

Item: 3.1

Planning Committee: 23 January 2019.

Demolish House and Garage and Erect Two Houses with Air Source Heat Pumps at Clifton, Upper Crantit Road, Kirkwall.

Report by Executive Director of Development and Infrastructure.

1. Summary

1.1.

It is proposed to demolish an existing house and detached garage, and erect two semi-detached houses at Clifton, Upper Crantit Road, Kirkwall. The application has been called in by two Councillors and, in accordance with the Scheme of Delegation, the application must be reported to Committee for determination. Determination of this application was deferred by the Committee at its meeting held on 12 December 2018 in order that a site visit by members could be carried out. The application is acceptable in principle, within the settlement boundary. However, the scale is considered unacceptable in the context. One objection has been received on grounds of overlooking, with an additional comment regarding drainage. The proposed development is considered contrary to Policies 1(i) and 2(i) and (ii) of the Orkney Local Development Plan 2017 and Planning Policy Advice – ‘Development Quality Within Settlements’ (March 2012).

Application Number:	18/322/PP.
Application Type:	Planning Permission.
Proposal:	Demolish a house and garage and erect two houses with air source heat pumps.
Applicant:	Mr and Mrs Albert Bruce, Karrawa, Inganess Road, Kirkwall, KW15 1SP.
Agent:	Mr Stephen J Omand, 14 Victoria Street, Kirkwall, KW15 1DN.

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
(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:

- Mr Magnus Tullock, 3 Braedon Court, Kirkwall.

3.2.

The objection is on the grounds of overlooking.

4. Relevant Planning History

None.

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 5 – Housing.
 - Policy 13 – Flood Risk, SuDS and Waste Water Drainage.
- Supplementary Guidance and Planning Policy Advice:
 - Planning Policy Advice 'Development Quality within Settlements' (March 2012).
 - Supplementary Guidance 'Settlement Statements' Kirkwall (April 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 a local inquiry.

7. Assessment

7.1. Location and Site

Clifton is an existing, relatively modern single storey house, of no architectural or historic merit, and therefore there are no concerns arising from its proposed demolition. The house fronts onto a small side road of Upper Crantit Road, with a garden extending to the south to Braedon Court, as shown within the site plan, attached as Appendix 1 to this report. An open field is located immediately east of the application site, and Highland Park warehouses form part of the backdrop, particularly when viewed from Holm Branch Road. Houses in the immediate context are a mixture of styles, scale and materials.

7.2. Proposal

It is proposed to demolish the existing house and detached garage, and erect two semi-detached houses largely on the same footprint and fronting onto the public road. The houses would be two storeys, with a step in the ridge between the houses to allow for the slope across the frontage of the site. The houses would have a gable width of 9 metres and a ridge height of almost 8 metres with a relatively shallow 30-degree roof pitch. The houses would have flat grey roof tiles, white dry dash to the walls, and green windows and doors, with a large section of green vertical cladding to the front of each house.

7.3. Principle

Orkney Local Development Plan 2017 Policy 5A 'Housing in Settlements' provides a general presumption in favour of residential development within the settlement boundaries, provided that the proposed development also meets other policies of the Plan and any other material planning considerations. The site is within Kirkwall, and an existing house site, and development of two sites within the plot is acceptable in principle.

7.4. Design and Appearance

7.4.1.

Although unusual, the use of green cladding on the main elevation of the houses could be accommodated, in conjunction with doors and windows. The dark grey roof is in keeping with other houses in the wider area, with a roof pitch that is shallow and poorly proportioned when combined with the wide gable of the house, but not so incongruous that it would merit refusal on design grounds in its own right. Critical to consideration of the application is the height of the houses. There are houses of similar height in the wider area, including the adjoining street; however, those houses are lower on the slope of the area and have other houses adjacent. Due to the open field adjacent, the proposed houses would be seen unobstructed from Holm Branch Road and other higher ground. From those views, as well as immediately adjacent to the site in the street, the houses would have an overbearing impact on their surroundings, including the neighbouring house which is single storey and on lower ground. It is also relevant to note the Highland Park warehouses are nearby on higher ground, and which dominate all houses in the area in terms of scale. Despite that, the warehouses are seen separate to the houses and more associated with the distillery above, so the presence of the warehouses does not necessarily justify houses of the scale proposed.

7.4.2.

It was suggested to the applicant during consideration of the application that the ridge height be reduced to a 1½ or 1¾ storey design, on the basis that the development would be supported as a result. The applicant resisted that suggestion. On the basis of the scale of the proposed houses, taking into account that the design is not innovative or of unusually high quality, the development is not considered to be designed taking into consideration the location or the wider townscape, and so is contrary to Policy 1(i) 'Criteria for All Development'. In the text accompanying Policy 2 of the Orkney Local Development Plan 2017, it is confirmed that "Design is a material consideration in the determination of planning applications and planning permission may be refused solely on design grounds". Due to scale and proportions, it is considered that the development would not reinforce the distinctive identity of Orkney's built environment, would not be sympathetic to the character of the local area, and would have a negative effect on the appearance and amenity of the area and is contrary to Policy 2 'Design'.

