

Item: 5.1

Planning Committee: 1 December 2021.

Construct Access Roads and Other Housing Site Infrastructure Including Surface Water Detention Basin and Landscaping at Corse West (land near), Kirkwall.

Report by Interim Executive Director of Finance, Regulatory, Marine and Transportation Services.

1. Summary

1.1.

It is proposed to construct infrastructure within a site allocated for housing development at Corse West, which is within the settlement boundary of Kirkwall, comprising house services, access roads and drainage infrastructure. The development is a 'major development' as defined by the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. Objections were received on numerous grounds but are not of sufficient weight to merit refusal of the application, and matters raised can be addressed by mitigation proposed and planning conditions. On balance, the proposed development is considered to accord with all relevant policies of the Orkney Local Development Plan 2017 and Supplementary Guidance. Accordingly, the application is recommended for approval.

Application Number	19/014/PPMAJ.
Application Type	Planning permission.
Proposal	Construct access roads with street lighting, construct footpaths, install boreholes and services and drainage for 138 house sites, construct a surface water detention basin, and associated landscaping.
Applicant	Orkney Islands Council, c/o David Scott, Council Offices, School Place, Kirkwall, KW15 1NY.

1.2.

All application documents (including plans, consultation responses and representations) are available for members to view at the following website address:

https://www.orkney.gov.uk/Service-Directory/D/application_search_submission.htm
(then enter the application number given above).

2. Consultations

2.1.

No objections have been received from any statutory consultation body. It is considered that matters included in responses from consultation bodies can be adequately addressed by mitigation and planning conditions. Noting that the residential care facility was removed from the proposed development following the initial consultation responses in 2019, the relevant consultation responses are provided below.

2.2. Roads Services

“The latest information provided in the surface water management plan dated 5 August 2021, is acceptable and enables the removal of Roads Services earlier objection. It is however still requested that conditions are applied to address the undernoted points and that the informative noted below is also applied to any planning permission that may be granted.

- A phasing plan for the site for the development site shall be submitted for approval prior to any works commencing on site.
- A construction phase management plan shall be provided for each and every phase of the development for approval before works commence the particular phase being developed.
- Drainage longitudinal section drawings shall be submitted for approval for each phase of the development prior to works commencing on each phase.
- Details of construction phase SUDS must be submitted for approval prior to commencement of works on each phase of the development.
- The SUDS as a whole shall be developed as detailed in the ‘Surface Water Management Plan’ dated 5 August 2021, in phases in accordance with the hereby approved site phasing plan. The hereby approved SUDS shall then be wholly completed and prior to the occupation of any properties in the final phase of the development.
- The hereby approved SUDS shall be maintained in accordance with maintenance schedule throughout the lifetime of the development.”

2.3. Engineering Services

“Flood Risk. The proposal is acceptable provided that the stated capacity in the detention basin is maintained. It should therefore be conditioned that the necessary separation between winter groundwater level and basin invert is provided. Winter ground water levels should be determined through site investigation at the appropriate time of year. If appropriate separation, and therefore detention storage capacity, cannot be demonstrated then the impermeable barrier recommended in 3.4.3 of the Surface Water Management Plan document must be provided and vegetation compatible with the proposed lining specified to avoid the “grass crater” effect described in 3.4.3.”

2.4. Scottish Water

“There is currently inadequate foul capacity in the combined sewer network to service this site; however Scottish Water has been in continued discussion with Orkney Islands Council regarding projects that will offer infrastructure solutions to release capacity and support future development, whilst reducing the impact of flooding at Junction Road. Scottish Water has no objection to the approval of this planning application or for building work to commence but we would caveat that none of the properties can be occupied until such time as a project has been delivered to release capacity.”

3. Representations

3.1.

Twenty-five objections have been received, made up of individual letters as well as signatories to a petition. Two other neutral comments (not objection or in support) were also received. Representations are listed in Appendix 1 to this report.

3.2.

It should be noted that where more than one representation is received from a household, it is defined as one valid representation. All objections were received in relation to the initial submission; further comments were received from two existing objectors following re-advertisement and re-notification of the development, following removal of the care facility from the proposed development. Due to the removal of the care facility from the proposed development, many matters included within objections remain valid in planning terms but have been superseded by amendments.

3.3.

