

Item: 5.3

Planning Committee: 7 October 2020.

Erect Two Houses with Air Source Heat Pumps and Alter Access at Eastbrae, Stromness.

Report by Executive Director of Development and Infrastructure.

1. Summary

1.1.

It is proposed to erect two houses, within a plot previously approved under planning references 15/556/PP and 12/545/PP, at Eastbrae, Stromness, which established the principle of one house on the site. Development of two houses on the site is considered acceptable in scale, design and layout. One objection has been received on grounds of density, road safety concerns, lack of infrastructure, footpaths, drainage issues and failure to accord with relevant policies. The objection is of insufficient weight to merit refusal. The proposed development accords with policies 1, 2, 5, 9, 13 and 14 of the Orkney Local Development Plan 2017. Accordingly, the application is recommended for approval.

Application Number:	20/246/PP.
Application Type:	Planning Permission.
Proposal:	Erect two houses with air source heat pumps and alter access.
Location:	Eastbrae (Plots 5A and 5B), Stromness.
Applicant:	Wardhill Homes Limited, Eastbrae House, Wardhill Road, Stromness.
Agent:	Mr Stephen J Omand, 14 Victoria Street, Kirkwall.

1.2.

All application documents (including plans, consultation responses and representations) are available for members to view at the following website address:

https://www.orkney.gov.uk/Service-Directory/D/application_search_submission.htm
(then enter the application number given above).

2. Consultations

Road Services, Environmental Health, Scottish Water and Development and Marine Planning have no objections, and all comments can be addressed by planning conditions.

3. Representations

3.1.

One objection has been received from:

- A S Fiddler, on behalf of C Fotheringhame, Enfield, Stromness.

3.2.

The objection is based on the following matters, which have been considered in the assessment of the proposal:

- The proposed development does not comply with the Eastbrae, Stromness Housing Development Brief (July 2012).
- The proposed development does not comply with policies of the Orkney Local Development Plan, in respect of the following:
 - “The application (20/246/PP) implies an undeveloped site. Development of the site commenced some years ago.”
 - Foul and surface water drainage within the area.
 - “...cannot be safely and conveniently accessed by service, delivery of other goods vehicles, as appropriate to the development...”
 - Layout, housing density, number of houses and that the site “has not been planned as a whole but is being developed on a piecemeal basis...”
 - Lack of pedestrian access to the site.
 - ...“no safe and convenient opportunities for walking and cycling, for both active travel and recreation.”

4. Relevant Planning History

Reference.	Proposal.	Location.	Decision.	Date.
20/155/PP	Erect two houses with air source heat pumps	Eastbrae (Plot 6A and 6B), Stromness	Grant subject to conditions	02.09.2020
19/338/PP	Demolish a chalet, erect three houses with air source heat pumps, create an access	Sma'quoy, Wardhill Road, Stromness	Grant subject to conditions	27.11.2019
18/527/PP	Erect a house with an integral garage and an air source heat pump (amendment to 16/303/PP)	Eastbrae (Plot 7), Stromness	Grant subject to conditions	19.03.2019

16/303/PP	Erect a house with an integral garage and an air source heat pump	Eastbrae (Plot 7)	Grant subject to conditions	31.08.2016
16/302/PP	Erect a house with an integral garage and an air source heat pump	Eastbrae (Plot 6), Stromness	Grant subject to conditions	31.08.2016
15/556/PP	Erect a house and install an air source heat pump	Eastbrae Plot 5, Stromness	Grant subject to conditions	28.01.2016
12/545/PP	Create a serviced house site and associated works, including road widening	Eastbrae (land near), Stromness (Site 5)	Grant subject to conditions	20.11.2012

5. Relevant Planning Policy and Guidance

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

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

The policies listed below are relevant to this application.

- Orkney Local Development Plan 2017:
 - Policy 1 – Criteria for All Development.
 - Policy 2 – Design.
 - Policy 5A – Housing in Settlements.
 - Policy 9G – Landscape.
 - Policy 13B – Sustainable Drainage Systems (SuDS).
 - Policy 13C – Waste Water Drainage.
 - Policy 14 – Transport, Travel and Road Network Infrastructure.
- Supplementary Guidance, Planning Policy Advice and Development Brief:
 - Planning Policy Advice ‘Development Quality within Settlements’ (March 2012).
 - Supplementary Guidance ‘Settlement Statements: Stromness’ (2017).
 - Eastbrae, Stromness, Development Brief (July 2012).

