

Minute

Planning Committee

Wednesday, 25 June 2025, 11:00.

Council Chamber, Council Offices, School Place, Kirkwall.



Present

Councillors Owen Tierney, David Dawson, P Lindsay Hall, W Leslie Manson, James R Moar, Janette A Park, Raymond S Peace, Ivan A Taylor and Duncan A Tullock.

Clerk

- Katy Russell-Duff, Committees Officer.

In Attendance

- Gavin Barr, Interim Head of Planning and Regulatory Services.
- Jamie Macvie, Service Manager (Development Management).
- Derek Manson, Team Manager (Development Planning).
- Paul Maxton, Solicitor.

Observing

- Isla McLeod, Graduate Planner.

Apologies

- Councillor John A R Scott.
- Councillor Jean E Stevenson.

Declarations of Interest

- Councillor David Dawson – Item 2.
- Councillor W Leslie Manson – Items 1 and 3.
- Councillor Ivan A Taylor – Item 3.

Chair

- Councillor Owen Tierney.

1. Planning Application 23/209/PP

Proposed Erection of Three Storey Block of 15 Flats and Associated Works (Resubmission of 21/266/PP) at Great Western Road, Kirkwall

Stephen Kemp, representing the applicant, Orkney Builders Ltd, was present during consideration of this item.

Councillor W Leslie Manson declared an interest in this item, in that the applicant was a personal friend, and was not present during discussion thereof.

After consideration of a report by the Director of Infrastructure and Organisational Development, copies of which had been circulated, and after hearing a report from the Service Manager (Development Management), the Committee:

Noted:

1.1. That the Scottish Environmental Protection Agency (SEPA) had objected to the application for planning permission in respect of the proposed erection of a three storey block of 15 flats and alteration to an access, with associated car parking, landscaping and infrastructure at Great Western Road, Kirkwall, on the grounds that the proposal was contrary to relevant policies in National Planning Framework 4 in relation to flood risk.

After hearing representations from Stephen Kemp, representing the applicant, Orkney Builders Ltd, on the motion of Councillor Duncan A Tullock, seconded by Councillor James R Moar, the Committee:

Resolved, in terms of delegated powers:

1.2. That the Council should notify Scottish Ministers of its intention to approve the application for planning permission in respect of the proposed erection of a three storey block of 15 flats and alteration to an access, with associated car parking, landscaping and infrastructure at Great Western Road, Kirkwall, subject to conditions.

1.3. That, should the application not be called in by Scottish Ministers for determination, consent should be issued in respect of the proposed erection of a three storey block of 15 flats and alteration to an access, with associated car parking, landscaping and infrastructure at Great Western Road, Kirkwall, subject to conditions.

1.4. That powers be delegated to the Director of Infrastructure and Organisational Development to issue the consent, referred to at paragraph 1.3 above, incorporating standard conditions.

1.5. That the Committee's reasons for granting planning permission, against for the recommendation of the Director of Infrastructure and Organisational Development, having concluded that the concerns of the objector was of insufficient weight to warrant refusal, were that, in the Committee's opinion:

- The proposed development was sited and designed taking into consideration the location and the wider townscape.
- The proposed density of the proposed development was appropriate to the location.
- The proposed development was not prejudicial to the effective development of, or existing use of, the wider area.
- The amenity of the surrounding area was preserved and there were no unacceptable adverse impacts on the amenity of adjacent and nearby properties/users.
- The proposed development would not create an unacceptable burden on existing infrastructure and services that could not be resolved.
- The proposed development did not result in an unacceptable level of risk to public health and safety.

- The proposed development had a positive or neutral effect on the appearance and amenity of the area.
- The proposed development facilitated easy wayfinding to and around the proposed development and was appropriately connected to pedestrian, vehicular and public transport routes, encouraging and prioritising pedestrian access.
- The proposed development was within an area that was behind a formal flood protection scheme, it was an acceptable land use for the location and designed to be resilient.
- The proposed development was well connected to the existing network of roads, paths, and cycleways and would not create a barrier to future development.
- The proposed development would result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, in accordance with Policy 9(a) – Brownfield, vacant and derelict land and empty buildings of National Planning Framework 4.
- The proposed development would enhance and improve the vitality and viability of the town centre.
- The proposed development would generate significant footfall, including commercial, leisure, offices, community, sport and cultural facilities, public buildings such as libraries, education and healthcare facilities, and public spaces in the existing town centre.

