

Item: 3.4

Planning Committee: 4 March 2020.

Erect 13 Houses, Upgrade Access and Construct Road and Drainage Works at Cairston Road, Stromness.

Report by Executive Director of Development and Infrastructure.

1. Summary

1.1.

It is proposed to erect 13 houses, with an associated access road and infrastructure, on a vacant site at Cairston Road, Stromness. The majority of the site is allocated for housing development and the development is acceptable in principle. One objection has been received on the grounds of density of development, traffic and pedestrian safety, and flooding and drainage. The objection is not considered of sufficient weight to merit refusal. The development accords with Policies 1, 2, 5A, 9F, 9G, 10B, 13 and 14C of the Orkney Local Development Plan 2017. Accordingly, the application is recommended for approval.

Application Number:	19/376/PP.
Application Type:	Planning Permission.
Proposal:	Erect 13 houses, upgrade an access and construct a road and drainage works.
Applicant:	Orkney Builders.
Agent:	Bracewell Stirling, c/o Kirsty Montgomery, 5 Ness Bank, Inverness, IV2 4SF.

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

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

3. Representations

3.1.

One objection has been received from:

- Ms Sarah Crowe and Dr David Woolf, Glenmareth, 3 Garson Drive, Stromness, KW16 3JG.

3.2.

The objection is on the following grounds:

- Density of development, stating that the site is allocated for five houses and the application is for a greater number.
- Traffic and pedestrian safety, stating that Cairston Road is already busy, and the development would generate additional vehicles using the road and an axis junction which pupils to the north would have to cross. It is noted that the development would not provide any pedestrian access from the site to the existing footpath network that accesses the rear of the primary school.
- Flooding and drainage, noting that parts of the site are often saturated after rainfall.

4. Relevant Planning History

None.

5. Relevant Planning Policy and Guidance

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

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

The policies listed below are relevant to this application:

- Orkney Local Development Plan 2017.
 - Policy 1 – Criteria for All Development.
 - Policy 2 – Design.
 - Policy 5A – Housing and Settlements.
 - Policy 9F – Trees and Woodland.
 - Policy 9G – Landscape.
 - Policy 10B – Open Space and Settlements.
 - Policy 13 – Flood Risk, SuDS and Waste Water Drainage.
 - Policy 14C – Road Network Infrastructure.
- Supplementary Guidance: Settlement Statements.

6. Legal Aspects

6.1.

Section 25 of the Town and Country Planning (Scotland) Act 1997 as amended (the Act) states, “Where, in making any determination under the Planning Acts, regard is

to be had to the development plan, the determination is, unless material considerations indicate otherwise...to be made in accordance with that plan...”

6.2.

Where a decision to refuse an application is made, the applicant may appeal under section 47 of the Act. Scottish Ministers are empowered to make an award of expenses on appeal where one party's conduct is deemed to be unreasonable. Examples of such unreasonable conduct are given in Circular 6/1990 and include:

- Failing to give complete, precise and relevant reasons for refusal of an application.
- Reaching a decision without reasonable planning grounds for doing so.
- Not taking into account material considerations.
- Refusing an application because of local opposition, where that opposition is not founded upon valid planning grounds.

6.3.

An award of expenses may be substantial where an appeal is conducted either by way of written submissions or a local inquiry.

7. Assessment

7.1. Background

7.1.1.

The application site is an area of vacant ground adjacent to Cairston Road, Stromness, extending from the public road to the north, to the Mill Burn to the south. The site is bounded by existing houses to the east, by the Mill Burn and related semi-natural habitat to the south, and by tree and shrub planting comprising the Millennium Woodland along the majority of the west side of the site.

7.1.2.

The short-term housing allocation STR-6, as included in the Stromness section of Supplementary Guidance: Settlement Statements, makes up most of the planning application site; the application site extends to include other land at its southern end which is designated as Strategic Open Space. Supplementary Guidance notes that allocation STR-6 has capacity for five houses. It is noted that a development brief is required for the allocation, which has been provided in the form of a Site Development Statement, submitted with the planning application (and subsequently amended). The Supplementary Guidance also notes the Mill Burn and provides a requirement for an appropriate buffer to the water course, consideration of flood risk, and confirmation that pedestrian access should be provided to the established open space to the west and south of the site.

7.1.3.

Temporary security fencing has been erected around most of the site. No planning history exists to provide for the erection of this fence; however, in the event that planning permission is approved the fence could be erected/retained under permitted development rights on a temporary basis during any approved works. Some inept waste materials have been dumped within the site. Again, there is no planning history in relation to the importation of this waste. In conjunction with other site works, it is anticipated that the waste would be handled and either used or disposed of appropriately by the developer. Some minor ground clearance works have been carried out, principally in the north-west and south-east corners, involving the removal of shrubs.

