

Item: 5.2

Planning Committee: 2 September 2020.

Erect Two Houses 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 reference 16/302/PP, at Eastbrae, Stromness, which established the principle of one house on the site. Development of two houses on an enlarged 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:	20/155/PP.
Application Type:	Planning Permission.
Proposal:	Erect two houses with air source heat pumps.
Location	Eastbrae (Plot 6A & 6B), 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 Fotheringham, Enfield, Stromness.

3.2.

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

- The development does not comply with Housing Development Brief Supplementary Guidance (July 2012).
- The development does not comply with policies of the Orkney Local Development Plan, in respect of the following:
 - Layout, housing density and number of houses.
 - No provision for pedestrian access.
 - No safe and convenient opportunities for walking and cycling, for both active travel and recreation.
 - Cannot be safely and conveniently accessed by service, delivery and other goods vehicles, as appropriate to the development.
 - Issues associated foul and surface water drainage within the area.

4. Relevant Planning History

Reference.	Proposal.	Location.	Decision.	Date.
19/338/PP	Demolish a chalet, erect three houses with air source heat pumps, create an access and amend an access	Sma'quoy, Wardhill Road, Stromness	Grant subject to conditions.	27.11.10.
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.	19.03.19.
16/303/PP	Erect a house with integral garage and an air source heat pump	Plot 7, Eastbrae, Stromness	Grant subject to conditions	31.08.16.

16/302/PP	Erect a house with an integral garage and an air source heat pump	Plot 6, Eastbrae, Stromness	Grant subject to conditions	31.08.16
15/556/PP	Erect a house and install an air source heat pump	Eastbrae Plot 5, Stromness, Orkney,	Grant subject to conditions	28.01.16
12/545/PP	Create a serviced house site and associated works, including road widening	Eastbrae (Land Near) Stromness Orkney	Grant subject to conditions	20.11.12

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 5 – Housing in Settlements.
 - Policy 9 – Landscape.
 - Policy 13B – Sustainable Drainage Systems (SuDS).
 - Policy 13C – Waste Water Drainage.
 - Policy 14C – Road Network Infrastructure.
- Supplementary Guidance and Planning Policy Advice:
 - Planning Policy Advice ‘Development Quality within Settlements’ (March 2012).
 - Eastbrae, Stromness, Housing Development Brief Supplementary Guidance, adopted on 12 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. Location and Proposal

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 includes and extends from a site which has been granted planning permission for a single house, reference 16/302/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.

7.2. 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 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 proposed house types/design are an identical, simple modern design. The three-bedroom houses would be single storey, which individually are smaller than the currently approved single house on the site which was a four-bedroom 1½ storey house. The design of these dwellings would be unlikely to have a significant impact on the character of the area or detract from other dwellings nearby.

7.3.2.

All dwellings would have external materials like others built recently within the immediate area, including black flat profile concrete roof tiles, light coloured dry dash walls, uPVC window frames in anthracite and black uPVC rainwater goods. A single access would be provided for the sites, and each plot would include off-road parking and adequate amenity space for the occupiers of the dwellings. The materials and amenity space are acceptable, and it is considered the dwellings would integrate with the wider housing development.

7.3.3.

The dwellings would not exceed a third of their individual plot areas and the front of the dwellings would face out onto Wardhill Road. The area of the site would be extended from 1,000 square metres as currently approved, to 1,560 square metres to accommodate the second house. The floor area of the proposed houses are each 115.5 square metres, less than the 150.5 square metres of the approved house.

7.3.4.

Whilst density would be increased, it is considered appropriate in relation to recent development in the immediate surrounding area and its location within the town boundary. It is also relevant that the field opposite is allocated for housing development, under allocation STR-2 'Upper Sunnybank'. This would expand the town and as a result, the surroundings would no longer appear as detached from the town but form part of the built form, and as such should not have any significant effect on the character of the area. This site is located within the Hoy and West Mainland National Scenic Area (NSA); the location of the site within Stromness and the development being in context with the existing residential development in the area are such that the landscape quality of the NSA would be protected.

7.3.5.

It is considered that the proposed development complies with Policy 1 Criteria for All Development, Policy 2 Design, Policy 5A Housing in Settlements, Policy 9G Natural Heritage and Landscape of the Orkney Local Development Plan 2017, and Planning Policy Advice Development Quality within Settlements (March 2012).

7.4. Residential Amenity

Given the orientation and position of the windows of both existing neighbouring and the proposed dwellings, the potential impact of overlooking or loss of privacy to third parties in the area would be minimal. Planning conditions would protect the amenity of the surrounding area during construction. An air source heat pump is proposed for each of the dwellings. These are acceptable and would be subject to condition in the interests of preserving residential amenity. The general scale and development pattern of housing in the area, including orientation, would ensure protection of residential amenity from overshadowing or overlooking. It is considered that the proposed development is unlikely to have a significant impact on residential amenity of third party dwellings, and therefore would comply with Policy 1 Criteria for All Development.

