

## Item: 5.1

**Planning Committee: 2 December 2020.**

**Erect Replacement House with Integral Garage and Air Source Heat Pump and Create Access (resubmission of 20/269/PP) at Newcott (Land Near), Ireland Road, Stenness.**

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

### 1. Summary

#### 1.1.

Full planning permission is sought to erect a replacement house (one for one), including demolition of the existing derelict building and creation of an access, on land near Newcott, Ireland Road Stenness. The site is in an elevated location, requiring careful consideration of landscape impact generally, and the Heart of Neolithic Orkney World Heritage Site in particular. The siting of the proposed house has been moved away from the original building to lower ground, further from the public road. Following withdrawal of a previous design and application, the scale, massing and materials proposed are considered acceptable. Three objections have been received on the grounds of design, landscape impact including skyline impact, loss of derelict building, density of development, impact on road infrastructure, impact on the World Heritage Site and impact on the Hoy and West Mainland National Scenic Area. The objections are considered of insufficient weight to merit refusal. The development accords with Policies 1, 2, 5, 8, 9 and 14 of the Orkney Local Development Plan 2017 and relevant Supplementary Guidance. Accordingly, the application is recommended for approval.

Application Number:	20/361/PP.
Application Type:	Planning Permission.
Proposal:	Erect a replacement house (one for one) with an integral garage and an air source heat pump and create an access (resubmission of 20/269/PP).
Applicant:	Mr and Mrs Adam Lyon, Darwin, Old Finstown Road, Kirkwall, KW15 1TR.

#### 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](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.

Three objections have been received from:

- The Architectural Heritage Society of Scotland, AHSS National Office, 15 Rutland Square, Edinburgh EH1 2BE.
- Mr David Craig, 110 Craigmount Avenue North, Edinburgh, EH4 8HJ.
- Mr Stuart Gray, Vakkerrygg, Stromness, KW16 3LB.

### 3.2.

The objections are based on the following grounds:

- Design.
- Landscape impact including skyline impact.
- Loss of derelict building.
- Density of development.
- Impact on road infrastructure.
- Impact on the Heart of The Neolithic Orkney World Heritage Site.
- Impact on the Hoy and West Mainland National Scenic Area.

### 3.3.

Other matters have been raised within the objections, including loss of view, which are not material planning matters.

## 4. Relevant Planning History

Reference.	Proposal.	Location.	Decision.	Date.
20/269/PP.	Erect a replacement house (one for one) with an integral garage and an air source heat pump and create an access.	Newcott (Land Near), Ireland Road, Stenness.	Withdrawn.	16.10.2020.

12/553/PIP.	Demolish existing house and siting of a replacement house.	Newcott (Land Near), Stenness.	Grant subject to conditions.	25.09.2012
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## 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 5 – Housing.
  - Policy 8 – Historic Environment and Cultural Heritage.
  - Policy 9 – Natural Heritage and Landscape.
  - Policy 14 – Transport, Travel and Road Network Infrastructure.
- Supplementary Guidance and Planning Policy Advice 2017:
  - Supplementary Guidance: Housing in the Countryside.

## 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. Principle**

#### **7.1.1.**

The property is located in the countryside, adjacent to the Ireland Road in Stenness, as indicated on the location plan attached as Appendix 1 to this report. The principle of the development is tested against Policy 5E – Single Houses and new Housing Clusters in the Countryside, and Supplementary Guidance: Housing in the Countryside. The application has been submitted in relation to criterion (iii) of Policy 5E for the replacement of an existing building or structure.

#### **7.1.2.**

The existing building must first meet the definition of a 'building or structure' to be considered eligible for replacement. The Supplementary Guidance confirms that a building or structure is defined as being above ground, having the majority of the original walls to wallhead level and a floor area of 50 square metres or greater. If the building has no roof, it must be confirmed that the building had a roof in the past. The original flagstone roof of the building has largely been lost; however, parts remain to evidence the former roof covering. The walls of the building are in poor condition but are standing to wallhead level. The building measures 50.2 square metres. The building therefore meets the 'building or structure' definition of Supplementary Guidance.

#### **7.1.3.**

Criterion (iii) requires that the building to be replaced must be redundant or a former house. The building makes both tests. The criterion is clear that the Supplementary Guidance seeks to protect and enhance Orkney's historical and architectural assets through a 'retention and conversion first' approach to buildings of historic and/or architectural merit, and any such buildings are expected to be retained, either for use in their own right or as ancillary buildings to approved development. This approach relates to one of the objections, which is on the grounds that the existing building should be retained rather than demolished. Visual inspection of the building reveals movement and bowing in the main walls. The loss of the roof over an extended period will have resulted in water entering the clay core and weakening the walls. Based on practicality rather than cost, the applicant's case that it is not feasible to retain the building as it stands is accepted. This is regrettable, and not the default position, but a reasonable approach must be taken with regards the condition of a redundant building. The retention of materials for use within the application site, as controlled by planning condition, would ensure the materials are not lost, even if the remains of the existing structure cannot be retained in situ.

