Item: 4.2

Planning Committee: 18 January 2023.

Demolish Two Redundant Houses and Erect Two Houses with Air Source Heat Pumps at East and West Blett, Eday.

Report by Corporate Director for Neighbourhood Services and Infrastructure.

# 1. Summary

### 1.1.

#### 1.1.1.

It is proposed to erect two houses within a previously developed site in Eday. Currently unoccupied, the site comprises various buildings, including two vacant, traditionally constructed houses with later additions, associated outbuildings and stone walls. The proposed houses would replace the existing vacant houses which would be demolished; following negotiation, other historic elements of the site would be retained. The proposed houses are single storey, with timber clad walls, standing seam metal roofs and aluminium clad windows, and it is considered that the development could be adequately accommodated within the landscape. Residential amenity and road safety would be adequately protected.

#### 1.1.2.

The application is submitted by the Eday Partnership, and the submitted design statement confirms that provision of new energy-efficient and affordable housing is a high priority to help support community goals. Correspondence since submission of the application has stressed the urgency of the case, stating that the community and funders are awaiting the planning decision, and amendments were made to the submission in November 2022 to address concerns raised, with a view to increasing likelihood of a favourable decision. The application has been called in by two Councillors and, in accordance with the Scheme of Administration, the application must be reported to Committee for determination; this has delayed the decision to the next available meeting of Planning Committee following those amendments and associated re-consultation. No public representations have been received and no material considerations outweigh the policies assessment. Accordingly, the application is recommended for approval.

Application Number:	22/280/PP.
Application Type:	Planning Permission.
Proposal:	Demolish two redundant houses and erect two houses with air source heat pumps.

Applicant:	Eday Partnership.
Agent:	HUS Architecture, Colin Begley, Braehead, Warthill Road, Holm, KW17 2SD.

### 1.2.

All application documents (including plans, consultation responses and representations) are available for members to view <a href="here">here</a> (click on "Accept and Search" to confirm the Disclaimer and Copyright document has been read and understood, and then enter the application number given above).

### 2. Consultations

### 2.1. Roads Services

#### 2.1.1.

"Roads Services have concerns regarding the construction traffic that will be required to enable all aspects of the proposed development to be carried out. The developer should therefore provide further information regarding the gross weight's, total lengths, materials being transported and number of loads of each, for all vehicles and plant required to construct the proposed development for further comment."

#### 2.1.2.

Following discussions, Roads Services subsequently confirmed concerns could be addressed by two planning conditions – one for a dilapidation survey of the public road (pre- and post-construction), and another requiring submission of a construction traffic management plan.

# 2.2. Islands Archaeologist.

"South Blett, West Blett, Mid Blett and East Blett are recorded on a rental of 1755, with East and West Blett surviving to be named on a rental of 1828 and to be shown on the first edition Ordnance Survey map of 1881.

This map shows both buildings that form the dwelling of West Blett, and other buildings that formed East Blett and perhaps the missing South and Mid Bletts. Of these East Blett buildings, the 'boathouse' and 'shed' survive, with the 'shed' being a rebuild or foreshortening of a longer north-south oriented structure, the lower courses of which may have been incorporated in the garden walls linking the 'shed' and the house of East Blett.

The dwelling now called East Blett is not shown until the second edition Ordnance Survey map of 1901. It is possible that some of the buildings at Blett (West Blett, the 'shed' and the 'boathouse') may be more than 150 years old, whilst East Blett is still a vernacular dwelling that dates back 120 years. I assume that the interiors of East and especially West Blett are much altered and of negligible historic building interest. However, the exteriors are of interest and should be recorded before demolition. The 'shed' and the boathouse' are being retained and restored and should undergo a

historic building record internally as well as externally prior to renovation. These buildings could be older and relate to 17th and 18th-century production, maritime and trading activities."

## 2.3. Environmental Health and Scottish Water

Standard responses, confirming no objections subject to technical requirements.

# 3. Representations

No public representations received.

