

Minute

Planning Committee

Tuesday, 16 June 2020, 10:30.

Microsoft Teams.



Present

Councillors Robin W Crichton, John A R Scott, Alexander G Cowie, Norman R Craigie, David Dawson, Barbara Foulkes, Stephen Sankey, Owen Tierney and Duncan A Tullock.

Clerk

- Hazel Flett, Senior Committees Officer.

In Attendance

- Roddy Mackay, Head of Planning, Development and Regulatory Services.
- Jamie Macvie, Planning Manager (Development Management).
- Georgette Herd, Solicitor.
- Susan Shearer, Senior Planner (Development and Marine Planning).
- Donald Wilson, Roads Authority Officer.

Observing

- David Hartley, Communications Team Leader.

Not Present

- Councillor Magnus O Thomson.

Declaration of Interest

- Councillor David Dawson – Item 3.

Chair

- Councillor Robin W Crichton.

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. Form of Voting

The Committee resolved that, should a vote be required in respect of the planning applications to be considered at this meeting, notwithstanding Standing Order 21.4, the form of voting should be by calling the roll or recorded vote.

3. Planning Application 19/259/PP

Proposed Erection of 12 Semi-detached Houses at The Crafty, Kirkwall

Councillor David Dawson declared a non-financial interest in this item, being a Board member of Orkney Housing Association Limited, and was not present during discussion thereof.

Richard Flett, representing the applicant, Orkney Housing Association Limited, was present during consideration of this item.

After consideration of a report by the Executive Director of Development and Infrastructure, copies of which had been circulated, and after hearing a report from the Planning Manager (Development Management), the Committee:

Noted:

3.1. That letters of objection relating to the application for planning permission in respect of the proposal for the erection of 12 semi-detached houses at The Crafty, Kirkwall, had been received from the following:

- Duncan Coombes, 46 Pickaquoy Loan, Kirkwall.
- Kenneth Stevenson, 7 Glaitness Court, Kirkwall.

After hearing representations from Richard Flett, representing the applicant, Orkney Housing Association Limited, on the motion of Councillor Barbara Foulkes, seconded by Councillor Robin W Crichton, the Committee:

Resolved, in terms of delegated powers:

3.2. That planning permission be granted in respect of the proposal for the erection of 12 semi-detached houses at The Crafty, Kirkwall, subject to the conditions attached as Appendix 1 to this Minute.

4. Planning Application 19/367/PP

Proposed Erection of 16 Houses with Associated Infrastructure and Landscaping (Resubmission of 18/515/PP) near Greenfield House, Greenfield, St Andrews

Colin Begley, agent representing the applicant, and Laura McLennan, representing the applicant, Bobby McLennan, were present during consideration of this item.

Andrea Massey, Tim and Gabrielle Barnby and Richard Bland, objectors, were present during consideration of this item.

After consideration of a report by the Executive Director of Development and Infrastructure, copies of which had been circulated, and after hearing a report from the Planning 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 16 houses with air source heat pumps, some with integral garages, construction of an access, a footway, a road, a reedbed, treatment plants and a soakaway and associated landscaping (resubmission of 18/5151/PP), had been received from the following:

- Dr Alan Massey and Mrs Andrea Massey, Hollyfield, Quoybrae, Toab
- Tim Barnby and Dr Gabrielle Barnby, Greenfield House, Toab.
- Richard Bland, Calrican, St Margaret's Hope.

After hearing representations from Andrea Massey, Gabrielle Barnby and Richard Bland, objectors, and from Colin Begley, agent for the applicant, Bobby McLennan, Councillor Duncan A Tullock, seconded by Councillor David Dawson, moved that planning permission be granted in respect of the proposal for the erection of 16 houses with air source heat pumps, some with integral garages, construction of an access, a footway, a road, a reedbed, treatment plants and a soakaway and associated landscaping (resubmission of 18/5151/PP), subject to conditions as proposed by officers, together with an additional condition relating to the provision of affordable housing.

Councillor Stephen Sankey, seconded by Councillor Robin W Crichton, moved an amendment that the application for planning permission in respect of the proposal for the erection of 16 houses with air source heat pumps, some with integral garages, construction of an access, a footway, a road, a reedbed, treatment plants and a soakaway and associated landscaping (resubmission of 18/5151/PP), be refused, as, in their opinion,

- (1) The density of the proposed development, which would result in a doubling of the indicative capacity of eight houses detailed in the Supplementary Guidance: Settlement Statement, was too high resulting in an overdevelopment of the site.
- (2) The design and layout of the proposed development was not in keeping with adjacent development.
- (3) The scale and density of the development would result in a loss of rural character and contribute towards the urbanisation of Toab village.
- (4) The proposed development was not sited and designed to take into consideration the wider landscape and coastal character of the area.
- (5) The potential detrimental impact on the adjoining Bay of Suckquoy Local Nature Conservation Site and the proposed measures to mitigate the impact on the site and adjoining water environment were not considered satisfactory.

