

Minute

Local Review Body

Wednesday, 21 November 2023, 09:30

Council Chamber, Council Offices, School Place, Kirkwall.



Present

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

Present via remote link (Microsoft Teams)

Councillors Kristopher D Leask and Jean E Stevenson.

Clerk

- Hazel Flett, Service Manager (Governance).

In Attendance

- Susan Shearer, Planning Advisor.
- Stuart Bevan, Legal Advisor.
- Katy Russell-Duff, Committees Officer.

Declaration of Interest

- Councillor James R Moar – Item 2.

Chair

- Councillor Owen Tierney.

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. Planning Application 22/453/HH

Proposed Extension of House and Other Works and Erection of Boundary Wall (Part Retrospective) at Ferndale, Willow Road, Kirkwall

Councillor James R Moar declared an interest in this item, his connection being that he had held discussions with the applicant's parents and the agent, 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 extension of a house and other works and erection of a boundary wall (part retrospective) at Ferndale, Willow Road, Kirkwall, was refused by the Appointed Officer on 21 April 2023, 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, referred to at paragraph 2.1 above, be reviewed.
- 2.3.** That, in accordance with policy, the Local Review Body undertook an unaccompanied visit to the site at Ferndale, Willow Road, Kirkwall, on 23 August 2023.
- 2.4.** That, on 24 August 2023, the Local Review Body resolved that the review should not be determined without further procedure, and that the further procedure should comprise a further written submission from the Roads Authority providing clarification on the reason(s) for objecting to application 22/453/HH, but not an earlier application (21/364/HH), when the drawings submitted with both applications were identical.

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

Resolved, in terms of delegated powers:

- 2.5.** That, as the Committee determined it had sufficient information, the review in respect of the decision of the Appointed Officer to refuse planning permission for the proposed extension of a house and other works and erection of a boundary wall (part retrospective) at Ferndale, Willow Road, Kirkwall should be determined without further procedure.

On the motion of Councillor Kristopher D Leask, seconded by Councillor Duncan A Tullock, the Local Review Body resolved, in terms of delegated powers:

- 2.6.** That the decision of the Appointed Officer, to refuse planning permission for the proposed extension of a house and other works and erection of a boundary wall (part retrospective) at Ferndale, Willow Road, Kirkwall, should be upheld, for the following reasons:
 - The proposed installation of PVC rainwater goods, composite door and standard modern windows in the historic building, loss of Welsh slate and removal of the two decorative chimney stacks would harm, and would not protect or enhance, Orkney's cultural heritage. The development is therefore contrary to Policy 1(x): Criteria for All Development, and Policy 2(i): Design, of Orkney Local Development Plan 2017.
 - The proposed installation of PVC rainwater goods, composite door and standard modern windows in the historic building, loss of Welsh slate and removal of the two decorative chimney stacks would not preserve or enhance the architectural and historic significance of the cultural heritage asset or its setting, contrary to Policy 8: Historic Environment and Cultural Heritage of the Orkney Local Development Plan 2017, Supplementary Guidance: Historic Environment and Cultural Heritage, and Planning Policy Advice: Historic Environment (Topics and Themes) and Urban Conservation Areas Management Plan.

- The development would not preserve or enhance the character or appearance of Kirkwall Conservation Area. It is considered that approval of the development would result in the Planning Authority failing in its general duty under Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, as amended, that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area in which development is proposed.

3. Conclusion of Meeting

At 09:54 the Chair declared the meeting concluded.

Signed: Owen Tierney.