

Item: 3.2

Planning Committee: 3 July 2019.

Demolish Existing Building, Erect Workshop, Gallery and Flat, including First Floor Balcony, Car Parking and Landscaping at Former Andersons Garage, St Mary's, Holm.

Report by Executive Director of Development and Infrastructure.

1. Summary

1.1.

Full planning permission is sought for the demolition of the former Andersons Garage building and to erect a workshop and gallery with a residential flat above. The site is situated within St Mary's, facing the main road and the waterfront. The application has been called in by two Councillors and, in accordance with the Scheme of Delegation, the application must be reported to Committee for determination. The call-in was made early in the formal application process, before any contact with the applicant or agent. The agent then confirmed that the proposal should be assessed as submitted and called-in, rather than considering any amendments to potentially resolve policy issues. One letter of support has been received. Whilst the application is acceptable in principle, the siting and orientation are considered unacceptable in the context and there is no opportunity for amendment. Details of surface water treatment are not acceptable. The proposed development is considered contrary to Policies 1, 2 and 13 of the Orkney Local Development Plan 2017. Accordingly, the application is recommended for refusal.

Application Number:	19/105/PP.
Application Type:	Planning Permission.
Proposal:	Demolish existing building, erect a workshop, gallery and flat, including first floor balcony, and car parking and landscaping.
Applicant:	Mr and Mrs G Tomison, Clovelly, Holm, KW17 2RU.
Agent:	Christopher 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

2.1.1. Surface Water

Roads Services has confirmed that insufficient information has been submitted for a full and final consultation response to be provided. The application was delayed from being reported to a previous meeting of Planning Committee for related reasons, and to avoid further delay the agent has stated that the application should be reported as currently submitted.

2.1.2.

In relation to the system to treat surface water, Roads Services has confirmed that the drainage features submitted would provide minimal treatment, if any, once the main underground storage volume fills up, and due to the heights of inlet and outlet pipes, treatment of any surface water from the site would be minimal. The agent has therefore been advised that the drainage details must be redesigned and resubmitted to comply with current guidance on water treatment being discharged to coastal waters.

2.1.3. Parking

Roads Services has no objections in relation to the number of parking spaces. However, in relation to manoeuvring from those spaces, it is described as “acceptable but only just as it is never ideal to have parking spaces where you either have to reverse in the space from the public road, or out of onto the public road.”

2.1.4.

Roads Services suggests that a single access point into the site through a wall or other defined site boundary would be more appropriate, with all vehicular manoeuvring being carried out within the boundary of the site.

2.2. Environmental Health

Environmental Health has confirmed that a robust planning condition to control the investigation and treatment of contamination is required. It was also confirmed that Environmental Health would object to the application if the condition was not attached.

3. Representations

3.1.

One letter of support has been received from:

- Holm Community Council, c/o Martin Lee, The Anchorage, St Mary's, Holm, KW17 2RT.

3.2.

The letter of support is on grounds of design and employment opportunities.

4. Relevant Planning History

Reference.	Proposal.	Location.	Decision.	Date.
90/457/PPF.	Proposed erection of a vehicle store.	Andersons Garage, St Mary's, Holm, Orkney.	Approved.	26.11.1990.
19/219/PP.	Install a surface water pipe.	Former Andersons Garage (Land Near), St Mary's, Holm.	Pending.	

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 3 – Settlements, Town Centres and Primary Retail Frontage.
 - Policy 4 – Business, Industry and Employment.
 - Policy 8 – Historic Environment and Cultural Heritage.
 - Policy 13 – Flood Risk, SuDS and Waste Water Drainage.
- Supplementary Guidance and Planning Policy Advice 2017:
 - Supplementary Guidance: Historic Environment and Cultural Heritage.

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. Proposal

The site is located within the settlement boundary of St Mary's, as detailed in the location and site plan attached as Appendix 1 to this report. There are two main, basic components to the development – demolition of the existing building and erection of a new building for a new proposed use within the site, but on a different footprint.