And, accordingly, the proposed development was contrary to the following policies:

- Orkney Local Development Plan 2017:
 - Policy 1 – Criteria for All Development, parts (i), (ii), (iv), (ix) and (x).
 - Policy 2 – Design, parts (i) and (ii).
 - Policy 5 – Housing, section A – Housing in Settlement, part (i).
 - Policy 9 – Natural Heritage and Landscape, section A – Natural Heritage Designations, part 3 (i) .
 - Policy 9 – Natural Heritage and Landscape, section C – Wider Biodiversity and Geodiversity.
 - Policy 9 – Natural Heritage and Landscape, section D – The Water Environment.
- Supplementary Guidance: Natural Environment.
- Supplementary Guidance: Settlement Statements:
 - Toab – Housing Allocation TB-2.

The result of a recorded vote was as follows:

For the Amendment:

Councillors Norman R Craigie, Robin W Crichton, Stephen Sankey and Owen Tierney (4).

For the Motion:

Councillors Alexander G Cowie, David Dawson, Barbara Foulkes, John A R Scott and Duncan A Tullock (5).

The motion was therefore carried, and the Committee:

Resolved, in terms of delegated powers:

4.2. That planning permission be granted in respect of the proposal for the for the erection of 16 houses with air source heat pumps, some with integral garages, construction of an access, footway, road, reedbed, treatment plants and soakaway and associated landscaping (resubmission of 18/5151/PP), subject to conditions as proposed by officers, together with an additional condition relating to the provision of affordable housing.

4.3. That the planning permission referred to above be issued, subject to the conditions attached as Appendix 2 to this Minute.

5. Conclusion of Meeting

At 15:00 the Chair declared the meeting concluded.

Signed: Rob Crichton.

Appendix 1.

Proposed Erection of 12 Semi-detached Houses at The Crafty, Kirkwall (19/259/PP)

Grant subject to the following conditions:

01. No development, including any site clearance works, shall commence until a Construction Method Statement has been submitted to, and approved in writing by, the Planning Authority. The statement shall provide for:

- 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 including decorative displays and facilities for public viewing, where appropriate.
- Measures to control the emission of dust and dirt during construction.
- A scheme for recycling/disposing of waste resulting from demolition and construction works.

For the avoidance of doubt there shall be no burning or burying of waste within the site.

The approved Construction Method Statement shall be applied and complied with throughout the construction period.

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

02. No development shall commence until a Scheme of Landscaping for all hard and soft landscaping is submitted to, and approved in writing by, the Planning Authority. The Scheme of Landscaping shall include:

- The location of all proposed tree, shrub, hedging and grass planting.
- A planting schedule comprising layout, number, density, species, and height of all trees and shrubs, and seed mix of all grass areas.
- The location, design and materials of all hard landscaping works.
- The location, design, materials and height of all fences of other boundary treatments. This shall include screen fencing to the rear of, but not limited to, plots 3, 4, 5, 6 and 11.
- Notwithstanding the alignment shown on the plans hereby approved, the detailed alignment of the footpath at the eastern edge of the site.
- Identification on a plan of all trees within the application site, and their retention unless it is demonstrated that retention is not possible due to utility locations. Where trees are retained, the Scheme of Landscaping shall include all tree protection measures.

- A timescale for implementation and completion of all soft and hard landscaping contained in the Scheme of Landscaping, including all tree and shrub planting in the first planting season following commencement of development, and completion of all roads, footpaths and hard landscaping prior to first occupation of any house.
- A programme for the management and maintenance in perpetuity of all the approved landscaped and open space areas within the development.

All soft and hard landscaping shall be carried out wholly in accordance with the approved Scheme of Landscaping, unless otherwise agreed, in writing, with the Planning Authority.

Any tree or shrub planting which, within a period of five years from planting, in the opinion of the Planning Authority, is dead, dying, diseased or severely damaged, shall be replaced by a tree or shrub of similar size and species to that originally planted, unless otherwise agreed, in writing, with the Planning Authority.

Thereafter, the development shall be maintained in accordance with the details included in the Scheme of Landscaping throughout the lifetime of the development.

Reason: To protect the character and appearance of the area and residential amenity, and to ensure adequate works within the buffer of the watercourse to ensure protection or enhancement of the existing Strategic Open Space.

03. Notwithstanding details included in the plans hereby approved, and to be provided in accordance with condition 02, the existing footway along the northern boundary/frontage of the site on Glaitness Park to connect with the existing footway between numbers 19 and 20 Glaitness Park, and the new footway hereby approved along the eastern boundary of the site, shall be widened/constructed respectively to 1.8 metres.