#### **7.1.4.**

In cases where the replacement of an original building is accepted, the default is that the replacement house would be located on the same site, with provision for exceptions where there are demonstrable planning benefits for an alternative location, with landscape impact cited as such justification. This is the case for the current application, as detailed later in this report in relation to landscape impact.

#### **7.1.5.**

The development is considered acceptable in principle, including in relation to the size and condition of the derelict building to be replaced, and complies with Policy 5E and Supplementary Guidance: Housing in the Countryside.

### **7.2. Design**

#### **7.2.1.**

The massing of the house has been broken into multiple parts. The house comprises a main accommodation section, based on a rectangular plan, gabled and 1¾ storeys in height, to a ridge height of approximately 6.8 metres, with a light render and natural slates. A garage is attached to one gable, which is single storey, clad with timber and with a standing seam metal roof. The kitchen/living accommodation is in a separate wing, also single storey and with timber cladding and metal roof. This wing is angled to the main section of the building, creating an offset T plan, as indicated in the floor plan and elevations drawings, attached as Appendix 2 to this report.

#### **7.2.2.**

The design of the development cannot be considered in isolation and must be taken in context with its landscape and the designations affecting the landscape. However, the approach to the design is considered appropriate, breaking down the volume/massing of the building into multiple elements of different heights, which is how many buildings and structures have been developed in the Orkney landscape historically. Although multiple parts, the form of each of the elements of the building is simple, comprising a long narrow plan with gables and an appropriate roof pitch, and the proportions of the building are therefore also appropriate in an Orkney countryside context. In terms of scale, by having an upper floor, the height of the main section of the house is increased. Various options are available to provide an upper floor of accommodation; in this case, a 1¾ storey design is proposed for the main part of the house. The proposed use of materials – utilising render and natural slates on the main, taller part of the house, combined with timber cladding and a metal roof on the other, lower parts – reflects other buildings and small steadings in the countryside, where it is common to see a hierarchy of a taller farmhouse adjoined by other structures with a different wall and/or roof material.

#### **7.2.3.**

The existing redundant building is located immediately adjacent and perpendicular to the public road. For landscape purposes, the house would be relocated approximately 35 metres to the south of the existing building, resulting in a

separation of approximately 14 metres between the house and the road. The orientation of the house is in line with and ensures a relationship with the public road.

#### **7.2.4.**

In terms of the design of the house therefore, through consideration of scale, form, massing, proportions and materials, it is considered that the design would reinforce Orkney's built environment and would be sympathetic to the character of the area. The development is therefore considered to comply with Policy 2.

### **7.3. Amenity**

The development would be located at an adequate distance from other properties to prevent any unacceptable adverse impact on the amenity of any neighbouring properties, including from noise, loss of privacy or impact on daylight or sunlight. The development therefore complies with Policy 1.

### **7.4. Parking and Road Safety**

The site is located adjacent to the Ireland Road and a new single dwelling access would be formed. Roads Services has no objection on grounds of road safety, access or parking, subject to a planning condition being attached to the decision. The development therefore complies with Policy 14C – Road Network Infrastructure.

### **7.5. Drainage**

It is proposed to install a private drainage system for both foul and surface water, and the extent of the site is considered adequate to provide both. These systems would be subject to separate assessment through the building warrant process. The private wastewater drainage system would also require prior authorisation from SEPA under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) (as amended).

### **7.6. Landscape**

#### **7.6.1.**

The site is located within the Hoy and West Mainland National Scenic Area (NSA). Policy 9G – Landscape confirms that development affecting the NSA will only be permitted where it is demonstrated that the proposal will not have a significant effect on the overall integrity of the area or the qualities for which it has been designated.

#### **7.6.2.**

An extract from Scottish Natural Heritage Commissioned Report 374: 'The special qualities of the National Scenic Areas', provides a description of the NSA: "North Hoy has a particularly strong visual inter-relationship with the south-west mainland of Orkney, the pastoral character of which around the shores of the Loch of Stenness makes a good foil for the bold hills of Hoy. The basin of this loch is enclosed by low rolling hills of lush grassland, some arable land, scattered farm steadings and stone dykes with a noticeable lack of trees, giving a very open landscape, the character of which is enlivened by the abundant remains of ancient occupation."

### **7.6.3.**

Critical in this case is that the site contains the redundant former house, indicating the historic occupation of the site, and the principle of a new, replacement house on that site is acceptable. The key consideration is therefore not whether the site should be developed, but whether the siting and design of the proposed replacement house is acceptable, and whether any impact on the NSA is so significant that it would affect the overall integrity of the area or the qualities for which it is designated. Existing relatively large properties in the surrounding area do not necessarily provide a precedent for further similar development; however, they do provide context in the immediate landscape. The combination of the open, sloping nature of the landscape and surrounding scattered housing on both higher and lower ground than the proposed site is such that it is considered the landscape can accommodate the additional dwelling. As is the case with any new built development, there will inevitably be some localised landscape impact, ie the development would be seen from parts of the surrounding area. This would be softened by some landscaping immediately surrounding the development which would be controlled by planning condition. The likely impact is not considered so significant that it would affect the overall integrity of the NSA. The development is therefore considered to comply with Policy 9G.

