

## **Minute**

### **Planning Committee**

Wednesday, 21 August 2024, 09:30.

Council Chamber, Council Offices, School Place, Kirkwall.



### **Present**

Councillors Owen Tierney, David Dawson, W Leslie Manson, James R Moar, Janette A Park, Raymond S Peace, John A R Scott and Ivan A Taylor.

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

Councillor 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.
- Isla McLeod, Graduate Planner.
- Maya Tams-Gray, Committees Officer.

### **Apologies**

- Councillor P Lindsay Hall.
- Councillor Jean E Stevenson.

### **Declarations of Interest**

- No declarations of interest were intimated.

### **Chair**

- Councillor Owen Tierney.

## **1. Planning Application 23/466/PP**

### **Proposed Change of Use of Barn to Wedding Venue (Retrospective) at Berstane Farmhouse, St Ola**

Leslie Burgher, agent representing the applicant, Stephen MacPhail, 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 letters of objection relating to the application for retrospective planning permission in respect of the proposal for change of use from a barn to a wedding venue at Berstane Farmhouse, St Ola, had been received from the following:

- Babette Hegarty, Zan Moir, Berstane Road, St Ola.
- William Wilson, Falkland, Berstane Road.

After hearing a report from the Service Manager (Development Management) and representations from the Leslie Burgher, agent representing the applicant, Stephen MacPhail, the Committee:

Resolved, in terms of delegated powers:

**1.2.** That the concerns of the objectors 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 4 – Business, Industry and Employment.
  - Policy 14 – Transport, Travel and Road Network Structure.
- Supplementary Guidance:
  - Development Management Guidance: Business Development Outwith Town Centres.
- National Planning Framework 4:
  - Policy 26 – Business and Industry.
  - Policy 29 – Rural Development.

**1.4.** That retrospective planning permission be granted in respect of the proposal for the change of use from a barn to a wedding venue at Berstane Farmhouse, St Ola, subject to the conditions attached as Appendix 1 to this Minute.

## **2. Planning Application 24/046/PP**

### **Proposed Installation of Replacement Windows and Doors, Three Air Source Heat Pumps, External Insulation and PV Array at Trenabie House, Pierowall, Westray**

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 replacement windows and doors, three air source heat pumps, external insulation and a photovoltaic array at Trenabie House, Pierowall, Westray, had been received from Duncan and Louise Drever, 3 Gill Pier, Pierowall, Westray.

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:
  - Policy 1 – Criteria for All Development.
  - Policy 2 – Design.
  - Policy 7C – Energy.
- National Planning Framework 4:
  - Policy 1 – Tackling the Climate and Nature Crisis.
  - Policy 2 – Climate Mitigation and Adaption.
  - Policy 3 – Biodiversity.
  - Policy 11 – Energy.

**2.4.** That planning permission be granted in respect of the proposal to install replacement windows and doors, three air source heat pumps, external insulation and a photovoltaic array at Trenabie House, Pierowall, Westray, subject to the conditions attached as Appendix 2 to this Minute.

## **3. Planning Application 24/119/PP**

### **Proposed Change of Use from Flat to Self-Catering Unit (Retrospective) at 51 Dundas Street, Stromness.**

Sarah Sholl, representing the applicant, Jennifer Simpson, 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:

**3.1.** That a letter of objection relating to the application for retrospective planning permission in respect of the proposed change of use from a flat to a self-catering unit at 51 Dundas Street, Stromness had been received from Zak Mathieson, 59 Dundas Street, Stromness.

After hearing a report from the Service Manager (Development Management), and representations from Sarah Sholl, representing the applicant, Jennifer Simpson, 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:

- Orkney Local Development Plan 2017:
  - Policy 1 – Criteria for All Development.
  - Policy 3 – Settlements, Town Centres and Primary Retail Frontages.
  - Policy 4 – Business, Industry and Employment.
  - 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 Travel.
  - Policy 14 – Design, Quality and Place.
  - Policy 27 – City, Town and Commercial Centres.
  - Policy 30 – Tourism.

**3.4.** That retrospective planning permission be granted in respect of the proposed change of use from a flat to a self-catering unit at 51 Dundas Street, Stromness, subject to the following condition:

The self-catering unit hereby approved shall be used solely as holiday letting accommodation. Occupation of the self-catering unit shall not exceed a maximum of 28 days by any person or group of persons in total, between the dates of 1 March and 31 October in any calendar year. To facilitate the enforcement of such control, the owners of the self-catering unit shall at all times maintain and shall make available to the Planning Authority upon reasonable request, a register of occupiers of the holiday accommodation to which this permission relates.

