

## **Item: 3.1**

**Planning Committee: 22 January 2020.**

**Erect House with Integral Garage and Air Source Heat Pump at Fea Hill, Tankerness.**

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

### **1. Summary**

#### **1.1.**

Planning permission is sought to erect a house at Fea Hill, Tankerness Hall Road, Tankerness. It is one of three sites approved under planning application 05/395/PPF, which was commenced by the construction of passing places and an access, and the other two sites were developed. Planning permission was previously granted on this third site for the erection of a house under application 08/377/PPF; however, that development did not progress, and the application lapsed. The implementation of 05/395/PPF means that the permission remains extant, therefore this proposal is to consider the house and associated works rather than the principle of site, which was established under the policies of the Orkney Local Plan 2004. The development is considered acceptable in scale, design and layout. One objection has been received on grounds of over-development, drainage issues, biodiversity impact and failure to accord with relevant policies. The objection is of insufficient weight to merit refusal. The proposed development accords with policies 1, 2, 9, 13 and 14 of the Orkney Local Development Plan 2017 and Supplementary Guidance 'Housing in the Countryside' (March 2017). Accordingly, the application is recommended for approval.

Application Number	19/402/PP.
Application Type	Planning Permission.
Proposal	Erect a house with an integral garage and an air source heat pump.
Applicant	Lord and Lady Wallace of Tankerness, Northwood House, Tankerness.
Agent	Mr S 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:

[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.

One objection has been received from:

- Mr John Pirie, Bonnie Brae, Tankerness.

### 3.2.

The objection is on the following grounds:

- Not in accordance with the Orkney Development Plan 2017.
- Drainage problems with septic tanks and soakaways not working properly.
- Overdevelopment.
- Impact on biodiversity.

### 3.3.

Other issues were raised that are not material planning considerations and therefore cannot be taken into consideration.

## 4. Relevant Planning History

Reference.	Proposal.	Location.	Decision.	Date.
11/265/PP.	Erect a house with integral garage and an air source heat pump.	Fea Hill (Land Near), Tankerness.	Grant subject to conditions.	08.08.2011.
08/377/PPF.	Erect a house with integral garage.	Fea Hill (Site 5) (Land Near), Tankerness.	Grant subject to conditions.	17.09.2008.
07/458/PPF.	Erect a house with attached garage.	Fea Hill (Site 6) (Land Near), Tankerness.	Grant subject to conditions.	07.11.2007.
07/393/PPF.	Erect a house.	Skibbowick (land near), Tankerness.	Grant subject to conditions.	25.09.2007.

05/395/PPF.	Creation of 3 house sites and a shared vehicle access track to serve the sites and the formation of two passing places on the public road.	Fea Hill, Tankerness.	Grant subject to conditions.	07.10.2005.
04/140/PPF.	Erection of a house.	Fea Hill, Tankerness.	Grant subject to conditions.	02.08.2004.
02/501/PPO.	Siting of a house.	Fea Hill (Land Near), Tankerness.	Grant subject to conditions.	30.01.2003.

## 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 9 – Natural Heritage and Landscape.
  - Policy 13 – Flood Risk, SuDS and Waste Water Drainage.
  - Policy 14 – Transport, Travel and Road Network Infrastructure.
- Supplementary Guidance: Housing in the Countryside (March 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**

The application site is located the countryside, in the Skibbowick area of Tankerness, to the east of the Tankerness Hall Road, and to the west of the property Denhead, as indicated on the location plan attached as Appendix 1 to this report. The site slopes up from the public road, the land is heather moorland, and approximately 1500 square metres in area. Access to the site would be taken off the existing access between the site and the adjacent property of Denhead.

### **7.2. Housing Policy**

#### **7.2.1.**

The principle of the development was established by the granting of application 05/395/PPF, under the provisions of the Orkney Local Plan 2004. At that time the area was designated as a Local Housing Area, which provided for additional housing development. The original application within which the current application site is located was for the creation of three house sites with a shared vehicle access track to serve the sites, and the formation of two passing places on the public road. That application was commenced by creation of the access and installation of two passing places on the public road. This is regarded as sufficient operational development to consider the development as having been implemented; therefore, the current application site remains extant.

