

Item: 3.5

Planning Committee: 5 September 2018.

Erect Four Houses at Breckan Brae, St Mary's, Holm.

Report by Executive Director of Development and Infrastructure.

1. Summary

1.1.

Planning permission is sought for four houses on plots 8A, 8B, 9 and 10 within the St Mary's Housing Development at Breckan Brae, St Mary's, Holm. Although planning permission has been granted for houses on these plots as part of a larger implemented development, approvals 10/385/PP and 15/319/PP, this application is for an amendment to the house design. The application is part-retrospective as the house on plot 8A is already constructed. One objection has been received on grounds of the proximity of the development to existing houses, the number of houses in the vicinity, noise and overshadowing. On balance, it is considered that mitigation and conditions would adequately address issues raised and protect residential amenity. The proposed development complies with Orkney Local Development Plan 2017 policies 1, 2, 3, 5A, 13B, 13C and 14C and Planning Policy Advice – 'Development Quality Within Settlements' (March 2012).

Application Number:	18/165/PP.
Application Type:	Planning Permission.
Proposal:	Erect Four Houses (amendment to 10/385/PP and 15/319/PP).
Applicant:	St Mary's Housing Limited, c/o Mr Robert Blackburn, Millhouse, By Old Mill, Tankerness KW17 2QS.
Agent:	McAdam Design (Scotland) Limited, c/o Sue Stephen, 70 King Street, Peterhead AB42 1QJ.

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:

- Kathy Potts, 12 Storehouse Place, St Mary's, Holm, KW17 2TF.

3.2.

The objection is on the following grounds:

- Proximity of the development to the objector's own house and neighbouring houses.
- Number of houses in the vicinity.
- Impact on privacy.
- Overshadowing.
- Noise.

3.3.

The letter of objection relates mainly to 'the present building' work currently taking place on plots 6, 7 and 8, which are located behind the objector's property. Plots 6, 7 and 8 are part of an approved development of 34 houses, reference 10/385/PP, and do not form part of this application. However, the letter of objection was submitted under the heading of the current planning application, so has been regarded as an objection to the proposed development.

4. Relevant Planning History

Reference.	Proposal.	Location.	Decision.	Date.
15/319/PP	Create additional site, erect a house with solar panels and create an access. (Site 8B).	Breckan Brae, St Mary's, Holm.	Grant subject to conditions.	18.08.2015.
10/385/PP	Erect 34 houses. (includes Plots 8A, 9 and 10).	Breckan Brae (Land Near), St Mary's, Holm.	Grant subject to conditions.	10.09.2010.

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 3 – Settlements, Town Centres and Primary Retail Frontages.
 - Policy 5 – Housing.
 - Policy 13 – Flood Risk, SuDS and Waste Water Drainage.
 - Policy 14 – Transport, Travel and Road Network Infrastructure.
- Supplementary Guidance and Planning Policy Advice:
 - Planning Policy Advice ‘Development Quality within Settlements’ (March 2012).
 - Supplementary Guidance ‘Settlement Statements: St Mary’s’ (2017).
 - Orkney Core Paths Plan (January 2009).

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

The site area comprises four plots located within the St Mary's Housing Development in the settlement boundary of St Mary's Village, Holm. The location of the site can be seen on the plan attached as Appendix 1 to this report.

7.2 Proposal

7.2.1.

As currently approved, development on the plots is as follows:

- Plots 8A, 9 and 10 – 5-bedroomed, one and three-quarter storey houses.
- Plot 8B – 2-bedroomed, single storey house.

As proposed, the development would be as follows:

- Plot 8A – 2-bedroomed, single storey house (already built to this design).
- Plot 8B, 9 and 10 – 4-bedroomed, one and a half storey houses.

7.3. Principle

7.3.1.

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 principle of developing houses on the plots has already been established under planning references 15/319/PP (Plot 8B) and 10/385/PP (plots 8A, 9 and 10). Therefore, the current application is not to determine whether the plots can be developed but whether the detail of the development as proposed is acceptable.

7.3.2.

