

## Item: 4.1

**Planning Committee: 29 May 2019.**

**Erect a Replacement House (following planning permission in principle 16/010/PIP) at Barm, Redland Road, Firth.**

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

### 1. Summary

#### 1.1.

It is proposed to erect a house by Barm, adjacent to the Redland Road and approximately 380 metres south of Redland in Firth. The site has planning permission in principle, so the current application is for the details of that development only. The submitted design matches a design approved previously on the site. One objection has been received on the grounds of design and impact on the landscape. The objection is not of sufficient weight to merit refusal, and the development is considered to comply with Policies 1, 2 and 5E of the Orkney Local Development Plan 2017, and Supplementary Guidance: Housing in the Countryside. Accordingly, the application is recommended for approval.

Application Number:	19/058/AMC.
Application Type:	Approval of Matters Specified in Conditions.
Proposal:	Erect a replacement house (following planning permission in principle 16/010/PIP).
Applicant:	Calum W Kirkness Limited, 5 Jib Park, Finstown, KW17 2HJ.

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

### 2. Consultations

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

### 3. Representations

#### 3.1.

One objection has been received from:

- Bob Ferguson, Langalour, Redland Road, Firth, KW17 2EU.

#### 3.2.

The objection is on the grounds of design and impact on the landscape.

#### 3.3.

Further comments were included in the representation regarding noise of construction and construction traffic. Noise would be addressed by planning conditions, and Roads Services has no concerns regarding construction traffic.

### 4. Relevant Planning History

06/152/PPO.	Erect a replacement house.	Barm (land near), Redland Road.	Approved.	02.05.06.
10/049/PP	Erect a replacement house.	Barm (land near), Redland Road.	Approved.	20.07.10.
13/121/VR.	Vary condition 3 of planning permission 10/049/PP to extend the commencement date for a further 3 years.	Barm (land near), Redland Road.	Approved.	16.05.13.
16/010/PIP	Siting of a replacement house.	Barm (land near), Redland Road.	Approved.	08.03.16.

### 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 2 – Design.
  - Policy 5E – Single Houses and New Housing Clusters in the Countryside.

- Supplementary Guidance:
  - Housing in the Countryside.

## **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. Principle**

The application site is located, by Barm, in a field adjacent to the Redland Road in Firth, as highlighted in the location and site plans attached as Appendix 1 to this report. The proposed development is a replacement house (one for one), for a derelict house in the field adjoining the site. The application was approved in principle in March 2016, following a planning history of approvals of the same development on the site since 2006.

### **7.2. Proposal**

#### **7.2.1.**

The proposed house is relatively large and is based on a square floor plan and two storeys in height, as shown in the drawings attached as Appendix 2 to this report. Being large in scale does not make the development unacceptable but requires additional scrutiny of design. The massing is broken into two long rectangular sections, with tall relatively narrow gables on the front elevation facing the Redland

Road, and a set back flat roofed section linking those wings. The gables would be clad with stone, and the pitched roofs finished with flat dark tiles. The proportions of the two wings are appropriate in a rural context, with a narrow plan and steeply pitched roofs which would enclose the flat roof. In addition to the stone gables, the walls would be a uniformly coloured render with sections of natural timber, and recessively coloured windows and doors. The house would be dug into the slope, with excavated materials used to form landscaping bunds to the front of the site. Landscape setting is helped by the location of the site, between an existing and a derelict house.

#### **7.2.2.**

In the absence of any supplementary guidance specific to the design of housing in the countryside, assessment relies heavily on Policies 1 and 2 of the Orkney Local Development Plan 2017. In that regard, the development is considered to be adequately sited and designed to take into consideration the location and wider landscape and be sympathetic to the character and appearance of the local area.

### **7.3. Residential Amenity**

#### **7.3.1.**

The development would not exceed one third of the site area, ensuring adequate outside space for occupants. It is sited more than 21 metres from the closest neighbouring dwelling, so no unacceptable overlooking or overshadowing would result.

#### **7.3.2.**

Noise from construction would be controlled by planning condition.

### **7.4. Access and Parking**

Roads Services has no objections, subject to a condition requiring an upgrading of the access and confirmation of treatment of surface water. A condition would also address any damage to the public road.

## **8. Conclusion and Recommendation**

The site already has planning permission in principle, with the current application seeking approval for the details of that development only. Although large, the development is relatively simple in form, with massing broken into appropriately proportioned sections. High quality materials and landscaping would minimise visual impact. The development accords with Policies 1, 2 and 5E of the Orkney Local Development Plan 2017, and Supplementary Guidance: Housing in the Countryside. The objection is not of sufficient weight to merit refusal. Accordingly, the application is **recommended for approval**, subject to the conditions attached as Appendix 3 to this report.

## **9. Contact Officer**

Jamie Macvie, Planning Manager (Development Management), extension 2529,  
Email [jamie.macvie@orkney.gov.uk](mailto:jamie.macvie@orkney.gov.uk)

## **10. Appendices**

- Appendix 1: Location and Site Plans.
- Appendix 2: Drawings.
- Appendix 3: Planning Conditions.

Calum Kirkness  
Planning Application  
Barn, Redland Road,  
Finstown, Orkney  
Site Location Plan

