

Minute

Planning Committee

Wednesday, 9 October 2024, 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, Jean E Stevenson, Ivan A Taylor and Duncan A Tullock.

Present via remote link (Microsoft Teams)

Councillor Janette A Park.

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).
- Donald Wilson, Roads Authority Officer.
- Paul Maxton, Solicitor.

Observing

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

Declaration of Interest

- Councillor Jean E Stevenson – Item 1.

Chair

- Councillor Owen Tierney.

1. Planning Application 22/295/PIP

Proposed Siting of Two Replacement Houses (Resubmission of 22/113/PIP) near North Quatquoy, Burness Road, Firth

Christopher Omand, representing the applicant, Ms Doreen More, was present during consideration of this item.

Councillor Jean E Stevenson declared an interest in this item, her connection being that the objectors were relatives, and was not present during discussion thereof.

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 a letter of objection relating to the application for planning permission in principle in respect of the proposal to site two replacement houses (resubmission of 22/113/PIP) near North Quatquoy, Burness, Firth, had been received from Mr and Mrs M Byers, Coubister House, Burness Road, Firth.

After hearing a report from the Service Manager (Development Management), and after hearing representations from Christopher Omand, agent representing the applicant, Doreen More, 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:

- National Planning Framework 4:
 - Policy 17 – Rural homes.
- Orkney Local Development Plan 2017:
 - Policy 1 – Criteria for All Development.
 - Policy 2 – Design.
 - Policy 5 – Housing.
 - Policy 14 – Transport, Travel and Road Network Infrastructure.
- Supplementary Guidance:
 - Housing in the Countryside (2021).
- Planning Policy Advice:
 - National Roads Development Guide (2015).
- Development Management Guidance:
 - Housing in the Countryside (2024).
 - Wind Energy Definitions Associated with Noise Assessments (2023).

1.4. That planning permission in principle be granted in respect of the proposal to site two replacement houses (resubmission of 22/113/PIP) near North Quatquoy, Burness Road, Firth, subject to the conditions attached as Appendix 1 to this Minute.

2. Planning Application 22/486/PP

Proposed Erection of Two Houses with Air Source Heat Pumps at Johnston's Road, Rousay.

The Planning Committee noted that this item had been withdrawn.

3. Planning Application 24/055/PP

Proposed Temporary Extension to Travel Centre to include Bus Stances, Associated Infrastructure and Hoarding (Five Years) at Kirkwall Travel Centre, West Castle Street, Kirkwall.

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 for a temporary extension to the Travel Centre, to include bus stances, associated infrastructure and hoarding, had been received from Leslie Sinclair, 31A Broad Street, Kirkwall.

After hearing a report from the Service Manager (Development Management), 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 13 – Sustainable transport.
 - Policy 22 – Flood risk and water management.
- 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 6 – Advertisements and Signage.
 - Policy 9G – Landscape.
 - Policy 13 – Flood Risk, SuDS and Waste Water Drainage.
 - Policy 14 – Transport, Travel and Road Network Infrastructure.

- Supplementary Guidance:
 - Settlement Statements (2017).
- Planning Policy Advice:
 - National Roads Development Guide (2015).

3.4. That planning permission be granted in respect of the proposal for a temporary extension to the Travel Centre, to include bus stances, associated infrastructure and hoarding, at Kirkwall Travel Centre, West Castle Street, Kirkwall, subject to the conditions attached as Appendix 2 to this Minute.

4. Planning Application 24/247/PP

Proposed Erection of Domestic Garage at Seaways, Firth

Edward Drever, objector, 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 a letter of objection relating to the application for planning permission in respect of the proposal to erect a domestic garage at Seaways, Firth, had been received from Edward Drever, Marsdene, Firth.

After hearing a report from the Service Manager (Development Management), and after hearing representations from Edward Drever, objector, on the motion of Councillor Duncan A Tullock, seconded by Councillor John A R Scott, the Committee:

Resolved, in terms of delegated powers:

4.2. That the concerns of the objector had been considered in the assessment of the proposal but were of sufficient 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 14 – Design, quality and place.
- Orkney Local Development Plan 2017:
 - Policy 1 – Criteria for All Development.
 - Policy 2 – Design.
 - Policy 14 – Transport, Travel and Road Network Infrastructure.

4.4. That planning permission be granted in respect of the proposal to erect a domestic garage at Seaways, Firth, subject to the conditions attached as Appendix 3 to this Minute.