7.1.4. Amendments.

The application has been subject to multiple amendments since first submission. These amendments have principally been in response to comments received from Engineering Services and Roads Services regarding surface water drainage, ground and floor levels, the internal road layout vehicle parking, and other roads and engineering points. It was initially proposed to erect 14 houses and create two additional serviced plots. Following comments from the planning authority, one house and the two plots were removed from the proposed layout, resulting in the development now under consideration, and ensuring that all proposed development is located within housing allocation STR-6. It should be noted that the final amendment did not require any alteration to the remainder of the development; it comprised removal of proposed development from one area of the application site only.

7.2. Principle

7.2.1.

On the basis that the built development as now proposed is located entirely within the boundary of the housing allocation STR-6, the principle of the development is acceptable in accordance with Policy 5A – Housing and Settlements of the Orkney Local Development Plan 2017, which confirms that the development of housing allocations will be supported where it accords with the relevant settlement statement and any adopted development brief. Although not subject to a further update to reflect the final amendment to the site layout, the Site Development Statement provides some context in relation to the layout and density of other housing developments within Stromness and refers to relevant policies and potential impact on the National Scenic Area.

7.2.2.

In relation to the area of open space at the southern end of the site, by ensuring that adequate space is provided for a meaningful buffer to the water course, and by providing the opportunity to improve, expand or enhance the part of the application site that is designated Strategic Open Space, the principle of that area of the development is also acceptable, in accordance with Supplementary Guidance: Settlement Statements, and Policy 10B – Open Space and Settlements of the Orkney Local Development Plan 2017.

7.3. Design and Appearance

7.3.1.

The development comprises houses on both sides of a proposed street which would run centrally north to south through the site, as indicated in the site plan attached as Appendix 1 to this report. One house adjacent to the entrance of the development would face north into Cairston Road, repeating the adjacent development pattern. All other houses would be orientated to align with, and face into, the proposed street, avoiding any side or rear elevations facing into public realm, creating a strong sense of place and ensuring passive surveillance. Five detached houses would be located to the east of the proposed street, a mixture of two and three-bedroomed properties. On the west side of the street, two detached houses would be located close to the entrance, with six houses in the semi-detached units to the south.

7.3.2.

A turning head would be provided at the southern end of the site and a footpath, extending west from the road towards the Millennium Woodland and Strategic Open Space to the west. Three visitor parking spaces would be provided adjacent to the entrance from Cairston Road. Landscaping is indicated adjacent to these visitor parking spaces, and a planning condition would secure appropriate landscaping and tree and shrub planting in the southern end of the site, including the section of the site within the Strategic Open Space.

7.3.3.

The number of units proposed exceeds the allocation of five within the Local Development Plan. The developer sites demand for new, affordable housing within Stromness. Critically, the Site Development Statement provides context for the proposed development including the density of other housing developments of a similar size and character. Areas of relatively dense housing development exist throughout Stromness, not only in the town centre, so it would not be out of character for a development of this density in this location. The arrangement of the houses provides a simple layout, reflective of the adjacent housing development to the east. The established and proposed open space and planting to the south and west would help to contain the built development. It is therefore considered that adequate justification has been provided for the housing density and resultant number of units proposed.

7.3.4.

All units would be single story, except for the semi-detached units which would be two-storey. The palette of materials proposed as a simple mix of white/off-white render with dark tiled roofs with matching fascias and soffits, and grey windows and doors (a similar design approach as was used at J T Flett Park in Kirkwall, for example). A strip of coloured cladding is proposed on the upper floor of the two-storey units. Whilst not considered necessary, it is not unacceptable.

7.3.5.

In relation to Policy 1, part (i), the development is considered to take into consideration the location and wider townscape character, and in relation to part (ii), the proposed density is appropriate to the application. Policy 2 requires that development must reinforce the distinctive identity of Orkney's built environment and be sympathetic to the character of the local area and have a positive or neutral effect on the appearance of the area. In relation to the scale, form, massing, proportions, materials, layout, density and landscaping of the proposed housing, the application is considered to accord with Policy 2 of the Orkney Local Development Plan 2017. In a wider landscape context, the development would protect the overall integrity of the Hoy and West Mainland National Scenic Area and have no adverse impact on its special qualities, in accordance with Policy 9G – Landscape of the Orkney Local Development Plan 2017.

