

Item: 5.2

Planning Committee: 6 October 2021.

Siting of a House (Resubmission of 21/144/PIP) at Strangquoy (Land Near), Heggli Ber Road, Sanday.

Report by Interim Executive Director of Finance, Regulatory, Marine and Transportation Services.

1. Summary

1.1.

This is an application for planning permission in principle to site a house on land near Strangquoy, Heggli Ber Road, Sanday. There is a presumption in favour of single housing developments in the non-linked isles under the provisions of Policy 5C and the Isles Approach in the Spatial Strategy of the Orkney Local Development Plan 2017, subject to requirements of other relevant policies and any other material considerations. Consultation bodies have not raised any objections. One letter of objection has been received on grounds of compliance with the Local Development Plan, impact on character of the area, settlement pattern, service provision, drainage, access, and suitability of development. The objections are of insufficient weight to merit refusal. The proposed development accords with the Spatial Strategy, and Policies 1, 2, 5, 9, 13 and 14 of the Orkney Local Development Plan 2017 and Supplementary Guidance 'Housing in the Countryside' (March 2017). Accordingly, the application is recommended for approval.

Application Number	21/320/PIP.
Application Type	Planning in Principle.
Proposal	Siting of a house (resubmission of 21/144/PIP)
Applicant	Mr William Muir, Poole, Lambiness, Sanday.

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

Consultation bodies have not objected or raised any issues which cannot be addressed by planning conditions. Roads Services has requested a condition/dilapidation survey to be carried out to a section of the public road.

3. Representations

3.1.

One objection has been received from:

- Ms Naomi Black, c/o John Russell, Planning Objections Scotland, Inveralmond Business Centre, 6 Auld Bond Road, Perth, PH1 3FX.

3.2.

The objection is on multiple grounds, including the following:

- Failure to comply with Orkney Local Development Plan 2017 policies 1, 2, 5, 13 and 14, and Supplementary Guidance 'Housing in the Countryside'.
- Development does not reflect the settlement pattern in the landscape or the character of the area.
- Development is unlikely to reinforce the distinctive built environment of the area.
- Not appropriately connected to public road network.
- Location does not promote sustainable design.
- No details of how the site would connect to services.
- No provision for SuDS within submitted details.
- Failure to demonstrate that suitable access and egress can be achieved in accordance with the National Roads Development Guide or that the development would result in sustainable travel or active travel.

3.3.

The objection also included several points in relation to procedure and the quality of the submission. In carrying out technical checks for validation purposes, notwithstanding the content of the objection, Development Management is satisfied that the submission meets regulatory requirements to enable validation and subsequent consideration of the application.

4. Relevant Planning History

Reference.	Proposal.	Location.	Decision.	Date.
21/144/PIP	Siting of a house	Strangquoy (Land Near), Heggli Ber Road, Sanday.	Withdrawn.	10.06.2021

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:
 - The Spatial Strategy
 - Policy 1 – Criteria for All Development.
 - Policy 2 – Design.
 - Policy 5 – Housing.
 - Policy 9 – Natural Heritage and Landscape.
 - Policy 13 – Flood Risk, SuDS and Waste Water Drainage.
 - Policy 14 – Transport, Travel and Road Network Infrastructure.
- Supplementary Guidance 'Housing in the Countryside' (2021).

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. Location and Site

The application site is in the countryside in a coastal location overlooking Lashy Sound. The site forms part of a larger field in agricultural use, beyond the end of the adopted Heggli Ber Road (B9070) which runs to a point between Springwell and Strang Quoy to the east, beyond which point the access reduces to a track serving Strang Quoy. The land on which the application site is located and other land continues beyond the southern boundary of the application site towards the coast at Heggli Ber, as indicated on the location plan attached as Appendix 1 to this report. An individual access would be taken to the site from this existing access track. The surrounding land rises gently from the track to the north then drops to the west and north and rises gently to the east towards the property known as Strang Quoy which is approximately 90 metres to the east of the site. The general landscape is open farmland with scattered individual or small groups of buildings.

7.2. Principle

7.2.1.

