

Minute

Planning Committee

Wednesday, 31 May 2023, 09:30.

Council Chamber, Council Offices, School Place, Kirkwall.



Present

Councillors Owen Tierney, Kristopher D Leask, Graham A Bevan, Alexander G Cowie, P Lindsay Hall, James R Moar, Raymond S Peace, Jean E Stevenson, John A R Scott, Ivan A Taylor and Duncan A Tullock.

Present via remote link (Microsoft Teams)

Councillor Mellissa-Louise Thomson.

Clerk

- Sandra Craigie, Committees Officer.

In Attendance

- Roddy Mackay, Head of Planning and Community Protection.
- Jamie Macvie, Service Manager (Development Management).
- Susan Shearer, Service Manager (Development and Marine Planning).
- Paul Maxton, Solicitor.
- Donald Wilson, Roads Authority Officer.

Observing

- Hayley Green, Corporate Director for Neighbourhood Services and Infrastructure.
- Kirsty Groundwater, Team Manager (Communications).

Declaration of Interest

- No declarations of interest were intimated.

Chair

- Councillor Owen Tierney.

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. Planning Application 22/423/PP

Proposed Realignment of Section of A961 in Holm, including Culvert, Attenuation Basin and Ancillary Works

James Buck, Head of Marine Services, Transportation and Harbour Master, representing the applicant, Orkney Islands Council, and David Custer, Service Manager (Engineering), Orkney Islands Council, agent for the applicant, were 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, and after hearing a report from the Service Manager (Development Management), the Committee:

Noted:

2.1. That three letters of objection relating to the application for planning permission in respect of the proposed realignment of a section of the A961 in Holm, including culverting a burn, creation of an attenuation basin and ancillary works, had been received from the following:

- Jim Leitch, Feolquoy, Evie, KW17 2PJ.
- Eoin Ross, Ortleigh Cottage, St Marys, Holm, KW17 2RT.
- Leslie Sinclair, 31A Broad Street, Kirkwall.

After hearing statements from Jim Leitch and Leslie Sinclair, objectors, which were read out by the Clerk, and after hearing representations from David Custer, agent for the applicant, on the motion of Councillor Graham A Bevan, seconded by Councillor Owen Tierney, the Committee:

Resolved, in terms of delegated powers:

2.2. That the concerns of the objectors had been considered in the assessment of the proposal but were of insufficient weight to warrant refusal.

2.3. That the proposed development had been fully assessed and was in accordance with the undernoted policies:

- Orkney Local Development Plan 2017:
 - The Spatial Strategy.
 - Policy 1 – Criteria for All Development.
 - Policy 2 – Design.
 - Policy 8 – Historic Environment and Cultural Heritage.
 - Policy 9 – Natural Heritage and Landscape.
 - Policy 13 – Flood Risk, SuDS and Waste Water Drainage.
 - Policy 14 – Transport, Travel and Road Network Infrastructure.

- Supplementary Guidance:
 - Historic Environment and Cultural Heritage (2017).
 - Natural Environment (2017).
- Planning Policy Advice:
 - Historic Environment (Topics and Themes) (2017).
 - Orkney Harbours Masterplan – Phase 1 (2020).
- National Planning Framework 4.

2.3. That planning permission be granted in respect of the proposal for the realignment of a section of the A961 in Holm, including culverting a burn, creation of an attenuation basin and ancillary works, subject to the conditions attached as Appendix 1 to this Minute.

3. Conclusion of Meeting

At 10:16 the Chair declared the meeting concluded.

Signed: Owen Tierney.

Appendix 1.

Proposed Realignment of Section of A961 in Holm, including Culvert, Attenuation Basin and Ancillary Works (22/423/PP)

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. No development shall commence until a Construction Phase Plan is submitted to and approved, in writing, by the Planning Authority. This Plan shall fully detail how the section of road shall be constructed, including the tie-in points with the existing public road and how traffic flow on the A961 would be maintained at all times. Thereafter, the development shall be constructed wholly in accordance with the Construction Phase Plan.

