

Item: 5.1

Planning Committee: 2 June 2021.

Erect Storage Shed, Install Electric Vehicle Charger and Resurface Yard at Boathouse, Shapinsay.

Report by Executive Director of Development and Infrastructure.

1. Summary

1.1.

Planning permission is sought for the erection of a storage shed, installation of an electric vehicle (EV) charging point and resurfacing a yard area at Shapinsay Development Trust's premises at the Boathouse in Balfour Village, Shapinsay. One objection to the proposal has been received on grounds of impact on privacy and overlooking of the neighbouring property at Norhav'n. The objection has been considered in the assessment of the application. The development would comply with Policies 1, 2, 4C, 7C, 8, 9G,11, 13B and 14C of the Orkney Local Development Plan 2017, The Spatial Strategy: The Isles Approach, and relevant Supplementary Guidance and Planning Policy Advice. Accordingly, the application is recommended for approval.

Application Number:	21/018/PP.
Application Type:	Planning Permission.
Proposal:	Erect a storage shed, install an EV charger and resurface yard.
Location:	Boathouse, Shapinsay.
Applicant:	Shapinsay Development Trust, c/o David Campbell, Boathouse, Balfour Village, Shapinsay KW17 2DY.
Agent:	AJB Building Consultancy, c/o Andrew Beedie, Gricegarth, St Margaret's Hope KW17 2RN.

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
(then enter the application number given above).

2. Consultations

2.1. Roads Services

Roads Services – No objection, with a recommendation to attach an informative regarding any works affecting the public road.

2.2. Scottish Water

No objection.

3. Representations

3.1.

One objection has been received from:

- Kenneth Nicolson, Norhav'n, Shapinsay, KW17 2DY.

3.2.

The objection is on the following matters, which have been considered in the assessment of the proposal:

- Proximity of the shed to the boundary of the objector's property.
- Impact on the objector's privacy and the overlooking of Norhav'n due to the proposed use of the development.

4. Relevant Planning History

4.1.

Reference.	Proposal.	Location.	Decision.	Date.
15/095/PP.	Change of use from garage to meeting and office space and install an air source heat pump.	Howanbank (Garage Near), Balfour Village, Shapinsay.	Grant subject to conditions.	15.05.2015.
14/114/PP.	Improve existing access, create a hardstanding area and install an electric car charging point.	Howanbank, Shapinsay.	Grant subject to conditions.	28.05.2014.
81/305/PPF.	Erection of a shed.	Howanbank, Shapinsay.	Grant.	Exact date not known.

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:

<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 4C – Business and Industrial Land (The Isles Approach).
 - Policy 7C – Energy (All Renewable and Low Carbon Energy Developments).
 - Policy 8 – Historic Environment and Cultural Heritage.
 - Policy 9G – Landscape.
 - Policy 11 – Outdoor Sports, Recreation and Community Facilities.
 - Policy 13B – Sustainable Drainage Systems (SuDS).
 - Policy 14C – Road Network Infrastructure.
 - The Spatial Strategy – The Isles Approach.
- Supplementary Guidance and Planning Policy Advice:
 - Supplementary Guidance – Energy (2017).
 - Supplementary Guidance – Historic Environment and Cultural Heritage (2017).
 - Planning Policy Advice – Amenity and Minimising Obtrusive Lighting (2021).

6. Legal Aspects

6.1.

Section 25 of the Town and Country Planning (Scotland) Act 1997 (“the Act”) states that in making determinations under the Planning Acts the determination should be in accordance with the development plan unless material considerations determine otherwise.

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. Proposal

7.1.1.

It is proposed to erect a timber clad storage shed, install an EV charging point (and remove an existing EV charging point) and resurface the area in front of the boathouse. The main use of the proposed shed would be for the storage of electric bicycles, with some general storage by Shapinsay Development Trust as necessary.

7.1.2.

The applicant's agent has provided information regarding the storage shed and electric bicycles, as follows:

- The main use would be storage of electric bicycles and associated equipment, with all batteries stored elsewhere when they need to be charged.
- Bicycles available would include six adult bicycles, one youth bicycle and one electric trike for individuals with mobility and balance issues.
- All electric bicycles would be available for residents and visitors on a pre-booked basis, with staff present for collection and return at intervals during the period 09:00 to 17:00:
 - The hire times for visitors would be between boat times, the first arriving in Shapinsay at 08:45 weekdays and the last going back to Kirkwall at 16:45. Saturday and Sunday would be shorter days for visitors.
- Due to the nature of the scheme, days of operation would be Monday to Sunday, with rare opening 7 days a week.
- The electric bicycles would be free for local residents in the first 12 months and reviewed after that, visitors would be charged a nominal fee dependent on length of hire, they would also be available for locals to take on the ferry for appointments such as NHS etc.