#### **7.2.2.**

Houses were erected on two of the sites following subsequent detailed applications. The site on which this development is proposed has previously received consent for the erection of a house under application 08/377/PPF. The development was never progressed and the application lapsed. However, that does not affect the extant status of the original, implemented consent.

### **7.2.3.**

To be clear, therefore, the principle of the siting of the house is not being assessed in relation to the terms of Orkney Local Development Plan 2017 – Policy 5 – Housing, on the basis that this is already established under a previous local plan provision.

## **7.3. Design and Appearance**

The design of the house is acceptable. The proposed dwelling is single storey and of a modern design, based on an 'L' shaped floor plan. The scale is appropriate, and the roof pitch and depth of plan relate to nearby houses, resulting in proportions which are appropriate in its setting. Proposed materials are acceptable and would be controlled by planning condition. Overall, the design accords with the basic design terms of Supplementary Guidance: Housing in the Countryside, while taking account of the housing in the surrounding area of Skibbowick.

## **7.4. Character of the Area**

Concern has been raised by objectors regarding overdevelopment of the area. Skibbowick was formerly a Local Housing Area as designated in the Orkney Local Plan 2004; this has resulted in a nearby density of housing that is relatively unusual in the Orkney countryside. Development Criteria DC3 of Supplementary Guidance: Housing in the Countryside (March 2017) states that proposed development should not lead to suburbanisation of the countryside. To some extent, the Skibbowick area has the character of a small settlement and it could be argued that the area has been suburbanised. On that basis, therefore, the additional house proposed would not 'lead to suburbanisation' but would continue the existing settlement pattern around the site. In any case, the principle or appropriateness of the site for a new house is not under consideration as the principle is already established.

## **7.5. Residential Amenity**

The proposal is for a single dwelling in a rural area. The layout and design of the house in relation to the surrounding properties would adequately protect residential amenity, in accordance with Policy 1 of the Orkney Local Development Plan 2017 and Supplementary Guidance: Housing in the Countryside (March 2017).

## **7.6. Access/Road Safety**

A joint access has already been constructed in accordance with the previous application. The location of the proposed access provides adequate forward visibility and a condition would secure finished construction for the access to the required specification. Roads Services has no objection provided the access is upgraded to a standard suitable for two to four houses. This would be secured by planning condition.

## **7.7. Sewerage and Drainage**

It is proposed to use a septic tank and soakaway, and surface water drainage would be dealt with by a sustainable drainage system. SEPA has noted that this site lies adjacent to a waste water consultation area but has not raised any concerns. With

reference to SEPA's Standing Advice Notes on Waste Water Drainage, details of waste water drainage should be secured by planning condition. The development would comply with Policy 13 of the Orkney Local Development Plan 2017 and Development Criteria DC6 of Supplementary Guidance: Housing in the Countryside (March 2017).

## **8. Conclusion and Recommendation**

The proposed development accords with the relevant policies of the Orkney Local Development Plan 2017 in relation to design, taking account of the extant consent for a house on the site. The design of the dwelling would be coherent with others in the area and would be at an adequate distance from other dwellings to maintain privacy and residential amenity. Objections are of insufficient weight to warrant refusal. The proposed development would accord with Policies 1, 2, 9, 13 and 14 of the Orkney Local Development Plan 2017 and Supplementary Guidance: Housing in the Countryside. Accordingly, the development is **recommended for approval**, subject to the conditions attached in Appendix 2.

