

Item: 3.3

Planning Committee: 7 March 2018.

Siting of a House (re-submission of 17/401/PP) at Carnmore, Annfield Crescent, Kirkwall.

Report by Executive Director of Development and Infrastructure.

1. Summary

1.1.

Planning permission in principle is sought for the siting of a house to the rear of the property Carnmore, accessed from Annfield Crescent, Kirkwall. The proposed site backs onto the disused quarry, which is grassed over, to the rear of Alton House. Planning permission in principle was refused on 4 December 2017, reference 17/401/PP, following a technical objection from Roads Services on road safety grounds. This roads matter is addressed in the current application. One objection has been submitted on the grounds of road and pedestrian safety and overdevelopment. On balance it is considered that the development accords with Policies 1, 2, 3, 9, 10, 13 and 14 of the Orkney Local Development Plan 2017.

Application Number:	18/008/PIP.
Application Type:	Planning in Principle.
Proposal:	Siting of a house (re-submission of 17/401/PP).
Applicant:	Mr and Mrs T MacLeod, Carnmore, Annfield Crescent, Kirkwall, KW15 1NS.
Agent:	Christopher Omand, c/o SJ 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:

http://www.orkney.gov.uk/Service-Directory/D/application_search_submission.htm
(then enter the application number given above).

2. Consultations

2.1.

Roads Services - no objection subject to a condition regarding specification of the access. In relation to improvements achieved since the previous application, the consultation response states, "The slightly relocated access to this development site would now meet the visibility requirements for an access onto a road with a 30mph speed limit, provided that the area of the visibility splay is kept clear of all vegetation

and obstructions greater than 1.1 metres in height throughout the lifetime of the development.”.

2.2.

Scottish Water - no objection. Capacities for both water supply and foul drainage could not be confirmed by Scottish Water.

2.3.

Environmental Health - the former quarry, immediately west of the boundary of the application site, is a shallow excavation with extensive vegetation. Environmental Health was consulted in the processing of the previous application and had no concerns with regards to land contamination at this site. Furthermore, Environmental Health had no adverse comments regarding the development generally.

3. Representations

3.1.

One objection has been received from:

- Mr Tom Laird, Kemerton, Annfield Crescent, Kirkwall.

3.2.

The objection is based on the following matters, which have been assessed in the assessment of the proposal;

- Roads matters, including vehicle speeds, traffic volume and heavy goods vehicles/farm traffic, and the proximity of the proposed access to a corner.
- Increasing housing in the area.
- Use of pavements in area as a school/college route.

4. Relevant Planning History

Reference.	Proposal.	Location.	Decision.	Date.
17/401/PP	Siting of a house.	Carnmore, Annfield Crescent, Kirkwall, KW15 1NS.	Refused.	01.12.2017.

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 3 – Settlements, Town Centres and Primary Retail Frontages.
 - Policy 5 – Housing.
 - Policy 9 – Natural Heritage and Landscape.
 - Policy 10 – Green Infrastructure (Paths, Open Spaces and Green Networks).
 - Policy 13 – Flood Risk, SuDS and Waste Water Drainage.
 - Policy 14 – Transport, Travel and Road Network Infrastructure.
- Supplementary Guidance and Planning Policy Guidance:
 - Supplementary Guidance ‘Settlement Statements’, Kirkwall (April 2017).
 - Planning Policy Advice ‘Development Quality within Settlements’ (March 2012).

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. Site and Location

The application site is located to the rear of the dwelling Carnmore, Annfield Crescent, Kirkwall, as detailed in the site plan attached as Appendix 1 to this report. The site comprises an area currently used as a raised garden, separated from the lawn at Carnmore by a low wall, together with an area of lawn to the west and south west of the existing dwelling. The overall size of the site (including access) is 567 square metres with the largest portion of the site, in which a dwelling could potentially be positioned, measuring approximately 339 square metres. The site gently slopes down from the access into the proposed house site. There is significant tree/shrub cover to the outer boundaries of the site.

7.2. Housing in Settlements Policy

The site is located within the settlement boundary of Kirkwall. Orkney Local Development Plan 2017 policy 5A 'Housing in Settlements' provides a general presumption in favour of residential development, including the sub-division of garden ground. Therefore the development of a dwelling on sub-divided garden ground at Carnmore is acceptable in principle.

7.3. Residential Amenity

If approved, plans submitted with any subsequent application for Approval of Matters Specified in Conditions would be required to take account of proximity, siting and orientation of the dwelling and full details of screening between the development, the dwelling at Carnmore and neighbouring properties. Amenity impacts arising would be fully assessed at that time.

