

Item: 3.2

Planning Committee: 7 March 2018.

Construct Pitched Roof over Flat Roof to Create Flat, Install Three Air Source Heat Pumps and Prune Tree (part retrospective) (re-submission of 17/395/PP) at 58 Albert Street, Kirkwall.

Report by Executive Director of Development and Infrastructure.

1. Summary

1.1.

Planning permission is sought to construct a gable-ended, pitched roof over an existing flat roof to the rear of Gorns, 58 Albert Street, Kirkwall, to accommodate a two bedroom, self-contained flat. The site is accessed via the pend from the Strynd which enters into an enclosed courtyard. An existing tree within the courtyard would be pruned. Retrospective approval is also sought for two existing air source heat pumps, one each attached to the existing flat roofed extension and at first floor level to the rear of Gorns. Two objections have been received, on the grounds of impact on the conservation area, setting of a listed building, amenity and privacy. The development would be relatively constrained, with no dedicated external amenity space or car parking. However the resulting pitched roof would improve the character and appearance of the existing building within its context. The setting of the listed building and character and appearance of the conservation area would be adequately preserved. Objections are not of sufficient weight to merit refusal, and on balance the development accords with policies 1, 2, 5A, 8, 9F, 10, 13 and 14 of the Orkney Local Development Plan 2017.

Application Number:	17/540/PP.
Application Type:	Planning Permission.
Proposal:	Construct a pitched roof over a flat roof to create a flat, install three air source heat pumps, and prune a tree (part retrospective) (re-submission of 17/395/PP).
Applicant:	R S Rendall, 8 Grainshore Drive, Kirkwall, KW15 1FL.
Agent:	Leslie Burgher Chartered Architect, Roebank, High Street, Kirkwall, KW15 1AZ.

1.2.

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

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

2. Consultations

Consultees have not objected or raised any issues which cannot be addressed by planning conditions.

3. Representations

3.1.

Two objections have been received from:

- Irene McLaren, 2 Broad Street, Kirkwall, KW15 1HF.
- Jacqueline Mulcair RIAS, 28/1 Saughton Loan, Edinburgh EH12 5TA.

3.2.

The objections are on the following grounds:

- Loss of a view from Albert Street to the rear of the category B listed 2 Broad Street.
- Impact on the character of Kirkwall Conservation Area.
- Scale of development.
- Impact on setting/character of a listed building.
- Loss of daylight.
- Impact on privacy.

4. Relevant Planning History

Reference.	Proposal.	Location.	Decision.	Date.
12/078/TC	Range of tree works.	Kirkwall Conservation Area (Various Locations).	No objections.	13.04.2012
17/395/PP	Construct a pitched roof over flat roof to create a flat, install an air source heat pump and prune a tree.	58 Albert Street, Kirkwall, KW15 1HQ.	Withdrawn.	04.12.2017

4.1.

This application addresses the issues raised in consideration of withdrawn application 17/395/PP regarding existing (unauthorised) air source heat pumps and the relationship between the proposed development and amenity, noise, issues arising from existing air source heat pumps.

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:

<http://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, ‘Housing in Settlements’.
 - Policy 8 – Historic Environment and Cultural Heritage.
 - Policy 9F – Natural Heritage and Landscape, ‘Trees and Woodland’.
 - Policy 10 – Green Infrastructure (Paths, Open Spaces and Green Networks).
 - Policy 13 – Flood Risk, SuDS and Waste Water Drainage.
 - Policy 14 – Transport, Travel and Road Network Infrastructure.
- Supplementary Guidance and Planning Policy Guidance:
 - Supplementary Guidance ‘Settlement Statements’ Kirkwall (April 2017).
 - Supplementary Guidance ‘Historic Environment and Cultural Heritage’ (April 2017).
 - Planning Policy Advice ‘Development Quality within Settlements’ (March 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.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 sets a general duty as respects conservation areas in exercise of planning functions: “In the exercise, with respect to any buildings or other land in a conservation area, of any powers, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”

6.3.

