

Minute

Local Review Body

Thursday, 21 March 2019, 11:00.

Community Room, Sanday Community School, Sanday.



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.
- Peter Trodden, Legal Advisor.

Declarations of Interest

- No declarations of interest were intimated.

Chair

- Councillor Owen Tierney.

1. Planning Application (18/404/PP)

Proposed Conversion of Redundant Agricultural Building to House at Quivals, Sanday

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 conversion of a redundant agricultural building to a house at Quivals, Sanday, was refused by the Appointed Officer on 14 December 2018, for the reasons outlined in section 3.2 of the report by the Chief Executive.

1.2. That the Scottish Environment Protection Agency and the Council's Engineering Service had objected to the application, on the grounds that the proposal might place buildings and persons at flood risk, contrary to Scottish Planning Policy.

1.3. 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.

1.4. 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 09:45 on 21 March 2019.

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

Resolved, in terms of delegated powers:

1.5. That the review be determined without further procedure.

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

1.6. That the Council should notify Scottish Ministers of its intention to approve the application for planning permission in respect of the proposed conversion of a redundant agricultural building to a house at Quivals, Sanday, subject to the conditions attached as Appendix 1 to this Minute.

1.7. That, should the application not be called in by Scottish Ministers for determination, consent should be issued in respect of the proposed conversion of a redundant agricultural building to a house at Quivals, Sanday, subject to the conditions attached as Appendix 1 to this Minute.

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

- The principle of the development was acceptable and accorded with the "isles approach" to support development within the islands which supported permanent resident populations and were served by public transport services.
- Conversion of a redundant building forming part of ancillary buildings associated with the farmhouse at Quivals and designated as a Category B listed building would bring it back into use and secure its long term future.
- The detailing of the external changes to the building were sympathetic to the existing building and the character of the local area and would preserve and enhance the building and its setting.
- The proposed conversion of an established building would not cause any unacceptable adverse impacts on the amenity of the adjacent property.
- There would not be any unacceptable burden on existing infrastructure and services created by the proposed development.
- The proposed development supported the presumption in favour of new housing on the non-linked isles.
- Acknowledging that the application site was located within the medium likelihood (1 in 200 year) flood extent of the SEPA Flood Map, and noting that the applicant's Flood Risk Statement indicated no history of flooding at the site, and the proposed finished floor level at 3.5 metres Above Ordnance Datum (AOD) was slightly higher than the 1 in 200 year flood level of 3.49 metres AOD, it was not considered that the development would have a significant probability of being affected by flooding.

- Conversion of a redundant building into a residential use took precedence over and outweighed the objections raised by the Scottish Environment Protection Agency and the Council's Engineering Service.

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

- Orkney Local Development Plan 2017:
 - Policy 1 – Criteria for All Development, parts (i), (ii), (iii), (iv), (v), (vi), (ix) and (x).
 - Policy 2 – Design, parts (i) and (ii).
 - Policy 5 – Housing, sections C – The Isles Approach for Housing - and E – Single Houses and New Housing Clusters in the Countryside, part (ii).
 - Policy 8 – Historic Environment and Cultural Heritage, section A – All Development.
 - Policy 13 – Flood Risk, SuDS and Waste Water Drainage, section A – Flood Risk, part (ii).
- Supplementary Guidance: Housing in the Countryside, paragraph 3.06.

2. Conclusion of Meeting

At 11:50 the Chair declared the meeting concluded.

Signed: Owen Tierney.

Appendix 1.

Proposed Conversion of Redundant Agricultural Building to House at Quivals, Sanday (18/404/PP)

Grant subject to the following condition:

01. 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 or the 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.