The objector cites the number of houses being built in the vicinity. The St Mary's Housing development is high density as approved in 2010 under 10/385/PP, and the current development would not affect the approved density.

7.4. Design and Appearance

The application site is on high ground above the A961, however the proposed dwellings would be seen in context with the other houses in the development and it is unlikely that the development would result in any unacceptable impact on the residential character of the area. Therefore, it is considered that the proposal would comply with Orkney Local Development Plan 2017 policy 1 – 'Criteria for All Development' and policy 9G – 'Landscape'. The design and appearance of all the houses proposed would be similar to others approved and built in the St Mary's Housing scheme, including similar materials and colours, and so would be in-

keeping and acceptable in relation to Orkney Local Development Plan 2017 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. Plot 8B.

Plot 8B is the closest proposed site to existing houses at Storehouse Place, measuring 12.5 metres from 10 Storehouse Place, 9 metres from 11 Storehouse Place, and 17 metres from 12 Storehouse Place (the objector’s property). Although storey and a half, the overall height of the dwelling would be less than 7 metres. Front and rear windows would not directly face principal windows of dwellings at Storehouse Place. One 600 millimetre living room ground floor window is proposed to the side elevation facing 10 and 11 Storehouse Place, but a 1.8 metre timber fence would maintain privacy between the dwellings.

7.5.4. Plot 8A.

The house on plot 8A has already been built to the submitted design, as a single storey dwelling, and is occupied. It is over 32 metres from the dwellings at 10, 11, 12 and 13 Storehouse Place, and an access road would increase space between plots 8 and 8A. The dwelling on plot 8A does not overshadow plots 8, 9 or 10.

7.5.5. Plots 9 and 10.

The dwellings on plots 9 and 10 are a greater distance from Storehouse Place than plots 8A and 8B. The windows of the houses on these plots would not face directly towards principal windows of 10, 11, 12 or 13 Storehouse Place. Due to the separation distances and intervening development between plots 9 and 10 and the dwellings on Storehouse Place, the proposed dwellings would have no unacceptable impact on the residential amenity or privacy at Storehouse Place or any other houses in the St Mary’s Housing development.

7.5.6. Noise.

The proposal is for houses in an existing residential area. Noise generated during the construction of the development would be controlled by planning condition. The development would comply with Orkney Local Development Plan 2017 policy 1 – ‘Criteria for All Development’ and Planning Policy Advice – ‘Development Quality Within Settlements’ (March 2012).

7.6. Access and Parking

Roads Services have no objection to the accesses and proposed parking provision within the individual sites or the impact of the individual house plots upon road safety. The proposal accords with Orkney Local Development Plan 2017 1 - 'Criteria for All Development' part (vi) and 14C – 'Road Network Infrastructure'.

7.7. Sewerage and Drainage

The proposed development is required to connect to the public sewer and include surface water drainage that would be compliant with Sustainable Drainage Systems. The sites form part of the St Mary's Housing development, and the proposed houses would connect to the services for that wider development, including soakaways and foul drainage connections. This would comply with Orkney Local Development Plan policies 13B – 'Sustainable Drainage Systems (SuDS)' and 13C – 'Waste Water Drainage'.

8. Conclusion and Recommendation

The principle of the development of dwellings on the four plots was established under 15/319/PP and 10/385/PP. The proposed designs are acceptable in terms of impact on the character of area and other houses within the St Mary's Housing development. It is unlikely that design or scale of the houses would have an unacceptable impact on the amenity of other houses in the area. The material planning objections that are relevant to the current proposal are not of sufficient weight to merit refusal, subject to planning conditions to control noise and ensure screening. The amended scheme would comply with Orkney Local Development Plan 2017 policies 1, 2, 3, 5A, 13B, 13C and 14C, Planning Policy Advice 'Development Quality within Settlements' (March 2012), and Supplementary Guidance 'Settlement Statements: St Mary's' (2017). Accordingly, the application is **recommended for approval**, subject to the conditions, attached as Appendix 2 to this report.