In particular, it was considered by the Committee that Policy 9(a) of National Planning Framework 4 should be given greater weight than Policy 22 of National Planning Framework 4 in the determination. It was considered that Policy 9(a), as a material consideration, was sufficient to outweigh Policy 22 'Flood risk and water management' of National Planning Framework 4. The Committee considered that, in any event and having regard to the lack of data specified by SEPA, SEPA had overstated the risk of flooding and had taken an over cautious approach in regard to the precautionary principle. The Committee was particularly concerned that the development site, and potentially a large surrounding area, was being prevented from development owing to the approach being taken by SEPA. As indicated, the Committee considered that Policy 9(a) and Policy 16 of National Planning Framework 4 were significant and important in securing the sustainable reuse and redevelopment of vacant brownfield land, within central Kirkwall which would include provision of new homes, including affordable homes.

Accordingly, having been fully assessed, the proposed development was in accordance with the undernoted policies:

- Orkney Local Development Plan 2017:
 - Policy 1 (parts i, ii, iii, iv, v and vi) – Criteria for All Development.
 - Policy 2 (parts ii and iii) – Design.
 - Policy 13A (iii) – Flood Risk, SuDS and Waste Water Drainage.
 - Policy 14C (i) – Transport, Travel and Road Network Infrastructure.
- National Planning Framework 4:
 - Policy 9(a) – Brownfield, vacant and derelict land and empty buildings.
 - Policy 15 Local Living and 20 Minute neighbourhoods.

- Policy 16 Quality Homes.
- Policy 27(a) and (b) – City, town local and commercial centres.

2. Planning Application 23/458/PP

Proposed Alteration and Extension of Office Building, Change of Use to Mixed Use Facility, Extension of Car Parking, and Associated Infrastructure and Landscaping at Orkney Research and Innovation Campus, Stromness

Colin Borland, objector, was present during consideration of this item.

Councillor David Dawson declared an interest in this item, in that he was a Board member of Orkney Research and Innovation Campus until May 2024 and was involved in the initial planning stages, and was not present during discussion thereof.

After consideration of a report by the Director of Infrastructure and Organisational Development, copies of which had been circulated, and hearing a report from the Service Manager (Development Management), the Committee:

Noted:

2.1. That letters of objection relating to the application for planning permission in respect of the proposed alteration and extension of an office building, change of use to a mixed use facility, extension of car parking and associated infrastructure and landscaping at the Orkney Research and Innovation Campus, Stromness, had been received from the following:

- Alistair Cameron, Craigholm, Back Road, Stromness.
- Allyn Brown, 106a Victoria Street, Stromness.
- Archibald Paterson and Penny Paterson, Ashburn, StrathSteven, Brora.
- Caroline Haxton, Wester Greenside Farm, Newburgh Road, Abernethy.
- Colin and Ishbel Borland, Bea House, Back Road, Stromness.
- Deborah Black, Oakbank, Sandwick, Stromness.
- Eildih McIntosh, 157 Maxwell Avenue, Glasgow.
- Fiona Matheson, 90 Dundas Street, Stromness.
- Francis Sinclair, 4 Yorston Drive, Stromness.
- Graham Borland, 34 Hunters Way, Lochwinnoch.
- Ilona Wishart, 30 Grieveship Brae, Stromness.
- Joe Goldblatt, 15/6 East Parkside, Edinburgh.
- John Butterfield, Bring Deeps, Orphir.
- Josephine Jones, Moorside, Finstown.
- Judy Gilbert, 3 Hoymansquoy, Stromness.
- Kate Shiner, 37 Copland's Drive, Stromness.
- Kim Whyte, 2 Grays Noust, Stromness.
- Lesley Clark, Newdale, Innertown, Stromness.
- Lesley Edinborough, 4 Springfield Crescent, Stromness.
- Liam Chalmers, Lee Farm, Stromness