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.

6.4.

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. Site and Location

The proposed site occupies the roof of an existing single storey, flat-roofed structure to the rear of 58 Albert Street, Kirkwall, as detailed in the site plan attached as Appendix 1 to this report. The site is accessible to pedestrians only, via a pend from the Strynd into a courtyard serving several surrounding properties. Although publicly accessible, the courtyard has a semi-private character. The flat roof appears to be at the end of its serviceable life, and part of the basis of the application is to accommodate a flat within a gable ended pitched roof, rather than replace the existing flat roof like for like. The roof would add 4.5 metres in height and be finished with Welsh slates. Three semi-mature trees are located within the courtyard, two of which would have a branch pruned. Access into the proposed flat would be via a flight of steel steps projecting from the gable, designed to run parallel with the gable of the building. An air source heat pump to serve the development is proposed, situated below the access steps. Retrospective permission is also sought for two existing air source heat pumps at separate locations – one on the south west wall of the flat roofed building and the other at first floor level to the rear of the main building and projecting above the flat roof.

7.2. Principle

The site is located within the settlement boundary of Kirkwall, where there is a general presumption in favour of residential development, including infill and redevelopment. The application is relatively unusual, where the redevelopment site is above an existing structure, within a space created by the use of attic trusses. However, it is common to have residential space above retail, particularly in the town centre. The principle of the development is acceptable, in accordance with policy 5Aiii 'Housing in Settlements' of the Orkney Local Development Plan 2017.

7.3. Residential Amenity

7.3.1.

Concerns have been raised by objectors regarding impact on residential amenity, specifically loss of light and privacy. A diagram has been provided confirming the impact would be minimal on the ground floor level, already shadowed windows of the immediately adjacent property at 2 Broad Street, and the ridge height of the proposed roof is below the 25 degree cut-off from the centre point of adjacent first floor windows. Rooflights would be offset and not directly in line with windows in 2 Broad Street.

7.3.2.

The location of the existing air source heat pumps has potential to affect occupants of the proposed development given their proximity to proposed rooflights. Both air source heat pumps are in the ownership/control of the applicant/developer. In consultation with Environmental Health it is concluded that noise impacts can be adequately mitigated using sound-reducing attenuating housings and rooflights specified to provide an additional 42dB sound reduction compared to standard windows. This design detail coupled with the owner having control of the operation of the units allows this matter to be addressed by planning condition.

7.3.3.

In relation to loss of daylight it is considered that the proposed development would not have an unacceptable impact on adjacent buildings; proposed rooflights would be positioned, and already angled within the roof, to avoid direct intervisibility, and noise from existing and proposed air source heat pumps can be controlled. The development is therefore considered to accord with policy 1 'Criteria for All Development' (parts iii and iv) of the Orkney Local Development Plan 2017.

7.4. Development Density

This development would result in relatively constrained flatted accommodation, exacerbated by the enclosed setting and absence of dedicated outside amenity space. However it is recognised that it is in a town centre location and many historic and modern flatted developments are similar in setting and amenities provided. The gable of the development would look out into an open courtyard, and as is the case for neighbouring flats, multiple public open spaces exist in the immediate vicinity. It is also recognised that this is a one-off development and that the proposed use maximises the utilisation of space created by virtue of the replacement roof design.

7.5. Character and Appearance of the Conservation Area

7.5.1.

Both the pitched roof in its own right and the residential use within it would affect the character of the adjoining courtyard, including the limited view of neighbouring upper floors and roofs when viewed from Albert Street, between Bank of Scotland and Gorns, as cited as a point of objection. The development would add to the sense of enclosure. The existing flat roofed structure is utilitarian in nature, and the

development as proposed would introduce a more familiar form of a pitched roof, although any simplicity of the main structure would be broken by the access steps. The glazing, doorway and vertical timber clad elements would add interest and would be of appropriate high quality materials.