Reason: To comply with Orkney Local Development Plan policies to ensure that the self-catering unit is not used as a full-time residence.

#### **4. Planning Application 24/237/HH**

##### **Proposed Erection of a Domestic Shed (Retrospective) at The Mad Hatter, Northside Road, Birsay**

May Banks, agent representing the applicant, Ben Wood, 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:

**4.1.** That letters of objection relating to the application for retrospective planning permission in respect of the proposal to erect a domestic shed at The Mad Hatter, Northside Road, Birsay had been received from the following:

- Sally and Chris Read, Hawin, Northside.
- David and Ailsa Taylor, Muckle Geo, Northside.

After hearing a report from the Service Manager (Development Management) and representations from May Banks, agent representing the applicant, Ben Wood, 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:

- Orkney Local Development Plan 2017:
  - Policy 1 – Criteria for All Development.
  - Policy 2 – Design.
- National Planning Framework 4.

**4.4.** That retrospective planning permission be granted in respect of the proposal for the erection of a domestic shed at The Mad Hatter, Northside Road, Birsay, subject to the conditions attached as Appendix 3 to this Minute.

#### **5. Conclusion of Meeting**

At 10:31 the Chair declared the meeting concluded.

Signed: Owen Tierney.

**Appendix 1.**

**Proposed Change of Use of Barn to Wedding Venue (Retrospective) at Berstane Farmhouse, St Ola (23/466/PP)**

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

01. The development hereby approved shall not be operated as a wedding venue until a passing place has been constructed on Berstane Lodge Road, St Ola. The location of this passing place shall be approved in advance, in writing, by the Planning Authority, in conjunction with Roads Services. The passing place shall thereafter be constructed wholly in accordance with the Council's detail for a passing place, attached to and forming part of this decision notice, in the location approved.

Reason: In the interest of road safety.

02. The operating hours of the development hereby approved shall be limited to 11:00 to 20:00 Mondays to Saturdays.

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

03. The development hereby approved shall be limited to a maximum of 80 attendees at any time.

Reason: To protect the residential amenity of the surrounding area, and to control vehicle movements.

04. The development hereby approved shall be limited to ceremonies only and shall not be used for wedding receptions. No food or drink shall be served at the development. The development shall not operate simultaneously with the wine distribution or wine tasting business located in the same building, approved under planning reference 23/228/PP.

Reason: To protect the residential amenity of the surrounding area, and to control vehicle movements, as both developments within the building were submitted and assessed separately.

## Appendix 2.

### **Proposed Installation of Replacement Windows and Doors, Three Air Source Heat Pumps, External Insulation and PV Array at Trenabie House, Pierowall, Westray (24/046/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 replacement doors or windows shall be installed until full details of the colour of the doors and window frames have been submitted to and approved, in writing, by the Planning Authority. Thereafter, doors and windows shall be installed wholly in accordance with approved details.

Reason: Details are not submitted, and in the interests of visual amenity and the appearance of the development.

03. Throughout the lifetime of the development, the total maximum noise from the Air Source Heat Pumps hereby approved shall not exceed NR25 within any residential property outwith the development site, 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 50mm).

Reason: In the interests of residential amenity, to protect nearby residents from excessive noise disturbance from the air source heat pumps.

04. Throughout the lifetime of the development, any exterior lighting installed shall be positioned, angled and controlled to prevent any direct illumination, glare or light spillage outwith the site boundary. The use of automatic cut-out or sensor operated external lighting of limited timed illumination shall be used. External lighting on the building shall meet the requirements for Zone E2 areas (Rural/Small Village locations) as defined by the Institution of Lighting Professionals.

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

06. The biodiversity measures described in the submitted Biodiversity form (dated 8 February 2024) and shown on the Site Plan hereby approved (reference OKDC-NOR-WS-ZZ-DR-A-00011, revision P01, dated 11 December 2023) 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 within the next planting season of any planting that does not survive, is removed, or is damaged.

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

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.

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 the development.



**Appendix 3.****Proposed Erection of Domestic Shed (Retrospective) at The Mad Hatter, Northside Road, Birsay (24/237/HH)****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 development hereby approved shall be used for domestic purposes incidental to the enjoyment of the dwellinghouse The Mad Hatter only. The building shall not be used for any commercial activity unless express planning permission is approved.

Reason: To protect the amenity of nearby residential properties, and in accordance with the householder application type, and confirmation of proposed use submitted with the application.

03. 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, and to protect road safety.