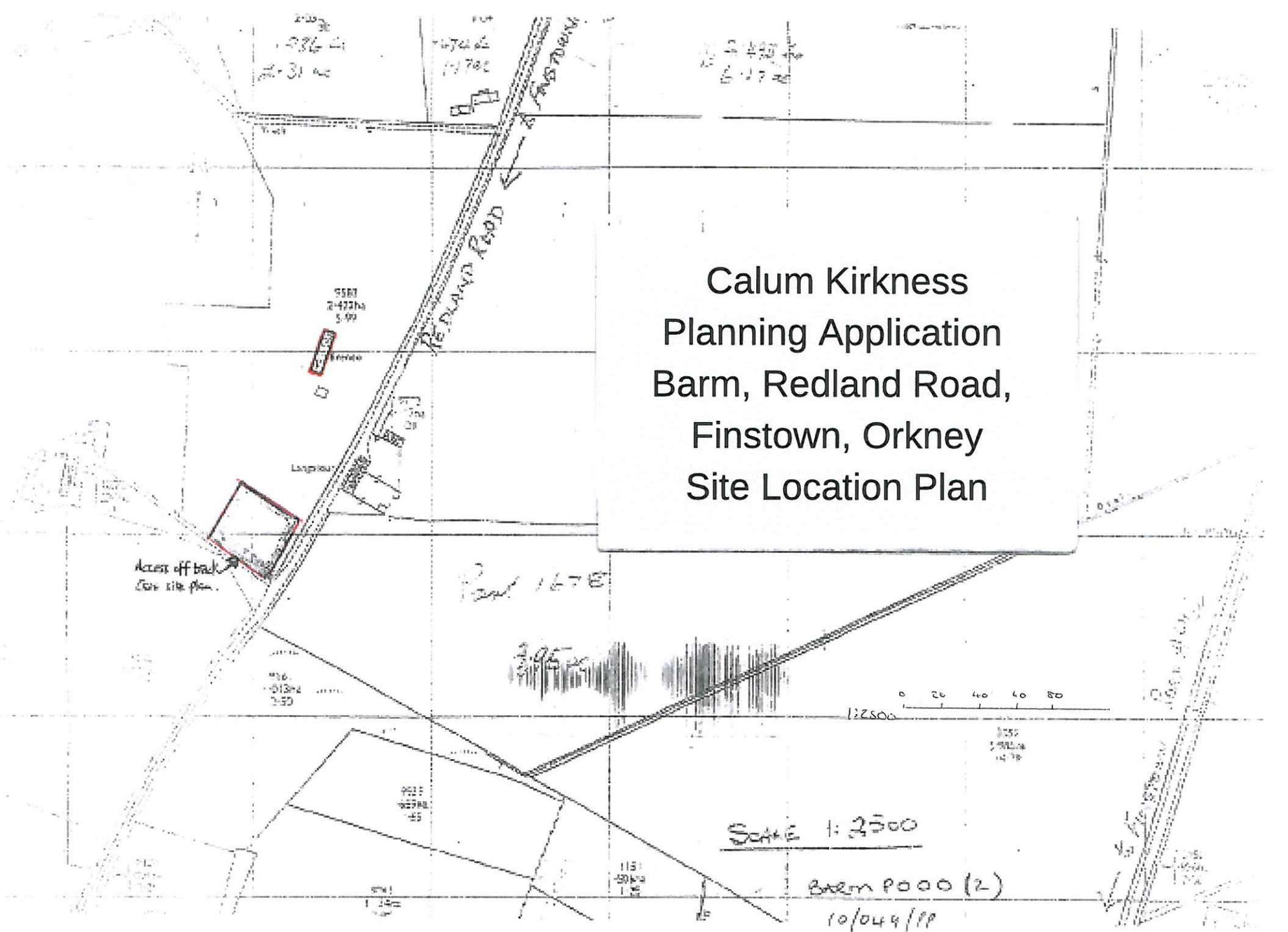
Access off back  
See site plan.

Part 167E

0 20 40 60 80  
1:2500

SCALE 1:2500

BARN P000 (2)  
10/049/PP



Barm, Redland Road, Orkney, KW17 2EU



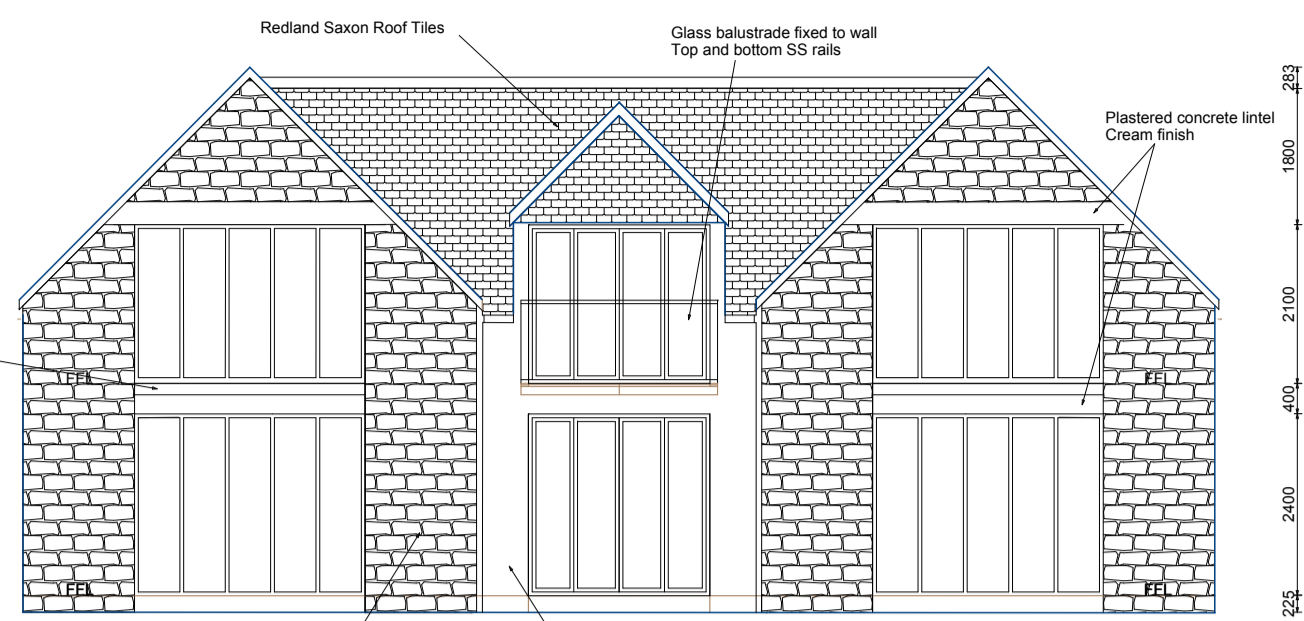
Site Plan shows area bounded by: 336796.02, 