

Minute

Local Review Body

Tuesday, 8 March 2022, 15:30.

Microsoft Teams.



Present

Councillors Robin W Crichton, John A R Scott, Alexander G Cowie, Norman R Craigie, Barbara Foulkes, Stephen Sankey, Owen Tierney, Duncan A Tullock and Heather N Woodbridge.

Clerk

- Angela Kingston, Committees Officer.

In Attendance

- Roddy Mackay, Planning Advisor.
- Katharine McKerrell, Legal Advisor.

Observing

- Rebecca McAuliffe, Press Officer.
- Lorraine Stout, Press Officer.

Apology

- Councillor David Dawson.

Not Present

- Councillor Magnus O Thomson.

Declarations of Interest

- No declarations of interest were intimated.

Chair

- Councillor Robin W Crichton.

1. Suspension of Standing Orders

The Local Review Body **suspended Standing Order 8.11** to enable members to participate in the meeting from a remote location, as 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 Local Review Body resolved that, should a vote be required in respect of the Notice of Review to be considered at this meeting, notwithstanding Standing Order 21.4, the form of voting should be by calling the roll (recorded vote).

3. Planning Application 21/445/PP

Proposed Reinstatement and Extension of House with Air Source Heat Pump and Upgrade of Access at Campston Cottage, Toab

Councillor Stephen Sankey declared a non-financial interest in this item, in that he had a live planning application which might result in similar considerations to those relating to determination of application 21/445/PP. Further, as he had not taken part in the site visit, in terms of Standing Order 8.6, Councillor Sankey could not take part in the deliberations of the Local Review Body and left the meeting at this point.

As Councillor Heather N Woodbridge had been unable to take part in the site visit, in terms of Standing Order 8.6, she could not take part in the deliberations of the Local Review Body and left the meeting at this point.

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 reinstatement and extension of a house with air source heat pump and upgrade an access at Campston Cottage, Toab, was granted by the Appointed Officer on 24 January 2022, subject to conditions.

3.2. That the applicant had submitted a Notice of Review requesting that the decision of the Appointed Officer, specifically in respect of Condition 4 attached to the approval, referred to at paragraph 3.1 above, be reviewed.

3.3. That, in accordance with policy, the Local Review Body had undertaken an unaccompanied visit to the site at Campston Cottage, Toab, at 14:15 on 8 March 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 grant planning permission for the proposed reinstatement and extension of a house with air source heat pump and upgrade an access at Campston Cottage, Toab, should be determined without further procedure.

Councillor Robin W Crichton, seconded by Councillor John A R Scott, moved that the decision of the Appointed Officer to grant planning permission for the proposed reinstatement and extension of a house with air source heat pump and upgrade an access at Campston Cottage, Toab, be upheld but varied by removing Condition 4, as, in their opinion, the built heritage would not be enhanced by requiring the roof of the reinstated building to be finished in a natural stone slate (or applicable substitute) as required by Condition 4 for the following reasons:

- The character of the original building was being retained with the stone walls being pointed with lime mortar.
- The original roof of the building had previously been replaced by the existing corrugated asbestos roof material.
- Use of a similar contemporary profile roofing material for both the reinstated building and the extension would enhance the development.

Councillor Owen Tierney, seconded by Councillor Duncan A Tullock, moved an amendment that the decision of the Appointed Officer to grant planning permission for the proposed reinstatement and extension of a house with air source heat pump and upgrade an access at Campston Cottage, Toab, be upheld, subject to the conditions as originally proposed.

The result of a recorded vote was as follows:

For the Amendment:

Councillors Alexander G Cowie, Norman R Craigie, Owen Tierney and Duncan A Tullock (4).

For the Motion:

Councillors Robin W Crichton, Barbara Foulkes and John A R Scott (3).

The Amendment was therefore carried.

The Local Review Body thereafter resolved, in terms of delegated powers:

3.5. That the decision of the Appointed Officer to grant planning permission for the proposed reinstatement and extension of a house with air source heat pump and upgrade an access at Campston Cottage, Toab, be upheld, subject to the conditions as originally proposed, and attached as Appendix 1 to this Minute.

4. Conclusion of Meeting

At 15:45 the Chair declared the meeting concluded.

Signed: Rob Crichton.

Appendix 1.

Reinstatement and Extension of House with Air Source Heat Pump and Upgrade Access at Campston Cottage, Toab (21/445/PP).

