

Minute

Planning Committee

Wednesday, 8 March 2023, 09:30.

Council Chamber, Council Offices, School Place, Kirkwall.



Present

Councillors Owen Tierney, Kristopher D Leask, Alexander G Cowie, P Lindsay Hall, James R Moar, Raymond S Peace, John A R Scott, Jean E Stevenson and Duncan A Tullock.

Present via remote link (Microsoft Teams)

Councillors Graham A Bevan and Mellissa-Louise Thomson.

Clerk

- Angela Kingston, Committees Officer.

In Attendance

- Roddy Mackay, Head of Planning and Community Protection.
- Nick Long, Service Manager (Environmental Health) (for Items 1 and 2).
- Jamie Macvie, Service Manager (Development Management).
- Susan Shearer, Service Manager (Development and Marine Planning).
- Nick Blowfield, Environmental Technical Officer/Environmental Health Officer (for Items 1 and 2).

In Attendance via remote link (Microsoft Teams)

- Paul Maxton, Solicitor.
- Donald Wilson, Roads Authority Officer.

Observing

- David Barclay, Senior Planner (Development Management) (for Items 1 to 6).
- Margaret Gillon, Senior Planner (Development Management).
- Rikki Lidderdale, Planning Control Officer (for Items 1 and 2).
- Ruth Craigie, Administrative Officer.

Observing via remote link (Microsoft Teams)

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

Apology

- Councillor Ivan A Taylor.

Declaration of Interest

- Councillor Jean E Stevenson – Items 3, 5 and 6.

Chair

- Councillor Owen Tierney.

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. Planning Application 21/266/PP

Proposed Erection of Three Storey Block of 15 Flats and Alteration of Access and Associated Works at Great Western Road, Kirkwall

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 Service Manager (Development Management), the Committee:

Noted:

2.1. That the Environmental Health service had objected to the application for planning permission in respect of the proposal for the erection of a three storey block of 15 flats and alteration of an access and associated works at Great Western Road, Kirkwall, on the grounds of noise affecting opening windows, in relation to the agent of change principle connected with the proximity of Fusion nightclub which, although currently not operating, retained planning status as a music venue.

2.2. That, as the application for planning permission in respect of the proposal for the erection of a three storey block of 15 flats and alteration of an access and associated works at Great Western Road, Kirkwall, had been called in by two Councillors, in accordance with the Scheme of Delegation, the application required to be reported to Committee for determination.

After hearing representations from Stephen Kemp, representing the applicant, Orkney Builders Limited, on the motion of Councillor Kristopher D Leask, seconded by Councillor Duncan A Tullock, the Committee:

Resolved, in terms of delegated powers:

2.3. That planning permission be refused in respect of the proposal for the erection of a three storey block of 15 flats and alteration of an access and associated works at Great Western Road, Kirkwall, for the following reason:

- The development is considered contrary to Policy 1: Criteria for All Development, as the development could result in an unacceptable level of risk to public health (from nuisance) and the development would be prejudicial to the existing use of the wider area surrounding the development site. The development is contrary to Policy 23 of National Planning Framework 4 which confirms that development which is likely to raise unacceptable noise issues will not be supported. The agent of change principle applies in this case, as the proposed development is a “noise sensitive development”. A Noise Impact Assessment has been submitted which concludes that the development as submitted is not acceptable.

Councillor Mellissa-Louise Thomson joined the meeting via Microsoft Teams at this point.

3. Planning Application 22/333/TPP

Proposed Erection of Wind Turbine at Swanbister House, Orphir

Councillor Jean E Stevenson declared an interest in this item, her connection being that she was related to the applicant and 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, and after hearing a report from the Service Manager (Development Management), the Committee:

Noted:

3.1. That a letter of objection relating to the application for planning permission in respect of the proposal for the erection of a wind turbine at Swanbister House, Orphir, had been received from Leslie Sinclair, 31A Broad Street, Kirkwall.

After hearing a statement from Leslie Sinclair, objector, which was read out by the Clerk, on the motion of Councillor P Lindsay Hall, seconded by Councillor James R Moar, the Committee:

Resolved, in terms of delegated powers:

3.2. That the objection received on material planning grounds was not considered to be of sufficient weight to merit refusal.

