

Minute

Planning Committee

Wednesday, 26 March 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, Janette A Park, Raymond S Peace, John A R Scott, Ivan A Taylor and Duncan A Tullock.

Clerk

- Katy Russell-Duff, Committees Officer.

In Attendance

- Gavin Barr, Interim Head of Planning and Community Protection.
- Jamie Macvie, Service Manager (Development Management).
- Derek Manson, Team Manager (Development Planning).
- Paul Maxton, Solicitor.

Observing

- Hayley Green, Corporate Director for Neighbourhood Services and Infrastructure.

Apology

- Councillor Jean E Stevenson.

Chair

- Councillor Owen Tierney.

1. Planning Application 24/465/PP

Proposed Change of Use from Three Flats to Boarding House (Class 7) and Installation of Replacement Windows and Doors and Air Source Heat Pump at 3 Castle Street, Kirkwall

John McGregor, applicant, and Stephen Omand, 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. That a letter of objection relating to the application for planning permission in respect of the proposal for change of use from three flats to a boarding house (Class 7) and install replacement windows and doors and an air source heat pump at 3 Castle Street, Kirkwall, had been received from Leslie Sinclair, 31A Broad Street, Kirkwall.

After hearing a report from the Service Manager (Development Management) and after hearing representations from Stephen Omand, agent representing the applicant, John McGregor Construction, on the motion of Councillor Owen Tierney, seconded by Councillor John A R Scott, the Committee:

Resolved, in terms of delegated powers:

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

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

- National Planning Framework 4:
 - Policy 7 – Historic assets and places.
 - Policy 13 – Sustainable transport.
 - Policy 14 – Design, quality and place.
 - Policy 22 – Flood risk and water management.
 - Policy 30 – Tourism.
- Orkney Local Development Plan 2017:
 - Policy 1 – Criteria for All Development.
 - Policy 2 – Design.
 - Policy 3 – Settlements, Town Centre and Primary Retail Frontages.
 - Policy 4 – Business, Industry and Employment.
 - Policy 8 – Historic Environment and Cultural Heritage.
 - Policy 13 – Flood Risk, SuDS and Waste Water Drainage.
 - Policy 14 – Transport, Travel and Road Network Infrastructure.

1.4. That planning permission be granted in respect of the proposal for change of use from three flats to a boarding house (Class 7) and installation of replacement windows and doors and an air source heat pump at 3 Castle Street, Kirkwall, subject to the conditions attached as Appendix 1 to this Minute.

2. Planning Application 24/486/HH

Proposed Extension of House at Scomuir, Holm

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, as the planning application for the proposed extension of a house at Scomuir, Holm, was made by a member of staff employed with the Planning Service, in accordance with the Scheme of Administration, the application required to be determined by the Planning Committee.

After hearing a report from the Service Manager (Development Management), the Committee:

Resolved, in terms of delegated powers:

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

- National Planning Framework 4:
 - Policy 14 – Design, quality and place.
- Orkney Local Development Plan 2017:
 - Policy 1 – Criteria for All Development.
 - Policy 2 – Design.

2.3. That planning permission be granted in respect of the proposed extension of a house at Scomuir, Holm, subject to the conditions attached as Appendix 2 to this Minute.

3. Planning Application 24/492/PP

Proposed Stripping of Slates and Demolition of Part of Building at 1 King Street, Kirkwall

Lyall Harray, applicant, and Stephen Omand, the applicant's agent, were present during consideration of this item.

Councillor John A R Scott intimated that he had publicly stated an opinion in respect of this application, and, therefore in order to avoid any impression of prejudice or bias in the decision-making process in respect of this item, 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, the Committee:

Noted:

3.1. That a letter of objection relating to the application for planning permission in respect of the proposal to strip slates and demolish part of a building at 1 King Street, Kirkwall, had been received from Bruce Gorie, 5 Papdale Road, Kirkwall.

After hearing a report from the Service Manager (Development Management) and after hearing representations from Stephen Omand, agent representing the applicant, Lyall Harray, 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 7 – Historic assets and places.
- Orkney Local Development Plan 2017:
 - Policy 1 – Criteria for All Development.
 - Policy 8 – Historic Environment and Cultural Heritage.

