

Minute

Planning Committee

Wednesday, 1 September 2021, 10:30.

Microsoft Teams.



Present

Councillors Robin W Crichton, John A R Scott, Alexander G Cowie, Norman R Craigie, David Dawson, Barbara Foulkes, Stephen Sankey, Owen Tierney, Duncan A Tullock and Heather N Woodbridge.

Clerk

- Angela Kingston, Committees Officer.

In Attendance

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

Observing

- Susan Shearer, Planning Manager (Development and Marine Planning).
- Rebecca McAuliffe, Press Officer.

Not Present

- Councillor Magnus O Thomson.

Declarations of Interest

- No declarations of interest were intimated.

Chair

- Councillor Robin W Crichton.

1. Suspension of Standing Orders

The Committee **suspended Standing Order 8.11** to enable members to participate in the meeting from a remote location, as a party had the right to be heard in person or through a representative and the decision to be made was as a result of a quasi-judicial or regulatory hearings process, such as a planning application or an appeal.

2. Form of Voting

The Committee resolved that, should a vote be required in respect of the planning application to be considered at this meeting, notwithstanding Standing Order 21.4, the form of voting should be by calling the role (recorded vote).

3. Planning Application 21/005/PP

Proposed Conversion of Existing Building to Two Houses, Erection of Terrace of Three Houses and Five Storey Block of Nine Flats, and Other Works at Ayre House, Ayre Road, Kirkwall

Francis Colborn-Veitch, representing the applicant, WRC Construction Limited, and Jonathan Potter, representing the agent for the applicant, Robert Potter and Partners LLP, were present during consideration of this item.

After consideration of a report by the Interim Executive Director of Finance, Regulatory, Marine and Transportation Services, copies of which had been circulated, and after hearing a report from the Planning Manager (Development Management), the Committee:

Noted:

3.1. That letters of objection relating to the application for planning permission in respect of the proposal to convert an existing building to two houses, erect a terrace of three houses and a five storey block of nine flats and other works at Ayre House, Ayre Road, Kirkwall, had been received from the following:

- Mrs K Danby, 9 West House Flats, Ayre Road, Kirkwall, KW15 1QZ.
- D A Sanderson, 8 West House Flats, Ayre Road, Kirkwall, KW15 1QZ.

3.2. That Roads Services had objected to the application on the grounds that the proposed parking provision was inadequate and failed to comply with the National Roads Development Guide.

After hearing statements from Mrs K Danby and D A Sanderson, objectors, which were read out by the Clerk, and after hearing representations from Jonathan Potter, representing the agent for the applicant, Robert Potter and Partners LLP, Councillor Robin W Crichton, seconded by Councillor Barbara Foulkes, moved that planning permission be granted in respect of the proposal for the conversion of an existing building to two houses, erection of a terrace of three houses and a five storey block of nine flats and other works at Ayre House, Ayre Road, Kirkwall, subject to conditions as proposed by officers, together with additional conditions proposed by the Committee.

Councillor David Dawson, seconded by Councillor Alexander G Cowie, moved an amendment that the application for planning permission in respect of the proposal for the conversion of an existing building to two houses, erection of a terrace of three houses and a five storey block of nine flats and other works at Ayre House, Ayre Road, Kirkwall, be refused, as, in their opinion:

- The scale and, in particular, the height of the ridge of the proposed five storey block of nine flats, did not respect the character of the adjacent properties and would appear visually over-dominant, therefore the development was not sympathetic to the character of the local area and would create a negative effect on the appearance of the area.

- The proposed development could not be accessed by service vehicles, in particular refuse vehicles who would require to collect waste originating from the new development on Ayre Road, to the detriment of other road users.

And, therefore, the proposed development did not accord with Policy 2 – Design, parts (i) and (ii) and Policy 14 – Transport, Travel and Road Network Infrastructure, Part C (ii) – Road Network Infrastructure of the Orkney Local Development Plan 2017.

The result of a recorded vote was as follows:

For the Amendment:

Councillors Alexander G Cowie, David Dawson, Owen Tierney and Heather N Woodbridge (4).

For the Motion:

Councillors Norman R Craigie, Robin W Crichton, Barbara Foulkes, Stephen Sankey, John A R Scott and Duncan A Tullock (6).

The Motion was therefore carried.

