

Minute

Local Review Body

Wednesday, 7 March 2018, 14:30.

Council Chamber, Council Offices, School Place, Kirkwall.



Present

Councillors Owen Tierney, Stephen Sankey, 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.
- Katharine McKerrell, Legal Advisor.

Declarations of Interest

- No declarations of interest were intimated.

Chair

- Councillor Owen Tierney.

1. Planning Application (17/444/PP)

Proposed Erection of House with Detached Garage on land near Fernbank, Holm

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 with detached garage on land near Fernbank, Holm, was refused by the Appointed Officer on 28 November 2017, for the reasons outlined in section 4.2 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 09:30 on 7 March 2018.

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 Graham L Sinclair, seconded by Councillor Norman R Craigie, moved that the decision of the Appointed Officer, to refuse the application for the proposed erection of a house with a detached garage on land near Fernbank, Holm, be varied by removal of the following grounds of refusal, as they did not consider either of these grounds of refusal to be key material considerations in determination of the application:

- (1) The proposed development not being sited to take into consideration the rural location, local density of development, the character of the surrounding rural area and being prejudicial to the effective use and management of the residual land post development.
- (2) The proposed development not reflecting the rural nature and character of the area.

Councillor Magnus O Thomson, seconded by Councillor Owen Tierney, moved an amendment that planning permission be granted in respect of the proposed erection of a house with a detached garage on land near Fernbank, Holm, as, in their opinion:

- (1) The two existing small groups of housing to either side of the proposed development, comprising Midway, Veskyar and New House to the north and Fernbank and Glenview to the south, met the definition of an existing housing group as detailed in the Supplementary Guidance: Housing in the Countryside, requiring a housing group to consist of four or more occupied and independent dwelling houses which related to each other and were viewed as a group, and the proposed development therefore conformed with all the necessary criteria for single house infill development within existing housing groups.
- (2) The proposed development was well sited and of a scale, form and design appropriate to the character of the area.

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

- Orkney Local Development Plan 2017:
 - Policy 1 – Criteria for All Development.
 - Policy 5 – Housing, Section E: Single Houses and New Housing Clusters in the Countryside.
- Development Criteria 1 and 3 of Supplementary Guidance: Housing in the Countryside.

On a vote being taken 4 members voted for the amendment and 8 for the motion, and the Local Review Body:

Resolved, in terms of delegated powers:

1.5. That the decision of the Appointed Officer, to refuse the application for the proposed erection of a house with detached garage on land near Fernbank, Holm, be varied by removal of the following grounds for refusal:

- The proposed development not being sited to take into consideration the rural location, local density of development, the character of the surrounding rural area and being prejudicial to the effective use and management of the residual land post development.
- The proposed development not reflecting the rural nature and character of the area.

And, accordingly, the application be refused for the following reason only:

- The relationship and number of existing individual houses does not constitute a housing group, as such the proposal cannot be considered as single house infill development. The proposal is therefore contrary to Policy 5 – Housing, Section E: Single Houses and New Housing Clusters in the Countryside of the Orkney Local Development Plan 2017.

2. Conclusion of Meeting

At 14:50 the Chair declared the meeting concluded.

Signed: Owen Tierney.