

## **Minute**

### **Local Review Body**

Wednesday, 4 October 2023, 14:30.

Council Chamber, Council Offices, School Place, Kirkwall.



### **Present**

Councillors Owen Tierney, Graham A Bevan, Alexander G Cowie, James R Moar, Raymond S Peace, John A R Scott, Jean E Stevenson, Ivan A Taylor, Mellissa-Louise Thomson and Duncan A Tullock.

### **Clerk**

- Hazel Flett, Service Manager (Governance).

### **In Attendance**

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

### **Observing**

- Katy Russell-Duff, Administrative Officer.

### **Apologies**

- Councillor Kristopher D Leask.
- Councillor P Lindsay Hall.

### **Declarations of Interest**

- No declarations of interest were intimated.

### **Chair**

- Councillor Owen Tierney.

## **1. Planning Application 23/104/PP**

### **Proposed Erection of Two Flats with Air Source Heat Pumps at 29 Victoria Street, Kirkwall**

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

Noted:

**1.1.** That planning permission for the proposed erection of two flats, with air source heat pumps, at 29 Victoria Street, Kirkwall, was considered acceptable in principle by the Appointed Officer but refused on 26 June 2023, for the following reasons:

- The proposed lack of dedicated parking provision would create an unacceptable burden on existing infrastructure and services that cannot be resolved. The development is therefore considered contrary to Policy 1(v) 'Criteria for All Development' of Orkney Local Development Plan 2017.
- The proposed development would not accord with the car parking standards set in the National Roads Development Guide, which has been adopted as Planning Policy Advice. The development is therefore considered contrary to Policy 14B(iii) 'Transport, Travel and Road Network Infrastructure', of the Orkney Local Development Plan 2017.

**1.2.** That the applicant's agent had submitted a Notice of Review requesting that the decision of the Appointed Officer, referred to at paragraph 1.1 above, be reviewed.

**1.3.** That, in accordance with policy, the Local Review Body had undertaken an unaccompanied visit to the site at 29 Victoria Street, Kirkwall, at 13:35 on 4 October 2023.

After hearing a report from the Planning Advisor, on the motion of Councillor Ivan A Taylor, seconded by Councillor James R Moar, the Local Review Body:

Resolved, in terms of delegated powers:

**1.4.** That the review in respect of the decision of the Appointed Officer to refuse planning permission for the proposed erection of two flats, with air source heat pumps, at 29 Victoria Street, Kirkwall, should be determined without further procedure.

**1.5.** That the decision of the Appointed Officer, to refuse planning permission for the proposed erection of two flats, with air source heat pumps, at 29 Victoria Street, Kirkwall, should be reversed.

**1.6.** That planning permission be granted in respect of the proposal to erect two flats, with air source heat pumps, at 29 Victoria Street, Kirkwall, subject to the conditions.

**1.7.** That the Local Review Body's reasons for grant planning permission were that, in the Committee's opinion:

- In the event of any incompatibility between a provision of National Planning Framework 4, and a provision of the Orkney Local Development Plan 2017, National Planning Framework 4 was to prevail, as it was adopted later.
- Notwithstanding the objection from Roads Services regarding the lack of parking provision and was therefore contrary to Policies 1(v) and 14B(iii) of the Local Development Plan 2017, Policies 13 and 15 of National Planning Framework 4, relating to Sustainable transport and Local Living and 20 minute neighbourhoods, outweighed policy provisions within the Orkney Local Development Plan 2017.
- The proposed development, located in the town centre, provided direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks and was accessible by public transport, supporting the use of existing services.

- The proposed development would contribute to local living including 20 minute neighbourhoods.

And accordingly, the proposed development complied with the following policies:

- National Planning Framework 4:
  - Policy 13(b)(i) and (ii) – Sustainable Transport.
  - Policy 15 – Local Living and 20 minute neighbourhoods.

**1.8.** That powers be delegated to the Corporate Director for Strategy, Performance and Business Solutions, in consultation with the Planning Advisor and the Legal Advisor, to determine the necessary conditions to attach to the planning permission for the proposed erection of two flats, with air source heat pumps, at 29 Victoria Street, Kirkwall, based on the following relevant matters:

- Construction Method Statement.
- Archaeology.
- Retain pedestrian access.
- Squaring off stone boundary wall end.
- Air source heat pump noise/enclosure.
- Surface water drainage.
- Hours of construction work.
- External lighting.

