

## Item: 3.2

**Planning Committee: 5 September 2018.**

### **Construct Access Road and Install Services and Drainage for Nine House Sites and Landscaping near Errival, St Ola.**

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

## **1. Summary**

### **1.1.**

Planning permission is requested for the construction of an access road, installation of services and drainage for nine house sites and landscaping near Errival, St Ola. The main part of the site is accessed directly from a new access being created off the A961 Kirkwall to St Margaret's Hope road. Two objections have been received, stating the development is not in accordance with the Orkney Local Development Plan 2017; creation of a new access impacts on road safety, creates a road hazard and impacts on road users; the scale and nature of the development is not in keeping with the area; and impacts on residential amenity. It is considered that the objections are of insufficient weight to merit refusal, and on balance the development accords with policies 1, 2, 5, 9, 10, 13 and 14 of the Orkney Local Development Plan 2017.

Application Number:	18/135/PP.
Application Type:	Planning Permission.
Proposal:	Construct access road and install services and drainage for 9 house sites, and landscaping near Errival, St Ola.
Applicant:	Mr William Gray, Errival, Dalespot, St Ola.
Agent:	Mr S J Omand, 14 Victoria Street, Kirkwall.

### **1.2.**

All application documents (including plans, consultation responses and representations) are available for members to view at the following website address:

[http://www.orkney.gov.uk/Service-Directory/D/application\\_search\\_submission.htm](http://www.orkney.gov.uk/Service-Directory/D/application_search_submission.htm)  
(then enter the application number given above).

## **2. Consultations**

Consultation responses have been received as follows:

### **2.1. Development and Marine Planning**

"I note that the number of houses has now fallen beneath the level required for an automatic need for a development brief to be produced and that the applicant can

instead provide a site development statement which explains how the development will be delivered providing as the case officer you are happy that there is no need for a formal brief. Much of the information required in support of the application will be the same as mentioned within our initial response.

Of the information required to determine the application, I note now that the Roads Authority has no objection to the alternative location for the access to the site. Although this is contrary to the Development Plan, the requirement to utilise the existing access was only placed upon the site following the representation of the Roads Authority in response to our consultation during the drafting of the Plan. If the Roads Authority are satisfied that the proposal is acceptable, and there will be no roads safety implications for the alternative route, it may be acceptable on balance.

The land was allocated as it met the criteria of a rural settlement within Orkney. A key factor that enabled the allocation was its adjacency to the public service bus route to allow residents to commute to Kirkwall or to visit without the need for private car journeys. It is therefore essential that residents have a safe route between the houses and a dedicated waiting area for the public service bus to Kirkwall, which is situated off the public highway and any areas to be utilised by motor vehicles to access the site (access tracks).

The Site Development Statement should also demonstrate to your satisfaction that the following factors have been addressed:

- Flood risk assessment and/or identification of a flood buffer zone around any watercourses;
- Topographic analysis and details of how this has affected layout;
- Microclimate (wind, sun path, exposure and shelter) – how has this influenced the design?
- Has the style, form and orientation of surrounding buildings influenced the proposal to ensure that the appropriate density and style has been achieved?

If you are satisfied that the proposal is in keeping with the Settlement Statement, notwithstanding the alternative access route, and that the above have influenced the layout and design of the proposed buildings, this department has no further concerns.”

## **2.2. Roads Services.**

“The proposed maintenance plan for the roads within the development site is acceptable to Roads Services. A condition should therefore be applied to any permission that may be granted to ensure that the maintenance plan is put in place as detailed.

The area indicated as “waiting area for public transport” on the site plan should be omitted from the northern side of the proposed access. There should then be a condition applied that requires the developer to construct a section of footway on the southern side of the access, to an adoptable standard for a maximum length of 10 metres.”

### **2.3. Scottish Water.**

No objections to the development but advises that an “8” Water Pipe & an Abandoned 6” pipe run along your site boundary” and “that any conflict with assets identified may be subject to restrictions on proximity of construction”

## **3. Representations**

### **3.1.**

Two objections have been received from:

- Alan Bremner, Bendigo, St Ola, Kirkwall, KW15 1SX.
- P and C Strutt, 2 Glendale Park, St Ola, KW15 1ST.

