

Minute

Local Review Body

Wednesday, 2 June 2021, 11:30.

Microsoft Teams.



Present

Councillors Robin W Crichton, John A R Scott, Alexander G Cowie, Norman R Craigie, David Dawson, Barbara Foulkes, Stephen Sankey, Owen Tierney, Duncan A Tullock and Heather N Woodbridge.

Clerk

- Angela Kingston, Committees Officer.

In Attendance

- Roddy Mackay, Planning Advisor.
- Peter Trodden, Legal Advisor.

Observing

- Rebecca McAuliffe, Press Officer.

Not Present

- Councillor Magnus O Thomson.

Declaration of Interest

- Councillor Owen Tierney – Item 4.

Chair

- Councillor Robin W Crichton.

1. Suspension of Standing Orders

The Local Review Body **suspended Standing Order 8.11** to enable members to participate in the meeting from a remote location, as the decision to be made was as a result of a quasi-judicial or regulatory hearings process, such as a planning application or an appeal.

2. Form of Voting

The Local Review Body resolved that, should a vote be required in respect of the Notice of Review to be considered at this meeting, notwithstanding Standing Order 21.4, the form of voting should be by calling the roll (recorded vote).

3. Planning Application (20/395/PIP)

Proposed Siting of Replacement House at Turnpike, Biggings Road, St Andrews

As Councillor Barbara Foulkes had not taken part in the site visits, in terms of Standing Order 8.6, she could not take part in the deliberations of the Local Review Body and left the meeting at this point.

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 at Turnpike, Biggings Road, St Andrews, was refused by the Appointed Officer on 31 March 2021, 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 in respect of the decision of the Appointed Officer to refuse planning permission in principle for the proposed siting of a replacement house at Turnpike, Biggings Road, St Andrews.

3.3. That, in accordance with policy, the Local Review Body had undertaken an unaccompanied visit to the site at Turnpike, Biggings Road, St Andrews, at 10:30 on 20 May 2021.

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

Resolved, in terms of delegated powers:

3.4. That the review in respect of the decision of the Appointed Officer to refuse planning permission in principle for the proposed siting of a replacement house at Turnpike, Biggings Road, St Andrews, should be determined without further procedure.

On the motion of Councillor Owen Tierney, seconded by Councillor Norman R Craigie, the Local Review Body resolved, in terms of delegated powers:

3.5. That the decision of the Appointed Officer to refuse planning permission in principle for the proposed siting of a replacement house at Turnpike, Biggings Road, St Andrews, should not be upheld.

3.6. That planning permission in principle be granted in respect of the proposed siting of a replacement house at Turnpike, Biggings Road, St Andrews, subject to the conditions attached as Appendix 1 to this Minute.

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

- The existing structure was a building that was no longer suitable for its previous use by virtue of its size and location and was empty, unoccupied and not in an active use.

- Taking into account the downtakings, ie the extended levelled walls still visible above the ground, of the redundant structure, which had not been included in the measurement of the external dimensions of the structure by the Appointed Officer, the redundant structure would meet the criteria of having an external floor area in excess of 50 square metres required to meet the definition of a building or structure.
- Noting the requirement that the proposed replacement house be located on the same site, to site the replacement house on the original site would be impractical, due to its close proximity to the neighbouring farm buildings, and the proposed site was considered to be sufficiently close to the structure to be replaced and the existing buildings at Turnpike.
- Noting the pattern and scale of relatively recent modern development in the vicinity, and in particular when viewed at a distance from the beach at Dingieshowe, it was considered that the proposed site location was appropriate and would not appear incongruous nor intrusive in the landscape, and a single house could be designed to be accommodated with minimal additional landscape and visual impact.

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

- Orkney Local Development Plan 2017:
 - Policy 1 – Criteria for All Development, sections (i) to (vi).
 - Policy 5E – Housing – Single Houses and New Housing Clusters in the Countryside, section (iii).
 - Policy 9 – Natural Heritage and Landscape, section G (i) and (ii).
- Supplementary Guidance: Housing in the Countryside (2021), Development Criterion 2.

