

Item: 5.2

Planning Committee: 7 July 2021.

Siting of Replacement House, Convert Redundant Building to House (two for one), Upgrade Access and Create Access at Midhouse, Harray.

Report by Executive Director of Development and Infrastructure.

1. Summary

1.1.

This is an application in principle for the siting of a replacement house, convert a redundant building to a house (two for one), upgrade an access and create an access near Midhouse, Mirbister, Harray. The existing building is redundant and retains sufficient historic and architectural merit to justify a new dwelling on the adjacent site. As such, the principle of the development as a 'two for one' is acceptable. One objection has been received on the grounds of road safety concerns, impact on residential amenity, flooding and a perceived non-compliance with policy and guidance. The objection is considered of insufficient weight to merit refusal. The proposed development accords with Policies 1, 2, 5, 9, 10, 13 and 14 of the Orkney Local Development Plan 2017 and Supplementary Guidance: Housing in the Countryside. Accordingly, the application is recommended for approval.

Application Number:	21/202/PIP.
Application Type:	Planning in Principle.
Proposal:	Siting of a replacement house, convert a redundant building to a house (two for one), upgrade an access and create an access.
Address:	Midhouse (Land Near), Mirbister, Harray.
Applicant:	Mr R Spence, Ayre Mills, Ayre Road, Kirkwall.
Agent:	Leslie Burgher, Seaview, Deerness.

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

Consultation bodies have not objected or raised any issues which cannot be addressed by planning conditions.

3. Representations

3.1.

One objection has been received from:

- Mrs R P and Mr G P Wisdom, Midhouse, Mirbister, near Dounby.

3.2.

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

- Road safety and increase in traffic and pedestrian use of a single-track road.
- Loss of amenity.
- Overlooking.
- Overshadowing and loss of light.
- Land drainage issues, including likelihood of flooding and safeguarding existing soakaway.
- Adequacy of water supply.
- The development does not accord with all policies and criteria of Orkney Local Development Plan 2017.

3.3.

Other issues were raised that are not material planning considerations and therefore do not form part of the consideration, including the condition of a bridge within the public road.

4. Relevant Planning History

20/002/PIP.	Siting of two houses (2 for 1) and create two accesses.	Midhouse (Land Near), Mirbister, Harray.	Refused.	22.04.20.
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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 5 – Housing.
 - Policy 9 – Natural Heritage and Landscape.
 - Policy 10 – Core Paths and Access.
 - Policy 13 – Flood Risk, SuDS and Waste Water Drainage.
 - Policy 14 – Transport, Travel and Road Network Infrastructure.
- Supplementary Guidance: Housing in the Countryside (2021).
- The Orkney Core Paths Plan (2018).

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. Principle

7.1.1.

The principle of replacing an existing building or structure within the countryside, and the retention of an existing derelict building of historic merit and replacement with a

new house (two for one) is supported in principle under Policy 5E(iii), provided that the proposal also meets the criteria set out under that policy together with other policies of the Plan, relevant Supplementary Guidance and other material planning considerations.

7.1.2.

In this case the proposed development is for a two for one with the original building being restored, converted and extended to provide a house and a new house built on an adjacent area of land to the north east. There is a single building on site which is a traditional long low stone building. The application is in principle therefore no details of the conversion and extension of the stone building has been provided at this stage. However, the conversion of the stone building will be required to ensure the retention of the building of historic and architectural merit to justifying the addition of a second house (two for one). As such, the development accords with Policy 5E(iii) and development criteria DC8 of Supplementary Guidance: Housing in the Countryside.

7.2. Location and Siting

7.2.1.

The development is on the North Bigging Road, approximately 1 kilometre from the junction with the A968, and located opposite the public road from the property of Midhouse and with the property Mara Lodge to the north, as indicated on the Site Plan attached as Appendix 1 to this report. The site forms part of an agricultural field laid to grass with the boundary treatment a mixture of stone boundary dykes and post and wire fencing.

7.2.2.

