

Minute

Planning Committee

Wednesday, 14 February 2024, 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

- Katy Russell-Duff, Committees Officer.

In Attendance

- Roddy Mackay, Head of Planning and Community Protection.
- Hazel Flett, Service Manager (Governance)
- Jamie Macvie, Service Manager (Development Management).
- Derek Manson, Team Manager (Development Planning).
- Margaret Gillon, Senior Planner (for Items 1 and 2).
- Paul Maxton, Solicitor.
- Donald Wilson, Roads Authority Officer.

Observing

- Nick Blowfield, Environmental Health Technical Officer.

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 (part retrospective)

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, on 29 November 2023, the Planning Committee resolved 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.

1.2. That, although it was confirmed that works had commenced on site, this had been addressed, including the application being made part retrospective.

1.3. That a letter of objection relating to the original application for planning permission in respect of the proposal to erect four self-catering units with air source heat pumps, with associated parking, landscaping and drainage infrastructure, including outfall, at Furrowend, Eday, had been received from Mrs Caroline Webster, 51 Shakespeare Road, Hanwell, and remained extant.

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:

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

1.5. 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 4C – The Isles Approach for Business, Industry and Employment.
 - Policy 8 – Historic Environment and Cultural Heritage.
 - Policy 9 – Wider Biodiversity and Geodiversity.
 - Policy 13 – Flood Risk, SuDS and Waste Water Drainage.
 - Policy 14 – Road Network Infrastructure.
- Supplementary Guidance and Planning Policy Advice:
 - Planning Policy Advice: Amenity and Minimising Obtrusive Lighting (2021).
 - Planning Policy Advice: Historic Environment (Topics and Themes) (2017).
 - Supplementary Guidance: Historic Environment and Cultural Heritage (2017).
- National Planning Framework 4:
 - 3 – Biodiversity.

- 4 – Natural places.
- 9 – Brownfield, vacant and derelict land and empty buildings.
- 10 – Coastal development.
- 13 – Sustainable transport.
- 14 – Design, quality and place.
- 22 – Flood risk and water management.
- 29 – Rural development.
- 30 – Tourism.

1.6. That planning permission be granted in respect of the proposal for the erection of four self-catering units with air source heat pumps, with associated parking, landscaping and drainage infrastructure, including outfall, at Furrowend, Eday (part retrospective), subject to the conditions attached as Appendix 1 to this Minute.

2. Planning Application 23/115/PP

Proposed Reinstatement of House, Extension and Installation of Air Source Heat Pump, Erection of Replacement House with Integral Garage and Air Source Heat Pump (two for one) and Alter Access at Cumbra, Sandwick

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:

2.1. That letters of objections relating to the application for planning permission in respect of the proposal to reinstate a house, together with an extension and installation of an air source heat pump, erect a replacement house with integral garage and air source heat pump (two for one) and alter an access at Cumbra, Sandwick, had been received from the following:

- Ronald Alexander, Quean, Sandwick.
- Richard Herdman, Linday, Sandwick.

After hearing a report from the Service Manager (Development Management), and representations from Stephen Omand, agent representing the applicant, Sean Stanger, on the motion of Councillor Kristopher D Leask, seconded by Councillor Owen Tierney, 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 – 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.

2.4. That planning permission be granted in respect of the proposal to reinstate a house, together with an extension and installation of an air source heat pump, erect a replacement house with integral garage and air source heat pump (two for one) and alter an access at Cumbla, Sandwick, subject to the conditions attached as Appendix 2 to this Minute.

3. Planning Application 23/228/PP

Proposed Change of Use of Agricultural Building to Wine Storage, Distribution and Tasting Business at Berstane Farmhouse, St Ola

Leslie Burgher, representing the applicant, Steven MacPhail, 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 objections relating to the application for planning permission in respect of the proposal for change of use of an agricultural building to a wine storage, distribution and tasting business at Berstane Farmhouse, St Ola, had been received from the following:

- Ms Babette Hegarty, Zan Moir, Berstane Road, St Ola, Kirkwall.
- David Newstead, Roundhouse, Berstane Lodge Road, Kirkwall.
- William Wilson, Falkland, Berstane Road, Kirkwall.