9. Contact Officer

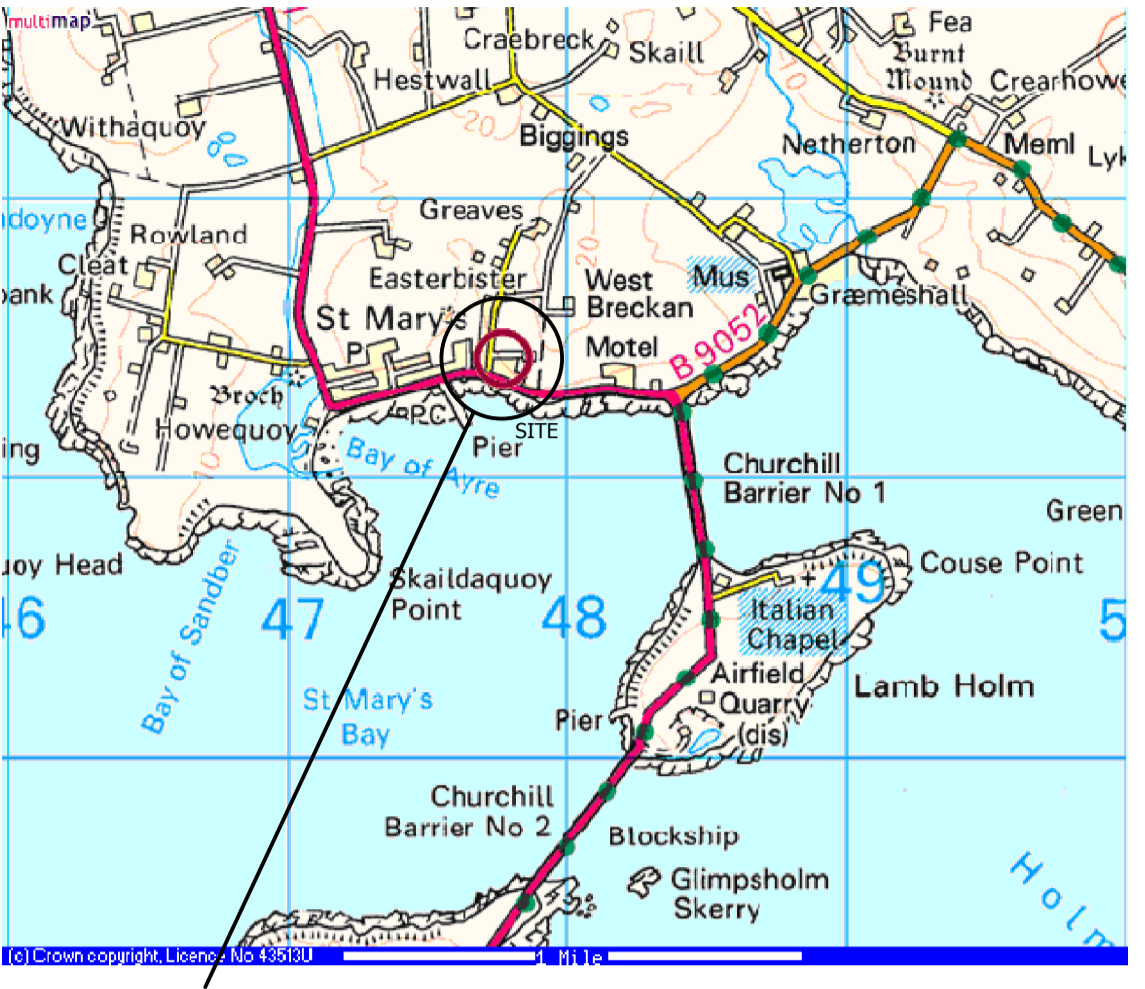
Sue Doyle, Planning Officer, extension 2503, Email sue.doyle@orkney.gov.uk

10. Appendices

Appendix 1: Site Plan.

Appendix 2: Planning Conditions.