4. Planning Application (21/054/PIP)

Proposed Siting of Replacement House at Hewing, Redland Road, Firth

Councillor Owen Tierney declared a non-financial interest in this item, in that the applicant was known to him, noting that he had also not taken part in the site visit, and left the meeting at this point.

After consideration of a report by the Chief Executive, copies of which had been circulated, the Local Review Body:

Noted:

4.1. That planning permission in principle for the proposed siting of a replacement house at Hewing, Redland Road, Firth, was refused by the Appointed Officer on 15 April 2021, for the reasons outlined in section 3.2 of the report by the Chief Executive.

4.2. That the applicant had submitted a Notice of Review in respect of the decision of the Appointed Officer to refuse planning permission in principle for the proposed siting of a replacement house at Hewing, Redland Road, Firth.

4.3. That, in accordance with policy, the Local Review Body had undertaken an unaccompanied visit to the site at Hewing, Redland Road, Firth, at 11:30 on 20 May 2021.

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

Resolved, in terms of delegated powers:

4.4. That the review in respect of the decision of the Appointed Officer to refuse planning permission in principle for the proposed siting of a replacement house at Hewing, Redland Road, Firth, should be determined without further procedure.

On the motion of Councillor Robin W Crichton, seconded by Councillor John A R Scott, the Local Review Body resolved, in terms of delegated powers:

4.5. That the decision of the Appointed Officer, to refuse planning permission in principle for the proposed siting of a replacement house at Hewing, Redland Road, Firth, be upheld, for the reasons outlined in Appendix 2 to this Minute.

5. Conclusion of Meeting

At 12:10 the Chair declared the meeting concluded.

Signed: Rob Crichton.

Appendix 1.

Proposed Siting of Replacement House at Turnpike, Biggings Road, St Andrews (20/395/PIP)

Grant subject to the following conditions:

01. No development shall commence until all matters specified below have been approved on further application to the Planning Authority:

(a) The siting, design and external appearance (including details of materials) of all buildings and other structures (the dwelling and any other buildings proposed shall not exceed one third of the plot area) including plans and sections showing ground levels of the site and how the dwelling will be dug in to any slope. The plans should include existing and proposed ground levels, and proposed finished levels including a finished ridge height; sections from the boundaries through the east and west facing walls of the house and any other buildings, and through the north and south facing walls of the house and any other buildings, showing the buildings in relation to the existing and proposed ground levels of the site. All foundations must be excavated and not built on top of any slope. No underbuilding to compensate for any gradient is permitted.

(b) Access to the site (full details, including any surface water drainage scheme for the access).

(c) The layout of the site, including roads, footways, turning areas and parking areas.

(d) The design and location of all boundary walls and fences (including materials, colours and heights).

(e) Details of a scheme of hard and soft landscaping works. All landscaping works shall be carried out in accordance with the approved scheme and plans. All planting, seeding or turfing as may be comprised in the approved scheme and plans shall be carried out within two years of commencement of the development and shall be completed prior to the first occupation of the dwelling, 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, for whatever reason are removed or damaged, shall be replaced in the next planting season with others of the same size and species.

(f) The provision of drainage works and SuDS. The development shall incorporate a surface water drainage system which is consistent with the principles of Sustainable Urban Drainage Systems (SuDS) compliant with the guidance set out in CIRIA's SuDS Manual C753. The requisite surface water drainage shall be operational prior to the development being brought into use and shall be maintained as such thereafter. All surface water shall be contained within the development site and there shall be no surface water drainage run-off onto the road or adjacent land. Further information on SUDs may be found on SEPA's website at: www.sepa.org.uk and http://www.susdrain.org/resources/SuDS_Manual.html .

