

## **Item: 5.1**

**Local Review Body: 19 November 2020.**

**Proposed Siting of House at Southview, Village Road, Burray (19/348/PIP).**

**Report by Chief Executive.**

### **1. Purpose of Report**

To determine a review of the decision of the Appointed Officer to refuse planning permission in principle for the proposed siting of a house at Southview, Village Road, Burray.

### **2. Recommendations**

The Local Review Body is invited to note:

#### **2.1.**

That planning permission in principle for the proposed siting of a house at Southview, Village Road, Burray, was refused by the Appointed Officer on 24 January 2020, 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 19/348/PIP relates to the proposed siting of a house at Southview, Village Road, Burray.

### **3.2.**

The Appointed Officer refused the planning application on 24 January 2020 on the following grounds:

#### **3.2.1.**

Whilst there is presumption in favour of new housing development within the settlement boundaries under Orkney Local Development Plan 2017 Policy 5A, and that within the settlements there tends to be a variance in plot sizes, a material planning consideration is that new housing development should also reflect the density of the surrounding area and retain the local character. The immediate surrounding area of the proposed house plot is one of low density housing, with houses sitting on fairly large plots. The size of the plot within the Southview garden would not reflect the neighbouring density level or the immediate character of the area and would be overdevelopment of the property at Southview. Therefore, the proposed development would be contrary to Orkney Local Development Plan 2017 Policy 1, part (ii), and Planning Policy Advice: Development Quality within Settlements (March 2011).

#### **3.2.2.**

The shared access from the Village Road would not comply with Roads Services standard drawing SD-01 due to the lack of a verge. The effect of not having a verge or additional width to the access is that, given that the access is in-between two buildings, drivers of vehicles would endeavour to maintain a separation distance from any building which would have the effect of narrowing the access, which would be unacceptable and would have safety implications. Without acceptable joint access, taking account that it would be used by two houses (the proposed house and the existing house at Southview) which would intensify its use, the access as it currently stands would be contrary to Orkney Local Development Plan 2017 Policies 1, part (vi), and 14C.

### **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. One representation, attached as Appendix 5 to this report, has been received from Mr and Mrs R Duncan, who have expressed concerns with regard to road safety, access and parking matters.

### **4.2.**

The further representation, referred to above, has been made available to the applicant, via their agent, for comment. No response has been received from the applicant.

### **4.3.**

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 Southview, Village Road, Burray, was undertaken at 10:00 on 19 November 2020.

### **4.4.**

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 6 for consideration. There are no roads access or visibility conditions included within the draft conditions. Roads Services has confirmed that no standard access specification could be applied without requiring the outbuilding on the northern side of the access to be demolished. In relation to visibility from the access, this does not fully comply with the National Roads Development Guide requirements, and only by demolishing the outbuilding would the required visibility also be provided. As such, there is no access or visibility condition that can be reasonably applied.

### **4.5.**

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 5A – Housing in Settlements.
  - Policy 9G – Landscape.
  - Policy 13B – Sustainable Drainage Systems (SuDS).
  - Policy 13C – Waste Water Drainage.
  - Policy 14C – Road Network Infrastructure.
- Supplementary Guidance: Settlement Statement (March 2017) – Burray Village.
- Planning Policy Advice: Development Quality in Settlements (March 2012).

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

Roddy MacKay, Planning Advisor to the Local Review Body, extension 2530, Email [rodgy.mackay@orkney.gov.uk](mailto:rodgy.mackay@orkney.gov.uk)

Katharine McKerrell, Legal Advisor to the Local Review Body, extension 2246, Email [katharine.mckerrell@orkney.gov.uk](mailto:katharine.mckerrell@orkney.gov.uk)

## **10. Appendices**

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

Appendix 2 – Planning Handling Report (pages 14 – 25)

Appendix 3 – Planning Services File (pages 26 – 60)

Appendix 4 – Decision Notice and Reasons for Refusal (pages 61 – 66)

Appendix 5 – Further Representation from Interested Party (page 67)

Appendix 6 – Draft Planning Conditions (pages 68 – 69)

Pages 1 to 69, with the exception of pages 67 to 69, can be viewed at [https://www.orkney.gov.uk/Service-Directory/D/application\\_search\\_submission.htm](https://www.orkney.gov.uk/Service-Directory/D/application_search_submission.htm) and inserting the planning reference “19/348/PIP”.

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