

Item: 5.1

Planning Committee: 1 July 2020.

Demolish a house and erect a house with an integral garage and an air source heat pump (resubmission of 19/414/PP) at The Rosary, Downies Lane, Stromness.

Report by Executive Director of Development and Infrastructure.

1. Summary

1.1.

It is proposed to demolish a house and erect a new house on the same site, adjacent to Downies Lane in Stromness. The site is within the settlement boundary and the development is acceptable in principle. The proposed house is two storeys in height and includes significant underbuild. No objections or representations have been received. Due to the scale of the proposed development, which is in a prominent location in the context of Stromness and the Hoy and West Mainland National Scenic Area, and the resultant landscape and townscape sensitivities, the Executive Director of Development and Infrastructure has opted not to exercise delegated powers. Accordingly, the application is submitted to the Planning Committee for determination. On balance, it is considered that residential amenity, townscape and landscape character, and the special qualities of the National Scenic Area would be adequately protected, and that the development accords with Policies 1, 2, 5A, 8A, 9G, 13B and 14C of the Orkney Local Development Plan 2017. Accordingly, the application is recommended for approval.

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| Application Number: | 20/193/PP. |
| Application Type: | Planning Permission. |
| Proposal: | Demolish a house and erect a house with an integral garage and an air source heat pump (resubmission of 19/414/PP). |
| Applicant: | Mr Willie Mackay, The Rosary, Downies Lane, Stromness, KW16 3EP. |
| Agent: | None. |

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

None.

4. Relevant Planning History

4.1.

Pre-application advice was provided by Development Management in relation to an alternative proposed design on the site. The massing and proportions of the proposed house were significantly amended following receipt of that advice.

4.2.

Planning application 19/414/PP was submitted for a similar development on the same site. This was withdrawn due to amendments required to the site boundary.

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 8A – Historic Environment and Cultural Heritage – All Development.
 - Policy 9G – Landscape.
 - Policy 13B – Sustainable Drainage Systems.
 - Policy 14C – Road Network Infrastructure.

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 Rosary is a single storey house, located immediately adjacent to and in line with Downies Lane in Stromness. The road in that location is relatively steep, and the house is dug into the slope to the extent that the public footway adjoins the house wall above floor level. The house has a long rectangular plan and comprises two main components – a historic pitched roofed section at the northern end with Orkney stone slates and a gable chimney stack and which appears on the 1892 Ordnance Survey plan, and an adjoined modern section with a flat roof.

7.1.2.

The existing house and application site are located close to the northern edge of the settlement boundary, on elevated ground overlooking and visible from much of Stromness. The site is located within the Hoy and West Mainland National Scenic Area.

7.1.3.

It is proposed to demolish the existing house and erect a replacement house, largely on the same footprint, as indicated on the Site Plan attached as Appendix 1. The proposed new house would be a T-plan, with the main section in line with the existing house, following the line of the road and perpendicular to the contour. The northern end of the house would be lower, comprising a garage. The main part of the house would be two-storey, with a stone-clad gable facing south and another gabled section forming the T-plan facing east towards Garson. In addition to the south gable, stone would be used to create a boundary wall detail alongside the public road. The remainder of the house would be finished with a grey/brown render to

match the colour of Brinkie's Brae which forms the backdrop from some locations, and a dark grey non-profiled tile on the roof.

7.2. Principle

7.2.1.

The development is located within the settlement boundary of Stromness and would comprise infill development. On the basis it would replace an existing house, residential development on that site is already established and accepted. The application is therefore acceptable in principle in accordance with Policy 5A 'Housing in Settlements' of the Orkney Local Development Plan 2017.

7.2.2.

Related to the principle of new housing on the site, is consideration of demolition of the existing house. The site is not in a conservation area and the property has no designation. However, Policy 8 requires assessment of the potential impact of the loss of any building of architectural or historic interest. The general presumption is that any such building should be retained and integrated into any redevelopment of a site, unless evidence is provided to confirm that the structure is not worthy of retention. In this case, the house has suffered from dampness due to the footway adjoining the external wall above floor level. The stonework has been covered with render, one chimney stack removed and windows replaced. Critically, structural alterations have been carried out for the modern, flat roofed extension to be added. Therefore, the principle of demolition of the building as part of the redevelopment of the site is acceptable in accordance with Policy 8 of the Orkney Local Development Plan 2017. This conclusion does not set a precedent for the removal of traditionally constructed buildings within other development sites.

7.3. Design and Appearance

7.3.1.