7.5. Parking Provision, Access and Road Safety

7.5.1.

Two off-road parking spaces are proposed within the plot for each dwelling, taken from an access to the rear of the houses. The single access onto Wardhill Road would provide access to these proposed plots and the adjacent site. The access would be constructed to Roads Services' standards suitable for the developments proposed. In terms of compliance with Policy 14C, it is considered that each plot could be safely and conveniently accessed by service and delivery vehicles appropriate for the scale of the development and therefore would comply with the policy.

7.5.2.

Roads Services was consulted and has no objection to the proposed development subject to appropriate conditions in the interests of road safety. Whilst road safety matters have been raised as reasons of objection, on the basis the Roads Authority is satisfied, the development accords with the aims of Policy 14 Transport, Travel and Road Network Infrastructure, as it could be safely and conveniently accessed and would be safe for all road users.

7.6. Sewerage

7.6.1.

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.

7.6.2.

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.

7.6.3.

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.

7.7. Surface Water Drainage

7.7.1.

Soakaways are included for each proposed house plot; the surface water soakaways have been designed to accommodate the calculated surface water from the proposed houses. The access and parking areas within the site would be permeable. There would therefore be no surface water connected into the public sewer.

7.7.2.

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 16/302/PP, and remains extant. The current application is for a larger site area to erect two houses. 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.