3.3. That the proposed development was in accordance with the undernoted policies:

- Orkney Local Development Plan 2017:
 - The Spatial Strategy.
 - Policy 1 – Criteria for All Development.
 - Policy 2 – Design.
 - Policy 7 – Energy.
 - Policy 8 – Historic Environment and Cultural Heritage.
 - Policy 13 – Flood Risk, SuDS and Waste Water Drainage.
 - Policy 14 – Transport, Travel and Road Network Infrastructure.
- Supplementary Guidance: Energy (2017).

- Supplementary Guidance: Historic Environment and Cultural Heritage (2017).
- Planning Policy Advice: Amenity and Minimising Obtrusive Lighting (2021).
- Development Management Guidance: Energy.
- National Planning Framework 4.

3.4. That planning permission be granted in respect of the proposal for the erection of a wind turbine at Swanbister House, Orphir, subject to the conditions attached as Appendix 1 to this Minute.

4. Planning Application 22/367/PP

Proposed Erection of House with Integral Garage and Air Source Heat Pump and Creation of Access (Amendment to 22/047/PP) at Eastra, Stromness

Corrine 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 Service Manager (Development Management), the Committee:

Noted:

4.1. That the proposed erection of a house with an integral garage and an air source heat pump and creation of an access at Eastra, Stromness, followed the character of extant approval, application 22/047/PP, previously approved by the Planning Committee, with no fundamental change in the design approach or placement of the house within the site, and no change in the personal circumstances of the applicant in the application as submitted, but with several minor amendments resulting in a material change to the proposal.

4.2. That, as the previous application, application 22/047/PP for the proposed erection of a house with an integral garage and an air source heat pump and creation of an access at Eastra, Stromness, was determined by Committee, the Corporate Director for Neighbourhood Services and Infrastructure had opted not to exercise delegated powers.

After hearing representations from Stephen Omand, agent for the applicant, on the motion of Councillor Owen Tierney, seconded by Councillor Kristopher D Leask, the Committee:

Resolved, in terms of delegated powers:

4.3. That the proposed development was in accordance with the undernoted policies:

- Orkney Local Development Plan 2017:
 - The Spatial Strategy.
 - Policy 1 – Criteria for All Development.
 - Policy 2 – Design.
 - Policy 9 – Natural Heritage and Landscape.
 - Policy 14 – Transport, Travel and Road Network Infrastructure.

- Supplementary Guidance: Housing in the Countryside (2021).
- National Planning Framework 4.

4.4. That, although the proposed development was contrary to Policy 5E – Single Houses and New Housing in the Countryside of the Orkney Local Development Plan 2017, the material weight of the extant approval on the site outweighed the policy consideration.

4.5. That planning permission be granted in respect of the proposal for the erection of a house with an integral garage and an air source heat pump and creation of an access (amendment to 22/047/PP) at Eastra, Stromness, subject to the conditions attached as Appendix 2 to this Minute.

5. Planning Application 22/430/HH

Proposed Erection of Timber Fence, Pave Courtyard and Erection of Polyunnel (Part Retrospective) at 80 Victoria Street, Kirkwall

Councillor Jean E Stevenson declared an interest in this item, her connection being that the applicant was known to her and was not present during discussion thereof.

Stephen Omand, agent for the applicant, Anne-Marie MacGregor, and John Foulis, Advocacy Orkney, representing the objector, Ashley Brown, 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 Service Manager (Development Management), the Committee:

Noted:

5.1. That a letter of objection relating to the application for planning permission in respect of the proposal for the proposed erection of a timber fence, paving a courtyard and erection of a polyunnel (part retrospective) at 80 Victoria Street, Kirkwall, had been received from Ashley Brown, 76 Victoria Street, Kirkwall.

After hearing representations from John Foulis, Advocacy Orkney, representing the objector, Ashley Brown, and from Stephen Omand, agent for the applicant, Anne-Marie MacGregor, on the motion of Councillor Kristopher D Leask, seconded by Councillor P Lindsay Hall, the Committee:

Resolved, in terms of delegated powers:

5.2. That the objection received on material planning grounds was not considered to be of sufficient weight to merit refusal.

