

Minute

Planning Committee

Wednesday, 1 June 2022, 09:30.

Council Chamber, Council Offices, Kirkwall.



Present

Councillors Owen Tierney, Alexander G Cowie, P Lindsay Hall, Kristopher D Leask, James R Moar, John A R Scott, Ivan A Taylor, Mellissa-Louise Thomson and Duncan A Tullock.

Present via remote link (Microsoft Teams):

Councillor Graham A Bevan.

Clerk

- Angela Kingston, Committees Officer.

In Attendance

- Roddy Mackay, Head of Planning and Community Protection.
- Jamie Macvie, Planning Manager (Development Management).
- Paul Maxton, Solicitor.
- Donald Wilson, Roads Authority Officer.

Observing

- Hayley Green, Corporate Director for Neighbourhood Services and Infrastructure.
- David Barclay, Senior Planner (Development Management).
- Margaret Gillon, Senior Planner (Development Management).
- Hazel Flett, Senior Committees Officer.
- Kirsty Groundwater, Communications Team Leader.

Apologies

- Councillor Raymond S Peace.
- Councillor Jean E Stevenson.

Declarations of Interest

- No declarations of interest had been intimated.

Chair

- Councillor Owen Tierney.

1. Appointment for Vice Chair

The Chair called for nominations for Vice Chair of the Planning Committee, and the Committee:

Resolved, in terms of delegated powers, that Councillor Kristopher D Leask be appointed Vice Chair of the Planning Committee.

2. Planning Application 21/346/PP

Proposed Demolition of House, Erection of Seven Houses, Associated Parking and Landscaping and Creation of Access (Part Retrospective) at Oakdene, Cairston Road, Stromness

Stephen Kemp, representing the applicant, Orkney Builders Limited, was 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, as the application for planning permission in respect of the proposal for the demolition of a house, erection of seven houses, associated parking and landscaping and creation of an access (part retrospective) at Oakdene, Cairston Road, Stromness, had been called in by two Councillors, in accordance with the Scheme of Administration, the application must be reported to the Planning Committee for determination.

2.2. The recommendation of the Corporate Director for Neighbourhood Services and Infrastructure that the application for planning permission in respect of the proposal for the demolition of a house, erection of seven houses, associated parking and landscaping and creation of an access (part retrospective) at Oakdene, Cairston Road, Stromness, should be refused, as the development was contrary to Policies 1 and 2 of the Orkney Local Development Plan 2017.

After hearing representations from Stephen Kemp, representing the applicant, Orkney Builders Limited, Councillor Duncan A Tullock, seconded by Councillor Alexander G Cowie, moved that the application for planning permission in respect of the proposal for the demolition of a house, erection of seven houses, associated parking and landscaping and creation of an access (part retrospective) at Oakdene, Cairston Road, Stromness, be refused, for the reasons as proposed by officers.

Councillor Owen Tierney, seconded by Councillor Kristopher D Leask, moved an amendment that planning permission in respect of the proposal for the demolition of a house, erection of seven houses, associated parking and landscaping and creation of an access (part retrospective) at Oakdene, Cairston Road, Stromness, be granted, subject to conditions, as, in their opinion:

(1) The proposed density of the development was appropriate to the location, having regard to the characteristics of the surrounding area.

(2) The proposed site layout and design of the development was appropriate given the mixed character of the surrounding area.

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

- Policy 1 – Criteria for All Development.
- Policy 2 – Design.

On a vote being taken 6 members voted for the amendment and 4 for the motion, and the Committee:

Resolved, in terms of delegated powers:

2.3. That, notwithstanding the recommendation of the Corporate Director for Neighbourhood Services and Infrastructure, planning permission be granted in respect of the proposal for the demolition of a house, erection of seven houses, associated parking and landscaping and creation of an access (part retrospective) at Oakdene, Cairston Road, Stromness.

2.4. 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 density of the development was appropriate to the location having regard to the characteristics of the surrounding area.
- The proposed site layout and design of the development was appropriate given the mixed character of the surrounding area.

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

- Policy 1 – Criteria for All Development.
- Policy 2 – Design.

2.5. That powers be delegated to the Corporate Director for Neighbourhood Services and Infrastructure to finalise appropriate conditions and issue the consent in respect of the permission referred to at paragraph 2.3 above.

3. Planning Application 22/047/PP

Proposed Erection of House and Creation of Access at Eastr, Stromness

Corinne Sinclair, 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:

3.1. That, as the application for planning permission in respect of the proposal for the erection of a house with integral garage, installation of air source heat pump and creation of an access at Eastra, Stromness, had been called in by two Councillors, in accordance with the Scheme of Administration, the application must be reported to the Planning Committee for determination.