# 4. Relevant Planning History

### 4.1.

No planning application history relevant to the site.

# 4.2. Pre-Application Advice

Advice was provided to the agent in April 2022. This covered a range of technical matters, and also the merits of demolishing the historic houses:

"...Development Criteria 8 (DC8) of Supplementary Guidance 'Housing in the Countryside' (2021), notes, "When an existing building has historic and/or architectural merit, they should be retained or converted. Their retention is important to the social history of a location and using them acknowledges their embodied energy. Positive consideration will be given to incorporating existing buildings or structures of architectural and or historic merit in any scheme."

Existing house 1 has a rear extension and front porch, and house 2 has two glazed porches attached, but from the submitted photographs and information available, the original buildings are relatively intact and structurally sound. Indeed, both buildings retain original, historic materials, finishes and details. In terms of the embodied energy of both buildings, and the associated outbuildings, the surviving finite resources including Orkney stone roof slates, and also the fact that the buildings represent a historic grouping of traditionally constructed buildings in largely original form, the policy preference would be for the retention of these buildings. As noted in the above text, the social history contribution of the houses should also not be overlooked. A revised development could still be for the creation of new houses. comprising the reinstatement of these buildings and extension, or mainly new buildings that are attached to these original building. Or indeed an amendment to the site layout to allow the proposed new houses with these existing houses retained as valuable outbuildings and to aid the landscape setting of the new development. In any scenario, the buildings should be retained unless a clear argument is made for why the existing buildings are of no historic or architectural merit, or that they would be unsuitable for renovation (not based on cost, but on structure or other matters).

This position is particularly pertinent as the proposed development is in Eday, and so most of the above advice would apply on most open sites, including those that would not involve the demolition. I.e., it seems unnecessary to demolish a largely intact

group of well-constructed traditional buildings to create a blank site, when the same proposed development of two new houses could be achieved on adjoining or other open land, without any of the expense or implications of the demolition, or the resulting loss of architectural and social history. The presence of the existing houses is not necessary to justify the principle of new ones."

# 5. Relevant Planning Policy and Guidance

### 5.1.

The full text of the Orkney Local Development Plan 2017 and supplementary guidance can be read on the Council website here.

### 5.2.

The key policies, supplementary guidance and planning policy advice listed below are relevant to this application:

- Orkney Local Development Plan 2017:
  - The Spatial Strategy.
  - Policy 1 Criteria for All Development.
  - o Policy 2 Design.
  - o Policy 5 Housing.
  - Policy 8 Historic Environment and Cultural Heritage.
  - Policy 13 Flood Risk, SuDS and Waste Water Drainage.
  - Policy 14 Transport, Travel and Road Network Infrastructure.
- Supplementary Guidance: Historic Environment and Cultural Heritage (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.

Annex A of Planning Circular 3/2013: 'development management procedures' provides advice on defining a material consideration, and following a House of Lord's judgement with regards the legislative requirement for decisions on planning applications to be made in accordance with the development plan, confirms the following interpretation: "If a proposal accords with the development plan and there are no material considerations indicating that it should be refused, permission should be granted. If the proposal does not accord with the development plan, it should be refused unless there are material considerations indicating that it should be granted."

