

## Item: 5.1

**Planning Committee: 16 June 2020.**

**Erect 12 semi-detached houses at The Crafty, Kirkwall.**

**Report by Executive Director of Development and Infrastructure.**

### 1. Summary

#### 1.1.

It is proposed to erect 12 houses, with an associated car park, footpath and landscaping on a brownfield site at The Crafty, Kirkwall. The site is within the settlement boundary and the development would comprise the infill redevelopment of derelict land and is acceptable in principle. Two objections have been received on the grounds of lack of pedestrian access, loss of parking, safety of road users, impact on amenity through additional activity, surface water flooding, and impact on biodiversity. The objections are not considered of sufficient weight to merit refusal. The development accords with Policies 1, 2, 5A, 10B, 13B and 14C of the Orkney Local Development Plan 2017. Accordingly, the application is recommended for approval.

Application Number:	19/259/PP.
Application Type:	Planning Permission.
Proposal:	Erect 12 semi-detached houses.
Applicant:	Orkney Housing Association Limited, c/o Mr Richard Flett, 39A Victoria Street, Kirkwall, KW15 1DN.
Agent:	Wylie Shanks Architects, c/o Colin Begg, 17 Royal Terrace, Glasgow, G3 7NY.

#### 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](https://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:

- Duncan Coombes, 46 Pickaquoy Loan, Kirkwall, KW15 1BZ.
- Kenneth Stevenson, 7 Glaitness Court, Kirkwall.

### **3.2.**

The objections are on the following grounds:

- The location of proposed pedestrian access, including that the development would not make use of an existing adjacent footway.
- Impact on residential amenity from users of the adjacent open land, which could be exacerbated by the additional footpath access.
- Loss of vehicular parking in the vicinity.
- Impact on the safety of road users using the amended existing access.
- Surface water flooding from rainfall.
- Impact on biodiversity by removing a local habitat for wildlife.

## **4. Relevant Planning History**

None.

## **5. Relevant Planning Policy and Guidance**

The full text of the Orkney Local Development Plan 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 and Settlements.
  - Policy 10B – Open Space and Settlements.
  - Policy 13B – Sustainable Drainage Systems.
  - Policy 14C – Road Network Infrastructure.
- Supplementary Guidance: Settlement Statements.

## **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. Background**

#### **7.1.1.**

The Crafty is a former caravan site; the final caravan is understood to have been removed in 2016. The main vehicular access to the site from Glaitness Park is retained, as is the adopted internal road network, and the site is a mix of roads and grass, currently used for informal recreation and car parking. The site is bounded by housing to the south and west, a supermarket and car park opposite Glaitness Park to the north, and an area of open space to the east. It is open to the public road, and a chain link fence in poor condition and partially removed forms the south and east boundaries. A handful of small to medium sized trees are located along the east boundary.

#### **7.1.2.**

It is proposed to erect 12 houses, in six semi-detached blocks. The site would be accessed from the existing access, with the houses generally formed around a central car park area, as indicated on the Site Plan attached as Appendix 1 to this report. A new footpath would be formed to the east of the site, between the proposed houses and the existing open space and linking the public road to the north with

existing housing development to the south, with a small footpath link through into the central car park area. The two semi-detached blocks either side of the access would front on to Glaitness Park, and all other houses would face on to either the central car park and landscaped area or the smaller link footpath between the car park and the main new footway to the east.

### **7.1.3.**

The proposed houses would be single-storey and based on a simple rectangular plan, with front and gable entrances. The houses would have a 'light buff' render, grey roof tiles, and UPVC windows and rainwater goods, with a small gabled roof overhang at the main entrance doors. The access and footpaths would have a tarred surface, and permeable paving used for the parking bays, with landscaping incorporated surrounding the car park.

### **7.1.4. Amendments**

The application has been subject to an amendment to the layout since initially submitted. The development was originally proposed with all houses facing into a central courtyard. As amended, none of the rear elevations or rear fences would provide a frontage to any road or footpath, and pedestrian permeability would be protected.

## **7.2. Principle**

### **7.2.1.**

The development is located within the settlement boundary of Kirkwall and would comprise infill development, and the redevelopment of derelict land. The application is therefore acceptable in principle in accordance with Policy 5A 'Housing in Settlements' of the Orkney Local Development Plan 2017.

### **7.2.2.**

As applicant and the developer, Orkney Housing Association Limited would deliver the housing using a method to meet affordable housing requirements.

