

## **Minute**

### **Planning Committee**

Wednesday, 12 February 2025, 09:30.

Council Chamber, Council Offices, School Place, Kirkwall.



### **Present**

Councillors Owen Tierney, David Dawson, P Lindsay Hall, W Leslie Manson, James R Moar, Raymond S Peace, John A R Scott, Ivan A Taylor and Duncan A Tullock.

### **Present via remote link (Microsoft Teams)**

Councillors Janette A Park and Jean A Stevenson.

### **Clerk**

- Hazel Flett, Service Manager (Governance).

### **In Attendance**

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

### **Observing**

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

### **Declaration of Interest**

- Councillor Ivan A Taylor – Item 4.

### **Chair**

- Councillor Owen Tierney.

## **1. Planning Application 23/071/PP**

### **Proposed Extension of Industrial Storage Yard and Erection of Bund (Retrospective) at East Quoys, Birsay**

Michael Swannie, applicant, and Di Grieve, the applicant's agent, 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:

**1.1.** The recommendation of the Corporate Director for Neighbourhood Services and Infrastructure that the application for retrospective planning permission in respect of the proposed extension of an industrial storage yard and erection of a bund at East Quoys, Birsay, be refused, as the proposed development failed to comply with Policies 1, 2, 4 and 9 of the Orkney Local Development Plan 2017, Policies 9, 14, 26 and 29 of National Planning Framework 4 and Development Management Guidance – Business Development Outwith Town Centres (2023).

After hearing a report from the Service Manager (Development Management), and after hearing representations from Di Grieve, agent representing the applicant, Michael Swannie, Councillor Duncan A Tullock, seconded by Councillor P Lindsay Hall, moved that retrospective planning permission be granted in respect of the proposed extension of an industrial storage yard and erection of a bund at East Quoys, Birsay, as, in their opinion, the proposed development:

- Would preserve the amenity of the surrounding area, resulting in no adverse impacts on the amenity of the adjacent domestic property of East Quoys, Birsay.
- Would be sympathetic to the character of the rural area in which it was located and would not have an overall negative effect on the appearance and amenity of the area.
- Would be compatible in use with the existing business site, including a demonstrable locational requirement for the business, noting no suitable alternative sites in either Stromness or Kirkwall.
- Would be of a nature and scale compatible with the surrounding area.
- Would provide suitable biodiversity enhancement.

And, accordingly, the proposed development complied with the undernoted policies:

- Orkney Local Development Plan 2017:
  - Policy 1 – Criteria for All Development.
  - Policy 2 – Design.
  - Policy 4 – Business, Industry and Employment.
  - Policy 9 – Natural Heritage and Landscape.
- National Planning Framework 4:
  - Policy 26 – Business and Industry.
  - Policy 29 – Rural development.

Councillor Ivan A Taylor, seconded by Councillor David Dawson, moved an amendment that the application for retrospective planning permission in respect of the proposed extension of an industrial storage yard and erection of a bund at East Quoys, Birsay, be refused, for the following reasons:

- The proposed development was not sited or designed to take into consideration the location and the wider landscape character, and the amenity of the surrounding area would not be preserved, resulting in adverse impacts on the amenity of the adjacent domestic property of East Quoys, Birsay. As such, the development was contrary to Policy 1 'Criteria for All Development', provisions (i) and (iv), Policy 2 'Design' and Policy 9 'Natural Heritage and Landscape', part G 'Landscape' of the Orkney Local Development Plan 2017.
- The proposed development was not sympathetic to the character of the rural area in which it was located, having an overall negative effect on the appearance and amenity of the area. As such, the development was contrary to Policy 2 'Design', provisions (i) and (ii) of the Orkney Local Development Plan 2017.
- By virtue that it was not demonstrated that there were no suitable alternative sites, or that the nature and scale of the activity was compatible with the surrounding area, the development was contrary to, Policy 26 'Business and industry' paragraph (d), and Policy 29 'Rural development' paragraph (b) of National Planning Framework 4 and, in the absence of a demonstrable locational requirement for the business, the development was contrary to Policy 4 'Business, Industry and Employment' of the Orkney Local Development Plan 2017.

On a vote being taken 3 members voted for the amendment, and 8 for the motion, and the Committee:

Resolved, in terms of delegated powers:

**1.2.** That, notwithstanding the recommendation of the Corporate Director for Neighbourhood Services and Infrastructure, retrospective planning permission be granted in respect of the proposed extension of an industrial storage yard and erection of a bund at East Quoys, Birsay.