## **7.7. Heart of Neolithic Orkney World Heritage Site**

### **7.7.1.**

Policy 8B(i) – Heart of Neolithic Orkney World Heritage Site confirms that development will not be permitted where it breaks the skyline at the sensitive ridgelines of the World Heritage Site (WHS), unless it is demonstrated that the development would not have a significant negative impact on either the Outstanding Universal Value or the setting of the WHS. The potential impact on the WHS was raised within representations.

### **7.7.2.**

Acknowledging that the Ring of Brodgar is a key component part of the WHS, the applicant has taken a novel approach to assessing the potential impact of the development on the skyline when viewed from the Ring of Brodgar, including at multiple potential locations across the field within which the existing derelict building is located. This is set out in the applicant's Design Statement and is based around a photograph taken from immediately to the west of the Ring of Brodgar, and the use of a fixed length pole with a flag on top, set to the height of the proposed house. As a starting point, the assessment confirms that the existing derelict building is visible from the Ring of Brodgar; therefore, if a new house was developed to the same height as the existing building and on the same footprint, this would be visible above the skyline. The ridge height of the house was photographed at eight separate locations across the field, extending in a generally southerly direction from the derelict building. At the proposed location, the tip of the gable would be seen above the roof of an existing property. Given the varied style of multiple relatively modern houses in the vicinity which provide the view from the Ring of Brodgar, some of which significantly break the skyline, it is considered that any additional impact from the proposed development would not have a significant negative impact on the

setting of the WHS. A planning condition would require site sections to be provided prior to commencement of development, and for the house to subsequently be dug into the slope. The development is therefore considered to comply with Policy 8B.

## **8. Conclusion and Recommendation**

It is proposed to demolish an existing derelict former house and erect a new replacement house on land near Newcott, Ireland Road, Stenness. The principle of the development is acceptable. The design is considered appropriate, in terms of scale, form, massing, proportions and materials. The location and siting are also considered appropriate, including in the context of the National Scenic Area and the setting of the World Heritage Site. Objections are not considered to be of such material weight to merit refusal. The development accords with Policies 1, 2, 5, 8, 9 and 14 of the Orkney Local Development Plan 2017 and Supplementary Guidance: Housing in the Countryside. Accordingly, the application is **recommended for approval**, subject to the conditions attached as Appendix 3 to this report.

## **9. Contact Officer**

Jamie Macvie, Planning Manager, Email [jamie.macvie@orkney.gov.uk](mailto:jamie.macvie@orkney.gov.uk)

