

## Minute

### Planning Committee

Wednesday, 9 March 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

- Hayley Green, Corporate Director for Neighbourhood Services and Infrastructure.
- Gareth Waterson, Corporate Director for Enterprise and Sustainable Regeneration.
- Hazel Flett, Senior Committees Officer.
- Kirsty Groundwater, Communications Team Leader.

### Not Present

- Councillor Magnus O Thomson.

### Declarations of Interest

- No declarations of interest had been intimated.

### 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 application 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 Corporate Director for Enterprise and Sustainable Regeneration, 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.
- 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.
- Susan Allan, 30 Liberator Drive, 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.

**3.3.** That, on 19 January 2022, the Planning Committee resolved that consideration of the application be deferred to enable members of the Committee to undertake an unaccompanied site visit.

After hearing representations from Ian Rushbrook, representing the applicant, Orkney Islands Council, Councillor Robin W Crichton, seconded by Councillor John A R Scott, 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 Barbara Foulkes, seconded by Councillor David Dawson, moved an amendment 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 officers to hold further discussions with the applicant in respect of addressing concerns raised by objectors to the development relating to the egress onto Muddisdale Road.

The result of a recorded vote was as follows:

For the Amendment:

Councillors David Dawson, Barbara Foulkes and Heather N Woodbridge (3).

For the Motion:

Councillors Alexander G Cowie, Norman R Craigie, Robin W Crichton, Stephen Sankey, John A R Scott, Owen Tierney and Duncan A Tullock (7).

The Motion was therefore carried.

The Committee thereafter resolved, in terms of delegated powers:

**3.3.** 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 the conditions attached as Appendix 1 to this Minute.

#### **4. Conclusion of Meeting**

At 11:20 the Chair declared the meeting concluded.

Signed: Rob Crichton.

## **Appendix 1.**

### **Proposed Construction of Access Roads and Other Housing Infrastructure including Surface Water Detention Basin and Landscaping at Corse West (land near), Kirkwall (19/014/PPMAJ)**

#### **Grant subject to the following conditions:**

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. No access shall be provided for construction traffic to or from Muddisdale Road or Soulisquoy Loan.
- 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. No development shall commence until full details of all alterations and improvements to Muddisdale Road are submitted to, and approved in writing by, the Planning Authority. These alterations and improvements shall include:

- Surfacing and drainage works to the west of the application site.
- Culverting, widening and drainage works to the north of the application site.
- The junction of the new access road with Muddisdale Road.
- Measures to slow cyclist speeds on the existing footpath.

- Build-outs at crossing points.
- Additional street lighting.
- Slappings through the stone wall on the north boundary.
- Specification of the new footpath on the north boundary.

These details shall follow the indicative details included in the submitted plan 'POSSIBLE MITIGATION MEASURES RELATING TO PROPOSED VEHICULAR LINK TO MUDDISDALE ROAD' dated 31.01.22.

Thereafter, the development hereby approved shall not be brought into use until all alterations and improvements are completed wholly in accordance with approved details, to the satisfaction of the Planning Authority in conjunction with Roads Services.

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.