

## Item: 4.1

**Planning Committee: 4 October 2023.**

**Erect 8 houses, install communal foul drainage treatment, upgrade an access and associated landscaping including bin storage at Brookfield (Land Near), Rendall.**

**Report by Corporate Director for Neighbourhood Services and Infrastructure.**

### 1. Summary

#### 1.1.

The proposed development is for 8 houses, including communal foul drainage treatment, upgrading of existing access and a new access serving the proposed development and landscaping including a bin storage area. A design and access statement has been provided in support of the application. The development has been subject to amendment during consideration, resulting in a reduction in proposed houses from 9 to 8, alteration of proposed layout and drainage, and enhanced landscaping. The proposed development is situated within the defined rural settlement of Lyron on unallocated land. Six objections have been received. Matters were raised by multiple consultation bodies relating to policy, surface water drainage and roads. On balance, these matters have been addressed during consideration of the application, and the objections are of insufficient weight to merit refusal. Accordingly, the application is recommended for approval.

Application Number:	22/128/PP
Application Type:	Planning Permission
Proposal:	Erect 8 houses, install communal foul drainage treatment, upgrade an access and associated landscaping including bin storage.
Applicant:	Irvine Plumbing and Construction Ltd.
Agent:	John D. Crawford Ltd

#### 1.2.

All application documents (including plans, consultation responses and representations) are available for members to view [here](#) (click on “Accept and Search” to confirm the Disclaimer and Copyright document has been read and understood, and then enter the application number given above).

## **2. Consultations**

### **2.1. Roads Services**

Roads Services raised several matters relating to the layout, use and other details of the junction with the public road, which have now been addressed. Roads Services is satisfied that appropriate sightlines can be achieved and, following an amendment to the submitted drawing, that sufficient space exists to accommodate for bin uplift in accordance with guidelines. Roads Services requires the short section of footway alongside the public road and the bin uplift area, both immediately north of the access junction with the public road, and construction details, be completed within the initial phase of development. The construction of the short section of footway alongside the public road would provide existing residents a safe area for children to wait for school transport as the works on site progress. These matters can be secured by relevant condition(s).

### **2.2. Development and Marine Planning**

#### **2.2.1.**

Development and Marine Planning referred to the description and design guidance for Lyron within Supplementary Guidance 'Settlement Statements':

"Development and Marine Planning do not consider the scale and layout to be consistent with neighbouring properties within the vicinity of the development. The density proposed is higher than existing development in this vicinity. Some of the existing development in this location as well as what is proposed is also suburban in type and layout."

#### **2.2.2.**

In conclusion, Development and Marine Planning initially stated that the development did not accord with Policies 1, 2 and 5 of the Local Development Plan and that the development density did not take into consideration the immediate location and was not considered appropriate. These comments were made through the first round of consultation prior to the amendment of the proposed development. No comment was forthcoming to the second round of consultation which included the reduction in plots to 8 and enhanced landscaping provision particularly to the southern part of the site. The amendments address, at least in part, the matters raised by Development and Marine Planning.

### **2.3. Engineering Services**

Engineering Services, as the flood authority, requested further information on matters relating to surface water drainage. Through several revisions to the proposed scheme, these matters have been addressed to the satisfaction of Engineering Services.

## **2.4. Scottish Water**

No objection to the proposed development. There is currently sufficient capacity for a foul only connection in the 'LYRON Waste Water Treatment Works' to service the development. The matter of connection to the public system would require further investigation and formal application directly to Scottish Water by the developer.

## **3. Representations**

### **3.1.**

Six valid representations have been received, all in objection to the development. Some objectors have submitted more than one representation; this is in part owing to the amendments made to the application resulting in further process including re-advertisement. Some representations have been submitted by more than one individual at a given address; these are regarded as a single valid representation per valid postal address, as defined in the Scheme of Delegation. All relevant material planning matters raised within representations have been considered, irrespective of total numbers received or the combination in which representations may have been presented. Representations are received from:

- Sarah Brodie and Simon Brodie, Brookfield, Rendall, KW17 2NZ.
- Lilian and Paul Kelly, Northlea, Rendall, KW17 2NZ.
- Robbie and Gemma Morris, Skiren, Rendall, KW17 2NZ.
- James and Julie Pickles, Brooklyn, Rendall, KW17 2NZ.
- Bruce and Marie Pinkerton, Obansay, Rendall, KW17 2NZ.
- Jay Ragg, Otterburn, Rendall, KW17 2NZ.

