

Minute

Local Review Body

Wednesday, 24 April 2019, 12:00.

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 (18/325/PP)

Change of Use from Self-Catering to Domestic (Retrospective) at New Breck, Beaquoy Road, Birsay

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 change of use from self-catering to domestic (retrospective), at New Breck, Beaquoy Road, Birsay, was refused by the Appointed Officer on 3 December 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 10:15 on 24 April 2019.

After hearing a report from the Planning Advisor, Councillor Robin W Crichton, seconded by Councillor David Dawson, moved that the review should not be determined without further procedure.

Councillor Graham L Sinclair, seconded by Councillor Norman R Craigie, moved an amendment that the review should be determined without further procedure.

On a vote being taken 5 members voted for the amendment and 7 for the motion, and the Local Review Body:

Resolved, in terms of delegated powers:

1.4. That the review should not be determined without further procedure, and, in noting the reference in the "Supporting Statement for Review Committee" to potential hardship, that the further procedure should comprise further information from the applicants to clarify any circumstances they wished the Local Review Body to consider in respect of hardship.

2. Planning Application (18/419/PP)

Proposed Erection of House with Integral Garage on land near Vanskavaig, Carness, St Ola

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 for the proposed erection of a house with integral garage on land near Vanskavaig, Carness, St Ola, was refused by the Appointed Officer on 20 December 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 24 April 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.

Councillor John A R Scott, seconded by Councillor David Dawson, moved that planning permission be granted in respect of the proposed erection of a house with an internal garage on land near Vanskavaig, Carness, St Ola, as, in their opinion:

- (1) The site was located within the settlement boundary of Kirkwall, where there was a general presumption in favour of housing development, including infill development.
- (2) The proposed development was in a settlement where there was a limited public collection system with regard to waste water drainage.
- (3) The proposed development was in a town where there were infrastructure constraints that prevented connection to the public sewer system, thereby a private system had been proposed.
- (4) There was a history of other dwellings being approved in the Carness area with private sewage systems.
- (5) The proposed private sewer system did not pose a risk of detrimental effect, including cumulative effect, to the natural environment, and would be built to a standard that would allow adoption by Scottish Water in the future.

And, accordingly, the proposed development would comply with Policy 13C – Waste Water Drainage, part (i), (a) and (b), of the Orkney Local Development Plan 2017.

Councillor Steven Sankey, seconded by Councillor Norman R Craigie, moved an amendment that the decision of the Appointed Officer, to refuse the application for the proposed erection of a house with an internal garage on land near Vanskavaig, Carness, St Ola, be upheld.

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

Resolved, in terms of delegated powers:

2.5. That the decision of the Appointed Officer, to refuse the application for the proposed erection of a house with an internal garage on land near Vanskavaig, Carness, St Ola, be upheld, for the reasons outlined in Appendix 1 to this Minute.

3. Conclusion of Meeting

At 12:50 the Chair declared the meeting concluded.

Signed: Chair.

Appendix 1.

Proposed Erection of House with Internal Garage on land near Vanskavaig, Carness, St Ola (18/419/PP)

Refuse for the following reason:

01. The site is located within a cumulative drainage impact area where there are additional constraints regarding the disposal of sewage. Orkney Local Development Plan 2017 Policy 13C and SEPA require all development within the settlement boundaries to connect to the public sewer. A private system is proposed and SEPA has formally objected to the application. Due to the failure to connect to the public system, the development is contrary to Orkney Local Development Plan 2017 Policies 1 and 13C. There are no material considerations that would outweigh policy concerns.