

Item: 3.2

Planning Committee: 4 September 2019.

Install Memorial Bench (resubmission of 18/275/PP) at South End, Stromness.

Report by Executive Director of Development and Infrastructure.

1. Summary

1.1.

Full planning permission is sought to install a memorial bench on land at South End, Stromness, located within Stromness Conservation Area. The bench would be to an acceptable design and utilise appropriate materials in relation to its setting. One representation of support has been received from Stromness Community Council. Two objections have been received on the grounds of road safety, which are considered of insufficient weight to merit refusal. The development accords with Policies 1, 2, 8 and 11 of the Orkney Local Development Plan 2017. Accordingly, the application is recommended for approval.

Application Number:	19/227/PP.
Application Type:	Planning Permission.
Proposal:	Install a memorial bench (resubmission of 18/275/PP).
Applicant:	Mrs DeLille Diament, Noust, South End, Stromness, KW16 3DJ.
Agent:	Fiona Matheson, 90 Dundas Street, Stromness, KW16 3DA.

1.2.

All application documents (including plans, consultation responses and representations) are available for members to view at the following website address:

https://www.orkney.gov.uk/Service-Directory/D/application_search_submission.htm

(then enter the application number given above).

2. Consultations

Consultees have not objected or raised any issues which cannot be addressed by planning conditions.

3. Representations

3.1. Support

3.1.1.

One letter of support has been received from:

- Stromness Community Council.

3.1.2.

The letter of support is on the basis that the siting is appropriate and would contribute to the social and leisure needs of the area.

3.2. Objection

3.2.1.

Two objections have been received from:

- Rosemary Anderson, Norland, 10 South End, Stromness, KW16 3DJ.
- Anthony Barthorpe, Sunnyside, 12 South End, Stromness, KW16 3DJ.

3.2.2.

The objections are based on road safety.

4. Relevant Planning History

Reference.	Proposal.	Location.	Decision.	Date.
18/275/PP.	Install a bench.	South End (Land Near), Stromness, Orkney.	Withdrawn.	12.09.18.

5. Relevant Planning Policy and Guidance

The full text of the Orkney Local Development Plan 2017 (OLDP 2017) and supplementary guidance can be read on the Council website at:

<https://www.orkney.gov.uk/Service-Directory/D/Planning-Policies-and-Guidance.htm>

The following policies are relevant to this application:

- Orkney Local Development Plan 2017:
 - Policy 1 – Criteria for All Development.
 - Policy 2 – Design.
 - Policy 8 – Historic Environment and Cultural Heritage.
 - Policy 11 – Outdoor Sports, Recreation and Community Facilities.

- Supplementary Guidance and Planning Policy Advice 2017:
 - Supplementary Guidance: Historic Environment and Cultural Heritage.
 - Planning Policy Advice: Historic Environment (Topics and Themes).

6. Legal Aspects

6.1.

Section 25 of the Town and Country Planning (Scotland) Act 1997 as amended (the Act) states, “Where, in making any determination under the Planning Acts, regard is to be had to the development plan, the determination is, unless material considerations indicate otherwise...to be made in accordance with that plan ...”

6.2.

Where a decision to refuse an application is made, the applicant may appeal under section 47 of the Act. Scottish Ministers are empowered to make an award of expenses on appeal where one party's conduct is deemed to be unreasonable. Examples of such unreasonable conduct are given in Circular 6/1990 and include:

- Failing to give complete, precise and relevant reasons for refusal of an application.
- Reaching a decision without reasonable planning grounds for doing so.
- Not taking into account material considerations.
- Refusing an application because of local opposition, where that opposition is not founded upon valid planning grounds.

6.3.

An award of expenses may be substantial where an appeal is conducted either by way of written submissions or a local inquiry.

7. Assessment

7.1. Principle

It is proposed to install a memorial bench on land at South End, Stromness, located within Stromness Conservation Area. The bench would be sited in an acceptable location and permanently secured using small fixings. The bench would be to an acceptable design and be constructed from hardwood, which is regarded an appropriate material and finish. In a small scale, it would enhance general community facilities in the settlement boundary of Stromness and preserve Stromness Conservation Area. As such, the principle of development is acceptable.

7.2. Siting

The bench would be situated on an area of hardstanding constructed by Scottish Water for housing plant, as part of other sewage infrastructure in the town. Prior to those infrastructure works, a shingle slipway met the edge of the public road. The hardstanding is level with the public road and extends the road verge in the direction

of the sea and has shortened the shingle beach, as detailed in the photographs attached as Appendix 1 to this report. The bench is located entirely on the made-up ground. Given the dimensions of the bench, it is unlikely to inhibit continued use of the slipway. Scottish Water has provided a consultation response with no objection. At the time of writing this report, a more detailed response has been requested to ensure that Scottish Water operations would not be interrupted by the bench being secured in the proposed location, directly above the Scottish Water plant, accessed by manhole covers. A condition would ensure that the precise siting and fixing details are agreed in conjunction with Scottish Water.

7.3. Design, Appearance and Amenity

The bench would be to a traditional design and wholly constructed from hardwood timber which would be left to weather naturally. It would be permanently fixed via hard surface anchors, which are appropriate discreet fixings. The bench would therefore preserve the qualities of Stromness Conservation Area and cause no adverse impact on the visual amenity of the area.