1016631.97 936986.02, 1019820.87 (at a scale of 1:1250). The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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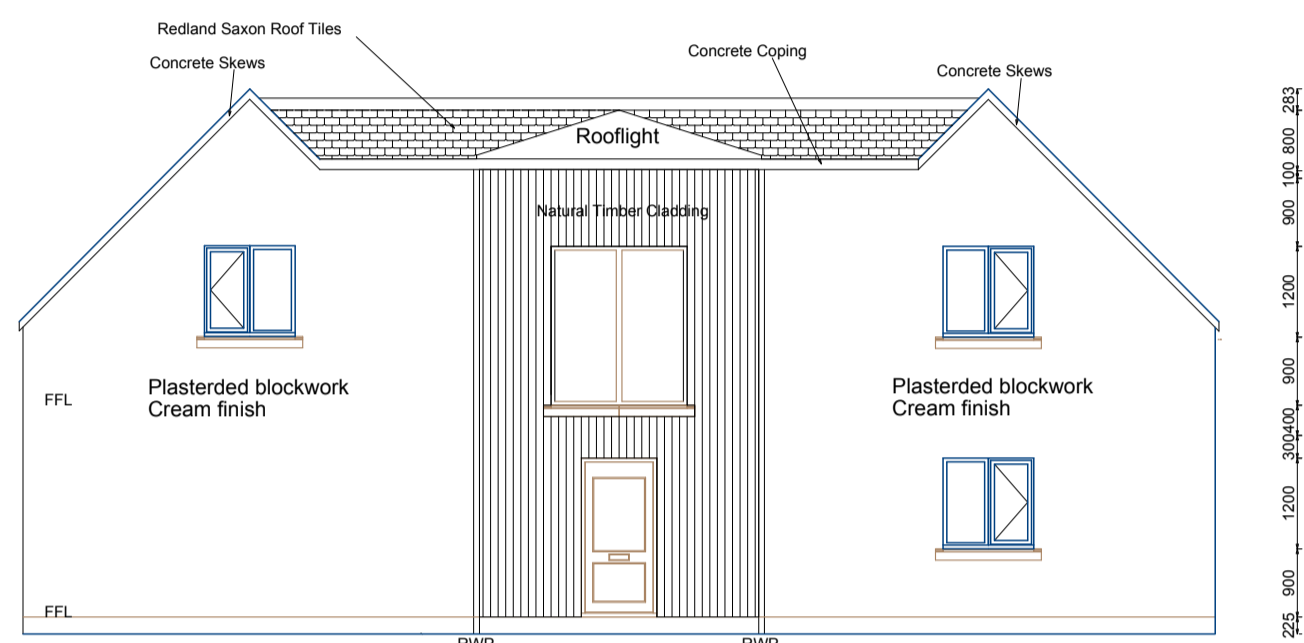
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ORKNEY ISLANDS COUNCIL

