

## Minute

### Planning Committee

Wednesday, 7 July 2021, 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, 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).
- Paul Maxton, Solicitor.
- Donald Wilson, Roads Authority Officer.

### Observing

- Susan Shearer, Planning Manager (Development and Marine Planning).
- David Barclay, Senior Planner (Development Management).
- Rebecca McAuliffe, Press Officer.

### Not Present

- Councillor Magnus O Thomson.

### Declaration of Interest

- Councillor John A R Scott – Item 3.

### 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 application to be considered at this meeting, notwithstanding Standing Order 21.4, the form of voting should be by calling the role (recorded vote).

## **3. Planning Application 21/199/PP**

### **Proposed Alterations to Public Park at Papdale, Kirkwall**

Councillor John A R Scott declared a non-financial interest in this item, being one of the founding members of the Papdale East Play Park Association and was not present during discussion thereof.

Garry Burton and Michael Harvey, representing the applicant, Orkney Islands Council, and Liz Leech, representing the agent for the applicant, HarrisonStevens Limited, 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 a letter of objection relating to the application for planning permission in respect of the proposal for alterations to a public park at Papdale, Kirkwall, had been received from John Garrioch, 33 Reid Crescent, Kirkwall.

After hearing representations from Garry Burton, representing the applicant, Orkney Islands Council, and Liz Leech, representing the agent for the applicant, HarrisonStevens Limited, the Committee:

Resolved, in terms of delegated powers:

**3.2.** That planning permission be granted in respect of the proposal for alterations to a public park at Papdale, Kirkwall, subject to the conditions attached as Appendix 1 to this Minute.

## **4. Planning Application 21/202/PIP**

### **Proposed Siting of Replacement House, Conversion of Redundant Building to House (Two for One), Upgrade Access and Create Access at Midhouse, Mirbister, Harray**

Leslie Burgher, agent for the applicant, R Spence, 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:

**4.1.** That a letter of objection relating to the application for planning permission in respect of the proposal for the siting of a replacement house, conversion of a redundant building to a house (two for one), upgrading an access and creation of an access at Midhouse, Mirbister, Harray, had been received from Mrs R P and G P Wisdom, Midhouse, Mirbister, near Dounby.

After hearing representations from Leslie Burgher, agent for the applicant, R Spence, on the motion of Councillor Robin W Crichton, seconded by Councillor Norman R Craigie, the Committee:

Resolved, in terms of delegated powers:

**4.2.** That planning permission be granted in respect of the proposal for the siting of a replacement house, conversion of a redundant building to a house (two for one), upgrading an access and creation of an access at Midhouse, Mirbister, Harray, subject to the conditions attached as Appendix 2 to this Minute.

## **5. Conclusion of Meeting**

At 11:32 the Chair declared the meeting concluded.

Signed: Rob Crichton.

## **Appendix 1.**

### **Proposed Alterations to Public Park at Papdale, Kirkwall (21/199/PP)**

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

01. No development or work shall commence until a detailed specification for the car park and junction with the public road has been submitted to, and approved in writing by, the Planning Authority in consultation with Roads Services. Thereafter, development and work shall progress in accordance with those approved details.

Reason: To protect road safety and for the avoidance of doubt.

02. No development shall commence until a detailed Outdoor Access Plan of public access and full specification of access routes across the site (as existing, during construction and following completion) has been submitted to, and approved in writing by, the Planning Authority. The plan shall include details showing:

- All existing access points, paths, core path K9 and other routes, and any areas currently outwith or excluded from statutory access rights under Part One of the Land Reform (Scotland) Act 2003, within and adjacent to the application site.
- Any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance or effect on curtilage related to proposed buildings or structures.
- All proposed paths, tracks and other routes for use by walkers, riders, cyclists, all-abilities users, etc and any other relevant outdoor access enhancement (including construction specifications, signage, information leaflets, proposals for on-going maintenance etc).
- Any diversion of paths, tracks or other routes, temporary or permanent, proposed as part of the development (including details of mitigation measures, diversion works, duration and signage).

The approved Outdoor Access Plan, and any associated works, shall be implemented in full prior to the first use of the development or as otherwise may be agreed within the approved plan.

Reason: To safeguard public access during the construction phase of the development.

03. No development shall commence until a Phasing Plan, outlining details of the phasing of the development, has been submitted to, and approved in writing by, the Planning Authority. Thereafter, development shall be undertaken in accordance with this approved Phasing Plan.

Reason: To ensure that the build-out of the development is appropriately managed to avoid adverse impact on infrastructure and amenity.

04. No development, site excavation or groundwork shall commence until a suitably qualified Landscape Consultant has been appointed by the developer. The appointment and remit shall first be approved, in writing, by the Planning Authority. For the avoidance of doubt, the Landscape Consultant shall be appointed as a minimum for the period from the commencement of the development until the completion of the approved landscaping work

and the remit, in addition to any functions approved in writing by the Planning Authority, shall include:

- Ensuring that the approved General Arrangements Softworks Plan (ref 20029\_SW\_200) is implemented to the agreed standard.
- The preparation of Certificates of Compliance for each stage of work involved in the development, which shall be submitted to the Planning Authority upon completion of the stage to which they relate.

Notwithstanding condition 03, prior to the commencement of development, site excavation or groundwork commencing, details of each stage of work (including a general description of the type and extent of work to be carried out within that stage) shall be submitted to, and approved in writing by, the Planning Authority.

Reason: To ensure that the approved landscaping works are properly undertaken on site.