5.3. That the proposed development was in accordance with the undernoted policies:

- Orkney Local Development Plan 2017:
 - The Spatial Strategy.
 - Policy 1 – Criteria for All Development.
 - Policy 2 – Design.

- Policy 8 – Historic Environment and Cultural Heritage.
- Supplementary Guidance: Historic Environment and Cultural Heritage (2017).
- National Planning Framework 4.

5.4. That planning permission be granted in respect of the proposal for the proposed erection of a timber fence, paving a courtyard and erection of a polytunnel (part retrospective) at 80 Victoria Street, Kirkwall, subject to the conditions attached as Appendix 3 to this Minute.

6. Planning Application 22/431/LB

Erection of Timber Fence (Part Retrospective) at 80 Victoria Street, Kirkwall

Councillor Jean E Stevenson declared an interest in this item, her connection being that the applicant was known to her and was not present during discussion thereof.

Stephen Omand, agent for the applicant, Anne-Marie MacGregor, and John Foulis, Advocacy Orkney, representing the objector, Ashley Brown, 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 Service Manager (Development Management), the Committee:

Noted:

6.1. That a letter of objection relating to the application for listed building consent in respect of the erection of a timber fence (part retrospective) at 80 Victoria Street, Kirkwall, had been received from Ashley Brown, 76 Victoria Street, Kirkwall.

John Foulis, Advocacy Orkney, confirmed that he had not received any instruction from his client, Ashley Brown, objector, regarding the application for listed building consent. After hearing representations from Stephen Omand, agent for the applicant, Anne-Marie MacGregor, on the motion of Councillor John A R Scott, seconded by Councillor Kristopher D Leask, the Committee:

Resolved, in terms of delegated powers:

6.2. That the objection received on material planning grounds was not considered to be of sufficient weight to merit refusal.

6.3. That the proposed development was in accordance with the undernoted policies of the Orkney Local Development Plan 2017:

- Orkney Local Development Plan 2017:
 - The Spatial Strategy.
 - Policy 1 – Criteria for All Development.
 - Policy 2 – Design.
 - Policy 8 – Historic Environment and Cultural Heritage.

- Supplementary Guidance: Historic Environment and Cultural Heritage (2017).
- National Planning Framework 4.

6.4. That listed building consent be granted in respect of the erection of a timber fence (part retrospective) at 80 Victoria Street, Kirkwall, subject to the conditions attached as Appendix 4 to this Minute.

7. Planning Application 22/456/VR

Proposed Removal of Condition 07 (Provision of Footway) of Planning Permission 22/060/PP 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 Service Manager (Development Management), the Committee:

Noted:

7.1. That the application for planning permission in respect of the proposal for the removal of condition 07 (provision of footway) of planning permission 22/060/PP, previously approved by the Planning Committee, at Plots 1A and 1B Eastbrae, Wardhill Road, Stromness, had been submitted under Section 42 of the Town and Country Planning (Scotland) Act 1997, as amended, to carry out development without complying with conditions subject to which a previous planning permission was granted.

7.2. That Roads Services had objected to the application for planning permission in respect of the proposal for the removal of Condition 07 (provision of footway) of planning permission 22/060/PP at Plots 1A and 1B Eastbrae, Wardhill Road, Stromness, on the grounds of road safety and the unacceptable burden that removal of the condition could apply to Orkney Islands Council.

7.3. That Development and Marine Planning had objected to the application for planning permission in respect of the proposal for the removal of Condition 07 (provision of footway) of planning permission 22/060/PP at Plots 1A and 1B Eastbrae, Wardhill Road, Stromness, on the grounds that requiring a footpath to allow existing and proposed residents as well as visitors in the location to be able to walk safely to other parts of Stromness was considered to be proportionate and appropriate.

7.4. That, as the previous application, application 22/060/PP for the proposed erection of two houses and creation of an access at Plots 1A and 1B Eastbrae, Wardhill Road, Stromness, was determined by Committee, the Corporate Director for Neighbourhood Services and Infrastructure had opted not to exercise delegated powers.