## **9. Contact Officer**

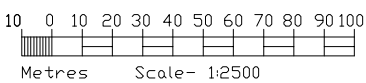
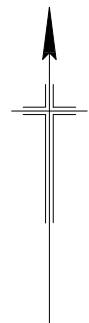
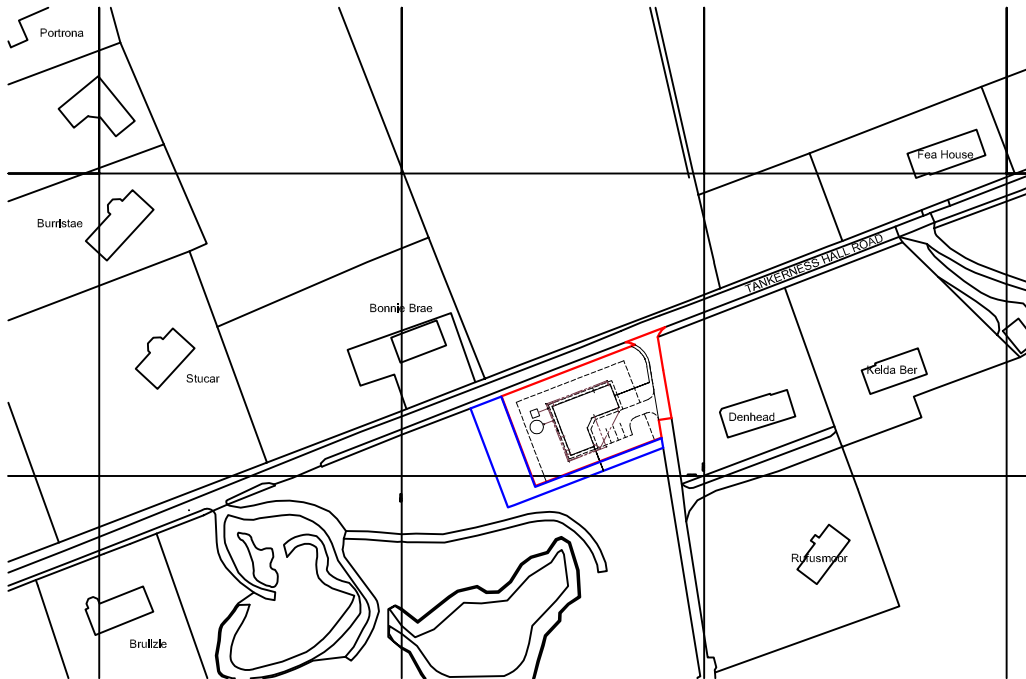
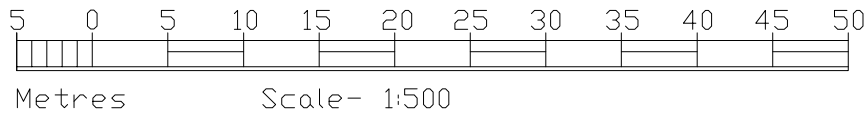
