

## Minute

### Planning Committee

Wednesday, 7 October 2020, 10:30.

Microsoft Teams.



### Present

Councillors Robin W Crichton, John A R Scott, Alexander G Cowie, Norman R Craigie, David Dawson, Barbara Foulkes, Stephen Sankey, Magnus O Thomson, Owen Tierney, Duncan A Tullock and Heather N Woodbridge.

### Clerk

- Angela Kingston, Committees Officer.

### In Attendance

- Roddy Mackay, Head of Planning, Development and Regulatory Services.
- Jamie Macvie, Planning Manager (Development Management).
- Susan Shearer, Planning Manager (Development and Marine Planning).
- Georgette Herd, Solicitor.
- Donald Wilson, Roads Authority Officer.

### Observing

- David Hartley, Communications Team Leader.
- David Barclay, Senior Planner (Development Management).

### Declarations of Interest

- No declarations of interest were intimated.

### Chair

- Councillor Robin W Crichton.

## 1. Suspension of Standing Orders

The Committee **suspended Standing Order 8.11** to enable members to participate in the meeting from a remote location, as a party had the right to be heard in person or through a representative and the decision to be made was as a result of a quasi-judicial or regulatory hearings process, such as a planning application or an appeal.

## 2. Form of Voting

The Committee resolved that, should a vote be required in respect of the planning applications to be considered at this meeting, notwithstanding Standing Order 21.4, the form of voting should be by calling the roll or recorded vote.

### **3. Planning Application 20/157/PP**

#### **Proposed Erection of House with Integral Garage and Air Source Heat Pump and Creation of Access at Eastr, Stromness**

Corrine Sinclair, applicant, and Stephen Omand, agent for the applicant, were present during consideration of this item.

After consideration of a report by the Executive Director of Development and Infrastructure, copies of which had been circulated, and after hearing a report from the Planning Manager (Development Management), the Committee:

Noted:

**3.1.** That the application had been called in by two Councillors and, in accordance with the Scheme of Delegation, the application required to be reported to Committee for determination.

After hearing representations from Stephen Omand, agent for the applicant, and from Corrine Sinclair, applicant, Councillor Robin W Crichton, seconded by Councillor Duncan A Tullock, moved that the application for planning permission in respect of the proposal for the erection of a house with integral garage and an air source heat pump and the creation of an access at Eastr, Stromness, be refused, for the reasons as proposed by officers.

Councillor Barbara Foulkes, seconded by Councillor David Dawson, moved an amendment that the application for planning permission in respect of the proposal for the erection of a house with integral garage and an air source heat pump and the creation of an access at Eastr, Stromness, be approved, subject to conditions, as, in their opinion:

(1) Although the proposed development did not comply with Policy 5E of the Orkney Local Development Plan 2017 or meet any necessary criteria for a new house in the countryside, the proposed site was located in close proximity to the Stromness settlement boundary.

(2) In the context of existing built development in the general area, the landscape and visual impact of the proposed development would be minimal and would not have a significant effect on the overall integrity of the Hoy and West Mainland National Scenic Area.

(3) The compassionate and personal grounds, as referenced by the soul and conscience letter, demonstrated extremely exceptional circumstances and were a material consideration which outweighed all other policy considerations.

And, accordingly, the proposed development complied with the following policies of the Orkney Local Development Plan 2017:

- Policy 1 – Criteria for All Development.
- Policy 2 – Design, parts (i) and (ii).
- Policy 9G – Landscape.

The result of a recorded vote was as follows:

For the Amendment:

Councillors Norman R Craigie, David Dawson, Barbara Foulkes, John A R Scott and Magnus O Thomson (5).

For the Motion:

Councillors Alexander G Cowie, Robin W Crichton, Stephen Sankey, Owen Tierney, Duncan A Tullock and Heather N Woodbridge (6).

The motion was therefore carried and the Committee thereafter resolved, in terms of delegated powers:

**3.2.** That the application for planning permission in respect of the proposal for the erection of a house with integral garage and an air source heat pump and the creation of an access at Eastr, Stromness, be refused, for the reasons set out in Appendix 1 to this Minute.

#### **4. Planning Application 20/221/AMC**

##### **Proposed Erection of Replacement House with Air Source Heat Pump, Creation of Access and Reinstatement of Shed at Sunnybraes, Houton Road, Orphir**

Simon Strachan, applicant, Peter Finnigan, agent for the applicant, and Stephen Veale, objector, were present during consideration of this item.

After consideration of a report by the Executive Director of Development and Infrastructure, copies of which had been circulated, and after hearing a report from the Planning Manager (Development Management), the Committee:

Noted:

**4.1.** That letters of objection relating to the application for planning permission in respect of the proposal for the erection of a replacement house with an air source heat pump, creation of an access and reinstatement of a shed at Sunnybraes, Houton Road, Orphir, had been received from the following:

- Stephen Veale, The Office, Woodgate Farm, Cliffords Mesne, Newent, Gloucestershire.
- Michael Grainger, Ardeonaig, Orphir.