7.2. Principle and Design

7.2.1.

The demolition works are ultimately related to the principle of redevelopment of the site. The existing building known as the former Andersons Garage is not a listed building and is not protected by any statutory designation. However, through the 'Consent Process' as set out within Supplementary Guidance: Historic Environment and Cultural Heritage, development proposals must identify all heritage assets affected by proposed development and include a clear statement which identifies any archaeological, architectural, artistic, commemorative or historic significance of the land or building that would be affected. The Supplementary Guidance confirms that this process applies to "...all types of heritage asset, including sites without legal protection...".

7.2.2.

Policy 8A applies to all development, and states that development will be supported where it "preserves or enhances the...architectural...or historic significance of the cultural heritage asset, including its setting". Development that has an adverse effect on that significance would only be supported where it can be demonstrated that "(i) All measures will be taken to mitigate any loss of that significance and (ii) any lost significance which cannot be mitigated is outweighed by the social, economic, environmental or safety benefits of the development."

7.2.3.

In the case of the former Andersons Garage, it is principally of architectural significance. Architectural interest includes, for example, the way in which the original layout of a building helped it meet the needs of its users, the way in which the materials and construction techniques used give a building a distinctive appearance, and the use of symmetry and proportion in a building's design. This can also include the value of a building as a landmark. Accepting its current condition, the proportions, original layout and siting, symmetry and form contribute to its architectural significance. A notable factor of the building is its simple form and orientation with a frontage to the road, as a key component of the row of buildings gable-to-gable along the sea front of the village. The building acts as a landmark and the current derelict condition only emphasises its simplicity in terms form and proportions.

7.2.4.

In relation to its current condition, a case for its removal has been submitted. A structural engineer's assessment has concluded that the structure is not economically viable for reinstatement. Whilst retention and reinstatement of a traditionally constructed building in a key location is generally the preferred option, the case can be accepted when backed by formal reports regarding structure or viability. However, Policy 8A requires that the loss must be outweighed by the social, economic, environmental or safety benefits of the development. The development would generate employment and a new commercial use in the village, and the economic benefit of that benefit is not disputed. The key consideration is how the layout and design of the new development maintains the positive elements of the building to be replaced.

7.3. Design and Appearance

7.3.1.

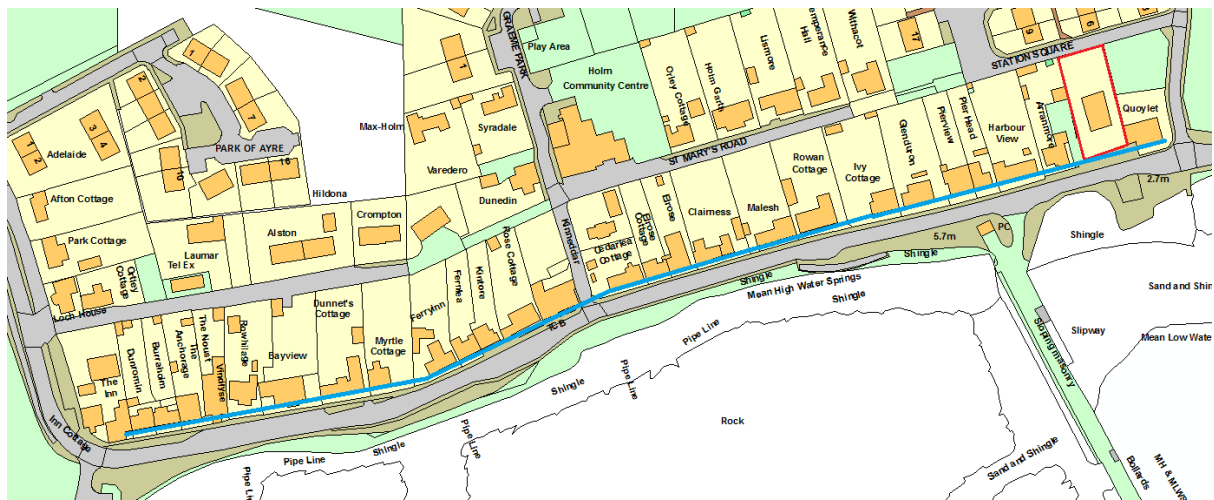
The principle of demolishing the existing building can therefore be accepted. Its replacement with a modern building of contemporary design is also acceptable in principle, and indeed encouraged, as modern buildings have been successfully integrated into historic settings in many locations in Orkney. A well designed, orientated and sited building could make a positive modern architectural contribution to the streetscape of the village in its prominent waterfront location. However, the building as proposed is to the rear of the site, with a gable facing the sea. The proposed placement of the building is considered discordant and inappropriate and, whilst the relatively simple form of the building could be acceptable, the proposed siting and orientation would be harmful to its setting.

