Minute

Planning Committee

Wednesday, 11 February 2026, 09:30.

Council Chamber, Council Offices, School Place, Kirkwall.

Present

Councillors Owen Tierney, David Dawson, P Lindsay Hall, W Leslie Manson, James R Moar, Raymond S Peace, John A R Scott, Jean E Stevenson, Ivan A Taylor and Duncan A Tullock.

Present via remote link (Microsoft Teams)

Councillor Janette A Park.

Clerk

- Katy Russell-Duff, Committees Officer.

In Attendance

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

Observing

- James Wylie, Director of Education, Communities and Housing.
- Kirsty Groundwater, Communications Team Manager.

Declarations of Interest

- No declarations of interest were intimated.

Chair

- Councillor Owen Tierney.

1. Planning Application 25/269/PP

Proposed Alteration of Shop Front (Amendment of 24/233/PP) at 50 Albert Street, Kirkwall

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

Noted:

1.1. That a letter of objection relating to the application for planning permission in respect of the proposed alteration of a shop front (amendment of 24/233/PP) at 50 Albert Street, Kirkwall, had been received from The Architectural Heritage Society of Scotland, 15 Rutland Square, Edinburgh.

The Committee resolved, in terms of delegated powers:

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

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

- National Planning Framework 4:
  - Policy 7 – Historic assets and places.
  - Policy 13 – Sustainable transport.
  - Policy 22 – Flood risk and water management.
- Orkney Local Development Plan 2017:
  - Policy 3 – Settlements, Town Centres and Primary Retail Frontages.
  - Policy 8 – Historic Environment and Cultural Heritage.
  - 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).
- National Planning Policy:
  - Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

1.4. That planning permission be granted in respect of the proposed alteration of a shop front (amendment of 24/233/PP) at 50 Albert Street, Kirkwall, subject to the conditions attached as Appendix 1 to this Minute.

2. Planning Application 25/315/PP

Proposed Creation of Access, Construction of Road and Associated Works, and Erection of Temporary Units and Generators near Houton Ferry Terminal, Houton Road, Orphir

Murray Agnew and Conor Manning, representing the applicant, Scottish Hydro Electric Transmission Plc, were present during consideration of this item.

Johnny MacKay, representing the objector, Orphir Community Council, was present during consideration of this item.

Joe McCall, representing the objectors, Colleen Batey, Caroline Beaton, Katy Beaton, Angela Fitzpatrick, Michael Grainger, Hilary Grant, Bashir Hasham, Liz Johnston, Morag McCall, Helen Michell, Michael Purser and Catherine Waters, was present during consideration of this item.

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

Noted:

2.1. That letters of objections relating to the application for planning permission in respect of the proposed creation of an access, construction of a road and associated works, and erection of temporary units and generators near Houton Ferry Terminal, Houton Road, Orphir, had been received from the following:

- Orphir Community Council.
- Graemsay, Hoy and Walls Community Council.
- Lynda Baird, Orkney Lodge, Houton Bay, Orphir.
- Colleen Batey, Quoy of Houton, Orphir.
- Caroline Beaton, Holmlea, Houton, Orphir.
- Angela Fitzpatrick, Seaview, Houton, Orphir.
- Michael Grainger, Ardeonaig, Houton, Orphir.
- Hilary Grant, Houth, Orphir.
- Bashir Hasham, Tanmaur, Orphir.
- Liz Johnston, Tower, Orphir.
- Johnny MacKay and Katy Beaton, Upper Fleck, Houton, Orphir.
- Morag McCall, Ceomara, Orphir.
- Helen Michell, Njord, Orphir.
- Michael and Jill Purser, Eastaquoy, Orphir.
- Catherine Waters, Quoylea, Orphir.

