

Minute

Local Review Body

Wednesday, 11 December 2024, 15:30.

Council Chamber, Council Offices, School Place, Kirkwall.



Present

Councillors Owen Tierney, David Dawson, P Lindsay Hall, W Leslie Manson, James R Moar, Raymond S Peace, Jean E Stevenson, Ivan A Taylor and Duncan A Tullock.

Clerk

- Katy Russell-Duff, Committees Officer.

In Attendance

- Susan Shearer, Planning Advisor.
- Stuart Bevan, Legal Advisor.

Apologies

- Councillor Janette A Park.
- Councillor John A R Scott.

Declarations of Interest

- No declarations of interest were intimated.

Chair

- Councillor Owen Tierney.

1. Planning Application 24/028/PP

Proposed Erection of House with Air Source Heat Pump near North Church, Shapinsay

After consideration of a report by the Corporate Director for Strategy, Performance and Business Solutions, copies of which had been circulated, and after hearing a presentation from the Planning Advisor, the Local Review Body:

Noted:

1.1. That planning permission for the proposed erection of a house with an air source heat pump near North Church, Shapinsay, was granted by the Appointed Officer on 14 August 2024, subject to conditions.

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, specifically in respect of Condition 03 attached to the approval, be reviewed, a summary of which was included in the presentation from the Planning Advisor.

1.3. That, in accordance with policy, the Local Review Body had undertaken an unaccompanied visit to the site near North Church, Shapinsay, at 12:00 on 9 December 2024, where the site and its rural context, including Brecks Road, were viewed.

1.4. That, in accordance with Scottish Government advice on the use of conditions in planning permissions, conditions should only be imposed when they were:

- Necessary.
- Relevant to planning.
- Relevant to the development to be permitted.
- Enforceable.
- Precise.
- Reasonable in all other respects.

The Local Review Body thereafter determined that it had sufficient information to proceed to determination and, on the motion of Councillor W Leslie Manson, seconded by Councillor Owen Tierney, the Local Review Body:

Resolved, in terms of delegated powers:

1.5. That the decision of the Appointed Officer, to grant planning permission for the erection of a house with an air source heat pump near North Church, Shapinsay, subject to conditions, be varied, in that Condition 03 be removed.

1.6. That the Local Review Body's reason for removing Condition 03 were that, in the Local Review Body's opinion, Condition 03 attached to the decision notice in respect of 24/028/PP was neither necessary nor reasonable in all other respects.

2. Conclusion of Meeting

At 15:57 Chair declared the meeting concluded.

Signed: Owen Tierney.