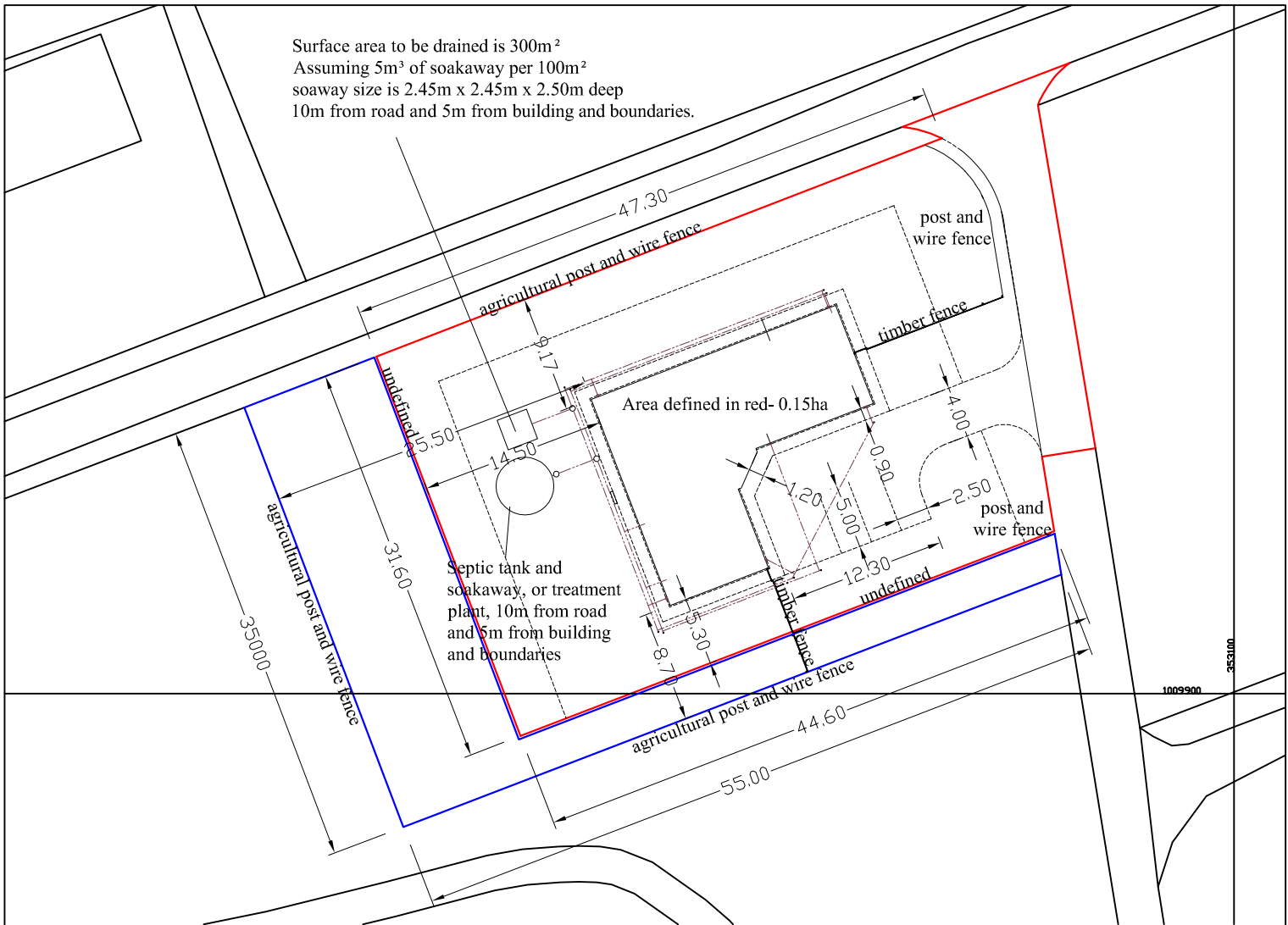
Margaret Gillon, Planning Officer, extension 2505, Email [Margaret.gillon@orkney.gov.uk](mailto:Margaret.gillon@orkney.gov.uk)

