



Item: 5

Local Review Body: 2 May 2024.

Proposed Formation of Three Openings and Installation of Three Windows and 13 Rooflights at The Manse, 5 Manse Lane, Stromness (23/354/HH).

Report by Corporate Director for Strategy, Performance and Business Solutions.

1. Overview

- 1.1. Planning application 23/354/HH in respect of the proposed formation of three openings and installation of three windows and 13 rooflights at The Manse, 5 Manse Lane, Stromness, was refused by the Appointed Officer on 13 February 2024.
- 1.2. Under the Town and Country Planning (Scotland) Act 1997 and the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013, where an application for planning permission for local development has been determined by the Appointed Officer in accordance with the Council's Planning Scheme of Delegation, the applicant is entitled to seek a review of that decision by the Local Review Body.
- 1.3. The applicant's agent has submitted a Notice of Review (see Appendix 1) requesting that the decision of the Appointed Officer be reviewed.
- 1.4. A letter from the Chief Planner, Scottish Government, issued in July 2011, confirmed that a review by a Local Review Body should be conducted by means of a full consideration of the application afresh.
- 1.5. In accordance with the Council's policy to undertake site inspections of all planning applications subject to a review, prior to the meeting to consider the review, a site inspection to The Manse, 5 Manse Lane, Stromness, is due to be undertaken at 09:30 on 2 May 2024.
- 1.6. The review procedure is set out in section 4 below.

2. Recommendations

- 2.1. It is recommended that members of the Local Review Body:
- i. Determines whether it has sufficient information to proceed to determination of the review, and if so whether to uphold, reverse or vary the decision of the Appointed Officer.
 - ii. Determines, in the event that the decision is reversed or varied, the reasons, and, if applicable, the detailed conditions to be attached to the decision notice.
 - iii. Delegates powers to the Corporate Director for Strategy, Performance and Business Solutions, in consultation with the Planning Advisor and the Legal Advisor, if required, to determine the necessary conditions to attach to the Decision Notice, based on the relevant matters as set out in section 4.2 of this report.
- 2.2. Should the Local Review Body determine that it does not have sufficient information to proceed to determination of the review, it is recommended that members of the Local Review Body:
- i. Determines what further information is required, which parties are to be requested to provide the information, and whether to obtain further information by one or more of the following methods:
 - By means of written submissions under the procedure set out in Regulation 15 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013; and/or
 - By the holding of one or more hearing under the Hearing Session Rules set out in Schedule 1 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.

3. Planning Authority Decision

- 3.1. On 13 February 2024, the Appointed Officer refused planning application 23/354/HH on the following grounds:
- The development would not preserve or enhance the character or appearance of Stromness Conservation Area, and is contrary to Policy 7d) of National Planning Framework 4, Policy 8 of the Orkney Local Development Plan 2017, Supplementary Guidance ‘Historic Environment and Cultural Heritage’ (2017), and Planning Policy Advice ‘Historic Environment (Topics and Themes)’ (2017) and ‘Urban Conservation Areas Management Plan’ (2017), and fails the test of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, as amended.

- The development would not protect the special architectural or historic interest of the listed building, and is contrary to Policy 7c) of the National Planning Framework 4, Policy 8 of the Orkney Local Development Plan 2017, Supplementary Guidance ‘Historic Environment and Cultural Heritage’ (2017) and Planning Policy Advice ‘Historic Environment (Topics and Themes)’ (2017).

3.2. The Planning Handling Report, Planning Services file and the Decision Notice are attached as Appendices 2, 3 and 4 to this report.

4. Local Review Procedure

- 4.1. In response to a Notice of Review, “interested parties” are permitted to make a representation to the Local Review Body. “Interested parties” include any party who has made, and not withdrawn, a representation in connection with the application. No representations were received.
- 4.2. The Local Review Body may uphold, reverse or vary the decision of the Appointed Officer. In the event that the decision is reversed, an indication of relevant matters, in respect of potential planning conditions, are as follows:
- Duration of consent.
 - Hours of construction.
 - Specification of all windows.
 - Specification of wall openings.
 - Rooflight specification.
 - Air source and heat pump noise.
- 4.3. All conditions should be in accordance with [Planning Circular 4/1998](#) regarding the use of conditions in planning permissions.
- 4.4. If the decision is reversed and the development is approved, it is proposed that powers are delegated to the Corporate Director for Strategy, Performance and Business Solutions, in consultation with the Planning Advisor and the Legal Advisor, to determine the necessary conditions, based on the relevant matters, agreed in terms of section 4.3 above.
- 4.5. If the Local Review Body decides that further procedure is required, it may decide to hold a pre-examination meeting to consider what procedures to following the review, or to obtain further information by one or more of the following methods:
- By means of written submissions under the procedure set out in Regulation 15 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013; and/or.
 - By the holding of one or more hearing under the Hearing Session Rules set out in Schedule 1 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.

5. Relevant Planning Policy and Guidance

- 5.1. Section 25 of the Town and Country Planning (Scotland) Act 1997 as amended 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...”
- 5.2. The full text of the Orkney Local Development Plan 2017 (OLDP 2017) and other supplementary planning advice and guidance can be read on the Council website [here](#). Although the Orkney Local Development Plan is “out-of-date” and has been since April 2022, it is still a significant material consideration when considering planning applications. The primacy of the plan should be maintained until a new plan is adopted. However, the weight to be attached to the Plan will be diminished where policies within the plan are subsequently superseded.
- 5.3. National Planning Framework 4 was approved by Parliament on 11 January 2023 and formally adopted by Scottish Ministers on 13 February 2023. The statutory development plan for Orkney consists of the National Planning Framework and the Orkney Local Development Plan 2017 and its supplementary guidance. In the event of any incompatibility between a provision of National Planning Framework 4 and a provision of the Orkney Local Development Plan 2017, National Planning Framework 4 is to prevail as it was adopted later. It is important to note that National Planning Framework 4 must be read and applied as a whole, and that the intent of each of the 33 policies is set out in National Planning Framework 4 and can be used to guide decision-making.
- 5.4. It is for the Local Review Body to determine which policies are relevant to this application; however the policies listed below were referred to by the Appointed Officer in the Planning Handling Report:
 - National Planning Framework 4:
 - Policy 7 – Historic assets and places.
 - Orkney Local Development Plan 2017:
 - Policy 8 – Historic Environment and Cultural Heritage.
 - Supplementary Guidance:
 - Historic Environment and Cultural Heritage (2017).
 - Planning Policy Advice:
 - Historic Environment (Topics and Themes) (2017).
 - Urban Conservation Areas Management Plan (2017).

For Further Information please contact:

Susan Shearer, Planning Advisor to the Local Review Body, extension 2433, Email: susan.shearer@orkney.gov.uk.

Implications of Report

1. **Financial:** All resources associated with supporting the review procedure, mainly in the form of staff time, are contained within existing revenue budgets.
2. **Legal:** The legal implications are contained in the body of this report.
3. **Corporate Governance:** In accordance with the Scheme of Administration, determination of Notices of Review is delegated to the Local Review Body.
4. **Human Resources:** None.
5. **Equalities:** None.
6. **Island Communities Impact:** None.
7. **Links to Council Plan:** None.
8. **Links to Local Outcomes Improvement Plan:** None.
9. **Environmental and Climate Risk:** None.
10. **Risk:** None.
11. **Procurement:** None.
12. **Health and Safety:** None.
13. **Property and Assets:** None.
14. **Information Technology:** None.
15. **Cost of Living:** None.