7.5. Residential Amenity

7.5.1.

Planning Policy Guidance 'Development Quality Within Settlements' (March 2012), states that: "It is important within built up areas to ensure that an appropriate level of amenity is maintained for existing residents. For this reason, the minimum distance between any combination of windows to living rooms, dining rooms and/or bedrooms directly facing each other should not normally be less than 21m". It also states that "...There must be no significant loss of amenity of existing neighbouring buildings, such as loss of privacy or daylight as a result of overlooking or overshadowing".

7.5.2.

No windows are proposed in the gable facing the closest property, Cedar Villa, to the west. Rear windows would generally face those in the gable of the objector's property at Braedon Court; however, the distance to the boundary of the application site exceeds 21 metres, and it is a further several metres to the objector's house. The impact on privacy is therefore not considered unacceptable, and in that regard the development would meet policy requirements. Environmental Health has no concerns regarding noise from the air source heat pumps.

7.6. Access and Parking

Following initial concerns, Roads Services has no objection to the accesses and proposed parking provision of two parking bays at the front of each property, subject to construction of the accesses across the verge to an appropriate standard. The proposal accords with Policy 1 'Criteria for All Development' part (vi) and Policy 14C 'Road Network Infrastructure'.

7.7. Sewerage and Drainage

The proposed development would connect to the public sewer and include surface water drainage that would be compliant with Sustainable Drainage Systems. The development would be required to incorporate adequate surface water management, which would maintain or improve the current flow of surface water through the site.

8. Conclusion and Recommendation

8.1.

The principle of the demolition of the house and construction of replacement houses within the plot is acceptable. The siting is appropriate and would not result in any unacceptable impact on residential amenity. The objection is therefore not of sufficient weight to merit refusal. The proportions and unusual colour of cladding are not unacceptable. It is considered that the scale of the development proposed would result in the houses dominating the townscape in the immediate vicinity and having an overbearing impact on neighbouring houses. The applicant has resisted suggestions to amend the design, and the application has been called in by two Councillors to be determined as submitted.

8.2.

The development is not considered to take into consideration the location or the wider townscape, and it is considered that the development would not reinforce the distinctive identity of Orkney's built environment, would not be sympathetic to the character of the local area, and would have a negative effect on the appearance and amenity of the area. The application is contrary to Policy 1(i) 'Criteria for All Development' and Policy 2 'Design' of the Orkney Local Development Plan 2017, and accordingly is **recommended for refusal**.

9. Contact Officer

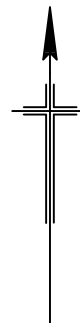
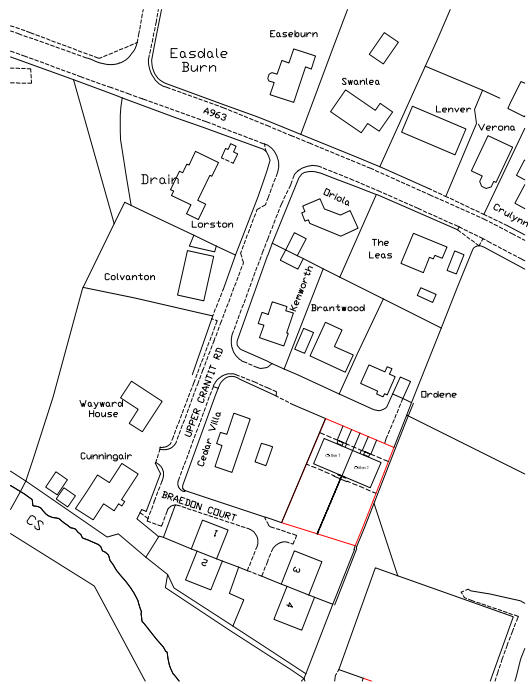
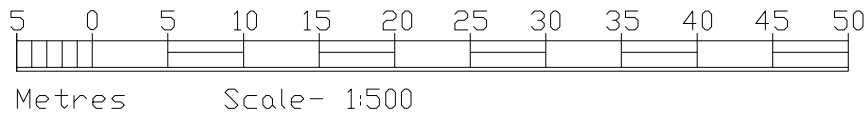
Jamie Macvie, Planning Manager, extension 2529, Email jamie.macvie@orkney.gov.uk

10. Appendix

Appendix 1: Location and Site Plan.



Ordene



Demolition of Existing House & Erection of 2 No Semi-detached Houses with air source heating.
At Clifton, Upper Crantit Road, Kirkwall.

Scales As Shown. Drwg No- 1527/1/P1

OS Licence No- ES100003740

