

Item: 5.2

Planning Committee: 7 October 2020.

Erect Replacement House with Air Source Heat Pump, Create Access and Reinstate Shed at Sunnybraes, Houton Road, Orphir.

Report by Executive Director of Development and Infrastructure.

1. Summary

1.1.

It is proposed to erect a replacement house, create an access and reinstate a shed at Sunnybraes, Houton Road, Orphir. This follows permission in principle previously granted under application 17/041/PIP. The proposed access leads from an unclassified public road, currently terminating by The Tower and which serves other properties. The site is located on Houton Head on the site of derelict croft buildings to the west of the property Sunnybraes. Two objections have been received on grounds of siting, design, scale, loss of traditional buildings, impact to private water supply and access. The objections have been taken into account in the assessment of the proposal, however they are not of sufficient weight to warrant refusal. The proposal complies with Policies 1, 2, 5E, 7C, 8A, 9G, 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:	20/221/AMC.
Application Type:	Planning Permission.
Proposal:	Erect a replacement house (one for one), with an air source heat pump, create an access and reinstate a shed (following permission in principle - 17/041/PIP)
Location:	Sunnybraes (Land Near), Houton Road, Orphir, KW17 2RD.
Applicant:	Mr Simon Strachan.
Agent:	Peter Finnigan Architects, Mayfield, St Margaret's Hope, South Ronaldsay, KW17 2TL.

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, Scottish Water and SEPA have no objection, and raised no issues which cannot be addressed by appropriate planning condition.

2.2.

Engineering Services initially objected to the development due to risk of increase in flood risk to others. Further information was provided to address this matter through the proposed use of a series of soakaways with high level overflows, with a final overflow to the shore using existing drainage pipes, to account for surface water drainage for this single dwelling site. This has adequately addressed concerns from Engineering Services.

3. Representations

3.1.

Two objections have been received from the following:

- Mr Michael Grainger, Ardeonaig Orphir, Orphir, KW17 2RD.
- Mr Stephen Veale, The Office, Woodgate Farm Cliffords Mesne, Newent, Gloucestershire, GL18 1JU.

3.2.

Mr Veale has submitted two separate representations; in accordance with the definition of a 'valid representation', where more than one representation per household is received, this shall be defined as the Council having received one representation.

3.3.

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

- The nature and scale of the proposed development is not in keeping with the location nor setting.
- The proposed development will result in the loss of traditional stabling.
- Impact to water supply.
- Flood risk.
- Private road infrastructure is 'unable to carry heavy and repetitive construction traffic due to its narrow and lightweight construction and length', with regards the coastal access route to the site.
- The proposed use of upper access road to the site would impinge upon the amenity of the property known as Ardeonaig, Orphir.
- Land ownership as denoted by the blue line within submitted drawings may be inaccurate.

- Impacts on the wider use of the landholding as a croft.

4. Relevant Planning History

Reference.	Proposal.	Location.	Decision.	Date.
17/041/PIP	Siting of a replacement house (one for one) and create an access	Sunnybraes (Land Near), Houton Road, Orphir.	Grant subject to conditions	23.06.2017
16/503/PIP	Siting of a replacement house.	Sunnybraes (Land Near), Houton Road, Orphir.	Refused	09.12.2016

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 5E – Housing in the Countryside.
 - Policy 7C – Energy.
 - Policy 9G – Landscape.
 - Policy 8A – Historic Environment and Cultural Heritage.
 - Policy 13A – Flood Risk.
 - Policy 13B – Sustainable Drainage Systems (SuDS).
 - Policy 13C – Wastewater Drainage.
 - Policy 14 – Transport, Travel and Road Network Infrastructure.
- 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. Proposal and Location

7.1.1.

The application site is located on Houton Head, Orphir, downhill and to the south-east of the property 'The Tower' and upslope and to the west of 'Sunnybraes', as indicated on the location plan attached as Appendix 1 to this report. A property undergoing redevelopment is located to the south-west by the shoreline. The existing site is characterised by a derelict steading comprising a range of stone buildings and structures of mixed condition. Surrounding land is rough grassland and is understood to be croft land. The site enjoys an open aspect to the south with significant exposure. The site is located within Hoy and West Mainland National Scenic Area.

7.1.2.

The principle for development on the site has been established by earlier application; as such, this application is for approval of matters specified in conditions. The approved permission in principle is for a house and access; the current proposal includes an air source heat pump but adequately follows the description of the earlier, parent consent. The principle of development is therefore not subject to further consideration.

7.2. Design and Appearance

7.2.1.