The objections are on the following grounds:

- Use of Soulisquoy Loan for construction traffic.
- Use of Soulisquoy Loan to provide vehicular access to development.
- Potential alterations to hammerhead in Soulisquoy Loan.
- Connection of Soulisquoy Loan footpath to development.
- Surface water drainage.
- Use of Muddisdale Loan as a through route, due to lighting and road width.
- Additional pedestrian access to existing pedestrian/cycle route to west of site.
- Density of development.
- Proposed housing tenure (private/social).
- Size of recreation area in north-west corner.
- Capacity of primary school.

3.4.

Additional comments (not objections) include:

- Consideration of safety of school pupils during construction phase.
- Inclusion of electric vehicle charging points.

4. Relevant Planning History

4.1.

Reference.	Proposal.	Location.	Decision.	Date.
10/251/PP.	Erect a residential health and care facility and construct access road.	Corse (Land Near), Glaitness Road, Kirkwall.	Grant subject to conditions.	09.09.10.
PREAPP/001/17.	Proposal of Application Notice to erect a residential care facility and infrastructure.	Soulisquoy, Kirkwall.	Closed.	04.12.19.
21/069/PP.	Erect a residential care facility (for 40 residents) with car parking, construct an access roads, and associated landscaping.	Corse West (Land Near), Kirkwall.	Grant subject to conditions.	16.11.21.

4.2.

The Town and Country (Scotland) Act 1997, as amended, and The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 prescribe the requirements for statutory Pre-Application Consultation (PAC) for 'major development'. This was completed and the resultant PAC Report forms part of the supporting documentation for the application as required.

5. Relevant Planning Policy and Guidance

The full text of the Orkney Local Development Plan 2017 and supplementary guidance can be read on the Council website at:

<https://www.orkney.gov.uk/Service-Directory/D/Planning-Policies-and-Guidance.htm>

The key policies, supplementary guidance and planning policy advice listed below are relevant to this application:

- Orkney Local Development Plan 2017:
 - Policy 1 – Criteria for All Development.
 - Policy 2 – Design.
 - Policy 5A – Housing in Settlements.
 - Policy 10 – Green Infrastructure (Paths, Open Spaces and Green Networks).
 - Policy 13 – Flood Risk, SuDS and Waste Water Drainage.
 - Policy 14 – Transport, Travel and Road Network Infrastructure.

6. Legal Aspects

6.1.

Section 25 of the Town and Country Planning (Scotland) Act 1997 (“the Act”) states that in making determinations under the Planning Acts the determination should be in accordance with the development plan unless material considerations determine otherwise.

6.2.

Where a decision to refuse an application is made, the applicant may appeal under section 47 of the Act. Scottish Ministers are empowered to make an award of expenses on appeal where one party's conduct is deemed to be unreasonable. Examples of such unreasonable conduct are given in Circular 6/1990 and include:

- Failing to give complete, precise and relevant reasons for refusal of an application.
- Reaching a decision without reasonable planning grounds for doing so.
- Not taking into account material considerations.
- Refusing an application because of local opposition, where that opposition is not founded upon valid planning grounds.

6.3.

An award of expenses may be substantial where an appeal is conducted either by way of written submissions or a local inquiry.

7. Assessment

7.1. Proposal

7.1.1.

The planning application is for the construction and installation of infrastructure principally relating to housing sites, comprising a road network with some communal parking, footpath links, services and a surface water detention basin, as indicated in the Site Plan attached as Appendix 2 to this report. Landscaping would be incorporated throughout the development. The main vehicular access to the development would be from Glaitness Road, with a narrower vehicular access to the

north to Muddisdale Road. In accordance with recommendations from Roads Services, localised widening and other improvements would be carried out to Muddisdale Road. Pedestrian links would be formed in the north, south and west boundaries.

7.1.2.

When initially submitted, the proposed development included the provision of a care facility in the north-west of the application site. During consideration of the application, the care facility was removed, to be considered under a separate application submission which has subsequently been approved. The surface water detention basin design takes into account the management of surface water from the separate care facility site, and a borehole array for ground source heating is included in the north-west corner of the site adjoining Muddisdale Road.

7.1.3.

It should be noted that this is not an application for houses, but for the servicing of sites. Therefore, house designs do not form part of the submission.

7.2. Principle

The application site is within the Kirkwall settlement boundary, within a short-term housing allocation, reference K6. Supplementary Guidance: Settlement Statements notes indicative "Capacity for a residential care facility and 100 houses". The site forms part of the Corse West, Kirkwall Development Brief (2011). The principle of housing development is acceptable in accordance with Policy 5A – Housing in Settlements, which states that "The development of housing allocations...will be supported where it accords with the relevant settlement statement and any adopted Development Brief, Masterplan or Urban Design Framework."

