

Item: 5.1

Planning Committee: 3 March 2021.

Construct Tarred Car Parking, Enlarge Detention Basin and Culvert Works (Retrospective) (part amendment to 14/159/PP).

Report by Executive Director of Development and Infrastructure.

1. Summary

1.1.

The current Evie Primary School was granted planning permission in March 2015, reference 14/159/PP. During subsequent construction, alterations were made to the car park surface finish, the design of the basin installed as part of the management of surface water, and a culvert was diverted. This retrospective application has been submitted to regularise these matters. One objection has been received, on various matters relating to the management of surface water, including the surface water infrastructure installed and potential impact on the adjacent public road. Neither Roads Services nor Engineering Services has any objection to the development as constructed, and the extended time since submission of the application has allowed the situation to be monitored, with no concerns raised by any of the consultation bodies. The development is considered to accord with Policies 1 and 13B of the Orkney Local Development Plan 2017. Accordingly, the application is recommended for approval.

Application Number:	17/433/PP.
Application Type:	Planning Permission.
Proposal:	Construct tarred car parking, enlarge detention basin and culvert works (retrospective) (part amendment to 14/159/PP).
Applicant:	Orkney Islands Council, School Place, Kirkwall, Orkney, KW15 1HQ.
Agent:	Mackie Ramsay Taylor Architects, c/o Allister McKechnie, 47 Victoria Street, Aberdeen AB10 1QA.

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

2.1. Scottish Water

No objection.

2.2. Roads Services

2.1.1.

Roads Services has confirmed that the SuDS layout for the car park is satisfactory, but initially noted concerns regarding alterations to a culvert, and potential for that to be linked to flooding of the public road.

2.1.2.

In an updated response in January 2020, Roads Services referred to previous concerns but confirmed that roadside drainage issues had been addressed and “dealt with appropriately”. Roads Services also provided a response to the matters raised in the objection letter. Roads Services concluded with no objection.

2.3. Engineering Services

Engineering Services noted that the discharge rate for the revised surface water treatment is appropriate and confirmed no objection.

3. Representations

3.1.

One representation has been received from:

- Callum and Margaret Gillon, Vinkwin, Evie, Orkney, KW17 2PE.

3.2.

The objection is based on various matters relating to the management of surface water, which have been considered in the assessment of the proposal.

4. Relevant Planning and Site History

Reference.	Proposal.	Location.	Decision.	Date issued.
17/170/PP.	Create a playpark including play equipment.	Evie Primary School.	Approved with conditions.	13.06.17.

16/336/VR.	Vary condition 1 of planning permission 14/159/PP to change the colour of the render to natural white with a scraped finish (retrospective).	Evie Primary School.	Approved with conditions.	27.10.16.
14/159/PP.	Demolish existing school; erect a replacement school; construct carpark; install playing areas and football pitch and associated drainage and landscaping works.	Evie Primary School.	Approved with conditions.	17.03.15.

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 13B – Sustainable Drainage Systems (SuDS)

6. Legal Aspects

6.1.

Section 25 of the Town and Country Planning (Scotland) Act 1997 (“the Act”) states that in making determinations under the Planning Acts the determination should be in accordance with the development plan unless material considerations determine otherwise.

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. Background and Proposal

7.1.1.

The current Evie Primary School was approved in March 2015, reference 14/159/PP, which included SuDS to reduce the flow of surface water. The development also included diversion of an existing culvert, which passed through the school grounds from higher ground to the west, exiting the site to the road verge to the south-east of the school where the culvert passes under the public road. The SuDS was designed and approved to deal with surface water from new roads, car parking, external areas and roof. The most effective route for managing surface water was to follow the natural fall created by new roads and parking, to a detention basin adjacent to the site entrance, which in turn has an outfall to roadside drainage.

7.1.2.

When first submitted, Roads Services requested assessment of the suitability of the existing culvert, noting that the detention basin outfall discharged to the culvert, and also that lower ground within the site was often saturated and a long length of the public road was often inundated with water. Roads Services confirmed that the natural direction of surface water is to the east, towards an informal play area, but because the proposed detention basin was located to the north of the site, additional information to support the SuDS, including calculations, was required. Information was also requested regarding existing drainage within the west and south boundaries of the application site.

