MINUTE of the MEETING of the PLANNING COMMITTEE of ORKNEY ISLANDS COUNCIL held in COUNCIL OFFICES, KIRKWALL on 9 DECEMBER 2015 at 11.45am

Present: Councillors Robin W Crichton, Owen Tierney, Janice Annal, Maurice C Davidson, J Harvey Johnston, Rachael A King, W Leslie Manson, Graham L Sinclair, James W Stockan and William T Stout

Clerk to the Committee: Angela Kingston, Committees Officer

In Attendance: Roddy MacKay, Head of Planning and Regulatory Services
Fiona Mullen, Planning Manager (Development Management)
Peter Trodden, Solicitor
Jamie Macvie, Senior Planner
Sue Doyle, Planning Officer (for Items 1 to 3)
Donald Wilson, Roads Authority Officer (for Items 1 to 3)

Apologies: Councillors Andrew Drever and James W R Moar

Declaration of Interest: Councillor Rachael A King – Item 5
Councillor Robin W Crichton in the Chair

1. PLANNING APPLICATION 15/367/PP
PROPOSED CONVERSION OF RETAIL/STORAGE BUILDING TO HOUSE AND TWO FLATS AND INSTALLATION OF AIR SOURCE HEAT PUMPS AT 2-4 WEST TANKERNESSE LANE, KIRKWALL

Di Grieve, agent for the applicant, J & W Tait, 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 Senior Planner, the Committee:-

NOTED:-

1.1. that the Scottish Environment Protection Agency had objected to the application for planning permission in respect of the proposed conversion of a retail/storage building to a house and two flats and installation of air source heat pumps at 2-4 West Tankerness Lane, Kirkwall, on the grounds that the proposal might place buildings and persons at flood risk, contrary to Scottish Planning Policy.
After hearing representations from Di Grieve, agent for the applicant, J & W Tait, on the motion of Councillor W L Manson, seconded by Councillor M C Davidson, the Committee:-

RESOLVED, in terms of delegated powers:-

1.2. that the Council should notify Scottish Ministers of its intention to approve the application for planning permission in respect of the proposed conversion of a retail/storage building to a house and two flats and installation of air source heat pumps at 2-4 West Tankerness Lane, Kirkwall, subject to conditions;

1.3. that, should the application not be called in by Scottish Ministers for determination, consent should be issued in respect of the proposed conversion of a retail/storage building to a house and two flats and installation of air source heat pumps at 2-4 West Tankerness Lane, Kirkwall, subject to the conditions listed in Appendix 1 to this Minute; and

1.4. that powers be delegated to the Executive Director of Development and Infrastructure to issue the consent incorporating the conditions, referred to at paragraph 1.3 above.

2. PLANNING APPLICATION 15/391/PP
PROPOSED ERECTION OF WORKSHOP, OFFICE AND HERITAGE CENTRE
AND ASSOCIATED WORKS (PART RETROSPECTIVE) (AMENDMENT TO 13/080/PP) AT LOBSTER PONDS, WHITEHALL, STRONSAW

Francis Colborn-Veitch and Carole Cotterill, representing the applicant, Stronsay Development Trust, 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 Officer, the Committee:-

NOTED:-

2.1. that letters of objection relating to the application for planning permission in respect of the proposed erection of a workshop, office and heritage centre, incorporating an existing wall, creation of a parking area, installation of sewage treatment and installation of an air source heat pump (part retrospective) (amendment to 13/080/PP), had been received from the following:-

2.1.1. Clive Martin, Seafield, Stronsay;
2.1.2. Sheila Burger, Helmsley, Stronsay; and
2.1.3. Anthony Withers, Woodlea, Whitehall, Stronsay.
After hearing a statement from Sheila Burger, objector, which was read out by the Clerk, and representations from Francis Colborn-Veitch, representing the applicant, Stronsay Development Trust, on the motion of Councillor M C Davidson, seconded by Councillor O Tierney, the Committee:

RESOLVED, in terms of delegated powers:-

2.2. that planning permission be granted in respect of the proposed erection of a workshop, office and heritage centre, incorporating an existing wall, creation of a parking area, installation of sewage treatment and installation of an air source heat pump (part retrospective) (amendment to 13/080/PP), subject to the conditions listed in Appendix 2 to this Minute.