### 6.3.

#### Annex A continues as follows:

- The House of Lord's judgement also set out the following approach to deciding an application:
  - Identify any provisions of the development plan which are relevant to the decision.
  - Interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies.
  - Consider whether or not the proposal accords with the development plan.
  - Identify and consider relevant material considerations for and against the proposal.
  - Assess whether these considerations warrant a departure from the development plan.
- There are two main tests in deciding whether a consideration is material and relevant:
  - o It should serve or be related to the purpose of planning. It should therefore relate to the development and use of land.
  - o It should relate to the particular application.
- The decision maker will have to decide what considerations it considers are material to the determination of the application. However, the question of whether or not a consideration is a material consideration is a question of law and so something which is ultimately for the courts to determine. It is for the decision maker to assess both the weight to be attached to each material consideration and whether individually or together they are sufficient to outweigh the development plan. Where development plan policies are not directly relevant to the development proposal, material considerations will be of particular importance.
- The range of considerations which might be considered material in planning terms is very wide and can only be determined in the context of each case. Examples of possible material considerations include:
  - Scottish Government policy and UK Government policy on reserved matters.
  - The National Planning Framework.
  - Policy in the Scottish Planning Policy and Designing Streets.
  - Scottish Government planning advice and circulars.
  - o EU policy.
  - A proposed strategic development plan, a proposed local development plan, or proposed supplementary guidance.
  - Guidance adopted by a Strategic Development Plan Authority or a planning authority that is not supplementary guidance adopted under section 22(1) of the 1997 Act.

- o Community plans.
- The environmental impact of the proposal.
- The design of the proposed development and its relationship to its surroundings.
- Access, provision of infrastructure and planning history of the site.
- Views of statutory and other consultees.
- Legitimate public concern or support expressed on relevant planning matters.
- The planning system operates in the long term public interest. It does not exist to protect the interests of one person or business against the activities of another. In distinguishing between public and private interests, the basic question is whether the proposal would unacceptably affect the amenity and existing use of land and buildings which ought to be protected in the public interest, not whether owners or occupiers of neighbouring or other existing properties would experience financial or other loss from a particular development.

### 6.4.

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.

### 6.5.

An award of expenses may be substantial where an appeal is conducted either by way of written submissions or a local inquiry.

# 6.6. Status of the Local Development Plan

Although the Orkney Local Development Plan 2017 is "out-of-date" and has been since April 2022, it is still a significant material consideration when considering planning applications. The primacy of the plan should be maintained until a new plan is adopted. However, the weight to be attached to the Plan will be diminished where policies within the plan are subsequently superseded.

# 6.7. Status of National Planning Framework 4

Revised Draft National Planning Framework 4 (NPF4) has not yet been approved by Parliament and adopted. NPF4 is therefore a material consideration of limited weight in the assessment of planning applications. Once adopted, NPF4 will form part of the statutory Development Plan, and provide the national planning policy context and

agenda for the assessment of all planning applications. Whilst NPF4 is a material consideration, current planning applications should still be assessed against the adopted Orkney Local Development Plan 2017.

#### 6.7.1.

In the case of this current application, there is not considered to be any significant conflict between the proposed development and the policies of NPF4 to merit any detailed assessment in relation to individual NPF4 policies.

# 7. Assessment

## 7.1. Background

#### 7.1.1.

The application site is in a coastal location in the north of Eday, at the east end of the Bay of Carrick and approximately 400 metres east of Carrick House. Access is from an access track to the south, where the site is relatively narrow. The application site widens to the north, adjacent to the shore, as indicated in the Site Plan attached as Appendix 1 to this report.

#### 7.1.2.

As confirmed in the consultation response from the Islands Archaeologist, properties are recorded at the site in a rental record dated 1755, with 'East Blett' and 'West Blett' surviving to be named in a rental record dated 1828. The current house of West Blett, a boathouse and a shed are all indicated in the 1881 first edition Ordnance Survey map, giving the site historic context. The current house East Blett first appears in the second edition Ordnance Survey map dated 1901. It is therefore likely that West Blett, the boathouse and the shed exceed 150 years old, and East Blett is a vernacular dwelling that dates back approximately 120 years.

### 7.1.3.

East Blett has a pitched roof rear extension and lean-to front porch added, and West Blett has two glazed lean-to porches attached. From site inspection and other information available, the building fabric of the original houses appears to be relatively intact, with no evidence that the additions required structural change, and the houses retain original, historic materials, finishes and details including Orkney stone roof slates. The houses were occupied at least as recently as 2012. As acknowledged by the Islands Archaeologist, the interiors of both houses, particularly West Blett, are much altered; however, the exteriors and original fabric of both buildings are of historic building interest.

