

Minute

Local Review Body

Wednesday, 22 January 2020, 14:15.

Council Chamber, Council Offices, School Place, Kirkwall.



Present

Councillors Robin W Crichton, John A R Scott, Alexander G Cowie, Norman R Craigie, David Dawson, Stephen Sankey, Magnus O Thomson, Owen Tierney, Duncan A Tullock and Kevin F Woodbridge.

Clerk

- Angela Kingston, Committees Officer.

In Attendance

- Roddy Mackay, Planning Advisor.
- Peter Trodden, Legal Advisor.
- Georgette Herd, Solicitor.

Apologies

- Councillor Barbara Foulkes.
- Councillor Graham L Sinclair.

Declarations of Interest

- No declarations of interest were intimated.

Chair

- Councillor Robin W Crichton.

1. Planning Application (19/094/PP)

Proposed Erection of House for Rural Business at land near Farewell, St Margaret's Hope

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

Noted:

1.1. That planning permission for the proposed erection of a house for a rural business with an integral garage and an air source heat pump, at land near Farewell, St Margaret's Hope, was refused by the Appointed Officer on 4 September 2019, for the reasons outlined in section 3.2 of the report by the Chief Executive.

1.2. That the applicant had submitted a Notice of Review requesting that the decision of the Appointed Officer, referred to at paragraph 1.1 above, be reviewed.

1.3. That, in accordance with policy, the Local Review Body had undertaken an unaccompanied visit to the site, referred to at paragraph 1.1 above, at 14:30 on 21 January 2020.

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

Resolved, in terms of delegated powers:

1.4. That the review be determined without further procedure.

Councillor Stephen Sankey, seconded by Councillor Duncan A Tullock, moved that planning permission be granted in respect of the proposed erection of a house for a rural business with an integral garage and an air source heat pump at land near Farewell, St Margaret's Hope, as, in their opinion:

(1) The nature, scale and operation of the farm business provided a clear business justification that 24 hour supervision was an operational requirement and that the principle of providing a single dwelling house for a rural business was satisfied.

(2) Noting that in most circumstances the proposed development should be located with other buildings associated with the business to form a building group, this proposal was considered as an exceptional case, where a full business justification had been provided for an alternative location.

(3) Business justification to support the proposed site had been provided by SAC Consulting, who had concluded that the site was an optimal location in terms of travel between the two farm steadings at Windbreck and Farewell, thereby providing benefits in terms of animal welfare considerations.

(4) The design of the proposed development was of a scale, form and design appropriate to its location and sympathetic to the character of the local area.

And, accordingly, the proposed development would comply with Policies 1 – Criteria for All Development, and Policy 5E – Single Houses and New Housing Clusters in the Countryside, part (vii), of the Orkney Local Development Plan 2017, and Supplementary Guidance: Housing in the Countryside, parts 3.24, 3.25, 3.26 and 3.28.

Councillor Robin W Crichton moved an amendment that the decision of the Appointed Officer, to refuse the application for the proposed erection of a house for a rural business with an integral garage and an air source heat pump at land near Farewell, St Margaret's Hope, be upheld.

On receiving no seconder, his amendment fell, and the Local Review Body:

Resolved, in terms of delegated powers:

1.5. That planning permission be granted in respect of the proposed erection of a house for a rural business with an integral garage and an air source heat pump at land near Farewell, St Margaret's Hope, subject to the conditions attached as Appendix 1 to this Minute.

2. Conclusion of Meeting

At 14:35 the Chair declared the meeting concluded.

Signed: Rob Crichton.

Appendix 1.

Proposed Erection of House for Rural Business at land near Farewell, St Margaret's Hope (19/094/PP)

Grant subject to the following conditions:

01. Throughout the lifetime of the development hereby approved, surface water must be treated in accordance with the principles of Sustainable Drainage Systems (SUDS) and be compliant with the guidance set out in CIRIA's SuDS Manual C753. The requisite surface water drainage shall be operational prior to the development being brought into use and shall be maintained as such thereafter.

All surface water shall be contained within the development site and there shall be no surface water drainage run-off onto the road or adjacent land.

Further information on SUDs may be found on SEPA's website at:

<https://www.sepa.org.uk/> and <https://www.susdrain.org/resources/SuDSManual.html>

Reason: To ensure the provision of an adequate surface water drainage system and to accord with Policy 13B – Sustainable Drainage Systems (SuDS) of Orkney Local Development Plan 2017, Scottish Planning Policy – Managing Flood Risk and Drainage and in the interests of road safety.

02. Hours of work during the construction of the development hereby approved, involving the use of machinery and powered tools, or any other operation, for example hammering, that would generate noise audible beyond the boundary of the site, shall be restricted to 07:30 to 18:00 Mondays to Fridays, 08:00 to 13:00 on Saturdays and not at all on Sundays, Christmas and New Year Public Holidays, unless other agreed, in writing, with the Planning Authority.

Throughout the construction phase of the development there shall be no burning of waste material on site.

Reason: In the interest of residential amenity of the area and in order to reduce any possible nuisance arising to nearby residents during the demolition and construction of this development.

03. 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.

04. Total noise from the air source heat pump(s) hereby approved shall not exceed NR25 within any residential property outwith the development, 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 50mm).

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

05. Materials used to finish the development hereby approved shall be as follows only, unless otherwise agreed, in writing, by the Planning Authority:

- Roof – natural slates or non-profiled tiles in colour black or dark grey.
- Walls – off-white render on blockwork with natural stonework.
- Windows – colour white.
- Doors – colour grey.
- Rainwater goods – colour black.
- Boundary treatment – post and wire fencing.

Reason: To protect the appearance of the area.

06. No development shall commence, including no use of the access hereby approved in connection with the development, until visibility of 100 metres in a northerly direction towards St Margaret's Hope and 215 metres in a southerly direction towards Farewell along the public road B9043, measured from a height of 1.05 metres, and at a distance of 2.5 metres back from the edge of the carriageway of the public road, has been achieved.

Any works required to achieve the visibility splays shall be submitted to, and agreed in writing by, the Planning Authority, and thereafter those works carried out in accordance with agreed details prior to any other works in the site.

Subject to a traffic survey, carried out to establish the speed of traffic on the road, it may be possible to reduce this visibility splay. The traffic survey would require to be carried out by the applicant, to a methodology agreed in writing by Roads Services. Any results of the traffic survey would be assessed by Roads Services in accordance with the National Roads Development Guide to provide an updated visibility splay.

Reason: To enable drivers of vehicles using the access to have a clear view of other road users and pedestrians in the interests of road safety.

07. The dwelling hereby approved shall, throughout the lifetime of the development, remain linked by occupation to the agricultural operation at Farewell and Windbreck, South Ronaldsay, only and shall not be occupied outwith the control of the agricultural operation, unless otherwise agreed, in writing, by the Planning Authority.

Reason: To ensure that the dwelling house remains linked to the agricultural operation to provide accommodation for an agricultural worker.