7.1.3.

The applicant provided SuDS calculations, which confirmed discharge of attenuated rates providing a betterment on existing discharge. Measures including permeable paving within the car park were included within calculations which also included total area of roofs, roads, parking and other external hard standing.

7.1.4.

Submitted information also included a commitment to carry out works to the culvert if required during construction works, and that existing drainage ditches would be cleaned out and maintained. The development was approved, with conditions attached to the 14/159/PP decision notice requiring all surface water drainage works to be carried out in accordance with the approved drainage layout, and thereafter maintained in accordance with approved details, and required drainage ditches on

the south and east boundaries of the site to be fully cleaned out and maintained throughout the lifetime of the development.

7.1.5.

During inspection of construction works in July 2017, it was noted by the Planning Authority that parking spaces had been finished with a tarred rather than permeable surface. Given the materiality of the change in appearance of the development, and the potential implications on management of surface water, to retain the development as constructed, the applicant was advised to submit a planning application for the works.

7.1.6.

The current application is therefore retrospective, and the works have been completed and in operation since first occupation of the primary school in November 2016. Details of the works are shown in the Site Plan attached as Appendix 1 to this report. When submitted, updated SuDS calculations were included to reflect the as-built situation.

7.1.7.

As noted at section 2.2 above, when the application was submitted Roads Services confirmed that the layout of the car park was satisfactory; during construction, it was not the layout that had been altered, but the surfacing material. The SuDS calculations submitted were accepted by both Roads Services and Engineering Services. Roads Services noted concerns regarding alterations to the culvert, details of which had not been submitted, and works that had been carried out to roadside drainage, which had potential to contribute to flooding of the public road.

7.1.8.

In an updated response in January 2020, Roads Services referred to this uncertainty but confirmed that roadside drainage issues had been addressed and “dealt with appropriately”. Further to earlier comments regarding SuDS, Roads Services confirmed that SuDS should be designed in accordance with the Construction Industry Research and Information Association (CIRIA) document ‘The SuDS Manual (C753F)’ (2015), and in particular with the “Simple Index Approach (SIA) Tool to determine if the types of SUDs proposed are adequate”. This document was submitted with the SuDS calculations in relation to the size of the detention basin, and in compliance with treatment requirements.

7.1.9.

Given the detailed nature of various matters included in the letter of objection, Roads Services has addressed each of these in turn, as follows:

- The SuDS system provided is in accordance with SEPA’s guidance and The SuDS Manual (C743) which can be verified. Therefore, that point of the objection has been adequately addressed and needs no further action.
- The open ditch on the southern boundary of the site is now in place as per the drawings submitted.

- The original SuDS approved under 14/159/PP was designed with a total impervious area of 0.645 hectares, which included areas of playground that had no positive drainage but instead shed water towards the playing field. The area used for application 17/443/PP excludes the areas of playground that shed water towards the playing field; it could therefore be argued that SuDS for the original application was over-designed as it included areas as impervious that were never proposed be managed in the SuDS.
- To properly address the final bullet point in the letter of objection, the inside of the flow control chamber could be inspected to ensure that the proposed hydrobrake has been installed and is operational. However, that is the detail submitted and it is anticipated that the system is now operating as submitted.
- In relation to maintenance, no maintenance and management plan has been submitted, and should be submitted to address part of the letter of objection regarding maintenance of the basin and flow control basin in accordance with an agreed schedule, to ensure ongoing and effective operation.

7.2. Assessment

7.2.1.

Policy 13B – Sustainable Drainage Systems (SuDS) requires development proposals to incorporate SuDS in accordance with national guidance, including the CIRIA SuDS Manual. Following the amendments carried out to the design and detailing within the site, amended SuDS calculations were completed in accordance with the SuDS Manual, and both Roads Services and Engineering Services have confirmed that the calculations and SuDS design are acceptable.

7.2.2.