# 7.2. Proposed development

#### 7.2.1.

Initially, it was proposed to clear the site, by demolishing all structures. However, following discussions between the planning authority and the agent, an updated approach for the development of the site was submitted, which is the proposed

development under consideration. This was submitted by the agent as a "best compromise solution to respect and retain the historic fabric and social historical context of the site, as far as is practical, whilst also providing for cost-effective, energy-efficient dwellings".

#### 7.2.2.

As now proposed, the existing houses would be demolished, and proposed houses erected on generally the same sites and orientation of the original houses. The boathouse and shed, ancillary buildings, within the site would be retained and restored, as would dry stone walls forming small enclosures within the wider site, and some existing shrubs located within these walled garden areas.

### 7.2.3.

The development would also include upgrading a section of the access track, parking areas to serve the proposed houses, installation of an air source heat pump for each house and associated surface water and foul drainage.

## 7.3. Principle

## 7.3.1. The Isles Approach

Policy 5C notes "a presumption in favour of new housing on the non-linked isles where it accords with 'The Isles Approach' set out within the Spatial Strategy". The development of new houses in this location in Eday is therefore acceptable in principle.

## 7.3.2. Loss of existing houses

Development Criteria 8 (DC8) of Supplementary Guidance: 'Housing in the Countryside' (2021), notes, "When an existing building has historic and/or architectural merit, they should be retained or converted. Their retention is important to the social history of a location and using them acknowledges their embodied energy. Positive consideration will be given to incorporating existing buildings or structures of architectural and/or historic merit in any scheme."

### 7.3.3.

In the context of determining whether the existing houses are of architectural or historic merit, Policy 8: Historic Environment and Cultural Heritage confirms an approach of requiring assessment of all cultural heritage assets potentially affected by development to establish their significance, and to ensure that structures be protected as far as possible. The policy confirms this approach applies to any aspect of the historic environment, whether subject to statutory designation or not.

#### 7.3.4.

Policy 8B: Specific Policy Considerations, section iii Demolition, confirms that the demolition of an unlisted building will only be permitted where:

 The application is supported by acceptable proposals for the redevelopment of the cleared site; or

- The retention, restoration or the use of the building has been fully considered but as not possible at reasonable cost due to structural condition, or the form or location makes retention extremely difficult; and
- The comparative socio-economic merits of the new build proposal outweigh the benefits of retaining the building.

#### 7.3.5.

As noted above, it is likely that West Blett, the boathouse and the shed exceed 150 years old, and East Blett is a vernacular dwelling that dates back approximately 120 years. The historic interest of the site is greater than the interest of the individual structures within it, and the site represents a grouping of vernacular buildings in generally good condition which, as the Islands Archaeologist notes, may be older and relate to 17th and 18th-century production, maritime and trading activities. Whilst the houses have been extended, removal of these extensions would allow reinstatement of the original form of the buildings and, if necessary, other appropriate extension.

#### 7.3.6.

The best outcome in terms of retaining the historic environment and cultural heritage value of the houses would be for those to be retained, and in turn and in a climate change context, protecting the embodied energy. Options required assessment, to either reinstate and extend the houses, or erect new houses and retain the existing houses as outbuildings. Both were duly thoroughly tested by the agent, but a reasonable compromise was ultimately proposed, to retain the boathouse and shed and stone dykes, demolish the houses, but construct the new houses in the same locations to reflect the historic layout of the grouping of buildings, and re-use salvaged stone from the demolition for repairs. The existing houses would also be recorded prior to demolition.

#### 7.3.7.

In addition to the policy support for the development of houses in the non-linked isles as set out in the Spatial Strategy, the proposed development can therefore also be considered to comply with Policy 8B: Specific Policy Considerations, as the application is supported by an acceptable proposal for the site, the retention of the houses has been fully considered and their locations make retention difficult in the redevelopment of the whole site. Whilst an unfortunate loss of vernacular buildings from a historic grouping, the principle of the development is acceptable.