6. Legal Aspects

6.1.

Section 25 of the Town and Country Planning (Scotland) Act 1997 as amended (the Act) 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 ..."

6.2.

Where a decision to refuse an application is made, the applicant may appeal under section 47 of the Act. Scottish Ministers are empowered to make an award of expenses on appeal where one party's conduct is deemed to be unreasonable. Examples of such unreasonable conduct are given in Circular 6/1990 and include:

- Failing to give complete, precise and relevant reasons for refusal of an application.
- Reaching a decision without reasonable planning grounds for doing so.
- Not taking into account material considerations.
- Refusing an application because of local opposition, where that opposition is not founded upon valid planning grounds.

6.3.

An award of expenses may be substantial where an appeal is conducted either by way of written submissions or a local inquiry.

7. Assessment

7.1. Proposal and Location

7.1.1.

The application site is within the Stromness settlement boundary, to the north west of the town, associated with an existing grouping of houses and buildings off Wardhill Road, as indicated on the location plan attached as Appendix 1 to this report. The development in this area has been expanded over recent years with several new houses completed and/or under construction.

7.1.2.

The proposal is to erect two houses on a plot which has been granted planning permission for a single house, most recently under planning reference 15/556/PP. This consent remains extant as the development was initiated. The principle of one house on part of this site has therefore already been established.

7.1.3.

The area has been subject to multiple developments in recent years, including several houses completed and currently under construction. The most recent approval in the immediate area is on the adjacent Plots 6A and 6B, reference

20/255/PP, granted by the Planning Committee on 2 September 2020. Similar to the current application, that was for the erection of two houses on a plot previously approved for a single house.

7.2. Housing in Settlements Policy and Development Brief

7.2.1.

Policy 5A Housing in Settlements provides a general presumption in favour of residential development within the settlement boundaries, where it consists of infill development, conversion, redevelopment of derelict land/existing premises and the sub-division of garden grounds. This development is considered infill.

7.2.2.

The criteria outlined in the original Development Brief, Eastbrae, Stromness, Housing Development Brief Supplementary Guidance (2012), have been made less relevant by the passage of time and adoption of two subsequent Local Development Plans, and the policies and designations within them. The context of the site can be described as medium density, rather than the low density and scattered designation anticipated in the 2012 Development Brief, which was in line with the relevant designation in the Local Development Plan at that time.

7.2.3.

In terms of design and the potential effects on the amenity enjoyed in this location, Development and Marine Planning has raised no concerns, and has also confirmed that the Development Brief is of lesser material weight than the Local Development Plan in determining the application, on the basis the 2014 Local Development Plan has been superseded. It is therefore considered that the proposed development accords with Policy 1 Criteria for All Development and Policy 2 Design.

7.3. Design and Appearance

7.3.1.

The two proposed dwellings would be of matching design and modern appearance and would be smaller than the single dwelling currently approved on the site; the internal footprint of each house would be 84 square metres, less than the internal footprint of 128.66 square metres of the approved house. The height would be less than 6.5 metres, and proposed materials include white dashed walls, anthracite metal cladding to the roof, anthracite window frames and doors and black rainwater goods. The proposed design and finishes are considered acceptable and the development would be unlikely to have a significant impact on the character of the area.

7.3.2.

The dwellings would not exceed one third of their respective plots and each plot would be of adequate size to provide outdoor amenity space and off-road parking. An air source heat pump would be installed at each dwelling.

7.3.3.

It is considered that the proposed development would be acceptable in terms of design and appearance and would accord with Orkney Local Development Plan 2017 Policy 1 Criteria for all Development and Policy 2 Design and Planning Policy Advice: Development Quality Within Settlements (2012).

7.3.4.

The site is also located within the Hoy and West Mainland National Scenic Area. The two proposed dwellings would be small scale and viewed in context with existing development in the area. Accordingly, it is considered that the development would have no unacceptable impact on the integrity or qualities of the National Scenic Area, and therefore the proposal would comply with Orkney Local Development Plan 2017 Policy 9G – Landscape.

