

Minute

Planning Committee

Wednesday, 4 September 2019, 10:30.

Council Chamber, Council Offices, School Place, Kirkwall.



Present

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

Clerk

- Angela Kingston, Committees Officer.

In Attendance

- Roddy Mackay, Head of Planning, Development and Regulatory Services.
- David Barclay, Senior Planner (Development Management).
- Margaret Gillon, Senior Planner (Development Management).
- Peter Trodden, Solicitor.
- Kenneth Roy, Team Leader Roads Support (for Items 1 and 2).

Observing

- Sue Doyle, Planning Officer (Development Management).
- Dean Campbell, Graduate Planner/Planning Technician (Development Management).
- Kirsty Groundwater, Press Officer (for Items 1 to 3).

Apology

- Councillor Graham L Sinclair.

Declarations of Interest

- Councillor Alexander G Cowie – Item 3.
- Councillor Barbara Foulkes – Item 3.
- Councillor John A R Scott – Item 3.

Chair

- Councillor Robin W Crichton.

1. Planning Application 19/217/PP

Proposed Erection of Ten Houses at Breckan Brae, St Mary's, Holm

Neil and Linsey Burns, 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 Margaret Gillon, Senior Planner (Development Management), the Committee:

Noted:

1.1. That a letter of objection relating to the application for planning permission in respect of the proposal for the erection of ten houses at Breckan Brae, St Mary's, Holm, had been received from Neil and Linsey Burns, Karona, West Greaves Road, St Mary's, Holm.

After hearing representations from Linsey Burns, objector, on the motion of Councillor Robin W Crichton, seconded by Councillor Norman R Craigie, the Committee:

Resolved, in terms of delegated powers:

1.2. That planning permission be granted in respect of the proposal for the erection of ten houses at Breckan Brae, St Mary's, Holm, subject to the conditions attached as Appendix 1 to this Minute.

2. Planning Application 19/227/PP

Proposed Installation of Memorial Bench at South End, Stromness

Fiona Matheson, agent for the applicant, DeLille Diament, and Rex Anderson and Stephen Omand, representing the objector, Rosemary Anderson, 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 David Barclay, Senior Planner (Development Management), the Committee:

Noted:

2.1. That letters of objection relating to the application for planning permission in respect of the proposal for the installation of a memorial bench at South End, Stromness, had been received from the following:

- Rosemary Anderson, Norland, 10 South End, Stromness.
- Anthony Barthorpe, Sunnyside, 12 South End, Stromness.

2.2. That, subsequent to the report in respect of the proposal for the installation of a memorial bench at South End, Stromness, being issued, the objection from Anthony Barthorpe, Sunnyside, 12 South End, Stromness, had been withdrawn.

After hearing representations from Stephen Omand and Rex Anderson, representing the objector, Rosemary Anderson, and from Fiona Matheson, representing the applicant, DeLille Diament, on the motion of Councillor David Dawson, seconded by Councillor Barbara Foulkes, the Committee:

Resolved, in terms of delegated powers:

2.2. That planning permission be granted in respect of the proposal for the installation of a memorial bench at South End, Stromness, subject to the conditions attached as Appendix 2 to this Minute.

3. Planning Application 19/261/LB

Demolition of Wall, Erection of Replacement Wall and Installation of Railings and Gates (Part Retrospective) at Ivy House, 43 Albert Street, Kirkwall

Councillor Barbara Foulkes declared a non-financial interest in this item, in that she had received communications from the objector, and was not present during discussion thereof.

Councillors Alexander G Cowie and John A R Scott declared non-financial interests in this item, in that they had received communications from the objector, however, as they had not entered into discussion with the objector, they concluded that their interest did not preclude their involvement in the discussion.

Colin Richards, applicant, 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 David Barclay, Senior Planner (Development Management), the Committee:

Noted:

3.1. That a letter of objection relating to the application for part retrospective listed building consent in respect of demolition of a wall, erection of a replacement wall and installation of railings and gates at Ivy House, 43 Albert Street, Kirkwall, had been received from Leslie Sinclair, 31A Broad Street, Kirkwall.

After hearing representations from Colin Richards, applicant, on the motion of Councillor Owen Tierney, seconded by Councillor David Dawson, the Committee:

Resolved, in terms of delegated powers:

3.2. That part retrospective listed building consent be granted in respect of demolition of a wall, erection of a replacement wall and installation of railings and gates at Ivy House, 43 Albert Street, Kirkwall, subject to the following condition:

- The development hereby approved shall be finished in accordance with the Wall/Gate/Railings Specification unless otherwise agreed, in writing, by the Planning Authority.

Reason: To ensure that the works are constructed and finished in an appropriate manner to protect the special architectural and historic interest of the listed building.

4. Planning Application 19/266/PP

Installation of Four Air Conditioning Units and Screen (Part Retrospective) at 53 Albert Street, Kirkwall

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 Margaret Gillon, Senior Planner (Development Management), the Committee:

Noted:

4.1. That a letter of objection relating to the application for part retrospective planning permission in respect of the installation of four air conditioning units and a screen at 53 Albert Street, Kirkwall, had been received from Colin Ingram, Laing House, 59 Albert Street, Kirkwall.

