

## Item: 5.1

**Planning Committee: 6 October 2021.**

### **Erect Two Houses with Air Source Heat Pumps and Detached Garages and Create Accesses near Isles View, Stronsay.**

**Report by Interim Executive Director of Finance, Regulatory, Marine and Transportation Services.**

## **1. Summary**

### **1.1.**

Planning permission is sought to erect two houses and create accesses on land near Isles View, Hescombe Road, Stronsay. There is a presumption in favour of small-scale housing developments in the non-linked isles under the provisions of Policy 5C the Isles Approach in the Spatial Strategy of the Orkney Local Development Plan 2017, subject to requirements of other relevant policies and any other material considerations. Two objections have been received on grounds of over-development, and impact on the character of the island. The objections are of insufficient weight to merit refusal. The proposed development accords with the Spatial Strategy, and Policies 1, 2, 5, 9, 13 and 14 of the Orkney Local Development Plan 2017 and Supplementary Guidance 'Housing in the Countryside' (March 2017). Accordingly, the application is recommended for approval.

Application Number	21/188/PP.
Application Type	Planning Permission.
Proposal	Erect two houses with air source heat pumps and detached garages and create accesses.
Applicant	Mr Richard Comfort, Pleasant Point, Wester Balmungie, Rosemarkie.
Agent	Micmac Architectural Services, C/o Michael Macbeth, The Old Pottery, 25 Millbank Road, Munlochy.

### **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](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.

Two objections have been received from:

- Ms Carole Simone Kirk, Isles View, Stronsay.
- Ms Leonora Keogh, Hescombe Cottage, Stronsay.

### 3.2.

The objections are the following grounds:

- Overdevelopment, proposing two modern houses within a restricted area being out of character with that part of Stronsay.
- Out of character with the architectural style throughout the island.

### 3.3.

Other issues that are not material planning considerations were raised and cannot be taken into consideration.

## 4. Relevant Planning History

### 4.1.

Reference.	Proposal.	Location.	Decision.	Date.
14/180/PP	Erect a house and create an access.	Isles View (Land Near), Stronsay.	Grant subject to conditions.	02.09.2014
10/189/PP	Erect a house with integral garage	Hescombe (Land Near), Stronsay.	Grant subject to conditions.	27.05.2010

### 4.2.

There is no record that 14/180/PP was commenced, and therefore the application is considered to have lapsed.

## 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:
  - The Spatial Strategy
  - Policy 1 – Criteria for All Development.
  - Policy 2 – Design.
  - Policy 5 – Housing.
  - Policy 9 – Natural Heritage and Landscape.
  - Policy 13 – Flood Risk, SuDS and Waste Water Drainage.
  - Policy 14 – Transport, Travel and Road Network Infrastructure.
- Supplementary Guidance 'Housing in the Countryside' (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. Location and Site**

The application site is located in the countryside, approximately 1,600 square metres in area in a field laid to grass which runs from the Hescombe Road to the coast of Mill Bay. The site lies to the north of the road and to the east of the property 'Isles View', as indicated on the location plan attached as Appendix 1 to this report. The site slopes gently towards the coast. Individual accesses would be taken to each site from the existing Hescombe access track. The general landscape is open farmland with scattered individual or small groups of buildings. The site is adjacent to a dwelling, Isles View, which was granted planning permission in 2010, planning reference 10/189/PP.

### **7.2. Principle**

Policy 5C confirms a presumption in favour on new housing on the non-linked isles where it accords with 'The Isles Approach' set out in the Spatial Strategy. In turn, the Spatial Strategy confirms that development will be supported where it accords with relevant plan policies and where it would not place any unacceptable burden on infrastructure and services. Therefore, the principle of the development, in Stronsay, is acceptable in accordance with Policy 5C 'The Isles Approach for Housing'.

### **7.3. Design and Appearance**

#### **7.3.1.**

The proposed dwellings are a simple single storey design, based on a rectangular floor plan with reference taken from a traditional longhouse. The scale is appropriate, and the roof pitch and depth of plan relate to that of traditional houses, as shown in the elevations attached as Appendix 2 to this report, resulting in proportions which are appropriate in their setting. The proposed materials include render and natural slates. In the absence of any dedicated housing design guidance for the countryside, the design accords with the basic design requirements of Supplementary Guidance 'Housing in the Countryside', by taking account of scale and massing of traditional housing in the surrounding area.

