

Minute

Local Review Body

Wednesday, 1 December 2021, 14:30.

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.
- Katharine McKerrell, Legal Advisor.

Observing

- Rebecca McAuliffe, Press Officer.

Not Present

- Councillor Magnus O Thomson.

Declaration of Interest

- Councillor Stephen Sankey – Item 3.

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 21/046/PP

Proposed Erection of House for Retiring Farmer at Appietown, Rendall

Councillor Stephen Sankey declared a non-financial interest in this item, in that he would be submitting a planning application in the near future which might result in similar policy considerations to those relating to determination of application 21/046/PP. Further, as he had not taken part in the site visit, in terms of Standing Order 8.6, Councillor Sankey 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 for the proposed erection of a house for a retiring farmer at Appietown, Rendall, was refused by the Appointed Officer on 29 July 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 for the proposed erection of a house for a retiring farmer at Appietown, Rendall.

3.3. That, in accordance with policy, the Local Review Body had undertaken an unaccompanied visit to the site at Appietown, Rendall, at 09:30 on 1 December 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 for the proposed erection of a house for a retiring farmer at Appietown, Rendall, should be determined without further procedure.

Councillor Robin W Crichton, seconded by Councillor John A R Scott, moved that the decision of the Appointed Officer to refuse the application for planning permission for the proposed erection of a house for a retiring farmer at Appietown, Rendall, be upheld but varied by removal of the following ground for refusal, as they did not consider that ground for refusal to be a key material consideration in determination of the application and, in their opinion, the proposed site location would be acceptable and would maintain the character of the scattered, low housing density of the surrounding area:

“The proposed site location does not reflect the local settlement pattern, nor would it reinforce the distinctive identity of Orkney’s rural built environment and is not sympathetic to the character of the local area. The development fails to comply with Policy 2 – Design, points (i) and (ii), of the Orkney Local Development Plan 2017.”.

Councillor Duncan A Tullock, seconded by Councillor Owen Tierney, moved an amendment that planning permission be granted in respect of the proposed erection of a house for a retiring farmer at Appietown, Rendall, as, in their opinion:

(1) The proposed development would provide a dwelling house for a retiring farmer allowing the succession of a viable business to another family member.

(2) Noting (a) the requirement to evaluate the opportunities to provide the required housing through other elements of the Housing in the Countryside policy; and (b) the need for the proposed house to be located adjacent to existing buildings unless an exceptional case could be made for the house to be sited at an alternative location, the location of the wind turbine at Appietown and the requirement for a typical separation distance of 220 metres in order to avoid unacceptable adverse impacts on amenity such as possible problems with shadow flicker, made it impractical to identify a suitable location close to the existing farm buildings at Appietown.

(3) The proposed site location reflected the local settlement pattern, which was of a scattered, low housing density nature, and the scale and design of the house would fit appropriately within the landscape and was sympathetic to the character of the local area.

And, accordingly, the proposed development would comply with Policies 1 – Criteria for All Development, parts (i) to (vi), Policy 2 – Design, parts (ii) to (vi), Policy 5E – Single Houses and New Housing Clusters in the Countryside, part (viii), and Policy 7C – All Renewables and Low Carbon Energy Developments, part (i) of the Orkney Local Development Plan 2017.

The result of a recorded vote was as follows:

For the Amendment:

Councillors Alexander G Cowie, Norman R Craigie, David Dawson, Barbara Foulkes, Owen Tierney, Duncan A Tullock and Heather N Woodbridge (7).

For the Motion:

Councillors Robin W Crichton and John A R Scott (2).

The Amendment was therefore carried.

The Local Review Body thereafter resolved, in terms of delegated powers:

3.5. That the decision of the Appointed Officer to refuse planning permission for the proposed erection of a house for a retiring farmer at Appietown, Rendall, should not be upheld.

3.6. That planning permission be granted in respect of the proposed erection of a house for a retiring farmer at Appietown, Rendall, subject to the conditions attached as Appendix 1 to this Minute.