After hearing representations from Johnny MacKay, representing Orphir Community Council, Joe McCall representing the objectors, Colleen Batey, Caroline Beaton, Katy Beaton, Angela Fitzpatrick, Michael Grainger, Hilary Grant, Bashir Hasham, Liz Johnston, Morag McCall, Helen Michell, Michael Purser and Catherine Waters, and from Murray Agnew and Conor Manning, representing the applicant, Scottish Hydro Electric Transmission plc, Councillor David Dawson, seconded by Councillor Owen Tierney, moved that planning permission be granted in respect of the proposed creation of an access, construction of a road and associated works, and erection of temporary units and generators near Houton Ferry Terminal, Houton Road, Orphir, for the reasons set out in the officer’s report.

And, accordingly, the proposed development complied with the undernoted policies:

- National Planning Framework 4:
  - Policy 3 – Biodiversity.
  - Policy 4 – Natural places.
  - Policy 7 – Historic assets and places.
  - Policy 9 – Brownfield, vacant and derelict land and empty buildings.
  - Policy 13 – Sustainable transport.
  - Policy 14 – Design, quality and place.
  - Policy 18 – Infrastructure first.
  - Policy 23 – Health and safety.
- Orkney Local Development Plan 2017:
  - Policy 1 – Criteria for All Development.
  - Policy 2 – Design.
  - Policy 4 – Business, Industry and Employment.
  - Policy 5 – Housing.
  - 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).
  - Settlement Statements (2017).
- Planning Policy Advice:
  - Amenity and Minimising Obstructive Lighting (2021).
- Development Management Guidance:
  - Considering and Including Biodiversity in Development (2023).

Councillor W Leslie Manson moved an amendment that the application for the planning permission in respect of the proposed creation of an access, construction of a road and associated works, and erection of temporary units and generators near Houton Ferry Terminal, Houton Road, Ophir, be refused as, in his opinion, the proposed development:

- Was 11 miles from the workplace leading to travel and emissions.
- Extended the industrialised footprint on Orkney.
- Had a negative impact on local amenities, as indicated in the representations.

And, accordingly, the proposed development did not comply with the undernoted policies:

- Orkney Local Development Plan 2017:
  - Policy 1.2 (i), (ii), (iv) and (v) – Criteria for All Development regarding location, density and amenity
  - Policy 2.6 (i), (ii) and (v) – Design regarding character and amenity impacts.

On receiving no seconder, the amendment fell, and 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:

- National Planning Framework 4:
  - Policy 3 – Biodiversity.
  - Policy 4 – Natural places.
  - Policy 7 – Historic assets and places.
  - Policy 9 – Brownfield, vacant and derelict land and empty buildings.
  - Policy 13 – Sustainable transport.
  - Policy 14 – Design, quality and place.
  - Policy 18 – Infrastructure first.
  - Policy 23 – Health and safety.
- Orkney Local Development Plan 2017:
  - Policy 1 – Criteria for All Development.
  - Policy 2 – Design.
  - Policy 4 – Business, Industry and Employment.
  - Policy 5 – Housing.
  - 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).
  - Settlement Statements (2017).

- Planning Policy Advice:
  - Amenity and Minimising Obstructive Lighting (2021).
- Development Management Guidance:
  - Considering and Including Biodiversity in Development (2023).

2.4. That planning permission be granted in respect of the proposed creation of an access, construction of a road and associated works, and erection of temporary units and generators near Houton Ferry Terminal, Houton Road, Orphir, subject to the conditions attached as Appendix 2 to this Minute.

3. Planning Application 25/361/HH

Proposed Extension of House at Fara, Hutter Road, Stromness Parish

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

Noted:

3.1. That, as the planning application for the proposed extension of a house at Fara, Hutter Road, Stromness Parish, was made on behalf of the Chief Executive, in accordance with the Scheme of Administration, the application required to be determined by the Planning Committee.

The Committee resolved, in terms of delegated powers:

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

- National Planning Framework 4:
  - Policy 16 – Quality Homes.
- Orkney Local Development Plan 2017:
  - Policy 1 – Criteria for All Development.
  - Policy 2 – Design.

3.3. That planning permission be granted in respect of the proposed extension of a house at Fara, Hutter Road, Stromness Parish, subject to the undernoted condition:

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.

