

Minute

Local Review Body

Thursday, 2 May 2024, 11:30.

Council Chamber, Council Offices, School Place, Kirkwall.



Present

Councillors Owen Tierney, Graham A Bevan, Alexander G Cowie, P Lindsay Hall, James R Moar, Raymond S Peace, John A R Scott, Jean E Stevenson, Ivan A Taylor and Duncan A Tullock.

Present via remote link (Microsoft Teams)

Councillor Mellissa-Louise Thomson.

Clerk

- Katy Russell-Duff, Committees Officer.

In Attendance

- Hazel Flett, Service Manager (Governance).
- Susan Shearer, Planning Advisor.
- Georgette Herd, Legal Advisor

Observing

- Maya Tams-Gray, Committees Officer.

Apology

- Councillor Kristopher D Leask.

Declaration of Interest

- Councillor Duncan A Tullock – Item 4.

Chair

- Councillor Owen Tierney.

1. Procedure

Councillor Mellissa-Louise Thomson advised that, as she was unable to participate in the site inspections held prior to this meeting, in terms of Standing Order 8.6 she could not take part in the deliberations of the Local Review Body and left the meeting at this point.

2. Planning Application 22/179/PIP

Proposed Siting of Two Houses and Creation of Access near Thorne Villa, Harray

The Local Review Body noted that this item had been withdrawn.

3. Planning Application 23/354/HH

Proposed Formation of Three Openings, Installation of Three Windows and 13 Rooflights at The Manse, 5 Manse Lane, Stromness

After consideration of a report by the Corporate Director for Strategy, Performance and Business Solutions, copies of which had been circulated, the Local Review Body:

Noted:

3.1. That planning permission for the proposed formation of three openings and the installation of three windows and 13 rooflights at The Manse, 5 Manse Lane, Stromness, was refused by the Appointed Officer on 13 February 2024, for the following reasons:

- The development would not preserve or enhance the character or appearance of Stromness Conservation Area, and is contrary to Policy 7d) of National Planning Framework 4, Policy 8 of the Orkney Local Development Plan 2017, Supplementary Guidance 'Historic Environment and Cultural Heritage' (2017), and Planning Policy Advice 'Historic Environment (Topics and Themes)' (2017) and 'Urban Conservation Areas Management Plan' (2017), and fails the test of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, as amended.
- The development would not protect the special architectural or historic interest of the listed building, and is contrary to Policy 7c) of the National Planning Framework 4, Policy 8 of the Orkney Local Development Plan 2017, Supplementary Guidance 'Historic Environment and Cultural Heritage' (2017) and Planning Policy Advice 'Historic Environment (Topics and Themes)' (2017).

3.2. That the applicant's agent 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 site inspection to The Manse, 5 Manse Lane, Stromness, at 09:45 on 2 May 2024.

After hearing a report from the Planning Advisor, the Local Review Body:

Resolved, in terms of delegated powers:

3.4. That, as the Local Review Body determined it had sufficient information, the review in respect of the decision of the Appointed Officer to refuse planning permission for the proposed formation of three openings and the installation of three windows and 13 rooflights at The Manse, 5 Manse Lane, Stromness, should be determined without further procedure.

Councillor Owen Tierney moved that the decision of the Appointed Officer to refuse planning permission for the proposed formation of three openings and the installation of three windows and 13 rooflights at The Manse, 5 Manse Lane, Stromness be upheld. On receiving no seconder his motion fell.

On the motion of Councillor Graham A Bevan, seconded by Councillor Duncan A Tullock, the Local Review Body resolved, in terms of delegated powers:

3.5. That the decision of the Appointed Officer, to refuse planning permission for the proposed formation of three openings and the installation of three windows and 13 rooflights at The Manse, 5 Manse Lane, Stromness, should be reversed.

3.6. That the Local Review Body's reasons for granting planning permission for the proposed formation of three openings and the installation of three windows and 13 rooflights at The Manse, 5 Manse Lane, Stromness were that, in the Committee's opinion:

- The proposed development preserved and enhanced the character and appearance of Stromness Conservation Area.
- The proposed development protected the special architectural or historic interest of the listed building.

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

- National Planning Framework 4:
 - Policy 7d) – Historic Assets and Places.
- Orkney Local Development Plan 2017:
 - Policy 8 – Historic Environment.
- Supplementary Guidance – Historic Environment and Cultural Heritage (2017).
- Planning Policy Advice – Historic Environment (Topics and Themes) (2017).
- Urban Conservation Areas Management Plan (2017).
- Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, as amended.

3.7. That powers be delegated to the Corporate Director for Strategy, Performance and Business Solutions, in consultation with the Planning Advisor and the Legal Advisor, to determine the necessary conditions to attach to the planning permission for the proposed formation of three openings and the installation of three windows and 13 rooflights at The Manse, 5 Manse Lane, Stromness, based on the following relevant matters:

- Duration of consent.
- Hours of construction.
- Specification of all windows.
- Specification of wall openings.
- Rooflight specification.
- Air source and heat pump noise.

