

Minute

Local Review Body

Tuesday, 8 February 2022, 11:30.

Microsoft Teams.



Present

Councillors Robin W Crichton, John A R Scott, Alexander G Cowie, Norman R Craigie, David Dawson, 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.

Apology

- 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 21/128/PP

Proposed Erection of Two Replacement Houses (One for One) with Air Source Heat Pumps and Creation of Access at Dounby Farm, Sandwick

After consideration of a report by the Chief Executive, copies of which had been circulated, the Local Review Body:

Noted:

3.1. That planning permission for the proposed erection of two replacement houses (one for one) with air source heat pumps and creation of an access at Dounby Farm, Sandwick, was refused by the Appointed Officer on 22 December 2021, for the reasons outlined in section 3.2 of the report by the Chief Executive.

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 proposed erection of two replacement houses (one for one) with air source heat pumps and creation of an access at Dounby Farm, Sandwick, be reviewed.

3.3. That, in accordance with policy, the Local Review Body had undertaken an unaccompanied visit to the site at Dounby Farm, Sandwick, at 09:30 on 8 February 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 two replacement houses (one for one) with air source heat pumps and creation of an access at Dounby Farm, Sandwick, 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 refuse the application for planning permission for the proposed erection of two replacement houses (one for one) with air source heat pumps and creation of an access at Dounby Farm, Sandwick, be upheld.

Councillor Duncan A Tullock, seconded by Councillor Owen Tierney, moved an amendment that planning permission be granted in respect of the proposed erection of two replacement houses (one for one) with air source heat pumps and creation of an access at Dounby Farm, Sandwick, as, in their opinion:

(1) The replacement of the two redundant houses was acceptable in principle.

(2) Noting (a) the requirement in Supplementary Guidance: Housing in the Countryside that the replacement buildings should be located on the same site unless an exceptional case could be made that there were demonstrable planning benefits for an alternative location; and (b) although there was the potential for other sites within the extent of land in the applicant's ownership and closer to the buildings to be replaced; the proposed site was the most suitable as it offered a more appropriate access route to the main road when compared with other potential sites that would require access through the working farm buildings resulting in possible conflict with agricultural traffic which could be dangerous and unsafe.

(3) The proposed site location reflected the local settlement pattern and the scales and designs of the houses would fit appropriately within the landscape and would not result in a more suburban pattern of development.

And, accordingly, the proposed development would comply with Policies 1 – Criteria for All Development, parts (i) to (vi), Policy 2 – Design, parts (ii) and (iii), Policy 5E – Single Houses and New Housing Clusters in the Countryside, part (iii), and Policy 14C – Road Network Infrastructure of the Orkney Local Development Plan 2017.

The result of a recorded vote was as follows:

For the Amendment:

Councillors Norman R Craigie, David Dawson, Owen Tierney and Duncan A Tullock (4).

For the Motion:

Councillors Alexander G Cowie, Robin W Crichton, Barbara Foulkes, Stephen Sankey, John A R Scott and Heather N Woodbridge (6).

The Motion was therefore carried.

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

3.5. That the decision of the Appointed Officer to refuse planning permission for the proposed erection of two replacement houses (one for one) with air source heat pumps and creation of an access at Dounby Farm, Sandwick, be upheld for the following reason:

- The proposed development was contrary to Policies 2 and 5E of the Orkney Local Development Plan 2017, Supplementary Guidance: Housing in the Countryside (March 2021), criterion (iii) as the application site was not on the same site and no exceptional case had been provided to justify relocating the sites a distance of approximately 600 metres, and Development Criterion 3 as the development would exacerbate the suburbanisation of the countryside.

4. Conclusion of Meeting

At 12:12 the Chair declared the meeting concluded.

Signed: Rob Crichton.