3. PLANNING APPLICATION 15/408/PP
PROPOSED UPGRADING OF EXISTING ACCESS, CREATION OF ACCESS, EXTENSION OF MILL, ERECTION OF BUILDING AND CONSTRUCTION OF CAR PARK AND ASSOCIATED WORKS AT TORMISTON MILL, STENNESS

Lucy Vaughan and Stephen Watt, representing the applicant, Historic Environment Scotland, 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 Senior Planner, the Committee:-

NOTED:-

3.1. that letters of objection relating to the application for planning permission in respect of the proposed upgrading of an existing access, creation of an access, extension of the mill, erection of a building with turf roof, construction of a car park, footpaths, a bridge and an underpass, installation of a treatment plant and two air source heat pumps and landscaping at Tormiston Mill, Stenness, had been received from the following:-

3.1.1. Keith Brown, Overlea, Stenness;
3.1.2. Fiona Grahame, Roselea Cottage, Lyking Road, Sandwick; and
3.1.3. Joe Horrocks, Upper Bigswell, Bigswell Road, Stenness; and

3.2. that the Scottish Environment Protection Agency had objected to some elements of the application, referred to at paragraph 3.1 above, on the grounds of lack of information on flood risk.

After hearing a statement from the Scottish Environment Protection Agency, objector, which was read out by the Clerk, and representations from Lucy Vaughan and Stephen Watt, representing the applicant, Historic Environment Scotland, on the motion of Councillor J W Stockan, seconded by Councillor R W Crichton, the Committee:-
RESOLVED, in terms of delegated powers:-

3.3. that the Council should notify Scottish Ministers of its intention to approve the application for planning permission in respect of the proposed upgrading of the existing access, creation of an access, extension of the mill, erection of a building with turf roof, construction of a car park, footpaths, bridge and underpass, installation of a treatment plant and two air source heat pumps and landscaping at Tormiston Mill, Stenness, subject to conditions;

3.4. that, should the application not be called in by Scottish Ministers for determination, consent should be issued in respect of the proposed works at Tormiston Mill, Stenness, referred to at paragraph 3.3 above, subject to the conditions listed in Appendix 3 to this Minute; and

3.5. that powers be delegated to the Executive Director of Development and Infrastructure to issue the consent incorporating the conditions, referred to at paragraph 3.4 above.

Councillor M C Davidson left the meeting at this point.

4. PLANNING APPLICATION 15/425/PP
   INSTALLATION OF CLADDING (RETROSPECTIVE) AT
   21 CHURCH ROAD, STROMNESS

Reverend Tom Miller, representing the applicant, St Mary’s Scottish Episcopal Church, 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 Senior Planner, the Committee:-

NOTED:-

4.1. that a letter of objection relating to the application for retrospective planning permission in respect of the installation of cladding at 21 Church Road, Stromness, had been received from Stromness Community Council, c/o Mrs P Breck, Veisiden, Kirbister.

After hearing representations from Tom Miller, representing the applicant, St Mary’s Scottish Episcopal Church, the Committee:-

RESOLVED, in terms of delegated powers:-

4.2. that retrospective planning permission be granted in respect of the installation of cladding at 21 Church Road, Stromness, subject to the condition listed in Appendix 4 to this Minute.
5. **PLANNING APPLICATION 15/515/PP**

**PROPOSED ERECTION OF TWO FLATS WITH AIR SOURCE HEAT PUMPS AT 29A VICTORIA STREET, KIRKWALL**

Councillor R A King declared a non-financial interest in this item, in that she was on the neighbour notification list for the application, and was not present during discussion thereof.

Colin Gregg, representing the applicants, Stephen Omand, agent for the applicants, Mr and Mrs Colin Gregg, and Carol Rae, representing one of the objectors, Isobel Rae-Shortland, 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 Senior Planner, the Committee:-

**NOTED:-**

5.1. that letters of objection relating to the application for planning permission in respect of the proposed erection of two flats with air source heat pumps at 29A Victoria Street, Kirkwall, had been received from the following:-

   5.1.1. Isobel Rae-Shortland, 30/9 Cowan Road, Edinburgh;
   5.1.2. Norrie and Karen Rendall, 5 Walls Close, Kirkwall; and
   5.1.3. Kristyn Grieve, 29 Victoria Street, Kirkwall;

5.2. that the Scottish Environment Protection Agency had objected to the application, referred to at paragraph 5.1 above, on the grounds that the proposal might place buildings and persons at flood risk, contrary to Scottish Planning Policy.

