

## Minute

### Local Review Body

Tuesday, 28 February 2022, 14:00.

Microsoft Teams.



### Present

Councillors Robin W Crichton, Alexander G Cowie, Norman R Craigie, David Dawson, 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.
- Lorraine Stout, Press Officer.

### Apologies

- Councillor Barbara Foulkes.
- Councillor John A R Scott.
- Councillor Magnus O Thomson.

### Declarations of Interest

- No declarations of interest were intimated.

### 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 21/010/PP**

### **Proposed Erection of Four Agricultural Buildings, Temporary Siting of Caravan and Creation of Access (Part Retrospective) at Redlums, Rousay**

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 four agricultural buildings, temporary siting of a caravan and the creation of an access (part retrospective) at Redlums, Rousay, was granted by the Appointed Officer on 21 December 2021, subject to the conditions outlined in section 3.3 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, specifically in respect of Conditions 5, 7 and 11 (iv) and (v) attached to the approval, 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 at Redlums, Rousay, at 09:00 on 28 February 2022.

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 grant planning permission for the proposed erection of four agricultural buildings, temporary siting of a caravan and the creation of an access (part retrospective) at Redlums, Rousay, should be determined without further procedure.

On the motion of Councillor Robin W Crichton, seconded by Councillor David Dawson, the Local Review Body:

Resolved, in terms of delegated powers:

**3.5.** That the decision of the Appointed Officer to grant planning permission for the proposed erection of four agricultural buildings, temporary siting of a caravan and the creation of an access (part retrospective) at Redlums, Rousay, be upheld but varied by amending Condition 5, specifically the cessation date of residential occupation of the touring caravan to 28 February 2024, as, in their opinion, it was reasonable to provide a period of two years from the date of the current decision to provide temporary residential accommodation on-site to allow the development to be completed.

**3.6.** That the conditions, attached as Appendix 1 to this Minute, incorporating the variation detailed at paragraph 3.5 above, should form part of the decision to grant planning permission for the erection of four agricultural buildings, temporary siting of a caravan and the creation of an access (part retrospective) at Redlums, Rousay.

#### **4. Planning Application 21/436/PIP**

##### **Proposed Siting of Replacement House (One for One) on land near Drunton, Russland Road, Harray**

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 (one for one) on land near Drunton, Russland Road, Harray, was refused by the Appointed Officer on 5 January 2022, 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 requesting that the decision of the Appointed Officer to refuse planning permission for the siting of a replacement house (one for one) on land near Drunton, Russland Road, Harray, be reviewed.

**4.3.** That, as part of the Notice of Review, referred to at paragraph 4.2 above, the applicant had submitted information which, in terms of Section 43B of the Town and Country Planning (Scotland) Act 1997 as amended, was deemed as new information.

**4.4.** That, in accordance with policy, the Local Review Body had undertaken an unaccompanied visit to the site at Drunton, Russland Road, Harray, at 11:00 on 28 February 2022.

After hearing a report from the Planning Advisor, on the motion of Councillor Robin W Crichton, seconded by Councillor Owen Tierney, the Local Review Body:

Resolved, in terms of delegated powers:

**4.5.** That the new information, referred to at paragraph 4.3 above, namely new farming regulations, the Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021, which came into force on 1 January 2022, and introduced measures regarding the storage of slurry, should be taken into account when determining the review.

**4.6.** That, accordingly, the review should not be determined without further procedure, and that the further procedure should comprise:

- An opportunity for relevant parties, including the Scottish Environment Protection Agency and the Council's Environmental Health Service, to make representations on the new information referred to at paragraph 4.5 above.
- Further information from the applicant's agent to clarify whether the application was being made under the criteria of Policy 5E iii – the replacement of an existing building or structure or Policy 5E viii – the provision of a single dwelling house to allow for the retirement succession of a viable farm holding.

## **5. Conclusion of Meeting**

At 14:38 the Chair declared the meeting concluded.

Signed: Rob Crichton.

**Appendix 1.**

**Erection of Four Agricultural Buildings, Temporary Siting of Caravan and Creation of Access (Part Retrospective) at Redlums, Rousay (21/010/PP).**

**Grant subject to the following conditions:**

01. No other development shall be carried out on site until the access hereby approved with the public road has been fully constructed in accordance with the attached access detail forming part of this decision notice, including dimensions, road construction, any pipe required, and verge or footway. Thereafter the access shall be retained in accordance with these details throughout the lifetime of the development.