7.3. Residential Amenity

The development of housing would maintain the mainly residential character of the surrounding area, and therefore housing development of the density proposed is not considered likely to result in any unacceptable residential amenity impacts. Management plans would be required by planning condition, to control the impact of construction on residential amenity. As this is an application for the infrastructure only, there would be no daylight or privacy impact; if approved, any houses proposed in future would be assessed in relation to impact on residential amenity. In relation to Policy 1, the development is considered appropriate to the location.

7.4. Design

The road network design allows all plots to be laid out in future to include an active frontage to public realm, either a road or courtyard. Proposed plot density is similar to neighbouring residential developments. The design would be enhanced by the inclusion of soft landscaping in multiple locations. Although required principally for drainage purposes, longitudinal sections have demonstrated how plot and floor levels could be set out to take account of the slope. At this stage of proposed development, the design, including density, is considered appropriate.

7.5. Landscaping

As stated in relation to design, the landscaping is considered appropriate in terms of extent and indicative details. This includes edge planting adjacent to Glaitness Road in the south west corner of the site, and throughout a planted footpath corridor through the site, providing pedestrian connectivity from Glaitness Road to Muddisdale Road. Full details of all hard and soft landscaping would be required by planning condition, including amenity and meadow grasses, tree and shrub planting, footpaths and parking areas, including provision of electric vehicle charging bays.

7.6. Access, Traffic and Pedestrian Safety

7.6.1.

Roads Services has no objections in relation to road safety. The layout design follows the principles of Designing Streets and is to naturally slow vehicles. Improvements would be carried out to Muddisdale Road, including widening, culvert works and additional street lighting. Permeability of the town for all forms of vehicular and pedestrian traffic is considered as part of the assessment of the creation of a through route to Muddisdale Road from the development. Subject to appropriate design of the development and upgrades to Muddisdale Road, providing main access to Glaitness Road as well as minor access to Muddisdale Road from the development is acceptable.

7.6.2.

In relation to the construction phase, management plans would be required and controlled by planning condition, with regards hours of work, construction compound and construction traffic. On the basis the development would be well connected to the existing road network, and would allow safe and convenient access by service, delivery and other vehicles, it is considered compliant with Policy 14C 'Road Network Infrastructure'.

7.7. Flood Risk

The north of the field which comprises the application site is subject to flood risk. This area has been designed free from buildings. Engineering Services has no objections and there is no conflict with Policy 13A 'Flood Risk'. It is a requirement that an impermeable barrier be included in the detention basin design (as recommended in 3.4.3 of the Surface Water Management Plan) with vegetation specified that is compatible with the proposed lining.

7.8. Surface Water Drainage

7.8.1.

Policy 13B 'Sustainable Drainage Systems' confirms that all development must incorporate SuDS. Following an objection, and detailed advice from Roads Services and Engineering Services, an updated Surface Water Management Plan has been submitted. This includes the general arrangement of infrastructure for the management of surface water, and separate drawings have been submitted for infrastructure across the site as well as the detention basin. The detention basin has

been designed to include surface water from the adjacent care facility site. The separate care facility consent includes a planning condition that it cannot be occupied until the surface water drainage system is completed as designed.

7.8.2.

Engineering Services is satisfied with submitted information, and Roads Services has removed its earlier objection, subject to planning conditions being attached to the consent to control phasing of the development, a construction phase management plan, the submission of longitudinal sections, details of the construction phase of SuDS, completion of the development in accordance with approved SuDS, and maintenance of the SuDS thereafter. On this basis, the development complies with Policy 13B.

7.9. Waste Water Drainage

Policy 13C 'Waste Water Drainage' confirms that development must connect to the public sewer network if in a settlement. This is the approach proposed, noting that the current application is for the infrastructure only and not any development that would create waste water at this stage. Any buildings would be subject to future assessment. The development is considered compliant with Policy 13C.

8. Conclusion and Recommendation

The development is acceptable in principle, in a site allocated for housing development. As an application for infrastructure only, details of any building design are not currently submitted or required. Subject to planning conditions to control construction phases, and to ensure submission of additional details, the development would meet required technical standards and protect road safety and residential amenity. Objections are not of sufficient weight to recommend refusal. The development accords with Policies 1, 2, 5A, 10, 13 and 14 of the Orkney Local Development Plan 2017, and Supplementary Guidance: Settlement Statements. The development is therefore **recommended for approval**, subject to the conditions attached as Appendix 3 to this report.