The proposed dwelling is of a contemporary architectural design significantly removed from the scale and appearance of the traditional historic steading on site. A

Design Statement has been provided, as have photographs of an architect's model of the proposed house together with a site section. The form of the proposed house is a low elongated, single storey structure cut into the slope of the hill. From seaward the building will be characterised by this low form cutting across the slope with the angle of the mono pitch roof facing the sea being designed by the architect to reflect the slope of the hillside. The flat roofed element of the building is to the rear, landward side, of the house. The landward, north west, element of the development is used as functional space with the access, parking and manoeuvring space with the retained historic stone-built building to be reroofed also located slightly above and to the north of the house. The proposed house has large areas of glazing looking to seaward to maximise the views and would aid solar gain. The agent has stated that these glazed elements are coupled with a large roof overhang to reduce light reflection facing the sea. The angled form of the building is stated as aiding the reduction in the visual impact of the seaward facing elevation.

7.2.2.

External material finishes of dark grey zinc roof, vertically orientated weathered timber boarding, stated as grey weathered, with window frames coloured light green together with the significant glazed areas characterise the finish of the house from seaward whilst the flat roofed element to landward would be finished in light coloured render.

7.2.3.

The proposed development is significantly larger than any single built element of the historic steading. It is also recognised that the proposed design is contemporary and as such is deliberately removed from the typical form and appearance of traditional buildings in the countryside. These aspects were subject to objection. 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 and Development Criteria within Supplementary Guidance: Housing in the Countryside, which mainly relates to the principal of development. With regards to these design policies, the development is located and sited to fit into the landscape, minimising the landscape and visual impacts of the proposal. The long, low elongated form cut into the hillside is not considered to be overly dominant and as such, the development is considered as 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.

7.2.4.

The proposed development includes the installation of an air source heat pump. This is acceptable and would increase the use of renewable energy in residential developments in Orkney and would comply with Orkney Local Development Plan 2017 Policy 7C – All Renewables and Low Carbon Energy Developments.

7.2.5.

It would be conditioned that any external lighting on the dwelling would be designed to minimise light pollution, which is in line with Policy 2(vi) – Design of the Orkney Local Development Plan 2017 and would help to reduce impacts on the residential

amenity of nearby properties and critically in consideration of the National Scenic Area.

7.2.6.

The proposed site is located within the Hoy and West Mainland National Scenic Area (NSA). Orkney Local Development Plan Policy 9 – Natural Heritage and Landscape, part G (iii) states that development in the NSA will only be permitted where it demonstrated that the proposal will not have a significant effect on the overall integrity of the area or the qualities for which it has been designated; or where any such adverse effect is clearly outweighed by social, environmental or economic benefits of national importance. As this is a single house development there are no social, environmental or economic factors of national importance. It is recognised that the proposal is situated in a prominent location on a hillslope with commanding views to seaward. It is considered that, whilst contemporary in both design and form and of a floor area that may ordinarily have been of concern in a traditionally designed house, the architectural design approach has accounted for the sense of place and is considered to be applicable to the site. It is therefore considered unlikely that there would be a significant impact upon the wider landscape of the area or upon the integrity or qualities of the Hoy and West Mainland National Scenic Area, and therefore the proposal would comply with Orkney Local Development Plan 2017 Policy 9G.

7.2.7.

It is considered that the proposed development would be acceptable in terms of design and appearance and would accord with Orkney Local Development Plan 2017 Policy 1 – Criteria for all Development, Policy 2 – Design and the relevant Development Criteria stated in Supplementary Guidance: Housing in the Countryside (2017).

7.3. Historic Environment

7.3.1.

Canmore, the online catalogue to Scotland's archaeology, buildings, industrial and marine heritage of interest, identifies the remains of the farmstead of Houton Head; however, the site has no statutory designation. The access to the site runs close to Houton Head Battery which is a scheduled monument comprising Second World War coastal battery emplacements. These matters were considered within the parent application in consultation with both Historic Environment Scotland and the County Archaeologist. Historic Environment Scotland had no comment to make on the proposal whilst an archaeological watching brief was requested by the County Archaeologist, with the permission in principle granted subject to a planning condition to address this matter. It is considered prudent to reapply this condition to address Policy 8 – Historic Environment and Cultural Heritage of the Orkney Local Development Plan 2017.

7.3.2.