3.4. That planning permission be granted in respect of the proposal to strip slates and demolish part of a building at 1 King Street, Kirkwall, subject to the conditions attached as Appendix 3 to this Minute.

4. Planning Application 25/002/HH

Proposed Installation of Foul Water Pipe and Raising of Path Level at 2 South End, Stromness

Anthony Barthorpe and Rosemary Anderson, objectors, and Stephen Omand, representing the objectors 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:

4.1. That letters of objection relating to the application for planning permission in respect of the proposal to install a foul water pipe and raise the path level at 2 South End, Stromness, had been received from the following:

- Anthony Barthorpe, 12 South End, Stromness.
- Rex and Rosemary Anderson, Heath Hill, 6 Hillside Road, Stromness.

After hearing a report from the Service Manager (Development Management), and after hearing representations from Stephen Omand, representing the objectors, on the motion of Councillor Owen Tierney, seconded by Councillor David Dawson, 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 7 – Historic assets and places.
- Orkney Local Development Plan 2017:
 - Policy 1 – Criteria for All Development.
 - Policy 8 – Historic Environment and Cultural Heritage.

4.4. That planning permission be granted in respect of the proposal to install a foul water pipe and raise the path level at 2 South End, Stromness, subject to the conditions attached as Appendix 4 to this Minute.

5. Conclusion of Meeting

At 10:30 the Chair declared the meeting concluded.

Signed: Owen Tierney.

Appendix 1.

Proposed Change of Use from Three Flats to Boarding House (Class 7) and Installation of Replacement Windows and Doors and Air Source Heat Pump at 3 Castle Street, Kirkwall (24/465/PP)

Grant, subject to the following conditions:

1. The development hereby approved to which this planning permission relates must be begun not later than the expiration of three years, beginning with the date on which the permission is granted, which is the date of this decision notice. If development has not commenced within this period, this planning permission shall lapse.

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended, which limits the duration of planning permission.

2. Occupation of (any part of) the boarding house hereby approved shall not exceed a maximum of 28 days by any person or group of persons, between the dates of 1 March and 31 October (inclusive) in any calendar year. To facilitate the enforcement of such control, the operators of the boarding house shall throughout the lifetime of the development maintain and shall make available to the Planning Authority, if requested, a register of occupiers of the boarding house to which this planning permission relates.

Reason: To ensure that the boarding house is occupied only on a short-term basis.

3. No development shall commence until full details of timber housing to enclose the air source heat pump has been submitted to and approved, in writing, by the Planning Authority. The development hereby approved shall not be brought into use until the air source heat pump has been enclosed, wholly in accordance with approved details. The housing shall thereafter be retained throughout the lifetime of the development.

Reason: To ensure screening of incongruous plant and preserve the character and appearance of the conservation area.

4. The development hereby approved shall not be brought into use until the replacement doors hereby approved have been installed, wholly in accordance with approved details.

Reason: To secure replacement of parts of the building which do not contribute positively to the character or appearance of the conservation area, in conjunction with the change of use. [The existing windows do not harm the character or appearance of the conservation area, so their replacement has a neutral impact.]

Appendix 2.**Proposed Extension of House at Scomuir, Holm (24/486/HH)****Grant, subject to the following conditions:**

01. The development hereby approved to which this planning permission relates must be begun not later than the expiration of three years, beginning with the date on which the permission is granted, which is the date of this decision notice. If development has not commenced within this period, this planning permission shall lapse.

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended, which limits the duration of planning permission.

02. Throughout the lifetime of the development hereby approved, surface water shall be managed in accordance with the principles of Sustainable Drainage Systems (SuDS) and the guidance set out in CIRIA's SuDS Manual C753. Requisite surface water drainage measures shall be operational prior to the development being brought into use and shall be maintained as operational thereafter and throughout the lifetime of the development.

All surface water shall be contained within the application site and shall be managed to avoid flow into any adjacent road or other land.

Reason: To ensure appropriate management of surface water drainage, in accordance with Policy 13B 'Sustainable Drainage Systems (SuDS)' of the Orkney Local Development Plan 2017, and Policy 22 'Flood risk and water management' of National Planning Framework 4.