After hearing a statement from Thomas Desalle and Kristyn Grieve, on behalf of the objector, Kristyn Grieve, which was read out by the Clerk, representations from Carol Rae, representing the objector, Isobel Rae-Shortland, and representations from Stephen Omand, agent for the applicants, Mr and Mrs Colin Gregg, Councillor J W Stockan, seconded by Councillor W L Manson, moved that planning permission be granted in respect of the proposed erection of two flats with air source heat pumps at 29A Victoria Street, Kirkwall, subject to conditions as proposed by officers, but amended to include installation of screening to the staircase landing.

Councillor J Annal, seconded by Councillor O Tierney, moved an amendment that the application be deferred to allow a daylight and sunlight assessment to be undertaken.

On a vote being taken 3 members voted for the amendment and 5 for the motion, and the Committee:-
RESOLVED, in terms of delegated powers:-

5.3. that the Council should notify Scottish Ministers of its intention to approve the application for planning permission in respect of the proposed erection of two flats with air source heat pumps at 29A Victoria Street, Kirkwall, subject to conditions;

5.4. that, should the application not be called in by Scottish Ministers for determination, consent should be issued in respect of the proposed erection of two flats with air source heat pumps at 29A Victoria Street, Kirkwall, subject to the conditions listed in Appendix 5 to this Minute; and

5.5. that powers be delegated to the Executive Director of Development and Infrastructure to issue the consent incorporating the conditions, referred to at paragraph 5.4 above.

Councillor M C Davidson rejoined the meeting at this point.

6. PLANNING APPLICATION 15/526/PIP
PROPOSED ERECTION OF HOUSE AT 11 LAVEROCK ROAD, KIRKWALL

Mervin Harcus, representing the applicants, and Nicholas Coward, agent for the applicants, M and C Harcus, 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 Senior Planner, the Committee:-

NOTED:-

6.1. that letters of objection relating to the application for planning permission in principle in respect of the proposed erection of a house at 11 Laverock Road, Kirkwall, had been received from the following:-

6.1.1. Mark Causer, 1 Manse Lane, Kirkwall;
6.1.2. Harry and Mary Connolly, 7 Manse Road, Kirkwall;
6.1.3. David Flett, 9 Manse Road, Kirkwall;
6.1.4. Stevie Irvine and Katie Green, 11 Laverock Road, Kirkwall;
6.1.5. Gifford Leslie, West End Hotel, 14 Main Street, Kirkwall; and
6.1.6. Laurence Tait, 15 Laverock Road, Kirkwall.

After hearing representations from Nicholas Coward, agent for the applicants, M and C Harcus, the Committee:-

RESOLVED, in terms of delegated powers:-

6.2. that planning permission in principle be granted in respect of the proposed erection of a house at 11 Laverock Road, Kirkwall, subject to the conditions listed in Appendix 6 to this Minute.
7. **CONCLUSION OF MEETING**

At 3.10pm the Chair declared the meeting concluded.

Signed: Rob Crichton
Appendix 1

Proposed Conversion of Retail/Storage Building to House and Two Flats and Installation of Air Source Heat Pumps at 2-4 West Tankerness Lane, Kirkwall (15/367/PP)

GRANT subject to the following conditions:

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

(a) Roof – existing blue metal sheeting;
(b) Walls – existing render, repaired where openings are amended;
(c) Windows – grey; and
(d) Doors – grey.

Reason: To protect the character and appearance of the area.

02. Hours of construction and demolition 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 8am and 6pm Mondays to Fridays, 8am to 12.30pm 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: To safeguard the amenity of nearby residents.

