

Minute

Planning Committee

Wednesday, 29 November 2023, 09:30.

Council Chamber, Council Offices, School Place, Kirkwall.



Present

Councillors Owen Tierney, Kristopher D Leask, Graham A Bevan, Alexander G Cowie, P Lindsay Hall, James R Moar, Raymond S Peace, John A R Scott, Jean E Stevenson, Ivan A Taylor, Mellissa-Louise Thomson and Duncan A Tullock.

Clerk

- Hazel Flett, Service Manager (Governance).

In Attendance

- Roddy Mackay, Head of Planning and Community Protection.
- Jamie Macvie, Service Manager (Development Management).
- Derek Manson, Team Manager (Development Planning).
- Paul Maxton, Solicitor.
- Donald Wilson, Roads Authority Officer.
- Katy Russell-Duff, Committees Officer.

Observing

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

Declarations of Interest

- No declarations of interest were intimated.

Chair

- Councillor Owen Tierney.

1. Planning Application 22/469/PP

Proposed Erection of Four Self-catering Units with Air Source Heat Pumps, with Associated Parking, Landscaping and Drainage Infrastructure including Outfall, at Furrowend, Eday

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 to erect four self-catering units with air source heat pumps, and associated parking, landscaping and drainage infrastructure including outfall at Furrowend, Eday, had been received from Mrs Caroline Webster, 51 Shakespear Road, Hanwell.

After hearing a report from the Service Manager (Development Management), on the motion of Councillor Alexander G Cowie, seconded by Councillor P Lindsay Hall, the Committee:

Resolved, in terms of delegated powers:

1.2. That consideration of the application for planning permission in respect of the proposal to erect four self-catering units with air source heat pumps, and associated parking, landscaping and drainage infrastructure including outfall at Furrowend, Eday, be deferred, to the next meeting of the Committee, to enable officers from Development Management to visit the site in order to ascertain whether works, relating to the application, had commenced on site.

2. Planning Application 23/016/PP

Proposed Erection of Toilet Block, Creation of Car Park, Associated Landscaping and Alteration to Accesses at Market Green, Dounby

Christie Hartley, representing the applicant, Orkney Islands Council, was present during consideration of this item.

Councillor John A R Scott intimated that, at the meeting of the Policy and Resources Committee held on 28 November 2023, during consideration of the capital programme monitoring report, he had commented that this application was likely to be approved, therefore indicating a predetermination of the application. Accordingly, he withdrew from the meeting and was not present for discussion of this application.

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 letters of objection relating to the application for planning permission in respect of the proposal to erect a toilet block, create a car park with electric vehicle chargers, associated landscaping and alteration to accesses at Market Green, Dounby, had been received from the following:

- Angus Scott, Junction House, Dounby.
- David and Sharon Craigie, Neven, Dounby.

After hearing a report from the Service Manager (Development Management), on the motion of Councillor Owen Tierney, second by Councillor Kristopher D Leask, the Committee:

Resolved, in terms of delegated powers:

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

2.3. That the proposed development had been fully assessed and 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 3 – Settlements, Town Centres and Primary Retail Frontages.
 - Policy 9 – Natural Heritage and Landscape.
 - Policy 10 – Green Infrastructure.
 - Policy 11- Outdoor Sports, Recreation and Community Facilities
 - Policy 13 - Flood Risk, SuDS and Waste Water Drainage.
 - Policy 14 – Transport, Travel and Road Network Infrastructure.
- Supplementary Guidance:
 - Settlement Statements (2017).
- Planning Policy Advice:
 - Amenity and Minimising Obtrusive Lighting (2021).
 - Three Villages Master Plan.
- National Planning Framework 4.
 - Policy 3 – Biodiversity.
 - Policy 14 – Design, Quality and Place.
 - Policy 20 – Blue and Green Infrastructure.
 - Policy 21 – Play, Recreation and Sport.
 - Policy 30 – Tourism.

2.4. That planning permission be granted in respect of the proposal to erect a toilet block, create a car park with electric vehicle chargers, associated landscaping and alteration to accesses at Market Green, Dounby, subject to the conditions attached as Appendix 1 to this Minute.

3. Planning Application 23/308/HH

Proposed Erection of Garage at Vallaquie, 11A Royal Oak Road, Kirkwall

Kenneth Montgomery, applicant, 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, the Committee:

Noted:

3.1. That letters of objection relating to the application for planning permission in respect of the proposal to erect a garage at Vallaquie, 11A Royal Oak Road, Kirkwall had been received from the following:

- Colin Miller, 10A Royal Oak Road Kirkwall.
- Ms Frances Troup, Jarlsholm, 11 Royal Oak Road, Kirkwall.

