

Minute

Planning Committee

Wednesday, 4 March 2020, 10:30.

Council Chamber, Council Offices, School Place, Kirkwall.



Present

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

Clerk

- Angela Kingston, Committees Officer.

In Attendance

- Roddy Mackay, Head of Planning, Development and Regulatory Services.
- Jamie Macvie, Planning Manager (Development Management).
- Georgette Herd, Solicitor.
- Kenneth Roy, Team Leader Roads Support.

Observing

- David Barclay, Senior Planner (Development Management).
- Susan Shearer, Senior Planner (Development and Marine Planning).
- Lorraine Stout, Press Officer (for Items 1 and 2).

Apologies

- Councillor Norman R Craigie.
- Councillor Kevin F Woodbridge.

Declaration of Interest

- Councillor Duncan A Tullock – Item 3.

Chair

- Councillor Robin W Crichton.

1. Planning Application 19/143/PPMAJ

Proposed Extension of Quarry, Continued Extraction of Stone, Restoration and Landscaping at Cursiter Quarry, Old Finstown Road, Firth

The Committee **noted** that this item had been withdrawn.

2. Planning Application 19/345/PP

Proposed Reinstatement and Extension of House, Erection of Outbuilding and Creation of Access at Sunnybraes, Houton, Orphir

Leslie Burgher, agent for the applicant, S Veale, and Fiona Gould, Simon Strachan and Sophia Anterriotti, objectors, 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:

2.1. That letters of objection relating to the application for planning permission in respect of the proposal for the reinstatement and extension of a house, erection of an outbuilding and creation of an access at Sunnybraes, Houton, Orphir, had been received from the following:

- Fiona Gould, Sunnybraes, Houton, Orphir.
- Simon Strachan and Sophia Anterriotti, The Pier House, Hall of Tankerness, Tankerness.

After hearing representations from Simon Strachan and Fiona Gould, objectors, and from Leslie Burgher, agent for the applicant, S Veale, on the motion of Councillor Robin W Crichton, seconded by Councillor Owen Tierney, the Committee:

Resolved, in terms of delegated powers:

2.2. That planning permission be granted in respect of the proposal for the reinstatement and extension of a house, erection of an outbuilding and creation of an access at Sunnybraes, Houton, Orphir, subject to the conditions attached as Appendix 1 to this Minute.

3. Planning Application 19/365/PP

Proposed Change of Use from Offices to Offices and Other Services, Extension, Alterations to Car Park and Stopping-Up of Public Road to form Car Parking at Garden House, New Scapa Road, Kirkwall

Councillor Duncan A Tullock declared a non-financial interest in this item, in that a family member was related to one of the objectors, and was not present during discussion thereof.

Gwyn Evans, representing the applicant, Orkney Islands Council, and Fraser Anderson, 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:

3.1. That letters of objection relating to the application for planning permission in respect of the proposal for the change of use from offices to offices and other services, extension, alterations to the car park and stopping-up of the public road to form car parking at Garden House, New Scapa Road, Kirkwall, had been received from the following:

- Fraser Anderson, Orkney Hand Crafted Furniture, Giggs Cottage, New Scapa Road, Kirkwall.
- Brian Anderson, Margaret Anderson and Tracy Russell, Dell'Ovo, New Scapa Road, Kirkwall.
- Susan Anderson-Leslie and Paul Harcus, West Lynn, Holm Branch Road, Kirkwall.
- Ruth Britten, 7 Kirk Park, Orphir.
- Sam Britten, Asgard, Orphir.
- Kirsty Brown and Luke Brown, Oakhurst, Willow Road, Kirkwall.
- Jacqui Bruce, 74 Liberator Drive, Kirkwall.
- John Bruce, 4 Warrenfield Drive, Kirkwall.
- Karen Budge, Rohaven, Annfield Crescent, Kirkwall.
- Katrina Budge, 9 Jubilee Court, Kirkwall.
- Joy Butcher and Matthew Butcher, 1 Royal Oak Court, Holm Road, Kirkwall.
- Chloe Farrer and David Farrer, Upper Misker, Deerness.
- Gillian Farrer, Fern Valley Wildlife Centre, Tingwall House, Tingwall, Rendall.
- W Flett, Edgeriggs, 1 Scapa Crescent, Kirkwall.
- Shenandoah Gills and Calum Miller, 13 Church Road, Stromness.
- Calum Grant and Lyndsay Grant, 27 Buttquoy Crescent, Kirkwall.
- Jackie Harrison and Keith Harrison, Reesterbrae, Orphir.
- Barbara Mackenzie and Tyler Mackenzie, Tonray, 10 Meadow Park, Kirkwall.
- Gina McMahon, Lower Bu, Holm.
- Ann Rendall, Iona, 3 Scapa Crescent, Kirkwall.
- Jacqui Robertson and Liam Robertson, Westermill, 24 Willowburn Road, Kirkwall.
- Steven Russell, Dellovo Cottage, New Scapa Road, Kirkwall.
- Graham Scollay and Netsanet Sori, Muirdene, Orphir.

