

# Minute

## Planning Committee

Wednesday, 8 May 2024, 09:30.

Council Chamber, Council Offices, School Place, Kirkwall.



## Present

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

## Present via remote link (Microsoft Teams)

Councillor Jean E Stevenson.

## 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).
- Paul Maxton, Solicitor.
- Donald Wilson, Roads Authority Officer.

## Observing

- Hayley Green, Corporate Director for Neighbourhood Services and Infrastructure.

## Apology

- Councillor Kristopher D Leask.

## Declarations of Interest

- No declarations of interest were intimated.

## Chair

- Councillor Owen Tierney.

## **1. Planning Application 23/142/PP**

### **Proposed Change of Use from Dental Practice to Boarding House (Class 7), Install Air Source Heat Pumps and Other External Alterations at 10 King Street, Kirkwall**

Stephen Omand, representing the applicant, NHS Orkney, 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:

**1.1.** That a letter of objection relating to the application for planning permission in respect of the proposal for change of use from a dental practice to a boarding house (Class 7), together with the installation of air source heat pumps and other external alterations, at 10 King Street, Kirkwall, had been received from Sheila Beaven, 8 King Street, Kirkwall.

After hearing a report from the Service Manager (Development Management), and representations from Stephen Omand, representing the applicant, NHS Orkney, on the motion of Councillor John A R Scott, seconded by Councillor Owen Tierney, the Committee:

Resolved, in terms of delegated powers:

**1.2.** That the concerns of the objector had been considered in the assessment of the proposal but were of insufficient weight to warrant refusal.

**1.3.** 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 3 – Settlements, Town Centres and Primary Retail Frontages.
  - Policy 8 – Historic Environment and Cultural Heritage.
  - Policy 14 – Transport, Travel and Road Network Structure.
- National Planning Framework 4:
  - Policy 7 – Historic Assets and Places.
  - Policy 13 – Sustainable Transport.
  - Policy 27 – City, town, local and commercial centres.

**1.4.** That planning permission be granted in respect of the proposal for change of use from a dental practice to a boarding house (Class 7), together with the installation of air source heat pumps and other external alterations, at 10 King Street, Kirkwall, subject to the conditions attached as Appendix 1 to this Minute.

## **2. Planning Application 23/380/PP**

### **Proposed Erection of Self-catering Cabin with Air Source Heat Pump at Baikies Noust, Evie Village**

Max Barratt, applicant, and Miss Y Clay, supporting the applicant, were present during discussion of this item.

Willie Flett (representing Frances Eccles) and Damian Miller, objectors, 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 objection relating to the application for planning permission in respect of the proposal to erect a self-catering cabin with an air source heat pump at Baikies Noust, Evie Village, had been received from the following:

- George Carson, Quandale, Evie.
- Frances Eccles, Mistra, Evie.
- Damian Miller, Mistra, Evie.

After hearing a report from the Service Manager (Development Management), and after hearing representations from Willie Flett (representing Frances Eccles) and Damian Miller, objectors, and from the applicant, Max Barratt, on the motion of Councillor Duncan A Tullock, seconded by Councillor Graham A Bevan, the Committee:

Resolved, in terms of delegated powers:

**2.2.** That the application for planning permission in respect of the proposal for the erection of a self-catering cabin with an air source heat pump at Baikies Noust, Evie Village, be refused.

**2.3.** That the Committee's reasons for refusing planning permission against the recommendation of the Corporate Director for Neighbourhood Services and Infrastructure were that, in the Committee's opinion:

- The proposed development was not sited and designed to take into consideration its location within the village and the wider landscape character.
- The proposed scale and density of the development was not appropriate to the location and did not follow the design guidance for new development in Evie Village.
- The amenity of the surrounding area would not be persevered and there would be unacceptable adverse impacts on the amenity of adjacent and nearby properties/users.
- The development of the site did not accord with the housing allocation in the relevant settlement statement which indicated the site had capacity for one house, rather than the business use currently proposed.

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 and iv).
  - Policy 5 – Housing in Settlements (parts i and ii).
- Supplementary Guidance: Settlement Statements:
  - Evie Village – Design Guidance and Housing Allocation EV-1.

