

## Minute

### Planning Committee

Wednesday, 23 August 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).
- Paul Maxton, Solicitor.
- Derek Manson, Team Manager (Development Planning).
- Donald Wilson, Roads Authority Officer.

### Observing

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

### Declarations of Interest

- Councillor Ivan A Taylor – Item 1.
- Councillor Mellissa-Louise Thomson – Item 2.
- Councillor Duncan A Tullock – Item 1.

### Chair

- Councillor Owen Tierney.

## 1. Planning Application 23/157/VR

### Proposed Variation to Condition 03 (Access and Parking Provision) of 19/365/PP at Garden House, New Scapa Road, Kirkwall

Fraser Anderson, objector, and Steven Russell, representing Tracy Russell, objector, were present during consideration of this item.

Councillor Ivan A Taylor declared an interest in this item, his connection being that, as a ward member, he had been involved in discussions with interested parties related to the application, and was not present during discussion thereof.

Councillor Duncan A Tullock declared an interest in this item, his connection being that a family member was related to one of the objectors to the original application (19/365/PP), 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, the Committee:

Noted:

**1.1.** That a letter of objection relating to the application for planning permission in respect of the proposal to vary Condition 03 (Access and Parking Provision) of 19/365/PP at Garden House, New Scapa Road, Kirkwall, had been received from Fraser Anderson, Margaret Anderson and Tracy Russell, Dellovo, New Scapa Road, Kirkwall.

After hearing representations from Fraser Anderson, objector, and Steven Russell, representing Tracy Russell, objector, and after hearing a report from the Service Manager (Development Management), on the motion of Councillor Owen Tierney, seconded by Councillor Kristopher D Leask, the Committee:

Resolved, in terms of delegated powers:

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

**1.3.** 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 14 – Transport, Travel and Road Network Structure.
- National Planning Framework 4.

**1.4.** That planning permission be granted in respect of the proposal to vary Condition 03 (Access and Parking Provision) of 19/365/PP at Garden House, New Scapa Road, Kirkwall, subject to the conditions attached as Appendix 1 to this Minute.

## **2. Planning Application 22/472/PP**

### **Proposed Erection of House with Detached Garage and Air Source Heat Pump at Noneyha', Eday**

Christopher Omand, agent for the applicants, Mr and Mrs Angus Brown, was present during consideration of this item.

Councillor Mellissa-Louise Thomson declared an interest in this item, her connection being that the applicant was known to her, 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, the Committee:

Noted:

**2.1.** That a letter of objection relating to the application for planning permission in respect of the proposal to erect a house, with a detached garage and air source heat pump, at Noneyha', Eday, had been received from Walter Cormack, Cayrne, Eday.

After hearing representations from Christopher Omand, agent for the applicants, Mr and Mrs Angus Brown, and after hearing a report from the Service Manager (Development Management), the Committee:

Resolved, in terms of delegated powers:

**2.2.** That the concerns of the objector 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 – The Isles Approach.
  - Policy 1 – Criteria for All Development.
  - Policy 2 – Design.
  - Policy 5C – The Isles Approach for Housing.
  - Policy 14C – Road Network Structure.
- National Planning Framework 4:
  - Policy 17 – Rural Homes.

**2.4.** That planning permission be granted in respect of the proposal to erect a house, with a detached garage and air source heat pump, at Noneyha', Eday, subject to the conditions attached as Appendix 2 to this Minute.

### **3. Conclusion of Meeting**

At 10:20 the Chair declared the meeting concluded.

Signed: Owen Tierney.

## Appendix 1

### **Proposed Variation to Condition 03 (Access and Parking Provision) of 19/365/PP at Garden House, New Scapa Road, Kirkwall (23/157/VR)**

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

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

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

03. 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 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: 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.

04. All access and parking provision and alterations hereby approved shall be constructed and completed wholly in accordance with the Proposed Site Plan, drawing 101, revision F, prior to first occupation of 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.

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.

05. All tree protection shall be implemented wholly in accordance with the sequence of works and specifications included in the 'Tree Protection Plan' hereby approved. No excavation works shall be carried out within the site until all protective fencing is erected in accordance with the tree protection plan and is inspected on site and confirmed as acceptable by the Planning Authority.

Reason: To ensure adequate protection of trees, including roots, throughout the construction of the development.

## Appendix 2

### **Proposed Erection of House with Detached Garage and Air Source Heat Pump at Noneyha', Eday (22/472/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. 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. The requisite surface water drainage shall be operational prior to the development being brought into use and shall be maintained as such thereafter.

All surface water shall be contained within the development site and there shall be no surface water drainage run-off to 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.

03. 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.

04. Total noise from the Air Source Heat Pump(s) installed 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.

05. Throughout the lifetime of the development hereby approved, any external lighting used on the dwelling shall be downward facing only and shall comply with the Council's requirements that all external lighting shall minimise light pollution and shall meet the requirements specified by the Institution of Lighting Professionals for Zone E2/E3 areas (Low District/Medium 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 Orkney Local Development Plan 2017 Policy 2: Design, and Planning Policy Advice: Amenity and Minimising Obtrusive Lighting (March 2021).

06. 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.