7.3.2.

It was proposed to the agent early during consideration of the application to re-orientate the building in line with the immediate buildings, on the basis that the siting currently proposed could not be supported. The application had already been called-in, and the agent informed the Planning Authority that they wished to proceed with the proposal as submitted, notwithstanding the scope and time available to agree an alternative solution that would be supported.

7.3.3.

The siting of the existing building makes a substantial contribution to the significance of this site. A strong building line exists along the south facing properties, stretching from the corner of the main road in the south-west, to Station Square to the east. This is the key built form characteristic of the village, and the direct relationship between the buildings along that road is therefore key to the streetscape. The simple form of the building, and orientation fronting the road, is a key component of that. The proposed building is not only oriented perpendicular to the other properties but is also pulled back into the site. This would break the strong building line and would not take into consideration the wider streetscape character. The plan below represents the building line in blue with the proposed development outlined in red.



7.3.4.

It is acknowledged that there is a builders' yard fronting the sea on the opposite side of Station Square where there are two buildings gabled to the road. Whilst in relative proximity to the development, the road is on a different axis and there is adequate open space between the last house in the row and the yard for these not to form part of the main housing line.

7.3.5.

SEPA has no objection on flood risk grounds, given that the finished floor levels are above the minimum 4.35 metres Above Ordnance Datum. The site rises to the rear, and the floor level required has been relatively easily achieved by siting the building more in that location. However, achieving the required floor level and access arrangement does not necessarily require any new building to be to the rear of the site, or be oriented in the direction proposed.

7.3.6.

The current proposal includes a raised walkway, balcony and overhanging roof, as detailed in the site section attached as Appendix 2 to this report. This three-tiered combination would undermine the simple form of the development. Including this within a development which is already deemed to be in an inappropriate location, it is concluded to exacerbate its unsympathetic nature along the village front.

7.3.7.

The materials proposed would be of architectural quality and reinforce the modern nature of the building. Although contrasting from the surrounding properties, the overtly modern materials such as zinc are deemed acceptable and necessary in this instance to give some lightness to the roof. The overhanging roof and relatively large eaves are considered to detract from the simple form, although if other matters were resolved, that detail may not in itself merit refusal on design grounds.

7.4. Contaminated Land

7.4.1.

Brownfield sites risk having contaminated land issues attached. Given the former use as a garage and fuel station, the site has potential for contaminants, and the existing underground fuel tanks remain on site. Irrespective of any contaminants found and their associated remedial work, the fuel tanks would require to be removed from site.

7.4.2.

Given the previous use, Environmental Health has been in discussion with both the landowner and the applicant with regard to the requirements of a contaminated land investigation. However, no details have been submitted of how contamination in the site would be investigated or, if necessary, treated. Environmental Health has confirmed that a robust planning condition to control the investigation and treatment of contamination is required. In the absence of that information, it is not possible to comment further on the likely implications of the former use of the site.

7.5. Residential Amenity

Although currently vacant, the property was long established as commercial. Therefore, the proposed erection of a building that houses both a commercial and residential element is not anticipated to adversely affect the residential amenity of the area. The proposed development would have no unacceptable impact on adjacent buildings through loss of daylight, privacy or noise.