7.4. Housing Density

Annfield Crescent is located towards the edge of the settlement boundary of Kirkwall. Whilst houses in the immediate vicinity stand in relatively large plots, other dwellings in the area have smaller plot sizes similar in area to the proposed development site. Planning Policy Advice 'Development Quality within Settlement' states that in areas of settlements outwith the town centres, 15 housing units per hectare would be acceptable. There are currently eight houses within a one hectare area around the proposed development site, and the proposed dwelling would therefore increase the total to nine. The area of the site available for construction excluding ground for access, parking and manoeuvring would be constrained, and overall development density in the area must be balanced against the ability of the proposed site to function as domestic curtilage with amenity space. For that reason it is considered that building density should not exceed 50% of the site, which would be controlled by planning condition. Overall, the development accords with Planning Policy Advice 'Development Quality within Settlements' and Orkney Local Development Plan 2017 policy 1' Criteria for All Development (part ii)'.

7.5. Character of the Area and Visual Amenity

The site is in a residential area, located to the rear of the dwelling at Carnmore and is screened by trees and vegetation to the majority of the boundaries. Due to these factors, it is unlikely that a dwelling would be highly visible from public vantage points on Annfield Crescent or East Hill or have a significant impact upon the character of the area or visual amenity.

7.6. Trees on the Site

Trees and shrubs to the southern, eastern and northern boundaries of the site provide boundary treatment and screening. The trees are not protected, but add to the character and privacy of the site and should be retained. A condition would be attached requiring that the trees and shrubs to the boundary are protected throughout construction and the lifetime of the development, in accordance with Orkney Local Development Plan 2017 policy 9 'Natural Heritage and Landscape'.

7.7. Sewerage and Drainage

The development would be required to connect to the public sewer and include surface water drainage that would be compliant with Sustainable Drainage Systems. Details would be submitted with any subsequent application for Approval of Matters Specified in Conditions.

7.8. Open Space/Quarry

7.8.1.

The site is adjacent to a former quarry that is designated Open Space in the Orkney Local Development Plan 2017. The proposed development would not result in the loss of any part of the existing open space. In considering current use of the former quarry site, it appears to be nominally used by householders with gardens backing onto the area with the site largely in a semi-natural state. Steeply sloping sections and vegetation preclude easy access around and through the site and the most obvious means of access is in another location. Therefore, securing a new access to the open space via the proposed site would neither improve access nor enhance the open space. The application accords with Orkney Local Development Plan 2017 policy 10B.

7.8.2.

As the site is close to a disused quarry, it was necessary to consult with Environmental Health regarding potential contaminated land, and if any mitigation would be required. Environmental Health has no concerns regarding contamination.

7.9. Parking Provision, Access and Road Safety

7.9.1.

As the proposal is in principle only, full details of parking provision are not required or been submitted. However, the site is adequate in size for a parking and turning area to be laid out close to the dwelling, with on-street parking not required.

7.9.2.

The site would be accessed via an existing domestic access within the curtilage to the south of Carnmore, although it does not appear to be heavily used, and there is no dropped kerb. An off-street parking area and garages are located elsewhere within the curtilage of Carnmore that are used by the occupants, so the southern access would be for the sole use of the proposed site and the development would not result in a loss of parking provision for the dwelling at Carnmore.

7.9.3.

The application as presented includes an alteration to the arrangement of the access with the public road to address the reason for refusal of the previous application, which was on road safety grounds given inadequate visibility splays. The proposed visibility splays have been assessed as acceptable by Roads Services.

7.9.4.

Points of objection raised mainly relate to road safety matters. All matters raised form part of the assessment by Roads Services as the roads authority, which has no objections to the development on the grounds of road safety, subject to conditions to secure visibility splays. The application accords with Orkney Local Development Plan 2017 1(vi) and 14C(iii).

8. Conclusion and Recommendation

On balance, the development is acceptable subject to appropriate conditions to control the scale of development for the site, and protect residential amenity and the safety of road users. The development accords with Policies 1, 2, 3, 9, 10, 13 and 14 of the Orkney Local Development Plan 2017. The objection is not of sufficient weight to merit refusal. Accordingly, the application is **recommended for approval**, subject to the conditions listed in Appendix 2.

9. Contact Officer

David Barclay, Senior Planner, extension 2502, Email david.barclay@orkney.gov.uk

10. Appendices

- Appendix 1: Site Plan.
- Appendix 2: Planning Conditions.