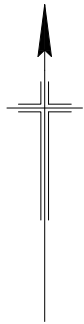
9. Contact Officer

Margaret Gillon, Senior Planner, Email margaret.gillon@orkney.gov.uk

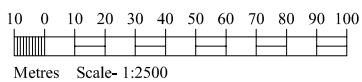
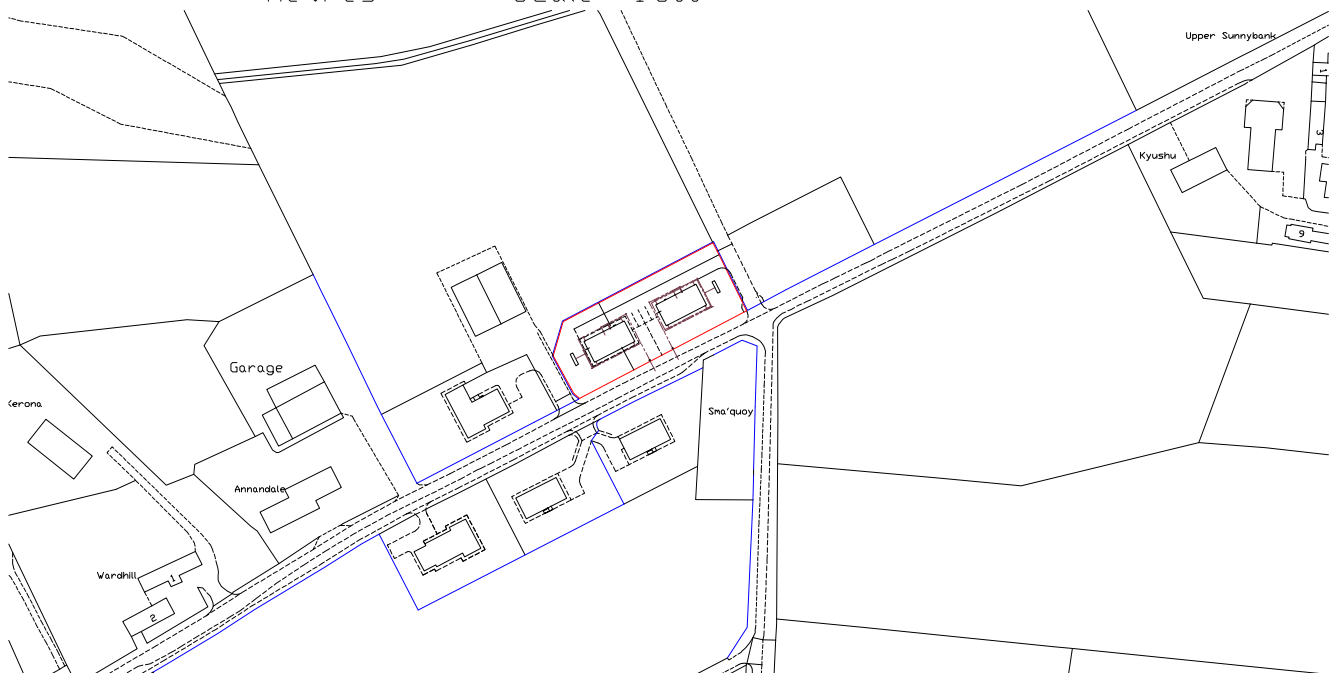
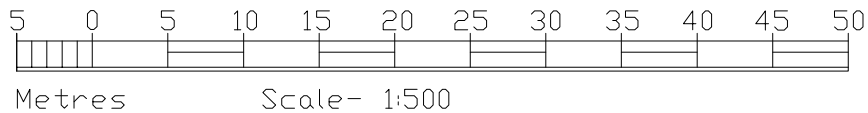
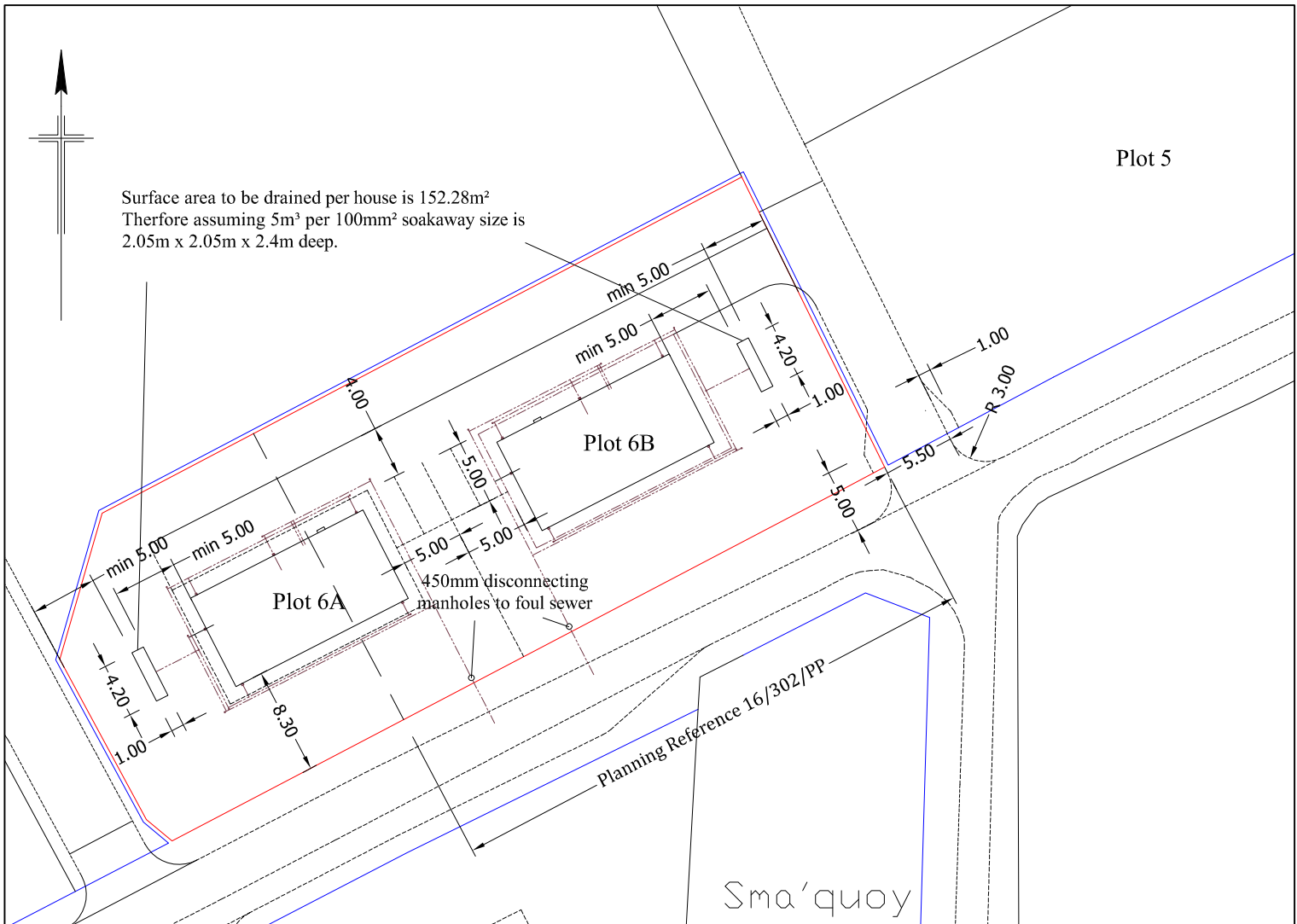
10. Appendices

Appendix 1: Site Plan.

Appendix 2: Proposed Planning Conditions.



Surface area to be drained per house is 152.28m²
 Therefore assuming 5m³ per 100mm² soakaway size is
 2.05m x 2.05m x 2.4m deep.



Site Plan- Erection of 2 No Houses, with heat pumps, at Plots 6A and 6B, Eastbrae Development, Eastbrae, Stromness.
 For Wardhill Homes Ltd, Eastbrae House, Stromness, KW16 3HS.
 Drwg No- 1572/3/P1. OS Licence No- ES100003740. April 2020. Plan Size A4.

Appendix 2.

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

- Roof – non-profiled tiles in colour black.
- Walls - light cream.
- Rainwater goods – black.
- Doors and windows – dark grey.
- 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 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.