

Minute

Local Review Body

Wednesday, 14 May 2025, 10:15.

Heilsa Fjold, Sanday.



Present

Councillors Owen Tierney, P Lindsay Hall, James R Moar, Raymond S Peace, John A R Scott, Jean E Stevenson, Ivan A Taylor and Duncan A Tullock.

Clerk

- Katy Russell-Duff, Committees Officer.

In Attendance

- Gavin Barr, Planning Advisor.
- Georgette Herd, Legal Advisor.

Apologies

- Councillor David Dawson.
- Councillor W Leslie Manson.
- Councillor Janette A Park.

Declarations of Interest

- No declarations of interest were intimated.

Chair

- Councillor Owen Tierney.

1. Planning Application 24/348/PP

Proposed Conversion of Domestic Outbuilding to Self-catering Unit at Greystone, Sanday

After consideration of a report by the Chief Executive, 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 conversion of a domestic outbuilding to a self-catering unit at Greystone, Sanday, was granted by the Appointed Officer on 28 November 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 02, be reviewed, a summary of which was provided as part of the presentation from the Planning Advisor.

1.3. That, in accordance with policy, the Local Review Body had undertaken an unaccompanied site inspection to the site at Greystone, Sanday, at 09:30 on 14 May 2025, where the following was observed and noted:

- The applicant was proposing to convert an existing domestic outbuilding to form a single bed self-catering unit, with initial works to re-roof and decorate the existing domestic building having already taken place.
- Car parking would be improved with a new shared parking area to be created on the southeastern part of the site.
- A new surface water soakaway was proposed for the self-catering unit with sewage connection to the existing septic tank which was located on land within the ownership of the applicant.
- Environmental Health had assessed the applicant's Noise Risk Assessment report and agreed that the conditions attached to the wind turbine permission would not be impacted by this current application due to the fact that there were already existing noise sensitive receptors closer to the turbine than the current application.
- Floor plans and elevations of the proposal.
- The drive and parking area, which was proposed to be finished with crushed aggregate.
- Boundaries would not be substantially altered although there was a proposal for additional planting to include spring bulbs and enhancement of the shrub/hedging would be undertaken.
- Dimensions of the current and recommended access points.

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 determined that it had sufficient information to proceed to determination of the review and that the review be determined without further procedure.

Councillor Owen Tierney, seconded by Councillor Ivan A Taylor, moved that the decision of the Appointed Officer be upheld.

Councillor P Lindsay Hall, seconded by Councillor John A R Scott, moved an amendment that the decision of the Appointed Officer be varied.

On a vote being taken, 6 members voted for the Amendment and 2 for the Motion.

The Amendment was therefore carried, and the Local Review Body thereafter:

Resolved, in terms of delegated powers:

1.5. That the decision of the Appointed Officer, to grant planning permission for the proposed conversion of a domestic outbuilding to a self-catering unit at Greystone, Sanday, subject to conditions, be varied.

1.6. That Condition 02 was considered not relevant to the development to be permitted, and not reasonable in all other respects.

1.7. That the reasons for the Decision, referred to at paragraph 1.6 above, were supported by direct reference to:

- National Planning Framework 4, specifically Policy 18 Infrastructure First.
- Policy 29 Rural Development and Policy 30 Tourism, of National Planning Framework 4, as the Local Review Body considered that the scale and nature of the proposal did not warrant the level of infrastructure required by Condition 02 in order to ensure that the development would not have an unacceptable impact.

1.8. That, having considered the specific circumstances, National Planning Framework 4 policy considerations outweighed Policy 14C, Road Network Infrastructure, of the Local Development Plan 2017 with respect to the design of access linked to the adopted road network as being designed to adoptable standards.

1.9. That, as further context, with reference to the Local Development Plan Spatial Strategy “The Isles Approach”, Condition 02 was not necessary in order to ensure that the development would not place any unacceptable burden on existing infrastructure.

1.10. That, accordingly, the conditions attached to the decision notice in respect of 24/348/PP should remain unchanged, with the exception of Condition 02, which should be amended to read as follows:

02. The existing access surface serving the development shall be maintained in a compacted, stable and properly bound condition at all times. Any necessary repairs or maintenance to uphold this standard shall be carried out promptly to prevent deterioration and ensure the driveway remains fit for purpose throughout the operational use of the development hereby approved.

Reason: In the view of the Local Review Body, this provision should ensure the safe and efficient operation of the access to the development in the interests of road safety and to avoid loose material being transferred onto the public highway, which could pose a hazard to road users.

2. Conclusion of Meeting

At 10:43 the Chair declared the meeting concluded.

Signed: Owen Tierney.