After hearing representations from Stephen Omand, agent for the applicant, on the motion of Councillor Duncan A Tullock, seconded by Councillor Kristopher D Leask, the Committee:

Resolved, in terms of delegated powers:

7.5. That planning permission be refused in respect of the proposal for the removal of condition 07 (provision of footway) of planning permission 22/060/PP at Plots 1A and 1B Eastbrae, Wardhill Road, Stromness, for the following reason:

- Construction of a footway was considered necessary for the approval of planning application 22/060/PP. Accordingly, a planning condition was attached to the consent requiring the footway construction and associated works. Removal of condition 07, and therefore removal of the provision of a footpath and associated services and works, would result in the development of housing which would have an unacceptable impact on road safety and pedestrian safety, and would not deliver the necessary footpath provision or connectivity within Stromness, contrary to the sustainable travel/transport aims of policy. The development proposed to remove condition 07 is therefore contrary to the Sustainable Transport provisions and Policy 13 of National Planning Framework 4, and Policy 1: Criteria for All Development and Policy 14: Transport, Travel and Road Network Infrastructure of the Orkney Local Development Plan 2017.

8. Conclusion of Meeting

At 12:35 the Chair declared the meeting concluded.

Signed: Owen Tierney.

Appendix 1.

Proposed Erection of Wind Turbine at Swanbister House, Orphir (22/333/TPP)

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 colour of the wind turbine hereby approved shall be matt grey galvanised for the tower and matt light grey (or off white) for the nacelle and blades, as indicated on Elevation Plan OSE/3621, stamped approved and attached to the decision notice, unless otherwise agreed, in writing, by the Planning Authority.

No logos or branding shall be used on the wind turbine.

Reason: To minimise the visual impact of the development and to protect the visual amenity of the area.

03. Throughout the life of the development, noise generated by the wind turbine hereby permitted, shall not exceed 35dB(A) L90, 10 min at wind speeds not exceeding 10 m/s as measured not less than 10m from the façade of any noise sensitive property.

Measurements shall be made in accordance with the guidance in the supplementary guidance notes to the planning obligation, chapter 8 of the publication The Assessment and Rating of Noise from Wind Farms (ETSU-R-97, Department of Trade and Industry, September 1996).

Note: The property of Swanbister House, Gyre Road, Orphir, is not considered to be a noise sensitive property in relationship to the turbine hereby approved due to the owner's/owners' financial interest in the turbine. Any separation of the ownership of the house and the turbine, including occupation of the house and premises by an individual or party without a financial interest in the turbine, is likely to cause noise issues which may result in the turbines no longer being able to comply with this condition.

Reason: To protect the residents of nearby residential properties from disturbance as a result of noise generated during operation of the development.

04. Should any complaints be received in respect of noise levels, the developer shall fully investigate these complaints and, to establish noise levels at any affected property, shall undertake noise monitoring which shall be carried out by a suitably qualified noise expert or consultancy previously agreed, in writing, by the Planning Authority and which shall be carried out by the method stated in section 2.0 "Procedure to be followed in the event of a complaint" page 102 of the publication "The Assessment and Rating of Noise from Wind Farms" (ETSU-R-97, Department of Trade and Industry, September 1996).

Reason: To protect the residents of nearby residential properties from disturbance as a result of noise generated during operation of the development.

05. Should any noise monitoring undertaken in accordance with condition 04 above demonstrate that the noise thresholds in condition 03 are being exceeded, the developer shall submit a scheme of mitigating measures to the Planning Authority, for written agreement, within three months of the breach being identified. The agreed mitigating measures shall be implemented within three months of the written agreement or within any alternative timescale agreed in writing by the Planning Authority and thereafter retained throughout the life of the development unless otherwise agreed, in writing, by the Planning Authority.

Reason: To protect the residents of nearby residential properties from disturbance as a result of noise generated during operation of the development.

06. Where noise measurements are carried out in accordance with condition 04 above, the assessment of measured noise emission levels should be referenced to derived (not measured) 10 metres height above ground level wind speeds. The article "Prediction and assessment of wind turbine noise" from the Institute of Acoustics bulletin April 2009 Vol. 34 and the document published by the Institute of Acoustics "The Good Practice guide to the Application of ETSU-R-97 for the assessment and Rating of Wind turbine Noise" should be referred to in regard to this matter.