Roads Services noted flooding on the public road, and at the time the current application was submitted, it was not clear whether the application site was responsible for at least some of that flooding. Amongst updated works carried out within the site, the lip of the detention basin was lowered to ensure surface water from the access road would flow into the detention basin. This specific point has been inspected by Roads Services with no residual concerns. It was also suspected that surface water from the school grounds could enter adjacent land and ultimately flow onto the public road. An infiltration ditch has been opened up and maintained along the southern boundary of the school grounds, which flows into the culvert before flowing under the public road. Again, Roads Services has assessed this specific infrastructure and has no concerns.

7.2.3.

In relation to Policy 1 – Criteria for All Development, it is considered that the development would not create an unacceptable burden on existing infrastructure and, in relation to flooding on the public road, would not result in an unacceptable level of risk to public health and safety.

8. Conclusion and Recommendation

8.1.

Based on consultation responses from Roads Services and Engineering Services, SuDS calculations and the surface water drainage infrastructure as constructed on site are considered appropriate, in accordance with national guidance. Surface water can be adequately managed on site, and not exacerbate any flooding on the public road. Conditions attached to the original approval for the primary school in relation to compliance with SuDS requirements and maintenance of ditches would still have effect and be unaffected by the current application. A planning condition would require submission of a maintenance and management plan for the infrastructure subject to the current application. One objection has been received but is not considered to be of sufficient weight to merit refusal of the application.

8.2.

The application is considered to comply with Policies 1 and 13B of the Orkney Local Development Plan 2017. Accordingly, the application is **recommended for approval**, subject to the following condition:

Within three months of the date of the decision notice, a Maintenance and Management Schedule shall be submitted to, and approved in writing by, the Planning Authority. This Schedule shall include:

- Confirmation of maintenance responsibilities and arrangements for all surface water devices.
- Full maintenance details, including a maintenance schedule, of all surface water devices, including permeable paving.
- A maintenance schedule for all surface water devices.

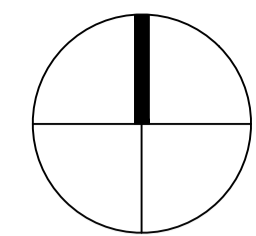
Reason: To ensure the proper maintenance and management of surface water devices in perpetuity.

9. Contact Officer

Jamie Macvie, Planning Manager, Development Management, Email jamie.macvie@orkney.gov.uk

10. Appendix

Appendix 1: Site Plan.



NOTES:
 1. Do not scale this drawing. Use figured dimensions only. All site dimensions and levels to be checked on site by contractor prior to ordering of materials.

AREAS:
 TOTAL SITE AREA 0.694ha / 1.714 acres

- KEY:**
- SITE BOUNDARY
 - ACCESS ROAD / CAR PARK CIRCULATION ROUTES: Asphalt to Engineers specification
 - PRIMARY PEDESTRIAN ROUTES / PLAYGROUND: Blimac with chips to Engineers specification
 - FEATURE PLAY ACCESS: Whin dust path
 - SAND PIT: Sand contained within a designated area for play
 - DRY RIVER: Feature stones set in concrete to form a dry river for play / education purposes
 - GRASS: Proposed grass seeding. Refer to landscape plans for further details
 - SOFT LANDSCAPING: Proposed planting / shrubs / Hedging. Refer to landscape plans for further details
 - EXISTING SOFT LANDSCAPING: Areas of existing soft landscaping retained
 - SPORTS PITCH: Grade 3 natural grass pitch to Sport Scotland guidance

Rev	Description	Date
C	Boundary updated to include SUDS basin	22.11.17
B	Boundary updated following client discussions	21.11.17
A	Site boundary updated to cover only areas which vary from the previously approved plans	08.11.17



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Project
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EVIE, ORKNEY
KW17 2PE

for ORKNEY ISLANDS COUNCIL
 Drawing
SITE PLAN

Scale	1:500@A1
Status	PLANNING
Date	OCT '17
Drawn By	AMcK
Project No.	1888
Drawing No.	L(90)006 ^C

