

# Minute

## Planning Committee

Wednesday, 4 December 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.
- Jamie Macvie, Service Manager (Development Management).
- Derek Manson, Team Manager (Development Planning).
- David Barclay, Senior Planner.
- Donald Wilson, Roads Authority Officer.
- Paul Maxton, Solicitor.

## Observing

- Hayley Green, Corporate Director for Neighbourhood Services and Infrastructure.
- Isla McLeod, Graduate Planner.

## Declarations of Interest

- No declarations of interest were intimated.

## Chair

- Councillor Owen Tierney.

## 1. Planning Application 24/012/PP

### Change of Use from Part of Car Park to Parking for Haulage Vehicles (Retrospective) at Hoy Hotel, Hoy

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 retrospective planning permission in respect of the change of use from part of a car park to parking for haulage vehicles at Hoy Hotel, Hoy, had been received from Steven Tizzard, Treetops, Hoy.

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

- National Planning Framework 4:
  - Policy 3 – Biodiversity.
- Orkney Local Development Plan 2017:
  - Policy 1 – Criterial for All Development.
  - Policy 3 – Settlements, Town Centre and Primary Retail Frontages.
  - Policy 14 – Transport, Travel and Road Network Infrastructure.

**1.4.** That retrospective planning permission be granted in respect of the change of use from part of a car park to parking for haulage vehicles at Hoy Hotel, Hoy, subject to the conditions attached as Appendix 1 to this Minute.

## **2. Planning Application 24/198/PPMAJ**

### **Proposed Change of Use from Agriculture to Golf Driving Range and Erect Building with Four Bays at Swartland Farm, Twatt, Sandwick**

Steven Wylie, representing the applicants, Mr and Mrs Steven Wylie, and Christopher Omand, the applicants' agent, were present during the 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, as the proposal for change of use from agriculture to a golf driving range and erection of a building with four bays at Swartland Farm, Twatt, Sandwick, was classified as a Major Development in terms of The Town Country and Planning (Hierarchy of Developments) (Scotland) Regulations 2009, in accordance with the Scheme of Delegation, the application required to be determined by the Planning Committee.

After hearing a report from the Service Manager (Development Manager), and after hearing representations from Christopher Omand, agent representing the applicants, Mr and Mrs Steven Wylie, the Committee:

Resolved, in terms of delegated powers:

**2.2.** That the proposed development had been fully assessed and was in accordance with the undernoted policies:

- National Planning Framework 4:
  - Policy 26 – Business and industry.
  - Policy 29 – Rural development.
- Orkney Local Development Plan 2017:
  - Policy 1 – Criteria for All Development.
  - Policy 2 – Design.
  - Policy 4 – Business, Industry and Employment.
  - Policy 11 – Outdoor Sports, Recreation and Communities Facilities.
  - Policy 14 – Transport, Travel and Road Infrastructure Network.
- Planning Policy Advice:
  - Amenity and Minimising Obtrusive Lighting (2021.)
- Development Management Guidance:
  - Business Development Outwith Town Centres (2023).

**2.3.** That planning permission be granted in respect of the proposal for change of use from agriculture to a golf driving range and erection of a building with four bays at Swartland Farm, Twatt, Sandwick, subject to the conditions attached as Appendix 2 to this Minute.

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

At 10:13 the Chair declared the meeting concluded.

Signed: Owen Tierney.

**Appendix 1.****Change of Use from Part of Car Park for Haulage Vehicles (Retrospective) at Hoy Hotel, Hoy (24/012/PP)****Grant, subject to the following conditions:**

01. Within six months of the date of this decision notice, the site shall be finished with bituminous or concrete surface. Prior to the construction of the surface, full details of proposed materials and extent of surfacing shall be submitted to and approved, in writing, by the Planning Authority, and thereafter surfacing shall be carried out wholly in accordance with these approved details. Thereafter, and throughout the lifetime of the development, the surface shall be maintained in a serviceable condition, with none of the surface broken or loose.

Reason: To protect the amenity of neighbouring properties.

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, including from the surfacing specified in condition 01.

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, and to protect road safety.