After hearing a report from the Service Manager (Development Management) and after hearing representations from Leslie Burgher, agent representing the applicant, Steven MacPhail, on the motion of Councillor John A R Scott, seconded by Councillor Owen Tierney, 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 4 - Business, Industry and Employment.
 - Policy 14 – Transport, Travel and Road Network Structure.
- Supplementary Guidance:
 - Development Management Guidance: Business Development Outwith Town Centres.
- National Planning Framework 4:
 - Policy 26 – Business and Industry.
 - Policy 29 – Rural Development.

3.4. That planning permission be granted in respect of the proposal for change of use of an agricultural building to a wine storage, distribution and tasting business at Berstane Farmhouse, St Ola, subject to the conditions attached as Appendix 3 to this Minute.

4. Planning Application 23/347/PP

Proposed Erection of Toilet Block at Twatt Airfield/HMS Tern, Birsay

John Mickleborough, objector, 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:

4.1. That letters of objections relating to the application for planning permission in respect of the proposal to erect a toilet block at Twatt Airfield/HMS Tern, Birsay, had been received from the following:

- John Mickleborough, Broadmeadow, Bryameadow Road, Sandwick.
- Kenny and Mrs Pauline Sinclair, Newhall, Bryameadow Road, Sandwick.

After hearing a report from the Service Manager (Development Management) and representations from John Mickleborough, objector, on the motion of Councillor Owen Tierney, seconded by Councillor Alexander G Cowie, the Committee:

Resolved, in terms of delegated powers:

4.2. That the concerns of the objectors 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:
 - Policy 1 – Criteria for All Development.
 - Policy 2 – Design.
 - Policy 8 – Historic Environment and Cultural Heritage.
 - Policy 13 – Flood Risk, SuDS and Waste Water Drainage.
 - Policy 14 – Transport, Travel and Road Network Structure.
- National Planning Framework 4:
 - Policy 3 – Biodiversity.
 - Policy 7 – Historic Assets and Places.
 - Policy 14 – Design, Quality and Place.
 - Policy 30 – Tourism.

4.4. That planning permission be granted in respect of the proposal to erect a toilet block at Twatt Airfield/HMS Tern, Birsay, subject to the conditions attached as Appendix 4 to this Minute.

5. Planning Application 23/422/PP

Proposed Change of Use and Redevelopment to Nightclub, Bowling Alley and Outdoor Event Space/Gallery at 18 Bridge Street, Kirkwall

Neil Stevenson, applicant, Stephen Omand, agent representing the applicant, and Leslie Burgher, representing the objector, Maiwenn Beadle, 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:

5.1. That letters of objections relating to the application for planning permission in respect of the proposal to convert a former shop, bakery and store to a mixed use development of a nightclub, a bowling alley and other indoor recreation and a shop, convert part of a courtyard to an outdoor event space and gallery, and associated works, at 18 Bridge Street, Kirkwall, for a temporary period of seven years, had been received from the following:

- Maiwenn Beadle, 21 Bridge Street, Kirkwall.
- Carola Huttman, Flat 1, Nicols House, St Olaf's Wynd, Kirkwall.