#### **7.3.2.**

Therefore, in considering the scale, form, massing, proportions and materials, it is considered that the design would support Orkney's built environment and would be sympathetic to the character of the area. The development is therefore considered acceptable in accordance with Policy 2 'Design'.

### **7.4. Character of the Area**

#### **7.4.1.**

The sites would be visible from a wide area, given the nature and character of the island, including from the main road from Whitehall and from Mill Bay. Generally, the houses would be seen together with the dwelling at Isles View, and in a landscape context with other nearby developments including Hescombe. The local pattern of

development, although dispersed, is often groups of houses or other buildings; this can be seen nearby at Airy and Hescombe. The development is relatively low density, and it is considered that it would follow the pattern of development in the local area. Due to the relatively small-scale nature of the development and the colours proposed for the external finish, the buildings would be adequately integrated into their surroundings. Therefore, the development is not considered 'out of keeping' with the development pattern of the area and would not have such significant landscape impact to warrant refusal.

#### **7.4.2.**

All housing in the countryside applications must accord with the 10 relevant Development Criteria (DC) set out in Supplementary Guidance 'Housing in the Countryside'. Criterion DC3 states that the proposed pattern of development should not lead to suburbanisation of the countryside, and housing groups must have a design and layout that is rural and not urban in nature. The topography of the site should be positively considered with the creation or addition to groups that echo a traditional rural building group. Based on surrounding built form, it is not considered that the additional two houses proposed would 'lead to suburbanisation', rather would continue the existing settlement pattern of the area.

### **7.5. Residential Amenity**

The development would be located at adequate distance from neighbouring properties, and between the houses proposed, to prevent any unacceptable impact on the amenity of any neighbouring properties, including from noise, loss of privacy or impact on daylight or sunlight. The development therefore complies with Policy 1 'Criteria for All Development' and Supplementary Guidance 'Housing in the Countryside'.

### **7.6. Access/Road Safety**

Individual accesses are proposed to each site from the access road to Hescombe and Hescombe Cottage. Roads Services has no objection provided the junction of the existing access with the public road is upgraded to a standard suitable for 2-4 houses, and subject to completion of a condition/dilapidation survey of the public road, carried out jointly between the developer/developer's representative and Roads Services, both prior to works commencing and again on completion of development. The applicant would be responsible for the cost of the condition/dilapidation survey and the repair of any damage attributed to the development, from vehicles or plant accessing or egressing the site. It would also be the responsibility of the developer to ensure that the public road remains safe for other users until the permanent repairs are carried out. This would be secured by planning condition. The development therefore accords with Policy 14 'Transport, Travel and Road Network Infrastructure'.

## 7.7. Sewerage and Drainage

Septic tanks and soakaways are proposed for foul drainage, and surface water drainage would be treated on site. Details of wastewater drainage would be secured by planning condition. The development would comply with Policy 13 'Flood Risk. SuDS and Waste Water Drainage' and Development Criterion DC6 of Supplementary Guidance 'Housing in the Countryside'.