Grant subject to the following conditions:

01. No other development shall commence on site until the site access with the public road has been constructed to the Council's Roads Services standard drawing 'SD-01 Access Over Verge for Single Development (2 - 4 houses)', hereby approved including dimensions, road construction, any pipe required, and verge or footway. The access shall be constructed and completed wholly in accordance with these details prior to any other works commencing on the development hereby approved, and thereafter shall be retained in accordance with these details throughout the lifetime of the development, unless otherwise agreed in writing by the Planning Authority.

Any damage caused to the existing road infrastructure during construction of the development shall be repaired prior to first occupation of the development, to the satisfaction of the Planning Authority, in conjunction with Roads Services.

Reason: In the interests of road safety.

02. Throughout the lifetime of the development the visibility splay indicated on the hereby approved Location & Site Plan, titled 'Reinstatement and extension of house with installation of air source heat pump. For James Tongue' shall be maintained clear of any obstruction greater than 1.05 metres above adjacent carriageway level.

Reason: In the interests of road safety.

03. Throughout the life of the development, total noise from the Air Source Heat Pump hereby granted planning permission shall not exceed NR25 within any residential property outwith the development site, where NR25 is the Noise Rating Curve at 25, (noise measurements to be made with a window of any residential property outwith the development open no more than 50 mm).

Reason: To protect any nearby residents from excessive noise disturbance from the air source heat pump.

04. Notwithstanding the approved Floor and Elevation Plan, Drawing number 1600/2/P2 dated October 2021, the roof covering of the element of the development consisting of the reinstated building shall be finished in a natural stone slate or a good slate substitute which should reflect the same riven surface, dressed edges, colour, relative dimensions and utilise the same traditional fixing methods as real slate.

Reason: To ensure that the development reinforces the distinctive identity of the original of Orkney's built environment and is sympathetic to the renovation of the traditional building component of the development as approved.

05. No other development shall commence until a Landscape Plan has been submitted to, and subject to approval in writing by the Planning Authority. This Landscaping Plan shall be prepared and implemented notwithstanding landscaping details on the hereby approved Location & Site Plan, titled 'Reinstatement and extension of house with installation of air source heat pump. For James Tongue'. All landscaping works shall be carried out in accordance with the scheme and plans approved as part of this permission. All works as may be comprised in the approved scheme and plans shall be carried out in the first planting and seeding seasons following the commencement of the development, unless otherwise stated in the approved scheme. Details of the scheme shall include:

- (i) All earthworks and existing and finished ground levels in relation to an identified fixed datum point.
- (ii) A plan showing existing landscaping features and vegetation to be retained.
- (iii) The location and design, including materials, of any existing or proposed walls, fences and gates and ground finishes, including hardstandings.
- (iv) All soft landscaping and planting works, including plans and schedules showing the location, species and size of each individual tree and/or shrub and planting densities.
- (v) A programme for preparation, completion and subsequent on-going maintenance and protection of all landscaping works.

Specifically, structural shrub and tree planting of suitable species shall be evidenced within the Landscape Plan with emphasis on the boundaries of the site where such can be achieved without impacting on the necessary visibility splay as required by condition 02.

Landscaping works shall be carried out in accordance with the approved scheme. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of development, unless otherwise stated in the approved scheme.

Any trees or plants which within a period of five years from the completion of the Landscaping die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species.

Reason: In order to ensure that the approved landscaping works are properly undertaken on site.

06. Notwithstanding the provisions of Article 3 and Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended, revoked or re-enacted; with or without modification), no other development beyond that conferred by this permission, extending above the existing ground level, is permitted within the curtilage of the hereby approved development in the areas of ground to the north and west of Campston Cottage without planning permission first being granted on application to the Planning Authority.

Reason: In the interest of residential amenity.

07. Within the application site, no building or structure shall be constructed upon land raised above its original level.

Reason: To ensure that land-raising does not result in a building or structure constructed at a height such that it gives rise to privacy and amenity concerns.

08. All surface water drainage provision within the application site(s) shall accord with the principles of Sustainable Urban Drainage Systems (SUDS) and be designed to the standards outlined in Sewers for Scotland Fourth Edition, or any superseding guidance prevailing at the time and shall be implemented and completed prior to the first occupation of any of the development.

Reason: To ensure that surface water drainage is provided timeously and complies with the principles of SUDS; in order to protect the water environment.

09. Any exterior lighting employed shall be so positioned, angled and controlled to prevent any direct illumination, glare or light spillage outwith the site boundary. The use of automatic cut-out or sensor operated external lighting of limited timed illumination is advocated.

Reason: In order 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'.