7.1.3.

Policy 11 – Outdoor Sports, Recreation and Community Facilities provides general support for “the provision of new public services, facilities or infrastructure which help to support and enhance general community interests”. The policy states, “...New facilities will be supported when they are to be located within settlement boundaries...Proposals for the extension of existing facilities will be supported”.

7.1.4.

The site is located within the settlement boundary of Balfour Village and it is considered that the proposal would comply with Policy 11.

7.1.5.

Under Policy 4 – Business and Industrial Land (The Isles Approach), there is support for “business development on the non-linked isles where it accords with ‘The Isles Approach’ set out within the Spatial Strategy”, where development “shall not place any unacceptable burden on existing infrastructure and services...A number of the Isles contain Villages and Rural Settlements that act as centres of population, services and facilities. These settlements are likely to be the focus for the majority of new developments”.

7.1.6.

The site is served by public transport services and it is unlikely that the provision of electrical bicycle hire, a replacement EV charging point and resurfacing of hardstanding on the site would have a significant impact upon the existing infrastructure and services on the island. It is considered that the proposal would comply with Policy 4, and Policy 1 – Criteria for All Development criteria (i), (v) and (vii).

7.2. Location

7.2.1.

The site at the boathouse is located opposite Shapinsay Primary School, as indicated in the Location Plan attached as Appendix 1 to this report. The boundaries of the proposed site are adjacent to the properties at Norhav’n and Howan Bank.

7.2.2.

The EV charging point would be located approximately 3.3 metres to the north west of the existing charging point which is to be removed, and in the parking area to the front of the boathouse building and adjacent to the boundary with Howan Bank. The existing hardstanding would be resurfaced. The storage shed would be located to the north west of the boathouse and one metre from the boundary with the front garden at Norhav’n, as indicated in the Site Plan attached as Appendix 2 to this report.

7.3. Energy

7.3.1.

Under Policy 7 – Energy, Fuel and Energy Storage and Low Carbon Energy Developments, the use of renewable energy and provision of charging points for EVs and electric bicycles would be considered favourably if the development would also comply with other policies of the Plan and there would be no unacceptable environmental impacts or conflict with adjoining uses that cannot be overcome.

7.3.2.

Supplementary Guidance: Energy (2017) states that: “A modal shift towards renewable and low carbon forms of energy is a major contributory factor in enabling a reduction in emissions. In addition, the Scottish Government has set a renewables target of 100% toward transport energy consumption and electric vehicle charge points will become commonplace in the future...it is likely that the most relevant benefits that a proposed energy development could have would surround net economic benefit; the scale of contribution to renewable energy generation targets; and the effects of a proposal on greenhouse gas emissions...”.

7.3.3.

In principle, it is considered that the EV charger and provision of electric bicycles, which would provide alternative transport solutions for the island, would be acceptable under Policy 7 and Supplementary Guidance: Energy (2017) and would help to reduce emissions.

7.4. Design

7.4.1.

Although the proposed EV charger would be of a different design to the one that it would replace, the colour would be similar (white/grey/black) and it is considered that the scale of the unit and its colour would not detract from the boathouse or have a detrimental impact on the character or visual amenity of the area.

7.4.2.

The proposed shed would have a footprint of 35 square metres (7.888 metres x 4.438 metres) and a mono-pitch roof that would slope from 3 metres to 2.390 metres. The walls would be timber clad (to weather naturally), the roof ‘Plastisol’ coated box profile sheeting in grey (to match the boathouse), dark grey/antracite door frame, and rainwater goods would be black uPVC.

7.4.3.

It is considered that the proposed materials, scale and massing of the shed and the replacement electric vehicle charger would be acceptable, would be unlikely to have a significant impact on the character or visual amenity of the area, and are acceptable in relation to Policy 1 and Policy 2 – Design.

7.5. Residential Amenity

7.5.1.