The Committee thereafter resolved, in terms of delegated powers:

3.3. That planning permission be granted in respect of the proposal for the conversion of an existing building to two houses, erection of a terrace of three houses and a five storey block of nine flats and other works at Ayre House, Ayre Road, Kirkwall, subject to the conditions attached as Appendix 1 to this Minute.

4. Conclusion of Meeting

At 12:39 the Chair declared the meeting concluded.

Signed: Rob Crichton.

Appendix 1.

Proposed Conversion of Existing Building to Two Houses, Erection of Terrace of Three Houses and Five Storey Block of Nine Flats, and Other Works at Ayre House, Ayre Road, Kirkwall (21/005/PP)

Grant subject to the following conditions:

01. 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 17:00 Saturdays, and not at all on Sundays or the Christmas or New Year Public Holidays, unless otherwise agreed, in writing, with the Planning Authority.

Reason: To safeguard the amenity of nearby residents.

02. No development shall commence until a detailed contaminated land remediation method statement has been submitted to, and approved in writing by, the Planning Authority, in conjunction with Environmental Health. This remediation method statement shall follow the recommendations of the Phase I Geo-Environmental Risk Assessment previously submitted and shall detail the extent and method(s) by which the site is to be remediated, to ensure that unacceptable risks are not posed to identified receptors at the site and shall detail the information to be included in a validation report. The remediation method statement shall also provide information on a suitable discovery strategy to be utilised on site should contamination manifest itself during site works that was not anticipated. Thereafter, the Planning Authority shall be provided not less than two weeks prior written notice of the commencement of the remediation works on site, and the development shall be undertaken wholly in accordance with the approved details.

Reason: To ensure that a satisfactory strategy is put in place for addressing contaminated land, making the land suitable for the development hereby approved without resulting in risk to contractors, future users of the land, occupiers of nearby land and the environment. This condition is required to be addressed prior to commencement of development in order that the ability to discharge its requirement is not prejudiced by the carrying out of building works or other operations on the site.

03. No development shall commence until details of affordable housing provision have been submitted to, and agreed in writing by, the Planning Authority, in conjunction with Housing Services. These details shall include consideration and incorporation of housing types and tenures which meet local housing requirements and phasing of the development, and/or a viability assessment. Thereafter, the development shall be delivered wholly in accordance with all agreed details.

Reason: To ensure the development meets local housing requirements in accordance with Policy 5B of the Orkney Local Development Plan 2017.

04. Notwithstanding the details included within the site plan hereby approved, no development shall commence until a Scheme of Landscaping for all hard and soft landscaping is submitted to, and approved in writing by, the Planning Authority. The Scheme of Landscaping shall include:

- The location of all proposed tree, shrub, hedging and grass planting.
- A planting schedule comprising layout, number, density, species, height of all trees and shrubs and seed mix of all grass areas.
- The location, design and materials of all hard landscaping works, including walls, fences and gates.
- A timescale for implementation and completion of all soft and hard landscaping contained in the Scheme of Landscaping, including all tree and shrub planting in the first planting season following commencement of development. All roads, footpaths, parking, bin storage and all other hard landscaping shall be completed wholly in accordance with approved details prior to first occupation of any residential unit within the development.

All soft and hard landscaping shall be carried out wholly in accordance with the approved Scheme of Landscaping, unless otherwise agreed, in writing, with the Planning Authority.

Any tree or shrub planting which, within a period of five years from planting, in the opinion of the Planning Authority, is dead, dying, diseased or severely damaged, shall be replaced by a tree or shrub of similar size and species to that originally planted, unless otherwise agreed, in writing, with the Planning Authority.

Thereafter, the development shall be maintained in accordance with the details included in the Scheme of Landscaping throughout the lifetime of the development.

Reason: To protect the character and appearance of the area and residential amenity.

05. The development hereby approved shall be finished externally using the following materials and colours:

- Ayre House Roof – Welsh slate with buff fireclay ridge tiles and in-line slate vents.
- Ayre House Walls – cement pointing removed and repointed with a lime mortar.
- Terrace Roof – natural slate with buff fireclay ridge tiles and in-line slate vents.
- Terrace Walls – smooth render in white/off-white.
- Roof of Flats – standing seam metal.
- Walls of Flats – smooth render in dark grey and white/off-white.
- Windows and doors – aluminium clad.
- Rainwater goods – black metal.

Notwithstanding details included in the elevations hereby approved, no development affecting Ayre House shall commence until full details of window mullions within Ayre House are submitted to, and approved in writing by, the Planning Authority. Thereafter, the windows and mullions shall be installed in accordance with these approved details.

