

## **Item: 3.1**

**Local Review Body: 18 April 2018.**

**Proposed Extension to a House at 6 Grimsetter Drive, Kirkwall (17/403/HH).**

**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 extension to a house at 6 Grimsetter Drive, Kirkwall.

### **2. Recommendations**

The Local Review Body is invited to note:

#### **2.1.**

That planning permission for the proposed extension to a house at 6 Grimsetter Drive, Kirkwall, was refused by the Appointed Officer on 6 February 2018, for the reasons outlined in section 4.2 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. Policy Aspects**

This report relates to the Council complying with its statutory duties as a Planning Authority and therefore does not relate specifically to progressing the Council's priorities.

### **4. Background**

#### **4.1.**

Planning application 17/403/HH relates to the proposed extension to a house at 6 Grimsetter Drive, Kirkwall.

#### **4.2.**

The Appointed Officer refused the planning application on 6 February 2018 on the following grounds:

##### **4.2.1.**

The extension is acceptable in principle. However, the combination of the height of the extension with the floor level on raised ground, and the proximity of the extension to the road, in a key location immediately adjacent to a public road, breaking a general building line, is such that the development is unacceptable. The development is not appropriate to the location as designed and is not sympathetic to the character of the house or its context. Design is a material consideration. Pre-application was not sought and suggested amendments were rejected. The development is contrary to Policy 1 – Criteria for All Development, and Policy 2 – Design, of the Orkney Local Development Plan 2017.

#### **4.3.**

The Planning Handling Report, Planning Services file and the Decision Notice, including the reasons for refusal, referred to in section 4.2 above, are attached as Appendices 1, 3 and 4 to this report.

### **5. Notice of Review**

#### **5.1.**

A copy of the applicant's Notice of Review and supporting information is attached as Appendix 2 to this report.

#### **5.2.**

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.

### **5.3.**

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 6 Grimsetter Drive, Kirkwall, is scheduled to take place at 09:30 on 18 April 2018.

## **6. Review Procedure**

### **6.1.**

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.

### **6.2.**

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).

## **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 section 6 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](mailto:angela.kingston@orkney.gov.uk)

Katharine McKerrell, Legal Advisor to the Local Review Body, extension 2219, Email [katharine.mckerrell@orkney.gov.uk](mailto:katharine.mckerrell@orkney.gov.uk)

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## **10. Appendices**

Appendix 1 – Planning Handling Report (pages 1 – 3)

Appendix 2 – Notice of Review (pages 4 – 12)

Appendix 3 – Planning Services file (pages 13 – 32)

Appendix 4 – Decision Notice and Reasons for refusal (pages 33 – 39)

Appendix 5 – Draft Planning Conditions (page 40)

Pages 1 to 40, with the exception of page 40, can be viewed at [http://www.orkney.gov.uk/Service-Directory/D/application\\_search\\_submission.htm](http://www.orkney.gov.uk/Service-Directory/D/application_search_submission.htm) and inserting the planning reference “17/403/HH”.

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