Policy 5C confirms “a presumption in favour of new housing on the non-linked isles where it accords with ‘The Isles Approach’ set out within the Spatial Strategy”. The Spatial Strategy confirms that “Development within the islands, which support permanent residential populations and are served by public transport services, will be supported where it accords with relevant Plan policies and where it shall not place any unacceptable burden in existing infrastructure and services”. The proposal is for a house, to provide permanent residential accommodation, the site is less than 600 metres from the main route to the ferry, which is met in summer by a bus service and in winter by an on-demand service, and an additional bus service on certain days. Therefore, the principle of the development, in this location in Sanday, is acceptable in accordance with Policy 5C ‘The Isles Approach for Housing’.

7.2.2.

In addition to the policy criteria regarding the principle of development, Supplementary Guidance: Housing in the Countryside also details Development Criteria (DC) which must be addressed for all applications for one or more houses in the countryside. The following DC are most relevant, on the basis that the current application is at the planning permission in principle stage:

- DC2 – It is located and sited to fit into the landscape, minimising the landscape and visual impacts of the development proposal.
- DC4 – The proposed pattern of development will not lead to the suburbanisation of the countryside or add to existing areas of suburban type development in the countryside.
- DC5 – It does not place an unacceptable burden on existing road infrastructure, nor does it have a negative effect on road safety interests.

- DC7 – It does not have an unacceptable effect on the water environment, ensuring the use of sustainable surface water drainage, and adequate foul drainage, and the avoidance of engineering works in the water environment or detrimental impacts on water dependant habitats. Where possible, foul drainage should be connected to the public sewer; although in rural locations this may not always be possible. New development in the countryside should not lead to the over proliferation of private foul drainage systems.
- DC9 – A proposed house will have its own domestic curtilage with the proposed built form (e.g. a house and detached domestic garage) occupying a maximum of 33% of the overall site. The maximum size of any proposed domestic curtilage that will be supported is 1500 square metres, although in some cases allowance will be made in the proposed curtilage size to ensure foul drainage is accommodated fully.

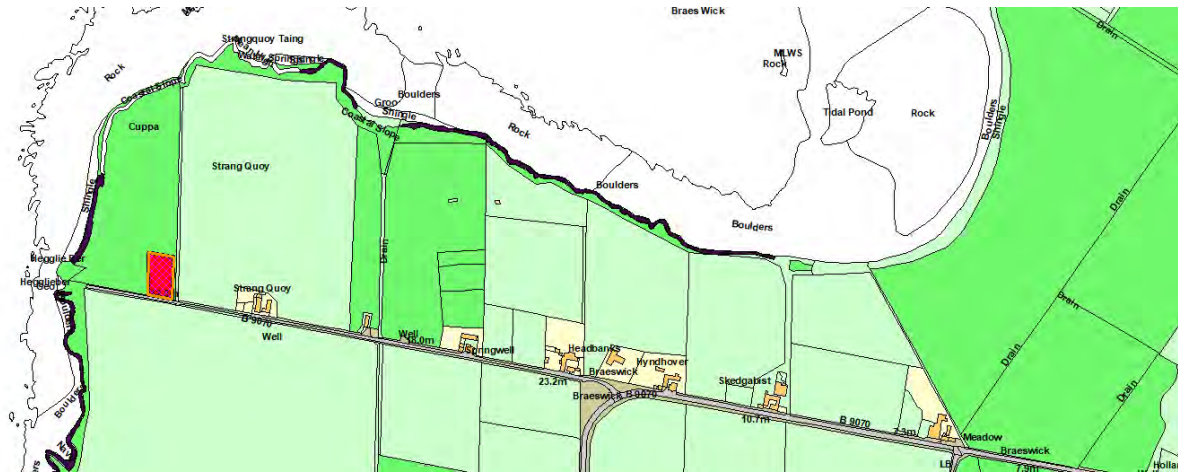
7.3. Design and Appearance

As the application is to establish the principle only for a single house, full details of site layout, access, foul and surface water drainage, boundary treatment, and design of building (scale, form, massing, proportions and materials) have not been submitted, and are not required to enable consideration. If approved, these matters would be subject to condition, and would require consideration as part of any subsequent application for approval of matters specified by condition. It is considered that the site can accommodate a development of the type proposed, without unacceptable impact on the visual appearance of the area.