7.4. Parking and Road Safety

While this area has been used opportunistically for parking by the general public following the Scottish Water development, it was not designed for such a purpose and is not a designated parking spot. The bench would be one metre back from the boundary of the road, which is where the shingle started before the Scottish Water development. Therefore, there would be no impact on the public road. Roads Services have no objection to the proposal and road safety would be preserved.

7.5. Residential Amenity

Given the small-scale nature, it is considered that the proposed installation would cause no impact on the amenity of the area.

8. Conclusion and Recommendation

The proposal is acceptable in principle. The bench has been sited and designed in relation to its setting and the overall character and appearance of the conservation area would be preserved and enhanced. The amenity of the area would be protected. The safety of road users would be preserved. As such, the development accords with Policies 1, 2, 8 and 11 of the Orkney Local Development Plan 2017. Accordingly, the application is **recommended for approval**, subject to the conditions listed in Appendix 2.

9. Contact Officer

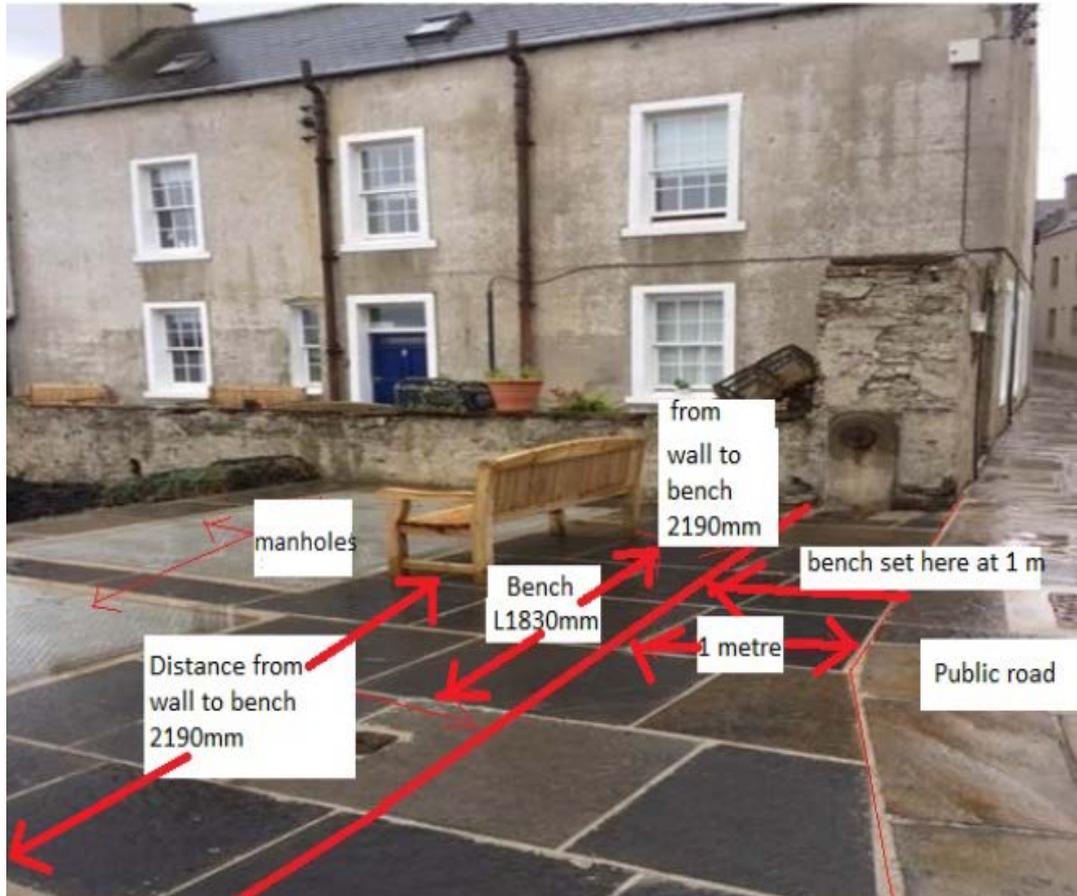
Dean Campbell, Graduate Planner / Planning Technician, extension 2528, Email dean.campbell@orkney.gov.uk

10. Appendices

Appendix 1: Photographs.

Appendix 2: Planning Conditions.

Appendix 1.



Appendix 2.

01. The bench hereby approved shall be type '4 Seat Great Maytham Teak Memorial Bench' in accordance with the information specified on the supporting document 'Bench Details', stamped approved and attached to the decision notice. For the avoidance of doubt, this will be wholly constructed from timber with no varnish finish or otherwise and left to weather naturally.

Reason: In the interests of visual amenity.

02. The bench shall be fixed in accordance with the details submitted.

Reason: In the interest of public safety.

03. If any damage occurs to the bench that results in the bench being a hazard to public safety or amenity, the bench shall be removed from the site as soon as practicably possible, and in any case not longer than seven days from the date that the hazard is identified, and the bench shall not be returned to the site unless the damage has been repaired.

Reason: In the interest of public amenity.

04. Prior to the bench being permanently fixed in place, evidence shall be provided to the Planning Authority that Scottish Water has agreed the precise location in relation to the existing manholes, and thereafter the bench shall be fixed in that precise agreed location.

Reason: To protect sewage infrastructure and its access.