After hearing a report from the Service Manager (Development Management), on the motion of Councillor James R Moar, seconded by Councillor John A R Scott, the Committee:

Resolved, in terms of delegated powers:

3.2. That the concerns of the objectors 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:

- Orkney Local Development Plan 2017:
 - Policy 1 - Criteria for All Development.
 - Policy 2 – Design.
 - Policy 13 - Flood Risk, SuDS and Waste Water Drainage.
- National Planning Framework 4.

3.4. That planning permission be granted in respect of the proposal to erect a garage at Vallaquie, 11A Royal Oak Road, Kirkwall, subject to the conditions attached as Appendix 2 to this Minute.

4. Planning Application 23/312/PP

Proposed Erection of Replacement House with Air Source Heat Pump (One for One) (Amendment to 21/154/AMC) at Minora, Harray

Sean Stanger, applicant, and Stephen Omand, agent representing 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, the Committee:

Noted:

4.1. That a letter of objection relating to the application for planning permission in respect of the proposal to erect a replacement house with air source heat pump (one for one) at Minora, Harray had been received from Gavin Critchley, Heatherlea, Stoneyhill Road, Harray.

After hearing a report from the Service Manager (Development Management), and after hearing representations from Stephen Omand, agent representing the applicant, Sean Stanger, on the motion of Councillor Duncan A Tullock, second by Councillor Alexander G Cowie, the Committee:

Resolved, in terms of delegated powers:

4.2. That the concerns of the objector 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:

- Orkney Local Development Plan 2017:
 - The Spatial Strategy – The Isles Approach.
 - Policy 1 - Criteria for All Development.
 - Policy 2 – Design.
 - Policy 5 – Housing.
 - Policy 8 – Historic Environment and Cultural Heritage.
 - Policy 13 – Flood Risk, SuDS and Waste Water Drainage.
 - Policy 14C – Transport, Travel and Road Network Structure.
- National Planning Framework 4:
 - Policy 3 – Biodiversity.
 - Policy 17 – Rural Homes.

4.4. That planning permission be granted in respect of the proposal to erect a replacement house with air source heat pump (one for one) (Amendment to 21/154/AMC) at Minora, Harray, subject to the conditions attached as Appendix 3 to this Minute.

5. Conclusion of Meeting

At 10:55 the Chair declared the meeting concluded.

Signed: Owen Tierney.

Appendix 1.**Proposed Erection of Toilet Block, Creation of Car Park, Associated Landscaping and Alteration to Accesses at Market Green, Dounby (23/016/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. 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 or the Christmas or New Year Public Holidays unless otherwise agreed in writing with the Planning Authority.

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

03. No development shall commence (including demolition, ground preparation, tree/shrub works, construction, or any other works) during March to August (inclusive), or (if during these months) until a pre-start walkover of the site and inspection of the existing buildings, structures and vegetation 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.

Reason: To avoid adverse effects on breeding birds, 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.

04. No development shall commence until a planting schedule has been submitted to and approved, in writing, by the Planning Authority. The planting schedule should incorporate native species and shall not include invasive non-native species. The planting schedule shall include details of the species (scientific and common names), size, density, total numbers, planting location, and timing in relation to commencement of development, for both new plants and those to be relocated within the site. The planting schedule shall also include details of monitoring and maintenance, covering the establishment period (3 years from planting, including replacement of any plants that do not survive). Thereafter the agreed planting schedule shall be implemented in full, retained in perpetuity in accordance with the approved details unless otherwise agreed, in writing, by the Planning Authority.

Reason: To protect the natural environment and meet the requirements of Policy 9C ‘Wider Biodiversity and Geodiversity’ of the Orkney Local Development Plan 2017.

05. Notwithstanding indicative details included in drawings hereby approved, no works shall be carried out to any existing mature tree adjacent to or overhanging the application site boundary, unless details of the works are submitted to and approved, in writing, by the Planning Authority. Thereafter, any pruning works shall be carried out wholly in accordance with approved details.

Proposed works shall be detailed by a suitably qualified arborist, and shall include any mitigatory planting, to be incorporated in the planting schedule specified by Condition 04.

Reason: To protect the natural environment and meet the requirements of Policy 9F 'Trees and Woodland' of the Orkney Local Development Plan 2017.

06. No other part of the development shall commence until the existing underground fuel tank(s) and any associated supply pipework shall be excavated and removed. Additional sampling shall be carried out in association with removal of the petrol tanks on the northeast area of the site, and any materials that are to be reused or imported for the soft landscaping shall be tested to demonstrate that they are suitable for the end use.

