

Minute

Local Review Body

Friday, 25 January 2019, 11:00.

Council Chamber, Council Offices, School Place, Kirkwall.



Present

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

Clerk

- Angela Kingston, Committees Officer.

In Attendance

- Roddy Mackay, Planning Advisor.
- Petr Trodden, Legal Advisor.

Observing

- Kirsty Groundwater, Press Officer (for Item 1).
- Chloe Rosie, Modern Apprentice, Business and Administration.

Apology

- Councillor Stephen Sankey.

Declarations of Interest

- No declarations of interest were intimated.

Chair

- Councillor Owen Tierney.

1. Planning Application (17/379/PP)

Proposed Permanent Construction of Access Road at Copland's Dock, Stromness

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 permanent construction of an access road at Copland's Dock, Stromness, was refused by the Appointed Officer on 25 October 2018, 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 15:00 on 22 January 2019.

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.

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

1.5. That planning permission be granted in respect of the proposed permanent construction of an access road at Copland's Dock, Stromness, subject to the conditions attached as Appendix 1 to this Minute.

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

- Notwithstanding the Copland's Dock Development Brief envisaging that the pier be accessed by an alternative route to the east in the longer term, the temporary road was seen in the context of existing, and proposed, built development and designed to take into consideration the location within the National Scenic Area with minimal landscape and visual impact, thereby avoiding development of an alternate route inland with potential for greater landscape and visual impacts.
- Use of the pier and associated traffic movements had not developed to the extent previously anticipated and, with no definite future development proposals in respect of the Copland's Dock area, the proposed development would not create an unacceptable burden on existing infrastructure and services, nor have an unacceptable adverse impact on the surrounding area.
- The findings of the Copland's Dock Access Road Traffic Impact Assessment in respect of the access road had indicated a minor increase in traffic numbers using the road between 2014 and 2017 and, even allowing for potential increases in traffic movements as a result of any future development, traffic numbers using the road would still be low,

hence there would be no unacceptable impact on the surrounding area or on residential amenity.

And, accordingly, the proposed development would comply with the following policies of the Orkney Local Development Plan 2017:

- Policy 1 – Criteria for All Development, parts (i), (iii), (iv), (v) and (ix).
- Policy 2 – Design, parts (ii) to (iv).
- Policy 14 – Transport, Travel and Road Network Infrastructure, section C – Road Network Infrastructure.

2. Planning Application (18/228/PIP)

Proposed Siting of Replacement House at Skelbister, Orphir

After consideration of a report by the Chief Executive, 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 at Skelbister, Orphir, was refused by the Appointed Officer on 17 September 2018, for the reasons outlined in section 3.2 of the report by the Chief Executive.

2.2. That the applicant had submitted a Notice of Review requesting that the decision of the Appointed Officer, referred to at paragraph 2.1 above, be reviewed.

2.3. That, in accordance with policy, the Local Review Body had undertaken an unaccompanied visit to the site, referred to at paragraph 2.1 above, at 09:30 on 25 January 2019.

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

Resolved, in terms of delegated powers:

2.4. That the review be determined without further procedure.

On the motion of Councillor Barbara Foulkes, seconded by Councillor Norman R Craigie, the Local Review Body resolved, in terms of delegated powers:

2.5. That planning permission in principle be granted in respect of the proposed siting of a replacement house at Skelbister, Orphir, subject to the conditions attached as Appendix 2 to this Minute.

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

- The redundant mill building met the requirement for replacement of an existing building or structure as detailed in Supplementary Guidance: Housing in the Countryside.
- Noting the requirement in Supplementary Guidance: Housing in the Countryside that the proposed replacement house should be erected adjacent to and within the same curtilage as the original building, the proposed development site was considered to be

sufficiently close to the building to be replaced, having regard to the difficulties in developing close to the burn adjacent to the mill, and recognising the difficulty in defining the extent of the mill curtilage.

- The proposed development site was appropriately located in order to reflect and maintain the character of the surrounding rural area.
- The proposed development site could accommodate a single house which could be sited and designed to integrate into the landscape thereby minimising the landscape and visual impacts of the development.

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

- Orkney Local Development Plan 2017:
 - Policy 1 – Criteria for All Development, parts (i) and (ii).
 - Policy 5 – Housing, section E – Single Houses and New Housing Clusters in the Countryside, part (iii).
 - Policy 9 – Natural Heritage and Landscape, section G – Landscape, parts (i) and (ii).
- Development Criteria 1 and 2 of Supplementary Guidance: Housing in the Countryside.

3. Planning Application (18/328/PIP)

Proposed Erection of House and Creation of Access on land near Everybist, Westside Road, Rousay

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 in principle for the proposed erection of a house and creation of an access on land near Everybist, Westside Road, Rousay, was granted by the Appointed Officer on 23 October 2018, subject to the conditions 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, specifically in respect of Condition 2 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, referred to at paragraph 3.1 above, at 09:30 on 23 January 2019.

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

Resolved, in terms of delegated powers:

3.4. That the review be determined without further procedure.

On the motion of Councillor Robin W Crichton, seconded by Councillor Kevin F Woodbridge, the Local Review Body resolved, in terms of delegated powers:

3.5. That the decision of the Appointed Officer, to grant planning permission in principle for the proposed erection of a house and creation of an access on land near Everybist, Westside Road, Rousay, be upheld, subject to the conditions attached as Appendix 3 to this Minute.

