

Item: 3.2

Local Review Body: 25 January 2019.

**Proposed Siting of Replacement House at Skelbister, Orphir
(18/228/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 at Skelbister, Orphir.

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 at Skelbister, Orphir, was refused by the Appointed Officer on 17 September 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 18/228/PIP relates to the proposed siting of a replacement house at Skelbister, Orphir.

3.2.

The Appointed Officer refused the planning application on 17 September 2018 on the following grounds:

3.2.1.

The proposed site location would not reflect the character of the surrounding rural area and would appear incongruous and intrusive due to inappropriate siting within the landscape. The development fails to comply with Policy 1 – Criteria for All Development, sections i and ii, of the Orkney Local Development Plan 2017.

3.2.2.

The proposed site location is not considered to reflect the local settlement pattern, nor would it reinforce the distinctive identity of Orkney's rural built environment and is not sympathetic to the character of the local area. The development fails to comply with Policy 2 – Design, sections i and ii, of the Orkney Local Development Plan 2017.

3.2.3.

The proposed development fails to address the requirements of a replacement house for a redundant structure within the countryside. It would not be located adjacent to, or within the same curtilage as, the existing, original redundant building. The development is therefore contrary to Policy 5E (iii) – Housing – Single Houses and New Housing Clusters in the Countryside, of the Orkney Local Development Plan 2017.

3.2.4.

The proposed house site is not considered to be situated to minimise negative impacts on the local landscape. The proposed site location would also have the potential, in combination with the other isolated house to the south east, to create incongruous development of individual houses in the landscape. Given the location of the development and prominence within the local landscape, the proposal is considered contrary to Policy 9 – Natural Heritage and Landscape, section G i and ii, of the Orkney Local Development Plan 2017.

3.2.5.

The proposed development does not accord with all ten Development Criteria (DC), as required and as stated within Supplementary Guidance: Housing in the Countryside 2017:

- The proposed site is not located nor situated to fit into the landscape nor does it minimise landscape and visual impacts of the development, contrary to DC1.
- The development is not in keeping with the location, contrary to DC2.
- The proposed pattern of development will add to the suburbanisation of Orkney's countryside, contrary to DC3.

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 Skelbister, Orphir, was undertaken at 09:30 on 25 January 2019.

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. 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:

<http://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 5 – Housing (Part E – Single Houses and new Housing Clusters in the Countryside)
 - Policy 9 – Natural Heritage and Landscape (Part G – Landscape)
 - Policy 13 – Flood Risk, SuDs and Waste Water Drainage
 - Policy 14 – Transport, Travel and Road Network Infrastructure (Part C – Road Network Infrastructure)
 - Supplementary Guidance: Housing in the Countryside

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

Peter Trodden, Legal Advisor to the Local Review Body, extension 2219, Email peter.trodden@orkney.gov.uk

10. Appendices

Appendix 1 – Notice of Review (pages 1 – 10)

Appendix 2 – Planning Handling Report (pages 11 – 17)

Appendix 3 – Planning Services File (pages 18 – 37)

Appendix 4 – Decision Notice and Reasons for Refusal (pages 38 – 43)

Appendix 5 – Draft Planning Conditions (pages 44 – 45)

Pages 1 to 45, with the exception of pages 44 and 45, can be viewed at http://www.orkney.gov.uk/Service-Directory/D/application_search_submission.htm and inserting the planning reference "18/228/PIP".

All other documents can be viewed at <http://www.orkney.gov.uk/Council/C/LRC2019.htm> and referring to the relevant meeting date.