

# Minute

## Planning Committee

Wednesday, 18 January 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 and Duncan A Tullock.

## Present via remote link (Microsoft Teams)

Councillor Mellissa-Louise Thomson.

## Clerk

- Angela Kingston, Committees Officer.

## In Attendance

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

## Observing

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

## Declarations of Interest

- Councillor Alexander G Cowie – Item 2.
- Councillor Mellissa-Louise Thomson – Item 3.

## 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 22/236/PP**

### **Proposed Erection of Two Houses and Creation of Access at Braeside, West Greaves, St Mary's, Holm**

Councillor Alexander G Cowie declared an interest in this item, his connection being that one of the objectors was a former work colleague, and a friend, and was not present during discussion thereof.

Colin Leask, representing the applicant, Alfred Flett Limited, and James Thomas, objector, 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:

**2.1.** That letters of objection relating to the application for planning permission in respect of the proposal for the erection of two houses and creation of an access at Braeside, West Greaves, St Mary's, Holm, had been received from the following:

- Robert and Heather MacKenzie, Strathavon, West Greaves Road, St Mary's, Holm.
- James Thomas, Braeside, Holm.

After hearing representations from James Thomas, objector, and from Colin Leask, representing the applicant, Alfred Flett Limited, on the motion of Councillor Owen Tierney, seconded by Councillor Raymond S Peace, the Committee:

Resolved, in terms of delegated powers:

**2.2.** That the objections received on material planning grounds were not considered to be of sufficient weight to merit refusal.

**2.3.** That the proposed development was in accordance with the undernoted policies and guidance:

- Orkney Local Development Plan 2017:
  - Policy 1 – Criteria for All Development.
  - Policy 2 – Design.
  - Policy 5 – Housing.
  - 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).

**2.4.** That planning permission be granted in respect of the proposal for the erection of two houses and creation of an access at Braeside, West Greaves, St Mary's, Holm, subject to the conditions attached as Appendix 1 to this Minute.

### **3. Planning Application 22/280/PP**

#### **Proposed Demolition of Two Redundant Houses and Erection of Two Houses at East and West Blett, Eday**

Councillor Mellissa-Louise Thomson declared an interest in this item, her connection being that she was a director of the Eday Partnership, who was the applicant, and left the meeting at this point.

Davie Campbell, representing the applicant, Eday Partnership, and Colin Begley, 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:

**3.1.** That, as the application for planning permission in respect of the proposal for the demolition of two redundant houses and the erection of two houses at East and West Blett, Eday, 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 Davie Campbell, representing the applicant, Eday Partnership, and from Colin Begley, agent for the applicant, on the motion of Councillor Owen Tierney, seconded by Councillor P Lindsay Hall, the Committee:

Resolved, in terms of delegated powers:

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

- 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 14 – Transport, Travel and Road Network Infrastructure.

**3.3.** That planning permission be granted in respect of the proposal for the demolition of two redundant houses and the erection of two houses at East and West Blett, Eday, subject to the conditions attached as Appendix 2 to this Minute.

### **4. Conclusion of Meeting**

At 10:40 the Chair declared the meeting concluded.

Signed: Owen Tierney.

**Appendix 1.****Proposed Erection of Two Houses and Creation of Access at Braeside, West Greaves, St Mary's, Holm (22/236/PP)****Grant subject to the following conditions:**

01. No development shall commence until full details of the management of surface water from the access track are submitted to, and approved in writing by, the Planning Authority, in conjunction with Roads Services. These details shall include prevention of the flow of surface water to the public road. Thereafter, the development shall be constructed wholly in accordance with approved details and shall be retained in accordance with these details throughout the lifetime of the development.

Reason: To ensure the appropriate management of surface water from all parts of the development.

02. No demolition or any other works in connection with the development shall commence until a plan and photographic survey of the existing concrete foundation in the application site have been submitted to, and approved in writing by, the Planning Authority, in conjunction with the Islands Archaeologist.