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

- Would preserve the amenity of the surrounding area, resulting in no adverse impacts on the amenity of the adjacent domestic property of East Quoys, Birsay.
- Would be sympathetic to the character of the rural area in which it was located and would not have an overall negative effect on the appearance and amenity of the area.
- Would be compatible in use with the existing business site, including a demonstrable locational requirement for the business, noting no suitable alternative sites in either Stromness or Kirkwall.
- Would be of a nature and scale compatible with the surrounding area.
- Would provide suitable biodiversity enhancement.

And, accordingly, the proposed development complied with the undernoted policies:

- Orkney Local Development Plan 2017:
  - Policy 1 – Criteria for All Development.
  - Policy 2 – Design.
  - Policy 4 – Business, Industry and Employment.
  - Policy 9 – Natural Heritage and Landscape.
- National Planning Framework 4:
  - Policy 26 – Business and Industry.
  - Policy 29 – Rural development.

**1.4.** That powers be delegated to the Corporate Director for Neighbourhood Services and Infrastructure to finalise appropriate conditions, based on conditions which were consistent with the remainder of the site, and thereafter issue the consent in respect of the permission referred to at paragraph 1.2 above.

## **2. Planning Application 24/039/PP**

### **Proposed Installation of New and Replacement Lighting, Fencing and Gate, Felling One Tree and Landscaping Works at The Robert Rendall Building, Orkney Research and Innovation Campus, Franklin 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:

**2.1.** That a letter of objection relating to the application for planning permission in respect of the proposal to install new and replacement lighting, fencing and a gate, fell one tree, and landscaping works at The Robert Rendall Building, Orkney Research and Innovation Campus, Franklin Road, Stromness, had been received from Jenny Taylor, 25 Grieveship Brae, Stromness.

After hearing a report from the Service Manager (Development Management), on the motion of Councillor W Leslie Manson, seconded by Councillor John A R Scott, 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:

- National Planning Framework 4:
  - Policy 1 – Tackling the climate and nature crises.
  - Policy 3 – Biodiversity.

- Policy 6 – Forestry, woodland and trees.
- Policy 9 – Brownfield, vacant and derelict land and empty building.
- Policy 14 – Design, quality and place.
- Policy 27 – City, town, local and commercial centres.
- Orkney Local Development Plan 2017:
  - Policy 1 – Criteria for All Development.
  - Policy 2 – Design.
  - Policy 9 – Natural Heritage and Landscape.
  - Policy 10 – Green Infrastructure.
  - Policy 11 – Outdoor Sports, Recreation and Communities Facilities.
  - Policy 13 – Flood Risk, SuDS and Waste Water Drainage.
- Supplementary Guidance:
  - Natural Environment (2017).
  - Settlement Statements (2017).
- Planning Policy Advice:
  - Trees and Woodland (2014).
  - Urban Conservation Areas Management Plan (2013).
  - Amenity and Minimising Obtrusive Lighting (2021).
- Development Management Guidance:
  - Considering and Including Biodiversity in Development (2023).

**2.4.** That planning permission be granted in respect of the proposal to install new and replacement lighting, fencing and a gate, fell one tree and landscaping works at The Robert Rendall Building, Orkney Research and Innovation Campus, Franklin Road, Stromness, subject to the conditions attached as Appendix 1 to this Minute.

### **3. Planning Application 24/245/PP**

#### **Proposed Erection of House with Air Source Heat Pump and Temporary Siting of Caravan at Ha'breck Green, Pierowall, Westray**

Lorna Brown, applicant, and Di Grieve, agent representing the applicant, 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:

**3.1.** That a letter of objection relating to the application for planning permission in respect of the proposal to erect a house with an air source heat pump and temporary siting of a caravan at Ha'breck Green, Pierowall, Westray, had been received from Chris Edwards, Ulva Cottage, Westray.

After hearing a report from the Service Manager (Development Management) and after hearing representations from Di Grieve, agent representing the applicant, Lorna Brown, on the motion of Councillor David Dawson, seconded by Councillor Owen Tierney, the Committee:

Resolved, in terms of delegated powers:

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

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

- National Planning Framework 4:
  - Policy 3 – Biodiversity.
  - Policy 7 – Historic assets and places.
  - Policy 17 – Rural Homes.
  - Policy 22 – Flood risk and water management.
- Orkney Local Development Plan 2017:
  - Policy 1 – Criteria for All Development.
  - Policy 2 – Design.
  - Policy 5 – Housing.
  - Policy 8 – Historic Environment and Cultural Heritage.
  - Policy 13 – Flood Risk, SuDS and Waste Water Drainage.
  - Policy 14 – Transport, Travel and Road Network Infrastructure.