03. Any exterior lighting employed shall be so positioned, angled and controlled to prevent any direct illumination, glare or light spillage outwith the site boundary. The use of automatic cut-out or sensor operated external lighting of limited timed illumination is advocated.

Reason: To ensure that any lighting installed within the application site does not spill beyond the intended target area, does not impact adversely upon the amenity of adjacent properties and does not result in 'sky glow', in accordance with Planning Policy Advice 'Amenity and Minimising Obtrusive Lighting' (2021).

Appendix 3.

Proposed Stripping of Slates and Demolition of Part of Building at 1 King Street, Kirkwall (24/492/PP)

Grant, subject to the following conditions:

01. The development hereby approved to which this planning permission relates must be begun not later than the expiration of three years, beginning with the date on which the permission is granted, which is the date of this decision notice. If development has not commenced within this period, this planning permission shall lapse.

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended, which limits the duration of planning permission.

02. No development shall commence until full details of temporary measures to protect the fabric of the retained building, and appearance of the building and site have been submitted to and approved, in writing, by the Planning Authority. These details shall include a schedule of works, the material and height of the site boundary, removal of any materials resulting from the demolition, maintenance of a clear site, temporarily making good the west elevation of the building following removal of the additions, the method of fixing the roofing felt, and all measures required to prevent water ingress to the fabric of the masonry walls and interior of the retained building. Thereafter, these measures shall be implemented wholly in accordance with the approved details.

Reason: To ensure the building does not fall into disrepair and to protect the character and appearance of the conservation area.

03. No development shall commence until a Works Site Plan is submitted to and approved, in writing, by the Planning Authority, in conjunction with Roads Services. This Plan shall clearly identify all areas of the public road that would be occupied to enable the works to be carried out. Thereafter, all works shall be carried out wholly in accordance with this Works Site Plan.

Reason: To protect the safety of pedestrians and road users.

Note: This planning condition is without prejudice to any other consents required by the roads authority.

04. The existing roof slates shall be carefully removed by hand. All complete slates in sound condition shall be retained and stored for re-use for a purpose to be agreed, in writing, by the Planning Authority. No salvaged slates shall be disposed of or removed from the application site until approved, in writing, by the Planning Authority.

Reason: To ensure retention of a limited resource and traditional roofing material, and to ensure retention of any re-usable materials.

05. The permission hereby approved to replace the slate roof with felt is for a temporary period and shall expire two years from the date of the decision notice. Prior to expiry of the temporary permission, the roof shall be fully reinstated with Welsh slate, unless express planning permission has been approved for any other specification and finish.

Reason: To protect the character and appearance of the conservation area, and to ensure the use of felt roofing.

06. No development shall commence during March to August (inclusive), or (if during these months) until a pre-start inspection of the existing building has been completed by a suitably experienced (and licensed) ecologist, to identify signs of breeding birds and until an appropriate Breeding Bird Protection Plan has been submitted to and approved, in writing, by the Planning Authority. Thereafter, the development shall be carried out wholly in accordance with the approved Breeding Bird Protection Plan. Once commenced, any demolition works shall run continuously until completed.

Reason: To avoid adverse effects on breeding birds, which use the building, and to meet the requirements of Policy 9C 'Wider Biodiversity and Geodiversity' of the Orkney Local Development Plan 2017, and to comply with protected species legislation.

Appendix 4.**Proposed Installation of Foul Water Pipe and Raising of Path Level at 2 South End, Stromness (25/002/HH)****Grant, subject to the following conditions:**

01. The development hereby approved to which this planning permission relates must be begun not later than the expiration of three years, beginning with the date on which the permission is granted, which is the date of this decision notice. If development has not commenced within this period, this planning permission shall lapse.

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended, which limits the duration of planning permission.

02. The raising of the vertical face of the stone pier wall on the north elevation shall be carried out using Orkney stone only, of matching type and size to the existing wall, and using a matching method of construction. No cuts shall be visible in the finished stone face. The existing flagstones shall be carefully lifted, stored on site for re-use, and reinstated to match the existing arrangement including order and upward face. These works shall be completed within 28 days of the installation of any pipe below any respective part of the path, unless otherwise approved, in writing, by the Planning Authority.

Reason: To safeguard the character and appearance of this listed building and the conservation area.