List of Background Papers

Orkney Local Development Plan 2017.

National Planning Framework 4.

Supplementary Guidance: Historic Environment and Cultural Heritage (2017).

Planning Policy Advice: Historic Environment (Topics and Themes) (2017).

Planning Policy Advice: Urban Conservation Areas Management Plan (2017).

Appendices

Appendix 1 – Notice of Review (pages 1 – 8).

Appendix 2 – Planning Handling Report (pages 9 – 18).

Appendix 3 – Planning Services File (pages 19 – 49).

Appendix 4 – Decision Notice and Reasons for Refusal (pages 50 – 53).

Pages 1 to 53 can be viewed [here](#), clicking on “Accept and Search” and inserting the planning reference “23/354/HH”.

NOTICE OF REVIEW

Under Section 43A(8) Of the Town and County Planning (SCOTLAND) ACT 1997 (As amended) In Respect
of Decisions on Local Developments

The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (SCOTLAND)
Regulations 2013

The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.

**PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS
ELECTRONICALLY VIA <https://www.eplanning.scot>**

1. Applicant's Details		2. Agent's Details (if any)	
Title	Mr	Ref No.	
Forename	David	Forename	Peter
Surname	Strachan	Surname	Finnigan
Company Name	C/o Peter Finnigan Architects	Company Name	Peter Finnigan Architects
Building No./Name		Building No./Name	Mayfield
Address Line 1		Address Line 1	St. Margarets Hope
Address Line 2		Address Line 2	South Ronaldsay
Town/City		Town/City	Orkney
Postcode		Postcode	KW17 2TL
Telephone		Telephone	01856 831675
Mobile		Mobile	
Fax		Fax	
Email		Email	peter@peterfinniganarchitects
3. Application Details			
Planning authority	Orkney Islands Council		
Planning authority's application reference number	23/354/HH		
Site address	The Stromness Manse, 5 Manse Lane, Stromness		
Description of proposed development	Remodelling and Refurbishment of the Stromness Manse, 5 Manse Lane, Stromness.		

Date of application

1st Nov. 2023

Date of decision (if any)

13th Feb. 2024

Note. This notice must be served on the planning authority within three months of the date of decision notice or from the date of expiry of the period allowed for determining the application.

4. Nature of Application

Application for planning permission (including householder application) Application for planning permission in principle Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition) Application for approval of matters specified in conditions

5. Reasons for seeking review

Refusal of application by appointed officer Failure by appointed officer to determine the application within the period allowed for determination of the application Conditions imposed on consent by appointed officer

6. Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

Further written submissions One or more hearing sessions Site inspection Assessment of review documents only, with no further procedure

If you have marked either of the first 2 options, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing necessary.

To give the committee members a clearer understanding of what the issues with this listed building are. The applicants agent was not allowed the opportunity to discuss the scheme with the planners when we believe a meeting, particularly on site would have resolved the issues raised.

7. Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

Can the site be viewed entirely from public land? Is it possible for the site to be accessed safely, and without barriers to entry?

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

One of the objections raised by the planners referred to internal works, to allow the body to understand why we disagree with this point the L R Body would need to access the inside of the manse. This would not be a problem for the owners but they would need to be present to open the door.

8. Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

Please see the attached Conservation Statement 2 document.

Have you raised any matters which were not before the appointed officer at the time your application was determined? Yes No

If yes, please explain below a) why you are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

- a) The material is not new but gives a more detailed/expanded description of the proposal.
- b) Contrary to our expectations neither the planner who answered the Pre Application Advice Form nor the case planner visited the site of this listed building. We understand they viewed the building using Google Earth. Further as described in 6. above we (the agent) were not allowed the opportunity to discuss the proposal with the case planner either at the council offices or on site. We believe this has not allowed the proposals to be adequately assessed and comprehended.
- c) In the light of b) above, our expanded submission is intended to respond to the planners questionable objections.

9. List of Documents and Evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review

These documents are from the original Planning and Listed Building submission -

Location Plan - 539/PL/01
 Proposed Site Plan - 539/PL/02
 Existing and Proposed Floor Plans - 539/PL/03A
 Existing and Proposed Elevations - 539/PL/04A
 Detail Thro' Sash and Case Window - 539/PL/05
 9 No. Interior Photographs

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

10. Checklist

Please mark the appropriate boxes to confirm that you have provided all supporting documents and evidence relevant to your review:

Full completion of all parts of this form

Statement of your reasons for requesting a review

All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

DECLARATION

I, the applicant/agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature:



Name:

P. J. FINNIGAN

Date:

8th MARCH 2024

Any personal data that you have been asked to provide on this form will be held and processed in accordance with Data Protection Legislation.

THE MANSE, 5 MANSE LANE, STROMNESS

CONSERVATION STATEMENT 2

Introduction

The Manse, 5 Manse Lane, Stromness was the former United Presbyterian Church of Scotland minister's residence affiliated to the former Stromness U.P. Kirk, Victoria Street. The property comprises a large detached house, detached garage, walled garden, parking area and boundary walls. It would have been accessed from the main street of Stromness via the lane to the south and the garden to the east (front).

Background

Because the UP Kirk in Stromness did not have the wealth of the Church of Scotland, its manse could not compete with the more elaborate Church of Scotland North Kirk manse. The lack of money resulted in the building being significantly pared down compared with other contemporary buildings in Orkney.

Prior to the listing of the manse in 1997 the manse underwent significant alteration. The building would have been built before running water was available in Stromness and so necessary alterations were undertaken to provide the manse with proper bathrooms, en-suites and a modern kitchen. Also, as a result of road widening alterations in the town in the last century the manse was re-configured to be entered from the back (west) through a porch and new boundary wall. At the same time the interior was re-modelled to provide a new kitchen and a wider hall, which allowed access from back to front, essentially creating a new front entrance at the previous rear of the property. The manse rear elevation (now the entrance elevation) was originally designed as the back of the house and is therefore plain and utilitarian as it would have looked into a back yard. This reconfiguring of the main entrance to the manse (from what was the front to the back) has led to the house being visually significantly altered. Undertaking these remodelling and modernisation alterations led to significant loss of internal historic fabric. The large original fireplaces have been removed, significant areas of ceiling cornice details (originally these were very simple cornices not elaborate cornices) have been removed, and when the manse windows were replaced significant alteration was undertaken to any internal decorative details surrounding the windows.

In 1994-95 considerable damaging 'repair' work was undertaken to the manse: -

1. The external walls of the manse had the original harling (a traditional detail) removed, this was replaced with a cement render (most certainly not a traditional detail).
2. All the original timber windows were removed and replaced with UPVC windows. One can only think that this significantly altered the appearance of the manse.
3. The original slate roof was replaced with a new slate roof. This resulted in the original stone skewers being removed and replaced with an inferior concrete skewer.
4. The house heating system was upgraded which resulted in the addition of a large, very visible oil tank situated next to the south gable.

These alterations brought a significant change to this building. We understand that as a result of the alarm raised by above alterations/repairs a visit was made to the site by the then Senior OIC. Planners. However, as far as we can ascertain no further action was taken.

Cultural and Historic Significance

The cultural and historic significance of this building is that it was affiliated to the church and would have been an important presence in the town and community when it was built near the end of the 19th century. The listing cites that it is 'currently used as the manse for Stromness Parish Church'. The building was listed Category C on 24 March 1998. That connection no longer exists. The Manse and a large part of the grounds have been sold off by the church, leaving the manse in a much-compromised position. The imposing front elevation is now mostly unseen, as the main access is from the rear.

