

## Minute

### Local Review Body

Wednesday, 2 February 2022, 11:00.

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

- Rebecca McAuliffe, Press Officer.

### Not Present

- Councillor Magnus O Thomson.

### Declaration of Interest

- Councillor John A R Scott – Item 3.

### 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 (recorded vote).

### **3. Planning Application 21/128/PP**

#### **Proposed Erection of Two Storage Sheds and Create Hardstanding at The Orcadian, Hell's Half Acre, Crowness Crescent, Hatston, Kirkwall**

Councillor John A R Scott declared a non-financial interest in this item, in that he was a former employee of the applicant. Further, as he had not taken part in the site visit, in terms of Standing Order 8.6, Councillor Scott could not take part in the deliberations of the Local Review Body regarding this application 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 planning permission for the proposed erection of two storage sheds and creation of a hardstanding at The Orcadian, Hell's Half Acre, Crowness Crescent, Hatston, Kirkwall, was granted by the Appointed Officer on 23 November 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 to grant planning permission, specifically in respect of Conditions 2 and 4 attached to the decision notice, for the proposed erection of two storage sheds and creation of a hardstanding at The Orcadian, Hell's Half Acre, Crowness Crescent, Hatston, Kirkwall, be reviewed.

**3.3.** That, in accordance with policy, the Local Review Body had undertaken an unaccompanied visit to the site at The Orcadian, Hell's Half Acre, Crowness Crescent, Hatston, Kirkwall, at 09:30 on 2 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 two storage sheds and creation of a hardstanding at The Orcadian, Hell's Half Acre, Crowness Crescent, Hatston, Kirkwall, should be determined without further procedure.

On the motion of Councillor Robin W Crichton, seconded by Councillor Duncan A Tullock, 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 two storage sheds and creation of a hardstanding at The Orcadian, Hell's Half Acre, Crowness Crescent, Hatston, Kirkwall, should be upheld, subject to the conditions as originally proposed, and attached as Appendix 1 to this Minute.

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

At 11:13 the Chair declared the meeting concluded.

Signed: Rob Crichton.

**Appendix 1.**

**Proposed Erection of Two Storage Sheds and Create Hardstanding at The Orcadian, Hell's Half Acre, Crowness Crescent, Hatston, Kirkwall (21/128/PP).**

**Grant subject to the following conditions:**

01. Hours of work during the construction of the development hereby approved, involving the use of machinery and powered tools, or any other operation, for example hammering, that would generate noise audible beyond the boundary of the site, shall be restricted to 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 Saturdays, not at all on Sundays, Christmas or New Year Public Holidays unless otherwise agreed in writing with the Planning Authority.

Throughout the construction phase of the development there shall be no burning of waste material on site.

Reason: In the interest of residential amenity of the area and in order to reduce any possible nuisance arising to nearby residents during the construction of this development.

02. No development shall commence until full details of any external lighting to be used within the site and/or along its boundaries and/or access have been submitted to, and approved in writing by, the Planning Authority. Such details shall include full details of the location, type, angle of direction and wattage of each light which shall be so positioned and angled to prevent any direct illumination, glare or light spillage outwith the site boundary. Thereafter only the approved details shall be implemented.

Reason: In order to ensure that any lighting installed within the application site does not spill beyond the intended target area, does not impact adversely upon the amenity of adjacent properties and does not result in 'sky glow'.

03. Throughout the lifetime of the development hereby approved, surface water must be treated in accordance with the principles of Sustainable Drainage Systems (SUDS) and be compliant with the guidance set out in CIRIA's SuDS Manual C753. The requisite surface water drainage shall be operational prior to the development being brought into use and shall be maintained as such thereafter.

No part of the development shall be brought into use until all infrastructure for the management of surface water, as included in plans hereby approved, has been constructed wholly in accordance with approved details.

Reason: To ensure the provision of an adequate surface water drainage system and to accord with Policy 138 - Sustainable Drainage Systems (SuDS) of Orkney Local Development Plan 2017, Scottish Planning Policy - Managing Flood Risk and Drainage, and in the interests of road safety.

04. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or the Town and Country Planning (Use Classes) (Scotland) Order 1997 or any order amending of these Orders, the building hereby approved shall be used only for storage and shall not be used for any other purpose within Use Class 6 without the express grant of planning permission from the planning authority.

Reason: To enable the planning authority to consider the implications of any subsequent change of use.

05. No storage of materials shall take place outwith the buildings hereby approved at any time.

Reason: To ensure the provision of adequate parking and manoeuvring space within the site.