**3.4.** That planning permission be granted in respect of the proposal to erect a house with an air source heat pump and temporary siting of a caravan at Ha'breck Green, Pierowall, Westray, subject to the conditions attached as Appendix 2 to this Minute.

#### **4. Planning Application 24/460/PP**

##### **Proposed Creation of Access (Relocation of Approved Access) near Errival, Dalespot, St Ola**

Stewart Henderson, applicant, and Stephen Omand, agent representing the applicant, were present during consideration of this item.

Councillor Ivan A Taylor declared an interest in this item, his connection being that the applicant was the partner of a family member, and was not present during discussion 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:

**4.1.** That letters of objections relating to the application for planning permission in respect of the proposal to create an access (relocation of an approved access) near Errival, Dalespot, St Ola, had been received from the following:

- A Bremner, Bendigo, St Ola.
- Mr and Mrs Strutt, 2 Glendale Park, Kirkwall, St Ola.

After hearing a report from the Service Manager (Development Management), and after hearing representations from Stephen Omand, agent representing the applicant, Stewart Henderson, and the Committee:

Resolved, in terms of delegated powers:

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

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

- National Planning Framework 4:
  - Policy 13 – Sustainable transport.
  - Policy 14 – Design, quality and place
  - Policy 15 – Local Living and 20 minute neighbourhoods.
- Orkney Local Development Plan 2017:
  - Policy 1 – Criteria for All Development.
  - Policy 5 – Housing, ‘Housing in Settlements’.
  - Policy 14 – Transport, Travel and Road Network Infrastructure.

**4.4.** That planning permission be granted in respect of the proposal to create an access (relocation of an approved access) near Errival, Dalespot, St Ola, subject to the conditions attached as Appendix 3 to this Minute.

## **5. Conclusion of Meeting**

At 11:33 the Chair declared the meeting concluded.

Signed: Owen Tierney.

**Appendix 1.****Proposed Installation of New and Replacement Lighting, Fencing and Gate, Felling One Tree and Landscaping Works at The Robert Rendall Building, Orkney Research and Innovation Campus, Franklin Road, Stromness (24/039/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 building housing the oil tank within the ship structure identified on the 1:200 'Robert Rendall building works – playground' drawing (reference 2222 A, number 103, revision B) shall be inspected by a suitably experienced bat surveyor, following NatureScot guidance, no longer than 28 days prior to demolition works or any associated preparatory clearance or other works. If evidence of bat activity is identified, all works shall cease until a species protection plan identifying appropriate mitigation measures and a licence have been approved, in writing, by NatureScot and evidence of this submitted to and approved, in writing, by the Planning Authority.

Reason: To minimise the risk of adverse effects on European Protected Species and comply with protected species legislation.

Note: NatureScot guidance is available at: <https://www.nature.scot/doc/standing-advice-planning-consultations-bats>

03. The biodiversity measures described in the submitted Biodiversity form (dated 19 November 2024) and shown on the 1:200 'Robert Rendall building works – playground' drawing (reference 2222 A, number 103, revision B, undated, version published 19 December 2024) 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 planting that does not survive, is removed, or is damaged, unless otherwise agreed, in writing, by the Planning Authority.

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

04. No development shall commence until a Tree Protection Plan designed in accordance with 'BS 5837 (2012): Trees in Relation to Design, Demolition and Construction' has been submitted to and approved, in writing, by the Planning Authority. This shall include the root protection area measures indicated in the site plan hereby approved and shall include the location and specification of all protective fences or barriers, and the location and specification of all ground protection. Thereafter, the Tree Protection Plan shall be implemented and maintained throughout all demolition and construction works.



Reason: To protect retained trees from above and below ground damage, including soil compaction, during demolition and construction works.

05. Any exterior lighting employed on the development hereby approved shall be so positioned, angled and controlled to prevent any direct illumination, glare or light spillage outwith the site boundary.

Reason: To ensure that any lighting installed within the application site does not spill beyond the intended target area, does not impact adversely upon the amenity of adjacent properties and does not result in 'sky glow', in accordance with Planning Policy Advice 'Amenity and Minimising Obtrusive Lighting' (2021).

06. No development shall commence until full details of the finish of the fencing hereby approved has been submitted to and approved, in writing, by the Planning Authority, including colour.

Reason: To protect the setting of the conservation area.

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 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 bonfires or other open fires on site at any time.