## **2. Planning Application 23/099/PP**

### **Proposed Conversion of Former Shop and Flatted Dwelling to Four Flats and Other Works at 5-7 King Street, Kirkwall (Resubmission of 22/264/PP)**

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

Noted:

**2.1.** That planning permission for the proposed conversion of a former shop and house to four flats, extension including a balcony to the rear and installation of replacement windows, doors, rooflights and ridge tiles at 5-7 King Street, Kirkwall (resubmission of 22/264/PP), was considered acceptable in principle by the Appointed Officer but refused on 14 May 2023, for the following reasons:

- The proposed development would not accord with the car parking standards that are set in the National Roads Development Guide, which has been adopted as Planning Policy Advice. The development is therefore considered contrary to Policy 14B(iii) 'Transport, Travel and Road Network Infrastructure', of the Orkney Local Development Plan 2017.
- The proposed lack of dedicated parking provision would create an unacceptable burden on existing infrastructure and services that cannot be resolved. The development is therefore considered contrary to Policy 1(v) 'Criteria for All Development' of Orkney Local Development Plan 2017.

**2.2.** That the applicant's agent had submitted a Notice of Review requesting that the decision of the Appointed Officer, referred to at paragraph 2.1 above, be reviewed.

**2.3.** That, in accordance with policy, the Local Review Body had undertaken an unaccompanied visit to the site at 5-7 King Street, Kirkwall, at 13:50 on 4 October 2023.

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

Resolved, in terms of delegated powers:

**2.4.** That the review in respect of the decision of the Appointment Officer to grant planning permission for the proposed conversion of a former shop and house to four flats, extension including a balcony to the rear and installation of replacement windows, doors, rooflights and ridge tiles at 5-7 King Street, Kirkwall (resubmission of 22/264/PP), should be determined without further procedure.

On the motion of Councillor Ivan A Taylor, seconded by Councillor John A R Scott, the Local Review Body resolved, in terms of delegated powers:

**2.5.** That the decision of the Appointed Officer, to refuse planning permission for the proposed conversion of a former shop and house to four flats, extension including a balcony to the rear and installation of replacement windows, doors, rooflights and ridge tiles at 5-7 King Street, Kirkwall (resubmission of 22/264/PP), should be reversed.

**2.6.** That planning permission be granted in respect of the proposal to convert a former shop and house to four flats, extend including a balcony to the rear and install replacement windows, doors, rooflights and ridge tiles at 5-7 King Street, Kirkwall (resubmission of 22/264/PP), subject to the conditions.

**2.7.** That the Local Review Body's reasons for grant planning permission were that, in the Committee's opinion:

- In the event of any incompatibility between a provision of National Planning Framework 4, and a provision of the Orkney Local Development Plan 2017, National Planning Framework 4 was to prevail, as it was adopted later.
- Notwithstanding the objection from Roads Services regarding the lack of parking provision and was therefore contrary to Policies 1(v) and 14B(iii) of the Local Development Plan 2017, Policies 13 and 15 of National Planning Framework 4, relating to Sustainable transport and Local Living and 20 minute neighbourhoods, outweighed policy provisions within the Orkney Local Development Plan 2017.
- The proposed development, located in the town centre, provided direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks and was accessible by public transport, supporting the use of existing services.
- The proposed development would contribute to local living including 20 minute neighbourhoods.

And accordingly, the proposed development complied with the following policies:

- National Planning Framework 4:
  - Policy 13(b)(i) and (ii) – Sustainable Transport.
  - Policy 15 – Local Living and 20 minute neighbourhoods.

**2.8.** That powers be delegated to the Corporate Director for Strategy, Performance and Business Solutions, in consultation with the Planning Advisor and the Legal Advisor, to determine the necessary conditions to attach to the planning permission for the proposed conversion of a former shop and house to four flats, extension including a balcony to the rear and installation of replacement windows, doors, rooflights and ridge tiles at 5-7 King Street, Kirkwall (resubmission of 22/264/PP), based on the following relevant matters:

- Materials and finishes.
- Window specification W11 and W12.
- Boundary wall.
- Surface water drainage.
- Hours of construction work.
- External Lighting.

### **3. Conclusion of Meeting**

At 15:05 the Chair declared the meeting concluded.

Signed: Owen Tierney.