## **7.3. Design and Appearance**

### **7.3.1.**

Housing and other non-domestic development in the area is of mixed scale and design, and therefore there is no dominant architectural style to which the development should meet. The scale and proposed materials would be consistent with other surrounding housing development, aided by the simple rectangular form of the buildings and appropriate proportions. The two pairs of houses either side of the entrance would ensure an active frontage on to Glaitness Park, and in terms of security and activity the car parking area and footpaths would all have some overlooking. The density is appropriate and comparable with the size and coverage of plots in neighbouring developments. Landscaping within the car parking area and at the entrance would break up the hard surfacing. A landscaping condition would be attached to control all soft landscaping, including the strip of ground at the eastern edge of the site which includes the proposed footpath.

### **7.3.2.**

In relation to Policy 1, part (i), the development is considered to take into consideration the location and wider townscape character, and in relation to part (ii), the proposed density is appropriate to the application. Policy 2 requires that development must reinforce the distinctive identity of Orkney's built environment and be sympathetic to the character of the local area and have a positive or neutral effect on the appearance of the area. In relation to the scale, form, massing, proportions, materials, layout, density and landscaping of the proposed housing, the application is considered to accord with Policy 2 of the Orkney Local Development Plan 2017.

## **7.4. Residential Amenity**

The layout would result in main front windows facing into public spaces. Other windows would be included in the rear elevations of the houses. The alignment and footprint of the proposed houses is generally designed to avoid proposed windows directly facing and being within 21 metres of any windows of any existing neighbouring properties; exceptions would be addressed by screen fencing, which would be controlled by the landscaping condition. The proposed houses are an adequate distance from neighbouring houses that there would be no unacceptable impact in relation to sunlight or daylight. Construction noise and disruption would be controlled by planning condition. The application is considered to comply with Policies 1(iv) and 2(ii) of the Orkney Local Development Plan 2017, by ensuring that the amenity of the surrounding area would be preserved with no unacceptable adverse impacts on adjacent and nearby properties, and by ensuring a positive or neutral effect on the amenity of the area.

## **7.5. Parking and Road Safety**

Roads Services was consulted and has no objections in relation to the proposed access or the parking provision within the site. Objections have raised the issue of a lack of parking in the area generally, and that the application site is used for overspill parking. However, the application has been assessed in terms of the parking required for the development, ensuring this is included within the site layout. On this basis, the application is considered to comply with Policy 14C – Road Network Infrastructure of the Orkney Local Development Plan 2017.

## **7.6. Pedestrian Access**

In terms of proposed footways, Roads Services has confirmed that a section of existing footway and the proposed new footway on the eastern boundary must be constructed to a minimum width of 1.8 metres, which can be controlled by planning condition. Objections have included suggestions of alternative and/or additional pedestrian routes through the site, utilising existing paths which meet the southern boundary of the site. Aided by the southern boundary fence being largely removed, paths worn through the grass show that the application site has been used as a pedestrian route between the housing developments to the south and the supermarkets and town centre to the north. Utilising these existing paths was investigated by the applicant; however, the minimum width requirements prescribed by Roads Services affected the practicality of footpaths in those locations. It is considered that the footpath route proposed, although slightly east of the informal

routes used at present, would provide a formal and improved means of access from Glaitness Park to housing development to the south, and also into the proposed development.

## **7.7. Surface Water Drainage**

The application has been subject to consultation with Engineering Services regarding the management of surface water. A detailed drainage layout and full surface water drainage calculations have been provided, and Engineering Services has no objection in relation to the management of surface water. A schedule outlining the maintenance responsibilities and a description of maintenance activities is required and would be controlled by planning condition. The application is considered to comply with Policy 13B – Sustainable Drainage Systems (SuDS) of the Orkney Local Development Plan 2017.

## **7.8. Infrastructure**

Policy 1 requires that development would not create an unacceptable burden on existing infrastructure and services that cannot be resolved. The application has been delayed by almost a year since submission due to uncertainty regarding capacity within the public combined sewer system, due to surface water entering the network. As a result, Scottish Water was unable to provide any assurance regarding a foul drainage connection from the development. Given that uncertainty, the development was not able to accord with a requirement of Policy 1 of the Orkney Local Development Plan 2017 that development will have no unacceptable burden on infrastructure. During consideration of this application, Scottish Water has carried out a Strategic Drainage Impact Assessment. Critically, a surface water removal project has been identified which will be carried out in conjunction with the Council, to separate surface water discharge from a car park, preventing the surface water from entering the combined sewer system. That project is anticipated within the coming months and would create adequate capacity for the 12 proposed houses. With that project anticipated, Scottish Water has no objection to the development, subject to a condition that the houses shall not be occupied until the surface water has been separated from the combined sewer network as anticipated. On the basis that the Council would have some control of that project, the use of a planning condition for works on third party land is appropriate.