On the motion of Councillor Barbara Foulkes, seconded by Councillor Alexander G Cowie, the Committee resolved, in terms of delegated powers:

4.2. That part retrospective planning permission be granted in respect of the installation of four air conditioning units and a screen at 53 Albert Street, Kirkwall, subject to the conditions attached as Appendix 3 to this Minute.

5. Conclusion of Meeting

At 12:05 the Chair declared the meeting concluded.

Signed: Rob Crichton.

Appendix 1.

Proposed Erection of Ten Houses (Amendment to 10/385/PP) at Breckan Brae, St Mary's, Holm (19/217/PP)

Grant subject to the following conditions:

01. Throughout the lifetime of the development hereby granted planning permission, surface water must be treated in accordance with the principles of Sustainable Urban 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.

Uncontaminated surface water, including roof water, should be disposed of by the use of SUDS in accordance with General Binding Rules 10 and 11 of CAR. Further details regarding General Binding Rules and Controlled Activities Regulations (CAR) may be found on SEPA's website at:

https://www.sepa.org.uk/media/34761/car_a_practical_guide.pdf

Further information on SUDs may be found on SEPA's website at:

<https://www.sepa.org.uk/> and https://www.susdrain.org/resources/SuDS_Manual.html .

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, Scottish Planning Policy - Managing Flood Risk and Drainage and in the interests of road safety.

02. All boundary treatments shall be installed as indicated on Site Plan OIC-02(2) hereby approved. All fencing shall be installed prior to the first occupation of the dwellings and thereafter shall be retained throughout the lifetime of the development.

Reason: In the interests of the protection of privacy and residential amenity between dwellings.

03. Throughout the lifetime of the development hereby approved, only the access points into the plots shown on Site Plan OIC-02(2) hereby approved shall be used for vehicular access to the plots, and the driveways from the road shall be tarmac/bituminous surfacing as indicated.

All works to the access and driveway to each plot shall be completed prior to the first occupation of the dwelling on that plot, and thereafter shall be retained in accordance with these details throughout the lifetime of the development, unless otherwise agreed, in writing, by the Planning Authority.

Any damage caused to the existing road infrastructure during construction of the development shall be repaired prior to first occupation of the development, to the satisfaction of the Planning Authority, in conjunction with Roads Services.

Reason: In the interests of road safety.

04. All vehicular traffic and construction traffic from the A961 to the development hereby approved shall take access and egress via Breckan Brae only. No vehicular access or egress shall be taken off West Greaves Road, unless otherwise agreed, in writing, by the Planning Authority.

Reason: To ensure adequate access to the site and in the interests of the protection of the residential amenity of dwellings on West Greaves Road.

05. Prior to the dwellings hereby approved being occupied and brought into first use, they shall connect to the public foul sewer, as already approved under 10/385/PP.

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

06. Throughout the construction phase of the development all works shall be confined to the approved planning application site area and shall not spill out onto the margins of the Core Path or Public Right of Way. No dumping of spoil or building equipment or materials, either temporarily or permanently, shall occur outside the site boundary.

Reason: In the interests of the protection of the Core Path or Public Right of Way and to accord with Orkney Local Development Plan 2017 Policy 10A – Core Paths and Access.

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 Monday to Friday and 08:00 to 13:00 Saturdays, not at all on Sundays, Christmas or New Year Public Holidays unless otherwise agreed, in writing, with the Planning Authority.

Throughout the 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 this development.

Appendix 2.

**Proposed Installation of Memorial Bench at South End, Stromness
(19/227/PP)**

Grant subject to the following conditions:

01. The bench hereby approved shall be type '4 Seat Great Maytham Teak Memorial Bench' in accordance with the information specified on the supporting document 'Bench Details', stamped approved and attached to the decision notice. For the avoidance of doubt, this will be wholly constructed from timber with no varnish finish or otherwise and left to weather naturally.

Reason: In the interests of visual amenity.

02. The bench shall be fixed in accordance with the details submitted.

Reason: In the interest of public safety.

03. If any damage occurs to the bench that results in the bench being a hazard to public safety or amenity, the bench shall be removed from the site as soon as practicably possible, and in any case not longer than seven days from the date that the hazard is identified, and the bench shall not be returned to the site unless the damage has been repaired.

Reason: In the interest of public amenity.

04. Prior to the bench being permanently fixed in place, evidence shall be provided to the Planning Authority that Scottish Water has agreed the precise location in relation to the existing manholes, and thereafter the bench shall be fixed in that precise agreed location.

Reason: To protect sewage infrastructure and its access.

Appendix 3.

Installation of Four Air Conditioning Units and Screen (Part Retrospective) at 53 Albert Street, Kirkwall (19/266/PP)

Grant subject to the following conditions:

01. The air conditioning units hereby approved shall be covered by a timber screen as specified in accordance with the approved drawing (OIC-06). The screen shall be painted to match the wall colour and installed no later than six weeks after the date of this decision, and thereafter shall be retained in situ throughout the lifetime of the development hereby approved.

Reason: To ensure screening of incongruous plant and preserve the character and appearance of the Conservation Area.

02. Total cumulative noise from the Air Source Heat Pumps/air conditioning units or any similar plant and machinery 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/air conditioning units or similar plant/machinery.