### **3.2.**

The objections are on the following grounds:

- Creation of a new access onto the A961 impacting on road safety. The new access will increase the hazard to road users, increase number of vehicle movements and create problems entering and exiting existing access and farm accesses.
- Development is not in accordance with the Orkney Local Development Plan 2017 – the Settlement Statement for the allocated site details that no new access will be permitted off the main A961 public road and that pedestrian access will be provided to public transport route.
- Impact on the local natural environment.
- Not in keeping with rural character of the area.
- Scale of development.
- Impact on privacy and security.

## **4. Relevant Planning History**

### **4.1.**

Since being submitted the application has been amended which reduced the size of the development from the servicing of 10 sites to 9 sites.

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

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

<http://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, ‘Housing in Settlements’.
- Policy 9 – Natural Heritage and Landscape.
- Policy 10 – Green Infrastructure (Paths, Open Spaces and Green Networks).
- Policy 13 – Flood Risk, SuDS and Waste Water Drainage.
- Policy 14 – Transport, Travel and Road Network Infrastructure.
- Supplementary Guidance and Planning Policy Guidance:
  - Supplementary Guidance ‘Settlement Statements’ Kirkwall (April 2017).
  - Planning Policy Advice ‘Development Quality within Settlements’ (March 2012).

## **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. Description of Development**

The application site area is 0.56 hectares which includes a proposed access from the A961, internal roads and service infrastructure to serve 9 sites, wastewater treatment, a surface water drainage scheme, landscaping and bin storage area, as shown within the site plan, attached as Appendix 1 to this report. The two

wastewater treatment systems would use the same technology, specified as small biological wastewater treatment systems by 'Graf', each with reed beds providing tertiary treatment.

## **7.2 Site and Location**

### **7.2.1.**

The site is located in the parish of St Ola and lies to the east of the A961 Kirkwall to St Margaret's Hope road, in the area known as Dalespot. Dalespot was the original farm which now lies to the south of the settlement area as indicated on the location plan attached as Appendix 2 to this report. Currently there are eight houses within the Dalespot settlement and the original farm. The housing allocation in this area is identified in the Local Development Plan as DA-1 and includes two fields extending to 2.7 hectares which are in agricultural use and laid to grass. The existing boundary treatment is post and wire fencing both around the fields and existing houses; however, there are small stretches of stone dykes and timber ranch-style fencing. Hedging and planting is established within the gardens of the existing properties. To the south, north and across the road to the west is high-quality farmland and to the east is marshy land. An open ditch/water course runs to the north and east.

### **7.2.2.**

There are presently two access routes into the surrounding houses, one at the northern end serving two houses and the original farm access which serves the remaining houses. The proposal is to create a new access to serve the proposed nine houses and a waste water treatment plant with a second waste water treatment plant being accessed via the existing main access.

## **7.3. Principle**

### **7.3.1.**

The proposal lies within an area identified for development within the Orkney Local Development Plan and within the Supplementary Guidance (SG) 'Settlement Statements' Dalespot, St Ola, and therefore a presumption in favour of development exists within this area provided the development accords with the relevant Settlement Statement and other policy considerations.

### **7.3.2.**

The current application is a detailed application, but for the creation of roads, installation of foul and surface water drainage and landscaping only and does not include details of the house types or styles. Details of the design of the houses would be covered by separate future applications should this application be approved.

### **7.3.3.**

Development and Marine Planning advised within its consultation response that due to the level of development now proposed (reduced from 10 houses originally submitted), a development brief is not required. However, the need is highlighted to demonstrate that the layout and design of the proposed development is appropriate for the area and site taking account of environmental and locational issues. Given

the nature of this application which only covers the roads and infrastructure, this has limitations on managing the design and layout of the site at this stage, however there is an opportunity to ensure that this is covered by conditions attached to the current application, should permission be granted.

#### **7.4. Residential Amenity**

The neighbouring amenity of the area has been assessed at this stage of the development, and subject to a condition on working hours, it is considered to have no undue impact. However, it is recommended that a condition requiring a construction management and phasing plan is attached to this application should it be approved. This will ensure that any impacts on the existing houses are minimised while work is ongoing developing the site.