The architectural significance of the house is its style, being typical of the period and of a larger scale than the surrounding houses in the neighbourhood. Built of stone and Welsh slate, the original front elevation displays a variety of architectural embellishments such as the sandstone base and cill courses, pilastered and corniced front door surround and exposed stone corbels. It was built to reflect the status of the church in the community. Former sash and case windows have been replaced with upvc mock sash and case.

With the decline in the fortunes of the United Presbyterian Church of Scotland, the former manse has become redundant; expensive to maintain and no longer appropriate for the current incumbent's use. It has been sold off even though it has undergone extensive modernisation mentioned above, but prior to being listed. External alterations that were undertaken to the historic fabric involved re-slaing the roof, cement harling the walls and installing new upvc windows. Internally, new bathrooms and a kitchen were installed, partitions altered, panelled doors sheeted over and the installation of the new windows has altered the panelling and shutter boxes in the bay windows, which are no longer operational. Fireplaces are modern insertions although there is at least one bedroom surround which may be original. Some of the plaster cornicing has been removed. All of the ceiling roses have been replaced with modern plastic roses. It is worth noting that of the cornices and skirtings that do remain, these are plain and underwhelming in design. None of this is mentioned in the listing description.

Special Interest as per Listing Description

The listing cites that it is 'currently used as the manse for Stromness Parish Church'. The buildings were listed Category C on 24 March 1998. No internal inspection was made.

Proposed Scheme – Specific Policy Considerations

- 'protect its special interest while enabling it to remain in/return to active use'
- 'securing its long term future'
- 'Preserve or enhance the character and setting of the historic asset'

The proposed scheme is to adapt and modernise the house to be fit for modern family use while retaining and enhancing as much of the existing fabric as possible. As mentioned above there has already been significant historic loss. The reason for its listing is no longer valid. Any lost character as part of this proposal is to be mitigated by the following benefits:

Social – the house has been purchased to become a family home for a new young family that have recently moved to Stromness, this is at a time when most young families are moving out of the town. We have been told that currently there are only 6 young children who live with their families in the old town of Stromness. Unless Stromness is able to allow such properties to evolve and adapt to suit the needs of today's families, those families will look to live outside the old town where their needs can be met.

Economic - This property was last modernised nearly 30 years ago; it now needs substantial sums of money spent on it to allow it to be used as a modern home – the new owners are prepared to invest a substantial amount of money to revitalise a historic building in the town without the help of grants. If such substantial sums of money are not spent on the manse its future is bleak.

Environmental – the clients are prepared to invest in the improvement of the fabric of the old town of Stromness when most people prefer to build new houses out of town. They want to retain rather than build new and adopt modern technologies such as an air source heat pump and insulation to provide a level of comfort that current Building Standards demand.

Safety – the existing staircase is unsafe as it significantly does not comply with Building Standards.

The proposal therefore seeks to minimise interventions and use the existing fabric to create satisfactory living spaces for a young family to enjoy an enhanced quality of life and in turn enhance the streetscape of Stromness.

Planning Objections

The Planners have refused planning consent for the scheme on the following points: -

- Positioning of rooflights
- Proposed new window openings in the gable ends
- Loss of internal fabric
- Impact on the historic building plan form

Rooflights, whilst more numerous than existing will be of a conservation type favoured by the Planning dept and kept to a minimum in size which reflects the pattern of the three existing rooflights on the front elevation of the house. Their positioning is determined by the roof pitch and the ceiling heights of the internal rooms where they are providing light, and are mostly situated on the rear of the building. They are being inserted into a previously re-slatted roof. They are totally in keeping with the style of the house. Examples can be seen all over the country and are widely accepted as a satisfactory solution in upgrading the manse to allow a young family to live in the old part of Stromness. When viewed from the Stromness Conservation area the roof of the manse cannot be seen.

The additional windows are to be positioned where they have least impact on the elevations i.e. the gable ends. The proposed new ground floor window on the north elevation is positioned to take advantage of the existing narrowing of the external wall where there would have been a cupboard and matches in size and configuration, the existing windows on that gable. The proposed high-level window in the gable is positioned to be out of normal view and of minimal size. The new window on the south gable is at first floor level; it is the same size and configuration as the two existing windows on the North gable. As this window faces onto a narrow lane and is situated at first floor height, it will be largely hidden from view and therefore difficult to see how it could be thought of as inappropriate. There are many large buildings of a similar age to the manse throughout Orkney that have similar original windows in their gables which do not appear out of place. It is also worth noting that the three new openings involve the removal of small areas of historic fabric – rubble stonework that has been cement rendered and are in no way precious in terms of the historic significance of this building. Furthermore, the walls are of simple construction that can easily be reinstated in the future should the need arise – no alterations are irreversible. It is therefore unreasonable to restrict the upgrading of the house to remain grim and dark inside by disallowing light into the middle of what is a deep house plan. It should also be noted that the additional

windows on the north gable will throw light from the house along the street in the dark seasons; this could be seen as a welcoming sign that the house is inhabited and provide visual relief to a large, blank north facing gable wall.

Loss of Internal Fabric - Cornices, lath and plaster wall linings where they still exist, are to be retained as far as possible. Cornices will be reinstated on external walls that are to be fitted with much needed insulation. Skirtings, architraves and panelled doors are to be retained and/or reinstated where positions have altered. Doors that have been boarded over will be stripped and restored to their historic appearance. Where they have to be upgraded to fire-doors they will be treated in a more sympathetic manner that retains their historic appearance. The rather plain staircase requires to be replaced because of its poor condition but existing handrail can be re-used and adapted to suit a new staircase. The balusters can be faithfully replicated as they are of simple design.

The historic plan form is a three bay, two storey Victorian house. This can be clearly seen from both the existing and proposed plans. The plan as existing has partitions that were added in the 1990's renovation which are being removed. Other partitions are also being removed but not to the detriment of the historic plan. As we have noted above, significant changes had already happened to the historic plan form. The main entrance is being retained where it always was. When you enter through the main entrance you come into a central hall with reception rooms and family rooms opening off that main central hall. You would expect there to be a staircase coming off this ground floor central hall taking you to a large upper landing with bedrooms and secondary rooms which open off this upper landing. If this is to be a large family house with a second floor (the roofspace), you would expect the same staircase from the ground floor to continue through to this top floor (not arrive there by some hidden staircase). The proposed scheme achieves all of this. We cannot believe that the integrity of the manse is in any way damaged by losing some small minor rooms which previously opened off the central hall or landing. It is worth noting again that when the building was listed the person undertaking the listing did not even bother to look at the manse's internal features.

There are no proposed changes to the boundary walls. The proposed air source heat pump is to be tucked out of sight behind the sufficiently high boundary wall at the rear of the property. The existing ugly oil tank will be removed. There are no proposals other than to repair the existing outbuilding. The overgrown garden and courtyard are to be tidied up in the interests of improving the surrounding neighbourhood. The timber gate to Manse Lane will be renewed in an appropriate style as the existing one is beyond reasonable repair.

In conclusion then, the proposal provides an opportunity for a large injection of cash that will enhance a period family home in an improved setting to replace the bland institutionalised former manse and overgrown garden and grounds that would otherwise be facing dereliction in the heart of Stromness. In view of its redundant use as a manse and links to the church, it could be argued that there is a strong case to be made for de-listing the building. Furthermore, it is worth noting that the scheme was of so little importance to the Planning authority that it would appear that no Planning officer has bothered to visit the site to properly assess the proposed scheme; relying instead on Google earth with its limited view to assess the external proposals only.