7.4. Density

Planning Policy Advice: Development Quality Within Settlements (2012) states that within settlements, away from town centres, “as a general rule 15 units per hectare will be acceptable...These standards are intended to provide a common starting point for the design process”. Including the current application, within an area of one hectare, nine dwellings have been approved to date – these include single houses on Plots 2 (15/559/PP), 3 (15/562/PP), 4 (15/557/PP) and 7 (18/527/PP), two houses on Plot 6 (20/155/PP) and 3 houses at Sma’Quoy (19/338/PP). The two houses currently proposed would increase the number of houses to 11, below the recommended 15 units per hectare as suggested by guidance for housing within non-town centre areas of settlements. In this context, the development would comply with Orkney Local Development Plan 2017 Policy 1(ii).

7.5. Residential Amenity

Although the glazing to the western gable end of the house on Plot 5A would face towards the recently approved dwelling on Plot 6B, the side elevation of the neighbouring house is blank. Together with the separation distance, including access, between the properties, there would be no unacceptable overlooking between the dwellings. Impact on existing and approved dwellings within the immediate vicinity of the development would be minimal and residential amenity of third-party dwellings would be protected. Noise from the air source heat pump at each dwelling would be controlled by condition. It is considered the development would comply with Orkney Local Development Plan 2017 Policy 1 Criteria for all Development and Policy 2(vi) Design.

7.6. Parking Provision, Access and Road Safety

Two off-road parking spaces are proposed for each plot. The single access to Wardhill Road, which would be upgraded to Roads Services’ standard for the development, would serve both houses and the adjacent housing plots 6A and 6B for both vehicular and pedestrian access. It is considered that each plot could be safely and conveniently accessed by service and delivery vehicles as appropriate for the development. On the basis Roads Services is satisfied, the development accords with the aims of Policy 14 Transport, Travel and Road Network Infrastructure.

7.7. Active Travel and Recreation

7.7.1.

The objector has raised the issue that there are “no safe and convenient opportunities for walking and cycling, for both active travel and recreation...”, stating that the development is not connected to footways or footpaths, and that the road is narrow, part of the road has no lighting and that grass verges do not provide safe refuge for pedestrians.

7.7.2.

The vision of the Orkney Local Development Plan 2017 is that “Orkney’s settlements will act as a focus for growth in order to support existing facilities and services such as shops, schools and public transport links. Facilitating active travel will be an integral part of development planning across the county with a commitment to include well-integrated footpaths and cycleways within new developments and to connect any fragmented sections of the existing network to encourage active and healthy living.”.

7.7.3.

The application site is at the edge of the settlement and the nature of the nearby roads, with grass verges, is consistent with other roads in the vicinity. The requirement for a formal footpath is not within the scope of the current application, and it is notable that there was no requirement for a footway under the previous site allocation. The road has been widened locally and Roads Services do not require a footway for the current application.

7.7.4.

It is considered that the development would be within proximity of town services and bus routes to allow access by walking and cycling, and is close to roads within the area which would provide walking and cycling opportunities for the occupants of the dwellings to both town and countryside, and in turn opportunities for active travel and recreation. Therefore, it is considered that the proposal would comply with Orkney Local Development Plan 2017 Policy 14 – Transport, Travel and Road Network Infrastructure.

7.8. Sewerage

7.8.1.

It is proposed to connect the houses to the Scottish Water public sewer. Scottish Water has confirmed that the development would be serviced by the Bu Point Waste Water Treatment Works, and has advised that there is currently sufficient capacity for a foul only connection at this site. When a formal connection application is submitted to Scottish Water, following any grant of planning permission, Scottish Water would again review the availability of capacity and advise the applicant.

7.8.2.

Foul drainage matters have been raised as reasons of objection, which cover several different issues, relating to the existing drainage system in the area and the capacity of the sewer to accommodate this development. As advised above, Scottish Water has not raised any objections to the application and indicates that there is currently capacity in the public sewer to accommodate the development.

7.8.3.

Several issues raised in the objection fall under the remit of other legislation; therefore, these matters would be addressed as part of applications for building warrant or connection. In relation to planning issues specifically, Scottish Water was consulted and has no objections. Whilst drainage has been raised as reason for objection, on the basis Scottish Water is satisfied, the development accords with Policy 13C Waste Water Drainage.