#### **7.5. Development Density**

The site plan shows an indicative layout for the sites which would suggest 9 sites could be developed within the area. This is below the capacity of 10 houses stated in the Local Development Plan.

#### **7.6. Design and Landscape**

##### **7.6.1.**

Supplementary Guidance provides design guidance for the development of the area in order to retain its rural character. However, it must be recognised that this area is predominately large modern houses set within large gardens. The traditional scattered farmsteads, field patterns and stone dykes within the area have largely been lost and little of the rural character has been retained.

##### **7.6.2.**

As the application only covers accesses, infrastructure and landscaping, this limits the ability to ensure that the development meets the aims of the Local Development Plan and Supplementary Guidance to avoid urban and suburban types of development.

##### **7.6.3.**

The plans do show an indicative housing layout plan. This layout utilises the area reasonably well and is in keeping with the existing modern development but is therefore relatively suburban in nature. The developer's Design Statement provides a guide to proposed design and external material for the houses, which are single or one and a half storey with a rectangular footprint, and a simple pallet of external materials including flat profile concrete tiles - black or dark grey, with render being white or light cream with dark grey windows and doors. Boundary treatment is proposed to be post and wire fencing and timber boarding, together with hedging along some of the boundaries.

##### **7.6.4.**

It is not clear how well the development would integrate into the surrounding landscape, but although the layout of the road would be set by this application, there

would remain an opportunity to add value to the design, scale of houses, and layout of the sites through appropriate conditions attached to this application. A strategic overview of the site and a development design guide could aid the development of a cohesive grouping of houses with sympathetic styles and using appropriate colours and traditional boundary treatments, for example stone dykes. This would allay some of the concerns raised by Development and Marine Planning outlined above. It is recommended that a condition is attached to any grant of planning permission to require a strategic overview of the site and a statement on design guidance for the area.

#### **7.6.5.**

There is limited landscaping planting proposed within the proposal. This will consist primarily of hedging (fuchsia, flowering currant etc), with the main block of hedging along the edge of the public road. However, the public water main runs along this boundary so all planting will need to be kept clear of the water main. Further small stretches of planting are proposed along the boundaries of the future house sites. The development would benefit from more planting particularly within the open space associated with the wastewater treatment plant. To ensure this is achieved a condition would be attached requiring a landscape plan and maintenance plan to be developed.

### **7.7. Sewerage and Drainage**

The proposed development is within an area where there is no public drainage network, however the applicant proposes to provide two wastewater treatment systems. Both use the same technology but one is slightly larger than the other. The larger of the two units, which services 6 of the sites, is located in the north-east corner of the site with a reed bed providing tertiary treatment. The second smaller unit is to the south of the site, within what is presently the garden ground of Errival. For wastewater treatment plants of this size the applicant will require to obtain a further consent from SEPA under the Water Environment (Controlled Activities) (Scotland) Regulations 2011(as amended) and ensure that the systems are designed and located in accordance with the Building Standards Technical Handbooks. The proposal provides a rainwater filter trench/storage trench to deal with rainwater storage and attenuation from the road network within the site along with the proposed individual soakaway pits for the surface water within each site. A condition will secure that the foul drainage and surface water infrastructure is built in accordance with the details submitted.

### **7.8. Flood Risk**

The application site lies partially within the surface water medium likelihood flood extent of the Scottish Environment Protection Agency Flood Maps. Surface water flooding has been identified in SEPA's flood maps along the east ditch/water course. The applicant has taken account of this within the surface water drainage plan for the site. However, given the location of an open ditch/water course at the edges of the allocated area that the road and infrastructure serve, a buffer zone should be provided within the development design statement to ensure that future houses are an adequate distance away from the ditch/watercourse.

## **7.9. Access/Road safety**

### **7.9.1**

The proposal is to create a new access onto the A961, and the access is to be designed to comply with the National Roads Development Guide (NRDG). Although the Local Development Plan settlement statement indicates that no new access will be permitted off the A961 to service this site, when the application was further assessed by Roads Services it was found that an access in the proposed location complied with the NRDG, met the sightline requirements and achieved the junction separation distance. Objections have been raised on road safety grounds, however Roads Services are satisfied that the proposed access meets the NRDG and has no objection to the development.