Following completion of excavation and removal, a Verification Report shall be submitted to the Planning Authority. The Verification Report shall include details of the removal works carried out and details of post-remedial sampling and analysis to demonstrate the site is compatible with the proposed use, and evidence that contaminants are not present at unacceptable levels. Documentation detailing any waste material removed from site shall also be submitted to the Planning Authority.

No development shall be carried out within the application site until the Verification Report and details of any waste material removed from the site as specified above have been submitted to and approved, in writing by, the Planning Authority in conjunction with Environmental Health.

Reason: In the interests of public health, to ensure any potential contaminants resulting from the previous use of the site as a fuel station are remediated, and the site is suitable for its intended use.

07. 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, National Planning Framework 4 Policy 22 'Flood risk and water management', and to protect road safety.

08. 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 (March 2021).

09. No development shall commence until a Management and Maintenance Plan covering all assets (soft landscaping, buildings, streetlighting, EV chargers, footpaths, roads, parking areas, drainage, etc) within the application site has been submitted to and approved, in writing, by the Planning Authority, in conjunction with Engineering Services in relation to drainage infrastructure. Thereafter the site shall be managed and maintained in accordance the Management and Maintenance Plan in perpetuity.

Reason: To ensure the implementation and management of a satisfactory scheme to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

10. The development hereby approved shall not be brought into use until the proposed foul drainage connection and surface water drainage system are constructed and completed wholly in accordance with the approved drawings, details, and calculations. The foul and surface water drainage system shall be retained thereafter in perpetuity.

Reason: To ensure that adequate drainage facilities are provided, and retained, in the interests of the amenity of the area.

11. No development shall commence until details of the level of the lowest contributing gully within the SuDS have been submitted to and approved, in writing, by the Planning Authority, in conjunction with Engineering Services. Thereafter, and in accordance with condition 10 above, the SuDS shall be constructed wholly in accordance with these approved details.

Reason: To ensure the level of the asset is below ground level.

12. No development shall commence until a Construction Method Statement has been submitted to and approved, in writing, by the Planning Authority. The Construction Method Statement shall include but not be limited to:

- 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.
- Measures to control the emission of dust and dirt and the management of construction water runoff during construction.
- A scheme for recycling/disposing of waste resulting from construction works.
- Construction compound and site arrangement.

Thereafter, the development shall be carried out wholly in accordance with the approved Construction Method Statement.

Reason: To protect residential amenity.

Appendix 2.

Proposed Erection of Garage at Vallaquie, 11A Royal Oak Road, Kirkwall (23/308/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 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.

No development shall commence until full details regarding the management of all surface water resulting from the development, including any treatment on site, and any surface water sewer connection, have been submitted to and approved, in writing, by the Planning Authority, in conjunction with Roads Services. Thereafter, the development shall be completed wholly in accordance with approved details, prior to being brought into use.

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 in the interests of road safety.

03. No development shall commence until full details of the external wall render colour have been submitted to and approved, in writing, by the Planning Authority. Thereafter, the development shall be completed wholly in accordance with approved details.

Reason: To protect the amenity of the area.

04. 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 or the Christmas or New Year Public Holidays, unless otherwise agreed, in writing, with the Planning Authority.

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 3.

Proposed Erection of Replacement House with Air Source Heat Pump (One for One) (Amendment to 21/154/AMC) at Minora, Harray (23/312/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. 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 or the Christmas or New Year Public Holidays, unless otherwise agreed, in writing, with the Planning Authority.

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.

03. 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, National Planning Framework 4, and to protect road safety.

04. Throughout the life of the development, the maximum noise from the Air Source Heat Pump hereby granted planning permission 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).

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

05. No other development shall commence until the access hereby approved with the public road is constructed to Roads Services' standard drawing 'SD-03 Access Over Verge for Single Dwelling', 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 details, and thereafter shall be retained in accordance with these details throughout the lifetime of the development.

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 to protect the public road infrastructure.

06. Throughout the lifetime of the development, any external lighting used on the dwelling and any outbuilding(s) shall be downward facing only and shall meet the requirements specified by the Institution of Lighting Professionals for Zone E1/E2 areas (Rural/Low District Brightness).

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 the Orkney Local Development Plan 2017 and Planning Policy Advice: Amenity and Minimising Obtrusive Lighting (March 2021).

07. The biodiversity measures identified in the site plan hereby approved, drawing 'Amendment to planning approval reference 21/154/AMC. Erection of house and garage and installation of heat pump', reference 1665/1/P1, and described in the submitted Biodiversity form (dated 20 August 2023), shall be implemented in full no later than the first planting season following commencement of development. Thereafter, the biodiversity measures shall be retained wholly in accordance with the approved details throughout the lifetime of the development.

Reason: To ensure biodiversity measures are implemented as required by Policy 3 – Biodiversity of National Planning Framework 4.