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

- The proposed development would provide a dwelling house for a retiring farmer allowing the succession of a viable business to another family member.

- Noting (a) the requirement to evaluate the opportunities to provide the required housing through other elements of the Housing in the Countryside policy; and (b) the need for the proposed house to be located adjacent to existing buildings unless an exceptional case could be made for the house to be sited at an alternative location, the location of the wind turbine at Appietown and the requirement for a typical separation distance of 220 metres in order to avoid unacceptable adverse impacts on amenity such as possible problems with shadow flicker, made it impractical to identify a suitable location close to the existing farm buildings at Appietown.
- The proposed site location reflected the local settlement pattern, which was of a scattered, low housing density nature, and the scale and design of the house would fit appropriately within the landscape and was sympathetic to the character of the local area.

And, accordingly, the proposed development would comply with the following policies of the Orkney Local Development Plan 2017:

- Policies 1 – Criteria for All Development, parts (i) to (vi).
- Policy 2 – Design, parts (ii) to (vi).
- Policy 5E – Single Houses and New Housing Clusters in the Countryside, part (viii).
- Policy 7C - All Renewables and Low Carbon Energy Developments, part (i)

4. Conclusion of Meeting

At 15:12 the Chair declared the meeting concluded.

Signed: Rob Crichton.

Appendix 1.

Proposed Erection of House for Retiring Farmer at Appietown, Rendall (21/046/PP).

Grant subject to the following conditions:

01. No other development shall commence until detailed cross-sections of the site showing existing levels and proposed finished levels have been submitted to, and approved in writing by, the Planning Authority. Detailed drawings shall include cross sections through the approved house site, boundary to boundary both north-south and east-west, intersecting centrally.

Reason: To ensure that the development is sensitive to, and compatible with, its context.

02. Within the application site, no building or structure shall include underbuilding exceeding 500 millimetres in height above ground level. For the purposes of this condition, height is a reference to height when measured from ground level, and ground level means the existing level (not any raised level) of the surface of the ground immediately adjacent to the building or structure or, where the level of the surface of the ground is not uniform, the level of the lowest part of the surface of the ground adjacent to it.

Reason: To ensure that underbuilding is kept to a minimum, in the interests of visual and residential amenity.

03. No other development shall commence prior to the access with the public road being constructed to the Council's Roads Services standard drawing 'SD-03 Access Over Verge for Single Dwelling', 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 any other works commencing on 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 in advance of any such deviation from the agreed details 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.

04. No other development shall commence until details of a scheme of hard and soft landscaping works have been submitted to, and approved in writing by, the Planning Authority. Details of the scheme shall include:

- All earthworks and existing and finished ground levels in relation to an identified fixed datum point.
- All soft landscaping and planting works, including plans and schedules showing the location, species of shrubs and trees and planting densities with particular emphasis on boundary planting.
- The location and design, including materials, of any existing or proposed walls, fences and gates.

Thereafter, all 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 no later than the first planting and seeding seasons following the first occupation of the house, 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 or 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 that inappropriate suburban boundary finishes are not employed in this rural location.

05. No other development shall commence until details of the siting of refuse disposal bins and recyclable material storage and collection points in respect of the approved house have been submitted to, and approved in writing by, the Planning Authority.

Reason: To ensure that adequate provision for domestic waste and recycle is provided and for the avoidance of doubt.

06. All surface water drainage provision within the application site shall accord with the principles of Sustainable Urban Drainage Systems (SUDS) and be designed to the standards outlined in Sewers for Scotland Fourth Edition, or any superseding guidance prevailing at the time and shall be implemented and completed prior to the first occupation of any of the development.

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

07. Any exterior lighting employed shall be so positioned, angled and controlled to prevent any direct illumination, glare or light spillage outwith the site boundary. The use of automatic cut-out or sensor operated external lighting of limited timed illumination is advocated.

Reason: In order to ensure that any lighting installed within the application site does not spill beyond the intended target area, does not impact adversely upon the amenity of adjacent properties and does not result in 'sky glow'.

08. 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, by 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.