3.2. The recommendation of the Corporate Director for Neighbourhood Services and Infrastructure that the application for planning permission in respect of the proposal for the erection of a house with integral garage, installation of air source heat pump and creation of an access at Eastra, Stromness, should be refused, as the development was contrary to Policies 1, 2, 5E and 9 of the Orkney Local Development Plan 2017.

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

Resolved, in terms of delegated powers:

3.3. That planning permission be granted in respect of the proposal for the erection of a house with integral garage, installation of air source heat pump and creation of an access at Eastra, Stromness.

3.4. 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:

- Noting that the personal circumstances of the applicant could be regarded as a material planning consideration in extremely exceptional circumstances where a specific case had been made by an applicant:
 - The supporting information provided by the applicant indicated a lifelong, significant and debilitating health condition and the proposed site provided accommodation independent from, but close to, the parental home, which provided for the significant medical and health needs of the applicant as requested in the medical advice provided by the applicant's general practitioner.
 - The supporting information had demonstrated that, in this case, the exceptional personal circumstances of the applicant should be regarded as a significant material planning consideration, to be given sufficient weight to outweigh the policies of the Orkney Development Plan 2017.
- The proposed development was appropriately sited and designed to minimise impacts on the landscape and reflect the character of the surrounding area.

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 (vii).
- Policy 2 – Design, parts (i) and (ii).
- Policy 9 – Natural Heritage and Landscape, paragraphs A (ii) and G (i) to (iii).
- Policy 12 – Coastal Development, paragraph A (i) and (ii).

- Policy 13 – Flood Risk, SuDS and Waste Water Drainage.
- Policy 14 – Transport, Travel and Road Network Infrastructure.

3.5. That powers be delegated to the Corporate Director for Neighbourhood Services and Infrastructure to finalise appropriate conditions, including an access specification but not a requirement to widen the road across the frontage of the site, and issue the consent in respect of the approval referred to at paragraph 3.3 above.

4. Planning Application 22/060/PP

Proposed Erection of Two Houses and Creation of Access at Plots 1A and 1B Eastbrae, Wardhill Road, Stromness

Stephen Omand, agent for the applicant, Wardhill Homes Limited, was 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:

4.1. That a letter of objection relating to the application for planning permission in respect of the proposal for the erection of two houses, with air source heat pumps, and creation of an access (resubmission of planning application 21/095/PP) at Plots 1A and 1B Eastbrae, Wardhill Road, Stromness, had been received from Kenneth Garrioch, Annandale, Wardhill Road, Stromness.

After hearing representations from Stephen Omand, agent for the applicant, Wardhill Homes Limited, Councillor Owen Tierney, seconded by Councillor P Lindsay Hall, moved that planning permission in respect of the proposal for the erection of two houses, with air source heat pumps, and creation of an access (resubmission of planning application 21/095/PP) at Plots 1A and 1B Eastbrae, Wardhill Road, Stromness, be granted, subject to the conditions as proposed by officers, with condition 07 being amended to refer to the installation of a footpath from the application site to the junction of Wardhill Road with Downies Lane.

Councillor Duncan A Tullock moved an amendment that planning permission in respect of the proposal for the erection of two houses, with air source heat pumps, and creation of an access (resubmission of planning application 21/095/PP) at Plots 1A and 1B Eastbrae, Wardhill Road, Stromness, be granted, subject to the conditions as proposed by officers.

On receiving no seconder, his amendment fell, and the Committee:

Resolved, in terms of delegated powers:

4.2. That planning permission be granted in respect of the proposal for the erection of two houses, with air source heat pumps, and creation of an access (resubmission of planning application 21/095/PP) at Plots 1A and 1B Eastbrae, Wardhill Road, Stromness, subject to the conditions attached as Appendix 1 to this Minute.

5. Planning Application 22/131/HH

Proposed Extension to House at Kirraquoy, Nearhouse Road, Harray

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), on the motion of Councillor Duncan A Tullock, seconded by Councillor Alexander G Cowie, the Committee:

Noted:

5.1. That, as the application for planning permission in respect of the proposal for the extension to a house at Kirraquoy, Nearhouse Road, Harray, was made by a member of staff employed within the Planning Service, in accordance with the Scheme of Administration, the application must be reported to the Planning Committee for determination.

The Committee resolved, in terms of delegated powers:

5.2. That planning permission be granted in respect of the proposal for the extension to a house at Kirraquoy, Nearhouse Road, Harray.

6. Conclusion of Meeting

At 12:00 the Chair declared the meeting concluded.