5. Conclusion of Meeting

At 10:10 the Chair declared the meeting concluded.

Signed: Owen Tierney.

Appendix 1.**Proposed Siting of Two Replacement Houses (Resubmission of 22/113/PIP) near North Quatquoy, Burness Road, Firth (22/295/PIP)****Grant, subject to the following conditions:**

01. An application (or applications) for the approval of matters specified in conditions attached to this planning permission in principle must be made no later than the expiration of three years beginning with the date of this decision notice.

The development to which this planning permission in principle relates must commence no later than two years from the date of the requisite approval of all matters specified in conditions (including, in the case of approval of different matters on different dates, two years from the date of approval of the last such matter). If development has not commenced within this period, then this planning permission in principle shall lapse.

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended.

02. No development shall commence until all matters specified below have been approved on application to the Planning Authority:

- A detailed layout of the site of the proposed development, including that the house and any other buildings in Site 1 (as annotated within the application site area) be in the south-eastern half of the site, to not unduly extend the building group.
- Site levels as existing and proposed, based on a fixed datum point.
- The design and external appearance of the proposed development (all buildings and structures, including retained buildings), noting that the scale and proportions should relate to the existing L-shaped building in the eastern corner of the site, accompanied by a Design Statement.
- All hard and soft landscaping proposals for the site of the proposed development (including boundary treatments, including retention of existing stone boundary walls).
- Measures for biodiversity enhancement, in accordance with Policy 3(c) of National Planning Framework 4.
- Details of access and parking arrangements, including width, detailed geometry and surfacing of the access track.
- Details of the proposed water supply arrangements.
- Details of the foul drainage disposal.
- Details of the management of surface water.
- Details of refuse and recycling bin storage, including for collection.

Reason: Planning permission is granted in principle only and these specified matters must be approved prior to commencement of development.

03. In accordance with Conditions 01 and 02 above, the Design Statement shall be produced describing the scale, simple massing, traditional form and proportions, building and surface materials, and site layout. That Design Statement shall be submitted 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. No other development shall commence until a passing place has been constructed on Burness Road. 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.

05. No other development, except for the passing place specified in Condition 04 above, 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 (2-4 houses)', attached to and forming part of this decision notice, including dimensions, road construction, any pipe required, and verge or footway. Thereafter, the access junction 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. 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.

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 to reduce any possible nuisance arising to nearby residents during the construction of the development.

Appendix 2.**Proposed Temporary Extension to Travel Centre to include Bus Stances, Associated Infrastructure and Hoarding (Five Years) at Kirkwall Travel Centre, West Castle Street, Kirkwall (24/055/PP)****Grant, subject to the following conditions:**

01. Planning permission is hereby granted for a temporary period only and shall cease to have effect on 30 September 2029 (the 'cessation date'). No later than the cessation date, or an earlier cessation of the development, whichever is earlier, all activities related to the collection, dropping off or other movement of bus passengers shall stop, and all ancillary works, infrastructure, fixtures, fittings or other works hereby approved shall be removed, and a boundary shall be formed between the existing Travel Centre operational area and the extended area hereby approved.

Reason: In accordance with the time limit applied for and to safeguard the vitality and viability of the town centre, and so the appropriate development of allocated land is not prejudiced.

02. No later than 30 September on an annual basis, beginning 30 September 2025 and on a repeated basis thereafter throughout the duration of the temporary consent, or until earlier cessation of the development, whichever is earlier, a report shall be provided to the Planning Authority confirming either how demand for the use of the temporary extended facility is anticipated to reduce or stop by the cessation date, or confirm updated consideration and development of alternative, permanent options to which the temporary development could be relocated.

Reason: To ensure monitoring of the temporary use of land, so any plans and timescales for the development of the allocated mixed-use land is not prejudiced.

03. 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, National Planning Framework 4, and to protect road safety.

Appendix 3.

Proposed Erection of Domestic Garage at Seaways, Firth (24/247/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 garage hereby approved shall be used for purposes ancillary to the occupation of and incidental to the enjoyment of the dwellinghouse 'Seaways' only, and not for any other use or purpose without express planning permission.

Reason: For the avoidance of doubt, to control the use as an ancillary domestic garage only.

03. 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.

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 to reduce any possible nuisance arising to nearby residents during the construction of the development.