7.4. Residential Amenity

The houses are designed to face into the proposed new street. Windows would be included in the rear elevations of the houses, including facing east towards neighbouring houses in Garson Drive. However, the alignment and footprint of the proposed houses have been designed to ensure that none of the proposed windows would directly face and be within 21 metres of any windows of any existing neighbouring properties. The proposed houses are an adequate distance from neighbouring houses that there would be no unacceptable impact in relation to sunlight or daylight, noting that the two-storey properties are furthest from Garson Drive. Construction noise and disruption would be controlled by planning condition. The application is considered to comply with Policies 1(iv) and 2(ii) of the Orkney Local Development Plan 2017, by ensuring that the amenity of the surrounding area would be preserved with no unacceptable adverse impacts on adjacent and nearby properties, and by ensuring a positive or neutral effect on the amenity of the area.

7.5. Parking and Road Safety

Roads Services was consulted and has no objections in relation to the proposed access or the parking provision within the site, noting that the dimensions of the proposed street were amended during consideration of the application, and clarification provided regarding the proposed curtilage parking and impact on the surface water swales. The application is therefore considered to comply with Policy 14C – Road Network Infrastructure of the Orkney Local Development Plan 2017.

7.6. Surface Water Drainage

The application has been subject to consultation with Engineering Services regarding the management of surface water. Initial queries regarding overland flow information have been addressed, and a schedule outlining the intended maintenance responsibilities and a description of maintenance activities has been provided. Based on that information and the detailed surface water drainage calculations provided, Engineering Services has no objection in relation to the management of surface water, including an existing culvert located along the western edge of the site. The application is therefore considered to comply with

Policy 13B – Sustainable Range Systems (SuDS) of the Orkney Local Development Plan 2017.

7.7. Flood Risk

Engineering Services requested information regarding floor levels. A Flood Risk Assessment was not required on the basis that the built development is sufficient distance from the watercourse, and all properties would be above the required minimum finished floor level of 5.02 metres above ordnance datum. Engineering Services noted that it would be challenging to achieve the minimum finished floor level for development within the plots initially proposed at the southern end of the site; however, as noted above these have now been removed, allowing that area to be landscaped. The application is therefore considered to comply with Policy 13A – Flood Risk of the Orkney Local Development Plan 2017.

7.8. Strategic Open Space

7.8.1.

Policy 10B confirms that development which would improve, expand or enhance current open space provision will be supported, and that the development of all housing allocations will be required to provide meaningful, well-designed and functional open space or make a contribution towards new or existing open space that would serve the users of the development. The planning application site includes an area of Strategic Open Space at its southern end, beyond the proposed road turning head. This provides a buffer to the watercourse and an opportunity for tree and shrub planting and management and enhancement of the habitat by linking existing semi-natural habitat east and west of the application site and on the opposite side of the burn. The landscaping and management of this area would be controlled by planning condition, which would meet the requirements of Policy 10B – Open Space in Settlements of the Orkney Local Development Plan 2017.

7.8.2.

It is proposed to provide a footpath link from the development to the existing Strategic Open Space to the west of the application site, the Millennium Woodland. Final details of the construction and future maintenance and responsibility for this footpath link would be agreed by planning condition. Based on the open space provided within the southern end of the application site, and the access provided to the Millennium Woodland, the development is considered to provide adequate opportunity for residents of the development and the wider community meaningful access to existing open space. The footpath link would also meet the requirement of Supplementary Guidance: Settlement Statements, in that “Pedestrian access to the established open space to the west and south of the site should be provided.”.

8. Conclusion and Recommendation

The majority of the site is allocated for housing development and the development is acceptable in principle. The submission has addressed consultee requirements regarding access and parking, management of surface water and flood risk. The design of the development is appropriate and residential amenity would be

adequately protected. Management of the strategic open space within the application site would be controlled by planning condition. One objection has been received on the grounds of density of development, traffic and pedestrian safety, and flooding and drainage. The objection is not considered of sufficient weight to merit refusal. The development accords with Policies 1, 2, 5A, 9F, 9G, 10B, 13 and 14C of the Orkney Local Development Plan 2017. Accordingly, the application is **recommended for approval**, subject to the conditions attached as Appendix 2.

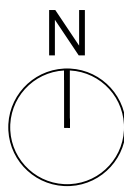
9. Contact Officer

Jamie Macvie, Planning Manager, Development Management, extension 2529,
Email jamie.macvie@orkney.gov.uk

10. Appendices

Appendix 1: Site Plan.

Appendix 2: Planning Conditions.