Planning Handling Report

Form three openings, install three windows and 13 rooflights at The Manse, 5 Manse Lane, Kirkwall

Determination under delegated powers: 12 February 2023

1. Summary

Application Number:	23/354/HH
Application Type:	Planning Permission
Proposal:	Form three openings, install three windows and 13 rooflights
Applicant:	Mr David Strachan
Agent:	Peter Finnigan, c/o Peter Finnigan Architects, Mayfield, St. Margarets Hope, South Ronaldsay, KW17 2TL.

1.2.

All application documents (including plans, consultation responses and representations) are available for members to view [here](#) (click on "Accept and Search" to confirm the Disclaimer and Copyright document has been read and understood, and then enter the application number given above).

2. Consultations

None.

3. Representations

None.

4. Relevant Planning History

4.1. Pre-application advice

4.1.1.

Advice was sought by the current agent, in August 2023, based on the drawings as currently under consideration. Advice provided included as follows:

"Of the various matters proposed, the structural slappings on both gables to form new window(s) would be resisted unless it can be fully evidenced that such openings are historic and that they have been blocked up at some point in the history of the building. The placement of the proposed 2 no. new windows on the north elevation appears discordant, with the window to serve the attic in particular being both

unacceptable in both placement and relative dimensions. The placement of the window on the south elevation is also considered to be unacceptable.

The number, scale and placing of rooflights on the on either roof plane is of significant concern. Whilst it is acknowledged that you are seeking to convert/use the attic space to create habitable rooms a more sympathetic approach to the use of rooflights to reflect the character of the building is advised. A slight enlargement of rooflights in an appropriate conservation style, top hung, rooflights to replace the existing rooflights to the east plane of the roof may be considered more sympathetically. The number and placement of rooflights on the west elevation is wholly unacceptable. A rooflight pattern to reflect that on the east plane of the roof may be more acceptable.

The internal remodelling of the property is also of concern as the traditional layout of the property is significantly disrupted which may result in the loss of any remaining period features. Without detail of what features currently exist internal to the property, mindful that the listed status applies equally to both the interior and exterior of the property, I am unable to advise further. Recent sellers particulars do indicate that a number of period features survive within the property. The proposed internal alterations may also be disrupted if the new external windows and rooflights cannot be achieved.

The indicated ASHP position albeit partly obscured by the external wall may be better situated to the south gable and may also require an external housing to reduce its impact to the external character of the listed building.

Clarification with Building Standards should also be sought in relation to the proposed works and whether the conversion of the attic space would be in accordance with current regulations.

Whilst I appreciate the proposed works are aimed at creating an enhanced living experience in the building, such works as indicated do not present an acceptable approach to retaining the architectural character of the Listed Building and as such, in the round, are not considered favourably.

I have also been advised that a formal application has been received and that an invalid letter has been/is in the process of being issued. You may find that a number of matters raised in the invalid letter is replicated within this response. You may wish to withdraw the Listed Building application as submitted for further consideration meanwhile.”

4.1.2.

The final paragraph of the pre-application advice refers to the fact that an application was formally submitted in September 2023, before the advice was provided in October 2023.

4.2. Correspondence during consideration

Discussions took place with the agent post-submission. It was offered by the Planning Authority that the applications could be withdrawn, as they were deemed

unacceptable, and then discussions could take place on a resubmission that would suit both parties. The agent has requested that the current application be determined as submitted.

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 [here](#).

- National Planning Framework 4:
 - Policy 7 - Historic assets and places
- Orkney Local Development Plan 2017:
 - Policy 8 - Historic Environment and Cultural Heritage
- Supplementary Guidance:
 - Historic Environment and Cultural Heritage (2017)
- Planning Policy Advice:
 - Historic Environment (Topics and Themes) (2017)
 - Urban Conservation Areas Management Plan (2017)

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 local inquiry.

7. Assessment

7.1. Proposal

The existing house is a category C listed building. The listing description describes the building as a “Late 19th century, with later alterations. 2-storey, 3-bay rectangular-plan symmetrical manse with flanking full-height 3-light canted bays and piended porch at rear.” The current householder planning application is submitted in conjunction with an application for listed building consent for the same works, to form three gable openings, install 13 rooflights, and internal alterations including removal of staircase and partitions.

7.2. Listed Building

7.2.1. Local Development Plan

Policy 8 ‘Historic Environment and Cultural Heritage’ of the Local Development Plan. part B. Specific Policy Considerations, paragraph ii. ‘Listed Buildings’, requires that any changes to a listed building must be managed to protect its special interest while enabling it to remain in/return to active use. Applications for development must have regard to the importance of preserving and enhancing the building, its setting and any features of special architectural or historic interest.

7.2.2.

Policy 8A ‘All Development’ states that development will be supported where it preserves or enhances the archaeological, architectural, artistic, commemorative or historic significance of cultural heritage assets, including their settings, and development which would have an adverse impact on this significance will only be permitted where it can be demonstrated that:

- measures will be taken to mitigate any loss of this significance; and
- any lost significance which cannot be mitigated is outweighed by the social, economic, environmental or safety benefits of the development.

7.2.3. Supplementary Guidance: Historic Environment and Cultural Heritage

Supplementary Guidance, at paragraph B.16, identifies ‘architectural significance as “the value of a structure’s design and form in making it fit for purpose and/or giving it aesthetic qualities. It is also known as architectural interest.” And in terms of “Negative effects” on this architectural significance, states, “C.09 Change to structures or their settings which is not managed appropriately can result in substantial harm to their architectural significance. This includes the removal or alteration of significant features, the addition of unsympathetic new features and adverse impacts to setting...”

7.2.4. Planning Policy Advice: Historic Environment (Topics and Themes)

In the context of protecting special interest, Planning Policy Advice (PPA) ‘Historic Environment (Topics and Themes)’ (2017), at section 4. ‘Works to traditional buildings’, confirm that “4.03 Features such as roofs, walls, windows, doors, fixtures and fittings and boundary walls all contribute to the appearance and significance of

traditional buildings. Even minor changes can have a substantial impact on how a building is perceived and what it can tell us about Orkney's history. It is therefore important to understand traditional buildings well and ensure that works to them are sensitive to their character and significance.

7.2.5. Roofs

In relation to roofs specifically, the PPA states, "4.26 The roof of a building is often its most prominent feature, and the integrity of the roof is of fundamental importance to the character of many traditional buildings."

7.2.6. Rooflights

The PPA also includes a section regarding rooflights, as a feature likely to be highly visible in listed building roofs, and which are a key component of the current application. The policy requirement is as follows: "4.36 To ensure that roof lights are sensitively designed and located, it is recommended to put them in places where they won't be prominent when seen from neighbouring roads or open spaces. If there are places on the roof which currently have, or previously had, roof lights, it will usually be best to replace or reinstate these if possible..."

7.2.7. Wall openings

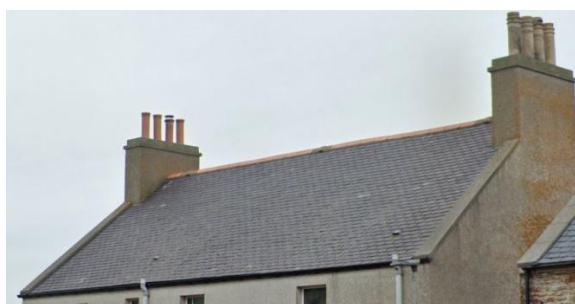
The PPA includes a statement on the significance of openings: "4.45 The pattern of openings in walls for windows and doors is often a key part of the design of a traditional building, and contributes both to its aesthetics, usually through symmetry and proportion, and its historic significance, as these openings illustrate the construction technologies and use of the building."