The site layout is appropriate. The footprint of the proposed house largely covers that of the existing house, and adequate outside amenity space would be provided to the east of the building footprint. Adequate parking space would be provided within the integral garage and parking area to the north of the site.

7.3.2.

The design of the house is critical to the recommendation. The scale of the proposed house is significantly larger than the existing house to be replaced. It would be two storeys in height, exacerbated by its orientation which is perpendicular to the slope, resulting in an underbuild of 1.2 metres at the lower end of the house. The house would be approximately 8.5 metres from finished ground floor level to ridge height; therefore, with the underbuild added, a total construction height of approximately 9.7 metres would be visible when viewed from the south, which would be the view travelling up Downies Lane from Back Road. The simple rectangular plan of the existing house is repeated in the garage and main section of the proposed house; however, the form is complicated by a gabled projection on the east elevation. This projection has a 10-metre wide plan, resulting in a roof pitch and proportions which

differ from those of the remainder of the house. The scale, proportions and complexity of design of that elevation have the greatest potential to impact on the character of the area.

7.3.3.

The proposed house must be considered in its context. In that regard, there are other large houses in the general vicinity, some of which break the ridgeline from specific locations within the town. The applicant has made significant amendments to the design since first proposed, and to external finishing materials and details since settling on the current proposed building envelope. Stone resulting from the existing house would be used to clad the south gable, which would be the elevation visible from the centre of Stromness.

7.3.4.

Based on a 6-metre wide plan and a relatively steep roof pitch, the proportions of this gable are appropriate and relate to other buildings in the vicinity. This stone cladding would also be used on the 1.2 metre underbuild on that gable, to minimise the perception of building above ground level. The garage at the northern end of the floor plan would maintain the narrow plan and roof pitch, with the ridge stepped down. The applicant has committed to a grey/brown render to tie in with the background colour, reducing the impact of the development from a distance, particularly in combination with the stone cladding and dark roof. Doors, window frames and fascias would also be dark coloured. Two sections of vertical cladding would be used on the east gable, to narrow the area of render required. A key concern when first submitted was the horizontal line of the finished ground floor level immediately adjacent to the steeply sloping road and footway. Through negotiations, the applicant added a 1.2 metre high stone boundary feature alongside the public footway. This would cover the underbuild on the west, road-facing elevation and importantly would maintain the lines of the road/slope rather than an artificial horizontal line of the floor level.

7.3.5.

In relation to Policy 1, part (i), the development is considered to adequately take into consideration the location and wider townscape character. 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. On balance, in relation to site layout and the scale, form, massing, proportions, and materials of the proposed development, the application is considered to accord with Policy 2 of the Orkney Local Development Plan 2017.

7.4. Landscape Impact

7.4.1.

The site is located within the Hoy and West Mainland National Scenic Area. The special qualities for which it is designated include the geology and topography, coastal scenery, the interaction between land and water, and the townscape of Stromness, its setting and its link with the sea. In relation to Stromness, the special

qualities are based on the distinctive townscape, with a traditional settlement pattern that is a little altered, of houses surrounding the bay and paths leading up to Brinkie's Brae.

7.4.2.

Due to the increase in height and the general scale relative to the existing house, the proposed development would be more visible and prominent than the site at present. The house would break the horizon from specific locations within the town to the south but would have a backdrop of hill when viewed from the east. The impact is less on the wider landscape, and more significant affecting key views from the immediate vicinity into the landscape, including the view from further north on Downies Lane when looking south towards Hoy. The applicant has provided visualisations, which includes this key view. The supporting documentation also notes that whilst the impact on that view is significant from a short section of road, there would be no impact from the road immediately adjacent to the house. The supporting documentation also highlights other large houses in the proximity of the site.

7.4.3.

Critically, the house would not represent an expansion into countryside surrounding Stromness or into a currently undeveloped section of Brinkie's Brae, and the house would be seen in the context of existing surrounding development. In that regard, and combined with the proposed finishing materials, the development can be considered as having no significant effect on the overall integrity of the National Scenic Area or the special qualities for which it is designated. The development therefore accords with Policy 9G of the Orkney Local Development Plan 2017.

7.5. Residential Amenity

As a replacement of an existing house, there is no concern regarding the general character of the area. The situation of the house within the plot, and public space/open land on three sides, ensures that there are no windows directly facing and within 21 metres of any windows of any existing neighbouring properties. The house would be an adequate distance from neighbouring houses that there would be no unacceptable impact in relation to sunlight or daylight. 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.