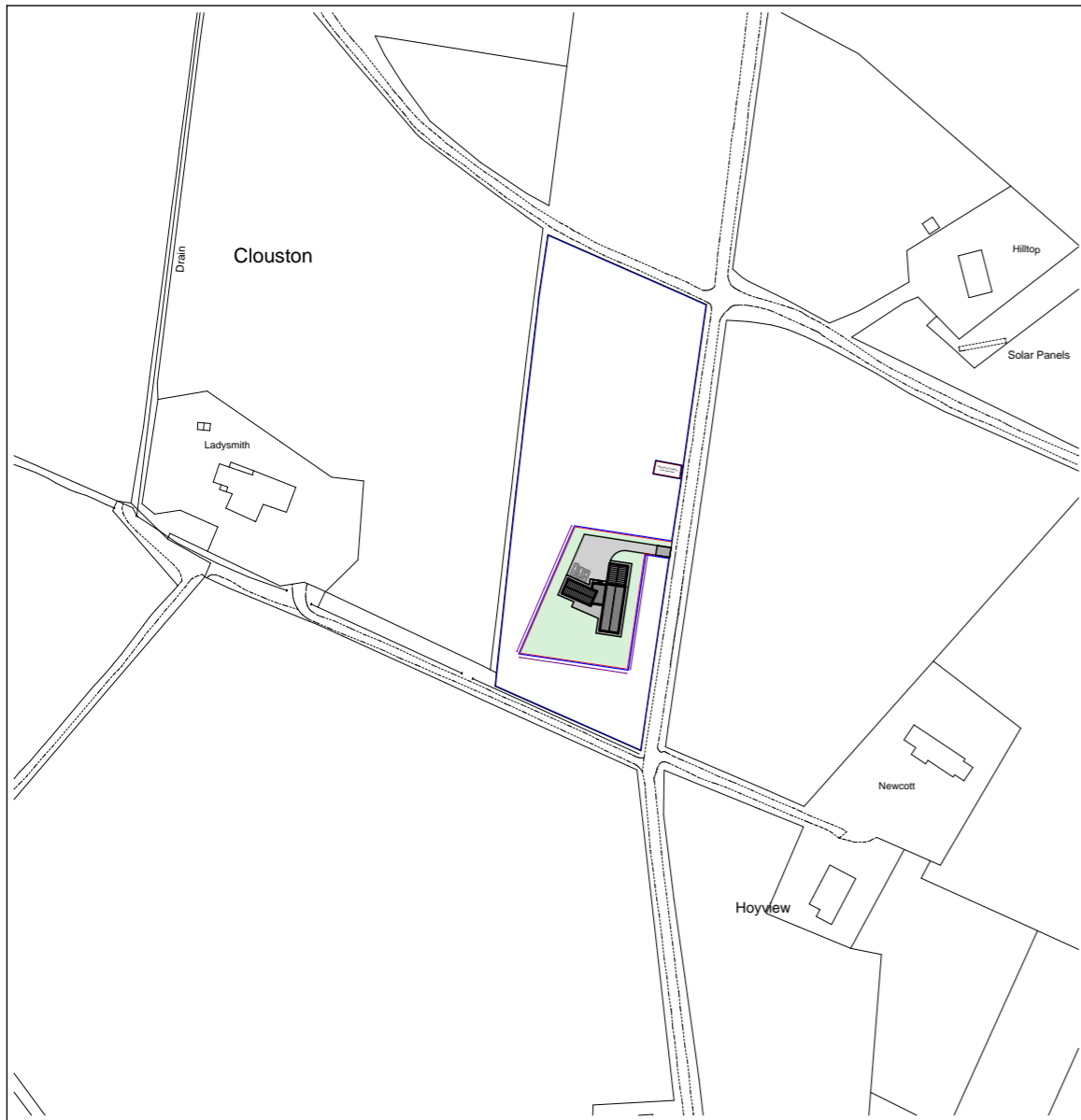
## **10. Appendices**

Appendix 1: Location Plan.

Appendix 2: Floor Plans and Elevations.

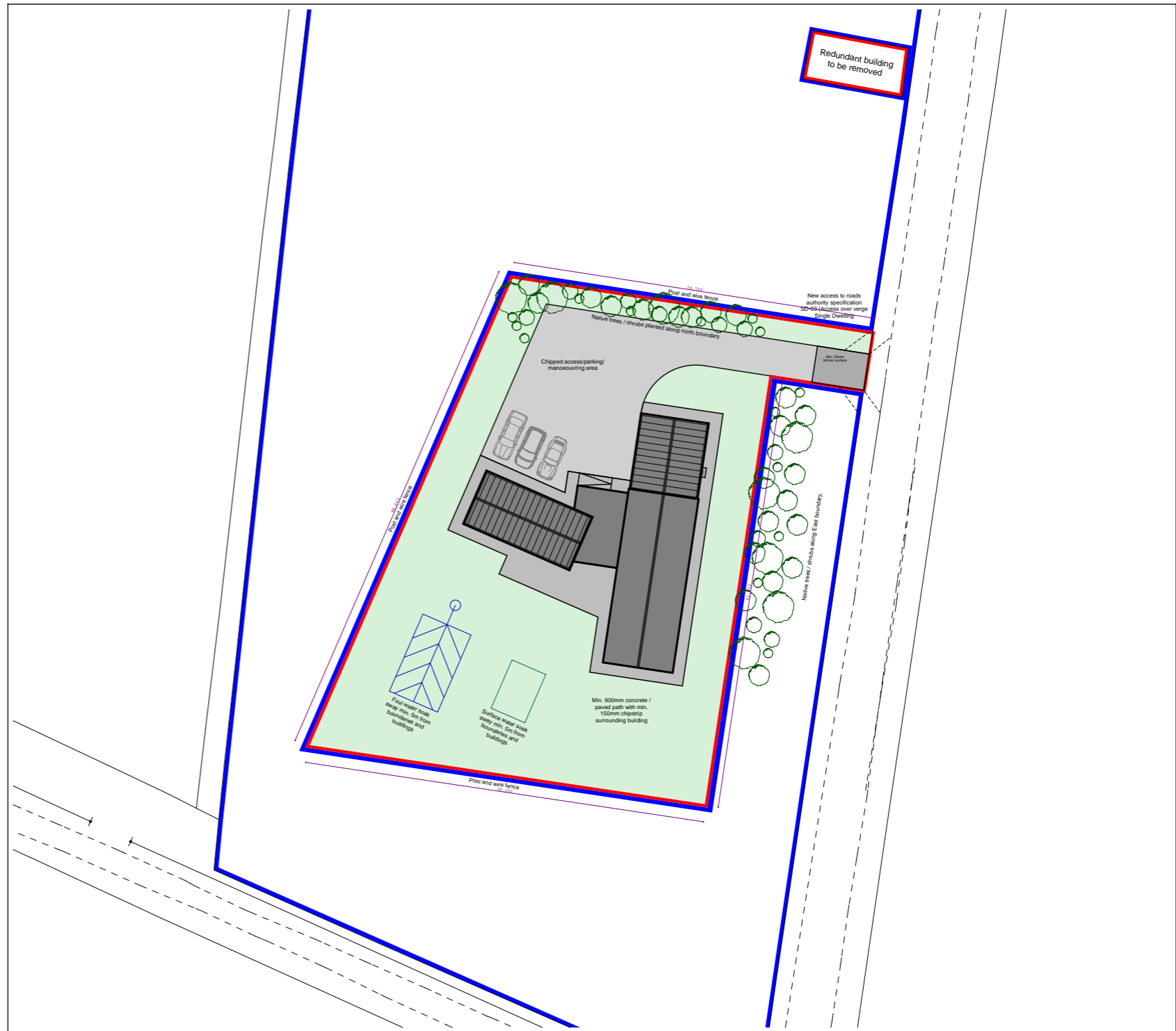
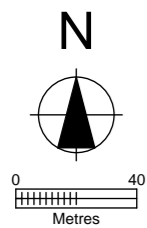
Appendix 3: Planning Conditions.