7.9. Surface Water Drainage

7.9.1.

It is a requirement that all developments include provision for management of surface water; in this case soakaways are included within each house plot, designed to accommodate the calculated surface water from the proposed houses. No surface water would be connected to the public sewer.

7.9.2.

Surface water drainage is being dealt with on site and capacity associated within the public sewer is therefore not relevant. Scottish Water was consulted with other statutory consultees and has raised no objections to the development. A condition would be attached requiring surface water to be treated in accordance with the principle of SuDS. Whilst drainage issues have been raised by the objector, it is considered that the above measures would be sufficient to ensure the development complies with Policy 13B Sustainable Drainage Systems.

8. Conclusion and Recommendation

The principle of one house on part of this site is established, under planning reference 15/556/PP, and remains extant. The current application is for two houses within the site. The density of development and the design and appearance of the houses are considered acceptable in this location. Objections received on material planning grounds are not considered of sufficient weight to merit refusal. The development accords with Policies 1, 2, 5, 9, 13 and 14 of the Orkney Local Development Plan 2017, Supplementary Guidance: Settlement Statements, and Planning Policy Advice: Development Quality within Settlements (March 2012). Accordingly, the application is recommended for **approval**, subject to the conditions attached as Appendix 2 to this report.

9. Contact Officer

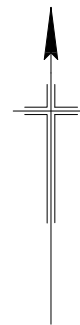
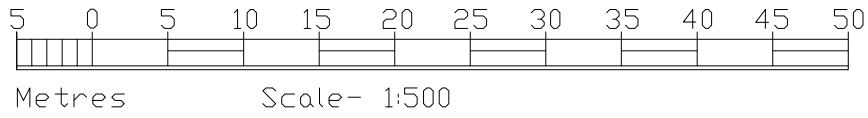
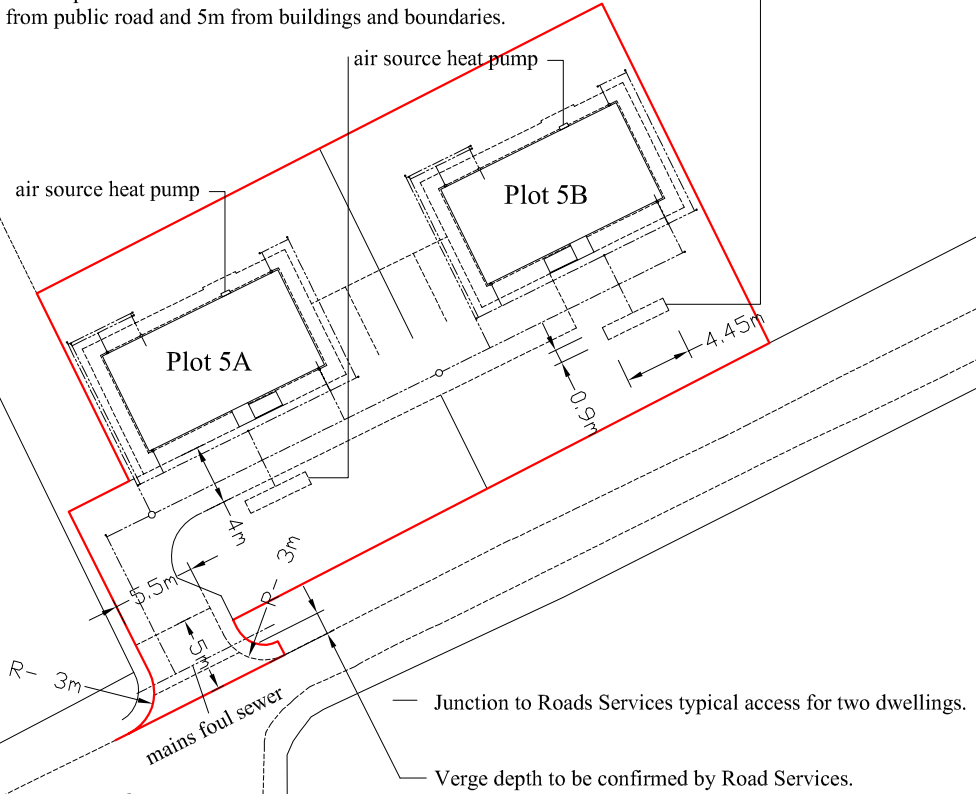
Sue Doyle, Planning Officer, Email sue.doyle@orkney.gov.uk

10. Appendices

- Appendix 1: Site Plan.
- Appendix 2: Proposed Planning Conditions.