Reason: To ensure an adequate standard of public footway is provided.

04. No development shall commence until a Maintenance and Management Schedule is submitted to, and approved in writing by, the Planning Authority. This Schedule shall include:

- Confirmation of maintenance responsibilities and arrangements for all surface water devices, roads, footways and landscaping.
- Full maintenance details, including a maintenance schedule, of all roads and footways.
- Full maintenance details, including a maintenance schedule, of all surface water devices, including permeable paving.
- A maintenance schedule for all surface water devices.

Reason: To ensure the proper maintenance and management of surface water devices, roads and footways and landscaping in perpetuity.

05. The full extent of the road surface, car parking and footpaths hereby approved within the application site shall be formed to base course level prior to the first occupation of any individual house within the development. Thereafter, the final wearing surface shall be applied concurrently with the construction of the final house within the development, or upon the expiry of a period of two years from the date of occupation of the first house in the development, whichever is the sooner.

Reason: To ensure that an adequate level of access is timeously provided for the development; in the interests of road safety and amenity.

06. Prior to occupation of any part of the development hereby approved, all surface water drainage works hereby approved shall be constructed wholly in accordance with the approved drawings. Thereafter, and throughout the lifetime of the development, the drainage shall be maintained in accordance with the approved details, and in accordance with the principles of Sustainable Drainage Systems (SUDS) and be compliant with the guidance set out in the CIRIA SuDS Manual C753.

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.

07. Prior to occupation of any part of the development hereby approved, the development shall be connected to the public sewerage system with a discharge approved for all 12 houses.

Note that this is dependent on surface water being removed from the combined sewer network.

Reason: To ensure the development does not have an unacceptable impact on infrastructure and services.

08. 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.

Appendix 2.

Proposed Erection of 16 Houses with Associated Infrastructure and Landscaping (Resubmission of 18/515/PP) near Greenfield House, Greenfield, St Andrews (19/367/PP)

Grant subject to the following conditions:

01. No development shall commence until a Phasing Plan specifying full details of the phasing of the development has been submitted to, and approved in writing by, the Planning Authority. Thereafter, development shall be undertaken in accordance with this approved Phasing Plan.

Reason: To ensure that construction of the development is phased to avoid adverse impacts on services and infrastructure until required improvements have been put in place.

02. No development, including any site clearance works, shall commence until a Construction Method Statement has been submitted to, and approved in writing by, the Planning Authority. The statement shall provide for:

- 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 including decorative displays and facilities for public viewing, where appropriate.
- Measures to control the emission of dust and dirt during construction.
- A scheme for recycling/disposing of waste resulting from construction works.

For the avoidance of doubt there shall be no burning or burying of waste within the site.

The approved Construction Method Statement shall accord with the Phasing Plan required by condition 01 and shall be applied and complied with throughout the construction period.

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

03. No development shall commence until a Scheme of Landscaping for all hard and soft landscaping is submitted to, and approved in writing by, the Planning Authority. The Scheme of Landscaping shall accord with indicative details in plans 02 Rev E and 03 Rev E, and shall include:

- The location of all proposed tree, shrub and grass planting.
- A planting schedule comprising layout, number, density, species and height of all planting.

- Full details of the seed mix to be used in the 'buffer' between the approved garden grounds and the shoreline.
- The location, design and materials of all hard landscaping works.
- The location, design, materials and height of all fences or other boundary treatments.
- A timescale for the implementation and completion of all soft and hard landscaping contained in the Scheme of Landscaping, including all planting in the first planting season following commencement of development, and completion of all roads, footpaths and hard landscaping in relation to the Phasing Plan required by condition 01.
- A programme for the management and maintenance in perpetuity of all the approved landscaped and open space areas within the development.

All soft and hard landscaping shall be carried out wholly in accordance with the approved Scheme of Landscaping, unless otherwise agreed, in writing, with the Planning Authority.

Any planting which, within a period of five years from planting, in the opinion of the Planning Authority, is dead, dying, diseased or severely damaged, shall be replaced to match the original plan, unless otherwise agreed, in writing, with the Planning Authority.

Thereafter, the development shall be maintained in accordance with the details included in the Scheme of Landscaping throughout the lifetime of the development.

Reason: To protect the character and appearance of the area and residential amenity, and to ensure appropriate works within the buffer to the Local Nature Conservation Site.

