

Minute

Planning Committee

Wednesday, 26 April 2023, 09:30.

Council Chamber, Council Offices, School Place, Kirkwall.



Present

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

Present via remote link (Microsoft Teams)

Councillor John A R Scott.

Clerk

- Angela Kingston, Committees Officer.

In Attendance

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

Observing

- Hayley Green, Corporate Director for Neighbourhood Services and Infrastructure.
- David Barclay, Senior Planner (Development Management).
- Margaret Gillon, Senior Planner (Development Management).

Apology

- Councillor Kristopher D Leask.

Declaration of Interest

- Councillor Graham A Bevan – 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 22/170/HH

Proposed Extension of House at Old Bank House, Front Road, St Margaret's Hope, South Ronaldsay

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, as the application for planning permission in respect of the proposal for the extension of a house at Old Bank House, Front Road, St Margaret's Hope, South Ronaldsay, was made on behalf of a member of staff employed within the Planning Service, in accordance with the Scheme of Administration, the application must be reported to Committee for determination.

On the motion of Councillor Graham A Bevan, seconded by Councillor John A R Scott, the Committee resolved, in terms of delegated powers:

2.2. 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.
 - Policy 13A – Flood Risk.
- Supplementary Guidance: Historic Environment and Cultural Heritage (2017).
- National Planning Framework 4.

2.3. That planning permission be granted in respect of the proposal for the extension of a house at Old Bank House, Front Road, St Margaret's Hope, South Ronaldsay, subject to the conditions attached as Appendix 1 to this Minute.

3. Planning Application 22/336/PP

Proposed Installation of Freestanding ATM Kiosk with Public Telephone at 5 Victoria Street, Stromness

Councillor Graham A Bevan 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.

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 installation of a freestanding ATM kiosk with public telephone at 5 Victoria Street, Stromness, had been received from Katherine Kemp, Wishart's Hardware, 14 Victoria Street, Stromness.

On the motion of Councillor P Lindsay Hall, seconded by Councillor John A R Scott, 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 3 – Settlements, Town Centres and Primary Retail Frontages.
 - Policy 4 – Business, Industry and Employment.
 - Policy 8 – Historic Environment and Cultural Heritage.
- Supplementary Guidance: Historic Environment and Cultural Heritage (2017).
- Planning Policy Advice: Historic Environment (Topics and Themes) (2017).
- National Planning Framework 4.

3.4. That planning permission be granted in respect of the proposal for the installation of a freestanding ATM kiosk with public telephone at 5 Victoria Street, Stromness, subject to the conditions attached as Appendix 2 to this Minute.

4. Planning Application 22/425/PP

Proposed Erection of Four Houses and Creation of Four Accesses at 8-10 Moar Drive, Kirkwall

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 letters of objection relating to the application for planning permission in respect of the proposal for the erection of four houses and creation of four accesses at 8-10 Moar Drive, Kirkwall, had been received from the following:

- David and Katie Foulis, 5 Moar Drive, Kirkwall.
- Erland and Alison Hutchison, 7 Moar Drive, Kirkwall.

Councillor Graham A Bevan, seconded by Councillor Owen Tierney, moved that planning permission be granted in respect of the proposal for the erection of four houses and creation of four accesses at 8-10 Moar Drive, Kirkwall, subject to conditions as proposed by officers.

Councillor Duncan A Tullock, seconded by Councillor Jean E Stevenson, moved an amendment that the application for planning permission in respect of the proposal for the erection of four houses and creation of four accesses at 8-10 Moar Drive, Kirkwall, be refused, as, in their opinion:

- The development was not sited or designed to take into consideration the location and the wider townscape.
- The proposed density of the development was not appropriate to the location.
- The development would be prejudicial to the effective development of the wider area.
- The development would create an unacceptable burden on existing infrastructure that cannot be resolved.

And, therefore, the proposed development was contrary to:

- Orkney Local Development Plan 2017:
 - Policy 1 - Criteria for All Development, parts (i), (ii), (iii) and (v).
 - Policy 5A - Housing in Settlements, part (i).
- Watersfield, Kirkwall, Development Brief 2011, Supplementary Guidance (July 2012).

On a vote being taken 4 members voted for the amendment and 7 for the motion, and the Committee:

Resolved, in terms of delegated powers:

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

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

- Orkney Local Development Plan 2017:
 - Policy 1 – Criteria for All Development.
 - Policy 2 – Design.
 - Policy 5 – Housing in Settlements.
 - Policy 9 –Landscape.
 - Policy 13B – Sustainable Drainage Systems (SuDS).
 - Policy 13C – Waste Water Drainage.
 - Policy 14C – Road Network Infrastructure.