All visible parts of the structure, together with the setting of the structure and any unusual features shall be photographed. The photographic viewpoints shall be clearly annotated on a plan to accompany the survey. The photographs and plan shall be in a digital format and shall be clearly marked with the planning application reference.

Reason: In the interests of the protection of Orkney's archaeological and cultural heritage resources and to accord with Policies 8A and 8B(vi): Historic Environment and Cultural Heritage of Orkney Local Development Plan 2017, Supplementary Guidance: Historic Environment and Cultural Heritage (2017) and Planning Policy Advice: Historic Environment (Topics and Themes) (2017).

03. No development shall commence until the developer submits written confirmation from Scottish Water that the existing public sewer and water main, both within the application site to the west of the proposed houses, are sufficient distance from the houses, and any safeguarding requirements provided by Scottish Water. Thereafter, during construction works and throughout the lifetime of the development, the public sewer and water main infrastructure shall be protected, including in accordance with any requirements stipulated by Scottish Water.

Reason: To protect public infrastructure located within the application site.

04. Throughout the lifetime of the development hereby approved, all surface water within the application site area 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. Requisite surface water drainage shall be operational prior to first occupation of the development 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 runoff to the public 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 (SuDS) of Orkney Local Development Plan 2017.

05. The development shall be excavated into the existing slope, as detailed in the site sections hereby approved, and finished floor levels shall be constructed above existing ground level unless specifically indicated in approved drawings.

Reason: For the avoidance of doubt, in accordance with submitted drawings, and to minimise visual impact of development on sloping ground.

06. The access hereby approved with the public road shall be constructed to the Council's Roads Services standard drawing 'SD-01 Typical Access for Single Development (2-4 houses)', 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 prior to any other works commencing on the development hereby approved, and thereafter shall be retained in accordance with these details throughout the lifetime of the development, unless otherwise agreed, in writing, by the Planning Authority.

Reason: In the interests of road safety.

07. 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.

08. The development hereby approved shall not be occupied or otherwise brought into use until all communal parts of the proposed shared access track are finished with a bituminous surface, or other sealed surface agreed, in writing, by the Planning Authority.

Reason: To ensure an appropriate specification and finish for communal accesses within a town or village.

09. Should any contamination be revealed during construction, including the breaking up and excavation of the existing concrete foundation, works shall be temporarily halted, and the Planning Authority and Environmental Health shall be notified immediately. Thereafter, works shall not recommence until the extent and nature of the contamination has been investigated at the developer's expense, and to the satisfaction of Environmental Health. Where appropriate, a suitable scheme for the mitigation of any risks arising from the contamination shall be submitted to, and agreed in writing by, the Planning Authority, and the development shall thereafter be completed wholly in accordance with the approved mitigation.

Reason: To ensure the development is protected from any contamination revealed during construction works.

10. Total noise from the air source heat pump(s) hereby approved shall not exceed NR25 within any residential property outwith the development, 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(s).

11. Throughout the lifetime of the development hereby approved, any external lighting used on the development shall be downward facing only and shall comply with the requirements of Policy 2 (principle vi), to minimise light pollution and 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.

12. 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 2.****Proposed Demolition of Two Redundant Houses and Erection of Two Houses at East and West Blett, Eday (22/280/PP)****Grant subject to the following conditions:**

01. No development shall commence until full details of a programme of historic building recording, including standing building survey and photographic survey, have been submitted to, and approved in writing by, the Planning Authority, in conjunction with the Islands Archaeologist. The details of recording shall include survey of the two existing houses to be demolished, the boathouse and shed to be retained and reinstated, and dry stone walls, and as a minimum shall include all external elevations and the setting of the buildings and structures and any unusual features identified. The recording shall also include a written account of the origins, plan, form, function, age and development sequence, if discernible, of each of the buildings.

All survey, evaluation, reporting, analysis and archive deposition, as required and approved, shall be funded by the developer. All submissions must be in digital format.

No demolition or other development shall be carried out within the site until the site is subsequently surveyed wholly in accordance with approved details, and the survey is submitted to, and approved in writing by, the Planning Authority.