9. Contact Officer

Jamie Macvie, Planning Manager, Email jamie.macvie@orkney.gov.uk

10. Appendices

Appendix 1: Representations.

Appendix 2: Site Plan.

Appendix 3: Planning Conditions.

Appendix 1

Objections (25)

- N and H Cooper, Eden, Soulisquoy Loan, Kirkwall, KW15 1BY.
- E Groat, Vara Hem, Soulisquoy Loan, Kirkwall, KW15 1BY.
- C Wishart, 1 Soulisquoy Loan, Kirkwall, KW15 1BY.
- Chris and Inga Rae, Rivendell, 8 Soulisquoy Loan, Kirkwall, KW15 1BY.
- Jennifer Macleod, Finmory, 4 Soulisquoy Loan, Kirkwall, KW15 1BY.
- Mrs Vina M Hume, 11 Soulisquoy Loan, Kirkwall, KW15 1BY.
- Alan E and Eileen D Cooper, 2 Soulisquoy Loan, Kirkwall, KW15 1BY.
- Eion and Sharon Balantine, 3 Soulisquoy Loan, Kirkwall, KW15 1BY.
- Scott Milne, 7 Soulisquoy Loan, Kirkwall, KW15 1BY.
- David S Clark, 9 Soulisquoy Loan, Kirkwall, KW15 1BY.
- E Bews, Orcades Hostel, Muddisdale Road, Kirkwall, KW15 1RR.
- J and S Bews, Brekkness, Muddisdale Road, Kirkwall, KW15 1RR.
- C and E Mackay, Westlands, Muddisdale Road, Kirkwall, KW15 1RS.
- George and Margaret Peace, 5 Soulisquoy Loan, Kirkwall, KW15 1BY.
- John and Kay Scott, 10 Soulisquoy Loan, Kirkwall, KW15 1BY.
- E and H Smith, Ayre View, Muddisdale Road, Kirkwall, KW15 1RS.
- G and T Sinclair, Ichiban, Muddisdale Road, Kirkwall, KW15 1RS.
- Mr Michael and Mrs Lynda Grieve, Brin-Novan, Muddisdale Road, Kirkwall, KW15 1RS.
- Moira King, Kinverdale, Muddisdale Road, Kirkwall, KW15 1RS.
- A Swannie, Shearwood, Muddisdale Road, Kirkwall, KW15 1RR.
- K and L Bruce, Glenavon, Muddisdale Road, Kirkwall, KW15 1RR.
- B and S Moodie, The Yard, Muddisdale Road, Kirkwall, KW15 1RS.
- M and M Scott, Norvana, Muddisdale Road, Kirkwall, KW15 1RS.
- N Stockan, Locksley, Muddisdale Road, Kirkwall, KW15 1RR.
- E Moodie, Muddisdale, Muddisdale Road, Kirkwall, KW15 1RS.

Neutral comments (2)

- Rikki Lidderdale, Netherlynn, Burnside, Kirkwall, KW15 1TF.
- Helen Killeen, Business Manager, Glaitness Primary School, Pickaquoy Road, Kirkwall, KW15 1RP.



- Tarmac roads
- On-street parking
- Connecting public footpaths
- Landscaped green area
- Green area for future recreation use
- Housing Plots
- Serviced sites for private development
- Future off-street parking (within plot boundaries)
- Location of future dwelling showing proposed building line.
- Approximate location of future dwelling (private sites) showing indicative building line.

PLANNING NOTES
 Application comprises the construction of roads and services for a mixed housing development site at Soulisquoy, Kirkwall, formerly known as Corse West. Construction includes new roads and on-street parking, connecting footpaths and landscaped areas, SuDS detention basin and all associated drainage, and other utility services to and from the plots. SuDS detention basin will include capacity to serve future care facility. Construction will not include small courtyards/parking/turning associated with some housing (included sheltered housing) groupings as indicated. No housing units or boundary fences are included. Remaining site areas will have basic landscape levelling carried out and grass seeded for ease of maintenance. All housing sites will be subject to future planning applications.

