

Minute

Local Review Body

Thursday, 30 April 2026, 11:45.

Council Chamber, Council Offices, School Place, Kirkwall.



Present

Councillors Owen Tierney, David Dawson, W Leslie Manson, James R Moar, Janette A Park, Raymond S Peace, John A R Scott and Duncan A Tullock.

Clerk

- Katy Russell-Duff, Committees Officer.

In Attendance

- Gavin Barr, Planning Advisor.
- Stuart Bevan, Legal Advisor.

Apologies

- Councillor P Lindsay Hall.
- Councillor Jean E Stevenson.
- Councillor Ivan A Taylor.

Declarations of Interest

- No declarations of interest were intimated.

Chair

- Councillor Owen Tierney.

1. Planning Application 25/311/PP

Proposed Conversion of Office with Ancillary Accommodation to House at 43 Junction Road, Kirkwall

After consideration of a report by the Head of Corporate Governance, copies of which had been circulated, and after hearing a presentation from the Planning Advisor, the Local Review Body:

Noted:

1.1. That planning permission for the proposed conversion of an office with ancillary accommodation to a house at 43 Junction Road, Kirkwall, was refused by the Appointed Officer on 18 December 2025, for the following reason:

01. The location is known to be at significant risk of surface water flooding, indicated through SEPA and Scottish Water modelling of flood extents and evidenced through historical flood events, and the proposed dwelling would be a more vulnerable use than the current office (with ancillary accommodation), and the development is therefore contrary to Policy 22(a) of National Planning Framework 4 and Policy 13A of the Local Development Plan.

1.2. That the applicant's agent had submitted a Notice of Review requesting that the decision of the Appointed Officer, referred to at paragraph 1.1 above, be reviewed, a summary of which was provided as part of the presentation from the Planning Advisor.

1.3. That, in accordance with policy, the Local Review Body had undertaken an unaccompanied site inspection to the site at 43 Junction Road, Kirkwall, at 11:00 on 30 April 2026, where following was observed:

- The proposed ground floor property for conversion and its relationship with the neighbouring four properties at 43 Junction Road.
- The site plans, including elevations and design details.
- The site boundaries, including adjacency to Junction Road, with a private car park to the north and no other public car parking in the immediate vicinity of the site.
- The neighbouring commercial property and windows.
- The shared amenity area space, which included current use for the storage of wheelie bins.

The Local Review Body thereafter determined that it had sufficient information to proceed to determination of the Review and that the Review be determined without further procedure.

On the motion of Councillor Duncan A Tullock, seconded by Councillor John A R Scott, the Local Review Body resolved, in terms of delegated powers:

1.4. That the decision of the Appointed Officer, to refuse planning permission for the proposed conversion of an office with ancillary accommodation to a house at 43 Junction Road, Kirkwall, should be reversed.

1.5. That planning permission be granted in respect of the proposed conversion of an office with ancillary accommodation to a house at 43 Junction Road, Kirkwall, subject to conditions.

1.6. That the Local Review Body's reason for granting planning permission for the proposed conversion of an office with ancillary accommodation to a house at 43 Junction Road, Kirkwall, was that, in the Committee's judgement, the proposed development complied with the following policies:

- National Planning Framework 4:
 - Policy 9(a) – Brownfield, vacant and derelict land and empty buildings.
 - Policy 13(b)(i) and (b)(ii) – Sustainable transport.
 - Policy 14(a) and (b) – Liveable Places.
- Orkney Local Development Plan 2017:
 - Policy 1(i, ii and vi) – Criteria for All Development.
 - Policy 2(ii to iv) – Design.
 - Policy 3A(i) – Settlements, Town Centres and Primary Retail Frontages.
 - Policy 5A(ii) – Housing.
 - Policy 14.1 – Transport, Travel and Road Network Infrastructure.

1.7. That, while the Local Review Body acknowledged the issues related to flood risk and the lack of policy support from Policy 22 of National Planning Framework 4, the Committee determined that the need for housing in Kirkwall was a material consideration which justified a departure from the development plan.

1.8. That powers be delegated to the Head of Corporate Governance, in consultation with the Planning Advisor and the Legal Advisor, to determine the necessary conditions and informatives to attach to the planning permission for the proposed conversion of an office with ancillary accommodation to a house at 43 Junction Road, Kirkwall, based on the following relevant matters:

- Conditions:
 - Duration of consent.
 - Hours of work.
- Informative:
 - Flood information measures.