04. No development shall commence until a Maintenance and Management Schedule is submitted to, and approved in writing by, the Planning Authority. This Schedule shall include:

- Confirmation of maintenance responsibilities and arrangements for foul drainage infrastructure, surface water management infrastructure, the internal road, footpath, and all open space, boundary treatments, facilities and features of the development that are not the exclusive responsibility of any individual property.
- Full maintenance details, including a maintenance schedule, of all parts of the development listed in the above bullet point.
- A maintenance schedule for all surface water devices.

Thereafter, the development and all infrastructure and other features therein shall be maintained in accordance with the Maintenance and Management Schedule.

Reason: To ensure the proper maintenance and management of surface water devices, roads, footways and landscaping in perpetuity.

05. No other development shall commence on site until the road junction works, as detailed on approved plans 02 Rev E and 03 Rev E, have been completed, including dimensions, road construction, finishes, drainage works, verge and footway works and boundary treatments. For the avoidance of doubt, the access to the development shall be a minimum of 5.5 metres in width for not less than the first 10 metres of the access road. The junction with the public road shall be constructed and completed wholly in accordance with these details 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, 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.

06. Prior to occupation of any part of the development hereby approved, the footway alongside the A960, and the communal wheelie/kerbside recycling bin storage area adjacent to the road junction, as detailed on approved plans 02 Rev E and 03 Rev E, shall be completed, including dimensions, road construction, finishes, drainage works, verge and footway works and boundary treatments. The footway shall be constructed and completed wholly in accordance with these details hereby approved, including tactile paving sections and roadside drainage infrastructure, and the bin storage area shall be designed to meet Roads Services standards to serve 16 properties, 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.

07. In accordance with conditions 02 and 03 above, the internal road and footpath works, as detailed on approved plans 02 Rev E and 03 Rev E, shall be completed prior to the first occupation of any house within the same phase of the development, as defined in the approved Phasing Plan, including dimensions, road construction, finishes, drainage works, verge and footway works and shall be constructed and completed wholly in accordance with these details hereby approved. For the avoidance of doubt, the internal road within the site to the boundary of each individual plot, shall have an asphalt concrete finish. Thereafter the development shall be retained in accordance with these details throughout the lifetime of the development, unless otherwise agreed, in writing, by the Planning Authority, in consultation with Roads Services.

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

08. Prior to occupation of any part of the development hereby approved, all surface water drainage works hereby approved, shall be constructed wholly in accordance with the approved drawings. Thereafter, and throughout the lifetime of the development, the drainage shall be maintained in accordance with the approved details, and in accordance with the principles of Sustainable Drainage Systems (SUDS) and be compliant with the guidance set out in the CIRIA SuDS Manual C753.

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.

09. Prior to occupation of any part of the development hereby approved, the communal foul drainage system shall be constructed and completed wholly in accordance with approved details, and maintained in accordance with the Maintenance and Management Schedule specified in condition 04, and no individual house shall be occupied until that house is connected to the communal foul drainage system.

Reason: To ensure adequate drainage facilities are provided, to protect the amenity of the area.

10. 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.

11. Throughout the life of the development, the maximum noise from the Air Source Heat Pumps hereby granted planning permission shall not exceed NR25 within any residential property outwith the individual 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.

12. All development shall be confined to ground outwith the boundary of the Bay of Suckquoy Local Nature Conservation Site (LNCS), the boundary of which is noted as the previous field boundary demarcating improved agricultural ground and the top of the coastal slope. For the avoidance of doubt there shall be no dumping or storage of any materials within the bounds of the Bay of Suckquoy LNCS prior to, during, or upon completion of development.

Reason: To minimise disturbance to nature conservation interests within the application site and ensure the protection of the Bay of Suckquoy Local Nature Conservation Site.

13. For the duration of the construction phase of the development, at the end of each period of construction work, e.g. daily, all excavations (including pits and trenches) shall be covered, or ramps left within them such that animals may exit with ease, and any open pipework (including incomplete penstock) shall be capped. All excavations should be checked daily to ensure that no wildlife has become trapped. Access to open-water habitats should be safeguarded at all times and impacts to traditional routes between such areas (such as drainage ditches) during the construction phase should be minimised. All site operatives shall be fully briefed on these matters and be made aware of the possible presence of Otters and remain vigilant to prevent harm to this species as a consequence of construction works. These measures shall be maintained until such time as work next recommences on site.

Reason: To ensure that animals cannot gain access to, or become stuck within, pipework systems or excavations.

14. No development shall commence until details of affordable housing provision have been submitted to, and agreed in writing by, the Planning Authority, in conjunction with Housing, Homelessness and Schoolcare Accommodation Services. These details shall include two properties, consideration and incorporation of housing tenures which meet local housing requirements, and the phasing of the development. Thereafter, the development shall be delivered wholly in accordance with all agreed details.

Reason: To ensure the development meets local housing requirements in accordance with Policy 5B of the Orkney Local Development Plan 2017.