

## Minute

### Planning Committee

Wednesday, 31 August 2022, 09:30.

Council Chamber, Council Offices, School Place, Kirkwall.



### Present

Councillors Owen Tierney, Kristopher D Leask, Graham A Bevan, Alexander G Cowie, P Lindsay Hall, James R Moar, Raymond S Peace, John A R Scott, Jean E Stevenson, Ivan A Taylor and Duncan A Tullock.

### Present via remote link (Microsoft Teams)

Councillor Mellissa-Louise Thomson.

### Clerk

- Angela Kingston, Committees Officer.

### In Attendance

- Roddy Mackay, Head of Planning and Community Protection.
- Hazel Flett, Service Manager (Governance).
- Jamie Macvie, Service Manager (Development Management).
- Susan Shearer, Service Manager (Development and Marine Planning).
- Karen Bevilacqua, Solicitor.
- Donald Wilson, Roads Authority Officer.

### Observing

- Hayley Green, Corporate Director for Neighbourhood Services and Infrastructure.
- Kirsty Groundwater, Communications Team Leader.

### Declaration of Interest

- Councillor P Lindsay Hall – Item 2.

### 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 22/221/PIP**

### **Proposed Conversion of Former Shop Premises and Adjoined Courtyards to Mixed Use Entertainment Venue at 18 Bridge Street, Kirkwall**

Councillor P Lindsay Hall declared a non-financial interest in this item, in that three of the objectors was known to him, and left the meeting at this point.

Neil Stevenson, applicant, Stephen Omand, agent for the applicant, Chloe Jowett and Peter Ford, objectors, and Sarah Smith, representing the objector, Mary Gray, were present during consideration of this item.

After consideration of a report by the Corporate Director for Neighbourhood Services and Infrastructure, copies of which had been circulated, and after hearing a report from the Service Manager (Development Management), the Committee:

Noted:

**2.1.** That letters of objection relating to the application for planning permission in principle in respect of the proposal for the conversion of former shop premises and adjoined courtyards to a mixed use entertainment venue at 18 Bridge Street, Kirkwall, had been received from the following:

- Anne McOmish, 1 St Olaf's Wynd, Kirkwall.
- Chloe Jowett and Peter Ford, 10 St Olaf's Wynd, Kirkwall.
- Karen Mack, 8 St Olaf's Wynd, Kirkwall.
- Angus Windwick, 46 St Catherine's Place, Kirkwall.
- Elizabeth Fraser, 52 St Catherine's Place, Kirkwall.
- Mary Gray, 20 Garden Street, Kirkwall.
- Carola Huttman, Flat 1, Nicol's House, St Olaf's Wynd, Kirkwall.

**2.2.** That Roads Services had objected to the application on the grounds that, notwithstanding that the application was for planning permission in principle, there was insufficient information regarding parking provision and service and delivery vehicle access, and that further information would be required to determine the full parking provision to be provided within the boundary of the site, together with details regarding access to and egress from the site by service and delivery vehicles.

After hearing representations from Chloe Jowett and Peter Ford, objectors, and Sarah Smith, representing the objector, Mary Gray, and from Stephen Omand, agent for the applicant, on the motion of Councillor Kristopher D Leask, seconded by Councillor Owen Tierney, the Committee:

Resolved, in terms of delegated powers:

**2.3.** That planning permission in principle be granted in respect of the proposal for the conversion of former shop premises and adjoined courtyards to a mixed use entertainment venue at 18 Bridge Street, Kirkwall, subject to the conditions attached as Appendix 1 to this Minute.

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

At 10:05 the Chair declared the meeting concluded.

Signed: Owen Tierney.

## Appendix 1.

### **Proposed Conversion of Former Shop Premises and Adjoined Courtyards to Mixed Use Entertainment Venue at 18 Bridge Street, Kirkwall (22/221/PIP)**

#### **Grant subject to the following conditions:**

01. Within three years of the date of this permission, a written application and plans, in respect of the following matters, shall be submitted to, and approved in writing by, the Planning Authority:

(a) The design and external appearance of all existing and proposed buildings, structures, and any other operational development across the entirety of the application site, including all plans and elevations.

(b) The detailed layout of the site, including all external spaces, with full details of vehicular and pedestrian accesses, footways, landscaping, manoeuvring areas, servicing and delivery provision, refuse bin storage and collection, and parking provision.