### **7.9.2**

A waiting area for pedestrians accessing public transport is proposed at the junction with the A961, giving suitable access to local schools, shops and other necessary facilities. There are no further public transport requirements at this stage of development. Roads Services have requested that the proposed “waiting area for public transport” is relocated to the south side of the access and is built to an adoptable standard for a maximum length of 10 metres. A planning condition is proposed to ensure the waiting area is provided.

### **7.9.3**

To ensure connectivity through the area, the OLDP 2017 - settlement statement, looks for pedestrian access to public transport and services. To meet that objective, a footpath access should be provided allowing pedestrian access through this area and from the existing housing at the Dalespot end onto the proposed new access road and waiting area referred to at section 7.9.2 above. A condition would be attached to cover pedestrian access and connectivity across the Dalespot settlement area.

### **7.9.4**

The road network and infrastructure within the site will be private, which will mean that they are not maintained by the Council but jointly maintained by the owners of the nine sites through a deed of conditions on the titles. However, details of the maintenance plan will require to be agreed with Roads Services and the Planning Authority and this would be covered by a planning condition.

## **8. Conclusion and Recommendation**

The proposal is for the infrastructure and roads to serve nine house sites in an allocated site within the Dalespot rural settlement. The development has been assessed against the Orkney Local Development Plan 2017 and related Supplementary Guidance. Subject to the application of conditions to manage identified impacts both during construction and in the longer term, the proposed development is considered to be in compliance with policy requirements. An assessment of the material planning considerations has not identified any matter or objection that carries such weight that is of a sufficiently detrimental impact as to