# 7.4. Design and Appearance

The proposed houses are a simple design, based on a relatively long, narrow rectangular plan, with a pitched roof over a single storey. The proportions are appropriate, and the buildings can be accommodated in both the immediate and wider setting, including the setting of Carrick House several hundred metres to the west, which is a listed building. High quality cladding materials would also help the buildings to fit into the setting. The development is therefore considered to comply with Policy 1: Criteria for All New Development and Policy 2: Design.

## 7.5. Residential Amenity

The properties would be relatively isolated, with no effect of overlooking or overshadowing on any neighbouring property. Planning conditions would control air source heat pump noise and hours of construction. The development is considered to comply with Policy 1: Criteria for All New Development, part (iv).

# 7.6. Road Safety

Roads Services has no objection, subject to a dilapidation survey, and a construction traffic management plan, both to protect the existing public road network. The development therefore complies with Policy 14: Transport, Travel and Road Network Infrastructure.

## 7.7. Drainage

Both houses would have private waste water and surface water drainage systems within the curtilage. Both sites are adequate in size to accommodate both in compliance with Policy 13: Flood Risk, SuDS and Waste Water Drainage.

### 7.8. Flood Risk

The northern, coastal end of the site is identified as at risk of coastal flood risk. This is the fringe of the western house open garden ground only, and all buildings are higher than land identified as at flood risk. The development therefore complies with Policy 13: Flood Risk, SuDS and Waste Water Drainage.

## 8. Conclusion and Recommendation

The loss of two substantially complete, traditionally constructed houses is regrettable in terms of historic and architectural interest and embodied energy. However, the proposed development would retain the historic layout of the site, with the proposed houses on the same sites, and other historic structures would be retained and reinstated. Overall, this compromise is considered acceptable. The development is supported by the Isles Approach of the Spatial Strategy. Residential amenity and the safety of road users would be adequately protected. No public representations have been received. The development accords with Policies 1, 2, 5, 8, 13 and 14 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.