After hearing representations from Stephen Veale, objector, and from Peter Finnigan, agent for the applicant, Simon Strachan, on the motion of Councillor Alexander G Cowie, seconded by Councillor Stephen Sankey, the Committee:

Resolved, in terms of delegated powers:

**4.2.** That planning permission be granted in respect of the proposal for the erection of a replacement house with an air source heat pump, creation of an access and reinstatement of a shed at Sunnybraes, Houton Road, Orphir, subject to the conditions attached as Appendix 2 to this Minute.

## **5. Planning Application 20/246/PP**

### **Proposed Erection of Two Houses with Air Source Heat Pumps and Alteration of Access at Eastbrae, Stromness**

Stephen Omand, agent for the applicant, Wardhill Homes Limited, was present during consideration of this item.

After consideration of a report by the Executive Director of Development and Infrastructure, copies of which had been circulated, and after hearing a report from the Planning Manager (Development Management), the Committee:

Noted:

**5.1.** That a letter of objection relating to the application for planning permission in respect of the proposal for the erection of two houses with air source heat pumps and the alteration of an access at Eastbrae, Stromness, had been received from A Fiddler, on behalf of C Fotheringham, Enfield, Stromness.

After hearing representations from Stephen Omand, agent for the applicant, Wardhill Homes Limited, on the motion of Councillor Robin W Crichton, seconded by Councillor John A R Scott, the Committee:

Resolved, in terms of delegated powers:

**5.2.** That planning permission be granted in respect of the proposal for the erection of two houses with air source heat pumps and the alteration of an access at Eastbrae, Stromness, subject to the conditions attached as Appendix 3 to this Minute.

## **6. Conclusion of Meeting**

At 12:30 the Chair declared the meeting concluded.

Signed: Rob W Crichton.

**Appendix 1.****Proposed Erection of House with Integral Garage and Air Source Heat Pump and Creation of Access at Eastra, Stromness (20/157/PP)****Refuse for the following reasons:**

01. The proposed development fails to meet any policy requirement for a new house in the countryside. Specifically, the application fails to meet any one of the eight policy provisions in relation to Housing in the Countryside as included in Policy 5E. The application is contrary to Policy 5E – Housing – Single Houses and new Housing Clusters in the Countryside of the Orkney Local Development Plan 2017.
02. The site location would not reflect the character of the surrounding area and would appear incongruous and intrusive due to inappropriate siting within the landscape. The development fails to comply with Policy 1 – Criteria for All Development, paragraphs i and ii, of the Orkney Local Development Plan 2017.
03. The site location would not reflect the local settlement pattern, it would not reinforce the distinctive identity of Orkney's rural built environment and would not be sympathetic to the character of the local area. The development fails to comply with Policy 2 – Design, paragraphs i and ii, of the Orkney Local Development Plan 2017.
04. The proposed house location and footprint are not sited to minimise negative impacts on the local landscape. The proposed site location would also have the potential, in combination with the other isolated house along Downie's Lane, to create incongruous development of individual houses in the landscape. Given the location of the development and prominence within the local landscape the proposal is considered contrary to Policy 9 – Natural Heritage and Landscape, paragraph G i, ii and iii.

## Appendix 2.

### **Proposed Erection of Replacement House with Air Source Heat Pump, Creation of Access and Reinstate Shed at Sunnybraes, Houton Road, Orphir (20/221/AMC)**

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

01. No development shall commence until full details of the access from the site to the public road, including the specification, including surfacing and drainage, shall be submitted to, and agreed in writing with, the Planning Authority. The access shall thereafter be constructed in accordance with the approved details prior to commencement of any works within the application site and shall be completed in accordance with the approved detail prior to occupation, unless otherwise agreed, in writing, by the Planning Authority.

Reason: In the interests of road safety and visual amenity.

02. Throughout the lifetime of the development hereby approved, the access track comprising part of the application site, where it crosses croft land, shall allow continued access to and use of adjoining croft land that is otherwise not directly utilised by the access.

Reason: To ensure that the development will not impede access to, or have an adverse impact on, the purposeful use of croft land not directly impacted upon by the development.

03. No development shall commence until an archaeological watching brief for the clearing of the ground for the approved development (including access), using the services of an approved archaeologist (suitably qualified professionals working for an CiFA Registered Organisation, and a CV supplied for the person on site) has been submitted to, and agreed in writing with, the Planning Authority. Thereafter, the County Archaeologist shall be notified in writing not less than 7 days before development commences, confirming the date when works are scheduled to commence on site, and informed of the archaeological company undertaking the work. Any significant finds should be notified to the County Archaeologist immediately.