7.6. Parking and Road Safety

Parking would be provided in two locations – to the rear of the development, accessed from the south-east edge of the site, and also perpendicular spaces to the front of the site, accessed directly from the road. Roads Services has no objections to the proposed parking and manoeuvring, although stated that it is not the preferred option due to the requirement for cars to reverse onto or from the main road. The preferred option stated by Roads Services is a single access point, with all manoeuvring within the site. This would be consistent with a building constructed on the established building line, with open space to the rear.

7.7. Surface Water

7.7.1.

Following advice from Roads Services, to manage surface water and to prevent it entering the public road, it is proposed to collect surface water at the south-east of the site and discharge to the sea by means of an underground outfall pipe beneath the road. While this is acceptable in principle, the system must be redesigned and resubmitted to comply with current guidance on water treatment being discharged to coastal waters. Policy 13, Part B 'Sustainable Drainage Systems (SuDS)', point (ii), requires all development to include a drainage design which demonstrates compliance with best practice and listed details to be provided. In the absence of a surface water system designed to the appropriate standard, and which has the approval of Roads Services, the development must be considered contrary to Policy 13B.

7.7.2.

The sea outfall and road crossing did not form part of the original planning application, and are outside the current application site boundary, so a separate planning application has been received for the pipe. This is currently under consideration.

8. Conclusion and Recommendation

8.1.

The principle of the development is acceptable. However, the acceptability of the loss of the existing building is influenced by the development proposed to replace it. The lack of willingness to negotiate the site layout or design effectively removed any opportunity to address the fundamental site layout issues to achieve an acceptable outcome. Design and siting are material planning considerations and the proposed development is not considered to adequately take into consideration the location or the wider streetscape, and it is considered unsympathetic. Notwithstanding the elements of architectural quality which are deliberately contrasting to surrounding development, the proposal is not contextually rooted and would only emphasis its discordant effect. Simply, in accepting the loss of the existing building, and the use of contemporary design, any new building must still maintain and protect the building line and built form, which combine to create the key characteristic of the frontage of the village.

8.2.

In addition to site layout issues, information must be submitted regarding contaminated land. Critically, in the absence of an approved design, it cannot be concluded that surface water will be appropriately managed.

8.3.

Extensive pre-application advice has been largely disregarded, including on the fundamental issue of site layout, and the opportunity for negotiations regarding site layout have been resisted by the agent following the call-in early in the process. The

development is considered contrary to Policies 1, 2 and 13B of the Orkney Local Development Plan 2017. It is therefore recommended that the application be **refused**.

9. Reasons for Refusal

01. The development would result in the loss of a prominent building forming part of the established building line and streetscape of the village. Whilst the development is acceptable in principle, it would break that key characteristic of the main frontage of the village by being set back into the site and oriented differently to neighbouring buildings. This is exacerbated by multiple tiers to the built form and parking spaces between the building and the public road. The development is therefore not considered to take into account the location and wider townscape and coastal character, contrary to Policy 1(i) 'Criteria for All Development'. The siting and orientation would not be sympathetic to the character of its local area, contrary to Policy 2 (i), 'Design'. The development would have a negative effect on the appearance and amenity of the area, contrary to Policy 2 (ii), 'Design' of Orkney Local Development Plan 2017.

02. Policy 13, Part B 'Sustainable Drainage Systems (SuDS)', point (ii), requires all development to include a drainage design which demonstrates compliance with best practice and listed details to be provided. In the absence of a surface water system designed to the appropriate standard, and which has the approval of Roads Services, the development is contrary to Policy 13B of Orkney Local Development Plan 2017.