After hearing a report from the Service Manager (Development Management), representations from and Leslie Burgher, representing the objector, Maiwenn Beadle, and from Stephen Omand, agent representing the applicant, Neil Stevenson, on the motion of Councillor Owen Tierney, seconded by Councillor P Lindsay Hall, the Committee:

Resolved, in terms of delegated powers:

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

5.3. 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 3 – Settlements, Town Centres and Primary Retail Frontages.
 - Policy 4 – Business, Industry and Employment.
 - Policy 8 – Historic Environment and Cultural Heritage.
 - Policy 13 – Flood Risk, SuDS and Waste Water Drainage.
 - Policy 14 – Transport, Travel and Road Network Structure.
- Supplementary Guidance:
 - Settlement Statements (2017).
- National Planning Framework 4:
 - Policy 3 – Biodiversity.
 - Policy 7 – Historic assets and places.
 - Policy 9 – Brownfield, vacant and derelict land and empty buildings.
 - Policy 14 – Design, quality and place.
 - Policy 22 – Flood risk and water management.
 - Policy 26 – Business and industry.
 - Policy 27 – City, town, local and commercial centres.
 - Policy 28 – Retail.

5.4. That planning permission be granted in respect of the proposal convert a former shop, bakery and store to a mixed use development of a nightclub, a bowling alley and other indoor recreation and a shop, convert part of a courtyard to an outdoor event space and gallery, and associated works, at 18 Bridge Street, Kirkwall, for a temporary period of seven years, subject to the conditions attached as Appendix 5 to this Minute.

6. Conclusion of Meeting

At 12:05 the Chair declared the meeting concluded.

Signed: Owen Tierney.

Appendix 1.

Proposed Erection of Four Self-catering Units with Air Source Heat Pumps, with Associated Parking, Landscaping and Drainage Infrastructure, including Outfall, at Furrowend, Eday (part retrospective) (22/469/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 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.

03. 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).

04. The four self-catering units hereby approved shall be used solely as holiday letting accommodation, and at no time shall any of the self-catering units be used/occupied as an independent house, nor shall they be disposed, operated or be managed independently or separate to each other or the existing buildings at Furrowend. Occupation of the self-catering units shall not exceed a maximum of 28 days by any person or group of persons in total, between 1 March and 31 October in any calendar year. To facilitate the enforcement of such control, the owners of the self-catering units shall maintain, and shall make available to the Planning Authority upon reasonable request, a register of occupiers of the holiday accommodation to which this permission relates.

Reason: To comply with Orkney Local Development Plan Policies 3, 4 and 5, to ensure that the self-catering unit is not used as a full-time residence.

05. No further development shall be undertaken 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.

Reason: In the interest of road safety.

06. No development shall commence until the access hereby approved with the public road is 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, 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.

07. A pre-construction otter survey of the application site and an area 200 metres surrounding the application site shall be carried out by a suitably experienced and licensed surveyor, no more than three months before the start of any further works. This shall follow NatureScot guidance. The results of the survey and a species protection plan identifying appropriate mitigation measures based on the survey results, shall be submitted to, and approved in writing by, the Planning Authority prior to any demolition, ground preparation, tree/shrub works, construction or other works associated with the development. The species protection plan shall include, but not be limited to, the following mitigation measures:

- Artificial lighting used on site at any time must be directed away from the coast and turned off overnight.
- Excavations and pipes must be capped/covered or a means of escape provided to prevent entrapment.
- Any potential otter resting places must not be blocked off or obstructed in any way unless a license has been granted by NatureScot in advance.

Reason: To minimise adverse effects on otter, a European Protected Species, and to comply with European Protected Species legislation.

08. No development shall (re)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 shall be 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.

09. Total noise from the Air Source Heat Pumps 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 pumps

10. No further development shall commence until a Construction Traffic Management Plan has been submitted to and approved, in writing, by the Planning Authority. This Construction Traffic Management Plan shall include the means of access to the site from the public road network of all construction-related traffic, for the duration of construction works. Thereafter, the development shall be carried out wholly in accordance with the approved Construction Traffic Management Plan.

Reason: To ensure that adequate construction access can be provided for the development.

11. Hours of work during the demolition works and 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.

Throughout the demolition works and construction phase of the development there shall be no burning of waste material on site.

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 the development.