2. Planning Application 24/485/PIP

Proposed Siting of House at Myrtledene, Skiddy Road, Rendall

After consideration of a report by the Head of Corporate Governance, copies of which had been circulated, and after hearing a presentation from the Planning Advisor, the Local Review Body:

Noted:

2.1. That planning permission in principle for the proposed siting of a house at Myrtledene, Skiddy Road, Rendall, was refused by the Appointed Officer on 3 December 2025, for the following reasons:

01. The proposed development is not within the non-linked isles, does not provide an identified local housing outcome, and is not suitable in terms of location as matters relative to 'rural areas'. The proposed development is contrary to the National Planning Framework 4 – Policy 17 – Rural Homes.

02. The proposed siting does not respect the established character of the surrounding rural landscape. The development would detract from the rural setting and fail to integrate appropriately with its context. The proposal is therefore contrary to Policy 1 (Criteria for All Development), parts (i) and (ii), of the Orkney Local Development Plan 2017.

03. The proposed development is groundless as it seeks to use a domestic outbuilding within the curtilage of Myrtledene as the rationale for a replacement house. A previous application within the lifetime of the Orkney Local Development Plan has been approved and has delivered a new house to the east of Myrtledene as a domestic curtilage subdivision. Policy 5E(v), The subdivision of a Dwelling House or its residential Curtilage, only provides opportunity for one additional house through the plan period. The proposed development is contrary to Policy 5E(v) of the Orkney Local Development Plan 2017.

04. The proposed house site is not situated to minimise negative impacts on the local landscape. The proposed site location has the potential to add to incongruous single-house development in the countryside, with the potential to lead to the suburbanisation of Skiddy Road. Given the location of the development and prominence within the local landscape, the proposed development is considered contrary to Policy 9 'Natural Heritage and Landscape', part G i and ii of the Orkney Local Development Plan 2017.

05. The proposed development does not accord with all relevant Development Criteria (DC), as required and as stated with 'Supplementary Guidance: Housing in the Countryside' 2021, specifically in relation to DC2 and DC4 on the basis that 'The proposed site is not located nor situated to fit into the landscape nor does it minimise landscape and visual impacts of the development' and nor does it avoid the suburbanisation of the immediate area.

2.2. That the applicant's agent had submitted a Notice of Review requesting that the decision of the Appointed Officer, referred to at paragraph 2.1 above, be reviewed, a summary of which was provided as part of the presentation from the Planning Advisor.

2.3. That, in accordance with policy, the Local Review Body had undertaken an unaccompanied site inspection to the site at Myrtledene, Skiddy Road, Rendall, at 10:30 on 30 April 2026, where the following was observed:

- The proposed site location to the rear of the existing property at Myrtledene.
- The existing shed and materials located to the east of the shed which would be demolished and removed as part of the development.
- The cluster of new properties in the immediate vicinity to the west of the site, including the properties which were referred to in the papers as part of the planning history for Myrtledene as the previous approvals for subdivision of curtilage and the other subsequent approval through the infill development provision of the Local Development Plan which had yet to be developed.
- The open aspect of the site to the north, east and south, looking out to open fields set to grassland.
- The proposed site access which would be shared with Myrtledene and other property as yet undeveloped.

- The indicative site plan, which was for indicative purposes only for Planning in Principle, but included potential drainage swale on the south side of the proposed access, a single storey new house with two parking spaces, including one disabled space, and with a mix of post and wire and also a 1.8m high boundary fencing and planting.

The Local Review Body thereafter determined that it had sufficient information to proceed to determination of the Review and that the Review be determined without further procedure.

Councillor James R Moar, seconded by Councillor Owen Tierney, moved that the decision of the Appointed Officer, to refuse planning permission in principle for the proposed siting of a house at Myrtledene, Skiddy Road, Rendall, be reversed, as, in their opinion, the proposed development complied with the following policies:

- National Planning Framework 4:
 - Policy 3(a) – Biodiversity.
 - Policy 9(a) – Brownfield, vacant and derelict land and empty buildings.
 - Policy 17(a)(ii and iii) – Rural homes.
- Orkney Local Development Plan 2017:
 - Policy 1(i to vi) – Criterial for All Development.
 - Policy 5E(iv) – Housing.
 - Policy 14 – Transport, Travel and Road Network Infrastructure.

Councillor W Leslie Manson, seconded by Councillor Duncan A Tullock, moved an amendment that the decision of the Appointed Officer, to refuse planning permission in principle for the proposed siting of a house at Myrtledene, Skiddy Road, Rendall, be upheld.

On a vote being taken 6 members voted for the amendment and 2 for the motion, and the Local Review Body:

Resolved, in terms of delegated powers:

2.4. That the decision of the Appointed Officer, to refuse planning permission in principle for the proposed siting of a house at Myrtledene, Skiddy Road, Rendall, should be upheld.