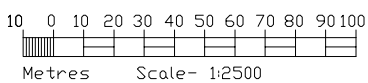
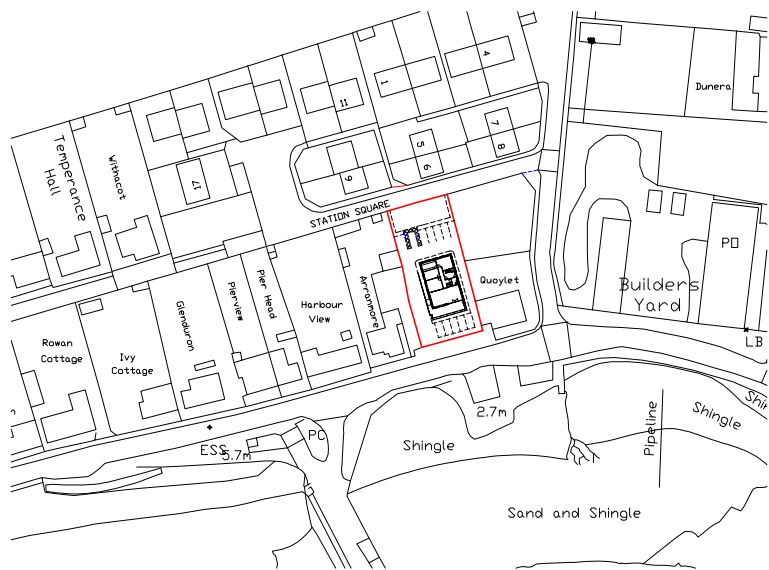
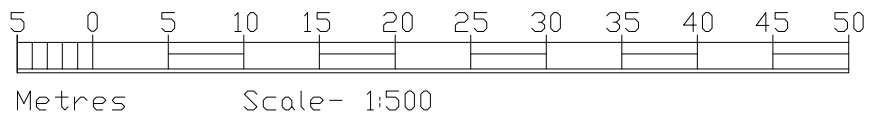
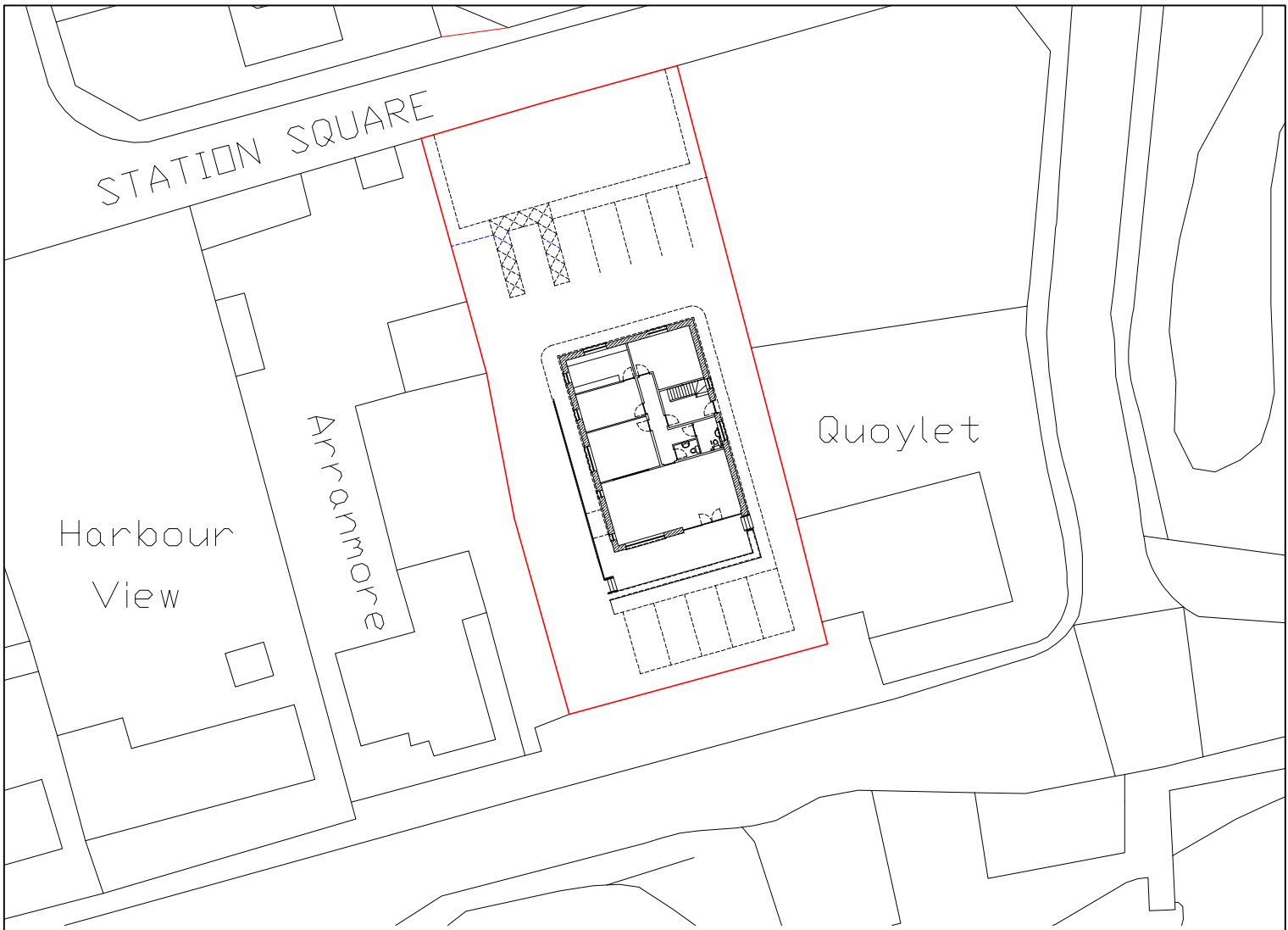
10. Contact Officer