All openings within the existing wall of Ayre House that are blocked up shall be completed using matching materials and method of construction including repointing of the surrounding wall.

The existing fireclay chimney pots on Ayre House shall be retained in situ, or removed for the duration of works and replaced, or matching historic chimney pots reinstated.

No construction shall commence until a sample panels or samples of all external materials (including colours with RAL specified where applicable) are submitted to, and agreed in writing by, the Planning Authority.

The development and works shall thereafter be carried out wholly in accordance with these approved details.

No part of the development shall be occupied until all approved external works to Ayre House are completed in accordance with approved details.

Reason: To protect the character and appearance of the area and setting of the listed building, and to ensure external works to Ayre House are completed, as these works are part justification for the new build development.

06. Prior to occupation of any part of the development hereby approved, all surface water drainage works hereby approved, shall be constructed wholly in accordance with the approved drawings. Thereafter, and throughout the lifetime of the development, the drainage shall be maintained in accordance with the approved details, and in accordance with the principles of Sustainable Drainage Systems (SUDS) and be compliant with the guidance set out in the CIRIA SuDS Manual C753.

Reason: To ensure the provision of an adequate surface water drainage system and to accord with Policy 13B – Sustainable Drainage Systems (SuDS) of Orkney Local Development Plan 2017.

07. No development, including any site clearance works, shall commence until a Construction Method Statement has been submitted to, and approved in writing by, the Planning Authority. The statement shall provide for:

- The parking of vehicles of site operatives and visitors.
- Loading and unloading of plant and materials.
- Storage of plant and materials used in constructing the development.
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- Measures to control the emission of dust and dirt during construction.
- A scheme for recycling/disposing of waste resulting from demolition and construction works.

For the avoidance of doubt there shall be no burning or burying of waste within the site.

The approved Construction Method Statement shall be applied and complied with throughout the construction period.

Reason: To safeguard the amenity of neighbouring properties and occupants.

08. No development shall commence until a Maintenance and Management Schedule is submitted to, and approved in writing by, the Planning Authority. This Schedule shall include:

- Confirmation of maintenance responsibilities and arrangements for all surface water devices, roads, footways and landscaping.
- Full maintenance details, including a maintenance schedule, of all roads and footways.

- Full maintenance details, including a maintenance schedule, of all surface water devices, including permeable paving.
- A maintenance schedule for all surface water devices.

Reason: To ensure the proper maintenance and management of surface water devices, roads and footways and landscaping in perpetuity.

09. The finished floor level of all development shall be not less than 2.9m AOD.

Reason: To minimise risk from flooding and in accordance with submitted information.

10. In conjunction with landscaping details submitted in pursuance of condition 04, no development shall commence until full details of a covered bicycle store, able to accommodate no less than eight bicycles, and including electric bicycle charging infrastructure, are submitted to, and agreed in writing by, the Planning Authority. Thereafter, the covered bicycle store shall be constructed in accordance with the approved details prior to first occupation of any part of the development.

Reason: To ensure adequate provision of external bicycle storage.

11. In conjunction with landscaping details submitted in pursuance of condition 04, no development shall commence until full details of not less than two electric vehicle chargers within the application site, and infrastructure for future installation of further chargers at each parking bay, are submitted to, and agreed in writing by, the Planning Authority. Thereafter, the electric vehicle chargers and infrastructure shall be provided in accordance with the approved details prior to first occupation of any part of the development.

Reason: To ensure adequate provision of electric vehicle charging infrastructure.

12. No development shall commence until full details of the route, extent and fully accessible specification of construction of a proposed footpath link from the application site hereby approved to the existing footpath network within the Strategic Open Space to the south-west of the site, have been submitted to, and agreed in writing by, the Planning Authority. Thereafter, and at the developer's responsibility, the footpath link shall be constructed in accordance with the approved details prior to first occupation of any part of the development, unless otherwise agreed, in writing, by the Planning Authority.

Reason: To ensure accessible access to the Strategic Open Space and the existing footpath network.

13. No development shall commence until full details of the location and construction of an accessible pedestrian road crossing of Ayre Road is submitted to, and agreed in writing by, the Planning Authority. Thereafter, and at the developer's responsibility, the road crossing shall be constructed in accordance with the approved details prior to first occupation of any part of the development, unless otherwise agreed, in writing, by the Planning Authority.

Reason: To ensure accessible pedestrian access to the Ayre Road footpath network.