03. Total noise from the air source heat pump(s) hereby approved 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 pump(s).
Appendix 2

Proposed Erection of Workshop, Office and Heritage Centre, incorporating Existing Wall, Creation of Parking Area, Installation of Sewage Treatment and Installation of Air Source Heat Pump (Part Retrospective) (Amendment to 13/080/PP) at Lobster Ponds, Whitehall, Stronsay (15/391/PP)

GRANT subject to the following conditions:

01. The materials used on the external walls and roof of the development hereby granted planning permission shall be as stated unless otherwise agreed, in writing, by the Planning Authority:

(a) Roofs – Marley Eternit – Farmscape Sheeting – Colour: Anthracite;
(b) Walls – Front Elevation:
   (i) existing stone wall picked and pointed and repaired as necessary;
   (ii) blockwork to existing blocked in windows to be replaced and coated with smooth render – colour: Cream;
   (iii) areas of timber cladding – Siberian Larch – to weather naturally to Grey; and
   (iv) areas of smooth render – Colour: Cream;
(c) Walls – Side and Rear Elevations –
   (i) dry dash render – colour: to match adjacent dwelling (Cream); and
   (ii) areas of timber cladding – Siberian Larch – to weather naturally to Grey;
(d) Windows and Doors – PVCu, Colour: Cement Grey (RAL 7033);
(e) Rainwater Goods – PVCu, Colour: Black; and
(f) Boundary Treatment:
   (i) post and wire fencing, not exceeding 1 metre in height to southern boundary;
   (ii) existing earth bund not exceeding 2 metres high to western boundary; and
   (iii) existing stone wall not exceeding 1 metre in height to the eastern boundary as indicated on Site Plan OIC-02.

Thereafter, only the approved materials shall be used on the development.

Reason: To ensure that the external appearance of the development is acceptable.

02. Throughout the lifetime of the development, the Use Classes permitted at the development hereby approved shall be those falling under the following Classes:

(a) Classes 4 or 6 – Units 1, 2 and 3; and
(b) Class 10 – Units 4 and 5.
There shall be no changes to the use classes of the units throughout the lifetime of the development, unless a full planning application for change of use has been submitted to, and approved in writing by, the Planning Authority.

Reason: To protect the amenity of the area and for the avoidance of doubt.

03. Prior to the approved development being brought into use, the car park, access, bin storage areas and Klargester Bio-Disc Sewage Plant shall be fully installed in accordance with the approved plans unless otherwise agreed in writing by the Planning Authority.

Reason: In the interests of road safety and in the interests of safeguarding the amenity of the surrounding area.

04. Prior to any external lights being installed to serve this development, full details shall be submitted to, and approved in writing by, the Planning Authority. Thereafter only the approved external lighting shall be installed.

Reason: To protect the amenity of neighbouring residential properties.

05. Hours of work/operation permitted on the site/within the units, involving the use of machinery and powered tools, or any other operation, for example hammering or music, that would generate noise audible beyond the boundary of the site, shall only take place between the hours of 8am and 6pm Mondays to Fridays, 9am to 5pm on Saturdays, and not at all on Sundays or the Christmas or New Year Public Holidays, unless otherwise agreed in writing by the Planning Authority.

Reason: To safeguard the amenities of residents in the area.

06. One air source heat pump only is permitted under planning permission 15/391/PP. Throughout the lifetime of the development, the maximum noise from the Air Source Heat Pump hereby granted planning permission 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: For the avoidance of doubt and to protect any nearby residents from excessive noise disturbance from the air source heat pump.

07. 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). Further information on SUDs may be found on SEPA’s website at the following link: [http://www.sepa.org.uk/planning/surface_water_drainage.aspx](http://www.sepa.org.uk/planning/surface_water_drainage.aspx).

Storm water drainage shall connect to the existing drains at the property as indicated on Site Plan OIC-02, stamped approved and attached to the decision notice.
Reason: To accord with policy D4 - Sustainable drainage systems (SuDS) of the Orkney Local Development Plan 2014 and Scottish Planning Policy 15 - Planning and Flooding.

08. Throughout the lifetime of the development, vehicular access shall only be taken from the access off the B9060 to the former Council Yard at the rear of the building.

Reason: For the avoidance of doubt and in the interests of road safety.

09. Throughout the lifetime of the development, pedestrian access only will be permitted to the building/site from the road to the front of the building.

Prior to the first use of the building/site hereby granted planning permission:

(a) Notwithstanding the details shown on Plan OIC-05, the bollards to the pedestrian access shall be completed and spaced at a maximum of 1.7 metres apart, as required by the Council’s Road Services in their e-mail dated 10 November 2015. The bollards shall be retained thereafter and throughout the lifetime of the development.