Signed: Owen Tierney.

Appendix 1.**Proposed Erection of Two Houses and Creation of Access at Plots 1A and 1B Eastbrae, Wardhill Road, Stromness (22/060/PP)****Grant subject to the following conditions:**

01. The dwellings hereby approved shall be finished externally using the following materials and colours:

- Roof – ‘Mini Stonewold’ flat profile concrete tiles, colour black.
- Walls – Light render.
- Rainwater goods – Colour black.
- Doors and windows – Colour anthracite.
- Site boundary – Post and wire fencing. No boundary treatment adjacent to the public road shall exceed 1 metre in height.

Reason: To protect the landscape setting of the development.

02. Throughout the life of the development hereby approved, the total maximum noise from the Air Source Heat Pumps hereby granted planning permission and installed shall not exceed NR25 within any residential property outwith the development site, where NR25 is the Noise Rating Curve at 25, (noise measurements to be made with a window of any residential property outwith the development open no more than 50mm).

Note: This condition is applied to both individual dwellings where an air source heat pump is installed, namely those on Plots 1A and 1B approved under reference 22/060/PP.

Reason: In the interests of residential amenity, to protect nearby residents from excessive noise disturbance from the air source heat pumps.

03. Throughout the lifetime of the development hereby approved, surface water must be treated in accordance with the principles of Sustainable Drainage Systems (SUDS) and be compliant with the guidance set out in CIRIA's SuDS Manual C753. The requisite surface water drainage shall be operational prior to the development being brought into use and shall be maintained as such thereafter.

All surface water shall be contained within the development site and there shall be no surface water drainage run-off onto the road or adjacent land.

Reason: To ensure the provision of an adequate surface water drainage system and to accord with Policy 13B: Sustainable Drainage Systems of Orkney Local Development Plan 2017, Scottish Planning Policy - Managing Flood Risk and Drainage, and in the interests of road safety.

04. Neither dwelling hereby approved shall be occupied or brought into use until it is connected to the Scottish Water public waste water system.

Reason: In the interests of environmental protection and to accord with Policy 13C: Waste Water Drainage of Orkney Local Development Plan 2017.

05. Throughout the lifetime of the development hereby approved, any external lighting used on the dwellings and any outbuilding(s) shall be downward facing only and shall comply with the requirements of Policy 2 (principle vi) that all external lighting shall minimise light pollution and shall meet the requirements specified by the Institution of Lighting Professionals for Zone E1/E2 areas (Rural/Low District Brightness). The lighting shall be turned off when not required either by automatic sensor or manually.

Reason: To minimise obtrusive light, glare or distraction in the interests of safeguarding the amenity of the area and to accord with Policy 2: Design of Orkney Local Development Plan 2017 and Planning Policy Advice: Amenity and Minimising Obtrusive Lighting (March 2021).

06. Hours of construction work on site involving the use of machinery and powered tools, or any other operation, for example hammering, that would generate noise audible beyond the boundary of the site, shall only take place between the hours of 07:30 and 19:00 Mondays to Fridays, 09:00 to 13:00 Saturdays, and not at all on Sundays or the Christmas or New Year Public Holidays, unless otherwise agreed, in writing, with the Planning Authority.

Throughout the construction phase of the development there shall be no burning of waste material on site.

Reason: In the interest of residential amenity of the area and in order to reduce any possible nuisance arising to nearby residents during the construction of the development.

07. No development shall commence until full details of a new footway, not less than 1.5 metres in width, and extending from the north-west boundary of the application site hereby approved with the public road, along Wardhill Road, to its junction with Downies Lane, are submitted to, and approved in writing by, the Planning Authority in conjunction with Roads Services. Including both plan form and specifications, these details shall include:

- A street lighting duct, the entirety of the length of the footway, and extending 1 metre to the north-east beyond the end of the section of footway, into Downies Lane.
- Drainage, including surface water drainage measures to manage the loss of roadside ditches (due to the footway).
- Property accesses crossing the footway along the entirety of the length of the footway.

No other development shall commence until the footway is installed in its entirety, wholly in accordance with all details as approved in writing by the Planning Authority.

Reason: In the interests of road safety, and to improve connectivity between the proposed development and the existing public footpath network.

08. No development shall commence until a Landscaping and Planting Plan has been submitted to, and approved in writing by, the Planning Authority. This Plan shall include the number, size, density and species of all trees or shrubs, and details of all hard and soft landscaping within the development. Thereafter, and no later than the first planting season following first occupation of either house, the development shall be completed wholly in accordance with details included in the approved Landscaping and Planting Plan.

Reason: In the interest of visual amenity.