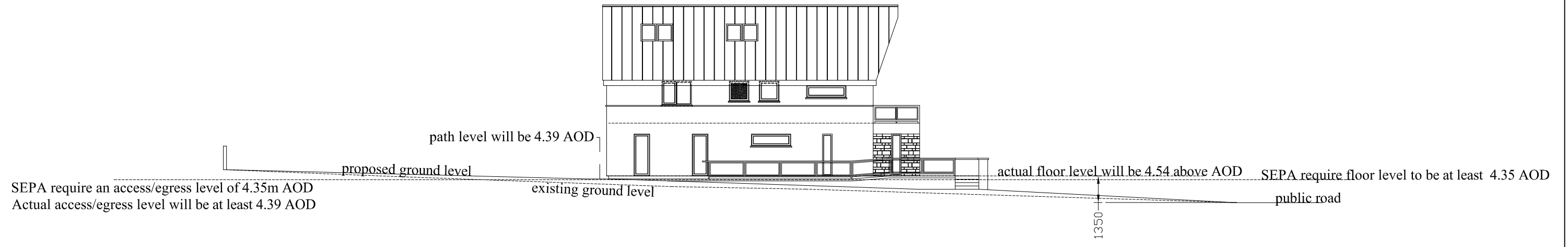
Dean Campbell, Graduate Planner / Planning Technician, extension 2528, Email dean.campbell@orkney.gov.uk

11. Appendices

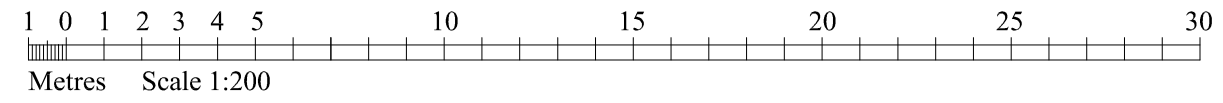
Appendix 1: Site Plan.

Appendix 2: Site Section.





SEPA require an access/egress level of 4.35m AOD
 Actual access/egress level will be at least 4.39 AOD



Proposed demolition of redundant garage and erection of Jeweller's Gallery,
 with Workshop, and Living Accommodation.
 For Gary and Celina Tomison, T/A Celina Rupp Jewellery.

Site Section.

Scales- As shown.

Plan Size A3