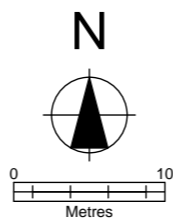
Location Plan

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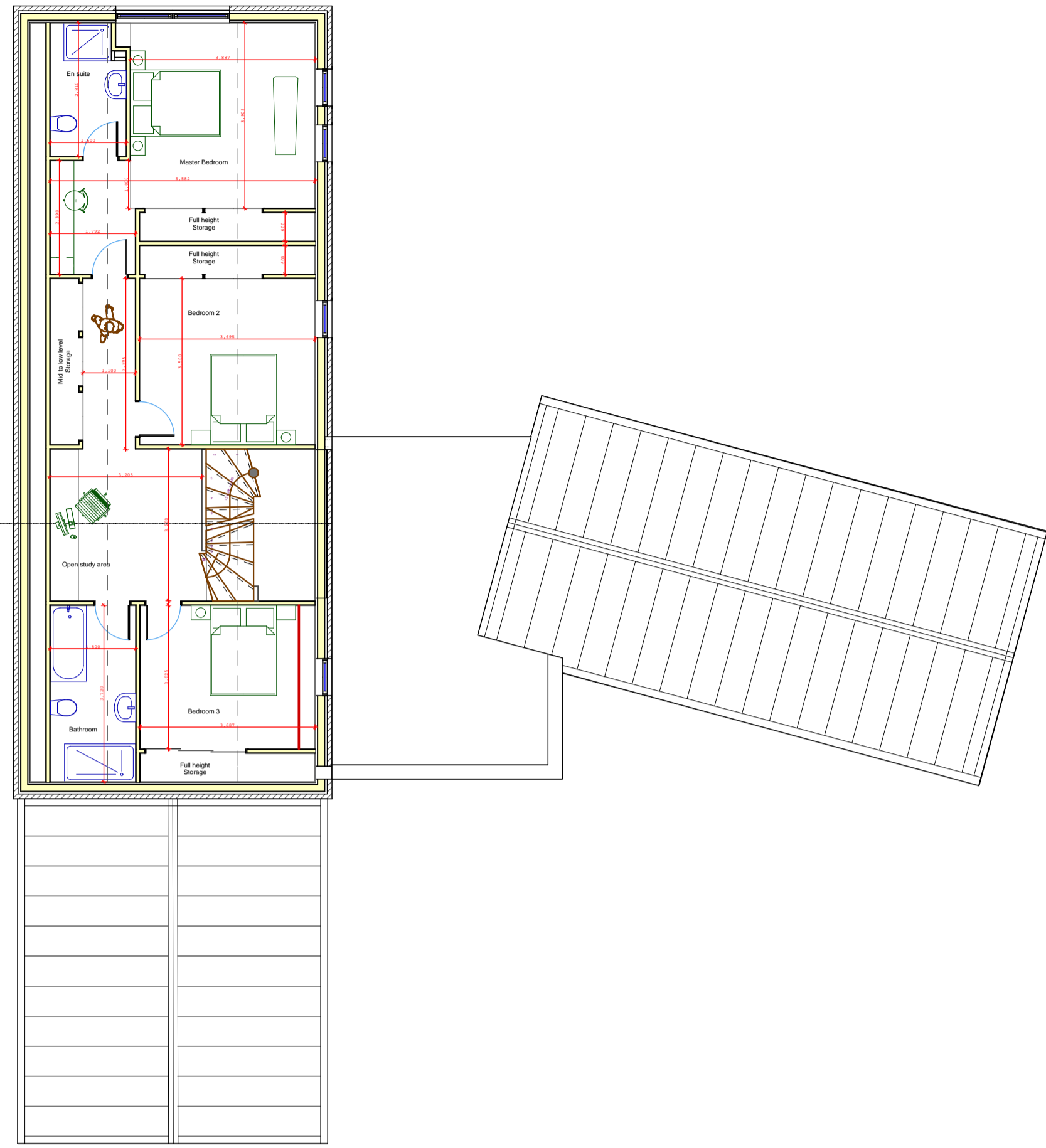