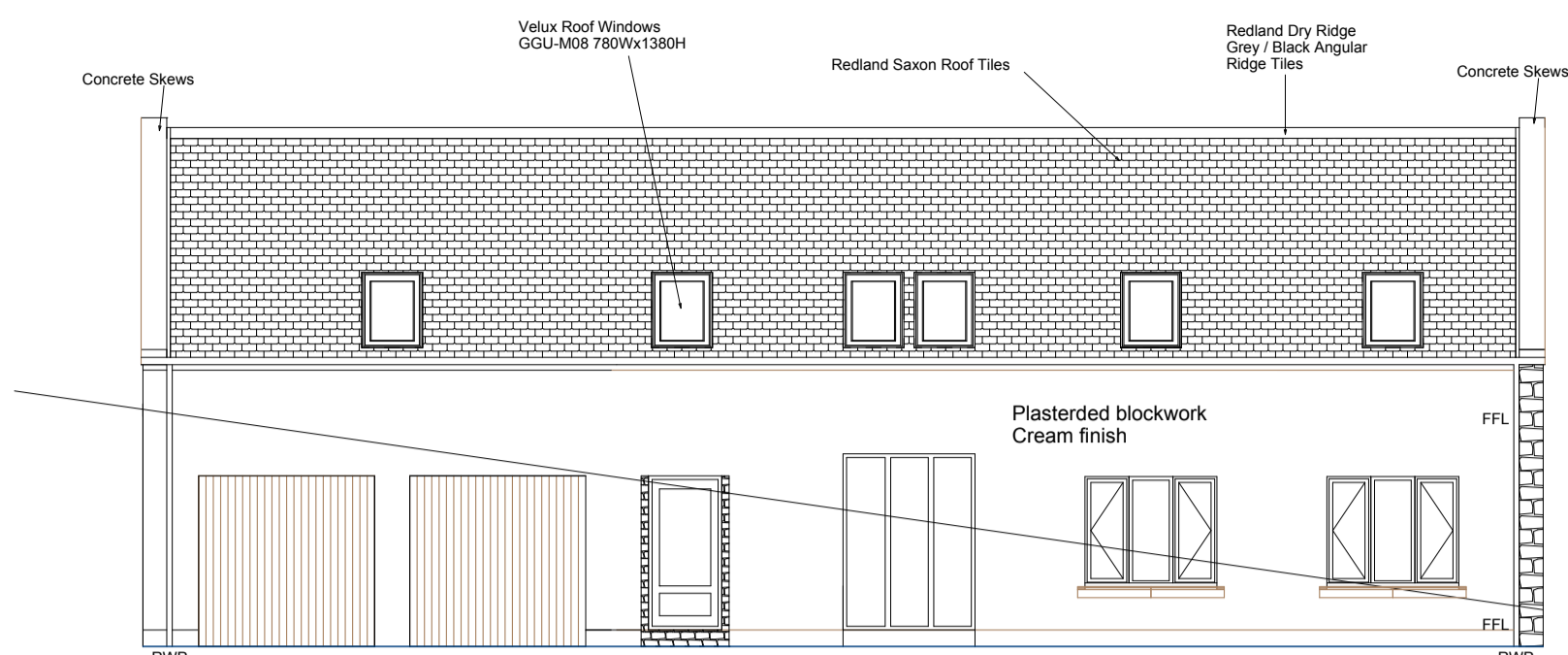




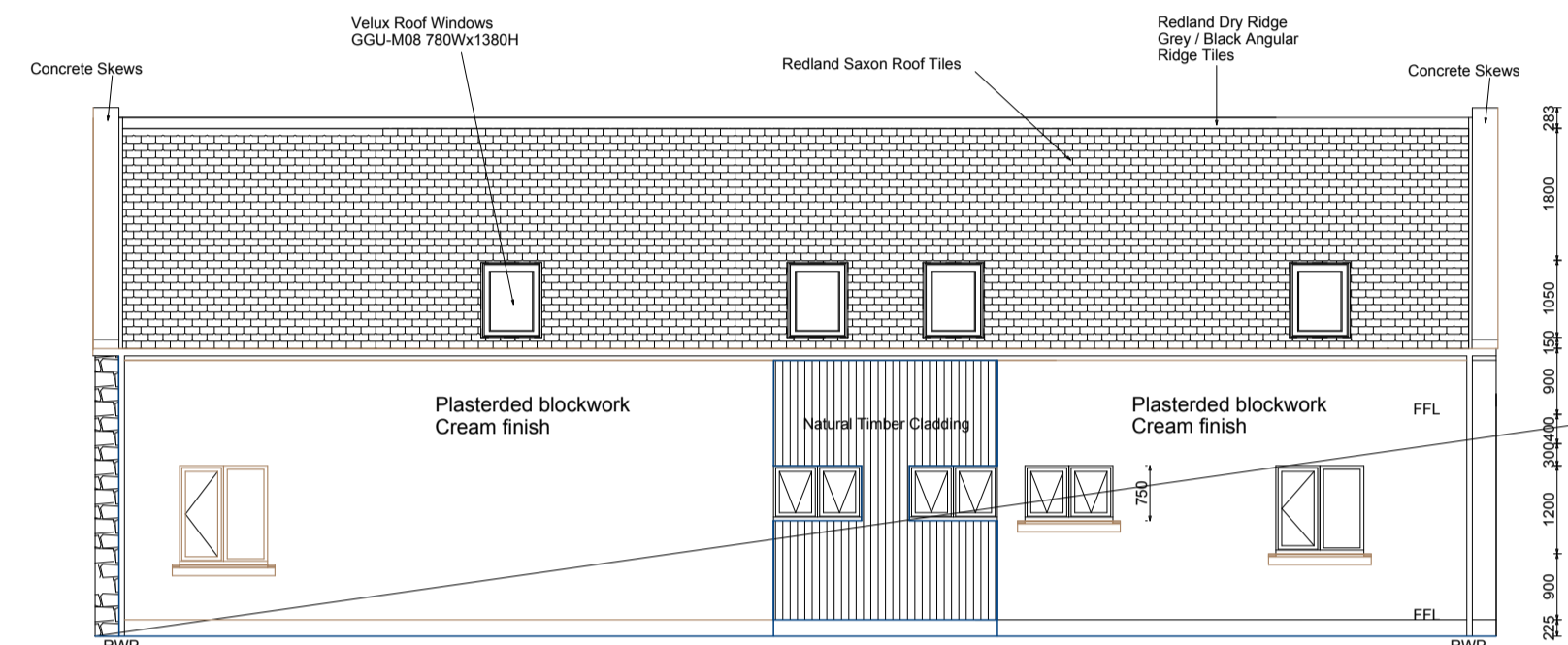
East Elevation



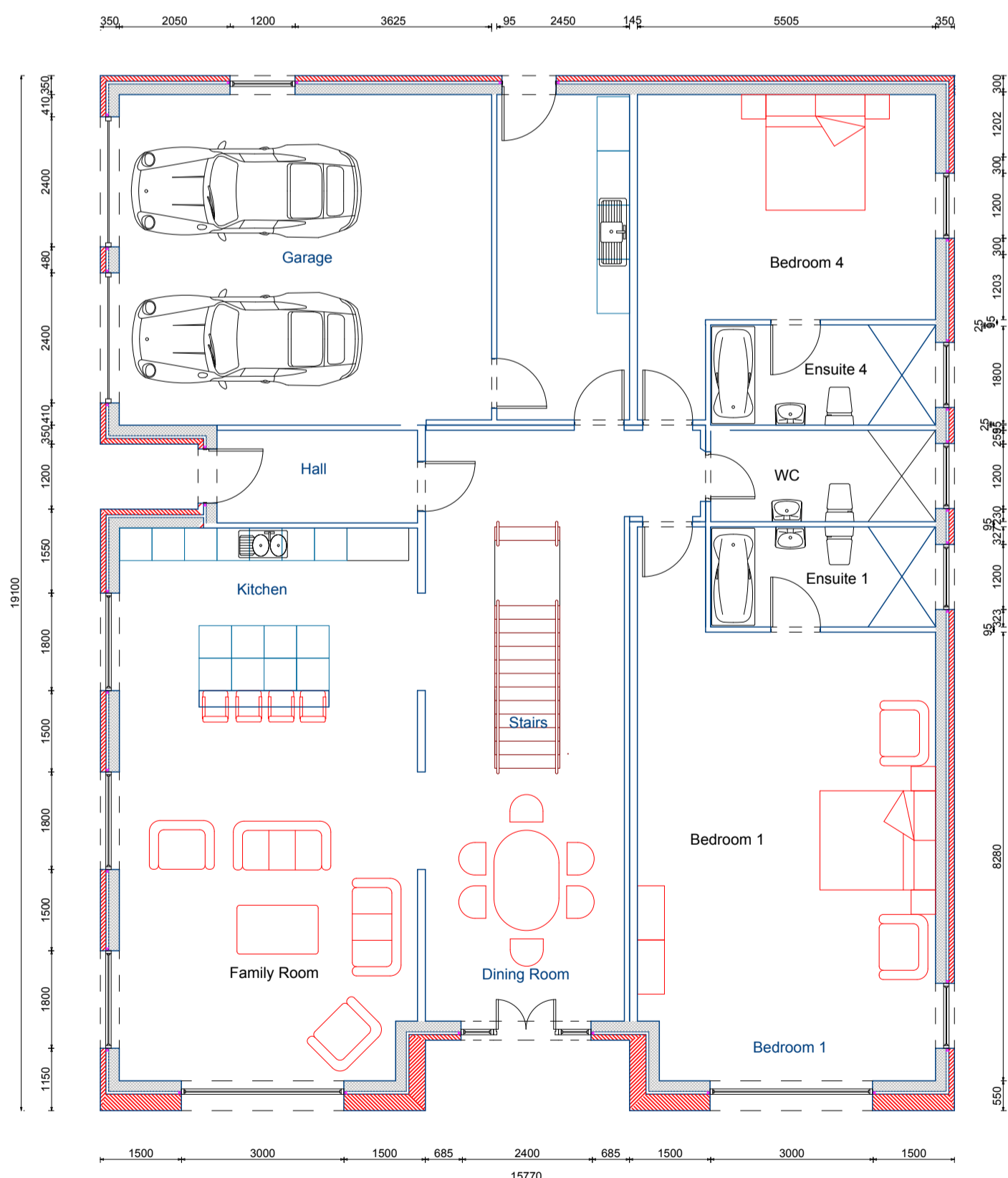
West Elevation



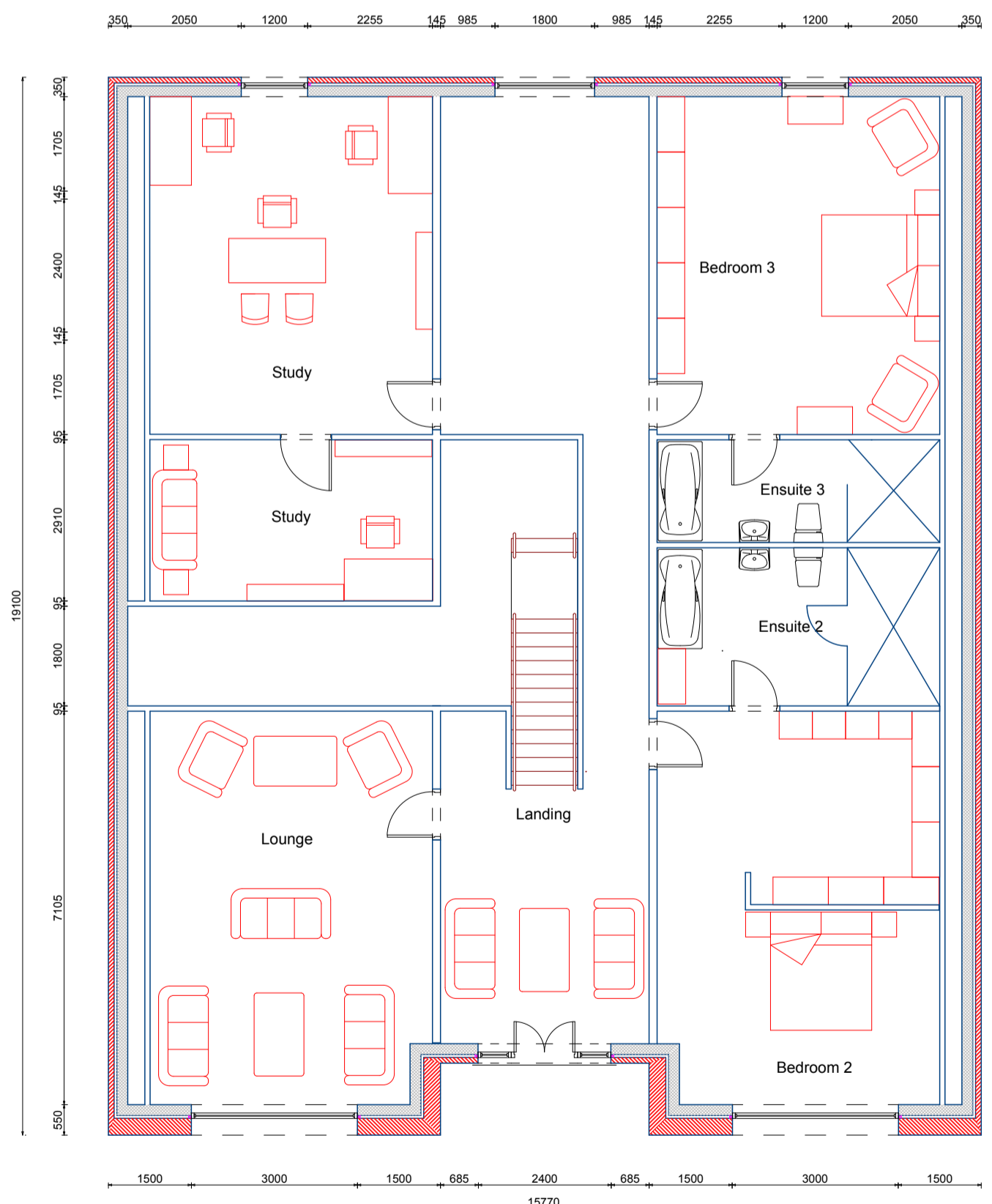
South Elevation



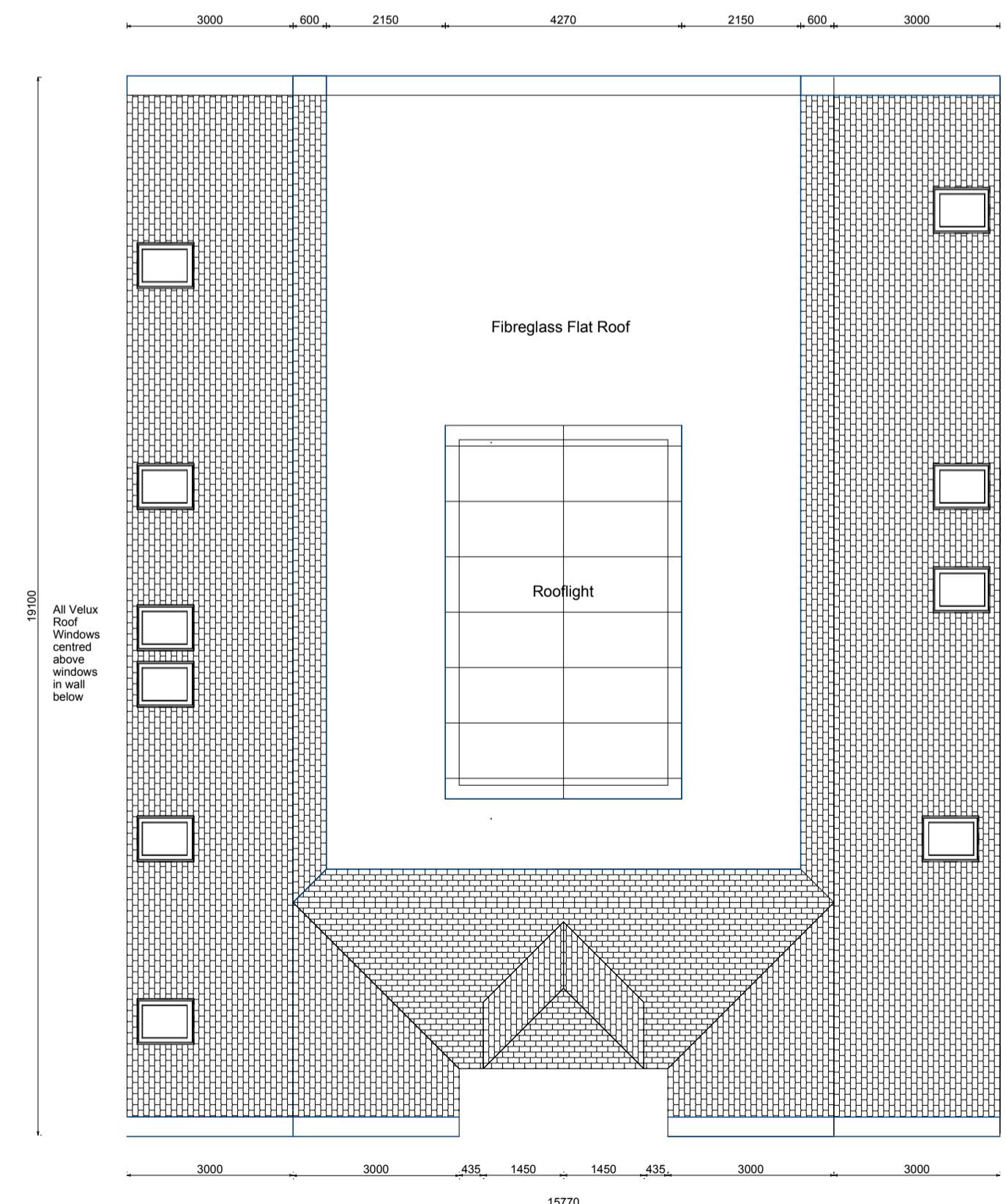
North Elevation



Ground Floor Plan



First Floor Plan



Roof Plan

Notes  
Exterior Surface Finishes

- External Walls:  
 \* Walliwall stone finish re-used from Pentland Auto building to both East facing gables;  
 \* Cream render finish to blockwork;  
 \* Natural Timber cladding sections to North and West elevations;  