Reason: For avoidance of doubt regarding a technical matter and to follow recognised current good practice.

07. Should any complaints be received in respect of disruption to Radio/TV reception, the developer shall fully investigate these complaints and provide a satisfactory solution within a timescale specified in writing by the Planning Authority, details of which shall be submitted to, and agreed in writing by, the Planning Authority. The approved details shall thereafter be implemented in accordance with the terms specified by the Planning Authority and retained throughout the life of the development unless otherwise agreed, in writing, by the Planning Authority.

Reason: To protect the residents of nearby residential properties from unacceptable levels of disruption to Radio/TV reception.

08. If the wind turbine and/or solar array hereby approved is not operational and producing energy for a period of one year, then the wind turbine and/or solar array, foundation and any other associated equipment shall be removed and the site landscaped and laid to grass, to the satisfaction of the Planning Authority.

Reason: To protect the visual amenity of the area.

09. At least 14 days prior to commencement of any works on the hereby approved development, the developer shall notify the Ministry of Defence (MOD) in writing of the following information:

- The date of the commencement of the erection of the wind turbine generator.
- The maximum height of any construction equipment to be used in the erection of the wind turbine.
- The date the wind turbine generator is brought into use.

- The latitude and longitude and maximum heights of the wind turbine generator, and any anemometer mast(s).

The Ministry of Defence must be notified of any changes to the information supplied in accordance with these requirements and of the completion of the construction of the development. The information shall be sent to:

Ministry of Defence, Safeguarding Department, St George's House, DIO Headquarters, DMS Whittington, Lichfield, Staffordshire WS14 9PY.

Note: Further information regarding the effects of wind turbines on MOD interests may be viewed on the [website](#).

Reason: The information is required to be plotted on flying charts for military aircraft and to maintain aviation safety.

10. No development shall commence until all scrap cars and detritus has been removed from the site and disposed of at an appropriately licensed waste management site. The site shall thereafter be laid to grass and maintained as such for the lifetime of the development.

Reason: To enhance the visual amenity of the area.

11. Hours of work during the construction of the development hereby approved, 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 be restricted to 07:30 to 18:00 Mondays to Fridays, and 08:00 to 13:00 on Saturdays, not at all on Sundays, 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 this development.

Informative

Protected Species - Ground Nesting Birds

Construction/demolition works have the potential to disturb nesting birds or damage their nest sites, and as such, checks for ground nesting birds should be made prior to the commencement of development if this coincides with the main bird breeding season (April - July inclusive). All wild bird nests are protected from damage, destruction, interference and obstruction under the Wildlife and Countryside Act 1981 (as amended). Some birds (listed on schedule 1 of the Wildlife and Countryside Act) have heightened protection where it is also an offence to disturb these birds while they are in or around the nest.

Appendix 2.**Proposed Erection of House with Integral Garage and Air Source Heat Pump and Creation of Access (Amendment to 22/047/PP) at Eastra, Stromness (22/367/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. Notwithstanding details included in approved drawings, no other development shall commence until the access from the site hereby approved to Downie's Lane has been constructed to the Council's Roads Services standard drawing 'SD-05 (Typical Access Over Verge with Service Bay)', attached to and forming part of this decision notice, including dimensions, road construction, any pipe required, and verge or footway. The access shall be constructed and completed wholly in accordance with these agreed details and thereafter shall be retained in accordance with these approved details throughout the lifetime of the development, unless otherwise agreed, in writing, by the Planning Authority in consultation with the Roads Authority.

Any damage caused to the existing road infrastructure during construction of the development shall be repaired prior to first occupation of the development, to the satisfaction of the Planning Authority, in conjunction with Roads Services.

Reason: In the interests of road safety and for the avoidance of doubt.