03. Notwithstanding drawing 2811/23, no permission is approved for the specified fence of 1.8 metres in height. Within six months of the date of this decision notice, a fence of 1.2 metres in height shall be erected. Prior to construction of the fence, full details of the design and extent of the fence shall be submitted to and approved, in writing, by the Planning Authority, and thereafter the fence shall be constructed wholly in accordance with these approved details.

Reason: To protect the amenity of neighbouring properties.

04. Vehicle movements to or from the development hereby approved shall not be carried out between the hours of 19:00 and 06:00.

Reason: To protect the amenity of neighbouring properties from excessive noise/disturbance associated with the development.

05. The development hereby approved is for keeping/parking vehicles and trailers only, and no other operations shall be carried out within the site, including storage or transfer of materials.

Reason: To protect the amenity of neighbouring properties.

**Appendix 2.**

**Proposed Change of Use from Agriculture to Golf Driving Range and Erect Building with Four Bays at Swartland Farm, Twatt, Sandwick (24/198/PPMAJ)**

**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 hours of operation of the golf driving range shall be limited to 09:00 to 21:00 daily, and not at all on Christmas Day.

Reason: To safeguard the residential amenity of the area.

03. All external lighting (four discrete floodlights affixed to the building above each of the bays, as shown in drawing no. 1705/2/P), together with the single floodlight directed over the car park and sensor light at entrance door, shall be sufficiently screened and aligned so that there is no direct illumination of neighbouring land and no light spillage beyond the site boundary.

Reason: To ensure that any lighting installed within the application site does not spill beyond the intended target area, to protect the amenity of adjacent properties and to prevent 'sky glow'.

04. No external lighting for the golf driving range shall operate outside the hours of 08:30 to 21:30 hours daily and all external lighting shall be controlled so that lighting is operational when the facility is in use only, and as otherwise stated in accordance with the submitted Operating and Emergency Plan, dated 20 September 2024.

Reason: To ensure that any lighting installed within the application site is only operated when the facility is in use, to minimise impacts on the wider area from the presence of floodlighting.

05. Within two months of receipt of a written request from the Planning Authority, following a substantiated light complaint from a sensitive property, the operator shall, at their own expense, employ an appropriate consultant approved by the Planning Authority to carry out an assessment of light from the development. The required assessment shall be submitted to and approved, in writing, by the Planning Authority. The assessment must identify any mitigation measures required if appropriate. Any mitigation measures identified shall be implemented on site in accordance with a timescale agreed, in writing, by the Planning Authority.

Reason: To safeguard the residential amenity of the area.

06. No development shall commence until the accesses hereby approved with the public roads (A967 and Swartland Road) have been 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 accesses shall be constructed and completed wholly in accordance with these details prior to any 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.

07. The proposed biodiversity measures described in the submitted Biodiversity form (version published 4 November 2024, dated 30 June 2024) and shown on the 1:50 site and layout plan drawing (undated, version published 6 June 2024, reference 1705/3/P) 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 measure that does not survive, is removed, or is damaged, unless otherwise agreed, in advance and in writing, with the Planning Authority.

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

08. No development shall commence until full details of all foul drainage infrastructure (including treatment plant and soakaway locations) have been submitted to and approved, in writing, by the Planning Authority. Thereafter, the approved foul drainage shall be installed and operational wholly in accordance with approved details prior to first use of the development.

Reason: To ensure that appropriate foul drainage infrastructure is carefully managed, situated and provided timeously, in the interests of public health and environmental protection.

09. 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.

10. Notwithstanding other uses included within Use Class 11 of the Town and Country Planning (Use Classes) (Scotland) Order 1997, as amended, or any subsequent or superseding Orders, the development hereby approved shall be used as a golf driving range only, and for no other purpose or use.

Reason: To enable the Planning Authority to retain effective control over future development within the application site so it does not result in overdevelopment or create an adverse impact on the amenity of the area, and in recognition of the development as applied for.

11. The development hereby approved shall endure for the benefit of the agricultural operation of Swartland Farm only.

Reason: The nature of the development could give rise to operational conflict if the immediately surrounding agricultural land was not in the same control as the operator of the driving range, and in recognition that the development is submitted as part of a diversification initiative for the farm.

12. The management and operation of the site shall, at all times, be in full accordance with the Operating and Emergency Plan dated 20 September 2024, unless otherwise approved in advance, in writing, by the Planning Authority.

Reason: To ensure appropriate management of operation.