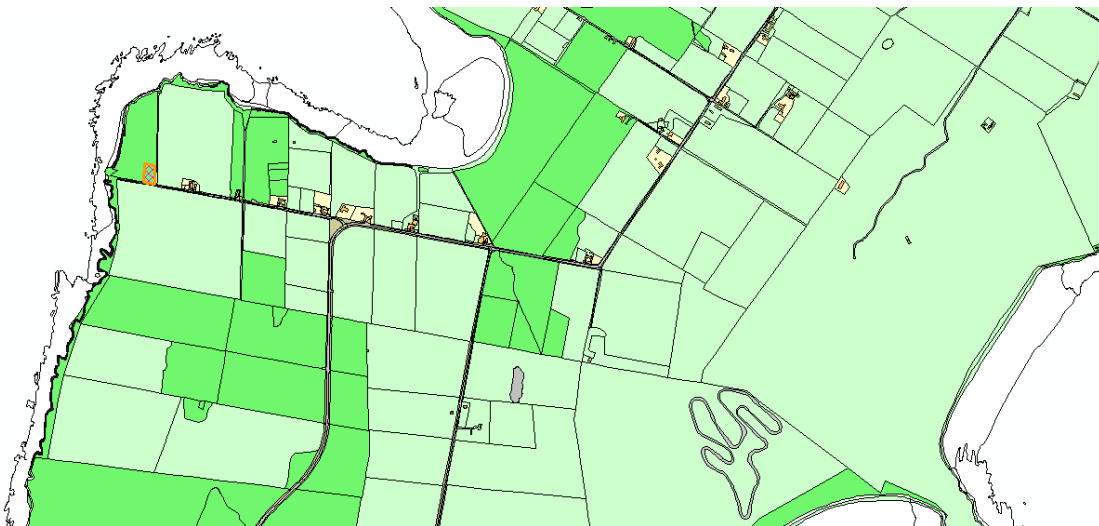
7.4. Character of the Area

7.4.1

The site is located to the east of the Braeswick area of Sanday, to the south of the Braeswick bay. Due to the nature and characteristics of this part of the island, the site would not be visible from a wide area. The maps included below show the pattern of development in the landscape; this is distinctive, with houses and buildings to the north of the road, generally spaced out along the road. The addition of one further house to the west of Strang Quoy would maintain this local pattern of dispersed buildings. It is considered that a traditional form and well-designed house with sympathetic colours and materials could integrate into the surroundings.



Map 1. Application site shown in red.



Map 2.

7.4.2.

Policy 1 'Criteria for All Development' confirms that development will be supported subject to appropriate consideration of landscape and coastal character, density of development and impacts on wider area. This is in conjunction with the Development Criteria in Supplementary Guidance 'Housing in the Countryside'. In accordance with DC2, the development is located and sited to fit into the landscape, to minimise landscape and visual impacts of the development. And in accordance with DC3, the proposed pattern of development would not lead to suburbanisation of the countryside. In relation to Policy 1 and supplementary guidance, it is considered that the proposal maintains and respects the traditional rural building pattern in this area of Sanday, and therefore not 'leading to suburbanisation'. Landscape impact would not warrant refusal. The development therefore complies with Policy 1 'Criteria for All Development' and Supplementary Guidance 'Housing in the Countryside'.

7.5. Residential Amenity

The closest dwelling at Strang Quoy is over 90 metres from the closest part of the proposed development site, which would reduce any potential for overlooking or overshadowing. The site is 1500 square metres and is of adequate size to provide sufficient amenity space for the occupants of the dwelling and parking, and the house and any ancillary buildings could be designed without exceeding one third of the site area in accordance with DC9 of Supplementary Guidance 'Housing in the Countryside'. The development would be located at adequate distance from neighbouring properties to prevent any unacceptable impact on amenity from any nuisance including noise, or impact on daylight or sunlight. A Construction Traffic Management Plan would control construction traffic, in particular to protect the house adjoining the access track from dust and mud/debris. The development therefore complies with Policy 1 'Criteria for All Development' and Supplementary Guidance 'Housing in the Countryside'.

7.6. Access/Road Safety

Access would be taken from an existing access track, which runs along the southern boundary of the site. Roads Services has no objection subject to appropriate design and construction of the site access. The site is considered to be of adequate size to accommodate any necessary parking and manoeuvring space. These matters would be addressed by condition should the application be approved in principle. The development therefore accords with Policy 14 'Transport, Travel and Road Network Infrastructure', Policy 1 'Criteria for All Development', and DC5 of Supplementary Guidance 'Housing in the Countryside'.