7.6. 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, subject to a requirement that the vehicle and parking area at the site entrance be constructed with some form of bound surface to prevent loose material being deposited onto the public road. On this basis, the application is considered to comply with Policy 14C – Road Network Infrastructure of the Orkney Local Development Plan 2017.

7.7. Surface Water Drainage

The application is a single house development, and in replacement of an existing house. Whilst the footprint would be larger than the existing house, it is considered that the surface water drainage can be accommodated within the site. For the avoidance of doubt, and to ensure management of surface water is adequately controlled, full details of the surface water drainage layout would be required by planning condition. The application is considered to comply with Policy 13B – Sustainable Drainage Systems (SuDS) of the Orkney Local Development Plan 2017.

8. Conclusion and Recommendation

The application is acceptable in principle, as infill development comprising the replacement of an existing house. The house retains insufficient historic interest to require retention as part of the site redevelopment. Significant amendments have been made to the proposed design, including the massing and use of finishing materials. The use of stone cladding would lessen the impact of the south gable and the significant underbuild, including the stone wall feature adjacent to the public road. Localised impacts on the townscape character and views across the landscape are not so significant to merit refusal. The case is balanced between policy support for such development and impacts on landscape and townscape. In conclusion, the balanced judgement is that the development accords with Policies 1, 2, 5A, 8A, 9G, 13B and 14C of the Orkney Local Development Plan 2017. Accordingly, the application is **recommended for approval**, subject to the conditions attached as Appendix 2 to this report.

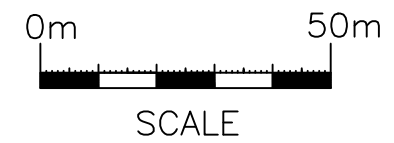
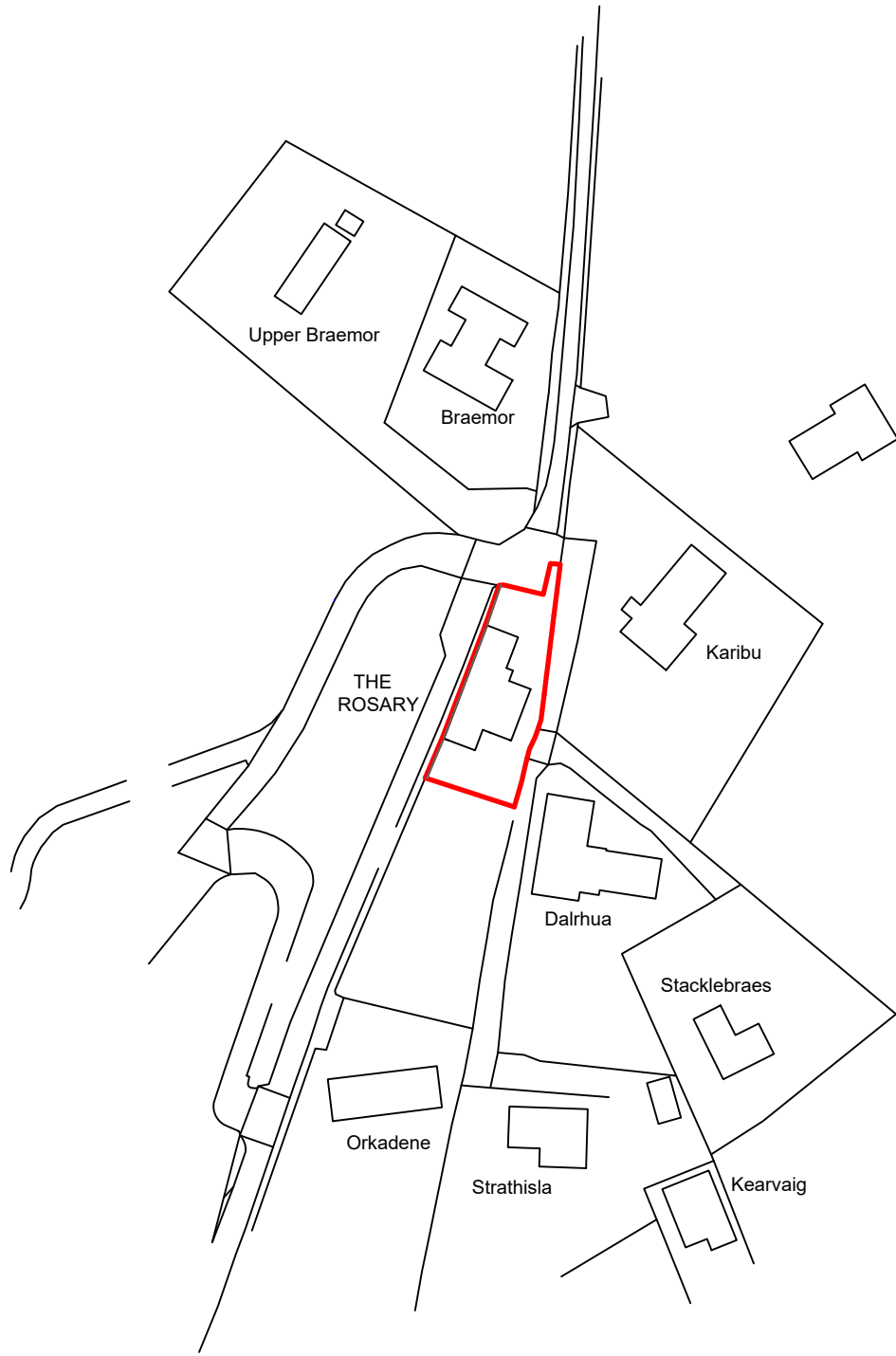
9. Contact Officer

