

Minute

Local Review Body

Friday, 31 March 2023 at 11:30.

Council Chamber, Council Offices, School Place, Kirkwall.



Present

Councillors Kristopher D Leask, 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.

Clerk

- Angela Kingston, Committees Officer.

In Attendance

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

Apologies

- Councillor Jean E Stevenson.
- Councillor Owen Tierney.

Declarations of Interest

- No declarations of interest had been intimated.

Chair

- Councillor Kristopher D Leask, Vice Chair.

1. Planning Application (22/274/PP)

Proposed Erection of Replacement House (One for One) and Upgrade Access at (Land Near) Skerryvoe, Evie

As Councillor James R Moar had not taken part in the site visit, in terms of Standing Order 8.6, he could not take part in the deliberations of the Local Review Body and was not present during consideration thereof.

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 a replacement house (one for one) and upgrading an access at Skerryvoe, Evie, was refused by the Appointed Officer on 18 January 2023, for the reasons outlined in section 3.2 of the report by the Corporate Director for Strategy, Performance and Business Solutions.

1.2. That the applicant had submitted a Notice of Review requesting that the decision of the Appointed Officer to refuse planning permission for the erection of a replacement house (one for one) and upgrading an access at Skerryvoe, Evie, be reviewed.

1.3. That, in accordance with policy, the Local Review Body had undertaken an unaccompanied visit to the site at Skerryvoe, Evie, at 09:35 on 31 March 2023.

After hearing a report from the Planning Advisor, 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 a replacement house (one for one) and upgrading an access at Skerryvoe, Evie, should not be determined without further procedure.

1.5. That the further procedure, referred to at paragraph 1.4 above, should comprise:

- A further written submission from the Roads Authority providing clarification on the term “intensification”, as given in the reason for refusal, being explicit to the National Roads Development Guide.
- A representative from the Roads Authority being invited to attend the meeting of the Local Review Body at which the Notice of Review would be determined.

2. Planning Application (22/396/PP)

Proposed Erection of Replacement House (One for One) with Integral Garage and Air Source Heat Pump at Rennibister, Firth

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 the Appointed Officer had failed to determine the application for planning permission for the proposed erection of a replacement house (one for one) at Rennibister, Firth, within the two month period allowed for determination of the application, as defined in section 43A(8)(c) of the Town and Country Planning (Scotland) Act 1997.

2.2. That the applicant had submitted a Notice of Review in light of the failure by the Appointed Officer, referred to at paragraph 2.1 above, to determine the application.

2.3. That, in accordance with policy, the Local Review Body had undertaken an unaccompanied visit to the site at Rennibister, Firth, at 10:30 on 31 March 2023.

After hearing a report from the Planning Advisor, Councillor Kristopher D Leask, seconded by Councillor Alexander G Cowie, moved that, in light of the failure by the Appointed Officer to determine the application within the two month period, the review should not be determined without further procedure.

Councillor Duncan A Tullock, seconded by Councillor James R Moar, moved an amendment that, in light of the failure by the Appointed Officer to determine the application within the two month period, the review should be determined without further procedure.

On a vote being taken 2 members voted for the amendment and 8 for the motion, and the Local Review Body:

Resolved, in terms of delegated powers:

2.4. That, in light of the failure by the Appointed Officer to determine the application within the two month period, the review should not be determined without further procedure.

2.5. That the further procedure, referred to at paragraph 2.4 above, should comprise:

- An assessment of the application for planning permission for the proposed erection of a replacement house (one for one) at Rennibister, Firth, to be carried out by an independent planning advisor, with all costs being met by the Council.

3. Conclusion of Meeting

At 11:50 the Vice Chair declared the meeting concluded.

Signed: Kristopher D Leask.