 Roof:  
 \* Redland saxon roof tiles in grey / black finish;  
 \* Ridge tiles - Redland dry ridge grey / black angular ridge tiles;  
 \* Concrete Skews and wall copings in cream coloured finish;  
 Flat Roof;  
 \* Fibreglass finish, colour to simulate lead finish;  
 Roof Light  
 \* Fibreglass upstand;  
 \* Polycarbonate triple wall roof panels with proprietary roof bars;  
 Windows and Doors  
 \* Dark grey coloured windows and doors, including garage doors;  
 \* All velux roof windows top hung GGU-M08 780w x 1380h  
 Gutter bands  
 \* 150mm deep cream finish render;  
 Rainwater Goods  
 \* Marley deepflow guttering in black finish;  
 Wall Movement Joints:  
 \* All wall movement joints to be located at change of materials and concealed by rainwater downpipes;

Drawing to be read in conjunction with Site Plan and 3D visual images;

Do Not Scale from Drawing

Calum Kirkness  
5 Jib Park  
Finstown  
Orkney

New Private Dwelling  
Barm, Redland Road,  
Firth, Orkney

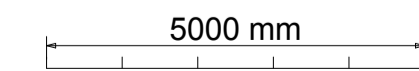
Project  
**New Private Dwelling**  
 Plot at Barm  
 Redland Road  
 Firth  
 Orkney  
 Drawing Title  
**Floor Plans, Elevations and Roof Plan**