- Supplementary Guidance and Planning Policy Advice:
 - Amenity and Minimising Obtrusive Lighting (2021).
 - Watersfield, Kirkwall, Development Brief 2011, Supplementary Guidance (July 2012).
- National Planning Framework 4.

4.4. That planning permission be granted in respect of the proposal for the erection of four houses and creation of four accesses at 8-10 Moar Drive, Kirkwall, subject to the conditions attached as Appendix 3 to this Minute.

5. Planning Application 22/451/PP

Proposed Erection of Workshop and Extend Slipway (Resubmission of 22/249/PP) at Burray Boatyard, Burray

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 letters of objection relating to the application for planning permission in respect of the proposal for the erection of a workshop and extension of a slipway at Burray Boatyard, Burray, had been received from the following:

- John Corsie, South Manse, Burray.
- Rosalind Johansson, Watersound Flat, Burray.
- Adam Moore, Mayfield, Burray.

The Committee resolved, in terms of delegated powers:

5.2. That the objections received on material planning grounds were 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 3 – Settlements, Town Centres and Primary Retail Frontages.
 - Policy 4 – Business, Industry and Employment.
 - Policy 9 – Natural Heritage and Landscape.
 - Policy 12 – Coastal Development.
 - 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).
- National Planning Framework 4.

5.4. That planning permission be granted in respect of the proposal for the erection of a workshop and extension of a slipway at Burray Boatyard, Burray, subject to the conditions attached as Appendix 4 to this Minute.

6. Conclusion of Meeting

At 10:35 the Chair declared the meeting concluded.

Signed: Owen Tierney.

Appendix 1.**Proposed Extension of House at Old Bank House, Front Road, St Margaret's Hope, South Ronaldsay (22/170/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. All repointing of existing stonework shall be carried out using a lime mortar only, with no cement. No repointing shall be carried out until full details of the mortar content, methodology and after-care for the works are submitted to, and approved in writing by, the Planning Authority. Thereafter, all repointing shall be carried out wholly in accordance with approved details.

Reason: To preserve and enhance the character and appearance of the conservation area, and to protect the integrity of the traditional building material.

03. External finishes shall comprise the following materials and colours only:

- Roof: Welsh slate.
- Rainwater goods: half round metal, black.
- Wall cladding: fibre cement, grey green ('Cedral C06').
- Windows: timber, painted moss green (RAL 6005). All windows in the west elevation of the extension shall be fixed frame, with glazing beads entirely colour-matched to the painted timber.
- Rooflights in existing house: black, flush, conservation specification, fixed or top-hung only.

Reason: To preserve and enhance the character and appearance of the conservation area.

04. The development shall be specified and constructed to include the recommendations of the submitted Property Flood Protection Assessment Report (July 2022) and all flood mitigation measures included in the floor plans hereby approved, including non-return valves to surface water drain outlet, demountable flood gate, demountable flood barrier to door opening, plastering and repointing, and light switch and sockets heights.

Reason: To maximise property flood resilience in conjunction with proposed works, and in accordance with the aims of Policy 13A: Flood Risk of the Orkney Local Development Plan 2017.

05. 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 Installation of Freestanding ATM Kiosk with Public Telephone at 5 Victoria Street, Stromness (22/336/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. The concrete base shall be finished using a natural flagstone to match the adjacent forecourt prior to first use of the kiosk hereby approved.

Reason: To preserve the character and appearance of the conservation area.

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 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.

04. If the kiosk hereby approved is not operational for a period of one year, the kiosk and any other associated equipment shall be removed with the ground made good to match the flagstone finish.

Reason: To preserve the character and appearance of the conservation area.

Appendix 3.

Proposed Erection of Four Houses and Creation of Four Accesses at 8-10 Moar Drive, Kirkwall (22/425/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. No development shall commence until the following, additional SuDS details are submitted to, and approved in writing by, the Planning Authority:

- Driveways are included in calculations as impermeable surfaces. Confirm how these would drain to the proposed lined filter drains.
- Confirm how orifice plates can be inspected and cleaned at a minimum cover to invert depth of 1.2 metres inside a 0.45 metre diameter chamber.
- A SuDS maintenance strategy, in accordance with the submitted 'Drainage Report' (November 2022).

Thereafter, the development including all surface water drainage infrastructure shall be completed wholly in accordance with the drawing 'Drainage Layout Plan' hereby approved and the submitted 'Drainage Report' (November 2022), including any approved details as specified above.

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 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.

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:

- 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 during construction.
- A scheme for recycling/disposing of waste resulting from construction works.
- Construction compound and site arrangement.