Total surface area to be drained 117.6m².
 Assuming 5m³ of soakaway for every 100m² of drained area the surface water soakaway is 4.45m long x 0.9m wide x 2.50m deep.
 Minimum 10m from public road and 5m from buildings and boundaries.

Total site area- 1,132m²

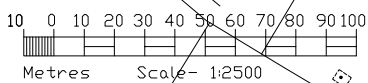


Erection of 2 No Houses with air source heat pumps and upgrading of existing access. At Eastbrae Development, Stromness.

Drwg No- 1576/1/P2.

Plan Size A4.

OS Licence No- ES100003740



Appendix 2.

01. The dwellings hereby approved shall be finished externally using the following materials and colours:

- Roof – ‘Tate’ steel metal cladding in colour anthracite.
- Walls – white render.
- Rainwater goods – black.
- Doors and windows – anthracite.
- Site boundary – post and wire fencing.

Reason: To protect the landscape setting of the development.

02. Total noise from the Air Source Heat Pump(s) installed at each dwelling shall not exceed NR25 within any residential property outwith the development, where NR25 is the Noise Rating Curve at 25, (noise measurements to be made with a window of any residential property outwith the development open no more than 50 mm).

Reason: To protect any nearby residents from excessive noise disturbance from the air source heat pumps.

03. Hours of construction work on site involving the use of machinery and powered tools, or any other operation, for example hammering, that would generate noise audible beyond the boundary of the site, shall only take place between the hours of 07:30 and 19:00 Mondays to Fridays, 09:00 to 17:00 Saturdays, and not at all on Sundays or the Christmas or New Year Public Holidays, unless otherwise agreed, in writing, with the Planning Authority.

Reason: To safeguard the amenity of nearby residents.

04. No development shall commence until a Landscaping and Planting Plan is submitted to, and agreed in writing by, the Planning Authority. This Plan shall include the number, size, density and species of all trees or shrubs, and details of all hard and soft landscaping within the development. Thereafter, and no later than the first winter planting season following first occupation of either house, the development shall be completed wholly in accordance with details included in the approved Landscaping and Planting Plan.

Reason: In the interest of visual amenity and to accord with the aims of the Eastbrae, Stromness Development Brief.

05. The access hereby approved with the public road shall be constructed to the Council's Roads Services standard drawing 'SD-01 Typical Access for Single Development (2-4 houses)', attached to and forming part of this decision notice, including dimensions, road construction, any pipe required and verge or footway. The access shall be constructed and completed wholly in accordance with these details prior to any other works commencing on the development hereby approved, and thereafter shall be retained in accordance with these details throughout the lifetime of the development, unless otherwise agreed, in writing, by the Planning

Authority. Any damage caused to the existing road infrastructure during construction of the development shall be repaired prior to first occupation of the development, to the satisfaction of the Planning Authority, in conjunction with Roads Services.

Reason: In the interests of road safety.

06. No development shall commence until full details of the management of surface water within the site are submitted to, and agreed in writing by, the Planning Authority, in conjunction with Roads Services. These details shall include prevention of surface water from the site draining to the public road. Agreed surface water management measures shall be constructed and completed prior to first occupation of the development hereby approved, and thereafter shall be retained in accordance with these details throughout the lifetime of the development, unless otherwise agreed, in writing, by the Planning Authority.

Reason: To ensure the provision of an adequate surface water drainage system and to accord with Policy 13B – Sustainable Drainage Systems of Orkney Local Development Plan 2017.

07. Prior to the dwelling hereby approved being occupied and brought into first use, it shall be connected to Scottish Water's public waste water system.

Reason: In the interests of environmental protection and to accord with Policy 13C – Waste Water Drainage of Orkney Local Development Plan 2017.