(g) The disposal of sewage. The private sewage system shall be included within the site boundary.

(h) Detail of refuse bin storage.

Reason: The approval is in principle only and these specified matters must be approved prior to development commencing.

02. Notwithstanding the details required in Condition 1(g), prior to the first occupation of the development hereby approved in principle, the sewage system approved under the subsequent AMC/Full Planning Application shall be connected and fully operational and prior to the commencement of the development, the developer shall consult the Scottish Environment Protection Agency (SEPA) with regard to authorisations required for discharges of sewerage effluent to land or water. SEPA (Orkney) can be contacted at Norlantic House, Hatston, Kirkwall (Telephone: 01856 871080). Further information may also be found on SEPA's website at: <https://www.sepa.org.uk/> .

Reason: In the interests of environmental protection and to accord with Policy 13C – Waste Water Drainage of Orkney Local Development Plan 2017.

03. Prior to the commencement of development within the application site hereby approved in principle, the existing ruinous/derelict building used for the one for one replacement, shall be entirely demolished and the material disposed of, unless retention and conversion to a suitable ancillary or alternative use has been agreed beforehand in writing by the Planning Authority. All material resulting from demolition not required in the construction of the replacement dwelling shall be removed from site and disposed of in a licensed waste disposal facility or used for purposes for which planning permission is either not needed or has been granted.

Reason: To protect the appearance of the area and as the demolition of the structure is required to establish the principle of the replacement house to comply with Orkney Local Development Plan 2017 policy 5E(iii) – Replacement of an Existing Building or Structure and Supplementary Guidance: Housing in the Countryside (2021).

04. Throughout the lifetime of the development, any external lighting used on the dwelling and any outbuildings, shall be downward facing only and shall comply with the Council's requirements of Orkney Local Development Plan 2017 Policy 2 (principle vi) that all external lighting shall minimise light pollution and shall meet the requirements specified by the Institution of Lighting Professionals for Zone E1/E2 areas (Rural/Low District Brightness). The lighting shall be turned off when not required either by automatic sensor or manually.

Note: Further information regarding the control of light pollution and obtrusive light can be viewed online at www.theilp.org.uk/documents/obtrusive-light/ (Institution of Lighting Professionals (Guidance Notes for the Reduction of Obtrusive Light GN01:2011) and Scottish Executive (Transport Scotland) Guidance Note (Controlling Light Pollution and Reducing Lighting Energy Consumption).

Reason: To minimise obtrusive light, glare or distraction in the interests of safeguarding the amenity of the area and to accord with Orkney Local Development Plan 2017 Policy 2 – Design.

05. 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, 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.

Appendix 2.

Proposed Siting of Replacement House at Hewing, Redland Road, Firth (21/054/PIP)

Refuse for the following reasons:

01. The proposed site location would not reflect the character of the surrounding rural area and would appear incongruous and intrusive due to inappropriate siting within the landscape. The development fails to comply with Policy 1 – Criteria for All Development, sections (i) and (ii) of the Orkney Local Development Plan 2017.

02. The site of the proposed replacement house is not situated on the same site, with no material planning benefits provided to allow an exception. The development is therefore contrary to Policy 5E (iii) – Housing – Single Houses and New Housing Clusters in the Countryside of the Orkney Local Development Plan 2017.

03. The proposed house site is not considered to be situated to minimise negative impacts on the local landscape. The proposed site location has the potential to add to incongruous single house development in the countryside. Given the location of the development and prominence within the local landscape, the proposed development is considered contrary to Policy 9 – Natural Heritage and Landscape, section G (i) and (ii) of the Orkney Local Development Plan 2017.

04. The proposed development does not accord with all relevant Development Criteria (DC), as required and as stated within Supplementary Guidance: Housing in the Countryside 2021, specifically in relation to DC2, on the basis that “The proposed site is not located nor situated to fit into the landscape nor does it minimise landscape and visual impacts of the development.”.