4. Planning Application 24/015/HH

Proposed Extension of House, including Pitched Roof over Existing Flat Roof, and Installation of Air Source Heat Pump at Nessbreck, Back Road, Stromness

Councillor Duncan A Tullock declared an interest in this item, his connection being that one of the applicants was a family member, and left the meeting at this point.

After consideration of a report by the Corporate Director for Strategy, Performance and Business Solutions, copies of which had been circulated, the Local Review Body:

Noted:

4.1. That planning permission for the proposed extension of a house, including a pitched roof over an existing flat roof, and the installation of an air source heat pump at Nessbreck, Back Road, Stromness, was refused by the Appointed Officer on 19 March 2024, for the following reasons:

- The proposal was contrary to Policy 1 of the Orkney Local Development Plan 2017 as the height and massing of the house as a consequence of proposed alteration to create a two-storey gabled form, with a depth of plan of over 11 metres, would not be 'sited and designed taking into consideration the location and the wider townscape, landscape or coastal character'.
- The proposal was contrary to Policy 2 of the Orkney Local Development Plan 2017 as the height and massing of the house as a consequence of proposed alteration to create a two-storey gabled form, with a depth of plan of over 11 metres, would not 'reinforce the distinctive identity of Orkney's built environment' and would not be 'sympathetic to the character of its local area'.
- The proposal was contrary to Policy 9G of the Orkney Local Development Plan 2017 as the height and massing of the house as a consequence of proposed alteration to create a two-storey gabled form, with a depth of plan of over 11 metres, had not been 'sited and designed to minimise negative impacts on the landscape, and townscape characteristics' and adequate consideration had not been given to the 'siting, scale and design of the proposal, as well as the potential for cumulative effects with other developments'.
- The proposal was contrary to Policy 14 'Design, quality and place' of National Planning Framework 4 as it was not 'designed to improve the quality of an area'.

4.2. That the applicant's agent had submitted a Notice of Review requesting that the decision of the Appointed Officer, referred to at paragraph 4.1 above, be reviewed.

4.3. That, in accordance with policy, the Local Review Body had undertaken an unaccompanied site inspection to Nessbreck, Back Road, Stromness, at 09:30 on 2 May 2024.

After hearing a report from the Planning Advisor, the Local Review Body:

Resolved, in terms of delegated powers:

4.4. That, as the Local Review Body determined it had sufficient information, the review in respect of the decision of the Appointed Officer to refuse planning permission for the proposed extension of a house, including a pitched roof over an existing flat roof, and the installation of an air source heat pump at Nessbreck, Back Road, Stromness, should be determined without further procedure.

On the motion of Councillor Owen Tierney, seconded by Councillor Graham A Bevan, the Local Review Body resolved, in terms of delegated powers:

4.5. That the decision of the Appointed Officer, to refuse planning permission for the proposed extension of a house, including a pitched roof over an existing flat roof, and the installation of an air source heat pump at Nessbreck, Back Road, Stromness, should be reversed.

4.6. That the Local Review Body's reasons for granting planning permission for the proposed extension of a house, including a pitched roof over an existing flat roof, and the installation of an air source heat pump at Nessbreck, Back Road, Stromness, were that, in the Committee's opinion:

- The height and massing of the house as a consequence of the proposed alteration to create a two-storey gabled form, with a depth of plan of over 11 metres was appropriate 'taking into consideration the location and the wider townscape, landscape or coastal character'.
- The height and massing of the house as a consequence of the proposed alteration to create a two-storey gabled form, with a depth of plan of over 11 metres, would 'reinforce the distinctive identity of Orkney's built environment' and would be 'sympathetic to the character of its local area'.
- The height and massing of the house as a consequence of the proposed alteration to create a two-storey gabled form, with a depth of plan of over 11 metres, had been 'sited and designed to minimise negative impacts on the landscape, and townscape characteristics' and adequate consideration had been given to the 'siting, scale and design of the proposal, as well as the potential for cumulative effects with other developments'.
- The proposal was designed to improve the quality of this area.
- The proposed development was for a low pitched roof and there were no other flat roofed properties in the area.

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

- Orkney Local Development Plan 2017:
 - Policy 1 – Criteria for All Development.
 - Policy 2 – Design.
 - Policy 9G – Natural Heritage and Landscape, Landscape.

- National Planning Framework 4:
 - Policy 14 – Design, Quality and Place.

4.7. That powers be delegated to the Corporate Director for Strategy, Performance and Business Solutions, in consultation with the Planning Advisor and the Legal Advisor, to determine the necessary conditions to attach to the planning permission for the proposed extension of a house, including a pitched roof over an existing flat roof, and the installation of air source heat pump at Nessbreck, Back Road, Stromness, based on the following relevant matters:

- Duration of consent.
- Finishing materials.
- Air Source Heat Pump – noise.
- Hours of construction.

5. Conclusion of Meeting

At 11:55 the Chair declared the meeting concluded.

Signed: Owen Tierney.