The site is in an elevated location to the west of the North Bigging Road, the ground continues to rise slightly behind the development, to the extent that if the future house on the site and the conversion and extension are well designed, any impact on the skyline would not be unacceptable. The existing settlement pattern in the area is generally scattered housing and farms; however, nearer the A986 Kirkwall to Dounby Road, the level of development is denser than is typical of a countryside location with scattered housing. It remains a concern that additional development along the road could lead to suburbanisation in the rural area. However, given the use of the original building and a new dwelling in close proximity, the development would therefore not be isolated in a wider landscape or have a significant impact on the settlement pattern or the landscape of the area.

7.2.3.

The site has no national or local natural heritage designations. It is close to core path WM21 which runs along the public road immediately adjacent to the site, and a public right of way (O71) also runs along part of the northerly section of the core path. However, it is considered that the development would not adversely impact on the Core Path network.

7.3. Design

7.3.1.

The existing building on site is a traditional long narrow stone build with a corrugated roof. There are limited openings, and others that have been built up in the past, and although the design statement suggests that it may be a former house the configuration of openings makes this unlikely. The building does not appear to be in use, and the condition suggests that it has not been used for a long time and the building can therefore be regarded as redundant. The traditional scale and form of this building, combined with its construction, results in the conclusion that it is of sufficient merit to warrant retention.

7.3.2.

Of the two houses proposed, one would be provided through the retention and extension of the existing redundant building, and the second house would be a new build. This application is to establish the principle of the development only, and as such full details of access, sewerage, boundary treatment, design, materials, orientation and siting are not required at this stage. Full details would be submitted and considered as part of any subsequent application for Approval of Matters Specified in Conditions (AMC) should the current application be approved. Although not necessary at this stage, indicative footprints of the proposed houses have been shown on the site plan. The new house would require to be designed to respect the original building in terms of its location, scale and form.

7.3.3.

The stone boundary dyke which exist on the site boundary of the building which would be subject to the conversion and extension would be retained to maintain the traditional character of the area.

7.4. Residential Amenity

7.4.1.

The layout of sites, in relation to each other and the surrounding properties, would be appropriate to protect residential amenity. Several aspects of residential amenity such as protection of daylight, sunlight and privacy would only be able to be fully assessed on submission of any subsequent application.

7.4.2.

The objector has stated concerns regarding the impact of the development in its quiet rural location, with potential to impact on the area and the amenity that the existing neighbouring property enjoys.

7.4.3.

Careful consideration of the design regarding siting, orientation and window placement at subsequent application stage should be able to provide a development that would be unlikely to have a significant impact on the residential amenity of third-party dwellings in the area by way of overlooking, overshadowing or impacts upon

privacy, and in this respect it is considered that the proposal would comply with Policy 1(iv). Construction noise would be controlled by planning condition.

7.5. Flooding and Drainage

This area lies outwith any public drainage system; however, the site area seems adequate to provide an appropriate design for both drainage requirements. Although the letter of representation states that the land is prone to flooding, SEPA and Council flood maps do not include the site as being at any flood risk. Should the development be considered acceptable in principle, a standard condition regarding SuDS would be attached. This would comply with the requirements of Policy 13B – Sustainable Drainage Systems (SuDS).

7.6. Parking and Road Safety

7.6.1.

The development would take access off the North Bigging Road, which in turn is accessed from the A986 Kirkwall to Dounby road and runs through to the Hillside Road. The North Bigging Road is a single track road with passing places; the road serves a relatively large area which is more densely built up at the southern end of the road nearest the junction with the A986. The application submitted proposes to make use of an existing access and to create an additional new access.

7.6.2.

A previous similar application, reference 20/002/PIP, was refused under Policy 1 – Criteria for All New Development, part (vi), which states that development will only be supported where it “does not result in an unacceptable level of risk to public health and safety”. Policy 14C – Road Network Infrastructure states that development will only be permitted where “(iii) Any new access, or upgrades to an existing access, linking to the adopted road network has been designed to an adoptable standard as defined by the National Roads Development Guide (new accesses should be resource efficient, safe for all road users, and convenient for sustainable travel modes)”.

