

Item: 6.2

Planning Committee: 19 January 2022.

Subdivide Domestic Curtilage including Annexe to Create House on land at Tou Cottage, Westside Road, Rousay.

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

1. Summary

1.1.

It is proposed to subdivide the domestic curtilage at Tou Cottage, Westside Road, Rousay, incorporating the conversion of an existing detached studio, ancillary to the host house, to a dwelling. One objection has been received on grounds including overdevelopment, parking provision, access, water and drainage arrangements, landscape impact and natural environment; however, it is considered that the concerns are not of sufficient weight to warrant refusal. It is considered that the development complies with Orkney Local Development Plan 2017 Policies 1, 2, 5C, 9G, 13B, 13C, 14C, Spatial Strategy: The Isles Approach, Supplementary Guidance: Housing in the Countryside (2021) and Planning Policy Advice: Amenity and Minimising Obtrusive Lighting (2021). Therefore, the application is recommended for approval.

Application Number:	21/342/PP.
Application Type:	Planning Permission.
Proposal:	Subdivide domestic curtilage including annexe to create a house.
Location:	Tou Cottage (land near), Westside Road, Rousay.
Applicant:	Ms Jacqueline Marwick.
Agent:	Ms Di Grieve, Breck Designs, Kveldsro, Weyland Terrace, Kirkwall, Orkney, KW15 1LS.

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

No objections received, and no comments that could not be addressed by planning condition.

3. Representations

3.1.

One objection has been received from:

- Mr Colin Lamond, Hamarfield, Rousay KW17 2PS.

3.2.

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

- Overdevelopment.
- Parking provision and arrangements.
- Upgrading of the track.
- Water and drainage arrangements.
- Impact on the landscape and natural environment.

4. Relevant Planning History

Reference.	Address.	Proposal.	Decision.	Date.
06/559/PPF	Tou Cottage, Rousay	Extension to existing outbuilding to form guest accommodation and studio.	Grant subject to conditions.	26.02.2007.

5. Relevant Planning Policy and Guidance

The full text of the Orkney Local Development Plan 2017 and supplementary guidance can be read on the Council website at:

<https://www.orkney.gov.uk/Service-Directory/D/Planning-Policies-and-Guidance.htm>

The key policies, supplementary guidance and planning policy advice listed below are relevant to this application:

Orkney Local Development Plan 2017:

- Policy 1 – Criteria for All Development.
- Policy 2 – Design.
- Policy 5C – The Isles Approach for Housing.
- Policy 9G – Landscape.
- Policy 13B – Sustainable Drainage Systems (SuDS)
- Policy 13C – Waste Water Drainage.
- Policy 14C – Road Network Infrastructure.
- Spatial Strategy – The Isles Approach.

Supplementary Guidance:

- Housing in the Countryside (2021).
- Planning Policy Advice: Amenity and Minimising Obtrusive Lighting (March 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. Proposal and Location

It is proposed to subdivide the domestic curtilage at Tou Cottage, Rousay, including the conversion of the existing detached studio, to a house. For reference, the Post Office at Wasbister is at Tou Cottage. The existing studio, which was approved for use as guest accommodation under planning reference 06/559/PPF, is adjacent to the west of Tou Cottage, adjoining the track from the public road to the properties at Lower Hammerfield and Hamarfield/Upper Hammerfield, and the site layout is shown in the Site Plan attached as Appendix 1 to this report.

7.2. The Isles Approach for Housing

Within the unlinked isles there is a general presumption in favour of new housing developments under Policy 5C – The Isles Approach for Housing, provided that the development accords with the requirements of the Isles Approach within the Spatial Strategy, relevant policies and supplementary guidance and other material planning

considerations. The Isles Approach states that: “Development within the islands, which support permanent resident 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 on existing infrastructure and services”. It is considered that the development would accord with the Isles Approach within the Spatial Strategy and accords with Policy 5C, and the principle is therefore acceptable.

7.3. Overdevelopment

The objector has raised overdevelopment concerns. The site is in the countryside and, whilst the development would create an additional residential unit, the building already exists and would therefore not require additional built development. Supplementary Guidance: Housing in the Countryside (2021) supports the re-use of existing buildings as dwellings under Development Criterion 8, and in addition it is relevant to consider the embodied energy of the existing building on the benefits of re-using an existing structure. As the building already exists, and for the reasons indicated above, it is considered that the development would not be overdevelopment of the site and would comply with Policy 1(ii) and Supplementary Guidance: Housing in the Countryside (2021). Residential amenity is considered separately below.

7.4. Design and Appearance

The design and appearance of the existing building would be altered by the proposed change of use and there would be no increase in footprint. The building already has the appearance of a dwelling. The conversion of the building to a house would be acceptable in terms of design and appearance, and the development would comply with Policy 2 – Design.

