

# 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 proposed 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.