

Minute

Local Review Body

Friday, 30 August 2019, 11:00.

Council Chamber, Council Offices, School Place, Kirkwall.



Present

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

Clerk

- Angela Kingston, Committees Officer.

In Attendance

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

Apology

- Councillor Graham L Sinclair.

Not Present

- Councillor Barbara Foulkes.

Declarations of Interest

- No declarations of interest were intimated.

Chair

- Councillor Robin W Crichton.

1. Planning Application (18/507/PIP)

Proposed Siting of House at Myrtledene, Skiddy Road, Rendall

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 in principle for the proposed siting of a house at Myrtledene, Skiddy Road, Rendall, was refused by the Appointed Officer on 15 May 2019, 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 10:00 on 30 August 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.

Councillor Owen Tierney, seconded by Councillor Duncan A Tullock, moved that planning permission in principle be granted in respect of the proposed siting of a house at Myrtledene, Skiddy Road, Rendall, as, in their opinion, notwithstanding the fact the evidence provided by the applicant did not prove the land had been used as domestic curtilage for an unbroken period of ten years prior to the application being made, sufficient evidence had been provided to prove that the land had been used as domestic curtilage in the past, in the form of:

- A title deed showing that the area of the application site had been separated from the adjacent agricultural land.
- Photographic images from 2009 to 2010 showing a post and rope fence demarcating the boundary of the curtilage.
- Photographic images from 2009 to 2010 and 2019 showing use of the land for vehicle parking and storage.
- Anecdotal evidence that, at some point prior to 2016, the site was largely abandoned with minimal management due to the age of the previous occupants.

And therefore the application complied with Policy 5E (v) Housing – Single Houses and New Housing Clusters in the Countryside, of the Orkney Local Development Plan 2017.

Councillor Robin W Crichton, seconded by Councillor David Dawson, moved an amendment that the decision of the Appointed Officer, to refuse the application for the proposed siting of a house at Myrtledene, Skiddy Road, Rendall, be upheld.

On a vote being taken 2 members voted for the amendment and 7 for the motion, and the Local Review Body:

Resolved, in terms of delegated powers:

1.5. That planning permission in principle be granted in respect of the proposed siting of a house at Myrtledene, Skiddy Road, Rendall, subject to the conditions attached as Appendix 1 to this Minute.

1.6. That the Local Review Body's reason for granting planning permission in principle was that, in the Local Review Body's opinion:

- Notwithstanding the fact the evidence provided by the applicant did not prove the land had been used as domestic curtilage for an unbroken period of ten years prior to the

application being made, sufficient evidence had been provided to prove that the land had been used as domestic curtilage in the past, in the form of:

- A title deed showing that the area of the application site had been separated from the adjacent agricultural land.
- Photographic images from 2009 to 2010 showing a post and rope fence demarcating the boundary of the curtilage.
- Photographic images from 2009 to 2010 and 2019 showing use of the land for vehicle parking and storage.
- Anecdotal evidence that, at some point prior to 2016, the site was largely abandoned with minimal management, due to the age of the previous occupants.

And, accordingly, the proposed development would comply with Policy 5E (v) Housing – Single Houses and New Housing Clusters in the Countryside, of the Orkney Local Development Plan 2017.

2. Conclusion of Meeting

At 11:17 the Chair declared the meeting concluded.

Signed: Rob Crichton.

Appendix 1.

Proposed Siting of House at Myrtledene, Skiddy Road, Rendall (18/507/PIP)

Grant subject to the following conditions:

01. No development shall commence until all of the 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).
- The design and external appearance of the proposed development.
- Landscaping proposals for the site of the proposed development (including boundary treatments).
- Details of access and parking arrangements.
- Details of domestic curtilage to be associated with the house (not exceeding 1500 square metres).
- Details of the proposed water supply and drainage arrangements.

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

02. Any development pursuant to condition 01 above shall include full details of all foul drainage infrastructure, including treatment plant and soakaway locations. Thereafter, development shall progress in accordance with the approved details.

Reason: In order to ensure that private foul drainage infrastructure is suitably catered for, in the interests of public health and environmental protection.

03. Any details pursuant to condition 01 above shall show surface water drainage provision within the application site which accords with the principles of Sustainable Urban Drainage Systems (SUDS) and is designed to the standards outlined in Sewers for Scotland Second Edition, or any superseding guidance prevailing at the time.

Reason: To ensure that surface water drainage is provided timeously and complies with the principles of SUDS and in order to protect the water environment.

04. Any details pursuant to condition 01 above shall include a detailed scheme of hard and soft landscaping works which shall be submitted to, and approved in writing by, the Planning Authority prior to any development works commencing on site. Details of the scheme shall include:

- All earthworks and existing and finished ground levels in relation to an identified fixed datum point.
- A plan showing existing landscaping features and vegetation to be retained.
- The location and design, including materials, of any existing or proposed walls, fences and gates.

- All soft landscaping and planting works, including plans and schedules showing the location, species and size of each individual tree and/or shrub and planting densities.
- A programme for preparation, completion and subsequent on-going maintenance and protection of all landscaping works.

Landscaping works shall be carried out in accordance with the approved scheme. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of development, unless otherwise stated in the approved scheme.

Any trees or plants which within a period of five years from the completion of the development die, or for whatever reason are removed or damaged, shall be replaced in the next planting season with others of the same size and species.

Reason: In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site and for the avoidance of doubt.

05. Any details pursuant to condition 01 above shall show the access with the public road 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.