LOW LEVEL SHRUB PLANTING AT SITE ENTRANCE WHERE POSSIBLE. OUT WITH WAYLEAVE & VISIBILITY SPLAY

EI Sub Sta

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SITE AREA: 7993m²

HOUSING MIX	
2BB	3
3BB	4
2BV	2
3BV	4
TOTAL	13

REV	DATE	DESCRIPTION	DRN
I	24.02.20	PLOTS 6-8 REMOVED, REMAINING PLOTS RENUMBERED	KM
H	21.01.20	ROAD WIDTH ADJUSTED TO 6m, 45 DEGREE SPLAY INDICATED. CONNECTING PATH TO OPEN SPACE INDICATED. LANDSCAPING NOTED AT SITE ENTRANCE.	KM
G	27.11.19	PLOT 5 REVISED TO INCLUDE GARAGE	KM
F	26.11.19	RED LINE BOUNDARY REVISED	KM
E	19.11.19	INDICATIVE HOUSE TYPES FOR PLOTS 7 & 8 REMOVED	KM
D	18.11.19	EXISTING SITE NOTES REMOVED FOR CLARITY	KM
C	25.09.19	LAYOUT REVISED	KM
B	12.09.19	GENERAL LAYOUT REVISIONS.	KM
A	27.08.19	SITE LAYOUT REVISED FOLLOWING DISCUSSIONS WITH PLANNING DEPT.	KM

DENOTES PUBLIC ACCESS PATH TO BE ADOPTED BY OIC

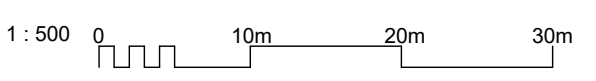
DENOTES 6m OFFSET FROM MILL BURN

Bracewell Stirling CONSULTING

38 WALKER TERRACE, TILlicOUNTRY, FK13 6EF 01259 750301
5 NESS BANK, INVERNESS, IV2 4SF 01463 233760
15 LOCHSIDE STREET, OBAN, PA34 4HP 01631 359054

HOUSING AT CAIRSTON ROAD
STROMNESS
ORKNEY BUILDERS LTD

SITE LAYOUT
STATUS: **PLANNING**
SCALE: 1 : 500 DRAWN: KM
PAPER SIZE: A3 DATE: Jun 2019
DWG No. **4458-01-050** REV. **I**



Appendix 2.

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

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

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

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

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

02. No development shall commence until details of affordable housing provision have been submitted to, and agreed in writing by, the Planning Authority, in conjunction with Housing, Homelessness and Schoolcare Accommodation Services. These details shall include consideration and incorporation of housing types and tenures which meet local housing requirements and phasing of the development. Thereafter, the development shall be delivered wholly in accordance with all agreed details.

Reason: To ensure the development meets local housing requirements in accordance with Policy 5B of the Orkney Local Development Plan 2017.

03. No development shall commence until full details of the extent, construction and management in perpetuity of the proposed footpath link from the hereby approved road to the west boundary of the application site, linking the development to the Strategic Open Space, have been submitted to, and agreed in writing by, the Planning Authority. Thereafter, the footpath link shall be constructed and maintained in perpetuity in accordance with the approved details. The footpath link shall be completed prior to occupation of the final house within the development, or prior to expiry of a period of two years from the date of occupation of the first house in the development, whichever is the sooner.

Reason: To ensure adequate access to the Strategic Open Space.

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

- The location of all proposed tree, shrub, hedging and grass planting.
- A planting schedule comprising layout, number, density, species, and height of all trees and shrubs, and seed mix of all grass areas, including tree planting within the Strategic Open Space at the southern end of the application site.
- The location, design and materials of all hard landscaping works, including walls, fences and gates.
- A timescale for the implementation and completion of all soft and hard landscaping contained in the Scheme of Landscaping, including all tree and shrub planting in the first planting season following commencement of development, and completion of all roads, footpaths and hard landscaping prior to first occupation of any house.
- A programme for the management and maintenance in perpetuity of all the approved landscaped and open space areas within the development.

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

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

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

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

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

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

06. The houses hereby approved shall be finished externally using the following materials and colours:

- Roof – non-profiled tiles, colour black/dark grey.
- Walls – uniformly coloured render, colour white/off-white.

- Windows and doors – colour grey.
- Rainwater goods – black.
- Cladding – weatherboard in colour grey.

The development and works shall progress in accordance with these approved details unless otherwise agreed, in advance of works and in writing, with the Planning Authority.

Reason: To ensure that the development is sensitive to, and compatible with, its context and to protect the appearance of the area.

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

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

08. Hours of work during the construction of the development hereby approved, involving the use of machinery and powered tools, or any other operation, for example hammering, that would generate noise audible beyond the boundary of the site, shall be restricted to 07:30 to 18:00 on Mondays to Fridays, 08:00 to 13:00 on Saturdays and not at all on Sundays, Christmas or New Year Public Holidays, unless otherwise agreed, in writing, with the Planning Authority.

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