

## Minute

### Local Review Body

Monday, 20 August 2018, 15:30.

Council Chamber, Council Offices, School Place, Kirkwall.



### Present

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

### Clerk

- Angela Kingston, Committees Officer.

### In Attendance

- Roddy Mackay, Planning Advisor.
- Katharine McKerrell, Legal Advisor.

### Apologies

- Councillor Stephen Sankey.
- Councillor Owen Tierney.
- Councillor Kevin F Woodbridge.

### Declarations of Interest

- No declarations of interest were intimated.

## 1. Appointment of Chair

As the Chair and Vice Chair of the Committee had intimated their apologies, the Clerk invited nominations for a Chair for this meeting.

The Local Review Body resolved that Councillor Robin W Crichton be appointed Chair for this meeting.

## 2. Planning Application (17/334/PIP)

### Proposed Siting of Replacement House and Creation of Access at Site 1, Redland, Firth

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 and creation of an access at Site 1, Redland, Firth, was refused by the Appointed Officer on 21 March 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 14:30 on 20 August 2018.

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 Norman R Craigie, seconded by Councillor Graham L Sinclair, 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 and creation of an access at Site 1, Redland, Firth, subject to the conditions attached as Appendix 1 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 proposed site could accommodate a single house which could be designed to integrate into the landscape, minimising the landscape and visual impacts of the development.
- The location of the proposed development would be sympathetic to the dispersed and regular pattern of development between the Holland Road and Lyde Road and would reflect and maintain the character of the surrounding rural area and not result in ribbon development.

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

- Orkney Local Development Plan 2017:
  - Policy 1 – Criteria for All Development.
  - Policy 5E - Single House and new Housing in the Countryside.
- Supplementary Guidance: Housing in the Countryside.

**2.7.** That, in order to ensure appropriate siting and design of the proposed house, the planning application, submitted in accordance with Condition 1 in Appendix 1 to this Minute, should be determined by the Planning Committee, irrespective of whether or not it attracted any objection(s).

### **3. Planning Application (17/335/PIP)**

#### **Proposed Siting of Replacement House and Creation of Access at Site 2, Redland, Firth**

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 siting of a replacement house and creation of an access at Site 2, Redland, Firth, was refused by the Appointed Officer on 8 March 2018, 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, 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 14:30 on 20 August 2018.

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 Duncan A Tullock, the Local Review Body resolved, in terms of delegated powers:

**3.5.** That the decision of the Appointed Officer, to refuse the application for the proposed siting of a replacement house and creation of an access at Site 2, Redland, Firth, be upheld, for the reasons outlined in Appendix 2 to this Minute.

### **4. Conclusion of Meeting**

At 15:55 the Chair declared the meeting concluded.

Signed: Rob Crichton.

## **Appendix 1.**

### **Proposed Siting of Replacement House and Creation of Access at Site 1, Redland, Firth (17/334/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 siting, design and external appearance of all buildings and other structures.
- The access details including a surface water drainage scheme.
- The layout of the site, including all roads, footways and parking areas.
- The design and location of all boundary walls and fences.
- The provision of drainage works.
- The disposal of sewage.

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 agreed otherwise in writing by the Planning Authority.

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

02. The access hereby approved with the public road shall be constructed to the Council's Roads Services standard drawing 'SD-02 Alternative Typical Access for Two Dwellings', 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. A new passing place shall be constructed between Holland Road and Lyde Road, at an appropriate location to be agreed, in writing, with the Council as Roads Authority. The passing place shall be constructed and completed prior to any works commencing on the development site hereby approved, unless otherwise agreed, in writing, by the Planning Authority.

Reason: In the interests of road safety.

04. Hours of construction work on site 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 only take place between the hours of 07:30 and 18:00 Mondays to Fridays, 09:00 to 13:00 on Saturdays and not at all on Sundays or the Christmas or New Year Public Holidays, unless otherwise agreed, in writing, by the Planning Authority.

Reason: To reduce disturbance to residents.

05. The existing building to be replaced shall be entirely demolished. Construction works within the application site hereby approved shall not commence until the demolition of the existing building is completed. Any materials from demolition unable to be reused shall be disposed of in a licensed waste disposal facility or used for purposes for which planning permission has been granted or is not required, unless otherwise agreed, in writing, by the Planning Authority.

Reason: To protect the appearance of the area and to encourage appropriate reuse or disposal of materials.

## **Appendix 2.**

### **Proposed Siting of Replacement House and Creation of Access at Site 2, Redland, Firth (17/335/PIP)**

#### **Refuse for the following reasons:**

01. The proposed development would not reflect the landscape character of the surrounding rural area and is therefore contrary to Policy 1 – Criteria for All Development of the Orkney Local Development Plan 2017.

02. The building to be replaced does not meet the definition of a “building or structure” as included in Supplementary Guidance – Housing in the Countryside, principally on the basis that the building is less than 50 square metres. The proposal is therefore contrary to Policy 5 Housing, Section E(iii) Single Houses and New Housing Clusters in the Countryside – The Replacement of an Existing Building or Structure of the Orkney Local Development Plan 2017 and is not acceptable in principle.

03. The proposed development is located distant from the original building therefore does not accord with Development Criterion 1 of Supplementary Guidance – Housing in the Countryside, on the basis that the location of the proposed development would not minimise the visual and landscape impacts, which could be reduced in a location closer to the existing steading. The isolated site is such that the development also does not accord with Development Criterion 3 of Supplementary Guidance – Housing in the Countryside, on the basis that the location of the proposed site would not reflect the character of this rural area.