### **3. Planning Application 23/428/VR**

#### **Proposed Removal of Condition 07 (Provision of Footway) of Planning Permission 22/060/PP at Plots 1A and 1B Eastbrae, Wardhill Road, Stromness**

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 the Roads Service had objected to the application to vary Condition 07 (Provision of Footway) of planning permission 22/060/PP in respect of Plots 1A and 1B Eastbrae, Wardhill Road, Stromness.

After hearing a report from the Service Manager (Development Management), on the motion of Councillor Owen Tierney, seconded by Councillor P Lindsay Hall, the Committee:

Resolved, in terms of delegated powers:

**3.2.** That the proposed development had been fully assessed against the undernoted policies:

- Orkney Local Development Plan 2017:
  - Policy 1 – Criteria for All Development.
  - Policy 2 – Design.
  - Policy 5 – Housing in Settlements.
  - Policy 9 – Landscape.
  - Policy 13B – Sustainable Drainage Systems (SuDS).
  - Policy 13C – Waste Water Drainage.
  - Policy 14C – Road Network Infrastructure.
- Supplementary Guidance and Planning Policy Advice:
  - Planning Policy Advice ‘Planning Policy Advice: Amenity and Minimising Obtrusive Lighting.
  - Eastbrae, Stromness, Housing Development Brief, Supplementary Guidance, (July 2012).

- National Planning Framework 4:
  - Policy 13 – Sustainable Transport.

**3.3.** That the application to remove Condition 07 (Provision of Footway) of Planning Permission 22/060/PP in respect of Plots 1A and 1B Eastbrae, Wardhill Road, Stromness, be refused for the following reason:

- Construction of the footway as specified in Condition 07 attached to planning application 22/060/PP is considered necessary. The variation proposed to Condition 07, including changes to the extent of the footway and associated services and works, would result in the development of housing which would have an unacceptable impact on road safety and pedestrian safety, and would not deliver the necessary footpath provision or connectivity within Stromness, contrary to the sustainable travel/transport aims of policy. The current development proposed, to vary Condition 07, is therefore contrary to the 'Sustainable transport' provisions and Policy 13 of National Planning Framework 4, and Policy 1 'Criteria for all development' and Policy 14 'Transport, Travel and Road Network Infrastructure' of the Orkney Local Development Plan 2017.

#### **4. Conclusion of Meeting**

At 10:30 the Chair declared the meeting concluded.

Signed: Owen Tierney.

**Appendix 1.**

**Proposed Change of Use from Dental Practice to Boarding House (Class 7), Install Air Source Heat Pumps and Other External Alterations at 10 King Street, Kirkwall (23/142/PP)**

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

01. The development hereby approved to which this planning permission relates must be begun not later than the expiration of three years, beginning with the date on which the permission is granted, which is the date of this decision notice. If development has not commenced within this period, this planning permission shall lapse.

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended, which limits the duration of planning permission.

02. The property shall operate as a single planning unit only, wholly under the management and operation of NHS Orkney. The accommodation shall be occupied by visiting staff for the requirements of NHS Orkney only, and the rooms shall not be let or occupied by any other party, publicly or privately. The rooms shall not operate as separate planning units.

Reason: To protect the residential amenity of the surrounding area.

03. The air source heat pumps hereby approved shall be screened as specified in accordance with the approved drawings. The screening shall be installed prior to operation of any unit or no later than six weeks after the installation date of the first unit, whichever is sooner, and thereafter shall be retained in situ throughout the lifetime of the development.

Reason: To ensure the screening of incongruous plant and to preserve the character, appearance and setting of the listed building.

04. Hours of work during the construction of the development hereby approved, involving the use of machinery and powered tools, or any other operation, for example hammering, that would generate noise audible beyond the boundary of the site, shall be restricted to 07:30 to 18:00 Mondays to Fridays, 08.00 to 13:00 on Saturdays and not at all on Sundays or the Christmas or New Year Public Holidays unless otherwise agreed in writing with the Planning Authority.

Reason: In the interest of residential amenity of the area and in order to reduce any possible nuisance arising to nearby residents during the construction of this development.