(b) One ‘Pedestrian Access Only’ sign 300mm x 420mm, shall be attached to the eastern gable wall of the building as indicated on the plan/information from Orkney Construction Consultants (Francis Colborn-Veitch) received by the Planning Authority on 19 November 2015 and shall be fully installed prior to the first use of the development. The signage shall be retained thereafter and throughout the lifetime of the development.

Reason: For the avoidance of doubt and in the interests of road safety.

10. 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 7.30am and 7pm Mondays to Fridays, 9am to 5pm 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 amenities of residents in the area.
Appendix 3


GRANT subject to the following conditions:

01. Prior to commencement of development within the site, a construction traffic management plan shall be submitted to, and agreed in writing by, the Planning Authority. That management plan shall include full details of:

   (a) all expected plant;
   (b) vehicle weights and lengths;
   (c) number of loads; and
   (d) types of loads.

Those details shall include vehicle movements to and from site throughout the duration of all works. Vehicle movements shall thereafter be carried out in accordance with the terms of the approved construction traffic management plan.

Reason: To protect road safety.

02. Prior to commencement of any works for the underpass or adjoined ramps, a traffic statement and traffic management plan shall be submitted to, and agreed in writing by, the Planning Authority. The management plan shall include full details of:

   (a) general traffic, including minimising disruption to the A965;
   (b) pedestrians, including provision of a temporary crossing point; and
   (c) maintenance of unrestricted two way traffic flow on the A965 during May to September.

Reason: To protect road safety and traffic flow on the A965.

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 7.30am and 7pm Mondays to Fridays, 9am to 5pm 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: To reduce disturbance to residents, in accordance with policy SD1 of the Orkney Local Development Plan 2014.
04. Prior to commencement of development within the site, an Archaeological Scheme of Investigation shall be submitted to, and agreed in writing by, the Planning Authority, in conjunction with the County Archaeologist. Thereafter, all works shall be carried out in accordance with the terms of the Scheme of Investigation.

Reason: To protect archaeology within the application site.

05. Prior to the commencement of development within the site, an otter survey shall be carried out to identify otter activity in the area. The survey shall be carried out no earlier than 12 weeks prior to the date of commencement of works. If necessary, the survey shall also include a species protection plan of mitigation measures required in order to protect the species, and the development shall be completed to include all such measures, unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure the development has no adverse impact on a European protected species.
Appendix 4

Installation of Cladding (Retrospective) at 21 Church Road, Stromness (15/425/PP)

GRANT subject to the following condition:

01. Within six months of the date of this consent, the timber cladding hereby approved on the walls of the lean-to part of the building shall be painted grey to match the colour of the walls prior to the current cladding installation, unless otherwise agreed in writing by the Planning Authority.

Reason: To protect the character and appearance of the conservation area by ensuring a traditional finish.
Appendix 5

Proposed Erection of Two Flats with Air Source Heat Pumps at 29A Victoria Street, Kirkwall (15/515/PP)

GRANT subject to the following conditions:

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

   (a) Roof – natural slates;
   (b) Walls – smooth render, colour ivory/cream, with window bands;
   (c) Windows – timber, painted grey;
   (d) Doors – composite, grey;
   (e) Rainwater goods – black; and
   (f) Staircase – black, with 2 metre high solid screening to the east side of the landing.

   Reason: To protect the character and appearance of the area.

02. Hours of construction and demolition 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 8am and 6pm Mondays to Fridays, 8am to 12.30pm 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: To safeguard the amenity of nearby residents.

03. Total noise from the air source heat pump(s) hereby approved 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 pump(s).
Proposed Erection of House at 11 Laverock Road, Kirkwall (15/526/PIP)

GRANT subject to the following condition:

01. Within three years of the date of this permission, an application for approval of the following matters shall be submitted to, and approved by, the Planning Authority:

   (a) the siting, design and external appearance of all buildings and other structures;
   (b) the access details including a surface water drainage scheme;
   (c) the layout of the site, including all roads, footways, and parking areas, including the provision of no less than two car parking spaces;
   (d) the design and location of all boundary walls and fences;
   (e) the provision of drainage works; and
   (f) the disposal of sewage.

No development shall commence until all of these matters have been approved and, thereafter, the development shall be carried out in accordance with the approved details, unless agreed otherwise in writing by the Planning Authority.

Reason: To accord with the Town and Country Planning (Scotland) Act 1997 as amended, as the approval is in principle only.