Site Plan

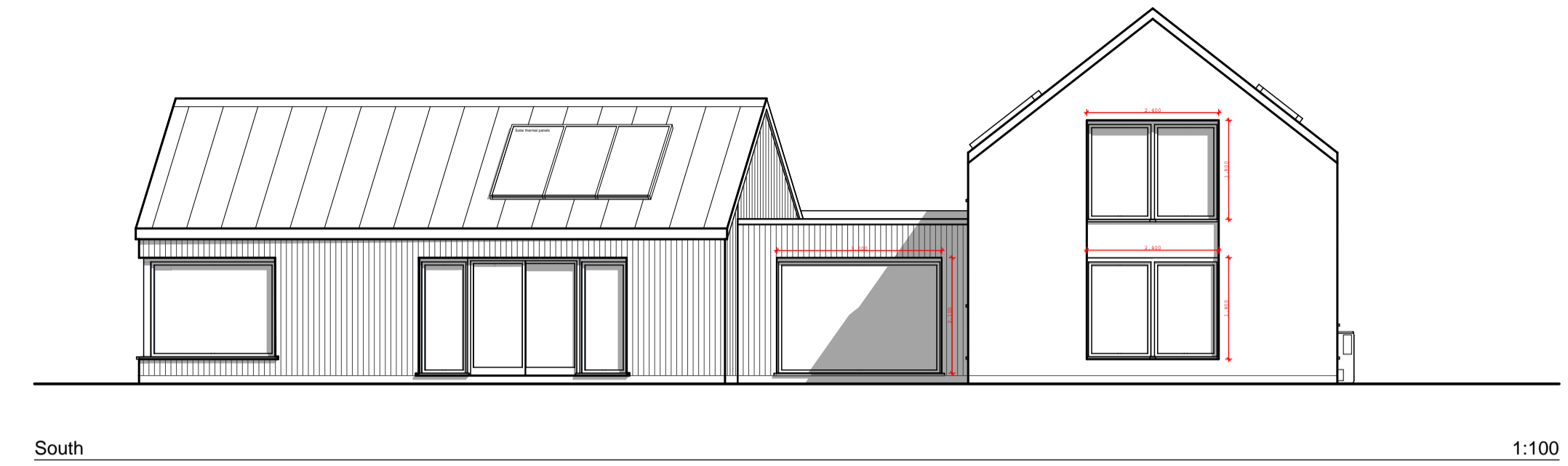
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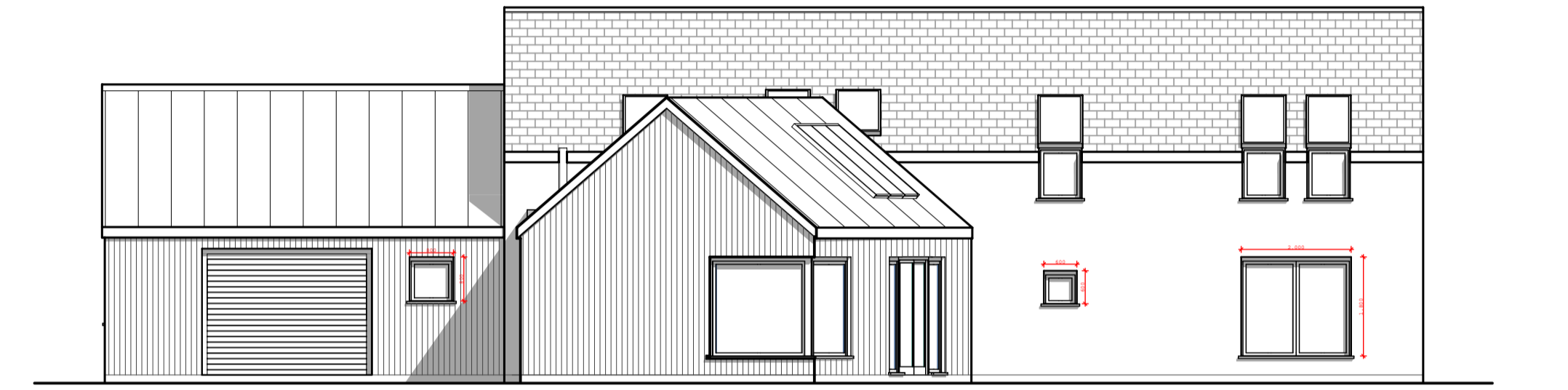
PLANNING		
Drawing: Location and Site Plan		
Site: Newcott (Land Near)		
scale: Varies @ A3	date: 19/10/2020	rev:



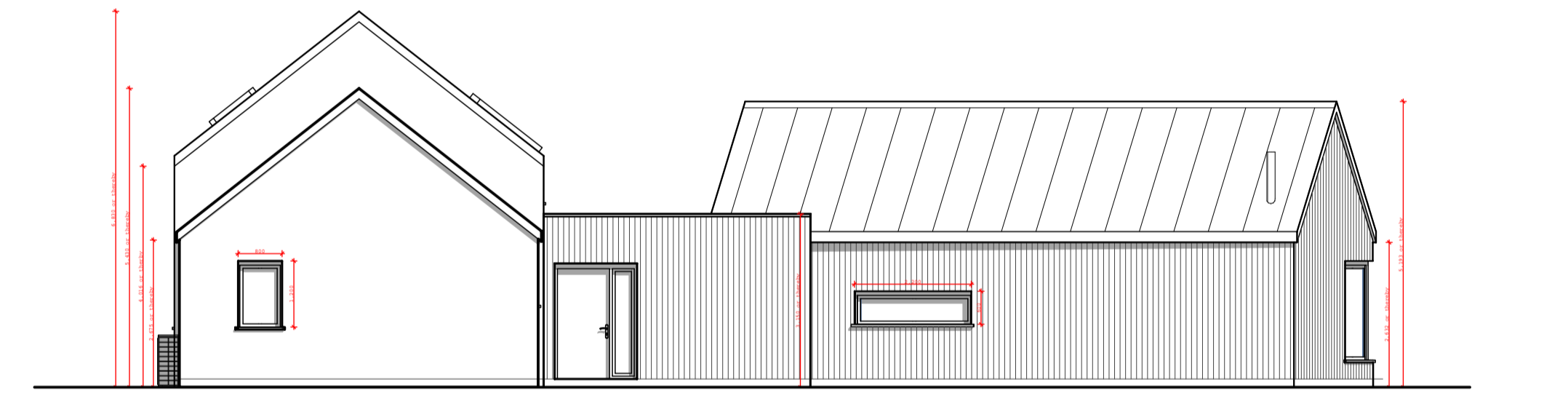
First Floor Plan 1:100



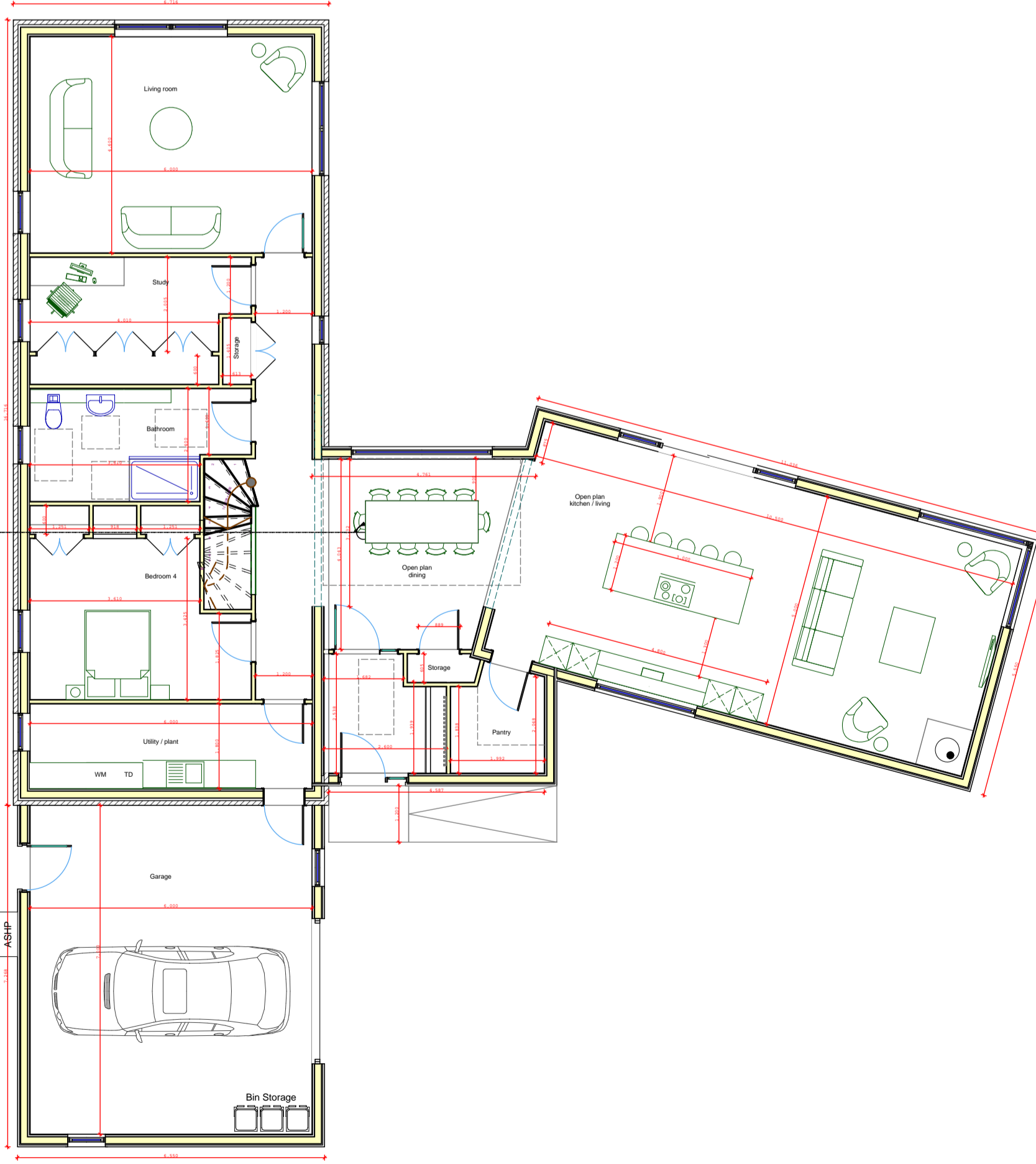
South 1:100



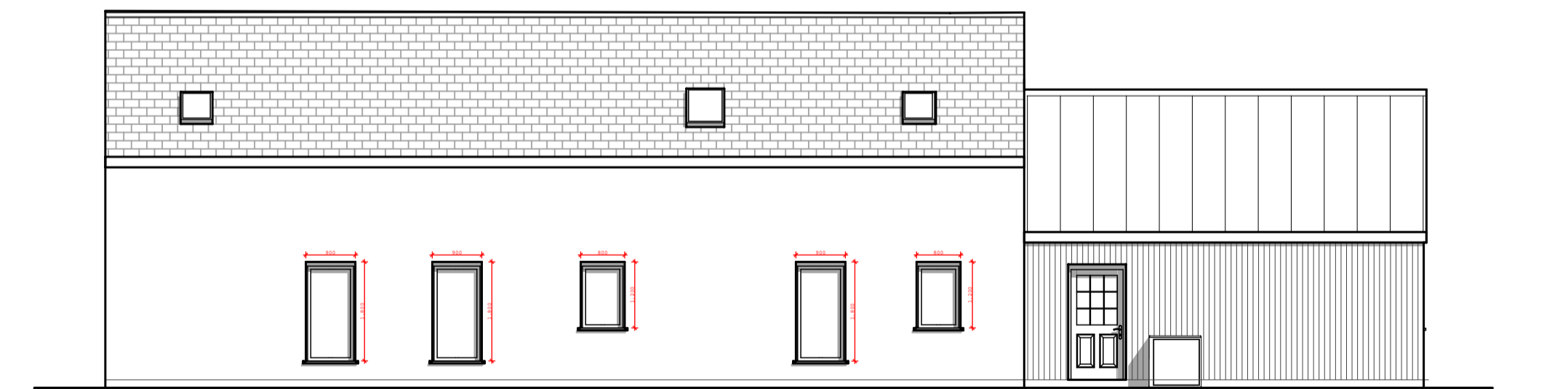
West 1:100



North 1:100



Ground Floor Plan 1:100



East 1:100



- Finishes**
- Main section**
  - Roof - Natural flat profile slate
  - Walls - White dry dash
  - Lower pitched roof sections**
  - Roof - Metal standing seam, dark grey
  - Walls - Untreated vertical timber cladding
  - Flat roofed section**
  - Roof - GRP, dark grey (perisep detail above entrance)
  - Walls - Charred or black vertical timber boarding
  - Windows and doors - Anthracite grey (RAL7016)
  - Velux roof lights - Standard dark grey
  - Rainwater goods - Black uPVC

### **Appendix 3.**

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

- Roof (main section) – natural slates.
- Walls (main section) – white render.
- Windows and doors – dark grey.
- Other walls – vertical timber cladding.
- Other pitched roofs – standing seam, dark grey.
- Rainwater goods – black.

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

02. Prior to the commencement of any construction within the application site hereby approved, the existing house shall be entirely demolished. Materials resulting from the demolition shall be retained and stored within the application site or on adjoining land for re-use as part of the landscaping scheme, unless otherwise approved, in writing, by the Planning Authority.

Reason: To protect the appearance of the area and as the demolition of the building is required as part of the overall development, whilst retaining traditional materials for landscaping purposes.

03. 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.

04. 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.

05. The access hereby approved with the public road shall be constructed to the Council's Roads Services standard drawing 'SD-05 (Typical Access Over Verge With Service Bay)', 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 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.

06. No development shall commence until a topographical survey of the application site is completed, and existing and proposed site sections are submitted to, and approved in writing by, the Planning Authority. These site sections shall North-South from the existing and derelict building to the southern boundary of the application site, and East-West from the public road through the main section of the house to the west boundary of the application site. The house shall be dug into the slope and no part of the finished floor level shall exceed 150 millimetres above existing ground level. Thereafter, the house shall be constructed in accordance with the approved site sections.

Reason: To minimise the impact of the development on the surrounding landscape, by ensuring integration with ground levels.

07. 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. This shall relate to the application site and adjoining land in the control of the applicant, including between the application site and the public road. 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.
- The location, design and materials of all hard landscaping works.
- The location, design, materials and height of all fences of other boundary treatments.
- 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.
- Use of stone and flagstones salvaged from the existing redundant building to be demolished.

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.