

Minute

Local Review Body

Thursday, 9 February 2023 at 14:30.

Council Chamber, Council Offices, School Place, Kirkwall.



Present

Councillors Owen Tierney, Kristopher D Leask, Graham A Bevan, Alexander G Cowie, James R Moar, Raymond S Peace, John A R Scott, Jean E Stevenson, Ivan A Taylor and Duncan A Tullock.

Present via remote link (Microsoft Teams)

Councillors P Lindsay Hall and Mellissa-Louise Thomson.

Clerk

- Angela Kingston, Committees Officer.

In Attendance

- Roddy Mackay, Planning Advisor.
- Georgette Herd, Legal Advisor.

Observing

- Susan Shearer, Service Manager (Development and Marine Planning).
- Stuart Bevan, Solicitor.

Declarations of Interest

- No declarations of interest had been intimated.

Chair

- Councillor Owen Tierney.

1. Suspension of Standing Orders

The Committee **suspended Standing Order 8.11** to enable members to participate in the meeting from a remote location, as a party had the right to be heard in person or through a representative and 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. Planning Application (22/264/PP)

Proposed Conversion of Former Shop and House to Four Flats at 5-7 King Street, Kirkwall

As adverse weather conditions had disrupted ferry sailings, Councillors P Lindsay Hall and Mellissa-Louise Thomson were unable to take part in the site visit and, accordingly, in terms of Standing Order 8.6, they 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 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 at 5-7 King Street, Kirkwall, was refused by the Appointed Officer on 14 November 2022, for the reasons outlined in section 3.2 of the report by the Corporate Director for Strategy, Performance and Business Solutions.

2.2. That the applicant had submitted a Notice of Review requesting that the decision of the Appointed Officer to refuse planning permission for the conversion of a former shop and house to four flats at 5-7 King Street, Kirkwall, 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 14:00 on 9 February 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 Appointed Officer to refuse planning permission for the proposed conversion of a former shop and house to four flats at 5-7 King Street, Kirkwall, should be determined without further procedure.

On the motion of Councillor Kristopher D Leask, seconded by Councillor Owen Tierney, 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 at 5-7 King Street, Kirkwall, be upheld, for the following reasons:

- The proposed intensification of the existing access would result in an unacceptable level of risk to public health and safety. The development was therefore contrary to Policy 1(vi): Criteria for All Development, of the Orkney Local Development Plan 2017.
- The access junction with the public road did not meet the necessary visibility splay in accordance with roads authority requirements. Roads Services had therefore objected to the development. The proposed development would not protect the safety of road users and was therefore considered contrary to Policy 14C (ii and iii): Transport, Travel and Road Network Infrastructure, of the Orkney Local Development Plan 2017.

3. Conclusion of Meeting

At 14:40 the Chair declared the meeting concluded.

Signed: Owen Tierney.