Client  
**Calum Kirkness**  
 Drawing No.  
**Barm P002-Rev F**

Date  
 July 2010  
 Drawn by: ck  
 Name: Calum Kirkness

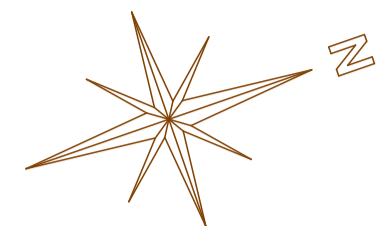
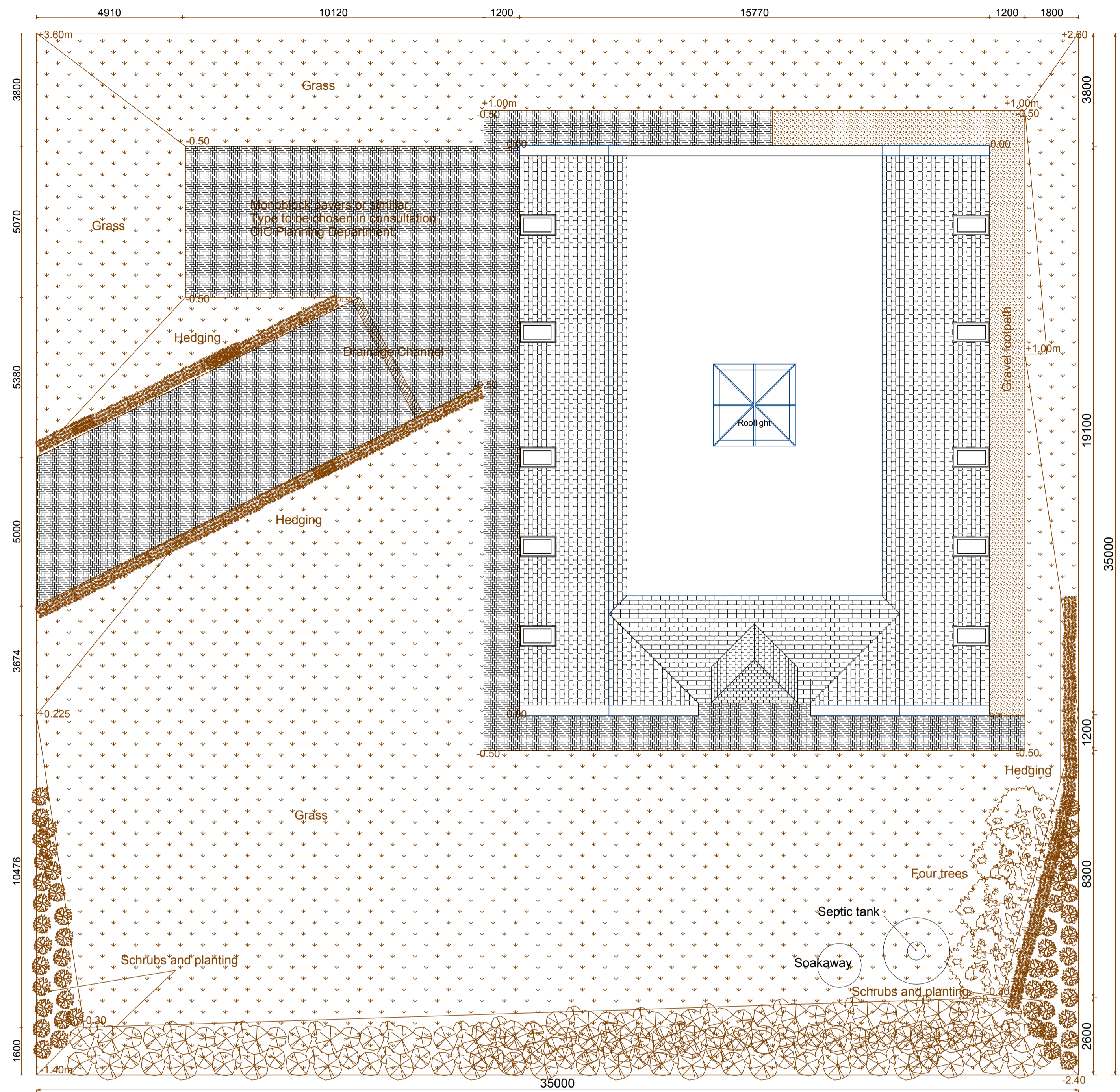
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 Name

Page Size - A3



Full Planning Application





Notes

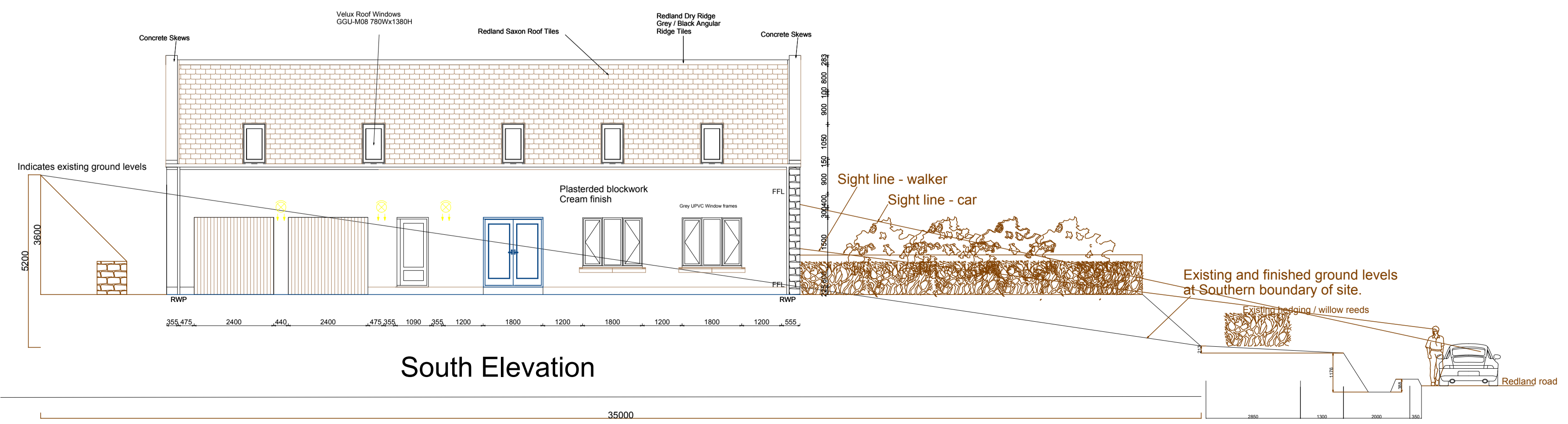
Drawing to be read in conjunction with all other related drawings, 3D visual images and detailed Specification document  
Do Not Scale from Drawing

Calum Kirkness  
5 Jib Park  
Finstown  
Orkney

New Private Dwelling  
Barm, Redland Road,  
Firth, Orkney

Project  
New Private Dwelling  
Plot at Barm  
Redland Road  
Firth  
Orkney  
Drawing Title  
Site Plan and Section through site looking from South to North  
Client  
Calum Kirkness  
Drawing No.  
Barm 001 Rev F  
Date  
November 2011  
Drawn by: ck  
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Full Planning Application