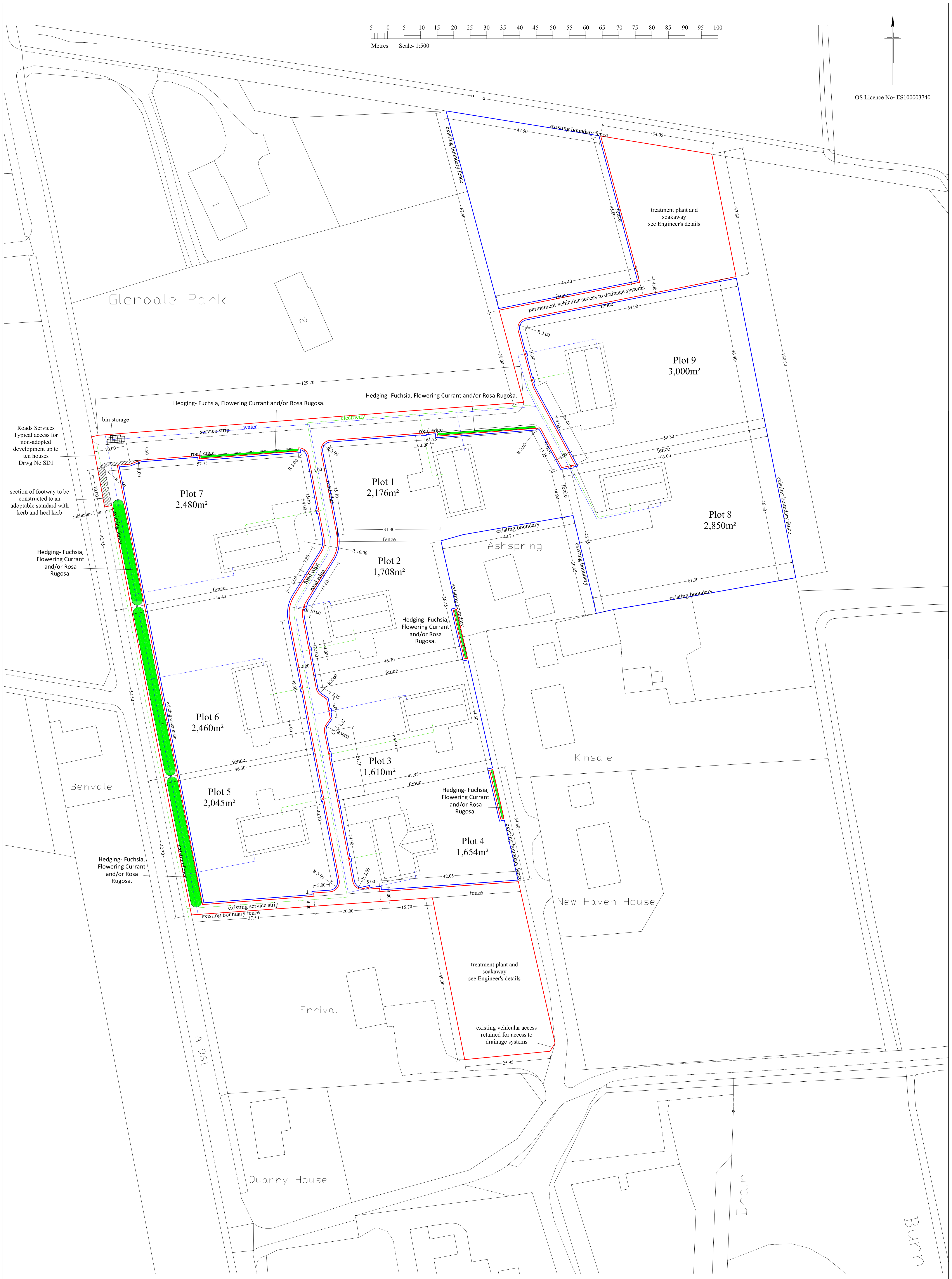
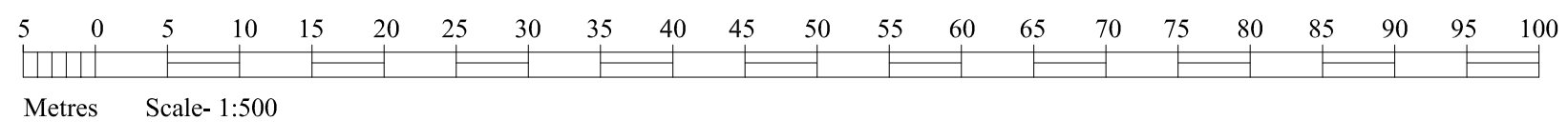
warrant refusal. The development is therefore acceptable, and in accordance with Policies 1, 2, 5, 9, 10, 13 and 14 of the Orkney Local Development Plan 2017, the Supplementary Guidance 'Settlement Statements' Dalespot, and Planning Policy Advice 'Development Quality within Settlements' (March 2012). Accordingly, the application is **recommended for approval**, subject to the conditions listed in Appendix 3 to this report.