12. All landscaping works shall be carried out in accordance with the approved scheme and plans, reference 'Proposed Site/Landscaping Plan JDC-1690-A300-PL' within the first planting season following commencement of development. Any trees, bushes, shrubs or plants which, within a period of five years from the completion of the development, die, or for any reason are removed or damaged, shall be replaced in the next planting season with others of the same size and species. The self-catering units shall not be brought into use or occupied until full details of the screening between the units has been submitted to and approved, in writing, by the Planning Authority, and completed in accordance with approved details.

Reason: To ensure appropriate landscaping of the development.

13. Notwithstanding the provisions of Class 14 of Part 4 of The Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended, the coastal slope between the approved development and the sea shall not be used for the storage of materials, or provision of buildings, moveable structures, works, plant or machinery required temporarily in connection with and for the duration of operations being carried out on, in, under or over land adjoining that land.

Reason: Due to the nature of the application in proximity of the coastal slope, and for the avoidance of doubt in the interests of the protection of wildlife and the coastal and marine ecosystem.

Appendix 2.

Proposed Reinstatement of House, Extension and Installation of Air Source Heat Pump, Erection of Replacement House with Integral Garage and Air Source Heat Pump (two for one) and Alter Access at Cumbra, Sandwick (23/115/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 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, and to protect road safety.

03. Foul drainage shall be managed wholly within the boundary of the application site, including the soakaway indicated in the site plan 1632/6/P2 hereby approved.

Reason: To ensure the provision of an adequate foul 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 for the avoidance of doubt.

04. Any exterior lighting employed on the house 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', in accordance with Amenity and Minimising Obtrusive Lighting Planning Policy Advice (2021).

05. 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 entire existing structure including the part to be demolished, and as a minimum shall include all external elevations and the setting of the building, 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.

06. No other development shall commence until the access hereby approved with the public road is constructed to the Council's Roads Services standard drawing 'SD-01 Typical Access for Single Development (5-10 houses)', attached to and forming part of this decision notice, including dimensions, road construction, any pipe required, and verge or footway. Thereafter the access 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.

07. No development shall commence until full details of measures to prevent the flow of surface water from the access track to the public road are submitted to and approved, in writing, by Planning Authority, in conjunction with Roads Services. Thereafter, no other development shall commence until the access junction and approved measures to prevent the flow of surface water to the public road are constructed wholly in accordance with approved details, and the approved details shall be retained and maintained in an operational condition throughout the lifetime of the development.

Reason: In the interest of road safety.

08. No development shall commence until full details of the widening of a section of the public road for a minimum distance of 15 metres in both directions from the centre of the approved access, have been submitted to and approved, in writing, by the Planning Authority. These details shall include widening to a minimum width of six metres, with lead-in tapers at 5:1 to the widened area and including the piping of any roadside drainage affected by these works. Thereafter, except for works relating to the access, no development shall commence until the road widening is completed wholly in accordance with approved details.

Reason: In the interest of road safety.

09. No development shall commence (including demolition, ground preparation, 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.

10. The biodiversity measures described in the submitted Biodiversity form (dated 2 October 2023) and shown on the 1:200 site plan drawing (reference 1632/Cumbla near Queena Bio 1, dated July 2023), shall be implemented in full no later than the first planting season following commencement of development. Thereafter the biodiversity measures shall be permanently retained in accordance with the approved details, including replacement of any planting that does not survive, is removed, or is damaged, unless otherwise agreed, in writing, by the Planning Authority.

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

11. 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 pumps.

12. The new house (Plot 2) hereby approved shall not be occupied or brought into use until the existing building (Plot 1) has been made fully wind and watertight in accordance with the approved details. Thereafter, the existing building shall be retained in the wind and watertight condition throughout the lifetime of the development.

Reason: To ensure the retention and protection of the building of historic merit and to comply with the requirements of Orkney Local Development Plan 2017 Policy 5E 'Housing Development in the Countryside' and Supplementary Guidance 'Housing in the Countryside'.

13. 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.

Appendix 3.