7.5. Residential Amenity

7.5.1.

In terms of amenity/residential amenity, in addition to assessment of compliance with Policy 1 – Criteria for All Development and Policy 2 – Design, it is required that proposals are assessed against Planning Policy Advice (PPA): Amenity and Minimising Obtrusive Lighting (March 2021). The PPA requires there to be no adverse disturbance between existing and proposed users and their activities. As conversion of an existing structure to residential use, no unacceptable impact is anticipated from nuisances, loss of privacy, proximity, excessive traffic movement, loss of natural day lighting or any other form of disturbance.

7.5.2.

The closest third-party properties are Tou (40 metres), Lower Hammerfield (over 50 metres), Hamarfield/Upper Hammerfield (over 150 metres) and a site approved for a house, reference 19/318/PP, on land near Breckan (over 200 metres). The closest part of the proposed dwelling to the applicant’s property at Tou Cottage/Post Office would be between 16 metres and 19 metres. Except for Tou Cottage, which is in the ownership/control of the applicant, all properties are at an adequate distance to

maintain privacy, and windows to main habitable rooms would not face each other. Impact would be minimal in terms of overlooking and overshadowing.

7.5.3.

In relation to Tou Cottage, the opening in the closest part of the studio facing towards Tou Cottage is within 16 metres but would be to the kitchen, and a living room window is set back from Tou Cottage by 19 metres. The studio is on higher ground than Tou Cottage but, due to the separation distance, there is some off-setting. On the basis the proposed use is domestic, it is considered that any impact on the existing neighbouring house would be acceptable.

7.5.4.

The outside space provided with the proposed dwelling would include an area of land across the access path. The site area for the dwelling would be over 800 square metres and, taking account of the relatively small scale of the dwelling, the domestic amenity space is considered sufficient.

7.5.5.

External lighting would be conditioned to minimise light pollution affecting third-party properties.

7.6. Sewerage and Water

The construction of the studio was subject to planning permission and building warrant applications, and water and sewerage connections are already in place. The development would remain connected to the existing septic tank and soakaway (creating shared services with Tou Cottage). It is considered that the development would comply with Policy 13C – Waste Water Drainage.

7.7. Surface Water Drainage

A standard condition would be attached to secure appropriate management of surface water, to ensure compliance with Policy 13B – Sustainable Drainage Systems (SuDS).

7.8. Natural Heritage

The site is within 390 metres of the Rousay Site of Special Scientific Interest (SSSI) and Special Protection Area (SPA) and within 650 metres of the Loch of Wasbister Local Nature Conservation Site (LNCS) and 750 metres of Saviskaill Head LNCS. The site itself is not located within a designated natural heritage site or within a LNCS. Due to the separation distance and, on the basis the building already exists within a small building group, it is considered that the impact of the change of use of the existing building would be minimal.

7.9. Landscape/Visual Amenity/Character of the Area

The building subject to change of use already exists, is single storey and is already viewed within the landscape. Any impact on the immediate and wider landscape, visual amenity and character of the area would therefore be minimal, and the

development would accord with Policy 1 – Criteria for all Development (criteria i and ix) and Policy 9G – Landscape.

7.10. Access and Road Safety

The property would be accessed via an existing shared access track from the B9064. The objector raised concerns regarding parking area, number of vehicle parking spaces available and intensity of use of the access track. An amended Site Plan showing a change to the car parking layout was submitted and, after consideration of this information, Roads Services has confirmed no objection subject to a planning condition regarding the specification of the access. The development therefore complies with Policy 14C – Road Network Infrastructure.

8. Conclusion and Recommendation

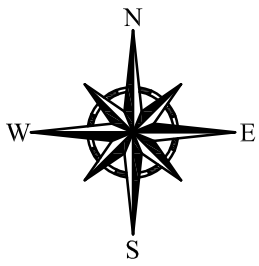
The subdivision of the domestic curtilage, including change of use of the existing guest accommodation and studio, to a dwelling would comply with The Isles Approach to housing and would be acceptable in terms of housing density, design and appearance, residential amenity, access and road safety, sewerage and drainage, impact on the landscape/visual amenity/character of the area and natural heritage interests. Concerns raised by the objector have been considered in assessment of the application but are not of sufficient weight to warrant refusal. Subject to planning conditions, the proposed development would comply with the requirements of Policies 1, 2, 5C, 9G, 13B, 13C, 14C and Spatial Strategy: The Isles Approach of the Orkney Local Development Plan 2017, Supplementary Guidance: Housing in the Countryside (2021) and Planning Policy Advice: Amenity and Minimising Obtrusive Lighting (2021). The development is therefore **recommended for approval**, subject to the conditions attached as Appendix 2 to this report.