Whilst Planning Policy Advice (PPA): Amenity and Minimising Obtrusive Lighting (2021) is concerned mostly with new housing development, the guidance is also of benefit when assessing the impacts of non-domestic developments on amenity. With regard to residential amenity, the proposal has been assessed against this PPA. Under Policy 1, criterion (iv), it is required that “The amenity of the surrounding area is preserved and there are no unacceptable adverse impacts on the amenity of adjacent and nearby properties/users.”.

7.5.2. Storage Shed

The objector has raised concerns regarding the impact on their residential amenity, including that "...the Shed is to be erected a meter from our boundary fence. I am aware that this Shed is to be used to store electric bicycles for public use and therefore wish that a higher fence be erected for privacy as such close proximity to my house.". Whilst correct that the shed would be one metre from the boundary and used for the storage of electric bicycles for use by the public and for general storage, it would be north west of the boathouse, there are no windows or doors in the rear elevation (adjacent to the boundary with Norhav'n) or either of the end elevations. Rooflights would be above head height, and the only doors would face internally into the site and towards parking area, EV charging point and the boathouse. The case officer explained to the objector, by letter dated 15 April 2021, that there would be no direct overlooking; however, the objector maintains the objection, stating: "I still wish to protest about the Sheds location and close proximity to my property...".

7.5.3.

Norhav'n faces towards the public road (B9059) and Shapinsay Primary School, where there is a degree of traffic activity. The front of the house does not face into the boathouse site and the windows in the side elevation of the house do not directly face the site of the proposed shed. There are bushes and a wall to the Norhav'n boundary with the public road and a one metre high fence and bushes to the proposed application site on Shapinsay Development Trust's land. The small trees and bushes along the fence line at Norhav'n would provide varying degrees of screening depending on the time of the year. It should be noted that the application site area does not cover all of the land at the boathouse and does not extend all the way along the western boundary with Norhav'n and any perceived overlooking issues from the area outwith the current application site and proposed development are outwith the scope of the assessment of the current application.

7.5.4.

Due to the separation distance of the shed from the house and the overall height and off-setting, it is considered unlikely that there would be any significant impact on the house or any other third party houses in the area by overshadowing, and due to the height of the shed it is considered unlikely that there would be a detrimental or unacceptable level of overshadowing of the front garden at Norhav'n. Although the shed would be located one metre from the boundary with Norhav'n, the existing screening to the boundary and the fact that the elevation facing the boundary is blank would ensure that there would be no overlooking. On balance, it is considered unlikely that the proposed development of the storage shed would have an unacceptable impact upon the residential amenity of the property at Norhav'n or any other third-party dwellings in the area. The proposed storage shed would comply with Policy 1, criteria (i) and (iv), and PPA: Amenity and Minimising Obtrusive Lighting (2021).

7.5.5. Electric Vehicle Recharging Point

The EV point would be located within an existing car parking area. The house at Howan Bank would be 15 metres at its closest point to the development, with other dwellings at a greater separation distance. It is considered that the EV charging point

would be unlikely to have an increased impact on residential amenity than already exists and would comply with Policy 1 criteria (iv), Supplementary Guidance: Energy (2017) and PPA: Amenity and Minimising Obtrusive Lighting (2021).

7.5.6. Resurfacing

The proposed resurfacing would have minimal impact on the residential amenity of third-party dwellings within the area. With regard to the objector's concern regarding picnic benches on the resurfaced yard area, clarification was sought from the applicant's agent who confirmed "no plans at all to have picnic benches on the resurfaced area, this is solely for the EV Charger and bays for the existing vehicles".

7.5.7. External Lighting

It is a requirement that any external lighting should not be obtrusive, to protect the amenity, including residential amenity, of the area and to protect the setting of the village and wider landscape. A condition would be attached to ensure that any external lighting would minimise light pollution in accordance with Policy 2 (vi) and PPA: Amenity and Minimising Obtrusive Lighting (2021).

7.6. Access and Road Safety

Roads Services has raised no concerns in relation to road safety. An informative would be attached to any approval, regarding compliance with Sections 56 and 95 the Roads (Scotland) Act 1984 and to require any damage to the existing road infrastructure to be repaired prior to the development being brought into use. It is considered that the development would comply with Policy 14C – Road Network Infrastructure.

7.7. Historic Environment

The boundary of Balfour Village Conservation Area is approximately 140 metres to the south east of the site. The village includes several listed buildings and the whole settlement is located within the Balfour Castle Garden and Designed Landscape boundary. Due to the small scale of the proposed development, together with the separation distance of the site from the Balfour Village Conservation Area, it is considered that there would be no unacceptable impact on the historic environment, in accordance with Policy 8 – Historic Environment and Cultural Heritage and Supplementary Guidance: Historic Environment and Cultural Heritage (2017).