## **7.9. Strategic Open Space**

Policy 10B confirms that development which would improve, expand or enhance current open space provision will be supported, and that the development of all housing allocations will be required to provide meaningful, well-designed and functional open space or make a contribution towards new or existing open space that would serve the users of the development. The planning application site is adjacent to an area of Strategic Open Space to the east. The creation of a footpath ensures public access alongside that open space and does not prohibit opportunities for enhancement of that space in future. The landscaping and management of the strip of ground adjacent to the open space would be controlled by the landscaping planning condition, in accordance with the requirements of Policy 10B – Open Space in Settlements of the Orkney Local Development Plan 2017.

## 7.10. Biodiversity

The site is largely laid to grass, amongst the internal roads, and was formerly managed as lawns. Due to the site being vacant, the grass has become more meadow-like with some species such as tufted vetch, meadow buttercup, and red clover abundant, as will often be seen in road verges. Whilst of some local biodiversity interest, the vegetation on the site does not affect the suitability of the site for development, and critically there are no biodiversity designations present. The use of a landscaping condition would allow careful consideration of planting within the development and would also provide for the retention of the small to medium sized trees, where infrastructure allows, mainly along the east boundary. The vegetation within the site is also found in the adjacent open land to the east, in a mosaic with other plants more typical of wetland. The development would not prohibit management and enhancement of this area in the future, thereby maintaining a small area of semi-natural grassland in the vicinity.

## 8. Conclusion and Recommendation

The development would comprise infill and redevelopment within the settlement boundary and is acceptable in principle. The submission has addressed consultee requirements regarding parking and management of surface water. Subject to a planning condition regarding timing, adequate capacity within the public sewer system is anticipated. The design of the development is appropriate and residential amenity would be adequately protected. Two objections have been received, but are not considered of sufficient weight to merit refusal. The development accords with Policies 1, 2, 5A, 10B, 13B and 14C of the Orkney Local Development Plan 2017. Accordingly, the application is **recommended for approval**, subject to the conditions attached as Appendix 2 to this report.

## 9. Contact Officer

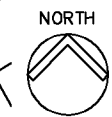
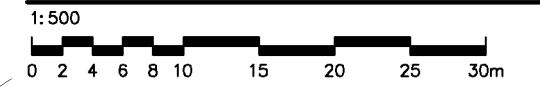
Jamie Macvie, Planning Manager, Development Management, extension 2529,  
Email [jamie.macvie@orkney.gov.uk](mailto:jamie.macvie@orkney.gov.uk)

## 10. Appendices

Appendix 1: Site Plan.

Appendix 2: Planning Conditions.

AutoCAD drawing amendments must also be made on hard disc. All dimensions in millimetres. Do not scale from this drawing.



KEY:

- AREA OF PROPOSED WORKS
- SITE BOUNDARY
- DESIGNATED SPACE FOR WASTE AND RECYCLE BINS
- ENTRANCE TO DWELLING

HOUSING MIX:

3A/4P SEMI-DETACHED AMENITY HOUSE (2 BEDROOM) (12 NO.)

TOTAL NO. OF DWELLINGS: **12 UNITS**

B SITE LAYOUT UPDATED FOLLOWING COMMENTS FROM PLANNING. CB/WC 04.03.20

A RED LINE BOUNDARY CHANGED TO SOLID LINE FOLLOWING COMMENTS FROM PLANNING. CB/WC 29.07.19



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client  
ORKNEY HOUSING ASSOCIATION LIMITED

project  
NEW BUILD HOUSING  
THE CRAFTY, ORKNEY

drawing  
SITE PLAN  
AS PROPOSED

scale	date	drawn by	check by
1:500 @ A3	MAY 19	CB	WC

project code	sheet no	revision
(8)800040	AL(20)002	B

<input type="checkbox"/> preliminary	<input type="checkbox"/> information	<input type="checkbox"/> approval	<input type="checkbox"/> billing
<input type="checkbox"/> tender	<input type="checkbox"/> construction	<input type="checkbox"/> as built	<input type="checkbox"/>





## Appendix 2.

01. No development, including any site clearance works, shall commence until a Construction Method Statement has been submitted to, and approved in writing by, the Planning Authority. The statement shall provide for:

- The parking of vehicles of site operatives and visitors.
- Loading and unloading of plant and materials.
- Storage of plant and materials used in constructing the development.
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- Measures to control the emission of dust and dirt during construction.
- A scheme for recycling/disposing of waste resulting from demolition and construction works.

