

Minute

Planning Committee

Wednesday, 19 January 2022, 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

- Gareth Waterson, Interim Executive Director of Finance, Regulatory, Marine and Transportation Services.
- Susan Shearer, Planning Manager (Development and Marine Planning) (for Items 1 to 3).
- Kirsty Groundwater, Communications Team Leader.

Not Present

- Councillor Magnus O Thomson.

Declarations of Interest

- Councillor Norman R Craigie – Item 4.
- Councillor Duncan A Tullock – Item 4.

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 role (recorded vote).

3. Planning Application 19/014/PPMAJ

Proposed Construction of Access Roads and Other Housing Site Infrastructure including Surface Water Detention Basin and Landscaping at Corse West, Kirkwall

David Scott and Ian Rushbrook, representing the applicant, Orkney Islands Council, were present during consideration of this item.

After consideration of a report by the Interim Executive Director of Finance, Regulatory, Marine and Transportation Services, 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 construction of access roads with street lighting, footpaths, installation of boreholes and services, and drainage for 138 house sites, construction of a surface water detention basin, and associated landscaping, at Corse West, Kirkwall, had been received from the following:

- N and H Cooper, Eden, Soulisquoy Loan, Kirkwall.
- E Groat, Vara Hem, Soulisquoy Loan, Kirkwall.
- C Wishart, 1 Soulisquoy Loan, Kirkwall.
- Chris and Inga Rae, Rivendell, 8 Soulisquoy Loan, Kirkwall.
- Jennifer Macleod, Finmory, 4 Soulisquoy Loan, Kirkwall.
- Vina M Hume, 11 Soulisquoy Loan, Kirkwall.
- Alan E and Eileen D Cooper, 2 Soulisquoy Loan, Kirkwall.
- Eion and Sharon Ballantine, 3 Soulisquoy Loan, Kirkwall.
- Scott Milne, 7 Soulisquoy Loan, Kirkwall.
- David S Clark, 9 Soulisquoy Loan, Kirkwall.
- E Bews, Orcades Hostel, Muddisdale Road, Kirkwall.
- J and S Bews, Brekkness, Muddisdale Road, Kirkwall.
- C and E Mackay, Westlands, Muddisdale Road, Kirkwall.
- George and Margaret Peace, 5 Soulisquoy Loan, Kirkwall.
- John and Kay Scott, 10 Soulisquoy Loan, Kirkwall.
- E and H Smith, Ayre View, Muddisdale Road, Kirkwall.

- G and J Sinclair, Ichiban, Muddisdale Road, Kirkwall.
- Michael and Lynda Grieve, Brin-Novan, Muddisdale Road, Kirkwall.
- Moira King, Kinverdale, Muddisdale Road, Kirkwall.
- A Swannie, Shearwood, Muddisdale Road, Kirkwall.
- K and L Bruce, Glenavon, Muddisdale Road, Kirkwall.
- B and S Moodie, The Yard, Muddisdale Road, Kirkwall.
- M and M Scott, Norvana, Muddisdale Road, Kirkwall.
- N Stockan, Locksley, Muddisdale Road, Kirkwall.
- E Moodie, Muddisdale, Muddisdale Road, Kirkwall.

3.2. That, on 1 December 2021, the Planning Committee resolved that consideration of the application be deferred to enable officers to engage in further discussions with the applicant in respect of road safety, with particular regard to considering the potential to restrict vehicular access to the proposed development from Muddisdale Road, Kirkwall, and, should vehicular traffic be restricted, to establish whether there would be an ability to accommodate a turning head for refuse and emergency vehicles within the site.

After hearing representations from David Scott, representing the applicant, Orkney Islands Council, Councillor John A R Scott, seconded by Councillor Robin W Crichton, moved that planning permission be granted in respect of the proposal for the construction of access roads with street lighting, footpaths, installation of boreholes and services and drainage for 138 house sites, construction of a surface water detention basin and associated landscaping at Corse West, Kirkwall, subject to conditions as proposed by officers.

Councillor David Dawson, seconded by Councillor Barbara Foulkes, moved an amendment that the application for planning permission in respect of the proposal for the construction of access roads with street lighting, footpaths, installation of boreholes and services and drainage for 138 house sites, construction of a surface water detention basin and associated landscaping at Corse West, Kirkwall, be refused, as, in their opinion, whilst the development was acceptable in principle, only one vehicular access/egress to the site via Glaitness Road should be provided, as the provision of a second vehicular access via Muddisdale Road did not accord with the Orkney Local Development Plan 2017 – Supplementary Guidance: Settlement Statements – Kirkwall, paragraph 088, in that the proposed second access would not enhance existing walking and cycling routes in the area. Any access via Muddisdale Road should be restricted to utility and emergency service vehicles, cyclists and pedestrians.

The result of a recorded vote was as follows:

For the Amendment:

Councillors Alexander G Cowie, David Dawson, Barbara Foulkes, Stephen Sankey and Heather N Woodbridge (5).

For the Motion:

Councillors Norman R Craigie, Robin W Crichton, John A R Scott, Owen Tierney and Duncan A Tullock (5).

On the casting vote of the Chair, the Motion was carried.

Councillor Alexander G Cowie, seconded by Councillor Stephen Sankey, moved a further amendment, notice of which had been given, that consideration of the application for planning permission in respect of the proposal for the construction of access roads with street lighting, footpaths, installation of boreholes and services and drainage for 138 house sites, construction of a surface water detention basin and associated landscaping at Corse West, Kirkwall, be deferred to enable members of the Committee to undertake an unaccompanied site visit.