- D Care Facility removed from development. Housing sites adjusted to housing programme requirements. DS 6-1-21
- C Connecting path at track moved to Planning requirements. Development area adjusted to match original application area. DS 12-03-19
- B Alterations to roads & footpaths to satisfy Roads Authority Planning requirements. DS 19-2-19
- A Alterations to roads at Muddisdale Road and the end of Soulisquoy Loan. DS 13-2-19

REVISIONS

Project
SOULISQUOY SITE INFRASTRUCTURE KIRKWALL

Title
SITE PLAN PROPOSED LAYOUT

Project No. 401230002	Drawing No. 11
Revision	A B C D
Printed	06/01/21 Issue PLANNING
Date	2018-21 Drawn DS
Scale	1:1000 at A1 1:2000 at A3 Checked

All dimensions to be checked on site before work and the manufacture of filaments commences.

This drawing is not to be scaled.

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 Director of Development and Environment Services

Appendix 3

01. No development shall commence until a combined Construction Method Statement and Construction Environmental Management Plan has been submitted to, and approved in writing by, the Planning Authority. The statement shall provide but not be limited to:

- All means of access to the site from the public road network.
- The parking of vehicles of site operatives and visitors.
- Vehicle movements to and from site.
- Loading and unloading of plant and materials.
- Construction compound.
- Welfare facilities.
- The erection and maintenance of security hoarding.
- Measures to control the emission of dust and dirt during construction.
- Construction lighting
- A scheme for recycling/disposing of waste resulting from demolition and construction works.
- Confirmation of the maximum area to be stripped of soils at any one time.
- Stock pile storage.
- Creation and retention of buffers between development and water features.
- Washout areas and wheel wash stations.
- A phasing plan for the whole development.

If the development is proposed to be completed in phases, the above details must be submitted and approved prior to commencement of each respective phase.

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

Thereafter, and throughout all construction phases, the site and development shall be undertaken wholly in accordance with the approved Construction Method Statement and Construction Environmental Management Plan, unless otherwise agreed, in writing, by the Planning Authority.

Note: It is recommended that all information is submitted not less than two months prior to the proposed commencement of development.

Reason: To minimise the impacts of construction works on the environment, and to safeguard the amenity of neighbouring properties.

02. Hours of construction 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 17:00 Saturdays, and not at all on Sundays or the Christmas or New Year Public Holidays, unless otherwise agreed, in writing, with the Planning Authority.

Reason: To safeguard the amenity of nearby residents.

03. Notwithstanding the details included within the site plan hereby approved, 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 detailed location of all proposed tree, shrub, hedging and grass planting.
- A planting schedule comprising layout, number, density, species, height of all trees and shrubs and seed mix of all grass areas, which shall include large tree species within, but not limited to, the main footpath green zone and surrounding the detention basin.
- The location, design and materials of all hard landscaping works, including walls, fences and gates and all dedicated footpaths.
- Full details of the proposed 'Recreation Area'.
- The provision of electric vehicle charging infrastructure within each of the four larger areas of vehicle parking bays.
- A timescale for 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. All roads, footpaths, parking, fencing and all other hard landscaping shall be completed wholly in accordance with approved details prior to first occupation of any residential unit 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.

04. The development hereby approved shall not be brought into use until all alterations and improvements to Muddisdale Road included in the site plan hereby approved are completed, to the satisfaction of the Planning Authority in conjunction with Roads Services. These works include surfacing and drainage works to the west of the application site, and culverting, widening and drainage works to the north of the application site, and completion of the junction of the new access road with the Muddisdale Road.

Reason: To protect the safety of road users.

05. The development shall be carried out wholly in accordance with the approved SuDS, as detailed in the 'Surface Water Management Plan' dated 5 August 2021, and other drawings and specifications hereby approved.

In accordance with the phasing plan required under the terms of condition 01, full details of construction-phase SuDS for the management of surface water during construction shall be submitted to, and approved in writing by, the Planning Authority prior to commencement of each respective phase of the development. Each respective phase shall thereafter be carried out wholly in accordance with approved construction-phase SuDS.

Drainage longitudinal sections shall be submitted to, and approved in writing by, the Planning Authority prior to commencement of each respective phase of the development.

No part of the development hereby approved shall be completed and/or brought into use until the SuDS required for that part of the site has been completed wholly in accordance with approved details, and until confirmed in writing by the Planning Authority in conjunction with Roads Services.

All SuDS hereby approved shall be maintained in accordance with the maintenance schedule throughout the lifetime of the development.

Reason: To ensure management of surface water.