7.2.8.

Policy requirements are also specified: "4.46 New wall openings, or alterations to existing wall openings, should take account of the rhythm, proportion and symmetry of the original design of the building. The most appropriate places to form or adapt an opening tend to be by converting windows to doors (or vice versa) and at gable ends (making sure to avoid the chimney stack).

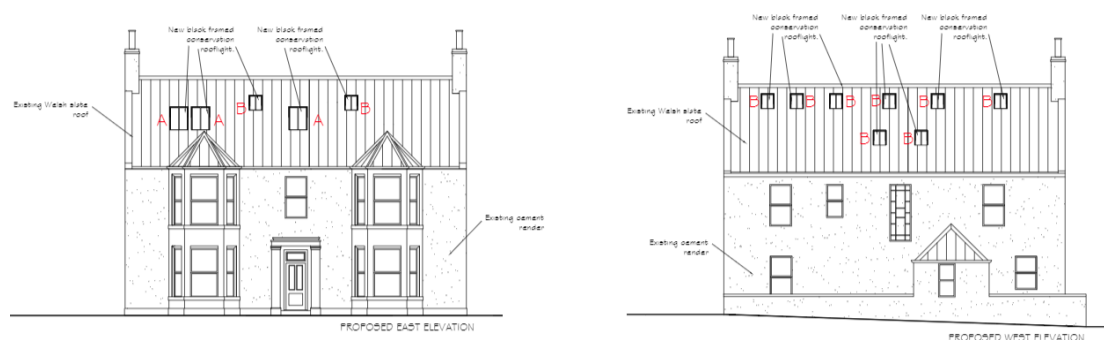
7.2.9. Assessment – roof lights

Currently, the house has a typical, traditional arrangement of three cast iron rooflights in the front elevation (left, below), small scale and located symmetrically, one central, and one either side in line with each of the bay windows. There are none in the main public elevation, facing into Springfield Crescent (right, below).



7.2.10.

It is proposed to install a total of 13 rooflights. These would comprise five in the front elevation – three large and two smaller, in an asymmetrical arrangement (below, left) – and eight in the Springfield Crescent elevation (below, right), and at two different levels in both elevations. The floor plan indicated the layout and functional reasons for the arrangement proposed, but this seems to have been given priority over the impact on the special interest.



7.2.11.

As noted in Planning Policy Advice (PPA) 'Historic Environment (Topics and Themes)' (2017), the roof is the most prominent feature of the house, certainly from key public views in the vicinity. The number and arrangement of rooflights as proposed fails to meet the requirements of the PPA, and they are not 'sensitively designed and located', and as proposed they are not 'in places where they won't be prominent when seen from neighbouring roads or open spaces.' Further, the rooflights would not be in 'places on the roof which currently have, or previously had, roof lights', and far exceed the current traditional arrangement.

7.2.12.

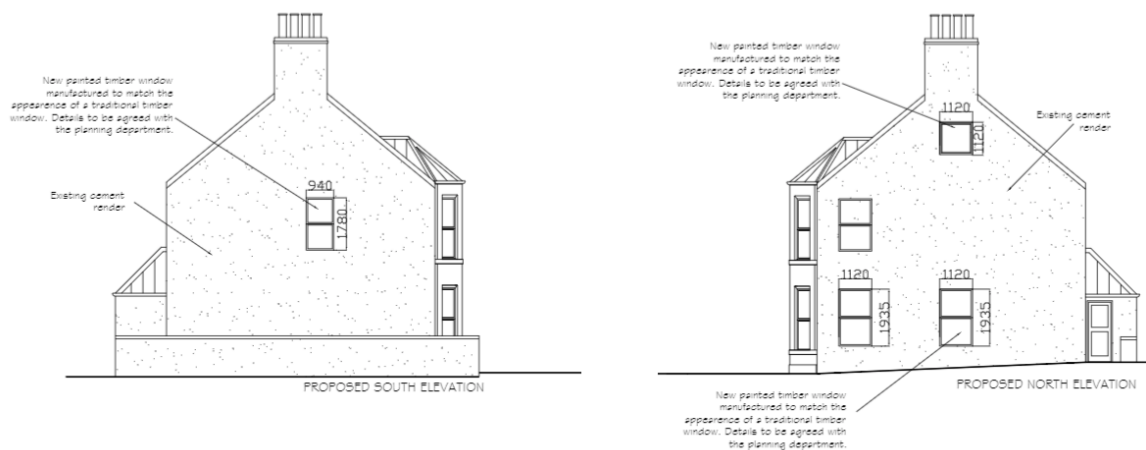
The proposed development is considered overdevelopment of the roof adversely impacting the special interest of the listed building. The proposed rooflights would lack symmetry or any traditional pattern and would represent a clumsy and incongruous addition to both prominent planes of the roof.

7.2.13. Assessment – wall openings

The existing openings are typical of contemporary Stromness (and Orkney) houses, windows set to the left or right of the gable, in line on each floor.



As proposed, an opening would be formed in the currently blank south elevation facing into the adjoining lane, in a non-traditional position. The opening pattern of the north elevation would be disrupted, including centrally located ground floor window, and a square opening immediately below the chimney stack.



7.2.14.

The proposed openings do not take account of the original, design of the building, and fail to 'avoid the chimney stack' which is a specific point in the Planning Policy Advice (PPA) 'Historic Environment (Topics and Themes)' (2017). In addition to the significant loss of fabric that would result from puncturing the number of holes proposed in the original walls, the proposed window openings also represent overdevelopment, would complicate and undermine the simple design of the gables, and would not protect the special interest of the building.

7.2.15. Interior

It is also proposed to carry out significant works internally, including almost complete alteration to the existing floor plan on all three floors, and including significant loss of partitions in principal rooms. It is also proposed to remove the original stairs. As proposed, a significant amount of the retained historic fabric of the interior, and in association much of the retained character as a Victorian manse, would be lost.

7.2.16. National Planning Framework 4 (2023)

Policy 7 'Historic assets and places' of NPF4 has the policy intent 'To protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places.' Policy 7c) states that, "Development proposals for the reuse, alteration or extension of a listed building will only be supported where they will preserve its character, special architectural or historic interest and setting. Development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest."

7.2.17.

It is considered that the development would not preserve the character, special architectural or historic interest or setting of the listed building, due to the impact: on

the roof by the installation of roof lights, in terms of sizes, number, placement, asymmetry; the slapping of openings in both gables, in terms of proportions, placement, and pattern, including location immediately below a chimney stack; and extensive alteration to and loss of the layout and fabric of the interior. The development is therefore contrary to Policy 7 of NPF4.

7.2.18.

Enabling development may be acceptable where it can be clearly shown to be the only means of preventing the loss of the asset and securing its long-term future. Any development must be the minimum necessary to achieve these aims and the resultant development should be designed and sited carefully to preserve or enhance the character and setting of the historic asset. This is not the case.

7.3. Conservation Area

7.3.1.

The building is located within Stromness Conservation Area. Core Principle 2 of Planning Policy Advice 'Urban Conservation Areas Management Plan' (2017), states that, "Any enlargements, alterations or additions within a Conservation Area, including alterations to architectural features, must preserve or enhance the special character of the Conservation Area, and should be appropriate to the host building or structure."

7.4.1.