7.5.2.

Objections have cited the loss the view between Bank of Scotland and Gorns, but it is not considered to be a key view within the conservation area as it is a partial view at first floor level rather than a complete view along a close or towards a key feature. Combined with the proposed slate finish, conservation specification rooflights and a minor increase in the height of the wallhead, overall it is considered that the development would enhance the character and appearance of the conservation area.

7.5.3.

The full palette of external materials proposed is Welsh slate with buff clay ridge tiles, the gable plastered with a smooth render, the stair metal painted black, and timber finished in black opaque stain. This is considered to provide a suitable balance between traditional and contemporary finishes. The regularisation of the air source heat pumps and installation of timber screens would also be an enhancement.

7.6. Impact on the Setting of Listed Buildings

The site is adjoined by several listed buildings, 60 Albert Street and 2 Broad Street to the south west, 56 Albert Street to the north east and properties on the Strynd. The existing building is separated from 2 Broad Street by a narrow passage, measuring approximately 1.5 metres in width. The ground floor windows facing into that passage are currently heavily shadowed by the existing flat-roofed structure. Although further built form, the development would not be overbearing. The sloping nature of the roof planes are not considered to dominate or significantly impact upon the setting of the listed buildings. The proposed gabled, pitched roofed addition with Welsh slate roof and buff clay ridge tiles would better reflect the setting and context of the building.

7.7. Tree Works

Tree works proposed are limited to removal of two limbs of a sycamore in close proximity to the gable end of the proposed development within the courtyard. The tree is subject to protection given its location within the conservation area. Provided pruning works are carried out in accordance with the British Standard, the works are acceptable and would not affect the health, vigour or overall form of the tree, or its importance in a townscape context. A condition would be attached requiring that the trees are protected throughout the construction of the development. As such, the development accords with policy 9F 'Trees and Woodland' of the Orkney Local Development Plan 2017.

7.8. Sewerage and Drainage

The proposed development would be required to connect to the public sewer and to the public water supply, and to include surface water drainage to ensure compliance with Sustainable Drainage Systems. A condition would secure compliance with SuDS, in accordance with policy 13B 'Sustainable Drainage Systems (SuDS)' of Orkney Local Development Plan 2017, mindful that the development largely occupies an existing building footprint.

7.9. Flood Risk

The application site lies partially within the medium likelihood flood extent of the Scottish Environment Protection Agency Flood Maps. However ground levels in the vicinity of the site and the final floor level itself are above the 1 in 200 year flood level, and safe dry pedestrian access and egress should be achievable. Scottish Environment Protection Agency has no objections to the development.

7.10. Parking Provision/Access/Road Safety

There is no vehicle access to the site and no parking provision. Roads Services has no objection to the development, noting that for a development of this nature two car parking spaces would typically be sought, but due to the town centre situation and existing provision for car parking, dedicated parking is not required.

8. Conclusion and Recommendation

The development would introduce residential use within a gable-ended pitched roof, in a constrained and architecturally challenging site due to the prevalence of listed buildings in close proximity and situation within Kirkwall Conservation Area. The scale and form and external finishes would be appropriate, and the current situation would be improved in terms of noise attenuation and coverings for existing heat pumps. The development of a flat also introduces some vitality into a town centre site which is currently unused and utilitarian in form. Therefore, in a finely balanced case, the development is not considered to be sufficiently detrimental as to warrant refusal subject to conditions to safeguard amenity and the historic environment. On balance the development accords with policies 1, 2, 5A, 8, 9F, 10, 13 and 14 of the Orkney Local Development Plan 2017. Accordingly, the application is **recommended for approval**, subject to the conditions listed in Appendix 2.

9. Contact Officer

David Barclay, Senior Planner, extension 2502, Email david.barclay@orkney.gov.uk

10. Appendices

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