The result of a recorded vote was as follows:

For the Amendment:

Councillors Alexander G Cowie, David Dawson, Barbara Foulkes, Stephen Sankey and Heather N Woodbridge (5).

For the Motion:

Councillors Norman R Craigie, Robin W Crichton, John A R Scott, Owen Tierney and Duncan A Tullock (5).

On the casting vote of the Chair, the Amendment was carried.

The Committee thereafter resolved, in terms of delegated powers:

3.3. That consideration of the application for planning permission in respect of the proposal for the construction of access roads with street lighting, footpaths, installation of boreholes and services and drainage for 138 house sites, construction of a surface water detention basin and associated landscaping at Corse West, Kirkwall, be deferred to enable members of the Committee to undertake an unaccompanied site visit.

4. Planning Application 21/416/VR

Section 42 Application to Vary Conditions of Planning Permission 16/580/TPPMAJ at Costa Head, Birsay

Councillor Norman R Craigie intimated that he had publicly stated his opinion in respect of wind turbines generally during his election campaign, and, therefore, in order to avoid any impression of prejudice or bias in the decision-making process in respect of this item, was not present during discussion thereof.

Councillor Duncan A Tullock intimated that he had publicly stated his opinion in respect of this application during his election campaign, and, therefore, in order to avoid any impression of prejudice or bias in the decision-making process in respect of this item, was not present during discussion thereof.

Lizzie Foot and Jenny Hazzard, representing the applicant, Hoolan Energy, Steven Black, agent for the applicant, and Jason Schofield, objector, were present during consideration of this item.

After consideration of a report by the Interim Executive Director of Finance, Regulatory, Marine and Transportation Services, 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 Section 42 application to vary conditions of planning permission 16/580/TPPMAJ at Costa Head, Birsay, had been received from the following:

- James Leitch, Feolquoy, Evie.
- Jason Schofield, Swannay House, Swannay, By Evie.
- RSPB Scotland.

After hearing statements from James Leitch and RSPB Scotland, objectors, which were read out by the Clerk, and after hearing representations from Jason Schofield, objector, and from Lizzie Foot and Jenny Hazzard, representing the applicant, Hoolan Energy, Councillor John A R Scott moved that the Section 42 application to vary conditions of planning permission 16/580/TPPMAJ at Costa Head, Birsay, be approved, subject to conditions as proposed by officers, including an increase in the period to commence development to 10 years.

On receiving no seconder, his Motion fell.

On the motion of Councillor Robin W Crichton, seconded by Councillor Owen Tierney, the Committee:

Resolved, in terms of delegated powers:

4.2. That the Section 42 application to vary conditions of planning permission 16/580/TPPMAJ at Costa Head, Birsay, be refused.

4.3. That the Committee's reason for refusing the Section 42 application against the recommendation of the Interim Executive Director of Finance, Regulatory, Marine and Transportation Services was, in the Committee's opinion, notwithstanding the reason provided by the applicant to support their application, namely that the expected connection date for the Costa Head Wind Farm was likely to be further delayed until 2026 as a direct consequence of Ofgem having agreed an extension of time for the final approval of the SSEN Needs Case for a 220MW interconnector between Orkney and Caithness which required 135MW of renewable energy generation to be consented, from December 2021 to December 2022, the applicant had not provided sufficient justification as to why the condition to extend the operational period of the turbines should be varied, or why the time period for the commencement of development should be extended and, accordingly, the existing extant planning conditions and three year period for commencing the development remained appropriate.

The Committee noted:

4.4. That Councillor John A R Scott wished his dissent, from the resolution at paragraphs 4.2 above, to be recorded.

5. Planning Application 21/342/PP

Proposed Subdivision of Domestic Curtilage, including Annexe, for Creation of House on land at Tou Cottage, Westside Road, Rousay

After consideration of a report by the Interim Executive Director of Finance, Regulatory, Marine and Transportation Services, 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 subdivision of domestic curtilage, including an annexe, for the creation of a house on land at Tou Cottage, Westside Road, Rousay, had been received from Colin Lamond, Hamarfield, Rousay.

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 subdivision of domestic curtilage including annexe for the creation of a house on land at Tou Cottage, Westside Road, Rousay, subject to the conditions attached as Appendix 1 to this Minute.

6. Conclusion of Meeting

At 12:50 the Chair declared the meeting concluded.

Signed: Rob Crichton.

Appendix 1.

Proposed Subdivision of Domestic Curtilage including Annexe for Creation of House on land at Tou Cottage, Westside Road, Rousay (21/342/PP)

Grant subject to the following conditions:

01. Throughout the lifetime of the development hereby approved, surface water must be treated in accordance with the principles of Sustainable 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 and in the interests of road safety.

02. The junction of the existing access track with the public road shall be upgraded 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 any other works commencing on the development hereby approved, and prior to the building being brought into use as an independent house, 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.

03. Throughout the lifetime of the development, any external lighting used on the dwelling and any outbuildings 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. Lighting shall meet the requirements specified by the Institution of Lighting Professionals for Zone E1 areas (Rural) and 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 Orkney Local Development Plan 2017 Policy 2 – Design and Planning Policy Advice: Amenity and Minimising Obtrusive Lighting (March 2021).

04. Hours of construction (including conversion) 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 13:00 Saturdays, and not at all on Sundays or the Christmas or New Year Public Holidays, unless otherwise agreed, in writing, with the Planning Authority.

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

Reason: To safeguard the amenity of nearby residents.