7.8. Surface Water Drainage

It is a requirement that all developments incorporate Sustainable Drainage Systems (SuDS) and a standard condition would be attached to any approval to secure this requirement. This would comply with Policy 13B – Sustainable Drainage Systems (SuDS).

8. Conclusion and Recommendation

The proposed development is acceptable in terms of design and appearance of the storage shed, the EV charging point and resurfacing of the yard, and potential impacts on residential amenity, landscape, visual amenity, the character of the area,

access and road safety, and the historic environment. Submitted objections are not of sufficient weight to warrant a refusal, and conditions would be attached to mitigate impacts. The development complies with the Orkney Local Development Plan 2017 Policies 1, 2, 4C, 7C, 8, 9G,11, 13B, 14C and The Spatial Strategy: The Isles Approach, Supplementary Guidance: Energy (2017), Historic Environment and Cultural Heritage (2017), and Planning Policy Advice: Amenity and Minimising Obtrusive Lighting (2021). Accordingly, the application is recommended for approval, subject to the conditions attached as Appendix 3 to this report.

9. Contact Officer

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

10. Appendices

Appendix 1: Location Plan.

Appendix 2: Site Plan.

Appendix 3: Planning Conditions.



LOCATION PLAN
1:1250 @ A3



NOTES

All dimensions are in mm and are 'or thereby'

PROPOSED FINISHES

External Walls - vertical timber cladding left untreated to weather naturally to silver / grey.
 Roof Sheeting / Flashings - 0.7mm plastisol coated box profile sheeting (Dark Grey colour) w/ integral GRP rooflights
 Double Doors - uPVC Double Glazed Doors in Anthracite / Dark Grey Colour.
 Rainwater goods - uPVC, black colour

REVISIONS

Revision 01 - Amend plan to match Revised Site Plan for Planning - 15.02.2021
 Revision 02 - Amend plan to remove red hatch - 23.02.2021

CLIENT:

Shapinsay Development Trust

PROJECT:

Proposed Storage Building

Boathouse
 Balfour Village
 Shapinsay
 Orkney
 KW17 2DY

DRAWING:

Location Plan

Drawing No: SHA/0016/PP/002

SCALE:

1:1250 @ A3

DATE:

13/01/2021

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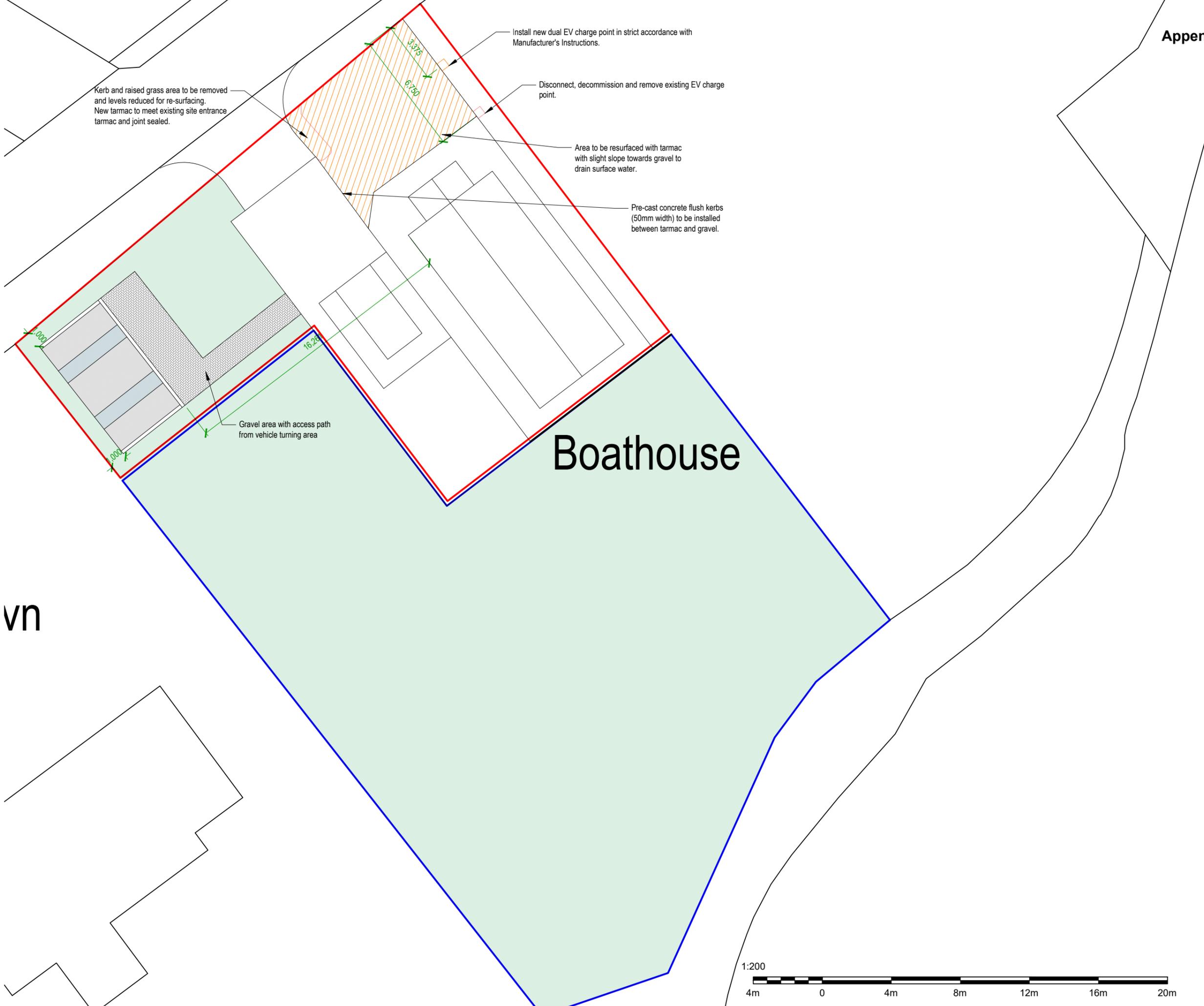