7.6.3.

Roads Services, as the roads authority, confirmed that, in relation to the previous application, the development would create an unacceptable road safety hazard and stated that until such time as the junction of the North Bigging Road with the A968 is upgraded, and the North Bigging Road widened, there should be no further development in the area. On that basis, the development was considered contrary to Policies 1 (vi) and 14C.

7.6.4.

Since the previously refused application, discussions have been ongoing between the agent and landowner and Roads Services, and contact was made with the landowners adjacent to and on both sides of the junction of the North Bigging Road with the A968; those parties have been made aware of their responsibilities under roads legislation to ensure that all vegetation is cut back to the boundary of their own properties. Taking account of this, and the resultant benefit on visibility in both

directions from the junction which critically can now be confirmed as meeting road safety requirements, Roads Services no longer objects to the development, provided the developer undertakes some road improvements to the North Bigging Road including some road widening and the construction of a passing place. Roads Services has confirmed that the required works can be provided within the roadside verge, which is within the control of the Roads Authority and therefore does not require consent from any other third-party landowner.

7.6.5.

Roads Services advises that “it has been accepted that development on the North Bigging Road would be acceptable provided that conditions can be secured to construct new passing places, in order to mitigate the increased traffic that will result from the proposed development. Therefore, the conditions and informative noted below should be applied to any planning permission that may be granted: Conditions attached as Appendix 2. If, however, it is not possible for whatever reason to apply the conditions noted below then this consultation response should be considered as an objection”.

7.6.6.

Given the land required for the proposed road improvements is within the control of the Roads Authority, it is considered that the conditions would be appropriate to be attached to any approval. In addition, Roads Services advises that a single access point from the public road should be used to serve the development, to avoid two separate accesses in such proximity. The layout of the application site is such that a single point of access could be located to serve both houses; as the application is in principle only, this can be adequately addressed by planning conditions, which would specify the use of a single access only in any subsequent application and layout.

7.6.7.

The objection includes concern regarding the intensification of the road and the use of the junction which does not meet the standard required and is unsafe and a road with “Poor visibility, blind corners and a very narrow carriageway already render this road unsafe along much of its length”. The objection states a view that the development cannot comply with the Council’s approved and adopted policy and guidance.

7.6.8.

Based on the view of Roads Services as Roads Authority, and critically the additional works to the public road that would be required by planning conditions, it is considered that the development would accord with Policy 1 – Criteria for All New Development and Policy 14C – Road Network Infrastructure.

8. Conclusion and Recommendation

On balance, it is considered that an appropriately designed extension and renovation to the existing building which is of a scale and form sympathetic to the original building, along with a new replacement house also of appropriate scale and form, could be provided using design that would ensure integration of both into the

immediate and wider landscape. Both can be located and designed to provide adequate distance from other dwellings, and with suitable orientation, to maintain privacy and residential amenity. Improvements controlled by planning condition to the North Bigging Road, and other measures addressed by roads legislation affecting the junction of the North Bigging Road, are such that road safety would be protected. The objection is of insufficient weight to warrant refusal. The proposed development would therefore accord with Policies 1, 2, 5, 9, 10, 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 to this report.