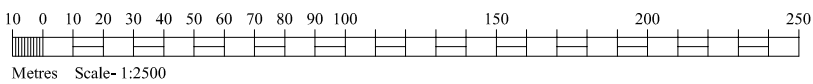
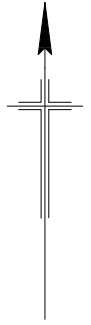
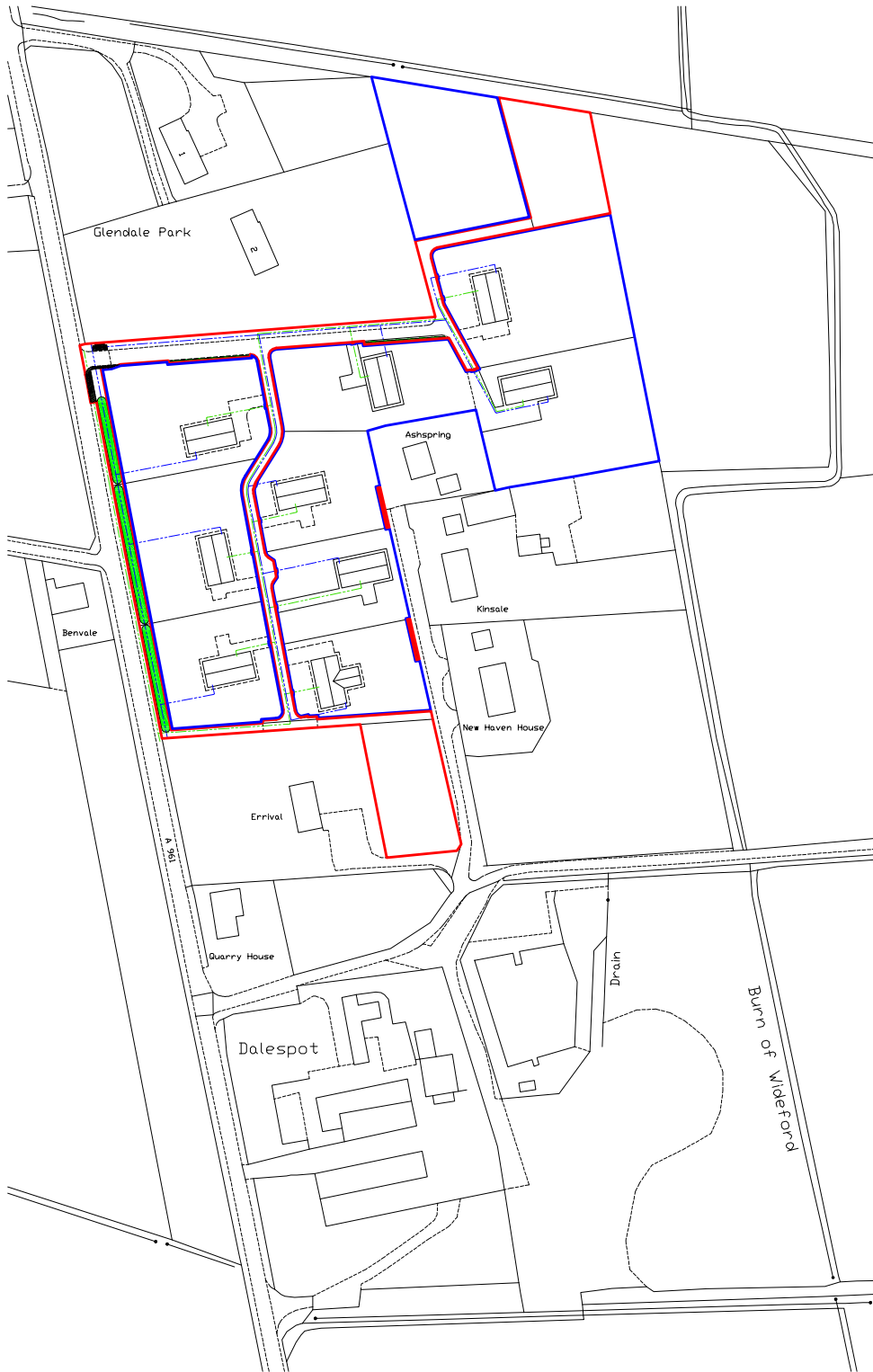
## **9. Contact Officer**

Margaret Gillon, Senior Planner, extension 2505, Email [margaret.gillon@orkney.gov.uk](mailto:margaret.gillon@orkney.gov.uk)

## **10. Appendices**

- Appendix 1: Site Plan.
- Appendix 2: Location Plan.
- Appendix 3: Planning Conditions.





Proposed Housing Development at Errival, St Ola.  
For William Gray, Errival, St Ola, KW15 1SX.  
OS Ref HY 45276 07137.  
Easting 345276.  
Northing 1007137.  
A4 Location Plan.

## **Appendix 3.**

### **Grant subject to the following conditions:**

01. Prior to work commencing on the application hereby approved, final details of the landscaping and planting scheme shall be submitted to, and agreed in writing by, the Planning Authority. The landscaping and planting scheme and any associated plans shall include proposals for the area of land adjacent to the two treatment plants and shall detail the proposed landscaping arrangements and species proposed for planting. The planting aspect of the approved scheme shall be completed no later than the first planting season following the consent of the development approved by this planning permission, unless otherwise agreed in writing with the Planning Authority.

Reason: To ensure implementation of the approved landscaping and planting scheme in the interests of the amenity of the proposed housing development and the visual amenity of the surrounding area.

