

Minute

Planning Committee

Wednesday, 3 March 2021, 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, Magnus O Thomson, 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).
- Georgette Herd, Solicitor.

Observing

- Susan Shearer, Planning Manager (Development and Marine Planning).
- David Barclay, Senior Planner (Development Management).
- Donald Wilson, Roads Authority Officer.
- Dean Campbell, Graduate Planner (Development Management) (for Items 1 to 5).
- Rebecca McAuliffe, Press Officer.

Declarations of Interest

- Councillor Barbara Foulkes – Item 5.
- Councillor John A R Scott – Item 5.

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 17/433/PP

Construction of Tarred Car Parking, Enlargement of Detention Basin and Culvert Works (Retrospective) at Evie Primary School, Evie

The Committee noted that this item had been withdrawn.

4. Planning Application 20/231/MAR

Proposed Creation of Salmon Farm with Feed Barge at Chalmers Hope, Scapa Flow

Naomi Dempsey and Ben Johnson, representing the applicant, Cooke Aquaculture Scotland, Malcolm Thomson, representing the objector, Orkney Trout Fishing Association, and Hannah Fennell, representing the objector, Orkney Fisheries Association, 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:

4.1. That letters of objection relating to the application for planning permission in respect of the proposal for the creation of a salmon farm with feed barge at Chalmers Hope, Scapa Flow, had been received from the following:

- Orkney Trout Fishing Association.
- Orkney Fisheries Association.
- Dennis Archer, Sealladh Breagha, Gallanach Road, Oban.

After hearing representations from Hannah Fennell, representing the objector, Orkney Fisheries Association, and Malcolm Thomson, representing the objector, Orkney Trout Fishing Association, and from Ben Johnson, representing the applicant, Cooke Aquaculture Scotland, Councillor Robin W Crichton, seconded by Councillor Barbara Foulkes, moved that planning permission be granted in respect of the proposal for the creation of a salmon farm with feed barge at Chalmers Hope, Scapa Flow, subject to conditions.

Councillor David Dawson moved an amendment that the application for planning permission in respect of the proposal for the creation of a salmon farm with feed barge at Chalmers Hope, Scapa Flow, be refused, as, in his opinion, the proposed development could have a significant effect on wild salmonid fish populations, in particular sea trout, which was a UK Biodiversity Action Plan priority species, and there was insufficient data available to suggest there would be no significant adverse cumulative impact in respect of biodiversity in Scapa Flow and insufficient information had been provided to assess what impact the proposed development would have on sea trout populations/sea trout spawning burns, and therefore the proposed development did not accord with Policy 9C, part (ii) –

Natural Heritage and Landscape, Wider Biodiversity and Geodiversity of the Orkney Local Development Plan 2017, or Supplementary Guidance: Aquaculture (2017) Development Criteria 4 – Wild Salmonid Fish Populations.

On receiving no seconder, his amendment fell, and the Committee:

Resolved, in terms of delegated powers:

4.2. That planning permission be granted in respect of the proposal for the creation of a salmon farm with feed barge at Chalmers Hope, Scapa Flow, subject to conditions.

Councillor Stephen Sankey, seconded by Councillor Robin W Crichton, moved that condition 16 be amended to read as follows:

“No Acoustic Deterrent Devices (ADDs) shall be deployed at this site, unless full details of the ADDs are submitted to, and agreed in writing and in advance, with the Planning Authority. These details shall include information regarding the specifics of the ADD system and any mitigation measures to be implemented on site. The Planning Authority, in consultation with NatureScot, will review the information supplied to determine the significance of any issues affecting natural heritage interests which may arise due to the ADD deployment at this site. Written guidance through site protocols and ADD usage shall be agreed, in writing, by the Planning Authority. The use of ADDs shall be carried out only in accordance with approved details. For the avoidance of doubt this planning condition is without prejudice to whether additional licence requirements require to be addressed for the deployment of ADDs, such as European Protected Species licensing, which is considered under separate legislation.”

Councillor Duncan A Tullock, seconded by Councillor Barbara Foulkes, moved an amendment that condition 16 remain as proposed by officers.

The result of a recorded vote was as follows:

For the Amendment:

Councillors Barbara Foulkes and Duncan A Tullock (2).

For the Motion:

Councillors Alexander G Cowie, Norman R Craigie, Robin W Crichton, David Dawson, Stephen Sankey, John A R Scott, Magnus O Thomson, Owen Tierney and Heather N Woodbridge (9).

The motion was therefore carried.

The Committee thereafter resolved, in terms of delegated powers:

4.3. That the conditions, attached as Appendix 1 to this Minute, should form part of the decision to grant planning permission for the creation of a salmon farm with feed barge at Chalmers Hope, Scapa Flow, referred to at paragraph 4.2 above.