2.5. That, accordingly, planning permission in principle for the proposed siting of a house at Myrtledene, Skiddy Road, Rendall, be refused, for the following reasons:

01. The proposed development is not within the non-linked isles, does not provide an identified local housing outcome, and is not suitable in terms of location as matters relative to 'rural areas'. The proposed development is contrary to the National Planning Framework 4 – Policy 17 – Rural Homes.

02. The proposed siting does not respect the established character of the surrounding rural landscape. The development would detract from the rural setting and fail to integrate appropriately with its context. The proposal is therefore contrary to Policy 1 (Criteria for All Development), parts (i) and (ii), of the Orkney Local Development Plan 2017.

03. The proposed development is groundless as it seeks to use a domestic outbuilding within the curtilage of Myrtledene as the rationale for a replacement house. A previous application within the lifetime of the Orkney Local Development Plan has been approved and has delivered a new house to the east of Myrtledene as a domestic curtilage subdivision. Policy 5E(v), The subdivision of a Dwelling House or its residential Curtilage, only provides opportunity for one additional house through the plan period. The proposed development is contrary to Policy 5E(v) of the Orkney Local Development Plan 2017.

04. The proposed house site is not situated to minimise negative impacts on the local landscape. The proposed site location has the potential to add to incongruous single-house development in the countryside, with the potential to lead to the suburbanisation of Skiddy Road. Given the location of the development and prominence within the local landscape, the proposed development is considered contrary to Policy 9 'Natural Heritage and Landscape', part G i and ii of the Orkney Local Development Plan 2017.

05. The proposed development does not accord with all relevant Development Criteria (DC), as required and as stated with 'Supplementary Guidance: Housing in the Countryside' 2021, specifically in relation to DC2 and DC4 on the basis that 'The proposed site is not located nor situated to fit into the landscape nor does it minimise landscape and visual impacts of the development' and nor does it avoid the suburbanisation of the immediate area.

3. Planning Application 25/343/PP

Proposed Erection of Self-catering Pod at Hyval, Howaback Road, Sandwick

After consideration of a report by the Head of Corporate Governance, copies of which had been circulated, and after hearing a presentation from the Planning Advisor, the Local Review Body:

Noted:

3.1. That planning permission for the proposed erection of a self-catering pod at Hyval, Howaback Road, Sandwick, was refused by the Appointed Officer on 1 March 2026, for the following reason:

01. Wind Turbine Noise is a material planning consideration.

Scottish Government advice and Development Management Guidance – Wind Energy: Definitions Associated with Noise Assessments (adopted by Orkney Islands Council in October 2023) defines holiday accommodation as a noise sensitive development.

The Orkney Islands Council Development Management Guidance – Wind Energy: Definitions Associated with Noise Assessments (adopted by Orkney Islands Council in October 2023) states the following: "Noise Sensitive Receptors are considered to be the land and buildings that fall into Classes 7 – Hotels and hostels, Class 8 – Residential institutions, Class 9 – Houses and Class 10 – Non-residential institutions; of the Town and Country Planning (Use Classes) (Scotland) Order 1997 and sui generis uses where persons will sleep over night and use as accommodation for a period of time such as a short term holiday let. It is considered that users of these classes to be able to enjoy the amenity of these locations without the disturbance of excessive noise from a neighbouring user."

The proposed development site is within 250 metres of three existing lawfully operating wind turbines. Both the existing lawful operation of the wind turbines and the proposed new holiday accommodation development has to be protected.

Although the applicant is the owner/operator and has financial involvement and control of one of the wind turbines (12/214/TPP), the other two wind turbines (both approved under 12/175/TPP) are owned/operated by third parties whereby the applicant does not have financial involvement or control over their operation. Cumulative noise impacts would affect the development, and complaints may arise from the holiday pod unit that would have a detrimental impact upon the operation at least two of the legally operating wind turbines.

The Clement Acoustics Noise Impact Assessment submitted with the application (Project Number: 20383, Ref: 20383-NIA-AA-01-R0, Dated: 3 September 2025) indicates that noise levels at the proposed location of the holiday pod accommodation would significantly exceed the limits required of 35dB(A). It is a matter for Environmental Health to assess any operation or activity that generates noise or any other nuisance (dust, smell, fumes, light glare) with regard to the legislation relevant to their duties in relation to any sensitive receptor identified, and to provide advice and comment to Development Management. Environmental Health concur with this and object to the proposal.