After hearing representations from Fraser Anderson, objector, Councillor David Dawson, seconded by Councillor Stephen Sankey, moved that the application for planning permission in respect of the proposal for the change of use from offices to offices and other services, extension, alterations to the car park and stopping-up of the public road to form car parking at Garden House, New Scapa Road, Kirkwall, be deferred to enable members of the Committee to undertake an unaccompanied site visit.

Councillor Barbara Foulkes, seconded by Councillor John A R Scott, moved an amendment that planning permission be granted in respect of the proposal for the change of use from offices to offices and other services, extension, alterations to the car park and stopping-up of the public road to form car parking at Garden House, New Scapa Road, Kirkwall, subject to conditions as proposed by officers.

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:

3.2. That consideration of the application for planning permission in respect of the proposal for the change of use from offices to offices and other services, extension, alterations to the car park and stopping-up of the public road to form car parking at Garden House, New Scapa Road, Kirkwall, be deferred to enable members of the Committee to undertake an unaccompanied site visit.

4. Planning Application 19/376/PP

Proposed Erection of Thirteen Houses, Upgrade Access and Construction of Road and Drainage Works at Cairston Road, Stromness

Stephen Kemp, representing the applicant, Orkney Builders, 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 erection of thirteen houses, upgrading an access and construction of a road and drainage works at Cairston Road, Stromness, had been received from Sarah Crowe and David Woolf, Glenmareth, 3 Garson Drive, Stromness.

After hearing representations from Stephen Kemp, representing the applicant, Orkney Builders, on the motion of Councillor Robin W Crichton, seconded by Councillor Barbara Foulkes, the Committee:

Resolved, in terms of delegated powers:

4.2. That planning permission be granted in respect of the proposal for the erection of thirteen houses, upgrading an access and construction of a road and drainage works at Cairston Road, Stromness, subject to the conditions attached as Appendix 2 to this Minute.

5. Planning Application 19/384/PP

Proposed Erection of Two Houses with Air Source Heat Pumps and Creation of Access at Akranes, East Road, Kirkwall

Stephen Kemp, representing the applicant, Orkney Builders, 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 creation of an access at Akranes, East Road, Kirkwall, had been received from Barbara and Reginald Romeril, Eastmount, East Road, Kirkwall.

After hearing a statement from Barbara and Reginald Romeril, objectors, which was read out by the Clerk, and after hearing representations from Stephen Kemp, representing the applicants, Orkney Builders, on the motion of Councillor David Dawson, seconded by Councillor Owen Tierney, 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 creation of an access at Akranes, East Road, Kirkwall, subject to the conditions attached as Appendix 3 to this Minute.

6. Planning Application 19/411/PP

Change of Use from Former Police Station to Office (Retrospective) at Station House, North End Road, Stromness

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:

6.1. That a letter of objection relating to the application for retrospective planning permission in respect of the change of use from a former police station to an office at Station House, North End Road, Stromness, had been received from Norman Brass, Blue Star Garage, North End Road, Stromness.

On the motion of Councillor David Dawson, seconded by Councillor Alexander G Cowie, the Committee resolved, in terms of delegated powers:

6.2. That retrospective planning permission be granted in respect of the change of use from a former police station to an office at Station House, North End Road, Stromness.

7. Conclusion of Meeting

At 12:45 the Chair declared the meeting concluded.

Signed: Rob Crichton.

Appendix 1.

Proposed Reinstatement and Extension of House, Erection of Outbuilding and Creation of Access at Sunnybraes, Orphir (19/345/PP)

Grant subject to the following conditions:

01. The access with the public road hereby approved shall be constructed to the Council's Roads Services standard drawing 'SD-01 Typical Access for Single Development (2 to 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.

02. No trees within the application site, other than those which are specifically identified for removal on the approved plans, shall be cut down, uprooted, topped, lopped (including roots) or wilfully damaged in any way, without the prior written permission of the Planning Authority.

Reason: In order to ensure the protection of retained trees, which are important amenity assets, both during construction and thereafter.