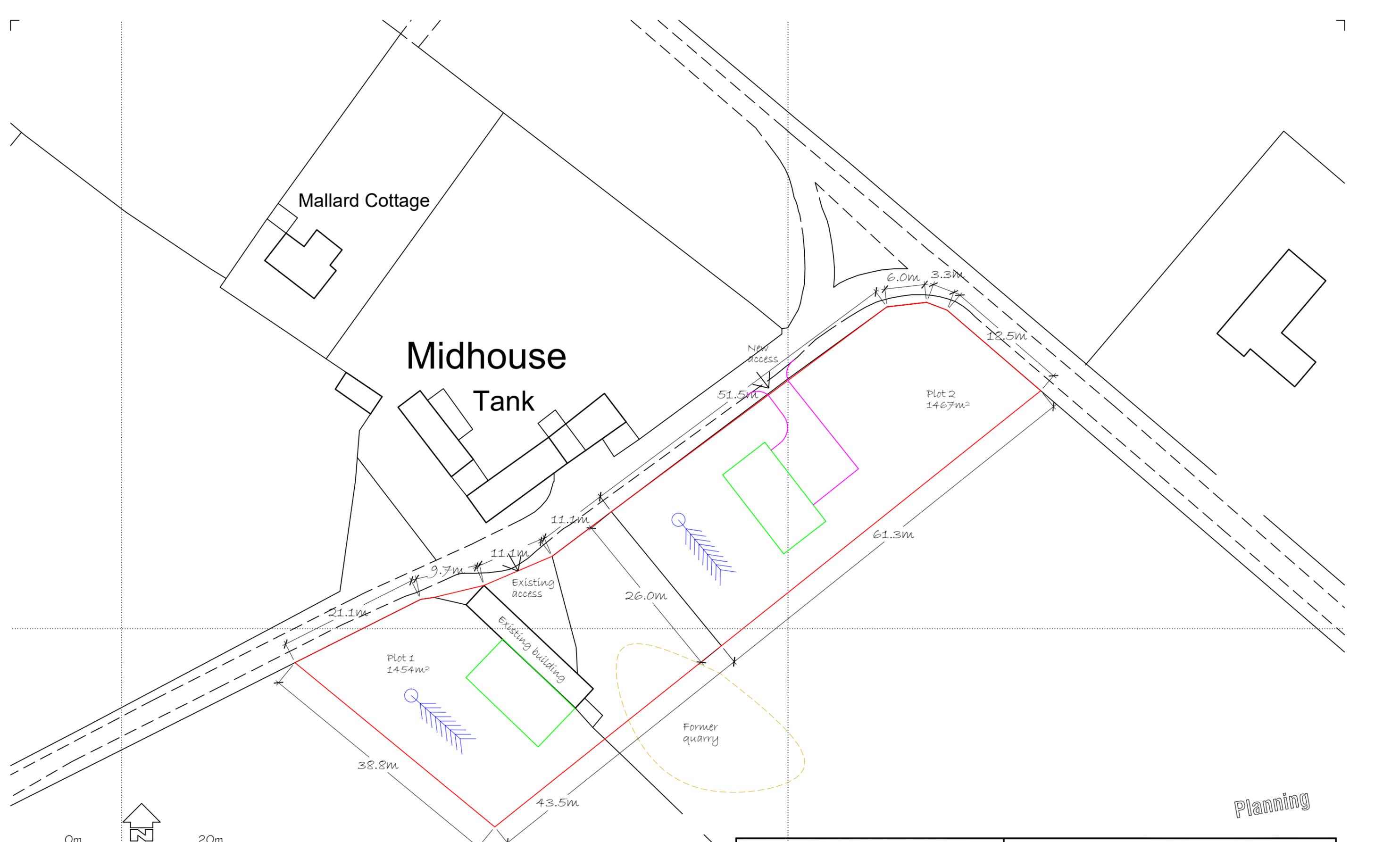
9. Contact Officer

Margaret Gillon, Senior Planner, Email: Margaret.Gillon@orkney.gov.uk

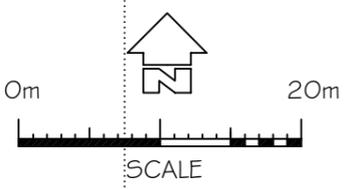
10. Appendices

Appendix 1: Site Plan.

Appendix 2: Planning Conditions.



Planning



Leslie Burgher Chartered Architect				R Spence Sites at Midhouse			A3	
Drawing Site Plan								
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Appendix 2.

