

## Minute

### Planning Committee

Wednesday, 3 July 2024, 09:30.

Council Chamber, Council Offices, School Place, Kirkwall.



### Present

Councillors Owen Tierney, David Dawson, P Lindsay Hall, W Leslie Manson, James R Moar, Janette A Park, Raymond S Peace, John A R Scott, Jean E Stevenson, Ivan A Taylor 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).
- Paul Maxton, Solicitor.
- Donald Wilson, Roads Authority Officer.

### Observing

- Hayley Green, Corporate Director for Neighbourhood Services and Infrastructure.
- Maya Tams-Gray, Committees Officer.

### Declarations of Interest

- No declarations of interest were intimated.

### Chair

- Councillor Owen Tierney.

## 1. Appointment of Vice Chair

The Chair called for nominations for the post of Vice Chair of the Planning Committee, and the Committee:

Resolved, in terms of delegated powers, that Councillor David Dawson be appointed Vice Chair of the Planning Committee.

## **2. Planning Application 24/115/PP**

### **Proposed Erection of House with Three Air Source Heat Pumps and Integral Garage, Associated Landscaping and Upgrade of Access (Resubmission of 23/176/PP) at Ferneybrae, Eday**

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 a letter of objection relating to the application for planning permission in respect of the proposal to erect a house with three air source heat pumps and an integral garage, associated landscaping and upgrading an access (resubmission of 23/176/PP) at Ferneybrae, Eday, had been received from Claire Stevens, 2 Hamarhill, Eday.

After hearing a report from the Service Manager (Development Management), the Committee:

Resolved, in terms of delegated powers:

**2.2.** That the concerns of the objector 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 – Isles Approach.
  - Policy 1 – Criteria for All Development.
  - Policy 2 – Design.
  - Policy 5 – Housing.
  - Policy 8 – Historic Environment and Cultural Heritage.
  - Policy 9 – Heritage and Landscape.
  - Policy 12 – Coastal Development.
  - Policy 13 – Flood Risk, SuDS and Waste Water Drainage.
  - Policy 14 – Transport, Travel and Road Network Infrastructure.
- Supplementary Guidance:
  - Supplementary Guidance Historic Environment and Cultural Heritage (2017).
  - Supplementary Guidance Natural Environment (2017).
- Planning Policy Advice:
  - Planning Policy Advice: Amenity and Minimising Obtrusive Lighting (2021).
  - Planning Policy Advice: Historic Environment (Topics and Themes) (2017).

- National Planning Framework 4:
  - Policy 3 – Biodiversity.
  - Policy 4 – Natural Places.
  - Policy 10 – Coastal Development.
  - Policy 13 – Sustainable Transport.
  - Policy 14 – Design, quality and place.
  - Policy 17 – Rural Homes.
  - Policy 22 – Flood risk and water management.

**2.4.** That planning permission be granted in respect of the proposal to erect a house with three air source heat pumps and integral garage, associated landscaping and upgrading an access (resubmission of 23/176/PP) at Ferneybrae, Eday, subject to the conditions attached as Appendix 1 to this Minute.

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

At 09:55 the Chair declared the meeting concluded.

Signed: Owen Tierney.

## Appendix 1.

### **Proposed Erection of House with Three Air Source Heat Pumps and Integral Garage, Associated Landscaping and Upgrade an Access (Resubmission of 23176/PP) at Ferneybrae, Eday (24/115/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. The access hereby approved with the public road shall be 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 prior to any other works commencing on the development 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.

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.

03. No development shall commence until a condition / dilapidation survey has been undertaken jointly between the developer / developer's representative and Roads Services. This shall be undertaken both prior to works commencing and again upon completion of work on the hereby approved development site, on the existing public road infrastructure that will be used to access and egress the development site.

The applicant shall be responsible for funding the condition / dilapidation survey and the cost of any repairs following any damage to the public road which is attributed to this development which may have been caused by vehicles or plant accessing or egressing the site. Any works identified to be carried out shall be carried out to the satisfaction of the Planning Authority, in conjunction with Roads Services, within three months of completion of works on site.

The developer will also be responsible for maintaining any damage caused to the public road in such a manner that the roads always remain safe for other road users and until permanent repair works are agreed and carried out.