(c) Measures to manage surface water drainage, including that no surface water drainage shall run-off to the public road or adjacent land.

(d) The disposal of sewage.

(e) A Construction Method Statement.

(f) A Noise Impact Assessment, and Operational Management Plan including all mitigation measures required to protect residential amenity to the satisfaction of Environmental Health.

(g) A Development Brief. This shall be a joint development brief covering allocations K-25, K-26 and K-27, as required by Supplementary Guidance 'Settlement Statements'.

Reason: The approval is in principle only and these matters must be approved prior to commencement of development.

02. In accordance with condition 01(f) above, no development shall commence until a Noise Impact Assessment (NIA) is submitted, and appropriate criteria provided to form the basis for consideration within the future NIA.

- The NIA should consider, as a primary noise source, noise from the Nightclub, Music Venue and Dance Studio. It is suggested that an assessment of musical breakout noise is undertaken that assesses this noise to the worst affected noise sensitive receptors (NSRs) using octave band frequencies between 63Hz to 4kHz with the criteria of meeting NR25 during daytime hours and NR15 during night-time hours. For the avoidance of doubt, daytime is between 07:00 and 23:00 and night-time is between 23:00 and 07:00. NR15 is considered similar to inaudibility.

The measured/calculated sample length should be NR LAeq,5minutes, as predicted inside the worst affected NSRs.

- To protect NSRs from the underlying conversation, patron noise including from outdoor smoking should be assessed to meet the criteria within BS8233:2014; specifically, patron noise from the smoking areas must not exceed 30 dB LAeq,1hour during the night, as predicted inside the worst affect NSRs. Shouting and screaming cannot be quantified as typical, and instead should be controlled by way of a noise management plan from the Nightclub.
- For patron noise during the daytime from the outdoor leisure area and restaurant/café courtyard, it is suggested that predicted noise levels are no higher than 35 dB LAeq,1hour, as predicted inside the worst affected NSRs.
- The Bowling Alley and Gym may have an adverse impact on the adjoining Anchor Buildings due to structure-borne noise created by impacts from bowling balls on the bowling alleys and weight drops within the gym. Both these uses should be assessed and predict the likelihood of structure-borne noise from impact energy to ensure noise affecting the neighbouring commercial use is minimised and compliant with BS8233:2014 criteria. Amplified music and pin clashing noise from the Bowling Alley, and amplified music from the Gym, should also be considered in line with the criteria provided above for the Music Venue, ie NR 25 daytime.
- Plant noise should be assessed in accordance with BS4142:2014+A1:2019 'Methods for rating and assessing industrial and commercial sound', which is referenced in the TAN that supports PAN 1/2011. It sets out a method for rating and assessing sound of an industrial and/or commercial nature, including "sound from fixed installations which comprise mechanical and electrical plant and equipment". BS4142 would be applicable for use on this development covering any fixed mechanical services plant such as heat pumps, condensers, extract fans and the mechanics of the pin resetting equipment of the Bowling Alley.

Reason: To preserve the residential amenity of the surrounding properties.

03. All excavation and other ground works within the application site hereby approved shall be monitored by a qualified archaeologist in the form of an archaeological watching brief. No development shall commence until details of the qualified archaeologist and the terms of the archaeological watching brief are submitted to, and approved in writing by, the Planning Authority, in conjunction with the County Archaeologist. No excavation or other ground works shall be carried out without the attendance on site of this qualified archaeologist. If any archaeology is revealed, all excavation works shall cease until a written scheme of investigation is submitted to, and approved in writing by, the Planning Authority, in conjunction with the County Archaeologist, to secure the implementation of a programme of archaeological works.

Thereafter, that programme of archaeological works shall be fully implemented in accordance with approved details, and all recording and recovery of archaeological resources from within the development site shall be undertaken to the satisfaction of the Planning Authority, in conjunction with the County Archaeologist. All findings shall be reported to the Orkney Museum to be archived appropriately and a report

detailing the findings shall be written and submitted to the Planning Authority within 6 months of the completion of ground works.

Reason: To safeguard and record any archaeological remains within the boundary of the site.

Note: This information can be included in the development brief, as required at condition 01(g).

04. In accordance with condition 01(e) above, 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.
- Measures to control the emission of dust and dirt during demolition and construction.
- A scheme for recycling/disposing of waste resulting from demolition and construction works.
- The phasing of the development.
- Traffic management.

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: To safeguard the amenity of neighbouring properties and occupants.