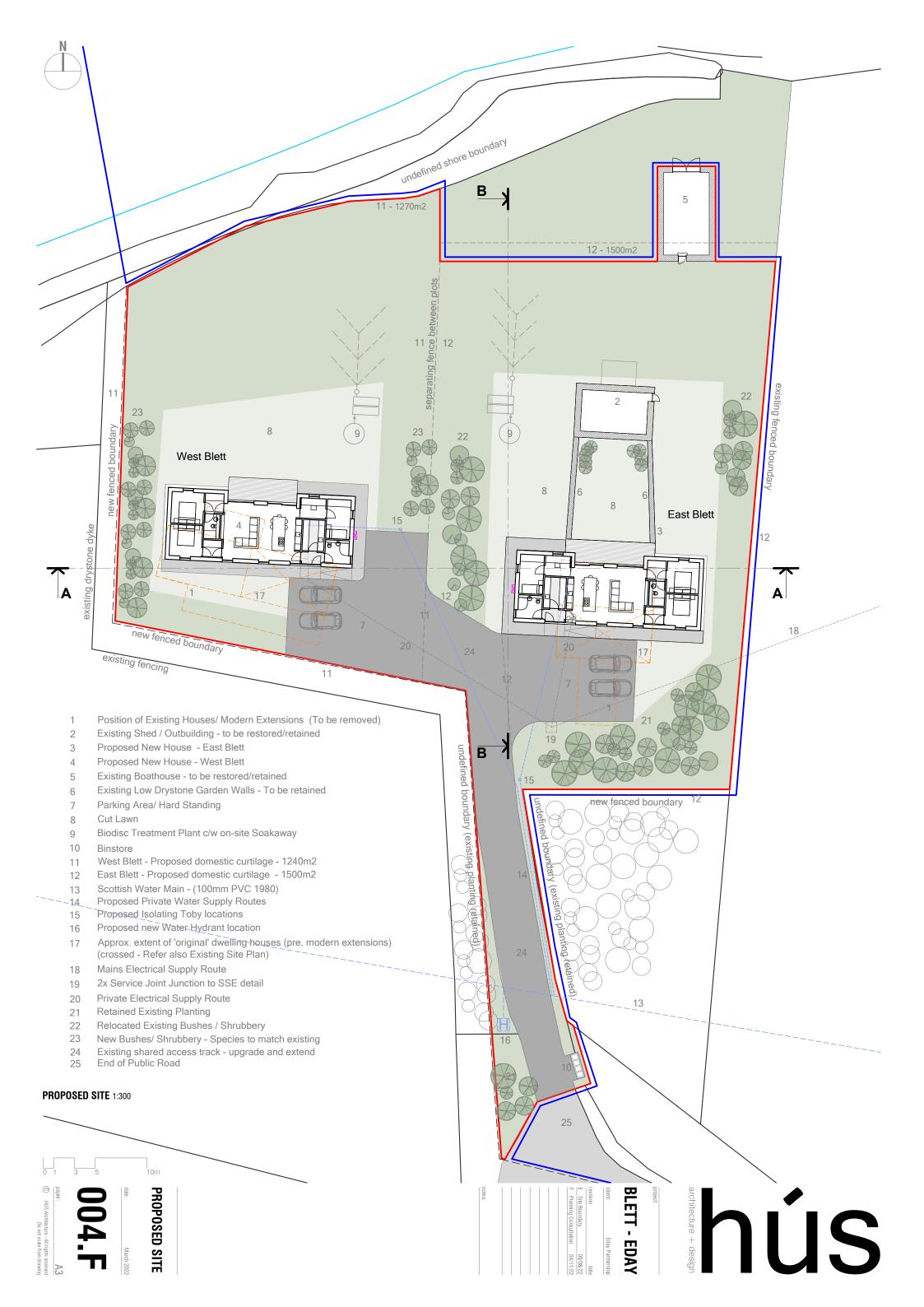
# 9. Contact Officer

Jamie Macvie, Service Manager (Development Management), Email jamie.macvie@orkney.gov.uk

# 10. Appendices

Appendix 1: Site Plan.

Appendix 2: Planning Conditions.



### Appendix 2.

01. No development shall commence until full details of a programme of historic building recording, including standing building survey and photographic survey, have been submitted to, and approved in writing by, the Planning Authority, in conjunction with the Islands Archaeologist. The details of recording shall include survey of the two existing houses to be demolished, the boathouse and shed to be retained and reinstated, and dry stone walls, and as a minimum shall include all external elevations and the setting of the buildings and structures and any unusual features identified. The recording shall also include a written account of the origins, plan, form, function, age and development sequence, if discernible, of each of the buildings.

All survey, evaluation, reporting, analysis and archive deposition, as required and approved, shall be funded by the developer. All submissions must be in digital format.

No demolition or other development shall be carried out within the site until the site is subsequently surveyed wholly in accordance with approved details, and the survey is submitted to, and approved in writing by, the Planning Authority.

Such work requires to be agreed and secured between the developer of the site and the archaeological contractor undertaking the archaeological works before it will be agreed, in writing, by the Planning Authority.

Reason: In the interests of protecting Orkney's archaeological and cultural heritage resources and to accord with Policies 8A and 8B(vi) of the Orkney Local Development Plan 2017 and Supplementary Guidance: Historic Environment and Cultural Heritage.

02. No development shall commence until a condition/dilapidation survey of a defined section of the public road has been carried out by the developer, in conjunction with Roads Services, including any section of the public road used for access/egress to the site by construction traffic. Full details of the survey shall be submitted to, and approved in writing by, the Planning Authority, in conjunction with Roads Services, including the full length of road to be surveyed.

Thereafter, the survey shall be carried out wholly in accordance with approved details and shall be completed again following completion of the development.