An objection has been raised to the proposed development in part in relation to the loss of a traditional stone-built steading. Of the remains of the buildings still present

on site, it is proposed to retain and reinstate one building, thus safeguarding an element of the existing steading. Given the planning history and acceptance that opportunity to safeguard and re-use building(s) on site is limited, given the derelict and poor state of the remaining buildings, it is not considered appropriate to attempt to recreate the steading in its historical form. The safeguarding and reuse of one of the historic buildings on site, which retains sections of well-constructed stonework, is considered a reasonable compromise and has been integrated into the proposed development as an ancillary building. This can be further safeguarded by appropriate planning condition.

7.4. Amenity

7.4.1.

The proposed house sits within a significant surrounding landholding and is well separated from other properties in the wider area. The development area, excluding the access track, is considered as defining the domestic curtilage of the proposed property and is deemed to be sufficient to accommodate necessary access and services, including foul and surface drainage, whilst providing external amenity space without undue encroachment upon the surrounding land use. The isolated rural location combined with separation distance from nearby properties removes typical amenity concerns in relation to the function and use of the proposed air source heat pump. It is also considered that, whilst situated in an elevated position, the proposed development will neither dominate nor impose any significant concerns in respect of privacy or overlooking in relation to the property at Sunnybraes or the property under construction on the coast at Houton Head.

7.5. Parking Provision, Access and Road Safety

7.5.1.

The proposed development seeks to form a new vehicular access from the end of an unclassified public road which currently terminates adjacent to The Tower, which sits on elevated ground above the proposed site. This matches the route proposed for the permission in principle. Roads Services has no objection to the proposed development and does not require any planning conditions in this case. Access has been raised by both objectors, citing issues with the proposed route and the potential alternate coastal access. This latter point is not considered relevant as the application does not include the mapped lower coastal access. In consideration of the impact upon amenity through increased use of the unclassified road in relation to the property at Ardeonaig, it is acknowledged that an increase in traffic will result by virtue of (the construction and) occupation of a new house. It is a public road and Roads Services has raised no concerns on grounds of road safety or the capacity of the road.

7.5.2.

Although road safety matters have been raised as reasons of objection, on the basis the Roads Authority is satisfied, the development accords with the aims of Policy 14 – Transport, Travel and Road Network Infrastructure, as it could be safely and conveniently accessed and would be safe for all road users including pedestrians.

7.6. Crofting Legislation

It is understood that the development is located within a wider holding which, in whole or in part, would be subject to crofting legislation. The lack of any agricultural buildings associated with the proposal has drawn comment from an objector. The application can only be assessed as submitted and in relation to relevant planning history and material planning considerations. Ensuring the proposed access route would not prejudice access to or use of the croft land can be secured by appropriate planning condition.

7.7. Water Supply, Sewerage, Drainage and Flood Risk

7.7.1.

The development proposes to connect to the public water supply network. Scottish Water has been consulted and has no objection to the proposed development. The developer would be required to submit a formal application to Scottish Water for connection. Scottish Water would review the availability of capacity at that time and advise the developer whether connection would be possible. An objection raised concerns regarding impacts to a private water supply serving the property at Houton Head, and specifically concerns regarding contamination from the proposed foul drainage system which would be situated upslope from the objector's property. This matter was clarified with Environmental Health which confirmed that, at the time of correspondence, 13 July 2020, there was no registered private water supply serving the address provided by the objector. It is also noted that the objector's property is under construction, believed to be unoccupied, and the application for the development under construction stated that the proposed means of water supply was by connection to the public water supply.

7.7.2.

Foul drainage serving the proposed development would be addressed through other regulatory bodies, both Building Standards and SEPA, to meet current standards for domestic foul drainage provision. The means of foul drainage as proposed, via a domestic sewage treatment plant, is acceptable to SEPA on the assumption that this will discharge to a soakaway. It is considered that the proposed development would comply with Orkney Local Development Plan 2017 Policy 13C – Waste Water Drainage.

7.7.3.

Surface water discharge from the site and associated land drainage was a reason for objection, given the relationship of the proposed development to the single house development on the coast at Houton Head, with concern regarding flood risk. This matter was also raised by Engineering Services. This was addressed by the applicant through the proposed use of a series of soakaways with high level overflows and a final overflow to the shore. This proposed scheme avoids the property on the shore at Houton Head. This approach has been accepted by Engineering Services as an appropriate system which would be designed to manage all but extreme events, and an initial objection to the development has been removed. Land drainage undertakings outside the development site are not subject

to consideration under this application. The proposal is therefore considered to adequately address concerns raised on surface water drainage and flooding grounds and is considered in accordance with Policy 13A and 13B of the Orkney Local Development Plan 2017.