05. Landscaping details pursuant to condition 04 above shall include a detailed Landscape and Maintenance Plan. The Landscape and Maintenance Plan shall be implemented in full during the first planting season following commencement of development, with maintenance thereafter also carried out in accordance with the Landscape and Maintenance Plan. For the avoidance of doubt, any trees or plants which within a period of five years from completion of the development die or, for whatever reason, are removed or damaged, shall be replaced in the next planting season with others of the same size and species.

Reason: To ensure approved landscaping works are properly maintained.

06. No development shall commence until a Maintenance and Management Schedule for surface water management and the management of the de-culverted watercourse has been submitted to, and approved in writing by, the Planning Authority in consultation with Engineering Services. Thereafter, development shall be undertaken in accordance with this approved sched. This Schedule shall include:

- Confirmation of maintenance responsibilities and arrangements for all surface water devices including gratings at either end of the open watercourse.
- Full maintenance details, including a maintenance schedule, of all surface water devices, including gratings at either end of the open watercourse.
- A maintenance schedule for all surface water devices including gratings at either end of the open watercourse.

Reason: To ensure the proper maintenance and management of surface water devices in perpetuity.

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 this development.

## Appendix 2.

### **Proposed Siting of Replacement House, Conversion of Redundant Building to House (two for one), Upgrade Access and Create Access at Midhouse, Mirbister, Harray (21/202/PIP)**

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

01. Within three years of the date of this permission, a written application and plans, in respect of the following matters, shall be submitted to, and approved in writing by, the Planning Authority:

- (a) The siting, design and external appearance of all buildings and other structures. All buildings shall be single storey, and the location, scale and form of the new house, and the conversion (and extension) should reflect those of the original building on site.
- (b) Existing and proposed site sections, and proposed finished floor levels and ridge heights, showing ground levels and how all buildings will be dug into any slope.
- (c) Access to the site – Details shall be provided showing surface water drainage and how surface water from the access will be prevented from flowing onto the public road.
- (d) The layout of the site, including roads, footways, turning areas and parking areas.
- (e) The design and location of all boundary dykes, walls and fences (including materials, colours and heights), including retention of existing stone boundary walls.
- (f) Landscaping of the site (including details of species, sizes, number, type).
- (g) The provision of surface water drainage works.
- (h) The disposal of sewage, including any private sewage system included within the site boundary.
- (i) Full details of refuse bin storage.

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 otherwise agreed 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.

02. In accordance with condition 01(a) above, the retained building, indicated as 'existing building' on the site plan hereby approved, shall be made fully wind and watertight prior to commencement of any construction of the new house on plot 2.

Reason: To protect the appearance of the area, and in accordance with the terms of Supplementary Guidance: Housing Development in the Orkney Countryside.

03. In accordance with conditions 01 and 02 above, a Design Statement shall be produced setting out the scale, simple massing, traditional rural form and proportions, building and surface materials, boundaries and site layout (including building footprints, site layout and materials specified in condition 02). That Design Statement shall be submitted to the Planning Authority with the first application for approval of matters, and the whole development shall be designed to accord with the terms of the Design Statement.

Reason: To protect the appearance of the area, and in accordance with the terms of Supplementary Guidance: Housing Development in the Orkney Countryside.

04. In accordance with the details provided and required in Condition 1(c), and notwithstanding the two accesses shown on the submitted site plan, a single access shall be provided to serve both the sites. This access with the public road shall be constructed to the Council's Roads Services standard '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 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.

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.

05. In accordance with condition 1(g), surface water drainage provision within the application site (both plots) shall accord with the principles of Sustainable Drainage Systems (SuDS) and shall be designed to the standards outlined in Sewers for Scotland Fourth Edition (or any superseding guidance prevailing at the time) prior to the first occupation of any part of the development hereby approved in principle, and no part of the development shall be occupied until the development is connected to an approved and fully constructed and operational surface water drainage system.

Reason: To ensure that surface water drainage is provided timeously and complies with the principles of SUDS; in order to protect the water environment.

06. In accordance with condition 1(h), prior to the first occupation of any part of the development hereby approved in principle, the development shall be connected to an approved and fully constructed and operational foul drainage system. The developer shall consult with the Scottish Environment Protection Agency (SEPA) in relation to authorisations required for discharges of sewerage effluent to land or water.

SEPA (Orkney) can be contacted at Norlantic House, Hatston, Kirkwall (Telephone: 01856 871080). Further information may also be found on SEPA's website at: <https://www.sepa.org.uk/>.

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

07. Throughout the lifetime of the development, any external lighting used on the dwellings and any outbuildings shall be downward facing only and shall comply with the Council's requirements of 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.

Reason: To minimise obtrusive light, glare or distraction in the interests of safeguarding the amenity of the area and to accord with Policy 2 – Design.

08. Hours of work during the demolition works and construction of the development hereby approved in principle, 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 Monday to Friday, 08:00 to 13:00 Saturdays, 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 demolition works and construction of this development.

09. An area of localised road widening shall be constructed from the point at which the North Bigging Road narrows near the eastern boundary of the property known as Ardleigh for a distance of 30 metres. The area of road widening shall be constructed in accordance with the Council's Roads Services detail for Carriageway Construction. In addition, a new passing place shall be constructed on the North Bigging Road, on the triangular area of ground between the two field accesses near the western boundary of the property of Braebister. The passing place shall be constructed in accordance with the Council's Roads Services detail for Construction of a Passing Place. No development shall commence until full details, including a plan at an appropriate scale, of both road works are submitted to, and approved in writing by, the Planning Authority, in conjunction with Roads Services. Thereafter, and prior to occupation of any part of the development hereby approved, all approved improvements within the roads boundary shall be completed wholly in accordance with approved details and to the satisfaction of Roads Services.

Reason: To protect road safety.