01. Within three years of the date of this permission, a written application and plans, in respect of the following matters, shall be submitted to, and approved in writing by, the Planning Authority:

- (a) The siting, design and external appearance of all buildings and other structures. All buildings shall be single storey, and the location, scale and form of the new house, and the conversion (and extension) should reflect those of the original building on site.
- (b) Existing and proposed site sections, and proposed finished floor levels and ridge heights, showing ground levels and how all buildings will be dug into any slope.
- (c) Access to the site – Details shall be provided showing surface water drainage and how surface water from the access will be prevented from flowing onto the public road.
- (d) The layout of the site, including roads, footways, turning areas and parking areas.
- (e) The design and location of all boundary dykes, walls and fences (including materials, colours and heights), including retention of existing stone boundary walls.
- (f) Landscaping of the site (including details of species, sizes, number, type).
- (g) The provision of surface water drainage works.
- (h) The disposal of sewage, including any private sewage system included within the site boundary.
- (i) Full details of refuse bin storage.

No development shall commence until all of these matters have been approved and, thereafter, the development shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Planning Authority.

Reason: To accord with the Town and Country Planning (Scotland) Act 1997 as amended, as the approval is in principle only.

02. In accordance with condition 01(a) above, the retained building, indicated as 'existing building' on the site plan hereby approved, shall be made fully wind and watertight prior to commencement of any construction of the new house on plot 2.

Reason: To protect the appearance of the area, and in accordance with the terms of Supplementary Guidance: Housing Development in the Orkney Countryside.

03. In accordance with conditions 01 and 02 above, a Design Statement shall be produced setting out the scale, simple massing, traditional rural form and proportions, building and surface materials, boundaries and site layout (including building footprints, site layout and materials specified in condition 02). That Design Statement shall be submitted to the Planning Authority with the first application for

approval of matters, and the whole development shall be designed to accord with the terms of the Design Statement.

Reason: To protect the appearance of the area, and in accordance with the terms of Supplementary Guidance: Housing Development in the Orkney Countryside.

04. In accordance with the details provided and required in Condition 1(c), and notwithstanding the two accesses shown on the submitted site plan, a single access shall be provided to serve both the sites. This access with the public road shall be constructed to the Council's Roads Services standard '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 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.

05. In accordance with condition 1(g), surface water drainage provision within the application site (both plots) shall accord with the principles of Sustainable Drainage Systems (SuDS) and shall be designed to the standards outlined in Sewers for Scotland Fourth Edition (or any superseding guidance prevailing at the time) prior to the first occupation of any part of the development hereby approved in principle, and no part of the development shall be occupied until the development is connected to an approved and fully constructed and operational surface water drainage system.

Reason: To ensure that surface water drainage is provided timeously and complies with the principles of SUDS; in order to protect the water environment.

06. In accordance with condition 1(h), prior to the first occupation of any part of the development hereby approved in principle, the development shall be connected to an approved and fully constructed and operational foul drainage system. The developer shall consult with the Scottish Environment Protection Agency (SEPA) in relation to authorisations required for discharges of sewerage effluent to land or water.

SEPA (Orkney) can be contacted at Norlantic House, Hatston, Kirkwall (Telephone: 01856 871080). Further information may also be found on SEPA's website at: <https://www.sepa.org.uk/>.

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

07. Throughout the lifetime of the development, any external lighting used on the dwellings and any outbuildings shall be downward facing only and shall comply with the Council's requirements of 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 in the interests of safeguarding the amenity of the area and to accord with Policy 2 – Design.

08. Hours of work during the demolition works and construction of the development hereby approved in principle, 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, 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 demolition works and construction of this development.

09. An area of localised road widening shall be constructed from the point at which the North Bigging Road narrows near the eastern boundary of the property known as Ardleigh for a distance of 30 metres. The area of road widening shall be constructed in accordance with the Council's Roads Services detail for Carriageway Construction. In addition, a new passing place shall be constructed on the North Bigging Road, on the triangular area of ground between the two field accesses near the western boundary of the property of Braebister. The passing place shall be constructed in accordance with the Council's Roads Services detail for Construction of a Passing Place. No development shall commence until full details, including a plan at an appropriate scale, of both road works are submitted to, and approved in writing by, the Planning Authority, in conjunction with Roads Services. Thereafter, and prior to occupation of any part of the development hereby approved, all approved improvements within the roads boundary shall be completed wholly in accordance with approved details and to the satisfaction of Roads Services.

Reason: To protect road safety.