

Minute

Local Review Body

Thursday, 6 October 2022 at 14:00.

Council Chamber, Council Offices, School Place, Kirkwall.



Present

Councillors Owen Tierney, Kristopher D Leask, Graham A Bevan, Alexander G Cowie, P Lindsay Hall, 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 Mellissa-Louise Thomson.

Clerk

- Hazel Flett, Service Manager (Governance).

In Attendance

- Roddy Mackay, Planning Advisor.
- Georgette Herd, Legal Advisor.

Declaration of Interest

- Councillor Owen Tierney – Item 3.

Chair

- Councillor Owen Tierney.

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. Planning Application (21/267/PIP)

Proposed Siting of Replacement House (One for One) and Creation of Access at Midtown, Hoxa, South Ronaldsay

After consideration of a report by the Corporate Director for Strategy, Performance and Business Solutions, copies of which had been circulated, the Local Review Body:

Noted:

2.1. That planning permission in principle for the proposed siting of a replacement house (one for one) and creation of an access at Midtown, Hoxa, South Ronaldsay, was refused by the Appointed Officer on 13 June 2022, for the reasons outlined in section 3.2 of the report by the Corporate Director for Strategy, Performance and Business Solutions.

2.2. That the applicant had submitted a Notice of Review requesting that the decision of the Appointed Officer to refuse planning permission in principle for the siting of a replacement house (one for one) and creation of an access at Midtown, Hoxa, South Ronaldsay, be reviewed.

2.3. That, in accordance with policy, the Local Review Body had undertaken an unaccompanied visit to the site at Midtown, Hoxa, South Ronaldsay, at 10:45 on 5 October 2022.

After hearing a report from the Planning Advisor, the Local Review Body:

Resolved, in terms of delegated powers:

2.4. That the review in respect of the decision of the Appointed Officer to refuse planning permission in principle for the proposed siting of a replacement house (one for one) and creation of an access at Midtown, Hoxa, South Ronaldsay, should be determined without further procedure.

Councillor Owen Tierney, seconded by Councillor Alexander G Cowie, moved that the decision of the Appointed Officer to refuse the application for planning permission in principle for the proposed siting of a replacement house (one for one) and creation of an access at Midtown, Hoxa, South Ronaldsay, be reversed, as, in their opinion:

- The existing structure complied with the definition of a “building or structure” as included in Supplementary Guidance: Housing in the Countryside (2021), as it did retain the majority of walls to wallhead height (1.6 metres).

And, accordingly, the proposed development would comply with Policy 5E (iii) – Housing of the Orkney Local Development Plan 2017 and Supplementary Guidance: Housing in the Countryside (2021).

Councillor Duncan A Tullock, seconded by Councillor Graham A Bevan, moved an amendment that the decision of the Appointed Officer to refuse the application for planning permission in principle for the proposed siting of a replacement house (one for one) and creation of an access at Midtown, Hoxa, South Ronaldsay, be upheld.

On a vote being taken 5 members voted for the amendment and 7 for the motion, and the Local Review Body:

Resolved, in terms of delegated powers:

2.5. That the decision of the Appointed Officer to refuse planning permission in principle for the proposed siting of a replacement house (one for one) and creation of an access at Midtown, Hoxa, South Ronaldsay, should not be upheld.

2.6. That planning permission in principle be granted in respect of the proposed siting of a replacement house (one for one) and creation of an access at Midtown, Hoxa, South Ronaldsay, subject to conditions.

2.7. That the Local Review Body's reasons for granting planning permission were that, in the Committee's opinion:

- The existing structure complied with the definition of a "building or structure" as included in Supplementary Guidance: Housing in the Countryside (2021), as it did retain the majority of walls to wallhead height (1.6 metres).

And, accordingly, the proposed development complied with Policy 5E (iii) – Housing of the Orkney Local Development Plan 2017 and Supplementary Guidance: Housing in the Countryside (2021).

2.8. That powers be delegated to the Corporate Director for Strategy, Performance and Business Solutions, in consultation with the Planning Advisor and the Legal Advisor, to determine the necessary conditions to attach to the planning permission in principle for the proposed siting of a replacement house (one for one) and creation of an access at Midtown, Hoxa, South Ronaldsay, based on the following relevant matters:

- All Principle matters:
 - Siting.
 - Design.
 - Surface finishes.
 - Boundary treatment.
 - Drainage.
 - Sewage.
 - Cross sections.
 - Refuse bin storage.
 - Hard and soft landscaping.
 - External lighting.
- Access.
- Demolition.
- Hours of construction work.
- SUDS.
- External Lighting.

3. Planning Application (21/477/PP)

Proposed Erection of Replacement House (One for One) and Creation of Access at Hewing, Redland Road, Firth

Councillor Owen Tierney declared a non-financial interest in this item, in that the applicant was known to him. Further, as he had not taken part in the site visit, in terms of Standing Order 8.6, Councillor Tierney could not take part in the deliberations of the Local Review Body and left the meeting at this point.

Councillor Kristopher D Leask, Vice Chair, took the Chair for the remainder of the meeting.

Signed: Owen Tierney.

After consideration of a report by the Corporate Director for Strategy, Performance and Business Solutions, copies of which had been circulated, the Local Review Body:

Noted:

3.1. That planning permission for the proposed erection of a replacement house (one for one) and creation of an access at Hewing, Redland Road, Firth, was refused by the Appointed Officer on 10 June 2022, for the reasons outlined in section 3.2 of the report by the Corporate Director for Strategy, Performance and Business Solutions.