4. Conclusion of Meeting

At 11:49 the Chair declared the meeting concluded.

Signed: Owen Tierney.

Appendix 1.

Proposed Alteration of Shop Front (Amendment of 24/233/PP) at 50 Albert Street, Kirkwall.

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 full details of the following, including samples and/or construction details, have been submitted to and approved, in writing, by the Planning Authority:

- Bronze cladding panels.
- PPC aluminium panels, window frame and door details, and barrier.
- Windows W-F6 and W-03, on elevation 3 of drawing no. 1490 ASK P 310 Rev.A.
- Stained-glass window.
- Rooflights.

Thereafter, the development shall be carried out wholly in accordance with these approved details only.

Reason: To protect the character and appearance of the conservation area.

Appendix 2.

Proposed Creation of Access, Construction of Road and Associated Works, and Erection of Temporary Units and Generators near Houton Ferry Terminal, Houton Road, Ophir,

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. Planning permission for the two accommodation units, welfare unit and two generators is hereby approved for a temporary period of 12 months only, commencing on the date one month after the first structure is brought on to the application site, or first residential occupation of either accommodation unit, whichever is sooner (the “temporary commencement date”). Residential occupation shall cease 12 months after the temporary commencement date, and no later than two months from this date, the application site shall be cleared of all temporary development.

Reason: To ensure the temporary element of development is removed timeously.

03. Notwithstanding details included in drawings hereby approved, no development shall commence until full details of all finishes and colours of the external elevations of the temporary units have been submitted to and approved, in writing, by the Planning Authority. Thereafter, the development shall be carried out wholly in accordance with approved details.

Reason For the avoidance of doubt and in the interests of visual amenity.

04. All plant, machinery and equipment associated with ventilation, air-conditioning, heating and electricity generation, or any other plant, shall be installed, maintained and operated such that any associated total operating noise does not exceed NR35 during the day and NR25 at night within any residential property outwith the development, where NR35 and NR25 is the Noise Rating Curve at 35 and 25 (noise measurements/predictions to be made with a window of any residential property outwith the development open no more than 50 millimetres).

Reason: To protect any nearby residents from excessive noise disturbance from the fixed plant and equipment.

05. Should the Planning Authority receive complaints regarding noise from the development hereby approved, on instruction from the Planning Authority (in conjunction with Environmental Health), a noise assessment shall be carried out to ensure compliance with the levels set out in Condition 04. A report on the findings of the assessment shall be submitted to the Planning Authority for review.

Reason: To protect any nearby residents from excessive noise disturbance from the fixed plant and equipment, where noise assessment is considered expedient.

06. No development shall commence until a Construction Management Plan including (but not limited to): construction compound layout, hours of work, and compliance with Detailed UXO Risk Assessment and Risk Mitigation Measures, has been submitted to and approved, in writing, by the Planning Authority. Thereafter, all works shall be carried out in strict accordance with the approved details throughout the duration of the construction period. For the avoidance of doubt, no temporary work or storage shall be carried out beyond the details submitted.

Reason: To safeguard the amenity of neighbouring properties and occupants.

07. No development shall commence until a Written Scheme of Investigation (WSI) has been submitted to and approved, in writing, by the Planning Authority, in conjunction with the Islands Archaeologist. The WSI shall detail an Archaeological Watching Brief, to be conducted during ground-breaking works. The WSI shall include provision for dealing with human remains, artefacts, ecofacts, samples and structural remains, should any be found and which may cause temporary delays to the works. Works shall be funded by the applicant and carried out in accordance with the approved WSI and subsequent updates.

Subject to advice from Orkney Museums curators, the works shall enable the retrieval and retention of the stove and boiler units identified in the Archaeological Report.

Reason: In the interests of the protection of Orkney's archaeological and cultural heritage resources and to accord with National Planning Framework 4 Policy 7o), Orkney Local Development Plan 2017 Policies 8A and 8B(vi), Supplementary Guidance: Historic Environment and Cultural Heritage (2017) and Planning Policy Advice: Historic Environment (Topics and Themes) (2017).