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NOTES

All dimensions are in mm and are 'or thereby'

PROPOSED FINISHES

External Walls - vertical timber cladding left untreated to weather naturally to silver / grey.
Roof Sheeting / Flashings - 0.7mm plastisol coated box profile sheeting (Dark Grey colour) w/ integral GRP rooflights
Double Doors - uPVC Double Glazed Doors in Anthracite / Dark Grey Colour.
Rainwater goods - uPVC, black colour

REVISIONS

Revision 01 - Amend plan to include removal of kerbing, installation of new dual EV charge point and tarmac surface.

Revision 02 - For Planning: Remove text from EV unit and include dimensions.

CLIENT:

Shapinsay Development Trust

PROJECT:

Proposed Storage Building

Boathouse
Balfour Village
Shapinsay
Orkney
KW17 2DY

DRAWING:

Site Plan

Drawing No: SHA/0016/PP/003

SCALE:

1:200 @ A3

DATE:

13/01/2021

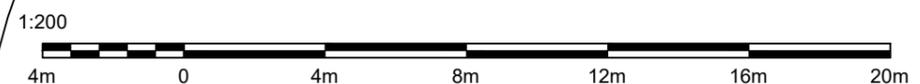
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Appendix 3.

01. The storage shed hereby approved shall only be used for the storage of electric bicycles and for general storage for Shapinsay Development Trust, unless otherwise agreed, in writing, by the Planning Authority.

Reason: In the interests of the protection of residential amenity of neighbouring properties.

02. Hours of operation of the electric bicycle hire shall be 08:45 to 17:00 daily, and all bicycle hires shall be pre-booked, unless otherwise agreed, in writing, by the Planning Authority.

Reason: For the avoidance of doubt and in the interests of the protection of the amenity of the area, and as confirmed in correspondence from the applicant's agent, dated 27 April 2021.

03. Throughout the lifetime of the development, any external lighting used on the storage shed and development hereby approved shall be downward facing only and shall comply with the requirements of Orkney Local Development Plan 2017, Policy 2 (principle vi), that all external lighting shall minimise light pollution and shall 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, to safeguard the amenity of the area, and to accord with Orkney Local Development Plan 2017 Policy 2 – Design and Planning Policy Advice: Amenity and Minimising Obtrusive Lighting (2021).

04. 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 run-off 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.

05. Any damage caused to the existing road infrastructure during construction of the development shall be repaired prior to first use 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 Monday to Friday and 08:00 to 13:00 Saturdays, 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.