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

10. Appendices

Appendix 1: Site Plan.

Appendix 2: Planning Conditions.



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| CLIENT | William MacKay & Lorraine Giles | CONTACT: Crowl Sondelck ORKNEY KW16 3EP 01856 841085 07748 18 08 18 mol@sondelck.co.uk |
| LOCATION | The Rosary, Downies Lane, Stromness, KW16 3EP | |
| DRG TITLE | Location Plan | DWG.N° 05 Rev4 |

Appendix 2.

01. The junction of the existing access with the public road and the area annotated as 'Vehicle access and parking (bound material)' on the Site Plan hereby approved shall be constructed with a bitumen surface, and shall be constructed and completed with this surface finish prior to first occupation of the development hereby approved, 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.

02. The development hereby approved shall be finished externally using the following materials and colours:

- Roof – dark grey non-profiled tiles.
- Ridge tiles – dark grey.
- Fascias and soffits – black or dark grey, soffits not exceeding 150mm.
- Windows and doors – black or dark grey.
- Walls – Render, in grey/brown.
- South gable, including underbuild – Orkney stone cladding.
- Sections of vertical cladding – grey/brown.

No render or vertical cladding shall be applied to the building until full details of the colour and finish are submitted to, and agreed in writing, by the Planning Authority. Thereafter, the render shall be applied in accordance with agreed details.

Reason: To protect the character and appearance of the area.

03. Prior to the commencement of any construction within the application site hereby approved, the existing house shall be entirely demolished. Materials not required in the construction of the approved development shall be removed from site and disposed of in a licensed waste disposal facility or used for purposes for which planning permission is either not needed or has been granted.

Reason: To protect the appearance of the area and as the demolition of the building is required as part of the overall development.

04. Notwithstanding the provisions of condition 03, the Orkney stone roof slates shall be carefully removed by hand from the roof. Stone slates and stone resulting from demolition of the walls shall be retained and carefully stored on site for re-use within the development, unless alternative disposal is agreed, in writing, by the Planning Authority.

Reason: To ensure local materials are available for re-use within the development, and to prevent loss of a traditional material which has limited availability.

05. The 'New stone wall' on the west boundary of the site shall be constructed and completed along the whole west boundary in accordance with details included in the 'Site Plan' hereby approved, including a height not less than 1.2 metres above footpath level, and constructed from Orkney stone, prior to first occupation of the development hereby approved.

Other existing stone boundary walls shall be retained throughout the lifetime of the development.

Reason: To ensure the development is adequately integrated into its surroundings, by use of traditional boundary features.

06. Total noise from the Air Source Heat Pump(s) installed shall not exceed NR25 within any residential property outwith the development, where NR25 is the Noise Rating Curve at 25 (noise measurements to be made with a window of any residential property outwith the development open no more than 50 mm).

Reason: To protect any nearby residents from excessive noise disturbance from the air source heat pumps.

07. No development shall commence until full details of the management of surface water within the site are submitted to, and agreed in writing by, the Planning Authority, in conjunction with Roads Services. Agreed surface water management measures shall be constructed and completed prior to first occupation of the development hereby approved, 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.

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

08. Hours of work of demolition, construction or any other operations relating to 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.

Throughout the construction phase of the development there shall be no burning of waste material on site.

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.