

## Minute

### Local Review Body

Thursday, 17 December 2020, 12:00.

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

- Lorraine Stout, Press Officer.

### Not Present

- 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 or recorded vote.

### **3. Planning Application 20/306/PP**

#### **Change of Use of Land from Agricultural to Storage, Create Hardstanding, Erect Shed and Fencing and Construct Earth Embankments (Part Retrospective) at Eastquoys, Birsay**

As the meeting was convened for one item only and, as she had not taken part in the site visit, in terms of Standing Order 8.6, Councillor Heather N Woodbridge 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 part retrospective planning permission for the change of use of land from agricultural to storage, creation of a hardstanding, erection of a shed and fencing and construction of earth embankments at Eastquoys, Birsay, was granted by the Appointed Officer on 12 October 2020, subject to the conditions outlined in the Decision Notice, attached as Appendix 4 to 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 3, 7, 8 and 11 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, referred to at paragraph 3.1 above, at 10:00 on 17 December 2020.

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

Resolved, in terms of delegated powers:

**3.4.** That the review be determined without further procedure.

**3.5.** On the motion of Councillor Robin W Crichton, seconded by Councillor Owen Tierney, that the decision of the Appointed Officer to grant part retrospective planning permission for the change of use of land from agricultural to storage, creation of a hardstanding, erection of a shed and fencing and construction of earth embankments at Eastquoys, Birsay, be upheld, subject to conditions.

**3.6.** On the motion of Councillor Duncan A Tullock, seconded by Councillor Robin W Crichton, that Condition 3 be removed from the permission, as, in their opinion, the condition was unnecessary, in that Conditions 1 and 2 already provided adequate control on the use of the site and premises, and therefore Condition 3 did not meet the tests for conditions being imposed, as set out in Planning Circular 4/1998.

**3.7.** On the motion of Councillor Stephen Sankey, seconded by Councillor Duncan A Tullock, that Condition 7 be amended, from a timescale of three years to five years for the entire southern boundary of the commercial site with the domestic access to Eastquoys to be enclosed, as, in their opinion, under the current economic circumstances resulting from COVID-19, and in light of previous discussions with the Appointed Officer, extending the timescale to five years would give the applicant more time to complete the works.

**3.8.** On the motion of Councillor Robin W Crichton, seconded by Councillor Barbara Foulkes, that Condition 8 be removed from the permission, as, in their opinion, the condition was unnecessary and would be difficult to monitor and enforce, and therefore did not meet the tests for conditions being imposed, as set out in Planning Circular 4/1998.

**3.9.** That Condition 11 be removed from the permission, as, in the Local Review Body's opinion, the condition was unnecessary and unreasonable on this particular site where a grassed bund would be less visually intrusive and more in keeping with the surrounding landscape, and therefore did not meet the tests for conditions being imposed, as set out in Planning Circular 4/1998.

**3.10.** That the conditions, attached as Appendix 1 to this Minute, should form part of the decision to grant part retrospective planning permission for the change of use of land from agricultural to storage, creation of a hardstanding, erection of a shed and fencing and construction of earth embankments at Eastquoys, Birsay, referred to at paragraph 3.5 above.

#### **4. Conclusion of Meeting**

At 12:38 the Chair declared the meeting concluded.

Signed: Rob Crichton.