## 8. Conclusion and Recommendation

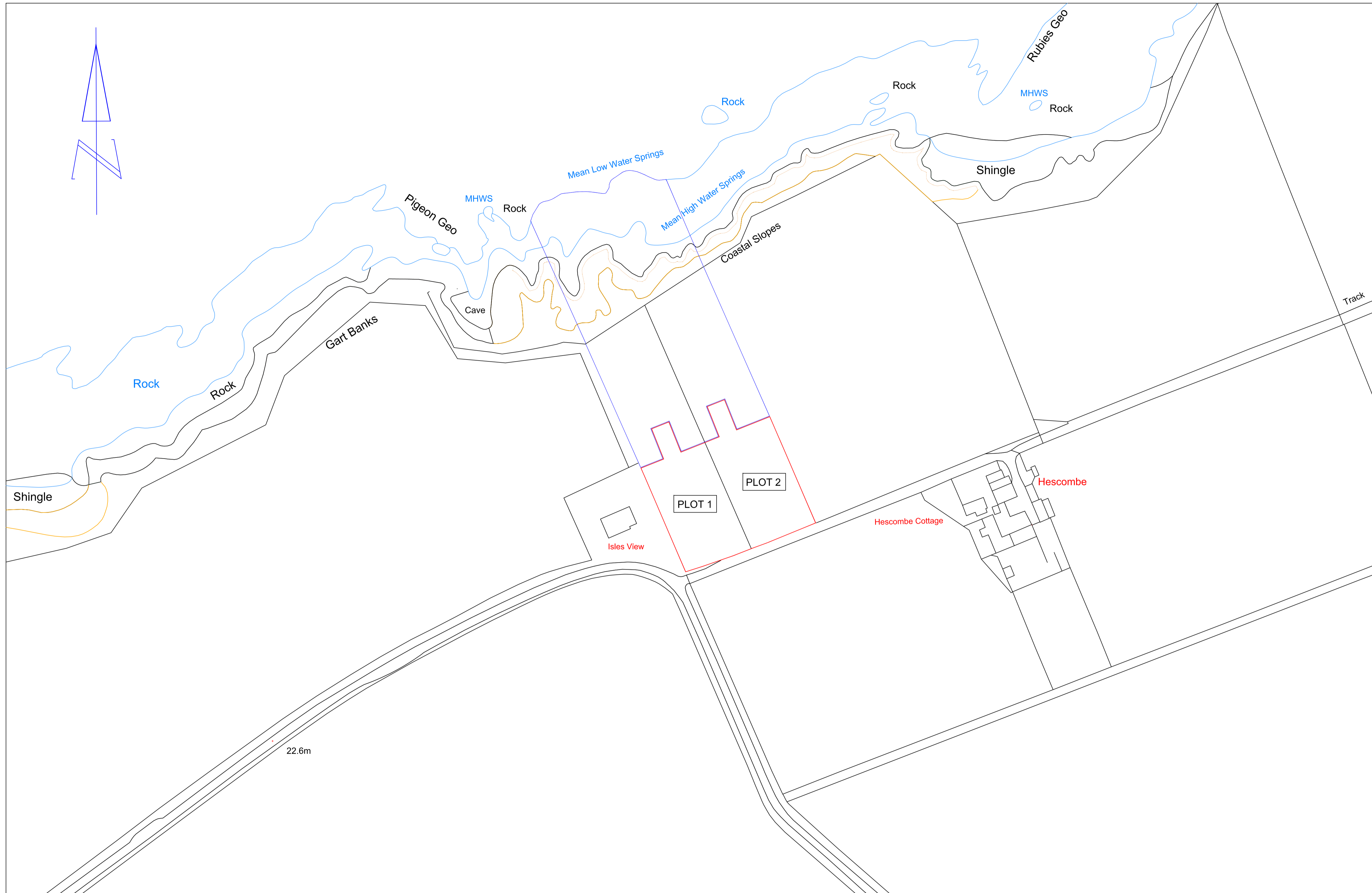
The development is acceptable in principle, and accords with relevant policies in relation to siting and design. The design would be sympathetic with others in the area and would be adequately distant from other dwellings to protect residential amenity. Objections are of insufficient weight to warrant refusal. The proposed development would accord with the Spatial Strategy, 'The Isles Approach', Policies 1, 2, 5, 9, 13 and 14 of the Orkney Local Development Plan 2017, and Supplementary Guidance 'Housing in the Countryside' (2021). The development is therefore **recommended for approval**, subject to the conditions attached as Appendix 3 to this report.

## 9. Contact Officer

Margaret Gillon, Planning Officer, Email [margaret.gillon@orkney.gov.uk](mailto:margaret.gillon@orkney.gov.uk)

## 10. Appendices

- Appendix 1: Location Plan.
- Appendix 2: Elevations.
- Appendix 3: Planning Conditions.