7.8. Defined Extent of Land Ownership

The matter of land ownership as included on submitted plans was subject to objection as conflicting with the title deeds of the objector. In response, the applicant provided separate title deed plans. Irrespective of any conflict demonstrated in the title deed plans of the respective parties, this is a procedural and civil matter and is not a material planning consideration and therefore not relevant to the determination of the application.

8. Conclusion and Recommendation

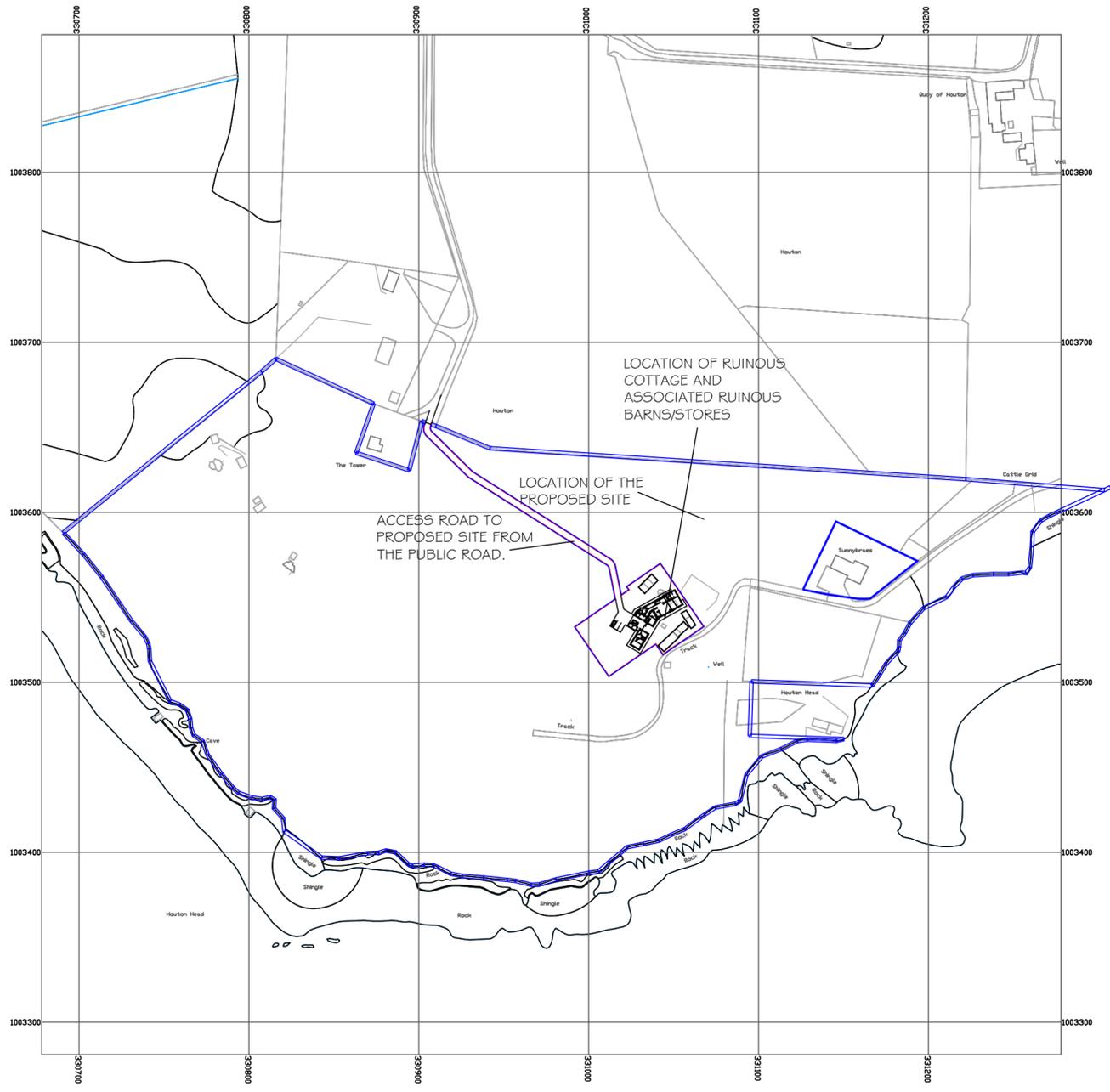
The principle of the siting of a single house on the site was established under planning reference 17/041/PIP. The proposed development is contemporary in design and is considered to accord with relevant design policies, in the absence of specific design guidance for housing in the countryside. The design is considered unlikely to have a significant impact on the wider landscape or the special qualities of the Hoy and West Mainland National Scenic Area. Assessment of the development has considered objections received on material planning grounds, which are not of sufficient weight to warrant refusal. The development would comply with Orkney Local Development Plan 2017 Policies 1, 2, 5E, 7C, 8A, 9G, 13 and 14, and Supplementary Guidance: Housing in the Countryside (2017). Accordingly, the application is recommended for **approval**, subject to the conditions attached as Appendix 2 to this report.