As is the case for listed building advice, appraised above, the conservation area PA also includes detailed advice in relation to specific architectural details. On rooflights, the PPA states, "Rooflights will be supported where they are to be installed in existing openings or where evidence exists to demonstrate that they have previously existed in that location. The installation of new rooflights where none have previously existed may only occur on an elevation which contributes to the public realm if it is demonstrated that no alternative elevations would be suitable, and where there will be no significant adverse impact on the character and appearance of the Conservation Area."

7.4.2.

The proposed rooflights would not be in 'existing openings', and far exceed the original pattern of openings in size and number. New rooflights are proposed in elevations that contribute to the public realm, and it has not been demonstrated that no alternatives are available, including an alternative of less or alternatively placed new rooflights, which may have been a compromise, noting that the agent confirmed that the application should be determined as submitted.

7.4.3.

Policy 7d) of National Planning Framework 4 states, "Development proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced. Relevant considerations include the:

- i. architectural and historic character of the area;
- ii. existing density, built form and layout; and
- iii. context and siting, quality of design and suitable materials.”

7.4.4.

The addition of 13 rooflights is considered overdevelopment of the roof, in relation to the architectural and historic character of the area, and in accordance with Policy 7 of NPF4, should not be supported. The incongruous additions to the prominent roof would adversely impact the character and appearance of the conservation area, particularly on the west elevation, which is open to public views and where the roof currently is solid with no rooflights. Similarly, the gable openings do not make a positive contribution to the conservation area, would represent excessive intervention in the north elevation and, like the west roof, would be openings in an elevation that is currently solid and would be open to public views.

8. Conclusion

8.1.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, as amended, places a general duty of planning authorities that, in the exercise of planning functions, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in the planning Acts, special attention must be paid to the desirability of preserving or enhancing the character or appearance of that area.

8.2.

Due to the impact of the number, placement, and sizes of proposed rooflights on both roof planes, and impact of the proportions, placement, and number of proposed openings in both gables, the development would not preserve or enhance the character or appearance of Stromness Conservation Area, and is contrary to Policy 7d) of National Planning Framework 4, Policy 8 of the Orkney Local Development Plan 2017, Supplementary Guidance ‘Historic Environment and Cultural Heritage’ (2017), and Planning Policy Advice ‘Historic Environment (Topics and Themes)’ (2017) and ‘Urban Conservation Areas Management Plan’ (2017), and fails the test of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, as amended.

8.3.

In terms of impact on the listed building, due to the same impact of the number, placement, and sizes of proposed rooflights on both roof planes, impact of the proportions, placement, and number of proposed openings in both gables, and impact of the alteration and removal of a significant part of the interior of the building, the development would not protect the special architectural or historic interest of the listed building, and is contrary to Policy 7c) of National Planning Framework 4, Policy 8 of the Orkney Local Development Plan 2017, Supplementary Guidance ‘Historic Environment and Cultural Heritage’ (2017), and Planning Policy Advice ‘Historic Environment (Topics and Themes)’ (2017).

8.4.

There may be a compromised position that does accept the installation of new rooflights to allow greater use of the attic floor, and/or new window openings, and/or alterations to the interior. The agent confirmed the current application be determined as submitted, and so such negotiation has not formed part of the current decision.

8.5.

The proposal is contrary to Policy 7 of NPF4, Policy 8 of the Local Development Plan, and relevant supplementary guidance and planning policy advice, and fails to preserve or enhance the character or appearance of the conservation area and fails to protect the special architectural and historic interest of the listed building. There are no material considerations that outweigh this conclusion.

9. Decision

Application Refused

01. the development would not preserve or enhance the character or appearance of Stromness Conservation Area, and is contrary to Policy 7d) of National Planning Framework 4, Policy 8 of the Orkney Local Development Plan 2017, Supplementary Guidance 'Historic Environment and Cultural Heritage' (2017), and Planning Policy Advice 'Historic Environment (Topics and Themes)' (2017) and 'Urban Conservation Areas Management Plan' (2017), and fails the test of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, as amended.

02. The development would not protect the special architectural or historic interest of the listed building, and is contrary to Policy 7c) of National Planning Framework 4, Policy 8 of the Orkney Local Development Plan 2017, Supplementary Guidance 'Historic Environment and Cultural Heritage' (2017), and Planning Policy Advice 'Historic Environment (Topics and Themes)' (2017).

10. Contact Officer

Murray Couston, Planning Officer, Email murray.couston@orkney.gov.uk



Council Offices School Place Kirkwall KW15 1NY Tel: 01856 873 535 (ex 2504) Email: planning@orkney.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100644846-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Description of Proposal

Please describe accurately the work proposed: * (Max 500 characters)

Remodelling of a building that was previously a Manse (a residence for a Minister and his family) to create a residential dwelling. The work involves creating residential space in what is currently storage space within the existing roof space of the existing building.

Has the work already been started and/ or completed? *

No Yes - Started Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Peter Finnigan Architects		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Peter	Building Name:	Mayfield
Last Name: *	Finnigan	Building Number:	
Telephone Number: *	01856 831 675	Address 1 (Street): *	St. Margarets Hope
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	South Ronaldsay
Fax Number:		Country: *	Orkney
		Postcode: *	KW17 2TL
Email Address: *	peter@peterfinniganarchitects.com		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	The Manse
First Name: *	David	Building Number:	5
Last Name: *	Strachan	Address 1 (Street): *	Manse Lane
Company/Organisation	Peter Finnigan Architects	Address 2:	
Telephone Number: *		Town/City: *	Stromness
Extension Number:		Country: *	Orkney
Mobile Number:		Postcode: *	KW16 3AP
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Orkney Islands Council

Full postal address of the site (including postcode where available):

Address 1:

THE MANSE

Address 2:

5 MANSE LANE

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

STROMNESS

Post Code:

KW16 3AP

Please identify/describe the location of the site or sites

Northing

1009040

Easting

325291

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Trees

Are there any trees on or adjacent to the application site? *

Yes No

If yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Access and Parking

Are you proposing a new or altered vehicle access to or from a public road? *

Yes No

If yes, please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you proposed to make. You should also show existing footpaths and note if there will be any impact on these.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? * Yes No

Is any of the land part of an agricultural holding? * Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Peter Finnigan

On behalf of: Mr David Strachan

Date: 22/09/2023

Please tick here to certify this Certificate. *

Checklist – Application for Householder Application

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

- a) Have you provided a written description of the development to which it relates? * T Yes ≤ No
- b) Have you provided the postal address of the land to which the development relates, or if the land in question has no postal address, a description of the location of the land? * T Yes ≤ No
- c) Have you provided the name and address of the applicant and, where an agent is acting on behalf of the applicant, the name and address of that agent? * T Yes ≤ No
- d) Have you provided a location plan sufficient to identify the land to which it relates showing the situation of the land in relation to the locality and in particular in relation to neighbouring land? *. This should have a north point and be drawn to an identified scale. T Yes ≤ No
- e) Have you provided a certificate of ownership? * T Yes ≤ No
- f) Have you provided the fee payable under the Fees Regulations? * T Yes ≤ No
- g) Have you provided any other plans as necessary? * T Yes ≤ No

Continued on the next page

A copy of the other plans and drawings or information necessary to describe the proposals (two must be selected). *

You can attach these electronic documents later in the process.

Existing and Proposed elevations.

Existing and proposed floor plans.

Cross sections.

Site layout plan/Block plans (including access).

Roof plan.

Photographs and/or photomontages.