Location Plan 1:2500

NOTES

SITE GRID REF : E 367468 N 1025823

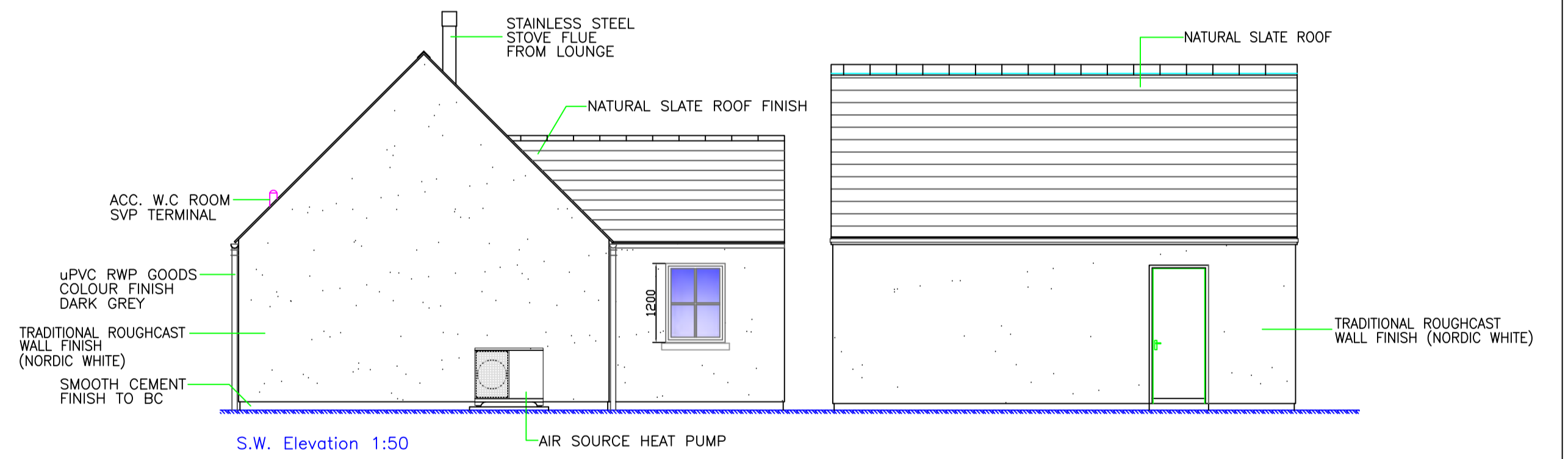
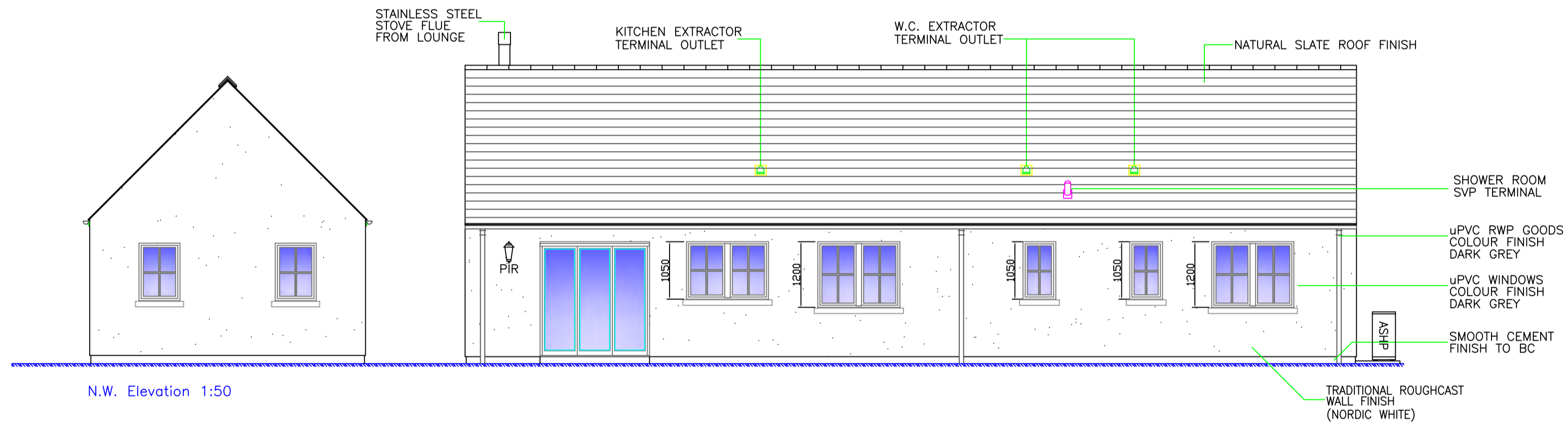