9. Contact Officer

Sue Doyle, Planning Officer, Email sue.doyle@orkney.gov.uk

10. Appendices

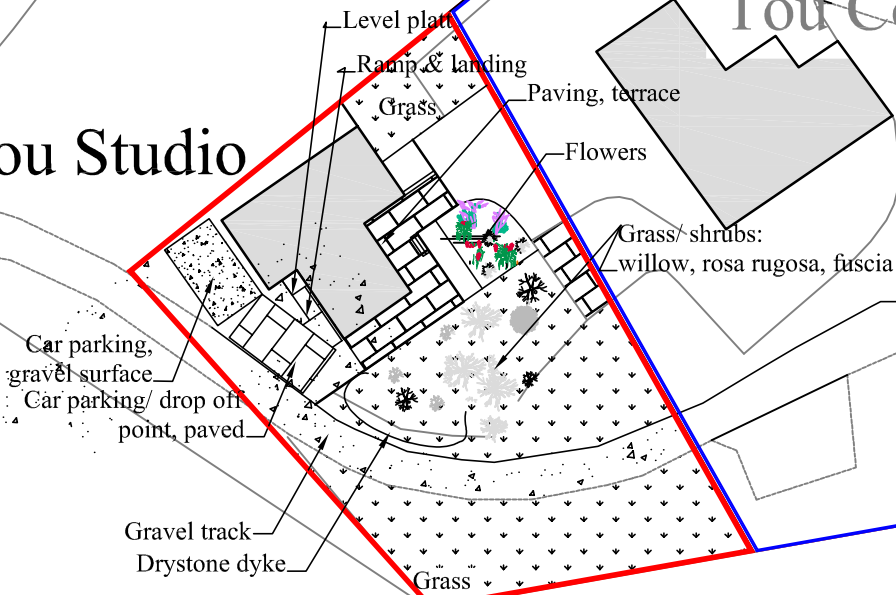
- Appendix 1: Site Plan.
- Appendix 2: Planning Conditions.



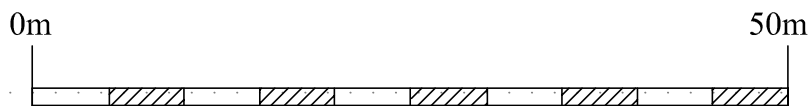
Tou Studio

Tou

Tou Cottage



SITE PLAN (B)
SCALE 1/500



TOU STUDIO
ROUSAY

Appendix 2

01. Throughout the lifetime of the development hereby approved, surface water must be treated in accordance with the principles of Sustainable Drainage Systems (SUDS) and be compliant with the guidance set out in CIRIA's SuDS Manual C753. The requisite surface water drainage shall be operational prior to the development being brought into use and shall be maintained as such thereafter.

All surface water shall be contained within the development site and there shall be no surface water drainage run-off onto the road or adjacent land.

Further information on SUDs may be found on SEPA's website at: www.sepa.org.uk and http://www.susdrain.org/resources/SuDS_Manual.html.

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

02. The junction of the existing access track with the public road shall be upgraded to the Council's Roads Services standard drawing 'SD-01 Typical Access for Single Development (2 to 4 houses)', attached to and forming part of this decision notice, including dimensions, road construction, any pipe required, and verge or footway.

The access shall be constructed and completed wholly in accordance with these details prior to any other works commencing on the development hereby approved, and prior to the building being brought into use as an independent house, and thereafter shall be retained in accordance with these details throughout the lifetime of the development, unless otherwise agreed, in writing, by the Planning Authority.

Any damage caused to the existing road infrastructure during construction of the development shall be repaired prior to first occupation of the development, to the satisfaction of the Planning Authority, in conjunction with Roads Services.

Reason: In the interests of road safety.

03. Throughout the lifetime of the development, any external lighting used on the dwelling and any outbuildings shall be downward facing only and shall comply with the Council's requirements of Orkney Local Development Plan 2017, Policy 2 (principle vi) that all external lighting shall minimise light pollution. Lighting shall meet the requirements specified by the Institution of Lighting Professionals for Zone E1 areas (Rural) and shall be turned off when not required either by automatic sensor or manually.

Reason: To minimise obtrusive light, glare or distraction in the interests of safeguarding the amenity of the area and to accord with Orkney Local Development Plan 2017 Policy 2 – Design and Planning Policy Advice: Amenity and Minimising Obtrusive Lighting (March 2021).

04. Hours of construction (including conversion) work on site involving the use of machinery and powered tools, or any other operation, for example hammering, that would generate noise audible beyond the boundary of the site, shall only take place between the hours of 07:30 and 19:00 Mondays to Fridays, 09:00 to 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: To safeguard the amenity of nearby residents.