Proposed Change of Use of Agricultural Building to Wine Storage, Distribution and Tasting Business at Berstane Farmhouse, St Ola (23/228/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 the parking spaces within the application site area are laid out, wholly in accordance with the site plan hereby approved. Thereafter, and throughout the lifetime of the development, the parking spaces shall be retained free of obstruction and available for parking of vehicles associated with the development.

Reason: To ensure adequate parking provision is retained within the curtilage of the development.

03. The development hereby approved shall be accessed by the public by appointment only and shall not be open to passing trade or other visiting members of the public. Appointment-based visits by the public shall be limited to a maximum of 12 persons on the premises at any time. Hours of operation open to the public shall be 09:00 to 17:00 daily, and no more than two evenings in any week between 17:00 and 21:00 Mondays to Saturdays.

Reason: To ensure the development remains small scale in terms of footfall, to accord with the provisions of Policy 29 'Rural Development' of National Planning Framework 4, and to protect the amenity of the surrounding area.

Appendix 4.

Proposed Erection of Toilet Block at Twatt Airfield/HMS Tern, Birsay (23/347/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. Planning permission is hereby approved for a temporary period only and shall cease to have effect five years from the date of decision. At the end of the period of permission, the building(s) shall be removed, the use discontinued, and the land restored to its former condition within three months of this date.

Reason: To ensure that the temporary development is timeously removed in the interests of the visual amenities of the area.

03. No development shall commence until full details of the waste water system are submitted to, and approved in writing by, the Planning Authority. Thereafter, the development shall be completed wholly in accordance with these details prior to the toilets being brought into use.

Reason: In the interests of environmental protection and to accord with Policy 13C 'Waste Water Drainage' of Orkney Local Development Plan 2017.

04. The biodiversity measures described in the submitted Biodiversity form (dated 4 November 2023) and shown on plan TERN06, shall be implemented in full no later than the first planting season following installation of the waste water treatment system and soakaway. The biodiversity measures shall be permanently managed and retained in accordance with the approved details, including replacement of any planting that does not survive, is removed, or is damaged, unless otherwise agreed, in writing, with the Planning Authority.

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

Appendix 5.

Proposed Change of Use and Redevelopment to Nightclub, Bowling Alley and Outdoor Event Space/Gallery at 18 Bridge Street, Kirkwall (23/422/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. Planning permission is hereby approved for a temporary period only and shall cease to have effect in seven years, beginning: (1) the date any part of the development is brought into operation and use by the public, or (2) three years from the date of commencement of development, whichever is sooner. Prior to the cessation date, all physical development associated with this permission shall be removed from site, the land restored to its former condition, and all uses cease to the satisfaction of the Planning Authority.

Reason: To ensure that the temporary development is timeously removed from the site and temporary uses cease.

03. Total noise from all plant, machinery and equipment associated with ventilation, air-conditioning, heating and refrigeration services or similar, and including fans, ducting and external openings, shall be so installed, maintained and operated such that any associated operating noise does not exceed NR35 during the day and NR25 at night within any residential property outwith the development, where NR35 and NR25 is the Noise Rating Curve at 35 and 25 (noise measurements/predictions to be made with a window of any residential property outwith the development open no more than 50 millimetres).

Reason: To protect any nearby residents from the excessive noise disturbance from the fixed plant and equipment.

04. The development hereby approved should not be operated or brought into use until pre-completion testing has been completed which demonstrates compliance with the following:

- Music and entertainment noise from the nightclub and bowling alley shall not exceed NR25 during the day and NR15 at night, as measured/predicted within the nearest noise sensitive receptor(s) (noise measurements/predictions to be made with a window of any residential property outwith the development open no more than 50 millimetres, where the NR measurement parameter is $L_{eq, 5 mins}$). NR25 and NR15 are the Noise Rating Curves at 25 and 15.
- A series of testing shall be undertaken to ensure that representative music noise levels can be measured and recorded, and then these noise levels shall be used to calibrate and fix the onsite PA systems to not exceed this limit.