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.

02. The area of the access hereby approved that is located within the boundary of the public road shall be constructed in accordance with the council's Typical Section Carriageway Construction, attached to and forming part of this decision notice.

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 liaison with Roads Services.

Reason: In the interests of road safety.

03. Throughout the lifetime of the hereby approved development the surface water drainage system for the approved access shall be maintained to ensure that it remains effective and prevents surface water drainage from flowing from the access to the public road. If at any time it is found that the drainage system does not operate effectively, action to repair and maintain the drainage system shall be carried out within ten days of the issue being notified to property owners utilising the access at the property.

Reason: In the interest of road safety.

04. Within six months of the date of the date of the decision notice, a structural survey, undertaken by a suitably qualified and/or accredited surveyor, shall be completed and submitted to the Planning Authority to demonstrate that all engineering works associated with the impoundment to create the wildlife pond, together with associated earth and drainage works, are designed to an acceptable standard for their intended purpose. Engineering works shall be constructed (or retained if already constructed) only if these works are specifically approved in writing by the Planning Authority. Thereafter, all works shall be retained in accordance with approved details only.

Any works not approved for retention shall be fully removed at the developer's expense and the ground reinstated to its condition prior to commencement of development, no later than 18 months from the date of this decision notice.

Reason: To ensure that works have not and comply with applicable standards.

05. Residential occupation of the touring caravan hereby approved is for a temporary period only and shall cease to have effect on 28 February 2024 (the 'cessation date'). Prior to the cessation date, the touring caravan shall be removed completely from the site. Notwithstanding the provisions of Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended, revoked or re-enacted; with or without modification), no other touring or residential caravan(s) shall be sited within the approved development site unless planning permission is expressly granted by the Planning Authority.

Reason: To ensure that the development does not become used for permanent residential occupation in the interest of the area's visual amenity, in recognition of the lack of private amenity space and in accordance with the use applied for.

06. Notwithstanding the temporary approval of a touring caravan, in accordance with condition 05, the development hereby approved shall be used for agricultural purposes only, with no building used for any other purpose unless planning permission is expressly granted by the Planning Authority, with the only exception being the small toolshed included in approved plans, accommodating the dry toilet and water purification apparatus for the provision of potable water.

Reason: To ensure that the development does not become used for permanent residential occupation in the interest of the area's visual amenity, in recognition of the lack of private amenity space and in accordance with the use applied for.

07. Notwithstanding the elevations, floor plans and other details hereby approved of the general purpose shed (reference A 04), within three months of the date of this decision notice the developer shall remove the dormer windows on the south roof slope of the building and shall finish both planes of the roof in a uniform manner using the approved finish of concrete tiles.

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

08. Within three months of the date of this decision notice, full details shall be submitted to demonstrate that the private water supply is sufficient (even in times of prolonged dry weather), wholesome and safe to drink and does not compromise the adequacy of other private water supplies in the immediate area, to the satisfaction of the Planning Authority in conjunction with Environmental Health. For the avoidance of doubt, the private water supply on site shall not be used as potable water until these details have been submitted and approved by the Planning Authority, confirming to the satisfaction of Environmental Health that the development meets applicable drinking water standards.

Reason: To ensure the adequacy of a water supply to the premises in the interests of animal and human health and to safeguard groundwater.

09. All surface water drainage provision within the application sites 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.

10. Any exterior lighting provided within the development hereby approved shall be 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 most appropriate.

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'.

11. Within six months of the date of this decision notice, full details of a scheme of hard and soft landscaping works shall be submitted to, and approved in writing by, the Planning Authority. Details of the scheme shall include:

- (i) All earthworks and existing and finished ground levels in relation to an identified fixed datum point.
- (ii) A plan showing existing landscaping features and vegetation to be retained.
- (iii) The location and design, including materials, of any existing or proposed walls, fences and gates.
- (iv) 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, taking due cognisance of guidance available from the Orkney Woodland Project.
- (v) A programme for preparation, completion and subsequent on-going maintenance and protection of all landscaping works.

Thereafter, all landscaping works shall be carried out wholly 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, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species.

Reason: To ensure adequate landscaping within the application site, to protect the amenity of the area.