02. Any trees, shrubs or other plants required to comply with Condition 01 and which die, or are removed or become seriously damaged or diseased, within a period of five years from the first use or completion (whichever is the sooner) of the development shall be replaced in the next planting season with others of similar size and species unless the planning authority gives written consent to any variation.

Reason: In order to safeguard and care for the landscaping in the long-term interests of the appearance and amenity of the area.

03. Hours of construction and demolition 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 08:00 and 18:00 Mondays to Fridays, 08:00 to 12:30 on Saturdays and not at all on Sundays or the Christmas or New Year Public Holidays, unless otherwise agreed, in writing, with the Planning Authority.

Reason: To safeguard the amenity of nearby residents.

04. No residential unit in this development shall be occupied unless all roads, footpaths and infrastructure serving the development have been completed, with the access road completed to the level of bottoming and bitmac base course, including the access junction and all turning heads, and once provided, all parking and turning areas shall thereafter be permanently retained as such.

Reason: To ensure the provision of a means of access and turning space to an adequate standard in the interests of road safety.

05. Prior to work commencing on site, a detailed plan of a footpath linking the existing housing at Dalespot to this new development and through to the waiting area to be provided, adjacent to the A961, shall be submitted to, and approved in writing by, the Planning Authority. Thereafter, the footpath shall be completed in accordance with the phasing plan for the development.

Reason: To ensure safe access for pedestrians through the site and to a waiting area at the A961.

06. Within 6 months of the occupation of the first dwelling unit in this development, all roads and footpaths shall be completed to their final specification, including the 10 metres of footpath adjacent to the public road which is to the adoptable standards of the Council, unless otherwise agreed in writing by the Planning Authority. Once provided, all parking and turning areas shall thereafter be permanently retained as such.

Reason: To ensure the provision of a means of access and infrastructure in the interests of road safety and public amenity.

07. No house within the development hereby approved shall not be occupied unless a public footpath designed and constructed in accordance with the current Council road construction standards has been provided for 10 metres along the public road (A961) from the newly created junction as shown on the approved plans to the satisfaction of the Planning Authority.

Reason: To ensure safe access for pedestrians.

08. Prior to commencement of development, a detailed site-specific construction method statement shall be submitted to, and approved in writing by, the Planning Authority. Thereafter, all construction works on the site shall be carried out in accordance with the approved construction method statement, unless otherwise agreed in writing by the Planning Authority.

Reason: In the interests of residential amenity

09. The proposed foul and surface water drainage systems shall be carried out in accordance with the approved plans, and no house shall be occupied until the approved drainage system has been implemented in this form, unless otherwise agreed in writing with the Planning Authority. Following provision of the drainage system it shall thereafter be maintained by the developers or their successors in accordance with the approved maintenance scheme.

Reason: To ensure that adequate drainage facilities are provided, and maintained, in the interests of the amenity of the area.

10. The communal wheelie/kerbside recycling bin storage area(s) shown on the approved plans shall be constructed prior to the first occupation of the development and thereafter maintained in perpetuity.

Reason: To ensure that suitable provision is made for the storage of communal waste and recycling bins.

11. No development shall commence until a Phasing Plan outlining details of the phasing of the development has been submitted to, and approved in writing by, the Planning Authority. Thereafter, development shall be undertaken in accordance with this approved Phasing Plan.

Reason: To ensure that build-out of the development is phased to avoid adverse impact on residential properties.

12. Within six months of commencement of development, or prior to occupancy of any house within the development, whichever is sooner, a maintenance plan for the management of the communal areas, including roads, footpaths, landscaping and foul and surface water drainage, in perpetuity shall be submitted to, and agreed in writing with, the Planning Authority in conjunction with the Roads Authority.

Reason: To ensure long term maintenance of the roads and infrastructure in the interest of safety and amenity of the users of the area.

13. Within six months of commencement of development, or prior to occupancy of any house within the development, whichever is sooner, a strategic overview of the site and statement on design guidance for the area shall be submitted to, and agreed in writing with, the Planning Authority. The design guidance should provide details to ensure a cohesive grouping of houses which uses sympathetic styles of houses using appropriate colours and utilising traditional boundary treatments.

Reason: To aid the integration of the development into this area.