03. Within 28 days of the date of this consent, all retained trees shall be protected against construction damage using protective barriers located beyond the Root Protection Area (in accordance with BS5837:2012 Trees in Relation to Design, Demolition and Construction, or any superseding guidance prevailing at that time). These barriers shall remain in place throughout the construction period and must not be moved or removed during the construction period without the prior written approval of the Planning Authority.

Reason: In order to ensure the protection of retained trees, which are important amenity assets, both during construction and thereafter.

04. The garage/workshop hereby approved shall be used solely for purposes incidental to the enjoyment of the dwelling house, and for no other purpose or use.

Reason: To accord with the permission applied for and for the avoidance of doubt in the interest of residential amenity.

05. Within 28 days of the date of this consent, full details of the foul drainage infrastructure shall be submitted to, and approved in writing by, the Planning Authority. This shall fully accord with the detail provided to the satisfaction of Building Standards and the Scottish Environment Protection Agency. Thereafter, development shall progress in accordance with the approved details.

Reason: In order to ensure that private foul drainage infrastructure is suitably catered for, in the interests of public health and environmental protection.

06. The access to the application site across croft land shall not impede nor prevent the continuing use of the 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.

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) 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.

Further information on SUDs may be found on SEPA's website at: www.sepa.org.uk and http://www.susdrain.org/resources/SuDS_Manual.html.

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.

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.

09. Within 28 days of the date of this consent, a landscaping plan for the application site shall be submitted to, and approved in writing by, the Planning Authority. This shall include identification of all retained trees, and the planting of no less than five new trees within the site. The landscaping plan shall specify the size, location and species of these replacement trees. Thereafter, the new trees shall be planted during the first planting season following first occupation of the development hereby approved. Any new trees which are damaged or are lost shall be replaced with a new tree in accordance with the landscaping plan during the first planting season following the damage or loss of the tree, unless otherwise agreed in writing by the Planning Authority.

Reason: To maintain tree cover, allowing for the limited removal of existing trees, and to ensure the development is integrated into the landscape.

Appendix 2.

Proposed Erection of Thirteen Houses, Upgrade Access and Construction of Road and Drainage Works at Cairston Road, Stromness (19/376/PP)

Grant subject to the following conditions:

01. No development, including any demolition works, shall commence until a Construction Method Statement has been submitted to, and approved in writing by, the Planning Authority. The statement shall provide for:

- The parking of vehicles of site operatives and visitors.
- Loading and unloading of plant and materials.
- Storage of plant and materials used in constructing the development.
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- Measures to control the emission of dust and dirt during construction.
- A scheme for recycling/disposing of waste resulting from demolition and construction works.

For the avoidance of doubt there shall be no burning or burying of waste within the site.

The approved Construction Method Statement shall be applied and complied with throughout the construction period.

Reason: In order to safeguard the amenity of neighbouring properties and occupants.

02. No development shall commence until details of affordable housing provision have been submitted to, and agreed in writing by, the Planning Authority, in conjunction with Housing, Homelessness and Schoolcare Accommodation Services. These details shall include consideration and incorporation of housing types and tenures which meet local housing requirements and phasing of the development. Thereafter, the development shall be delivered wholly in accordance with all agreed details.

Reason: To ensure the development meets local housing requirements in accordance with Policy 5B of the Orkney Local Development Plan 2017.

03. No development shall commence until full details of the extent, construction and management in perpetuity of the proposed footpath link from the hereby approved road to the west boundary of the application site, linking the development to the Strategic Open Space, have been submitted to, and agreed in writing by, the Planning Authority. Thereafter, the footpath link shall be constructed and maintained in perpetuity in accordance with the approved details. The footpath link shall be completed prior to occupation of the final house within the development, or prior to expiry of a period of two years from the date of occupation of the first house in the development, whichever is the sooner.

Reason: To ensure adequate access to the Strategic Open Space.

04. No development shall commence until a Scheme of Landscaping for all hard and soft landscaping is submitted to, and approved in writing by, the Planning Authority. The Scheme of Landscaping shall include:

- The location of all proposed tree, shrub, hedging and grass planting.
- A planting schedule comprising layout, number, density, species, and height of all trees and shrubs, and seed mix of all grass areas, including tree planting within the Strategic Open Space at the southern end of the application site.
- The location, design and materials of all hard landscaping works, including walls, fences and gates.
- A timescale for the implementation and completion of all soft and hard landscaping contained in the Scheme of Landscaping, including all tree and shrub planting in the first planting season following commencement of development, and completion of all roads, footpaths and hard landscaping prior to first occupation of any house.
- A programme for the management and maintenance in perpetuity of all the approved landscaped and open space areas within the development.

