noted:

**2.1.** That a letter of objection relating to the application for planning permission in respect of the proposal to install new and replacement lighting, fencing and a gate, fell one tree, and landscaping works at The Robert Rendall Building, Orkney Research and Innovation Campus, Franklin Road, Stromness, had been received from Jenny Taylor, 25 Grieveship Brae, Stromness.

After hearing a report from the Service Manager (Development Management), on the motion of Councillor W Leslie Manson, seconded by Councillor John A R Scott, the Committee:

Resolved, in terms of delegated powers:

**2.2.** That the concerns of the objector had been considered in the assessment of the proposal but were of insufficient weight to warrant refusal.

**2.3.** That the proposed development had been fully assessed and was in accordance with the undernoted policies:

- National Planning Framework 4:
  - Policy 1 – Tackling the climate and nature crises.
  - Policy 3 – Biodiversity.

- Policy 6 – Forestry, woodland and trees.
- Policy 9 – Brownfield, vacant and derelict land and empty building.
- Policy 14 – Design, quality and place.
- Policy 27 – City, town, local and commercial centres.
- Orkney Local Development Plan 2017:
  - Policy 1 – Criteria for All Development.
  - Policy 2 – Design.
  - Policy 9 – Natural Heritage and Landscape.
  - Policy 10 – Green Infrastructure.
  - Policy 11 – Outdoor Sports, Recreation and Communities Facilities.
  - Policy 13 – Flood Risk, SuDS and Waste Water Drainage.
- Supplementary Guidance:
  - Natural Environment (2017).
  - Settlement Statements (2017).
- Planning Policy Advice:
  - Trees and Woodland (2014).
  - Urban Conservation Areas Management Plan (2013).
  - Amenity and Minimising Obtrusive Lighting (2021).
- Development Management Guidance:
  - Considering and Including Biodiversity in Development (2023).

**2.4.** That planning permission be granted in respect of the proposal to install new and replacement lighting, fencing and a gate, fell one tree and landscaping works at The Robert Rendall Building, Orkney Research and Innovation Campus, Franklin Road, Stromness, subject to the conditions attached as Appendix 1 to this Minute.

### **3. Planning Application 24/245/PP**

#### **Proposed Erection of House with Air Source Heat Pump and Temporary Siting of Caravan at Ha'breck Green, Pierowall, Westray**

Lorna Brown, applicant, and Di Grieve, agent representing 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, the Committee:

Noted:

**3.1.** That a letter of objection relating to the application for planning permission in respect of the proposal to erect a house with an air source heat pump and temporary siting of a caravan at Ha'breck Green, Pierowall, Westray, had been received from Chris Edwards, Ulva Cottage, Westray.

After hearing a report from the Service Manager (Development Management) and after hearing representations from Di Grieve, agent representing the applicant, Lorna Brown, on the motion of Councillor David Dawson, seconded by Councillor Owen Tierney, the Committee:

Resolved, in terms of delegated powers:

**3.2.** That the concerns of the objector had been considered in the assessment of the proposal but were of insufficient weight to warrant refusal.

**3.3.** That the proposed development had been fully assessed and was in accordance with the undernoted policies:

- National Planning Framework 4:
  - Policy 3 – Biodiversity.
  - Policy 7 – Historic assets and places.
  - Policy 17 – Rural Homes.
  - Policy 22 – Flood risk and water management.
- Orkney Local Development Plan 2017:
  - Policy 1 – Criteria for All Development.
  - Policy 2 – Design.
  - Policy 5 – Housing.
  - Policy 8 – Historic Environment and Cultural Heritage.
  - Policy 13 – Flood Risk, SuDS and Waste Water Drainage.
  - Policy 14 – Transport, Travel and Road Network Infrastructure.

**3.4.** That planning permission be granted in respect of the proposal to erect a house with an air source heat pump and temporary siting of a caravan at Ha'breck Green, Pierowall, Westray, subject to the conditions attached as Appendix 2 to this Minute.

#### **4. Planning Application 24/460/PP**

##### **Proposed Creation of Access (Relocation of Approved Access) near Errival, Dalespot, St Ola**

Stewart Henderson, applicant, and Stephen Omand, agent representing the applicant, were present during consideration of this item.

Councillor Ivan A Taylor declared an interest in this item, his connection being that the applicant was the partner of a family member, and was not present during discussion of this item.

After consideration of a report by the Corporate Director for Neighbourhood Services and Infrastructure, copies of which had been circulated, the Committee:

Noted:

**4.1.** That letters of objections relating to the application for planning permission in respect of the proposal to create an access (relocation of an approved access) near Errival, Dalespot, St Ola, had been received from the following:

- A Bremner, Bendigo, St Ola.
- Mr and Mrs Strutt, 2 Glendale Park, Kirkwall, St Ola.

After hearing a report from the Service Manager (Development Management), and after hearing representations from Stephen Omand, agent representing the applicant, Stewart Henderson, the Committee:

Resolved, in terms of delegated powers:

**4.2.** That the concerns of the objectors had been considered in the assessment of the proposal but were of insufficient weight to warrant refusal.

**4.3.** That the proposed development had been fully assessed and was in accordance with the undernoted policies:

- National Planning Framework 4:
  - Policy 13 – Sustainable transport.
  - Policy 14 – Design, quality and place
  - Policy 15 – Local Living and 20 minute neighbourhoods.
- Orkney Local Development Plan 2017:
  - Policy 1 – Criteria for All Development.
  - Policy 5 – Housing, 'Housing in Settlements'.
  - Policy 14 – Transport, Travel and Road Network Infrastructure.

**4.4.** That planning permission be granted in respect of the proposal to create an access (relocation of an approved access) near Errival, Dalespot, St Ola, subject to the conditions attached as Appendix 3 to this Minute.

## **5. Conclusion of Meeting**

At 11:33 the Chair declared the meeting concluded.

Signed: Owen Tierney.