4. Conclusion of Meeting

At 12:50 the Chair declared the meeting concluded.

Signed: Owen Tierney.

Appendix 1.

Proposed Permanent Construction of Access Road at Copland's Dock, Stromness (17/379/PP)

Grant subject to the following conditions:

01. Within twelve months of the date of this decision notice, the section of access road shaded grey on the site plan hereby approved shall be upgraded to an adoptable standard, including installation of footways, kerbs, gulleys and street lighting. Full details of the upgrading shall be submitted to, and approved in writing by, the Planning Authority, in conjunction with Roads Services, prior to commencement of upgrading, and thereafter the upgrading shall be carried out wholly in accordance with approved details.

Reason: In the interests of residential amenity and road safety.

02. Within twelve months of the date of this decision notice, or the date the care facility on the adjoining land is brought into use, whichever is later, a drystone boundary wall shall be constructed along the eastern boundary of the access road application site, for the length of the care home application site boundary. Full details of the drystone boundary wall, which shall include a height of no less than 1.2 metres, shall be submitted to, and approved in writing by, the Planning Authority prior to commencement of construction of the boundary wall, and thereafter the construction shall be carried out wholly in accordance with approved details.

Reason: To provide an appropriate boundary to the care home site, in keeping with the existing surrounding boundaries.

03. A landscaping plan for the application site, including tree and shrub planting, shall be submitted to, and agreed in writing by, the Planning Authority within six months of the date of this decision notice. That landscaping plan shall include numbers, sizes and species of all trees and shrubs. During the first planting season following the date of this decision notice, or an alternative date as approved in conjunction with the landscaping plan, the site shall be landscaped wholly in accordance with the approved landscaping plan. Any trees, shrubs or other landscaping which fail or are damaged or removed within two years of the date of planting shall be replaced with tree or shrub of matching species and size, unless otherwise agreed in writing by the Planning Authority.

Reason: To provide adequate landscaping of the development.

Appendix 2.

Proposed Siting of Replacement House at Skelbister, Orphir (18/228/PIP)

Grant subject to the following conditions:

01. No development shall commence until all matters specified below have been approved on application to the Planning Authority:

- A detailed layout of the site of the proposed development (including site levels as existing and proposed, confirming no building or structure constructed upon land raised above its current level).
- The design and external appearance of the proposed development, which shall be sympathetic to the original building in terms of scale and form.
- Landscaping proposals for the site of the proposed development (including boundary treatments).
- Details of access and parking arrangements.
- Details of the proposed water supply and drainage arrangements.
- Details of how the redundant building would be restored in a fully wind and watertight condition.

Reason: Planning permission is granted in principle only and these specified matters must be approved prior to development commencing.

02. Details pursuant to condition 01 above shall include an access with the public road constructed to the Council's Roads Services standard drawing 'SD-03 Access Over Verge for Single Dwelling', attached to and forming part of this decision notice, 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 first occupation of 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.

03. The redundant building identified for replacement by this approval is considered as being of architectural and/or historic merit and shall be retained. Any future application shall contain full details of how this redundant building shall be restored and retained in a fully wind and watertight condition and shall include a full photographic record of the building to be submitted. For the avoidance of doubt details shall include all works and material finishes to achieve the safeguarding of this building currently and for the lifetime of the approved development.

Reason: Planning permission is granted in principle only and these specified matters must be approved prior to development commencing and be undertaken in accordance with statutory supplementary guidance.

04. 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 or New Year Public Holidays unless otherwise agreed, in writing, with the Planning Authority.

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

05. Any details pursuant to condition 01 above shall provide surface water drainage provision within the application site in accordance with the principles of Sustainable Urban Drainage Systems (SUDS) and be designed to the standards outlined in Sewers for Scotland Second 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 is provided timeously and complies with the principles of SUDS, in order to protect the water environment.

Appendix 3.

Proposed Erection of House and Creation of Access on land near Everybist, Westside Road, Rousay (18/328/PIP)

Grant subject to the following conditions:

01. Within three years of the date of this permission, an application for approval of the following matters shall be submitted to, and approved by, the Planning Authority:

- The final design and external appearance of the building.
- The layout and surface finishes of the site, including all roads, accesses and parking areas.
- The design and location of any boundary walls and fences.
- The provision of drainage works.
- The disposal of sewage.
- The landscaping of the site (including details of species, sizes, number, type).
- Detailed cross sections of the house on the site, including existing and proposed ground levels, and proposed finished floor levels.

No development shall commence until all of these matters have been approved and, thereafter, the development shall be carried out in accordance with the approved details, unless otherwise agreed, in writing, by the Planning Authority.

Reason: To accord with the Town and Country Planning (Scotland) Act 1997 as amended, and because the approval is in principle only.

02. The access hereby approved with the public road (Westside Road) shall be constructed to the Council's Roads Services standard drawing 'SD-01 Typical Access for Single Development (2-4 houses)', attached to and forming part of this decision notice, 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 first occupation of 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.

03. 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 or New Year Public Holidays unless otherwise agreed, in writing, with the Planning Authority.

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