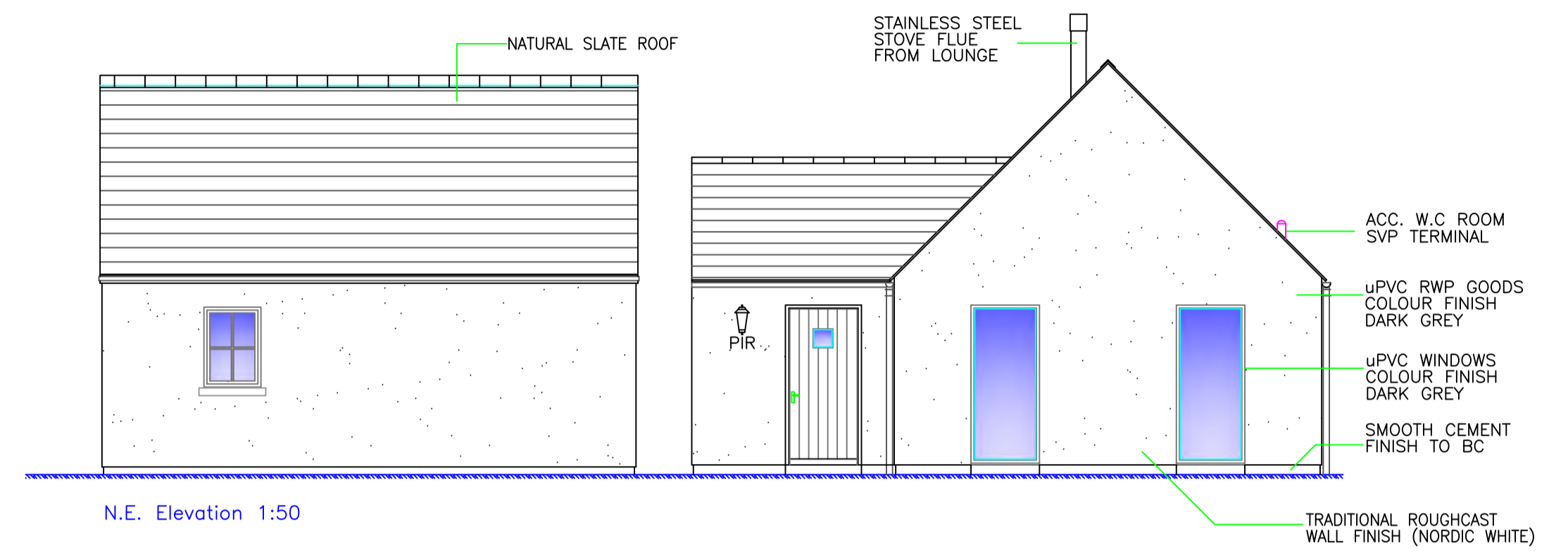
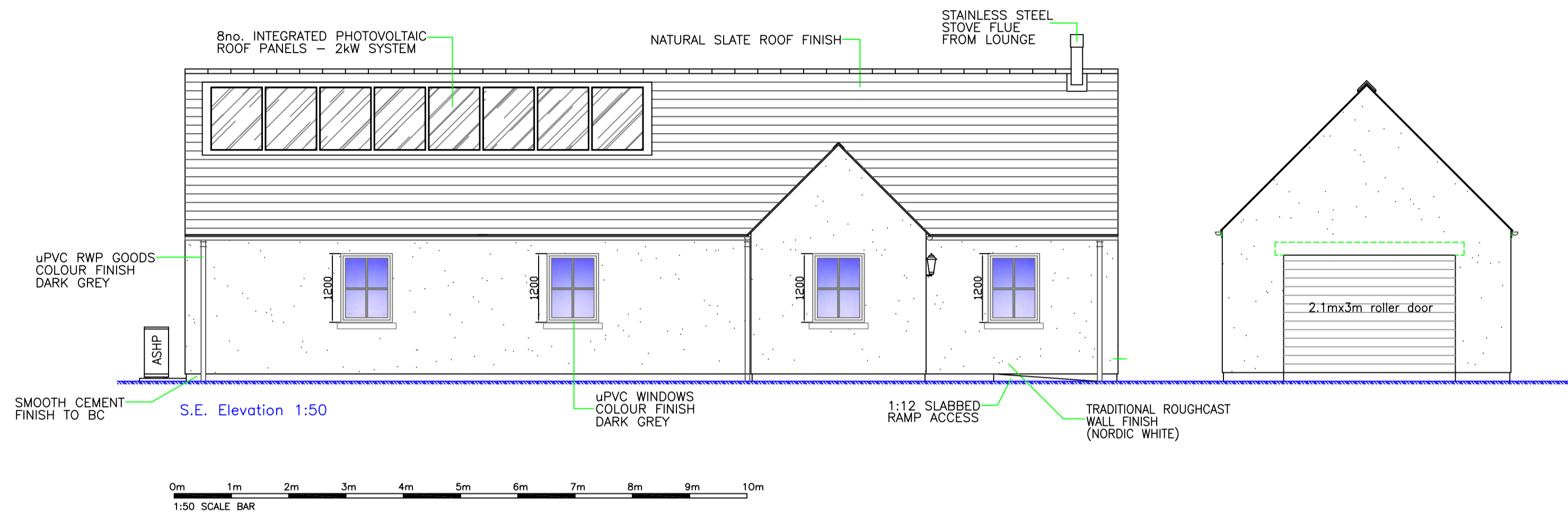
- BLUE LINE DENOTES LAND OWNERSHIP BOUNDARY
- RED LINE DENOTES APPLICATION SITE BOUNDARY