Reason: In the interest of road safety.

03. The forward visibility splays from the new private accesses on the hereby approved section of road, shall be maintained free from any obstruction more than one metre in height above the edge of carriageway level throughout the lifetime of the development.

Reason: In the interest of public safety.

04. The surface water drainage system hereby approved shall be installed fully in accordance with the approved drawings and be in a fully operational condition prior to the new section of road being opened to traffic. The surface water drainage system shall thereafter be maintained fully in accordance with the maintenance schedule provided throughout the lifetime of the development.

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.

Reason: In the interest of public safety and to prevent surface water drainage from the road affecting adjacent land.

05. Any drystone wall along the length of the development site with the A961 that is damaged during the development works shall be repaired to its previous condition and using a matching construction technique. No drystone wall shall be removed until full details of the sections of wall that would be affected, together with full details of the reinstatement of an equivalent length of drystone wall within the application site area, are submitted to and approved, in writing, by the Planning Authority. Thereafter, and within six months of the road being brought into use, the agreed sections of new wall shall be completed.

Reason: In the interests of visual amenity, to retain the appearance of the boundary at the location and in the interest of road safety.

06. No development shall commence until a Species Protection Plan for otter is submitted to and approved, in writing, by the Planning Authority. The Plan shall detail mitigation measures to minimise the risk of entrapment by otters during construction and operation, and the risk of vehicle collisions with otters during operation. Thereafter, the development shall be constructed wholly in accordance with the Species Protection Plan.

Reason: To comply with species protection legislation.

07. Turves stripped shall be stored (and where necessary watered during periods of dry weather) before being used to restore the existing road route and/or newly created embankments. If a seed mix is used to supplement turf use, the seed mix shall be limited to native species.

Reason: To conserve and enhance biodiversity.

08. No development shall commence until full details of landscaping for the SuDS pond, including proposed planting with plant species native to Orkney, have been submitted to and approved, in writing, by the Planning Authority. Thereafter, and no later than the first planting season following the development being brought into use, the landscaping shall be completed wholly in accordance with approved details.

Reason: To demonstrate good ecological practice including habitat enhancement to enhance biodiversity.

09. No development shall commence until full details of pollution prevention and control measures, including implementation, to prevent sediment from the development entering the Burn of Button, have been submitted to and approved, in writing, by the Planning Authority. Thereafter, the development shall be constructed wholly in accordance with the approved pollution prevention and control measures.

Reason: To prevent sediment entering the Burn of Button and causing localised pollution issues and affecting the Scapa Flow Special Protection Area.

10. No demolition or other development shall commence until a photographic survey of the existing wartime building and structures on the application site has been submitted to and approved, in writing, by the Planning Authority, in conjunction with the Islands Archaeologist. All external and internal elevations (unless otherwise agreed in writing) of the building and structures, together with the setting of the building and structures and any specific features of the existing building and structures shall be photographed and annotated. The photographic viewpoints shall be clearly located on measured floor or elevation drawings to accompany the photographic survey. The photographs and plans shall be in a digital format and shall be clearly marked with the planning reference number.

Reason: In the interests of the protection of Orkney's archaeological and cultural heritage resources and to accord with Policies 8A and 8B(vi), Supplementary Guidance: Historic Environment and Cultural Heritage (2017) and Planning Policy Advice: Historic Environment (Topics and Themes) (2017).

11. No development shall commence until a Site Protection Plan has been submitted to and approved, in writing, by the Planning Authority, in conjunction with the Islands Archaeologist. Site protection measures shall be shown on a layout plan accompanied by descriptive text and shall include: (1) the location and extent of the historic environment features to be protected during construction works; and (2) details of warning signs and how exclusion zones will be satisfactorily demarcated for the duration of the works, eg type of fencing. Thereafter, the development shall be constructed wholly in accordance with the approved Site Protection Plan. No construction works shall take place at any time within the exclusion zones.

Reason: In the interests of protecting Orkney's known archaeological and cultural heritage resources.

12. 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.

There shall be no bonfires or other open fires allowed on site at any time.

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.