All soft and hard landscaping shall be carried out wholly in accordance with the approved Scheme of Landscaping, unless otherwise agreed, in writing, with the Planning Authority.

Any tree or shrub planting which, within a period of five years from planting, in the opinion of the Planning Authority, is dead, dying, diseased or severely damaged, shall be replaced by a tree or shrub of similar size and species to that originally planted, unless otherwise agreed, in writing, with the Planning Authority.

Thereafter, the development shall be maintained in accordance with the details included in the Scheme of Landscaping throughout the lifetime of the development.

Reason: To protect the character and appearance of the area and residential amenity, and to ensure adequate works within the buffer of the watercourse to ensure protection or enhancement of the existing Strategic Open Space.

05. The full extent of the road surface hereby approved within the application site shall be formed to base course level prior to the first occupation of any individual house within the development. Thereafter, the final wearing surface shall be applied concurrently with the construction of the final house within the development, or upon the expiry of a period of two years from the date of occupation of the first house in the development, whichever is the sooner.

Reason: To ensure that an adequate level of access is timeously provided for the development; in the interests of road safety and amenity.

06. The houses hereby approved shall be finished externally using the following materials and colours:

- Roof – non-profiled tiles, colour black/dark grey.
- Walls – uniformly coloured render, colour white/off-white.
- Windows and doors – colour grey.
- Rainwater goods – black.
- Cladding – weatherboard in colour grey.

The development and works shall progress in accordance with these approved details unless otherwise agreed, in advance of works and in writing, with the Planning Authority.

Reason: To ensure that the development is sensitive to, and compatible with, its context and to protect the appearance of the area.

07. Prior to occupation of any part of the development hereby approved, all surface water drainage works hereby approved, including all swales, shall be constructed wholly in accordance with the approved drawings. Thereafter, and throughout the lifetime of the development, the drainage shall be maintained in accordance with the approved details, and in accordance with the principles of Sustainable Drainage Systems (SUDS) and be compliant with the guidance set out in the CIRIA SuDS Manual C753.

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.

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.

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 Creation of Access at Akranes, East Road, Kirkwall (19/384/PP)

Grant subject to the following conditions:

01. The junction of the existing access with the public road shall be 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. 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.

02. Construction of the access road and the junction of the access road with the public road as specified in Condition 01 above shall include surface water drainage provision within the application site which accords with the principles of Sustainable Urban Drainage Systems and is designed to the standards outlined in Sewers for Scotland Second Edition, or any superseding guidance prevailing at the time.

Reason: To ensure that surface water drainage is provided timeously and complies with the principles of Sustainable Drainage Systems, in order to protect the water environment.

03. Prior to the commencement of any works, a detailed Scheme of Landscaping, including all hard and soft landscaping works within the site, shall be submitted to, and approved in writing by, the Planning Authority. These details shall include:

- All earthworks and existing and finished ground levels in relation to an identified fixed datum point.
- A plan showing existing features and vegetation to be retained, including existing structural planting along the boundary, other than the minimum required to be removed to facilitate access requirements.
- The location and design, including materials, of any existing or proposed walls, fences and gates.
- A plan showing all soft landscaping and planting works, as well as schedules including the location, number, density, species and size of each individual tree and/or shrub.

Landscaping works shall be carried out wholly in accordance with the approved Scheme of Landscaping. All landscaping works shall be carried out and completed in the first planting season following the commencement of development, unless otherwise stated in an approved Scheme of Landscaping.

Any trees or plants which, within a period of five years from completion of the development, die, or for any other reason are removed or damaged, shall be replaced in the next planting season with others of the same size and species.

Reason: In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site and for the avoidance of doubt.

04. All tree protection shall be implemented wholly in accordance with the sequence of works and specifications included in the Tree Protection Plan hereby approved. No excavation works shall be carried out within the site until all protective fencing is erected in accordance with the Tree Protection Plan and is inspected on site and confirmed as acceptable by the Planning Authority.

Reason: To ensure adequate protection of trees, including roots, throughout the construction of the development.

05. 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.

06. Notwithstanding the provisions of Part 1 of Schedule 1 of The Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended, or any superseding or subsequent Order, no enlargement of the dwelling house, no provision within the curtilage of the dwelling house of any building, engineering, installation or other operation, and no deck or raised platform, or any gate, fence, wall or other means of enclosure, shall be provided within the curtilage of Plot 1 hereby approved, between the house or the driveway/parking and the boundary of Eastmount to the north, unless the express approval of the Planning Authority is provided.

Reason: In order for the Planning Authority to provide effective control of residential amenity.