3.2. That the applicant had submitted a Notice of Review requesting that the decision of the Appointed Officer to refuse planning permission for the erection of a replacement house (one for one) and creation of an access at Hewing, Redland Road, Firth, be reviewed.

3.3. That, in accordance with policy, the Local Review Body had undertaken an unaccompanied visit to the site at Hewing, Redland Road, Firth, at 09:30 on 5 October 2022.

After hearing a report from the Planning Advisor, the Local Review Body:

Resolved, in terms of delegated powers:

3.4. That the review in respect of the decision of the Appointed Officer to refuse planning permission for the proposed erection of a replacement house (one for one) and creation of an access at Hewing, Redland Road, Firth, should be determined without further procedure.

Councillor Jean E Stevenson, seconded by Councillor Ivan A Taylor, moved that the decision of the Appointed Officer to refuse the application for planning permission for the proposed erection of a replacement house (one for one) and creation of an access at Hewing, Redland Road, Firth, be reversed, as, in their opinion:

- The existing structure complied with the definition of a building or structure to be replaced as included in Supplementary Guidance: Housing in the Countryside (2021), as it was “empty, unoccupied and not in an active use” and therefore redundant.
- Noting the requirement in the Supplementary Guidance: Housing in the Countryside (2021) that the replacement house should be located on the same site unless an exceptional case could be made that there were demonstrable planning benefits for an alternative location, the exceptional case was that the proposed site offered a safer access onto the Redland Road than a site on the same site as the building to be replaced, which would be using the existing access road uphill from the steading at Hewing.

- The proposed site location would reflect and maintain the local settlement pattern and would be seen as being associated with the existing steading at Hewing when viewed from the main A966 Finstown to Evie road.
- The design and scale of the house, which was a single storey bungalow, was considered to be sympathetic and appropriate to the nature and character of the local landscape, and would fit appropriately within the landscape with minimum visual and landscape impact on the surrounding area.
- There was adequate forward visibility at the junction of the proposed access road from the proposed development onto the Redland Road which accommodated a low volume of traffic, and therefore there was no detrimental impact on road safety.

And, accordingly, the proposed development would comply with the following:

- Orkney Local Development Plan 2017:
 - Policy 1 (i) and (ii) – Criteria for all Development.
 - Policy 5E (iii) – Housing – Single Houses and new Housing Clusters in the Countryside.
 - Policy 9G (i) and (ii) – Natural Heritage and Landscape.
 - Policy 14C (ii) and (iii) – Transport, Travel and Road Network Infrastructure.
- Supplementary Guidance: Housing in the Countryside (2021).

Councillor Duncan A Tullock, seconded by Councillor Alexander G Cowie, moved that the decision of the Appointed Officer to refuse the application for planning permission for the proposed erection of a replacement house (one for one) and creation of an access at Hewing, Redland Road, Firth, be upheld.

On a vote being taken 4 members voted for the amendment and 7 for the motion, and the Local Review Body:

Resolved, in terms of delegated powers:

3.5. That the decision of the Appointed Officer to refuse planning permission for the proposed erection of a replacement house (one for one) and creation of an access at Hewing, Redland Road, Firth, should not be upheld.

3.6. That planning permission be granted in respect of the proposed erection of a replacement house (one for one) and creation of an access at Hewing, Redland Road, Firth, subject to conditions.

3.7. That the Local Review Body's reasons for granting planning permission were that, in the Committee's opinion:

- The existing structure complied with the definition of a building or structure to be replaced as included in Supplementary Guidance: Housing in the Countryside (2021), as it was "empty, unoccupied and not in an active use" and therefore redundant.
- Noting the requirement in the Supplementary Guidance: Housing in the Countryside (2021) that the replacement house should be located on the same site unless an exceptional case could be made that there were demonstrable planning benefits for an alternative location, the exceptional case was that the proposed site offered a safer

access onto the Redland Road than a site on the same site as the building to be replaced, which would be using the existing access road uphill from the steading at Hewing.

- The proposed site location would reflect and maintain the local settlement pattern and would be seen as being associated with the existing steading at Hewing when viewed from the main A966 Finstown to Evie road.
- The design and scale of the house, which was a single storey bungalow, was considered to be sympathetic and appropriate to the nature and character of the local landscape, and would fit appropriately within the landscape with minimum visual and landscape impact on the surrounding area.
- There was adequate forward visibility at the junction of the proposed access road from the proposed development onto the Redland Road which accommodated a low volume of traffic, and therefore there was no detrimental impact on road safety.

And, accordingly, the proposed development complied with the following:

- Orkney Local Development Plan 2017:
 - Policy 1 (i) and (ii) – Criteria for all Development.
 - Policy 5E (iii) – Housing – Single Houses and new Housing Clusters in the Countryside.
 - Policy 9G (i) and (ii) – Natural Heritage and Landscape.
 - Policy 14C (ii) and (iii) – Transport, Travel and Road Network Infrastructure.
- Supplementary Guidance: Housing in the Countryside (2021).

3.8. That powers be delegated to the Corporate Director for Strategy, Performance and Business Solutions, in consultation with the Planning Advisor and the Legal Advisor, to determine the necessary conditions to attach to the planning permission for the proposed erection of a replacement house (one for one) and creation of an access at Hewing, Redland Road, Firth, based on the following relevant matters:

- Access.
- Landscaping.
- Demolition.
- Underbuild.
- Surface water drainage.
- Foul drainage.
- External lighting.

4. Conclusion of Meeting

At 15:04 the Vice Chair declared the meeting concluded.

Signed: Kristopher Leask.