

Item: 5.1

Local Review Body: 25 September 2020.

Retrospective Planning Permission for Replacement of Two Garage Doors, 47 Dundas Street, Stromness (18/500/HH).

Report by Chief Executive.

1. Purpose of Report

To determine a review of the decision of the Appointed Officer to refuse retrospective planning permission for replacement of two garage doors at 47 Dundas Street, Stromness.

2. Recommendations

The Local Review Body is invited to note:

2.1.

That retrospective planning permission for replacement of two garage doors at 47 Dundas Street, Stromness, was refused by the Appointed Officer on 20 December 2019, 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 18/500/HH relates to retrospective permission for replacement of two garage doors at 47 Dundas Street, Stromness.

3.2.

The Appointed Officer refused the planning application on 20 December 2019 on the following grounds:

3.2.1.

The garage doors as installed harm, and do not protect or enhance, Orkney's cultural heritage. The development is therefore contrary to Policy 1 (i and x) 'Criteria for All Development' of Orkney Local Development Plan 2017.

3.2.2.

The garage doors as installed do not reinforce the distinctive identity of Orkney's built environment, are not sympathetic to the character of the local area and would harm the character and appearance of the Stromness Conservation Area. The development is therefore contrary to Policy 2 (i and ii), 'Design' and Policy 8A 'Historic Environment and Cultural Heritage' of Orkney Local Development Plan 2017.

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 reason 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 47 Dundas Street, Stromness, was undertaken at 10:00 on 25 September 2020.

4.3.

The Local Review Body may uphold, reverse or vary the decision of the Appointed Officer.

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. Relevant Planning Policy and Guidance

5.1.

Section 25 of the Town and Country Planning (Scotland) Act 1997 as amended states, "Where, in making any determination under the Planning Acts, regard is to be had to the development plan, the determination is, unless material considerations indicate otherwise....to be made in accordance with that plan..."

5.2.

The full text of the Orkney Local Development Plan 2017 (OLDP 2017) and other supplementary planning advice and guidance can be read on the Council website at:

<https://www.orkney.gov.uk/Service-Directory/D/Planning-Policies-and-Guidance.htm>

The policies and supplementary guidance listed below are relevant to this application:

- Orkney Local Development Plan 2017:
 - Policy 1 – Criteria for All Development.
 - Policy 2 – Design.
 - Policy 8 – Historic Environment and Cultural Heritage.
- Supplementary Guidance: Historic Environment and Cultural Heritage.
- Planning Policy Advice: Historic Environment (Topics and Themes).
- Planning Policy Advice: Urban Conservation Areas Management Plan.

5.3.

The following policy advice and guidance is also relevant to the application:

- Scottish Planning Policy: <https://www.gov.scot/publications/scottish-planning-policy/>
- Historic Environment Policy for Scotland (Historic Environment Scotland): <https://www.historicenvironment.scot/advice-and-support/planning-and-guidance/historic-environment-policy-for-scotland-heps/>
- Managing Change in the Historic Environment Guidance Notes: Doorways (Historic Environment Scotland): <https://www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/>

6. 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.

7. 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.

8. Legal Aspects

8.1.

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.

8.2.

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

8.3.

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.

9. 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 2246, Email katharine.mckerrell@orkney.gov.uk

10. Appendices

Appendix 1 – Notice of Review (pages 1 – 58)

Appendix 2 – Planning Handling Report (pages 59 – 64)

Appendix 3 – Planning Services File (pages 65 – 83)

Appendix 4 – Decision Notice and Reasons for Refusal (pages 84 – 89)

Pages 1 to 89, with the exception of pages 12 and 13, can be viewed at https://www.orkney.gov.uk/Service-Directory/D/application_search_submission.htm and inserting the planning reference “18/500/HH”.

All other documents can be viewed at <https://www.orkney.gov.uk/Council/C/LRC2020.htm> and referring to the relevant meeting date.

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Your Ref 18/500/HH

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 **Burness Paul**

2 April 2020

Dear Sir,

**NOTICE OF REVIEW
REFUSAL OF RETROSPECTIVE PLANNING PERMISSION FOR REPLACEMENT OF
TWO GARAGE DOORS, 47 DUNDAS STREET, ORKNEY
PLANNING REFERENCE: 18/500/HH**

I act for Mary Lewis (“the Appellant”), proprietor of 47 Dundas Street, Stromness.

I refer to my letter dated 18 March 2020, sent by email, which enclosed the Notice of Review Form and Supporting Statement on behalf of the Appellant. As noted in my earlier letter, due to the disruption caused by the Coronavirus pandemic, the Appellant was unable to provide a full explanation of the matters relevant for review in the Supporting Statement.

As noted, the Appellant proposed to submit a Supplementary Supporting Statement and associated documents by 2 April 2020. I now enclose the Supplementary Supporting Statement and associated documents for the LRB’s consideration.

As previously outlined, the production of this further information will not cause any prejudice. There were no objections to the Appellant’s planning application. On the other hand, the Appellant will be materially prejudiced if the LRB declines not to accept the further information from the Appellant.

In light of the current exceptional circumstances, to ensure the LRB has all the information it requires properly to carry out the review, and to ensure the interests of natural justice are served, the Appellant

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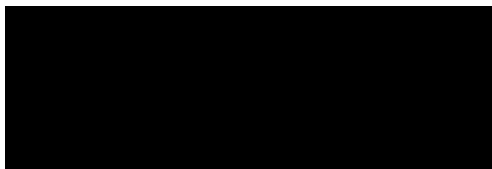
Lawyers with offices in Aberdeen, Edinburgh and Glasgow.
A list of members is available for inspection at the firm’s registered office.

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considers the LRB should accept the Supplementary Supporting Statement and associated documents and take these into account when determining the Notice of Review.

I am grateful for the Council's assistance with this matter, and I would be very happy to discuss this over the phone if required.

Yours sincerely



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