

Item: 3.2

Local Review Body: 20 August 2018.

Proposed Siting of Replacement House and Creation of Access at Site 2, Redland, Firth (17/335/PIP).

Report by Chief Executive.

1. Purpose of Report

To determine a review of the decision of the Appointed Officer to refuse planning permission for the proposed siting of a replacement house and creation of an access at Site 2, Redland, Firth.

2. Recommendations

The Local Review Body is invited to note:

2.1.

That planning permission in principle for the proposed siting of a replacement house and creation of an access at Site 2, Redland, Firth, was refused by the Appointed Officer on 8 March 2018, for the reasons outlined in section 3.2 of this report.

2.2.

That the applicant has submitted a Notice of Review requesting that the decision of the Appointed Officer, referred to at paragraph 2.1 above, be reviewed.

It is recommended:

2.3.

That the Local Review Body determines whether it has sufficient information to proceed to determination of the review, and if so:

- Whether to uphold, reverse or vary the decision of the Appointed Officer.
- In the event that the decision is reversed or varied, the reasons and the detailed conditions to be attached to the decision notice.

2.4.

That, in the event the Local Review Body agrees that further information is required to determine the review, what further information is required, which parties are to be requested to provide the information, and whether to obtain further information by one or more of the following methods:

- By means of written submissions; and/or.
- By the holding of one or more hearing.

3. Background

3.1.

Planning application 17/335/PIP relates to the proposed siting of a replacement house and creation of an access at Site 2, Redland, Firth.

3.2.

The Appointed Officer refused the planning application on 8 March 2018 on the following grounds:

3.2.1.

The proposed development would not reflect the landscape character of the surrounding rural area, and is therefore contrary to Policy 1 – Criteria for All Development of the Orkney Local Development Plan 2017.

3.2.2.

The building to be replaced does not meet the definition of a “building or structure” as included in Supplementary Guidance – Housing in the Countryside, principally on the basis that the building is less than 50 square metres. The proposal is therefore contrary to Policy 5 Housing, Section E(iii) Single Houses and New Housing Clusters in the Countryside – The Replacement of an Existing Building or Structure of the Orkney Local Development Plan 2017, and is not acceptable in principle.

3.2.3.

The proposed development is located distant from the original building therefore does not accord with Development Criterion 1 of Supplementary Guidance – Housing in the Countryside, on the basis that the location of the proposed development would not minimise the visual and landscape impacts, which could be reduced in a location closer to the existing steading. The isolated site is such that the development also does not accord with Development Criterion 3 of Supplementary Guidance – Housing in the Countryside, on the basis that the location of the proposed site would not reflect the character of this rural area.

3.3.

In terms of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013, the applicant has submitted a Notice of Review and supporting information, which is attached as Appendix 1 to this report.

3.4.

The Planning Handling Report, Planning Services file and the Decision Notice, including the reasons for refusal, referred to in section 3.2 above, are attached as Appendices 2, 3 and 4 to this report.

4. Review Procedure

4.1.

In response to a Notice of Review “interested parties” are permitted to make a representation to the Local Review Body. “Interested parties” include any party who has made, and not withdrawn, a representation in connection with the application. No further representations were received.

4.2.

In accordance with the Council’s policy to undertake site inspections of all planning applications subject to a local review, prior to the meeting to consider the review, a site visit to Site 2, Redland, Firth, is scheduled to take place at 14:30 on 20 August 2018.

4.3.

The Local Review Body may uphold, reverse or vary the decision of the Appointed Officer. In the event that the decision is reversed, draft planning conditions are attached at Appendix 5 for consideration.

4.4.

If the Local Review Body decides that further procedure is required, it may decide to hold a pre-examination meeting to consider what procedures to follow in the review, or to obtain further information by one or more of the following methods:

- By means of written submissions; and/or.
- By the holding of one or more hearing(s).

5. Corporate Governance

This report relates to the Council complying with its statutory duties as a Planning Authority and therefore does not directly support and contribute to improved outcomes for communities as outlined in the Council Plan and the Local Outcomes Improvement Plan.

6. Financial Implications

All resources associated with supporting the review procedure, mainly in the form of staff time, are contained within existing Planning Service revenue budgets.

7. Legal Aspects

7.1.

Under the Planning etc (Scotland) Act 2006 and the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013 where an application for planning permission for local development has been determined by the Appointed Officer in accordance with the Council’s Planning

Scheme of Delegation, the applicant is entitled to seek a review of that decision by the Local Review Body.

7.2.

The procedures to be followed in respect of the review are as detailed in sections 4.3 and 4.4 above.

7.3.

A letter from the Chief Planner, Scottish Government, in July 2011 confirmed that a review by a Local Review Body should be conducted by means of a full consideration of the application afresh.

8. Contact Officers

Angela Kingston, Clerk to the Local Review Body, extension 2239, Email angela.kingston@orkney.gov.uk

Roddy MacKay, Planning Advisor to the Local Review Body, extension 2530, Email rodny.mackay@orkney.gov.uk

Katharine McKerrell, Legal Advisor to the Local Review Body, extension 2219, Email katharine.mckerrell@orkney.gov.uk

9. Appendices

Appendix 1 – Notice of Review (pages 1 – 13)

Appendix 2 – Planning Handling Report (pages 14 – 17)

Appendix 3 – Planning Services File (pages 18 – 33)

Appendix 4 – Decision Notice and Reasons for Refusal (pages 34 – 38)

Appendix 5 – Draft Planning Conditions (pages 30 – 40)

Pages 1 to 40, with the exception of pages 39 and 40, can be viewed at http://www.orkney.gov.uk/Service-Directory/D/application_search_submission.htm and inserting the planning reference “17/335/PIP”.

All other documents can be viewed at <http://www.orkney.gov.uk/Council/C/LRC2018.htm> and referring to the relevant meeting date.