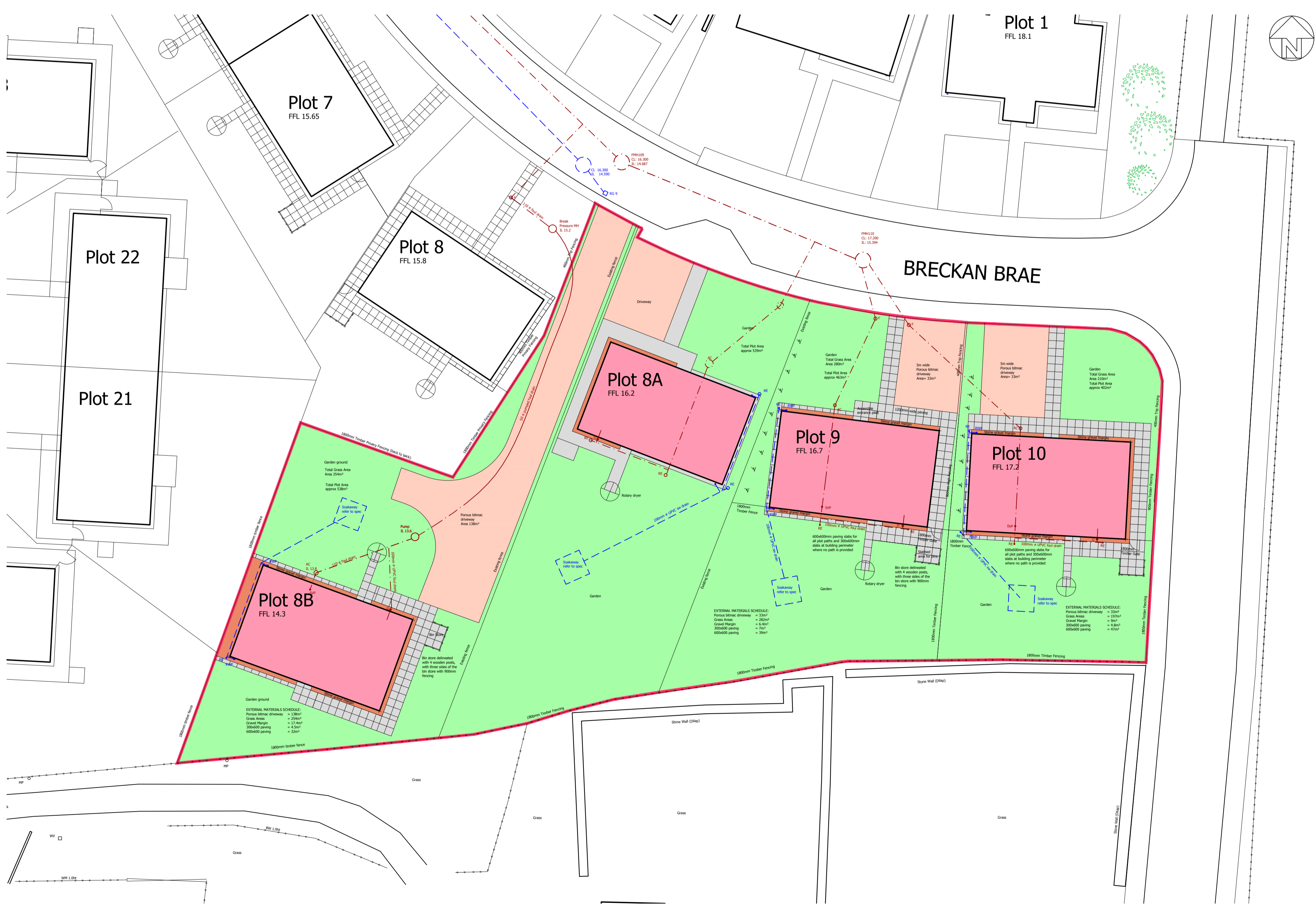
PLANNING APP FOR PLOTS 8A, 8B, 9 AND 10.