Such work requires to be agreed and secured between the developer of the site and the archaeological contractor undertaking the archaeological works before it will be agreed, in writing, by the Planning Authority.

Reason: In the interests of protecting Orkney's archaeological and cultural heritage resources and to accord with Policies 8A and 8B(vi) of the Orkney Local Development Plan 2017 and Supplementary Guidance: Historic Environment and Cultural Heritage.

02. No development shall commence until a condition/dilapidation survey of a defined section of the public road has been carried out by the developer, in conjunction with Roads Services, including any section of the public road used for access/egress to the site by construction traffic. Full details of the survey shall be submitted to, and approved in writing by, the Planning Authority, in conjunction with Roads Services, including the full length of road to be surveyed.

Thereafter, the survey shall be carried out wholly in accordance with approved details and shall be completed again following completion of the development.

This condition/dilapidation survey, and any repairs required to the public road to make good damage which is attributed to this development, including by any vehicles or plant accessing or egressing the sites, shall be funded by the developer. All repairs or other works required to be carried out shall be completed to the satisfaction of the Planning Authority, in conjunction with Roads Services, within three months of completion of the development.

The developer shall also be responsible for maintaining any damage caused to the public road in such a manner that the roads always remain safe for other road users and until permanent repair works are agreed and carried out.

Reason: In the interest of road safety.

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

- Numbers and details of all vehicle (plant and machinery) movements to and from site (types and weights).
- Details of storage of all extractive materials, including weights/quantities and location.
- Site for loading and unloading of plant and materials.
- The parking of vehicles for site operatives and visitors.
- Construction compound and site arrangement to protect the retained buildings during construction works.

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

Reason: To ensure effective monitoring of this borrow pit project and to minimise its environmental impact.

04. No development shall commence until a Landscaping Plan of all hard and soft landscaping within the application site has been submitted to, and approved in writing by, the Planning Authority. This Landscaping Plan shall include, but not be limited to:

- The location, design and materials of all hard landscaping works.
- A timescale for the implementation and completion of all soft and hard landscaping contained in the Scheme of Landscaping, including completion of all hard landscaping prior to first occupation of each house.
- A detailed survey of all existing established planting on site (shrubs), method of protection of existing planting to be retained in situ throughout the construction, and method of relocation of any existing planting to be relocated, and confirmation of all existing planting to be removed.

Thereafter, the development shall be completed and maintained in perpetuity in accordance with the Scheme of Landscaping.

Reason: To ensure appropriate landscaping measures are implemented prior to occupation of the development.

05. Throughout the lifetime of the development hereby approved, all surface water within the application site area 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. Requisite surface water drainage shall be operational prior to first occupation of the development 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 runoff to the public 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 (SuDS) of Orkney Local Development Plan 2017.

06. The development shall be excavated into the existing slope, as detailed in the site sections hereby approved, and finished floor levels shall be constructed above existing ground level unless specifically indicated in approved drawings.

Reason: For the avoidance of doubt, in accordance with submitted drawings, and to minimise visual impact of development on sloping ground.

07. Total noise from the air source heat pump(s) hereby approved shall not exceed NR25 within any residential property outwith the development, 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(s).

08. Throughout the lifetime of the development hereby approved, any external lighting used on the development shall be downward facing only and shall comply with the requirements of Policy 2 (principle vi), to minimise light pollution and 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.

09. All restoration works to the boat shed, shed and retained drystone dyke, as detailed in drawing 'EAST BLETT PROPOSALS, 005.C', shall be completed wholly in accordance with the drawing and specification hereby approved, prior to first occupation of the house 'EAST BLETT – REPLACEMENT DWELLING' hereby approved.

Reason: To safeguard the restoration of historic buildings, which is a critical mitigation in approval of the development overall.

10. All stone resulting from the demolition of both houses shall be retained on site for re-use for construction purposes. Stone shall not be used for foundations/hardstanding or removed from site unless agreed in advance, in writing, by the Planning Authority.

Reason: To safeguard a resource of traditional building materials within the site.

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, 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 to reduce any possible nuisance arising to nearby residents during the construction of this development.