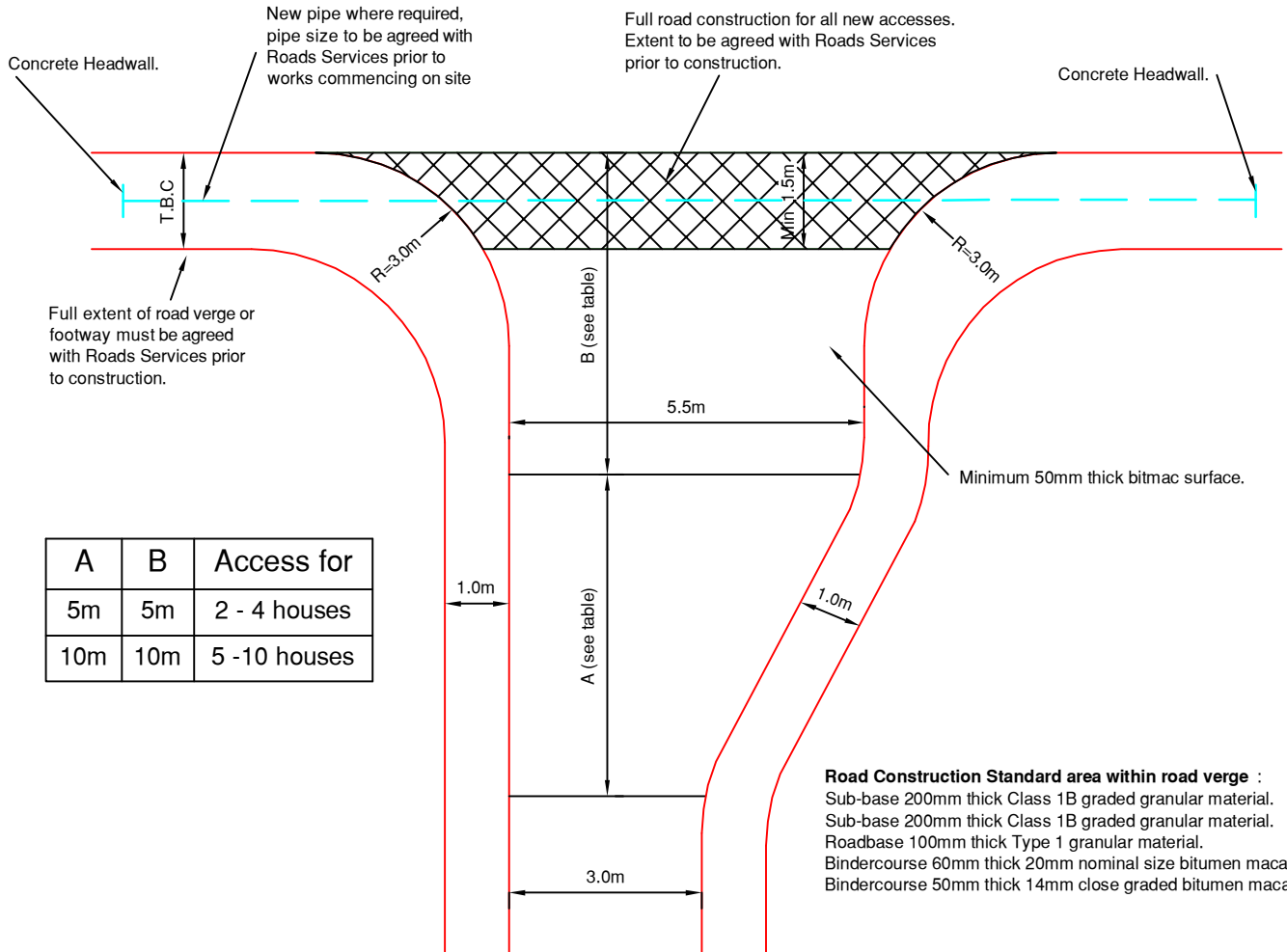


South Elevation




Verge

Public Road



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

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

### **Appendix 3.**

01. Prior to occupation of the dwelling hereby approved, all landscaping within the site shall be completed, including all earth moving and ground levelling works. These landscaping works shall be completed in accordance with the details and ground levels indicated on the drawing 'Site Plan and Section through site looking from South to North', hereby approved, unless otherwise agreed, in writing, by the Planning Authority.

Reason: In the interests of the appearance of the area, to ensure the site is adequately landscaped and for the avoidance of doubt, as the approved site section drawing includes a superseded version of the house.

Note: Notwithstanding the house design included on drawing 'Site Plan and Section' above, the house shall be constructed and finished in accordance with other approved documents; this drawing shall be used to indicate the footprint of the house only.

02. Prior to commencement of the development, full details of all tree and shrub species to be planted within the application site, and the timescale for the planting of these trees and shrubs, shall be submitted to, and agreed in writing by, the Planning Authority. Thereafter, all trees, shrubs and hedging shall be planted in accordance with these agreed details, and in accordance with the planting indicated on the drawing 'Site Plan and Section through site looking from South to North', hereby approved. If, within a period of five years from the date of this planting, any tree, shrub or hedging is removed or dies, a replacement tree or shrub of the same species and size as that originally planted shall be planted at the same location. All planted trees, shrubs and hedging shall be retained throughout the lifetime of the development, unless otherwise agreed, in writing, by the Planning Authority.

Reason: In the interests of the appearance of the area, to ensure the site is adequately landscaped.

03. Prior to commencement of development, the existing derelict dwelling, named Brendo and indicated in red on the attached site plan, shall be demolished and the material disposed of. All material resulting from demolition and not required in the construction of the replacement dwelling shall be removed from site and disposed of in a licensed waste disposal facility or used for purposes for which planning permission is either not needed or has been granted.

Reason: In the interests of the visual amenity of the area.

04. The junction of the access hereby approved with the public road shall be constructed to the Council's Roads Services standard drawing 'SD-01 Typical Access for Single Development (2-4 houses)', attached to and forming part of this decision notice, including dimensions, road construction, any pipe required and verge or footway. The access shall be constructed and completed wholly in accordance with these details prior to 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. Details of how the applicant will prevent the flow of surface water drainage from the upgraded access onto the public road shall be submitted for approval by the Planning Authority in consultation with Roads Services. The approved surface water drainage provision shall then be constructed and maintained prior to any works commencing on site.

Reason: In the interests of road safety.

06. Hours of construction and demolition work on site 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 only take place between the hours of 08:00 and 18:00 Mondays to Fridays, 08:00 to 12:30 on Saturdays and not at all on Sundays or the Christmas or New Year Public Holidays, unless otherwise agreed, in writing, with the Planning Authority.

Reason: To safeguard the amenity of nearby residents.