

## 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 decisions to be made were 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 Notices 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 the Committee's 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.