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 Erection of House with Air Source Heat Pump and Temporary Siting of Caravan at Ha'breck Green, Pierowall, Westray (24/245/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. 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, Policy 22 'Flood risk and water management' of National Planning Framework 4, and to protect road safety.

03. Unless prior express planning permission is approved for a further period, the temporary residential caravan(s) hereby approved shall be installed within the site no earlier than one calendar month prior to formal commencement of development and shall be removed from the site and the land restored as domestic curtilage within two years of the date of commencement of development.

Reason: Planning permission is granted on a temporary basis only for the reasons disclosed in the application submission; removal of the caravan and the reinstatement of the land at the end of the temporary period is necessary to safeguard amenity.

04. Notwithstanding details submitted and hereby approved, no development shall commence until full details of all external finishing materials and colours have been submitted to and approved, in writing, by the Planning Authority. The development shall be finished externally wholly in accordance with these approved details.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development.

05. No other development shall commence until the junction of the existing access track with the public road has been upgraded to the Council's Roads Services standard drawing 'SD-01 Typical Access for Single Development (5-10 houses)', attached to and forming part of this decision notice, including dimensions, road construction, any pipe required, and verge or footway. Thereafter the access 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.

06. The biodiversity conservation measures of vegetation retention along the access track verge and ditch, and the biodiversity enhancement measures of hedge and bulb planting, described in the submitted Biodiversity form (dated 14 June 2024) and shown on the 1:1000 site plan drawing (reference Site Plan C, undated, published 1 July 2024) 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 planting that does not survive, is removed, or is damaged, unless otherwise approved, in writing, by the Planning Authority.

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

07. Any exterior lighting employed shall be so positioned, angled and controlled to prevent any direct illumination, glare or light spillage outwith the site boundary.

Reason: To ensure that any lighting installed within the application site does not spill beyond the intended target area, does not impact adversely upon the amenity of adjacent properties and does not result in 'sky glow', in accordance with Planning Policy Advice 'Amenity and Minimising Obtrusive Lighting' (2021).

### Appendix 3.

## **Proposed Creation of Access (Relocation of Approved Access) near Errival, Dalespot, St Ola (24/460/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. No development shall commence until a Maintenance Scheme, for the maintenance in perpetuity of all communal areas, including roads, footpaths communal bin store, and those elements of surface water drainage regimes not maintained either by the Council or Scottish Water, have been submitted to and approved, in writing, by the Planning Authority. Thereafter, the Maintenance Scheme shall be implemented in full, including in accordance with any timescales contained therein.

Reason: To ensure that all communal spaces, facilities and landscaping areas are properly managed and maintained.

03. No development 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.

Development shall thereafter be carried out wholly in accordance with the Construction Method Statement throughout the construction period.

Reason: To safeguard the amenity of neighbouring properties and occupants.

04. Notwithstanding the submitted details of the junction, no development shall commence until full design and construction details of the junction and associated footpath, waiting areas, bin store and bus layby have been submitted to and approved, in writing, by the Planning Authority, in conjunction with Roads Services. Thereafter, no other development shall commence until the junction and associated footpath, waiting areas, bin store and bus layby are completed wholly in accordance with the approved details. Thereafter, those details shall be maintained to the approved standard, unless/until adopted for maintenance under the Roads (Scotland) Act 1984 (as amended).

Note:

- The access road shall be a minimum of 5.5 metres wide for at least the first 10 metres of the access road, with the first 10 metres of the access having a 50-millimetre minimum thick bituminous surface applied.
- The tactile paving indicated on 'Waiting Area and Bin Store' drawing shall be relocated south to the start of the two-metre-wide footway, with the tactile paving on the opposite side of the road moved accordingly, with the tactile paving on both sides of the road being directly opposite each other.
- The communal bin store shall be designed to a size adequate to accommodate all bins associated with the development, and shall be relocated to the northern end of two-metre-wide section of footway

Reason: To ensure the timely provision of an appropriate means of access and servicing in the interests of road safety.

05. Hours of construction 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 only take place between the hours of 08:00 and 18:00 Mondays to Fridays, 08:00 to 12:30 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.

06. A plan showing the visibility splays from junction hereby approved with the A961 shall be submitted to and approved, in writing, by the Planning Authority (noting that these visibility splays have been calculated and assessed for the purposes of the planning decision). Thereafter and throughout the lifetime of the development, these defined visibility splays shall always be kept clear of any vegetation or planting, or any other physical obstructions, which would obscure visibility or exceed a height of one metre.

Reason: In the interest of road safety.