Additional Surveys – for example a tree survey or habitat survey may be needed. In some instances you may need to submit a survey about the structural condition of the existing house or outbuilding. ≤ Yes No

A Supporting Statement – you may wish to provide additional background information or justification for your Proposal. This can be helpful and you should provide this in a single statement. This can be combined with a Design Statement if required. * ≤ Yes No

You must submit a fee with your application. Your application will not be able to be validated until the appropriate fee has been Received by the planning authority.

Declare – For Householder Application

I, the applicant/agent certify that this is an application for planning permission as described in this form and the accompanying Plans/drawings and additional information.

Declaration Name: Mr Peter Finnigan

Declaration Date: 22/09/2023

Payment Details

Cheque: xxxxxxxx, xxxxxxxx

Created: 22/09/2023 15:14

NEIGHBOURHOOD SERVICES AND INFRASTRUCTURE

Corporate Director: Hayley Green, MBA (Public Service)
Council Offices, Kirkwall, Orkney, KW15 1NY

Tel: 01856 873535 Website: www.orkney.gov.uk
Email: planning@orkney.gov.uk



ORKNEY
ISLANDS COUNCIL

9th October 2023

Mr David Strachan
c/o Peter Finnigan
Mayfield
St. Margarets Hope
South Ronaldsay
Orkney
KW17 2TL

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997, as amended DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS 2013 INVALID APPLICATION

Dear Sir/Madam

Ref No: 23/354/HH
Type: Householder
Location: The Manse, 5 Manse Lane, Stromness Orkney KW16 3AP
Proposal: Form three openings, install three windows and 13 rooflights

Invalid application

Your recent application has been assessed on 9th October 2023 and we are writing to confirm that your submission is not sufficient to legally validate the application.

An invalid application is one where the form and/or the content of information submitted has not met the requirements of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

An application must be accompanied by all relevant plans and drawings as are considered necessary by the planning authority to describe the development to which the application relates (Regulation 9(3)) and other matters, including the correct forms, certificates and appropriate fee.

In this case, the application was assessed as invalid in the following matters:

01. **Floor Plans**
Provide external dimensions, and internal dimensions of proposed rooms
02. **Window Specification**
Provide typical vertical and horizontal sections at scale 1:10 or similar for each window type, including all dimensions and component parts
Provide typical rooflight specifications for each rooflight type, including dimensions, astral, profile, and opening mechanism

Please note that the application cannot be made valid until all the above listed information is provided in accordance with statutory requirements.

To avoid further delay, all required information should be submitted as soon as possible. If the information is not submitted **within 28 days** of this correspondence, the application and all associated documents (and fee) will be returned to you and the application will not be processed.

Should you have any queries about the information required above please contact Development Management by email at planning@orkney.gov.uk or by telephone at the below number, using the extension provided.

Validation checks and issuing any requests for further information are carried out by different staff on different days. As such, there is no requirement to contact any particular member of staff in response to this invalid letter, and any queries can be answered by a technician on any given day.

Should you contact Development Management, simply confirm the application reference and that your contact is in relation to an invalid application.

Yours faithfully

Development Management,
Neighbourhood Services and Infrastructure,
Council Offices, School Place, Kirkwall, Orkney, KW15 1NY

Tel: 01856 873535 ext. 2504

Email: planning@orkney.gov.uk







































THE MANSE, 5 MANSE LANE, STROMNESS

CONSERVATION STATEMENT

The Manse, 5 Manse Lane, Stromness was the former Church of Scotland minister's residence affiliated to the Church which is situated further down the hill. The property comprises a detached garage, walled garden and a parking area. It would have been accessed from the church and main street of Stromness via the lane to the south and the garden to the east (front) which linked the rear of the Church to the manse.

As a result of road widening alterations in the town in the last century, and modernisation works to the manse, it was re-configured to be entered from the back (west) with the addition of a porch and new boundary wall. The rear (west) elevation was originally designed as the back of the house and is therefore plain and utilitarian as it would have looked into a back yard. This has led to the house being significantly altered, both internally and externally. The outside has been cement rendered and the interior re-modelled to provide a new kitchen and a wider hall, allowing access from back to front, essentially creating a new front entrance at the previous rear of the property. The first floor has had a bathroom and en-suite shower room installed as well as new upvc windows throughout.

The cultural and historic significance of this building is that it would have been an important presence in the town and community when it was built near the end of the 19th century. That connection no longer exists. A large part of the grounds has been sold off, leaving the manse in a much-compromised position. The imposing front elevation is now mostly unseen, as the main access is from the rear.

The architectural significance of the house is its style, being typical of the period and of a larger scale than the surrounding houses in the neighbourhood. Built of stone and Welsh slate, the original front elevation displays a variety of architectural embellishments such as the sandstone base and cill courses, pilastered and corniced front door surround and exposed stone coins. It was built to reflect the status of the church in the community. Former sash and case windows have been replaced with upvc mock sash and case.

With the decline in the fortunes of the Church of Scotland, the former manse has become redundant; expensive to maintain and no longer appropriate for the current incumbent's use. It has been sold off even though it has undergone extensive modernisation sometime late last century. Alterations that were undertaken to the historic fabric involved installing new bathrooms and kitchen, altering partitions, sheeting over panelled doors and installing new windows thus altering the panelling and shutter boxes in the bay windows, which are no longer operational. Fireplaces are modern insertions although there is at least one bedroom surround which may be original. Some of the plaster cornicing has been removed. All of the ceiling roses have been replaced with modern plastic roses. It is worth noting that of the cornices and skirtings that do remain, these are plain and underwhelming in design.

The proposed scheme is to adapt and modernise the house to be fit for modern family use while retaining and enhancing as much of the existing fabric as possible. Any lost significance whether as part of this proposal or historic loss is to be mitigated by the following benefits:

Social – the house has been bought to become a family home for a new young family that have recently moved to Stromness at a time when most young families are moving out of the town.

Economic – the new owners are prepared to invest a substantial amount of money to revitalise a historic building in the town without the help of grants.

Environmental – the clients are prepared to invest in the improvement of the fabric of the old town of Stromness when most people prefer to build new houses out of town. They want to retain rather than build new and adopt modern technologies such as an air source heat pump and insulation to provide a level of comfort that current Building Standards demand.

Safety – the existing staircase is unsafe as it significantly does not comply with Building Standards.

The proposal therefore seeks to minimise interventions and use the existing fabric to create satisfactory living spaces for a young family to enjoy an enhanced quality of life. Cornices, lath and plaster wall linings where they still exist, are to be retained as far as possible. Cornices will be reinstated on external walls that are to be insulated. Skirtings, architraves and panelled doors are to be retained and/or reinstated where positions have altered. Doors that have been boarded over will be stripped and restored to their historic appearance. Where they have to be upgraded to fire-doors they will be treated in a more sympathetic manner that retains their historic appearance. The rather plain staircase requires to be replaced because of its poor condition but existing handrail can be re-used and adapted to suit a new staircase. The balusters can be faithfully replicated as they are of simple design.

Externally, the additional windows are to be positioned where they have least impact on the elevations ie the gable ends. The proposed new ground floor window on the north elevation is positioned to take advantage of the existing narrowing of the external wall. The proposed high-level window in the gable is positioned to be out of normal view and of minimal size, as is the new window on the south gable. It is worth noting that whilst three new openings are to be created in the external walls, and will therefore destroy existing fabric, the walls are of such a nature that they can easily be reinstated in the future should the need arise – no alterations are irreversible. Rooflights, whilst more numerous than existing will be of a conservation type favoured by the Planning dept and kept to a minimum in size and overall number reflecting the pattern of the three existing rooflights on the front elevation of the house. There is no proposed changes to the boundary walls. The proposed air source heat pump is to be tucked out of sight behind the sufficiently high boundary wall at the rear of the property. There are no proposals other than to repair the existing outbuilding. The overgrown garden and courtyard are to be tidied up in the interests of improving the surrounding neighbourhood. The timber gate to Manse Lane will be renewed in an appropriate style as the existing one is beyond reasonable repair.