5. Planning Application 20/421/LB

Proposed Alterations to Paving and Steps at West Entrance and Installation of Handrails at St Magnus Cathedral, Broad Street, Kirkwall

Councillor Barbara Foulkes declared a non-financial interest in this item, being a member of St Magnus Cathedral Sub-committee, but concluded that her interest did not preclude her involvement in the discussion.

Councillor John A R Scott declared a non-financial interest in this item, being a Council-appointed representative on the Society of Friends of St Magnus Cathedral, Depute Front-of-House for St Magnus Festival and that his views on the issue had been reported locally and nationally, and was not present during discussion thereof.

Ian Rushbrook, representing the applicant, Orkney Islands Council, and Andrew Boyce, Ferrey and Mennim Limited, agent for the applicant, 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), and after hearing representations from Ian Rushbrook, representing the applicant, Orkney Islands Council, and from Andrew Boyce, Ferrey and Mennim Limited, agent for the applicant, on the motion of Councillor Owen Tierney, seconded by Councillor Barbara Foulkes, the Committee:

Resolved, in terms of delegated powers, that the application for listed building consent in respect of the proposal for alterations to paving and steps at the west entrance and the installation of handrails at St Magnus Cathedral, Broad Street, Kirkwall, be refused for the following reasons:

- The development would not protect or enhance Orkney's cultural heritage, would not reinforce the distinctive identity of Orkney's built environment and would have a negative impact on the appearance of the area.
- Historic Environment Scotland had stated that the development would have an adverse impact on the significance of the building, which would not be mitigated by other considerations. The loss of significance could not be outweighed by social, economic or safety benefits and would harm the special architectural and historic interest of the category A listed building by impacting its appearance, setting and features.

And, accordingly, the proposed development was contrary to the following policies of the Orkney Local Development Plan 2017:

- Policy 1 (i and x) – Criteria for All Development.
- Policy 2 (ii) – Design.
- Policy 8 – Historic Environment and Cultural Heritage.

6. Planning Application 20/423/PP

Proposed Installation of Water and Drainage Pipes (Part Retrospective) on land near West Links, Burray

Leo Kerr, applicant, and John Orr, 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:

6.1. That letters of objection relating to the application for part retrospective planning permission in respect of the proposal for the installation of water and drainage pipes on land near West Links, Burray, had been received from the following:

- Mark Lawrence, Links View, Burray.
- John Orr, Skalivoe, Burray.
- Alistair Holmes, Lynburn, Burray
- Alison Wallhead, Lynburn, Burray.

After hearing representations from John Orr, objector, and from Leo Kerr, applicant, on the motion of Councillor Barbara Foulkes, seconded by Councillor Stephen Sankey, the Committee:

Resolved, in terms of delegated powers:

6.2. That part retrospective planning permission be granted in respect of the proposal for the installation of water and drainage pipes on land near West Links, Burray, subject to the conditions attached as Appendix 2 to this Minute.

7. Planning Application 20/427/HH

Proposed Erection of Domestic Shed at Warrenfield, Bignold Park Road, Kirkwall

Andrew Hamilton, applicant, 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:

7.1. That a letter of objection relating to the application for planning permission in respect of the proposal for the erection of a domestic shed at Warrenfield, Bignold Park Road, Kirkwall, had been received from Walter Cormack, Hestigeo, Kirkwall.

After hearing representations from Andrew Hamilton, applicant, Councillor Magnus Thomson, seconded by Councillor Barbara Foulkes, moved that planning permission be granted in respect of the proposal for the erection of a domestic shed at Warrenfield, Bignold Park Road, Kirkwall, subject to conditions.

Councillor Owen Tierney moved an amendment that the application for planning permission in respect of the proposal for the erection of a domestic shed at Warrenfield, Bignold Park Road, Kirkwall, be refused, as, in his opinion, the large scale and steel clad design of the proposed development was not appropriate in a residential area and did not reflect the existing character of the surrounding area, resulting in an adverse impact on the appearance of the area, and therefore did not accord with Policy 1 – Criteria for All Development and Policy 2 – Design of the Orkney Local Development Plan 2017.

On receiving no seconder, his amendment fell, and the Committee:

Resolved, in terms of delegated powers:

7.2. That planning permission be granted in respect of the proposal for the erection of a domestic shed at Warrenfield, Bignold Park Road, Kirkwall, subject to the following condition:

- 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.

8. Planning Application 20/458/PP

Removal of Trees, Installation of Sewer Pipe and Associated Landscaping (Retrospective) at Stromness Millennium Woodland, Cairston Road, Stromness

Stephen Kemp, representing the applicant, Orkney Builders Limited, 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), and after hearing representations from Stephen Kemp, representing the applicant, Orkney Builders Limited, the Committee:

Resolved, in terms of delegated powers, that retrospective planning permission be granted for the removal of trees, installation of a sewer pipe and associated landscaping at Stromness Millennium Woodland, Cairston Road, Stromness, subject to the conditions attached as Appendix 3 to this Minute.

9. Conclusion of Meeting

At 14:00 the Chair declared the meeting concluded.

Signed: Rob W Crichton.