Reason: In the interest of road safety.

04. No development shall commence until a Written Scheme of Investigation (WSI), including the scope of the programme and a Level 1 building survey, that details a programme of historic building investigation and recording of the extant buildings and structures on the application site, is submitted to, and approved in writing by, the Planning Authority and Orkney's Islands Archaeologist or Conservation Officer. Works shall be funded by the applicant and carried out in accordance with the approved WSI and subsequent updates, or the condition will not be discharged.

Reason: In the interests of the protection or preservation by record of Orkney's archaeological and cultural heritage resources and to accord with NPF4 Policy 7, Natural Places, Orkney Local Development Plan 2017 Historic Environment and Cultural Heritage Policies 8A, All Development, and 8B(vi), Investigation and Recording, Supplementary Guidance: Historic Environment and Cultural Heritage (2017) and Planning Policy Advice: Historic Environment (Topics and Themes) (2017).

05. No demolition, ground preparation and/or construction works shall occur between March to mid September (inclusive) unless a pre-start walk over of the site and inspection of structures to be demolished has been undertaken by a suitably experienced (and licensed) ecologist to identify signs of breeding birds and an appropriate breeding bird protection plan is submitted to, and approved in writing by, the Planning Authority before any demolition, ground preparation or construction works commence.

Reason: To avoid adverse effects on breeding birds and to comply with protected species legislation.

06. Biodiversity measures identified on the Landscape and enhancement plans drawing (reference JDC-1665-A302-PL , revision G, dated 16 February 2024) and described in the submitted Biodiversity form (dated 7 September 2023), shall be implemented in full prior to first occupation or no later than the first planting season following occupation. Thereafter the biodiversity measures shall be retained for the lifetime of the development in accordance with the approved details, unless otherwise agreed in writing with the Planning Authority.

Reason: To ensure biodiversity measures are implemented as required by NPF 4 Policy 3, Biodiversity.

07. The development hereby approved shall not encroach on Core Path ED4 – Stephens Gate. Throughout the lifetime of the development, the developer shall maintain unobstructed and without unreasonable damage, the stretch of ED4 – Stephens Gate Core Path network adjacent to the development site. Public access along the Core Path adjacent to the site shall not be obstructed, unless otherwise agreed in advance in writing by the Council's Access Officer.

Prior to the completion of the development hereby approved, this stretch of core path network shall be inspected and made to a standard at least equal to that prior to the commencement of works. At the reasonable request of the Planning Authority, interim works shall be carried out to the Core Path.

Reason: To maintain the Core Path network and in order to safeguard public access during the construction phase of the development and the general rights of public access under the provisions of the Land Reform (Scotland) Act 2003.

08. No development shall commence until an appraisal to demonstrate that the approved private wastewater drainage system can manage additional water volume and the chemically treated nature of the water during water changes for both the swimming pool and the hot tub has been submitted to, and approved in writing by, the Planning Authority, in consultation with Building Standards. Thereafter, the development shall progress in accordance with the approved details.

Reason: To avoid environmental pollution and minimise the risk of adverse effects on biodiversity.

09. Throughout the lifetime of the development hereby approved, any external lighting used shall be downward facing only and shall comply with the requirements of Orkney Local Development Plan 2017 Policy 2 (principle vi) that all external lighting shall minimise light pollution and shall meet the requirements specified by the Institution of Lighting Professionals for Zone E1/E2 areas (Rural/Low District Brightness). The lighting shall be turned off when not required either by automatic sensor or manually.

Reason: To minimise obtrusive light, glare or distraction in the interests of safeguarding the amenity of the area and to accord with Orkney Local Development Plan 2017 Policy 2 – Design.

10. Hours of construction at 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.

There shall be no burning of waste on site.

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

11. 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.

12. 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, NPF4 Policy 22, Flood Risk and Water Management and to protect road safety.

13. No other development shall commence until full details of the cut-off drain to the north of the development including all management thereof, 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 detail.

Reason: To ensure that the feature remains un-obstructed and does not result in over topping which may otherwise pose a surface water flood risk to the site.

14. The access to the west of the site, from Mill Bay Road, shall remain open and accessible for non-vehicular use only.

Reason: In the interests of retaining non-vehicular access and for the avoidance of doubt.