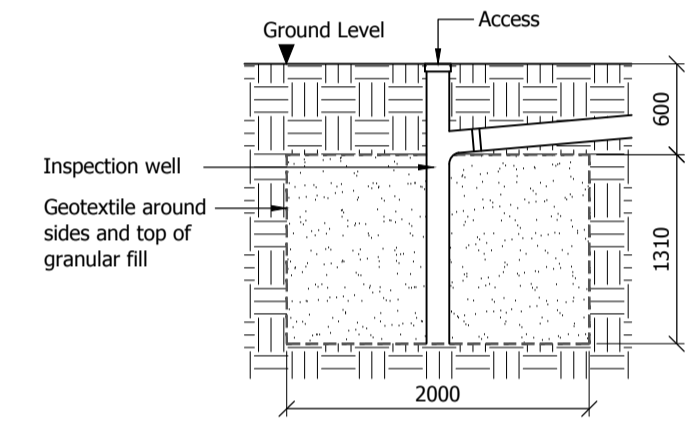
OS REF: HY478015
347800 1001300
LOCATION PLAN
SCALE NTS



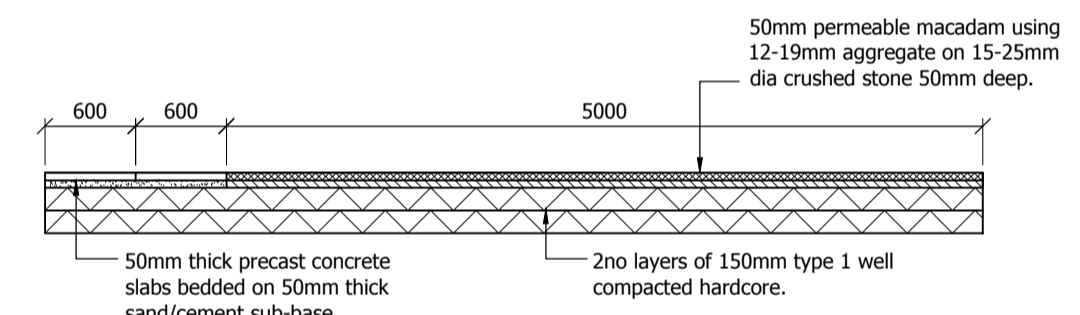
LOCATION PLAN
SCALE 1:2500
OS Ref HY478015



PROPOSED SITE PLAN
SCALE 1:200



CROSS SECTION THROUGH SURFACE WATER SOAKAWAY
SCALE 1:50



TYPICAL DRIVEWAY AND PAVING CONSTRUCTION
SCALE 1:50

EXTERNAL DRAINAGE:
100mm diameter upvc underground drainage set at minimum 1:80 gradient for surface water drainage and foul drainage when there is a WC connecting to the run and 1:40 elsewhere. Drains to be laid on 100mm thick bed of pea gravel and surrounded and covered by granular material. All fittings laid and jointed as per manufacturers instructions and trenches backfilled as necessary. Access eyes to be provided to all soil and vent pipes and to all bends within the building. Shallow inspection chambers to be provided to each new WC waste pipe at connection to main drain line. 600mm minimum cover to drains under garden. (If less than 600mm cover drain with paving slab) 900mm minimum cover to drains under road and access. (If less than 900mm bed, cover pipe in 100mm gravel or sand and cover with paving slab before backfilling) Rainwater downpipes to connect to the surface water drain via a gully trap. Any drain running within 1000mm of building with its invert level below foundation level to be encased in concrete up to the level of the foundation. Soil and vent pipes to have a flexible ducting as required to allow open air terminal to be situated minimum 900mm above any openings within 3m of stack.

Driveway and parking area to be porous bitmac. On completion drainage to be tested by relevant notified body in accordance with BS EN 12056-2:2000 and BS EN 1610:1998 to treatment plant. Servitude rights to be granted for access to drainage where disconnecting chambers are located in adjacent plots. Individual Units to have a soakaway for disposal of surface water. Soakaways to comprise of 2m x 2m x 1.45m fill of gravel. Pipe running through soakaway to be perforated. Soakaway to be wrapped all round in water permeable geotextile. Soakaways to be located with rear amenity area of each dwelling. Soakaway to be a minimum of 5 metres from dwellings and boundary if practical.