The Clement Acoustics Noise Impact Assessment submitted with the application (Project Number: 20383, Ref: 20383-NIA-AA-01-R0, Dated: 3 September 2025) states that "there is an area which may be below 35dB(A) and that "considerations should be given to ensure the camping/glamping operations are situated in a favourable noise contour". This was not taken into consideration in the submitted planning application, and the current application can only be considered for the development of the site as submitted.

The holiday pod unit proposed on the current site would be contrary to OLDP 2017 Policy 1(iii) and Development Management Guidance: Wind Energy: Definitions Associated with Noise Assessments (October 2023).

3.2. That the applicant had submitted a Notice of Review requesting that the decision of the Appointed Officer, referred to at paragraph 3.1 above, be reviewed, a summary of which was provided as part of the presentation from the Planning Advisor.

3.3. That, in accordance with policy, the Local Review Body had undertaken an unaccompanied site inspection to the site at Hyval, Howaback Road, Sandwick, at 09:30 on 30 April 2026, where the following was observed:

- The proposed site which would replace an existing wooden shed located to the rear of the existing house at Hyval.
- The proposed pod design which would be a simple rectangular structure, clad in corrugated black metal panels for the north, west and east elevations and wood for the main (front) elevation with PVC doors and windows.
- The proposed private amenity area for the pod, currently laid to grass with fencing and willow planting which would be retained.
- The proposed shared access from the Howaback Road.
- The proposed pod parking area, which would be separate to the parking area for the existing house at Hyval.

- The neighbouring agricultural buildings and infrastructure to the east of the house at Hyval, which were in the ownership of the applicant but did not form part of the application site.
- The wind turbine located to the northwest of the site, which was owned by the applicant.
- The two wind turbines located to the northeast of the site, which were in third party ownership.

The Local Review Body thereafter determined that it had sufficient information to proceed to determination of the Review and that the Review be determined without further procedure

On the motion of Councillor David Dawson, seconded by Councillor Duncan A Tullock, the Local Review Body resolved, in terms of delegated powers:

3.4. That the decision of the Appointed Officer, to refuse planning permission for the proposed erection of a self-catering pod at Hyval, Howaback Road, Sandwick, should be upheld.

3.5. That, accordingly, planning permission for the proposed erection of a self-catering pod at Hyval, Howaback Road, Sandwick, be refused, for the following reason:

01. Wind Turbine Noise is a material planning consideration.

Scottish Government advice and Development Management Guidance – Wind Energy: Definitions Associated with Noise Assessments (adopted by Orkney Islands Council in October 2023) defines holiday accommodation as a noise sensitive development.

The Orkney Islands Council Development Management Guidance – Wind Energy: Definitions Associated with Noise Assessments (adopted by Orkney Islands Council in October 2023) states the following:

“Noise Sensitive Receptors are considered to be the land and buildings that fall into Classes 7 – Hotels and hostels, Class 8 – Residential institutions, Class 9 – Houses and Class 10 – Non-residential institutions; of the Town and Country Planning (Use Classes) (Scotland) Order 1997 and sui generis uses where persons will sleep over night and use as accommodation for a period of time such as a short term holiday let.

It is considered that users of these classes to be able to enjoy the amenity of these locations without the disturbance of excessive noise from a neighbouring user.”.

The proposed development site is within 250 metres of three existing lawfully operating wind turbines. Both the existing lawful operation of the wind turbines and the proposed new holiday accommodation development has to be protected.

Although the applicant is the owner/operator and has financial involvement and control of one of the wind turbines (12/214/TPP), the other two wind turbines (both approved under 12/175/TPP) are owned/operated by third parties whereby the applicant does not have financial involvement or control over their operation. Cumulative noise impacts would affect the development, and complaints may arise from the holiday pod unit that would have a detrimental impact upon the operation at least two of the legally operating wind turbines.

The Clement Acoustics Noise Impact Assessment submitted with the application (Project Number: 20383, Ref: 20383-NIA-AA-01-R0, Dated: 3 September 2025) indicates that noise levels at the proposed location of the holiday pod accommodation would significantly exceed the limits required of 35dB(A). It is a matter for Environmental Health to assess any operation or activity that generates noise or any other nuisance (dust, smell, fumes, light glare) with regard to the legislation relevant to their duties in relation to any sensitive receptor identified, and to provide advice and comment to Development Management. Environmental Health concur with this and object to the proposal.

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The holiday pod unit proposed on the current site would be contrary to OLDP 2017 Policy 1(iii) and Development Guidance: Wind Energy: Definitions Associated with Noise Assessments (October 2023).

4. Conclusion of Meeting

At 13:02 the Chair declared the meeting concluded.

Signed: Owen Tierney.