- A pre-occupation testing report detailing the results shall be submitted to and approved, in writing, by the Planning Authority, in conjunction with Environmental Health. Non-compliance with these levels would require additional mitigation measures to be incorporated into the development before it is brought into use.

Reason: To protect any nearby residents from excessive noise disturbance from the music and entertainment noise generated by the operation of the nightclub and bowling alley.

05. Should the Planning Authority receive complaints about music or entertainment noise from this site, an inspection on how exceedance could have occurred followed by undertaking a noise breakout survey to ensure compliant levels are maintained, with a report on the findings, shall be submitted to the Planning Authority for review.

Reason: To protect any nearby residents from excessive noise disturbance from the music and entertainment noise generated by the operation of the nightclub and bowling alley.

06. No development shall commence until a Management and Operating Plan is submitted to and approved, in writing, by the Planning Authority. This Plan shall include:

- The days and hours of operation of the bowling alley and nightclub.
- The nature, days and hours of operation of the garden courtyard including public events and proposed erection of the temporary stretch tent.
- Hours and methodology for commercial deliveries.

Thereafter, the development shall operate wholly in accordance with the approved Management and Operating Plan.

Reason: To protect any nearby residents from noise disturbance from the operation of the development, noting that hours of operation formed part of the noise impact assessment assessed by Environmental Health.

07. Due to the archaeological sensitivity of the site, the development hereby approved shall not result in:

- The removal of the concrete surface between the current warehouse buildings and the street frontage, immediately below which archaeology has been shown to exist.
- Any excavations within the buildings deeper than the depth of the concrete surface.
- Any excavation of foundations for the new extensions to the rear of the buildings.
- Any new trenches dug for waste water or sewage; development shall utilise existing services.

Reason: To protect the archaeological importance of the site.

08. The biodiversity measures, shown in drawings L(20)102 Rev 3 and 2267RFB02 A, and described in the submitted Biodiversity form (dated 14 November 2023) shall be implemented in full no later than the first planting season following the development being first operated or brought into use. Thereafter, the biodiversity measures shall be retained throughout the lifetime of the development in accordance with the approved details unless otherwise agreed, in writing, by the Planning Authority.

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

09. No development shall commence on site until an appropriate design and finish of external housing for the air source heat pumps hereby approved, has been submitted to and agreed, in writing, by the Planning Authority. Development shall progress in accordance with the approved details. Thereafter, the approved housing shall be installed no later than six weeks after the installation date of the air source heat pump, and shall be retained in situ throughout the lifetime of the development.

Reason: To ensure the screening of incongruous plant on the exterior of the listed building, to safeguard the character and qualities of the listed building and its setting, and to preserve the character and appearance of the conservation area.

10. No development shall commence until a Construction Method Statement has been submitted to and approved, in writing, by the Planning Authority in consultation with Roads Services. The Statement shall include the following:

- Number, frequency, weights and lengths of construction-related vehicles.
- 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.
- Location and nature of temporary site welfare facilities as required.

The approved Construction Method Statement shall be adhered to throughout the construction period.

Reason: In order to ensure that the use of the premises remains compatible with the character of the surrounding area, and that no activities or processes take place which may be detrimental to its amenities.

11. No development shall commence until samples of the specification and colours (with RAL colour specified where applicable) of all external materials to be used in the development hereby approved have been submitted to and approved, in writing, by the Planning Authority. This shall include:

- Sheet pile steel.
- Corrugated sheet cladding.
- Timber cladding.
- Doors and windows (including glazing bead profile and no trickle ventilation).
- Standing seam.
- Gates.
- Metal mesh.
- Stretch tent.

Thereafter, the development shall be completed wholly in accordance with the approved details.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of appearance of the development.

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 or the Christmas or New Year Public Holidays unless otherwise agreed, in writing, with the Planning Authority. There shall be no burning of materials on site.

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.