Details submitted shall include management of construction water runoff in accordance with the submitted 'Drainage Report' (November 2022).

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

Reason: To protect residential amenity.

04. No development shall commence until northwest-southeast site sections, based on a fixed datum point, and through both buildings, are submitted to, and approved in writing by, the Planning Authority. Both buildings shall be excavated into the existing slope. Thereafter, the development shall be carried out wholly in accordance with approved details.

Reason: For the avoidance of doubt, and to minimise visual impact of development within the area.

05. Throughout the lifetime of the development hereby approved, the sites shall be accessed from the access points, and dropped kerbs indicated by 'VDK', in the 'Site Plan' only, and no other access shall be formed, throughout the lifetime of the development hereby approved.

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.

06. Throughout the lifetime of the development hereby approved, any external lighting used on the dwellings 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).

07. 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.

08. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended, or any order amending, revoking, or re-enacting that Order, no visual obstruction exceeding one metre in height is permitted within the visibility splays indicated in the drawings 'Visibility Splays (Sheet 1 of 2)' and 'Visibility Splays (Sheet 2 of 2)' hereby approved.

Reason: To enable drivers of vehicles using the road to have a clear view of other road users and pedestrians, in the interests of road safety.

09. No part of the development hereby approved shall be occupied or brought into use until a 1.8-metre-high screen fence has been erected along the rear, south-east boundary of the properties indicated by the yellow line and annotation 'Privacy Screen' on the 'Site Plan' hereby approved. Thereafter, the approved screen fence shall be retained in accordance with these details throughout the lifetime of the development.

Reason: In the interests of residential amenity.

10. Notwithstanding submitted details, no fencing or other boundary treatment shall be installed to the front, north-west of the houses until full details have been submitted to, and approved in writing by, the Planning Authority. Thereafter, the development shall be carried out and completed wholly in accordance with these approved details.

Reason: In the interests of visual amenity and to ensure cohesion with boundary treatments in the street.

Appendix 4.**Proposed Erection of Workshop and Extend Slipway (Resubmission of 22/249/PP) at Burray Boatyard, Burray (22/451/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. No other development shall commence until a fully detailed street lighting design in accordance with BS 5489 and EN13201 has been submitted to, and approved in writing by, the Planning Authority, in consultation with Roads Services. Thereafter the approved streetlighting design shall be installed in accordance with the approved detail prior to any other development work commencing on site.

Reason: In the interest of safety and for the avoidance of doubt.

03. Prior to the first use of the development hereby approved the sections of reinforced concrete indicated as (b) and (c) on the hereby approved Site Plan, drawing reference 'Proposed extension to boat repair shed at Burray Boatyard KW17 2SS Site Plan date 22/11/22 revA' 17/1/23', shall be constructed fully in accordance with the reinforced concrete details and Note 3 on the plan to ensure that all existing services and surface water drainage are adequately accommodated and operational. The reinforced concrete slab shall be constructed in accordance with Note 4 on the site plan, to ensure that access is always maintained to the pier and properties during the construction and curing of reinforced concrete area.

The hereby approved reinforced concrete slab shall thereafter be maintained in a safe and serviceable manner acceptable to the Planning Authority, in consultation with Roads Services, throughout the lifetime of the development.

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

04. Within six months of the date of cessation of use as a boatyard, the reinforced concrete area hereby approved and the existing reinforced concrete within the public road shall be removed, with both areas reinstated to the Council's Roads Services standard detail for road construction, as attached, to the satisfaction of the Planning Authority, in consultation with Roads Services.

Reason: To ensure that the road surface is returned to a typical adoptable road standard upon cessation of the approved development. This is in recognition of the exceptional circumstance and requirement for deviation from the typical Roads Services standard.

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. Any exterior lighting employed on the development 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'.

07. There shall be no vehicle deliveries to, or the unloading or loading of delivery vehicles, or vessel movements, within the application site outwith the hours of 08:00 to 18:00 Mondays to Fridays, and 08:30 to 13:00 on Saturdays, with no noisy activities or goods vehicle movements, including vessel movements, outside these hours or on Sundays/Bank Holidays, unless otherwise approved, in writing, by the Planning Authority as an exceptional instance for operating outwith these hours.

Reason: In order to safeguard the amenity of neighbouring properties and occupants.

08. No fixed plant or machinery (eg extract ventilation plant etc) shall be installed as part of the fabric of the building or in the grounds of the site without further application to the Planning Authority.

Reason: In order to safeguard the amenity of neighbouring properties and occupants and for the avoidance of doubt.

09. 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 bonfires or other open fires allowed on site at any time.

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.