- Orkney Hyperbaric Trust, c/o Malcolm Thompson, The Bobby Forbes Unit, Stromness.
- Pauline Figliolini, 10 Kirkburn, Laurencekirk.
- Robert Gibbon, Naversdale, Orphir, Stromness.
- Roy Seatter, 4 St Peter's Park, Seatter, Stromness.
- Stromness Community Council, c/o Sandra Craigie, Billia Smari, Outertown, Stromness.
- SULA Diving, c/o Malcolm Thompson, Charles Clouston Building, ORIC, Stromness.
- Susan Paice, The Sycamores, 23 Church Road, Stromness.
- Tracey Smallman, 32 Hamnavoe, Stromness.
- Vivienne Macleod, Rosehill Cottage, Stromness.

After hearing representations from Colin Borland, objector, on the motion of Councillor Duncan A Tullock, seconded by Councillor P Lindsay Hall, the Committee:

Resolved, in terms of delegated powers:

2.2. That planning permission in respect of the proposed alteration and extension of an office building, change of use to a mixed use facility, extension of car parking and associated infrastructure and landscaping at the Orkney Research and Innovation Campus, Stromness, be refused.

2.3. That the Committee's reasons for refusal were as follows:

- The proposed development was not sited and designed taking into consideration the location and the wider townscape, landscape and coastal character.
- The proposed density of the proposed development was not appropriate to the location.
- The amenity of the surrounding area was not preserved and there were unacceptable adverse impacts on the amenity of adjacent and nearby properties/users.
- The proposed development did not reinforce the distinctive identity of Orkney's build environment and was not sympathetic to the character of its local area.
- The proposed development did not have a positive or neutral effect on the appearance and amenity of the area.
- The proposed development did not preserve the character and appearance of the conservation area.
- The proposed development did not support local architectural styles and natural landscapes either literally or creatively.

And, accordingly, the proposed development was contrary to the following policies:

- Orkney Local Development Plan 2017:
 - Policy 1 (parts i, ii and iv) – Criteria for All Development.
 - Policy 2 (parts i and ii) – Design.
 - Policy 8 Historic Environment and Cultural Heritage.
- National Planning Framework 4:
 - Policy 7(d) – Historic assets and places.
 - Policy 14(b) – Design, quality and place.

3. Planning Application 24/160/PPMAJ

Proposed Erection of 66 Houses and Flats, Creation of Access, Construction of Road and Associated Infrastructure and Landscaping on Land near New Scapa Road, Kirkwall

Stephen Kemp, representing the applicant, Orkney Builders (Contractors) Ltd, was present during consideration of this item.

Councillor W Leslie Manson declared an interest in this item, in that the applicant was a personal friend, and was not present during discussion thereof.

Councillor Ivan A Taylor declared an interest in this item, in that he lived close to the site, and was not present during discussion thereof.

After consideration of a report by the Director of Infrastructure and Organisational Development, copies of which had been circulated, and after hearing a report from the Service Manager (Development Management), the Committee

Noted:

3.1. That letters of objection relating to the application for planning permission in respect of the proposed erection of 66 houses and flats, creation of an access, construction of a road and associated infrastructure and landscaping on land near New Scapa Road, Kirkwall, had been received from the following:

- Sara Campbell, 2 Royal Oak Road, Kirkwall.
- Highland Distillers Ltd, c/o Brodies House, 31-33 Union Grove, Aberdeen.

After hearing representations from Stephen Kemp, representing the applicant, Orkney Builders (Contractors) Ltd, on the motion of Councillor Duncan A Tullock, seconded by Councillor David Dawson, the Committee:

Resolved, in terms of delegated powers:

3.2. That planning permission in respect of the proposed erection of 66 houses and flats, creation of an access, construction of a road and associated infrastructure and landscaping on land near New Scapa Road, Kirkwall, be refused for the following reason:

- On the grounds of a technical deficiency, due to a failure to submit principally hydrogeological and hydrological information required in order to assess the application, as required under Regulation 24 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, and in written agreement with the applicant.

4. Planning Application 25/015/PP

Proposed Erection of House near Kingswood, Croval Road, Stromness

Carol Rae, applicant, and John Winstanley, the applicant's agent, were present during consideration of this item.

Aine King, representing the objector, Antony Hodgson, was present, via Microsoft Teams, during consideration of this item.