DRIVEWAY SPECIFICATION:
Existing topsoil to be removed. 2no layers of 150mm well compacted Type 1 material laid to fall on Terram Avantage. 50mm course of 15-25 dia crushed stone finished with 50mm course of permeable macadam, 12-19mm dia aggregate.

NOTE:
Drawings to be read and fully understood before work commences. Figured dimensions to take preference over scaled dimensions. All dimensions and spot levels to be checked on site by Contractor prior to construction. Existing drainage and services positions to be checked on site by Contractor prior to work commencing. Any discrepancies to be reported back to this office. All dimensions given in millimetres unless noted. Only drawings stamped 'APPROVED' or 'CONSTRUCTION ISSUE' to be used for building purposes. Large scale details take precedence over small scale details.

rev	date	description	by	chkd
a	2018-05-08	SW drainage updated	jpr	
Client: St Mary's Housing Ltd				
Project: Housing Development at St Mary's, Holm Orkney.				
Drawing Title: Proposed Site and Location Plans For Plots 8a, 8b, 9 and 10				
Stage: PLANNING			Date: Apr 2018	
Project No: 3301		Drawing No: PL8a-8b-9-10_01		Revision: A
Scale: As Shown		Drawn: jpr		Size: A1
				Checked:

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Appendix 2

Grant subject to the following conditions:

01. The external surfaces of the development hereby approved shall be finished with the following materials, unless otherwise agreed in writing by the Planning Authority:

- Roof - flat profile tiles, colour black (Mini Stonewold 63).
- Walls - dry dash, colour 'Arctic White' with matching render below DPC.
- Windows - colour brown/light oak.
- Doors - colour brown/light oak.
- Rainwater Goods - colour black.

Reason: To ensure that the external appearance of the development is acceptable.

02. Boundary treatment shall be as indicated on the Location and Site Plan hereby approved. All fencing shall be installed prior to the first occupation of the dwellings and thereafter shall be retained throughout the lifetime of the development, unless otherwise agreed in writing by the Planning Authority.

Reason: In the interests of the protection of privacy and residential amenity between dwellings.

03. Throughout the lifetime of the development hereby granted planning permission, surface water must be treated in accordance with the principles of Sustainable Urban Drainage Systems (SUDS) and be compliant with the guidance set out in CIRIA's SuDS Manual C753. The requisite surface water drainage shall be operational prior to the development being brought into use and shall be maintained as such thereafter.

All surface water shall be contained within the development site and there shall be no surface water drainage run-off onto the road or adjacent land.

Uncontaminated surface water, including roof water, should be disposed of by the use of SUDS in accordance with General Binding Rules 10 and 11 of CAR. Further details regarding General Binding Rules and Controlled Activities Regulations (CAR) may be found on SEPA's website at:

https://www.sepa.org.uk/media/34761/car_a_practical_guide.pdf.

Further information on SUDs may be found on SEPA's website at: www.sepa.org.uk and http://www.susdrain.org/resources/SuDS_Manual.html.

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, Scottish Planning Policy - Managing Flood Risk and Drainage, and in the interests of road safety.

04. Prior to the dwellings hereby approved being occupied and brought into first use, they shall connect to the public foul sewer as agreed under 10/385/PP for plots 8A, 9 and 10 and under 15/319/PP for plot 8B.

Reason: In the interests of environmental protection, to accord with Policy 13C 'Waste Water Drainage' of Orkney Local Development Plan 2017, and that foul drainage from Plot 8B cannot access the public foul drainage system without being pumped.

05. Throughout the lifetime of the development hereby approved, only the access points into the plots shown on Location and Site Plan OIC-01 stamped approved and attached to the decision notice shall be used for vehicular access to the development and the driveway from the road shall be tarmac/bituminous surfacing as shown on the approved plan.

All works to the access and driveway shall be 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.

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. 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 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.