03. Notwithstanding landscaping details on the location and site plan hereby approved ('site laid to lawns with no shrubs or bushes'), drawing 1622A/1/P1, no development shall commence until a Landscaping Plan has been submitted to, and approved in writing by, the Planning Authority. The Scheme shall include:

- a) All earthworks and existing and finished ground levels in relation to an identified fixed datum point.
- b) The location and design, including materials, of all proposed walls, fences and gates and ground finishes, including hardstandings.
- c) Soft landscaping and planting, including plans and schedules showing the location, species and size of all individual trees and/or shrubs and planting densities.
- d) A programme for preparation, completion and subsequent on-going maintenance and protection of all landscaping works.

The Landscaping Scheme shall include, but not be limited to, structural shrub and tree planting of suitable species with emphasis on the boundaries of the site where planting can be achieved without impacting on the necessary visibility splay as required by condition 01, and the additional land to the south and west of the application site.

Appropriate boundary treatments on the north boundary should be evidenced to ensure the privacy of the rear garden of the adjacent house is maintained.

Landscaping works shall be carried out in accordance with the approved scheme. All planting, seeding, and/or turfing included in the Scheme shall be carried out in the first planting season following the commencement of development, unless otherwise stated in the approved Scheme.

Any trees or plants which within a period of five years from the completion of the landscaping works die, or for any reason are removed or damaged shall be replaced in the next planting season with others of the same size and species.

Reason: To ensure that the approved landscaping works are properly undertaken on site.

04. Notwithstanding the provisions of Part 1 of Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended, revoked or re-enacted; with or without modification), no other development in excess of that conferred by this planning permission shall be carried out within the curtilage of the dwellinghouse (1) above the hereby approved ground level and/or (2) further south than the southernmost part of the house hereby approved, without the express grant of planning permission.

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

05. The planning authority shall be notified, in writing, following excavation and ground preparation works and when the foundation is constructed to, and not exceeding, finished floor level. Thereafter, the development shall not proceed above finished floor level until the expiry of 14 days or confirmation, in writing, from the planning authority that the finished floor level is accepted as in accordance with the hereby approved elevations and sections, whichever is earlier.

Reason: To retain adequate control of a development, in a prominent location and which requires significant ground excavation works.

06. Surface water shall be managed wholly within the boundary of the application site, including the soakaway indicated in the site plan hereby approved, and no surface water shall be released from the site to the public road or any roadside drainage.

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, Scottish Planning Policy: Managing Flood Risk and Drainage, and for the avoidance of doubt.

07. Throughout the life of the development, the total noise from the Air Source Heat Pump(s) hereby approved shall not exceed NR25 within any residential property outwith the individual house 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 50 mm).

Reason: To protect any nearby residents from excessive noise disturbance from the air source heat pump.

08. Any exterior lighting employed on the house hereby approved, 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'.

09. Hours of work during the construction of the development hereby approved, including site clearance and preparation, 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 be restricted to 07:30 to 18:00 on Mondays to Fridays, 08:00 to 13:00 on Saturdays and not at all on Sundays, Christmas or New Year Public Holidays, unless otherwise agreed, in writing, with the Planning Authority.

Reason: To protect the amenity of neighbouring residential properties.

Appendix 3.

**Proposed Erection of Timber Fence, Pave Courtyard and Erection of
Polytunnel (Part Retrospective) at 80 Victoria Street, Kirkwall
(22/430/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. Hours of work during the construction of the development hereby approved, 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 be restricted to 07:30 to 18:00 Mondays to Fridays, 08:00 to 13:00 on Saturdays and not at all on Sundays, Christmas or New Year Public Holidays unless otherwise agreed, in writing, with the Planning Authority.

There shall be no burning of waste or any other materials on site at any time during the construction phase of the development.

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 this development.

Appendix 4.

**Erection of Timber Fence (Part Retrospective) at 80 Victoria Street,
Kirkwall (22/431/LB)**

Grant subject to the following conditions:

01. The works permitted by this listed building consent shall be commenced within three years, beginning with the date of the grant of listed building consent, which is the date of this decision notice. If the works have not commenced within this period, this listed building consent shall lapse.

Reason: In accordance with Section 16 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, as amended, which limits the duration of listed building consent.

02. Notwithstanding details included in plans and other drawings hereby approved, the entirety of the fence, including all structural supports, shall be constructed from timber and left to weather naturally.

Reason: To preserve the special interest and setting of the listed building.