08. The proposed hedging/planting around the site must be maintained so that it does not encroach into the boundary of the public road and is maintained to a maximum height of no greater than one metre above edge of carriageway level within the forward visibility splay from the junction with the Houton Road.

Reason: In the interest of road safety.

09. No development shall commence until a plan showing a future footpath linking the proposed development to the Houton Ferry terminal, through the development hereby approved, has been submitted to and approved, in writing, by the Planning Authority.

Reason: To provide details of a future safe access for pedestrians through the site to the ferry terminal, and to ensure that is not prejudiced by the permanent parts of the development.

10. The temporary accommodation hereby approved shall not be occupied on a residential basis until a public footpath with layby and waiting area has been designed in accordance with the Council's Roads Services requirements and constructed along the public road ‘Houton Road’ wholly in accordance with approved details.

A further waiting area shall be constructed on the opposite side of Houton Road.

Full details of this public footpath with layby and waiting area, and further waiting area, shall be submitted to and approved, in writing, by the Planning Authority, and thereafter constructed wholly in accordance with these details.

Reason: To ensure safe pedestrian access, drop off and pick up points for buses and in the interest of road safety.

11. The temporary accommodation shall not be occupied on a residential basis until the access junction has been completed to the design and specification hereby approved.

Reason: To ensure the provision of a means of access in the interests of road safety and public amenity.

12. No development shall commence until full details of the siting and design of communal wheelie bin/kerbside recycling bin storage areas, suitable for the future use by house sites, have been submitted to and approved, in writing, by the Planning Authority. Thereafter, and prior to first occupation of the temporary accommodation, the bin storage areas shall be completed wholly in accordance with approved details.

Reason: To ensure that suitable provision is made for the storage of communal waste and recycling bins.

13. No development shall commence until a Maintenance Plan for the management in perpetuity of the communal areas, including roads, footpaths, landscaping and foul and surface water drainage, have been submitted to and approved, in writing, by the Planning Authority, in conjunction with Roads Services. Thereafter, the development shall be managed wholly in accordance with approved details.

Reason: To ensure long term maintenance of the roads and infrastructure in the interest of safety and amenity of the users of the area.

14. Throughout the lifetime of the development hereby approved, surface water shall be managed in accordance with the principles of Sustainable Drainage Systems (SuDS) and the guidance set out in CIRIA's SuDS Manual C753. Requisite surface water drainage measures shall be operational prior to the development being brought into use and shall be maintained as operational thereafter and throughout the lifetime of the development.

All surface water shall be contained within the application site and shall be managed to avoid flow into any adjacent road or other land.

Reason: To ensure appropriate management of surface water drainage, in accordance with Policy 13B 'Sustainable Drainage Systems (SuDS)' of the Orkney Local Development Plan 2017 and Policy 22(c) ‘Flood Risk and Water Management’ of National Planning Framework 4.

15. Any exterior lighting employed shall be so positioned, angled and controlled to prevent any direct illumination, glare or light spillage outwith the site boundary.

Reason: To ensure that any lighting installed within the application site does not spill beyond the intended target area, does not impact adversely upon the amenity of adjacent properties and does not result in 'sky glow'.

16. The landscaping measures set out in site plan drawing 003 shall be implemented in full no later than the first planting season following commencement of development. Thereafter, the biodiversity measures shall be permanently retained in accordance with the approved details, including replacement of any planting that does not survive, is removed, or is damaged, unless otherwise agreed in writing with the planning authority.

Reason: To ensure biodiversity measures are implemented as required by Policy 3 ‘Biodiversity’ of National Planning Framework 4

17. No development shall commence until full details of the access arrangements, footpaths, parking, turning / servicing areas, street lighting, drainage, and other infrastructure and works have been submitted to and approved, in writing, by the Planning Authority. This shall include details for the temporary phase of the development, and thereafter when all temporary works are removed from the site. All development shall be carried out wholly in accordance with approved details, including phasing.

Reason To ensure that road and parking provision within the site is sufficient for the proposed and future use.