## **10. Appendices**

Appendix 1: Location Plan.

Appendix 2: Planning Conditions.

Surface area to be drained is 300m<sup>2</sup>  
 Assuming 5m<sup>3</sup> of soakaway per 100m<sup>2</sup>  
 soaway size is 2.45m x 2.45m x 2.50m deep  
 10m from road and 5m from building and boundaries.



Proposed House & Garage.  
 At Fea Hill, Tankerness.  
 Drwg No- 1558/2/P1

OS Licence No- ES100003740

## Appendix 2

01. 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.

02. Throughout the lifetime of the development hereby approved, surface water must be treated in accordance with the principles of Sustainable 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 runoff onto the road or adjacent land.

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.

03. The foul drainage system hereby approved shall be connected and fully operational prior to the first occupation of the development.

Reason: In the interests of environmental protection and to accord with Policy 13C – Waste Water Drainage of Orkney Local Development Plan 2017.

Note: Prior to the commencement of any development, the developer should consult the Scottish Environment Protection Agency (SEPA) with regard to authorisations required for discharges of sewerage effluent to land or water.

04. 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 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. All foundations shall be excavated into any slope within the site. No underbuilding to compensate for any gradient is permitted.

Reason: In the interests of visual and landscape amenity.

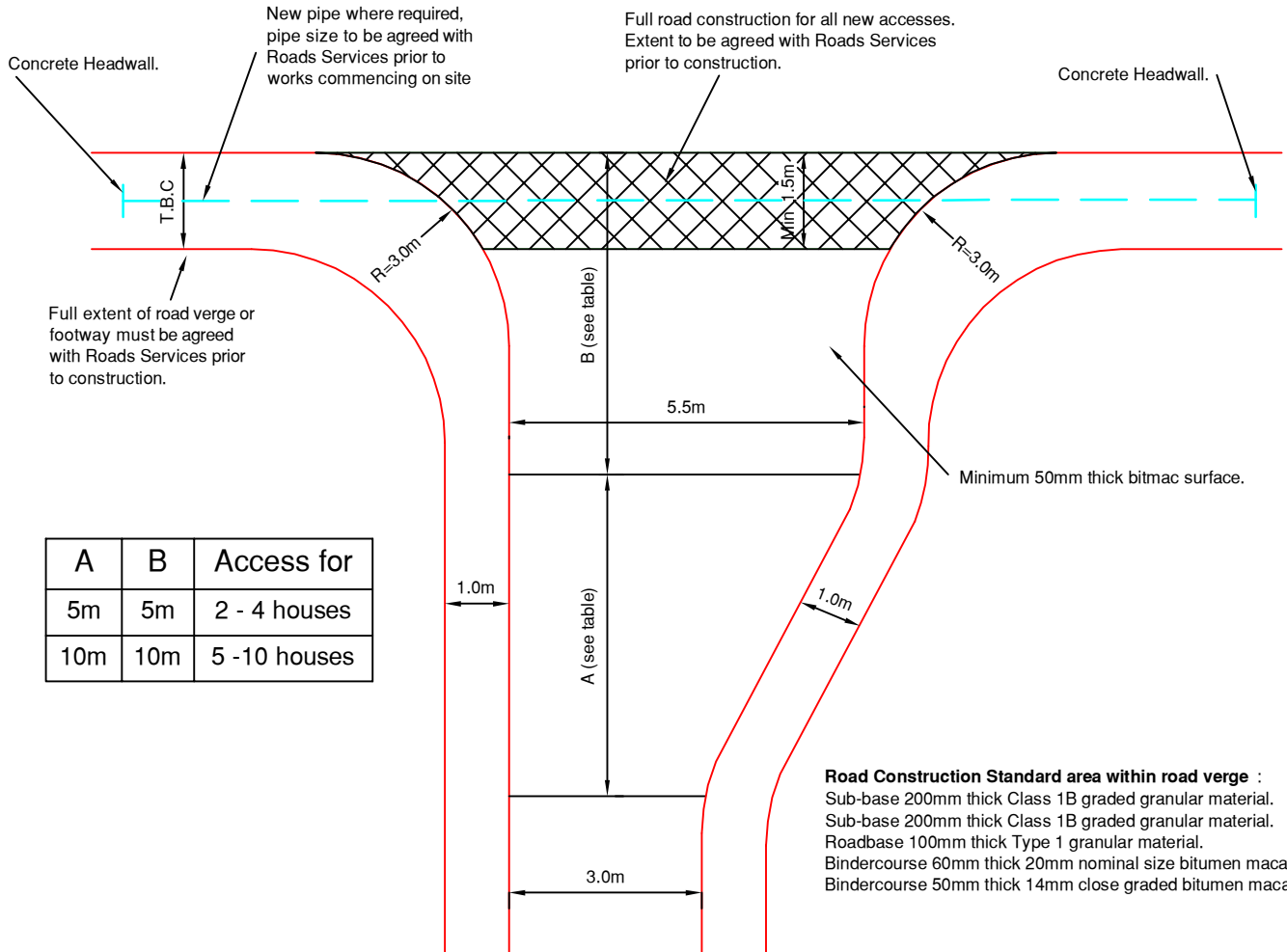
06. The junction of the existing shared access track with the public road shall be constructed to the Council's Roads Services standard drawing 'SD-01 Typical Access for Single Development (2-4 houses)', attached to and forming part of this decision notice, including dimensions, road construction, any 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 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.

Verge

Public Road



**TYPICAL ACCESS FOR SINGLE DEVELOPMENT  
(NON-ADOPTED)**

File Ref. R3.40.01	Drg. No. SD-01	<b>ROAD SERVICES</b>	DEVELOPMENT AND INFRASTRUCTURE	 <b>ORKNEY ISLANDS COUNCIL</b>
Revision			Council Offices, Kirkwall Orkney, KW15 1NY tel (01856) 873535 fax (01856) 876094	
Date January 2013	Drawn D R W		Director :- Gavin Barr, BSc Hons, MSc URP, MRTPI	
Scale Not to Scale	Checked K D Roy			