7.7. Natural Heritage

The application site is not within any area designated for natural heritage interests and, given the location within the corner of an agricultural field, no significant impacts to natural heritage or species with a high conservation value have been identified.

7.8. Flood Risk, SuDS and Wastewater Drainage

The application is in principle, and at this stage it is considered that the site is adequate in size to accommodate private foul and surface water drainage infrastructure. This is a common site size in the countryside. The site is not identified as being at risk of flooding. The matters of surface water and wastewater drainage would be specified in planning conditions. The development is therefore considered to comply with Policy 13 'Flood Risk, SuDS and Wastewater Drainage', Policy 1 'Criteria for All Development' and DC7 of Supplementary Guidance 'Housing in the Countryside'.

8. Conclusion and Recommendation

The development is acceptable in principle, and accords with relevant policies in relation to location and siting. Objections are of insufficient weight to warrant refusal. The proposed development accords with the Spatial Strategy, 'The Isles Approach', Policies 1, 2, 5, 9, 13 and 14 of the Orkney Local Development Plan 2017, and Supplementary Guidance 'Housing in the Countryside' (2021). The development is therefore **recommended for approval**, subject to the conditions attached in Appendix 2 to this report.

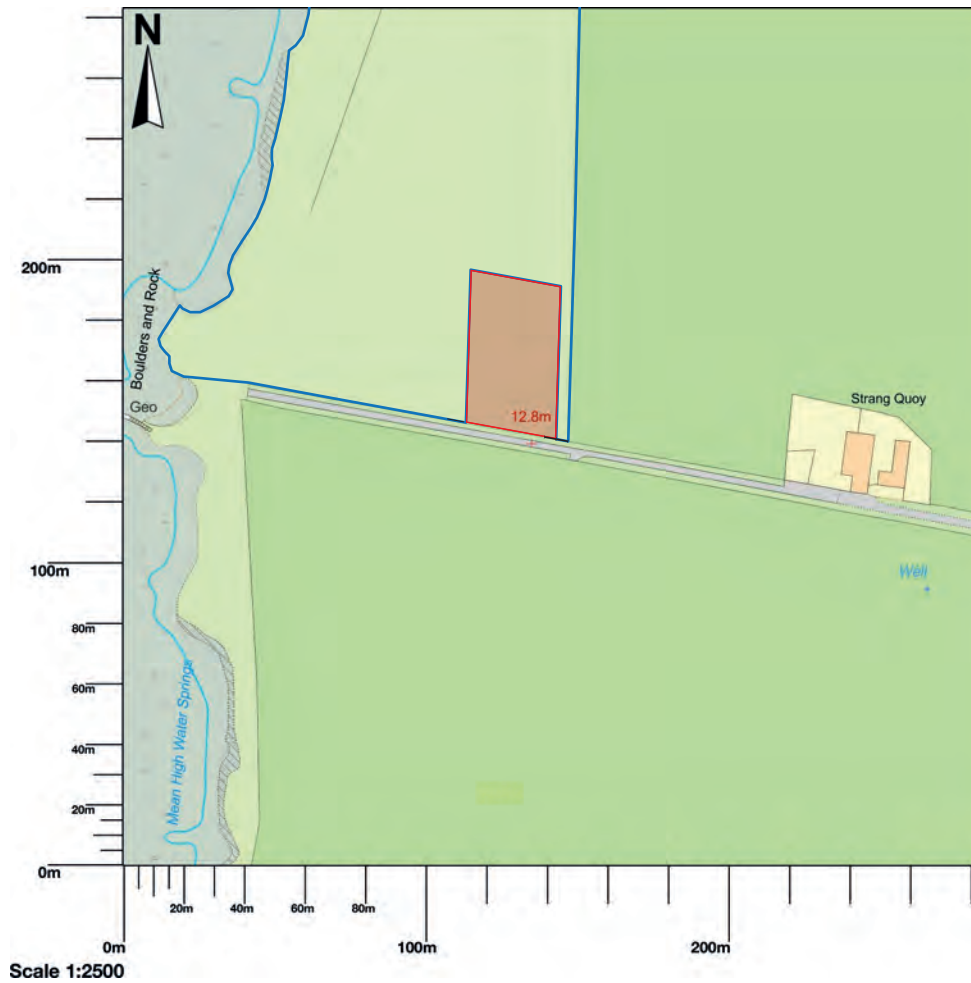
9. Contact Officer

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

10. Appendices

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

Strang Quoy, Sanday, Orkney, KW17 2BA



Appendix 2.