0m 40m 80m 120m 160m 200m

1:2500 SCALE BAR

REVISION A – MAY 2021  
a.) SITE BOUNDARIES AMENDED

PROJECT	Erection of 2no. New Dwellings With Detached Garages Land adjacent to Isles View, Hescombe Road, Stronsay, Orkney, KW17 2AG		
DRAWING	Location Plan		
CLIENT	Mr & Mrs Comfort, Pleasant Point Cottage, Wester Balmungie, Rosemarkie, IV10 8SL	Drg. no.	1049/PL/01
		Date	May 2021
		Revision	A



REVISION A - MAY 2021  
 a.) NOTES REGARDING PROPOSED WALL FINISH AMENDED

Planning Application	
PROJECT	Erection of 2no. New Dwellings With Detached Garages Land adjacent to Isles View, Hescombe Road, Stronsay, Orkney, KW17 2AG
DRAWING	Proposed Elevations
CLIENT	Mr & Mrs Comfort Pleasant Point Cottage Wester Balmungie Rosemarkie, IV10 8SL
Drwg. no.	1049/PL/04
Revision	A
Scale	as shown
Date	May 2021

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### **Appendix 3.**

01. Throughout the lifetime of the development, the maximum noise from the Air Source Heat Pumps hereby granted planning permission shall not exceed NR25 within any residential property outwith the individual development sites, 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 pumps.

02. Throughout the lifetime of the development hereby approved, surface water on each site 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 adjacent land or onto the public road.

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 and Scottish Planning Policy, Managing Flood Risk and Drainage.

03. The approved sewage system for each dwelling hereby approved shall be connected and fully operational prior to the first occupation each respective dwelling.

Reason: In the interests of environmental protection and to accord with Policy 13C 'Waste Water Drainage' of Orkney Local Development Plan 2017.

Note: The developer should consult the Scottish Environment Protection Agency (SEPA) in relation to authorisations required for discharges of sewerage effluent to land or water.

04. All foundations must be excavated and not built on top of any slope. No underbuilding to compensate for any gradient is permitted, and the finished floor level of both houses must be no greater than the original ground level.

Reason: In the interests of visual and landscape amenity.

05. Throughout the lifetime of the development hereby approved, any external lighting used on the dwellings and any outbuilding(s) shall be downward facing only and shall comply with the Council's requirements of Orkney Local Development Plan 2017, Policy 2 (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 Orkney Local Development Plan 2017, Policy 2 'Design', and Planning Policy Advice 'Amenity and Minimising Obtrusive Lighting' (March 2021).

Note: Further information regarding the control of light pollution and obtrusive light can be viewed online at [www.theilp.org.uk/documents/obtrusive-light/](http://www.theilp.org.uk/documents/obtrusive-light/) (Institution of Lighting Professionals (Guidance Notes for the Reduction of Obtrusive Light GN01:2011)).

06. Post and wire fencing not exceeding 1 metre in height, shall be used to define the boundary of the sites, shown outlined in red in the Site Plan, drawing OIC-02(3), stamped approved and attached to the decision notice.

Reason: In the interests of visual amenity and taking account of the rural location of the site.

07. Throughout the lifetime of the development hereby approved, the garages hereby approved shall be restricted to private domestic use incidental to the enjoyment of the individual respective dwellings only. No commercial activity shall be carried out in or from the garages.

Reason: In the interests of the protection of the residential amenity of the area

08. 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 Saturdays and not at all on Sundays or the 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.

09. The access with the public road hereby approved 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 any other works commencing on 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.

10. A condition/dilapidation survey of the existing public road infrastructure that will be used to access and egress the development site shall be carried out jointly between the developer/developer's representative and Roads Services, both prior to commencement of development and again on completion of development. The applicant shall be responsible for the cost of the condition/dilapidation survey and any repairs required following damage to the public road which is attributed to the development, caused by vehicles or plant accessing or egressing the site. Any works identified to be carried out shall be carried out to the satisfaction of the Planning Authority, in conjunction with Roads Services, within three months of completion or first occupation of the development, whichever is sooner.

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

Reason: In the interest of road safety.