This condition/dilapidation survey, and any repairs required to the public road to make good damage which is attributed to this development, including by any vehicles or plant accessing or egressing the sites, shall be funded by the developer. All repairs or other works required to be carried out shall be completed to the satisfaction of the Planning Authority, in conjunction with Roads Services, within three months of completion of the development.

The developer shall also be responsible for maintaining any damage caused to the public road in such a manner that the roads always remain safe for other road users and until permanent repair works are agreed and carried out.

Reason: In the interest of road safety.

03. No development shall commence until a Construction Method Statement has been submitted to, and approved in writing by, the Planning Authority. The statement shall include but not be limited to:

- Numbers and details of all vehicle (plant and machinery) movements to and from site (types and weights).
- Details of storage of all extractive materials, including weights/quantities and location.
- Site for loading and unloading of plant and materials.
- The parking of vehicles for site operatives and visitors.
- Construction compound and site arrangement to protect the retained buildings during construction works.

Thereafter, the development shall be carried out wholly in accordance with the approved Construction Method Statement.

Reason: To ensure effective monitoring of this borrow pit project and to minimise its environmental impact.

04. No development shall commence until a Landscaping Plan of all hard and soft landscaping within the application site has been submitted to, and approved in writing by, the Planning Authority. This Landscaping Plan shall include, but not be limited to:

- The location, design and materials of all hard landscaping works.
- A timescale for the implementation and completion of all soft and hard landscaping contained in the Scheme of Landscaping, including completion of all hard landscaping prior to first occupation of each house.
- A detailed survey of all existing established planting on site (shrubs), method of
  protection of existing planting to be retained in situ throughout the construction, and
  method of relocation of any existing planting to be relocated, and confirmation of all
  existing planting to be removed.

Thereafter, the development shall be completed and maintained in perpetuity in accordance with the Scheme of Landscaping.

Reason: To ensure appropriate landscaping measures are implemented prior to occupation of the development.

05. Throughout the lifetime of the development hereby approved, all surface water within the application site area shall 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. Requisite surface water drainage shall be operational prior to first occupation of the development 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 to the public 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.

06. The development shall be excavated into the existing slope, as detailed in the site sections hereby approved, and finished floor levels shall be constructed above existing ground level unless specifically indicated in approved drawings.

Reason: For the avoidance of doubt, in accordance with submitted drawings, and to minimise visual impact of development on sloping ground.

07. Total noise from the air source heat pump(s) hereby approved 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 50mm).

Reason: To protect any nearby residents from excessive noise disturbance from the air source heat pump(s).

08. Throughout the lifetime of the development hereby approved, any external lighting used on the development shall be downward facing only and shall comply with the requirements of Policy 2 (principle vi), to minimise light pollution and meet the requirements specified by the Institution of Lighting Professionals for Zone E1/E2 areas (Rural/Low District Brightness). The lighting shall be turned off when not required either by automatic sensor or manually.

Reason: To minimise obtrusive light, glare or distraction in the interests of safeguarding the amenity of the area and to accord with Policy 2: Design of Orkney Local Development Plan 2017.

09. All restoration works to the boat shed, shed and retained drystone dyke, as detailed in drawing 'EAST BLETT PROPOSALS, 005.C', shall be completed wholly in accordance with the drawing and specification hereby approved, prior to first occupation of the house 'EAST BLETT – REPLACEMENT DWELLING' hereby approved.

Reason: To safeguard the restoration of historic buildings, which is a critical mitigation in approval of the development overall.

10. All stone resulting from the demolition of both houses shall be retained on site for reuse for construction purposes. Stone shall not be used for foundations/hardstanding or removed from site unless agreed in advance, in writing, by the Planning Authority.

Reason: To safeguard a resource of traditional building materials within the site.

11. 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.

There shall be no burning of waste or any other materials on site at any time during the construction phase of the development.

Reason: In the interest of residential amenity of the area and to reduce any possible nuisance arising to nearby residents during the construction of this development.