01. Within three years of the date of this permission, a written application and plans, in respect of the matters listed below, shall be submitted to, and approved in writing by, the Planning Authority:

- (a) The siting, design and external appearance of all buildings and structures.
- (b) The layout and surface finishes of the site, including all roads, accesses and parking areas.
- (c) Access to the site, including surface water drainage and how surface water from the access will be prevented from flowing from the site.
- (d) The design and location of all boundary walls and fences.
- (e) The provision of surface water drainage works.
- (f) The disposal of sewage, including all treatment and soakaway specification and locations.
- (g) Detailed cross sections of the site, including all buildings and structures, including existing and proposed ground levels and proposed finished floor levels, specifying that the finished floor level is not above existing ground level.
- (h) Bin storage.
- (i) Hard and soft landscaping works.
- (j) All external lighting including measures to minimise light pollution.
- (k) Details of an electric vehicle charging point or details to allow for the future inclusion of an electric vehicle charging point within the site.

No development shall commence until all of these matters have been approved and thereafter the development shall be carried out in accordance with the approved details, unless agreed otherwise in writing by the Planning Authority.

Reason: To accord with the Town and Country Planning (Scotland) Act 1997 as amended, as the approval is in principle only.

02. Any details pursuant to condition 01(e) shall show surface water drainage provision within the application site which accords with the principles of Sustainable Drainage Systems (SuDS) and is designed to the standards outlined in Sewers for Scotland Fourth Edition (or any superseding guidance prevailing at the time).

Reason: To ensure that surface water drainage is provided timeously and complies with the principles of SUDS; in order to protect the water environment.

03. Any details pursuant to condition 01(i) above shall include a detailed scheme of hard and soft landscaping works which shall be submitted to, and approved in writing by, the Planning Authority prior to any development works commencing on site. Details of the scheme shall include:

- (a) All earthworks and existing and finished ground levels in relation to an identified fixed datum point.
- (b) A plan showing existing landscaping features and vegetation to be retained.
- (c) The location and design, including materials, of any existing or proposed walls, fences and gates.
- (d) All soft landscaping and planting works, including plans and schedules showing the location, species and size of tree and/or shrub and planting densities.

Landscaping works shall be carried out in accordance with the approved scheme. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of development, unless otherwise stated in the approved scheme.

Any trees or plants which within a period of five years from the completion of the development die for whatever reason, are removed or damaged shall be replaced in the next planting season with others of the same size and species.

Reason: To ensure that a high standard of landscaping is achieved, appropriate to the location of the site and for the avoidance of doubt.

04. 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 Mondays to Fridays, 08:00 to 13:00 Saturdays and not at all on Sundays or the Christmas or New Year Public Holidays, unless otherwise agreed, in writing, with the Planning Authority.

Throughout the construction phase of the development there shall be no burning of waste material on site.

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.

05. A condition/dilapidation survey of the existing public road infrastructure that will be used to access and egress the development site shall be carried out jointly between the developer/developer's representative and Roads Services, both prior to commencement of development and again on completion of development. The applicant shall be responsible for the cost of the condition/dilapidation survey and any repairs required following damage to the public road which is attributed to the development, caused by vehicles or plant accessing or egressing the site.

Any works identified to be carried out shall be carried out to the satisfaction of the Planning Authority, in conjunction with Roads Services, within three months of completion or first occupation of the development, whichever is sooner.

The developer will also be responsible for maintaining any damage caused to the public road in such a manner that the roads always remain safe for other road users and until permanent repair works are agreed and carried out.

Reason: In the interest of road safety.

06. No development shall commence until a Construction Traffic Management Plan has been submitted to, and approved in writing by, the Planning Authority. This Plan shall include details of the anticipated number, length and weight of vehicles required for all stages of construction of the development. This Plan shall also include measures to protect the condition of the access track from construction traffic and measures to control dust and mud/debris. Thereafter, the development shall be carried out wholly in accordance with the approved Construction Traffic Management Plan.

Reason: To protect the amenity of neighbouring residential properties.