Following any discovery, a suitable scheme should be agreed to excavate and record any remains or preserve in situ, the agreed approach shall be approved in writing with the Planning Authority, in consultation with the County Archaeologist. Any human remains, including cremated, should be reported to the County Archaeologist and Police Scotland, and dealt with according to Historic Environment Scotland's Human Remains in Archaeology sites policy. Work in the immediate area should cease temporarily.

Reason: To ensure that any archaeological remains and features are identified and recorded.

04. Throughout the lifetime of the development hereby granted planning permission, surface water must be treated in accordance with the principles of Sustainable Urban Drainage Systems (SUDS) and be compliant with the guidance set out in CIRIA's SuDS Manual C753. The requisite surface water drainage shall be operational prior to the development being brought into use and shall be maintained as such thereafter.

All surface water shall be contained within the development site and there shall be no surface water drainage run-off onto the road or adjacent land.

Reason: To ensure the provision of an adequate surface water drainage system and to accord with Policy 13B 'Sustainable Drainage Systems (SuDS)' of Orkney Local Development Plan 2017, Scottish Planning Policy 'Managing Flood Risk and Drainage' and in the interests of road safety.

05. The retained traditional stone building, as denoted on the site plan hereby approved, shall be made fully wind and watertight prior to commencement of construction of the new house. All materials used in such works shall match those currently found on the building, including natural flagstone roofing and natural stone walls. Thereafter, the building shall be retained throughout the lifetime of the development hereby approved in a wind and watertight condition and shall be used for purposes ancillary to the use and enjoyment of the approved house only.

Reason: To protect the appearance of the area and safeguard a traditional vernacular building of historical interest.

06. No development shall commence until a Landscaping and Planting Plan is submitted to, and agreed in writing by, the Planning Authority. This Plan shall include the number, size, density and species of all trees or shrubs, and details of all hard and soft landscaping within the development. Thereafter, and no later than the first winter planting season following first occupation of the house, the development shall be completed wholly in accordance with details included in the approved Landscaping and Planting Plan.

Reason: In the interest of visual amenity.

07. Throughout the lifetime of the development, any external lighting used on the dwelling and any outbuilding(s) shall be downward facing only and shall comply with the Council's 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.

Note: Further information regarding the control of light pollution and obtrusive light can be viewed online at [www.theilp.org.uk/documents/obtrusive-light/](http://www.theilp.org.uk/documents/obtrusive-light/) (Institution of Lighting Professionals (Guidance Notes for the Reduction of Obtrusive Light GN01:2011)) and [www.scotland.gov.uk/Publications/2007/03/14164512/0](http://www.scotland.gov.uk/Publications/2007/03/14164512/0) Scottish Executive (Transport Scotland) Guidance Note (Controlling Light Pollution and Reducing Lighting Energy Consumption).

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.

08. 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 on 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.

Throughout the construction phase of the development there shall be no burning of waste material on site.

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 3.

## Proposed Erection of Two Houses with Air Source Heat Pumps and Alter Access at Eastbrae, Stromness (20/246/PP)

### Grant subject to the following conditions:

01. The dwellings hereby approved shall be finished externally using the following materials and colours:

- Roof – ‘Tate’ steel metal cladding in colour anthracite.
- Walls – white render.
- Rainwater goods – black.
- Doors and windows – anthracite.
- Site boundary – post and wire fencing.

Reason: To protect the landscape setting of the development.

02. Total noise from the Air Source Heat Pump(s) installed at each dwelling 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.

03. Hours of construction work on site 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 07:30 and 19:00 Mondays to Fridays, 09:00 to 17:00 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: To safeguard the amenity of nearby residents.

04. No development shall commence until a Landscaping and Planting Plan is submitted to, and agreed in writing by, the Planning Authority. This Plan shall include the number, size, density and species of all trees or shrubs, and details of all hard and soft landscaping within the development. Thereafter, and no later than the first winter planting season following first occupation of either house, the development shall be completed wholly in accordance with details included in the approved Landscaping and Planting Plan.

Reason: In the interest of visual amenity and to accord with the aims of the Eastbrae, Stromness Development Brief.

05. 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.

06. No development shall commence until full details of the management of surface water within the site are submitted to, and agreed in writing by, the Planning Authority, in conjunction with Roads Services. These details shall include prevention of surface water from the site draining to the public road. Agreed surface water management measures shall be constructed and completed prior to first occupation of 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.

Reason: To ensure the provision of an adequate surface water drainage system and to accord with Policy 13B – Sustainable Drainage Systems of Orkney Local Development Plan 2017.

07. Prior to the dwelling hereby approved being occupied and brought into first use, it shall be connected to Scottish Water's public waste water system.

Reason: In the interests of environmental protection and to accord with Policy 13C – Waste Water Drainage of Orkney Local Development Plan 2017.