9. Contact Officer

David Barclay, Senior Planning Officer, Email david.barclay@orkney.gov.uk

10. Appendices

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



Rev. B. Red/Blue lines adjusted PJF June 2020

Rev. A Site area adjusted PJF June 2020

CLIENT : SIMON STRACHAN AND SOPHIE YANNOUSOU

PROJECT : PROPOSED NEW HOUSE AT SUNNYBRAES (LAND NEAR) HOUTON ROAD, ORPHIR, ORKNEY

DRAWING: PROPOSED LOCATION PLAN

SCALE : 1:500

DRAWN BY PJF. JUNE 2020

P.J. FINNIGAN ARCHITECTS
 MAYFIELD ST. MARGARETS HOPE
 ORKNEY KW17 2TL
 TEL : 01856 831 675
 FAX : 01856 831 796

517/PL/01B

Appendix 2

01. No development shall commence until full details of the access from the site to the public road, including the specification, including surfacing and drainage, shall be submitted to, and agreed in writing with, the Planning Authority. The access shall thereafter be constructed in accordance with the approved details prior to commencement of any works within the application site and shall be completed in accordance with the approved detail prior to occupation, unless otherwise agreed, in writing, by the Planning Authority.

Reason: In the interests of road safety and visual amenity.

02. Throughout the lifetime of the development hereby approved, the access track comprising part of the application site, where it crosses croft land, shall allow continued access to and use of adjoining croft land that is otherwise not directly utilised by the access.

Reason: To ensure that the development will not impede access to, or have an adverse impact on, the purposeful use of croft land not directly impacted upon by the development.

03. No development shall commence until an archaeological watching brief for the clearing of the ground for the approved development (including access), using the services of an approved archaeologist (suitably qualified professionals working for an CiFA Registered Organisation, and a CV supplied for the person on site) has been submitted to, and agreed in writing with, the Planning Authority. Thereafter, the County Archaeologist shall be notified in writing not less than 7 days before development commences, confirming the date when works are scheduled to commence on site, and informed of the archaeological company undertaking the work. Any significant finds should be notified to the County Archaeologist immediately.

Following any discovery, a suitable scheme should be agreed to excavate and record any remains or preserve in situ, the agreed approach shall be approved in writing with the Planning Authority, in consultation with the County Archaeologist. Any human remains, including cremated, should be reported to the County Archaeologist and Police Scotland, and dealt with according to Historic Environment Scotland's Human Remains in Archaeology sites policy. Work in the immediate area should cease temporarily.

Reason: To ensure that any archaeological remains and features are identified and recorded.

04. Throughout the lifetime of the development hereby granted planning permission, surface water must be treated in accordance with the principles of Sustainable Urban 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. The retained traditional stone building, as denoted on the site plan hereby approved, shall be made fully wind and watertight prior to commencement of construction of the new house. All materials used in such works shall match those currently found on the building, including natural flagstone roofing and natural stone walls. Thereafter, the building shall be retained throughout the lifetime of the development hereby approved in a wind and watertight condition and shall be used for purposes ancillary to the use and enjoyment of the approved house only.

Reason: To protect the appearance of the area and safeguard a traditional vernacular building of historical interest.

06. No development shall commence until a Landscaping and Planting Plan is submitted to, and agreed in writing by, the Planning Authority. This Plan shall include the number, size, density and species of all trees or shrubs, and details of all hard and soft landscaping within the development. Thereafter, and no later than the first winter planting season following first occupation of the house, the development shall be completed wholly in accordance with details included in the approved Landscaping and Planting Plan.

Reason: In the interest of visual amenity.

07. Throughout the lifetime of the development, any external lighting used on the dwelling 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 (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.

Note: Further information regarding the control of light pollution and obtrusive light can be viewed online at www.theilp.org.uk/documents/obtrusive-light/ (Institution of Lighting Professionals (Guidance Notes for the Reduction of Obtrusive Light GN01:2011)) and www.scotland.gov.uk/Publications/2007/03/14164512/0 Scottish Executive (Transport Scotland) Guidance Note (Controlling Light Pollution and Reducing Lighting Energy Consumption).

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.

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 on Mondays to Fridays, 08:00 to 13:00 on Saturdays and 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.