For the avoidance of doubt there shall be no burning or burying of waste within the site.

The approved Construction Method Statement shall be applied and complied with throughout the construction period.

Reason: In order to safeguard the amenity of neighbouring properties and occupants.

02. No development shall commence until a Scheme of Landscaping for all hard and soft landscaping is submitted to, and approved in writing by, the Planning Authority. The Scheme of Landscaping shall include:

- The location of all proposed tree, shrub, hedging and grass planting.
- A planting schedule comprising layout, number, density, species, and height of all trees and shrubs, and seed mix of all grass areas.
- The location, design and materials of all hard landscaping works.
- The location, design, materials and height of all fences of other boundary treatments. This shall include screen fencing to the rear of, but not limited to, plots 3, 4, 5, 6 and 11.
- Notwithstanding the alignment shown on the plans hereby approved, the detailed alignment of the footpath at the eastern edge of the site.
- Identification on a plan of all trees within the application site, and their retention unless it is demonstrated that retention is not possible due to utility locations. Where trees are retained, the Scheme of Landscaping shall include all tree protection measures.
- A timescale for implementation and completion of all soft and hard landscaping contained in the Scheme of Landscaping, including all tree and shrub planting in the first planting season following commencement of development, and completion of all roads, footpaths and hard landscaping prior to first occupation of any house.

- A programme for the management and maintenance in perpetuity of all the approved landscaped and open space areas within the development.

All soft and hard landscaping shall be carried out wholly in accordance with the approved Scheme of Landscaping, unless otherwise agreed, in writing, with the Planning Authority.

Any tree or shrub planting which, within a period of five years from planting, in the opinion of the Planning Authority, is dead, dying, diseased or severely damaged, shall be replaced by a tree or shrub of similar size and species to that originally planted, unless otherwise agreed, in writing, with the Planning Authority.

Thereafter, the development shall be maintained in accordance with the details included in the Scheme of Landscaping throughout the lifetime of the development.

Reason: To protect the character and appearance of the area and residential amenity, and to ensure adequate works within the buffer of the watercourse to ensure protection or enhancement of the existing Strategic Open Space.

03. Notwithstanding details included in the plans hereby approved, and to be provided in accordance with condition 02, the existing footway along the northern boundary/frontage of the site on Glaitness Park to connect with the existing footway between numbers 19 and 20 Glaitness Park, and the new footway hereby approved along the eastern boundary of the site, shall be widened/constructed respectively to 1.8 metres.

Reason: To ensure an adequate standard of public footway is provided.

04. No development shall commence until a Maintenance and Management Schedule is 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, roads, footways and landscaping.
- Full maintenance details, including a maintenance schedule, of all roads and footways.
- 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, roads and footways and landscaping in perpetuity.

05. The full extent of the road surface, car parking and footpaths hereby approved within the application site shall be formed to base course level prior to the first occupation of any individual house within the development. Thereafter, the final wearing surface shall be applied concurrently with the construction of the final house within the development, or upon the expiry of a period of two years from the date of occupation of the first house in the development, whichever is the sooner.

Reason: To ensure that an adequate level of access is timeously provided for the development; in the interests of road safety and amenity.

06. Prior to occupation of any part of the development hereby approved, all surface water drainage works hereby approved shall be constructed wholly in accordance with the approved drawings. Thereafter, and throughout the lifetime of the development, the drainage shall be maintained in accordance with the approved details, and in accordance with the principles of Sustainable Drainage Systems (SUDS) and be compliant with the guidance set out in the CIRIA SuDS Manual C753.

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

07. Prior to occupation of any part of the development hereby approved, the development shall be connected to the public sewerage system with a discharge approved for all 12 houses.

Note that this is dependent on surface water being removed from the combined sewer network.

Reason: To ensure the development does not have an unacceptable impact on infrastructure and services.

08. Hours of work during the construction of the development hereby approved, 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 be restricted to 07:30 to 18:00 on Mondays to Fridays, 08:00 to 13:00 on Saturdays and not at all on Sundays, Christmas or New Year Public Holidays, unless otherwise agreed, in writing, with the Planning Authority.

Reason: In the interest of residential amenity of the area and in order to reduce any possible nuisance arising to nearby residents during the construction of this development.