After consideration of a report by the Director of Infrastructure and Organisational Development, copies of which had been circulated, and after hearing a report from the Service Manager (Development Management), the Committee:

Noted:

4.1. That a letter of objection relating to the application for planning permission in respect of the proposed erection of a house near Kingswood, Croval Road, Stromness, had been received from Antony Hodgson, Sorpool, Croval Road, Stromness.

After hearing representations from Aine King, representing the objector, Antony Hodgson, and from John Winstanley, agent representing the applicant, Carol Rae, the Committee:

Resolved, in terms of delegated powers:

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

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

- National Planning Framework 4:
 - Policy 3 – Biodiversity.
 - Policy 14 – Design, quality and place.
- Orkney Local Development Plan 2017:
 - Policy 1 – Criteria for All Development.
 - Policy 2 – Design.
 - Policy 5 – Housing.

4.4. That planning permission be granted in respect of the proposed erection of a house near Kingswood, Croval Road, Stromness, subject to the conditions attached as Appendix 1 to this Minute.

5. Planning Application 25/086PP

Proposed Change of Use from Offices to Boarding House (Class 7) at Garden House, New Scapa Road, Kirkwall

Gareth Crichton, representing the applicant, Orkney Island Hotels Ltd, was present during consideration of this item.

After consideration of a report by the Director of Infrastructure and Organisational Development, copies of which had been circulated, and after hearing a report from the Service Manager (Development Management), the Committee:

Noted:

5.1. That letters of objection relating to the application for planning permission in respect of the proposed change of use from offices to a boarding house (Class 7) at Garden House, New Scapa Road, Kirkwall, had been received from the following:

- Donald and Jean Bain, 9 Scapa Court, Kirkwall.
- Keith and Maureen Moar, 2 Scapa Court, Kirkwall.
- Leslie Sinclair, 31A Broad Street, Kirkwall.

After hearing representations from Gareth Crichton, representing the applicant, Orkney Island Hotels Ltd, the Committee:

Resolved in terms of delegated powers:

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

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

- National Planning Framework 4:
 - Policy 9 – Brownfield, vacant and derelict land and empty buildings.
 - Policy 14 – Design, quality and place.
 - Policy 15 – Local Living and 20-minute neighbourhoods.
 - Policy 30 – Tourism.
- Orkney Local Development Plan 2017:
 - Policy 1 – Criteria for All Development.
 - Policy 2 – Design.
 - Policy 3 – Settlements, Town Centres and Primary Retail Frontages.
 - Policy 4 – Business, Industry and Employment.
 - Policy 9 – Natural Heritage and Landscape.
 - Policy 14 – Transport, Travel and Road Network Infrastructure.
- Planning Policy Advice:
 - Amenity and Minimising Obtrusive Lighting (2021).

5.4. That planning permission be granted in respect of the proposed change of use from offices to a boarding house (Class 7) at Garden House, New Scapa Road, Kirkwall, subject to the conditions attached as Appendix 2 to this Minute.

6. Works Licence Application 25/117/WL

Proposed Installation of Horizontal Directional Drills at Warebeth and Seabed Offshore, Stromness

David Hogg and Mairi MacKenzie, representing the applicant, R J McLeod (Contractors) Ltd, were present during consideration of this item.

After consideration of a report by the Director of Infrastructure and Organisational Development, copies of which had been circulated, and after hearing a report from the Service Manager (Development Management), the Committee:

Noted:

6.1. That letters of objection relating to the application for a works licence in respect of the proposed installation of horizontal directional drills at Warebeth and Seabed Offshore, Stromness, had been received from the following:

- Jim Leitch, Feolquoy, Evie.
- Leslie Sinclair, 31A Broad Street, Kirkwall.

After hearing representations from Mairi MacKenzie, representing the applicant, R J McLeod (Contractors) Ltd, the Committee:

Resolved, in terms of delegated powers:

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

6.3. That the application for a works licence in respect of the proposed installation of horizontal drills at Warebeth and Seabed Offshore, Stromness, be granted, subject to the conditions attached as Appendix 3 to this Minute.

7. Conclusion of Meeting

At 15:15 the Chair declared the meeting concluded.

Signed: Owen Tierney.