In conclusion then, the result will be an enhanced period family home in an improved setting to replace the bland institutionalised former manse and overgrown garden and grounds that would otherwise be facing dereliction in the heart of Stromness.

NEIGHBOURHOOD SERVICES AND INFRASTRUCTURE

Corporate Director: Hayley Green, MBA (Public Service)
Council Offices, Kirkwall, Orkney, KW15 1NY

Tel: 01856 873535 Website: www.orkney.gov.uk
Email: planning@orkney.gov.uk



TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997, as amended

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013
Regulation 20 - Publication of applications

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) (SCOTLAND) ACT 1997, as amended

The Planning (Listed Building Consent and Conservation Area Consent Procedure) (Scotland) Regulations 2015
Regulation 8 - Advertisement of applications

SITE NOTICE

Application Affecting the Character or Appearance of a Conservation Area

The application described below together with the plans and other documents submitted with it may be examined online at www.orkney.gov.uk following the link to Planning/Building on the home page, followed by Application Search and Submission.

Information explaining the procedures which are followed in relation to applications is available from Development Management by email at planning@orkney.gov.uk

Representations may be made to the planning authority by writing to the Planning Manager, Development Management, Orkney Islands Council, School Place, Kirkwall, KW15 1NY, online at www.orkney.gov.uk, or by email to planning@orkney.gov.uk

Representations must be made not later than **21 days** after the date of publication of this notice

Application Reference: 23/354/HH

Proposed Development: Form three openings, install three windows and 13 rooflights

Address: The Manse, 5 Manse Lane, Stromness, Orkney, KW16 3AP

DATE OF SITE NOTICE: 14 November 2023

Neighbour Notification List

From the 3rd August 2009 the responsibility for Neighbour Notification transferred from the applicant to Orkney Islands Council. The Council will send out Notices to those having an interest in land coterminous with or within 20 metres of the boundary of the land for which development is proposed. Where there are no premises on this land and where the Council is unable to identify a relevant address to which notification can be sent, it will advertise this in the local press.

Below is a list of the properties notified for this application.

Application Number 23/354/HH

- 1 Manse Lane, Stromness, Orkney Islands, KW16 3BX
- 93 Victoria Street, Stromness, Orkney Islands, KW16 3BU
- 4 Springfield Crescent, Stromness, Orkney Islands, KW16 3AS
- 3 Springfield Crescent, Stromness, Orkney Islands, KW16 3AS
- 3 Manse Lane, Stromness, Orkney Islands, KW16 3BX
- The Rookery, 4 Church Road, Stromness, Orkney Islands, KW16 3BA
- Bayview, 10 Church Road, Stromness, Orkney Islands, KW16 3BA
- 2 Springfield Crescent, Stromness, Orkney Islands, KW16 3AS
- 1 Springfield Crescent, Stromness, Orkney Islands, KW16 3AS
- 4 Manse Lane, Stromness, Orkney Islands, KW16 3AP
- 8 Franklin Road, Stromness, Orkney Islands, KW16 3AR
- Aigen, 2 Manse Lane, Stromness, Orkney Islands, KW16 3BX
- Kirk View, Franklin Road, Stromness, Orkney Islands, KW16 3AR

Number of neighbours notified: 13

REFUSE PLANNING PERMISSION
DELEGATED DECISION

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT, 1997 (as amended) ("The Act")
DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS 2013

Ref: 23/354/HH

Mr David Strachan
c/o Peter Finnigan
Mayfield
St. Margarets Hope
South Ronaldsay
Orkney
KW17 2TL

With reference to your application registered on 1st November 2023 for planning permission for the following development:-

PROPOSAL: Form three openings, install three windows and 13 rooflights

LOCATION: The Manse, 5 Manse Lane, Stromness, Orkney, KW16 3AP

Orkney Islands Council in exercise of its powers under the above Act and Regulations, hereby **REFUSE Planning Permission for the reason(s) outlined on the next page.**

The plans to which this decision relates are those identified in Schedule 1 attached.

The Council's reasoning for this decision is: The proposal is contrary to Policy 7 of NPF4, Policy 8 of the Local Development Plan, and relevant supplementary guidance and planning policy advice, and fails to preserve or enhance the character or appearance of the conservation area and fails to protect the special architectural and historic interest of the listed building. There are no material considerations that outweigh this conclusion.

(For further detail you may view the Planning Handling Report for this case by following the Application Search and Submission link on the Council's web page and entering the reference number for this application).

Decision date: 13th February 2024

Roddy MacKay, Head of Planning & Community Protection, Orkney Islands Council,
Council Offices, Kirkwall, Orkney, KW15 1NY

Ref: 23/354/HH

REASONS FOR REFUSAL

01. The development would not preserve or enhance the character or appearance of Stromness Conservation Area, and is contrary to Policy 7d) of National Planning Framework 4, Policy 8 of the Orkney Local Development Plan 2017, Supplementary Guidance 'Historic Environment and Cultural Heritage' (2017), and Planning Policy Advice 'Historic Environment (Topics and Themes)' (2017) and 'Urban Conservation Areas Management Plan' (2017), and fails the test of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, as amended.

02. The development would not protect the special architectural or historic interest of the listed building, and is contrary to Policy 7c) of National Planning Framework 4, Policy 8 of the Orkney Local Development Plan 2017, Supplementary Guidance 'Historic Environment and Cultural Heritage' (2017), and Planning Policy Advice 'Historic Environment (Topics and Themes)' (2017).

SCHEDULE 1 – PLANS, VARIATIONS AND ANY OBLIGATION**1. Plans and Drawings**

The plans and drawings to which this decision relates are those identified below:

Window Detail	OIC-05	1
Location Plan	OIC-01	1
Site Plan	OIC-02	1
Elevations	OIC-03	1
Floor Plan	OIC-04	1

2. Variations

If there have been any variations made to the application in accordance with section 32A of the Act these are specified below:

Date of Amendment:

Reasons

RIGHT TO SEEK A REVIEW

If you are unhappy with the terms of this decision you have a right to ask for a review of your planning decision by following the procedure specified below.

PROCEDURE FOR REQUESTING A REVIEW BY THE LOCAL REVIEW BODY

1. If the applicant is aggrieved by the decision of the Appointed Officer to:
 - a. Refuse any application, or
 - b. Grant permission subject to conditions.

In accordance with the Town and Country Planning (Scheme of Delegation and Local Review Procedure) (Scotland) Regulations, the applicant may apply to the Local Review Body within three months from the date of this notice for a review of that decision.

Forms to request a review are available from either address below, or from <http://www.orkney.gov.uk/Service-Directory/D/appeal-a-decision.htm>

2. Completed forms to request a review should be submitted to the address below:

Committee Services
Orkney Islands Council
Council Offices
School Place
KIRKWALL
Orkney
KW15 1NY

and at the same time a copy of the notice for a review should be sent to:

Service Manager (Development Management)
Orkney Islands Council
Council Offices
School Place
KIRKWALL
Orkney
KW15 1NY

Email: planning@orkney.gov.uk

3. If permission to develop land is refused or granted subject to conditions, whether by the planning authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Act.