### **3.2.**

Points within the objections include:

- Housing density is not appropriate for site or settlement (overdevelopment).
- Detrimental to residential amenity and enjoyment of the area.
- Loss of privacy.
- Refuse bin uplift and matters pertinent thereto including bin lorry access into the site, safe visibility at junction with the public road and increase in litter and vermin.
- Increase in traffic, nature and maintenance of access road.
- Safeguarding existing buried services.
- Surface water drainage provision for the development noting existing poor surface water drainage within undeveloped site and surface water flooding.
- Impacts upon the natural environment, including nesting birds.

### 3.3. Other Matters

Other matters were raised that were not material to the decision including personal circumstances, lack of ownership of the access, reference to planning policy and guidance which is not directly related to the development under consideration, and private property matters.

## 4. Relevant Planning History

Reference	Proposal	Location	Decision	Date
12/751/PIP	Siting of 6 houses	Brookfield (Land Near), Rendall, KW17 2NZ	Granted subject to conditions	17.04.2013
12/471/AMC	Erect a house with an air source heat pump	Brookfield (Site 1) (Land Near) Rendall KW17 2NZ	Granted subject to conditions	17.08.2012
10/276/VR	Vary conditions 2 & 3 of outline planning permission 07/171/PPO to allow an extension of time	Brookfield (Site 1) (Land Near), Rendall, KW17 2NZ	Granted subject to conditions	08.07.2010
07/171/PPO	Siting of a house and formation of new access	Brookfield, (site 1), Rendall	Granted subject to conditions	20.11.2007
07/139/PPO	Siting of 5 houses	Brookfield, Rendall	Application withdrawn	28.03.2007

### 4.1.

The planning history noted takes cognisance of the access road which is shared between existing properties to the north of the proposed development site. Application 12/751/PIP does however cover the larger element of the development site under consideration.

## 5. Relevant Planning Policy and Guidance

### 5.1.

The full text of the Orkney Local Development Plan 2017 and supplementary guidance can be read on the Council website [here](#).

## 5.2.

The key policies, supplementary guidance and planning policy advice 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 3 – Settlements, Town Centres & Primary Retail Frontages.
  - Policy 5 – Housing.
  - Policy 13 – Flood Risk, SuDS and Waste Water Drainage.
  - Policy 14 – Transport, Travel and Road Network Infrastructure.
- Guidance:
  - Supplementary Guidance: Settlement Statements (2017).
  - Planning Policy Advice: Amenity and Minimising Obtrusive Lighting (2021).
- National Planning Framework 4.

## 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.

Annex A of Planning Circular 3/2013: ‘development management procedures’ provides advice on defining a material consideration, and following a House of Lord’s judgement with regards the legislative requirement for decisions on planning applications to be made in accordance with the development plan, confirms the following interpretation: “If a proposal accords with the development plan and there are no material considerations indicating that it should be refused, permission should be granted. If the proposal does not accord with the development plan, it should be refused unless there are material considerations indicating that it should be granted.”

### 6.3.

Annex A continues as follows:

- The House of Lord's judgement also set out the following approach to deciding an application:
  - Identify any provisions of the development plan which are relevant to the decision.

- Interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies.
  - Consider whether or not the proposal accords with the development plan.
  - Identify and consider relevant material considerations for and against the proposal.
  - Assess whether these considerations warrant a departure from the development plan.
- There are two main tests in deciding whether a consideration is material and relevant:
    - It should serve or be related to the purpose of planning. It should therefore relate to the development and use of land.
    - It should relate to the particular application.
- The decision maker will have to decide what considerations it considers are material to the determination of the application. However, the question of whether or not a consideration is a material consideration is a question of law and so something which is ultimately for the courts to determine. It is for the decision maker to assess both the weight to be attached to each material consideration and whether individually or together they are sufficient to outweigh the development plan. Where development plan policies are not directly relevant to the development proposal, material considerations will be of particular importance.
- The range of considerations which might be considered material in planning terms is very wide and can only be determined in the context of each case. Examples of possible material considerations include:
    - Scottish Government policy and UK Government policy on reserved matters.
    - The National Planning Framework.
    - Designing Streets.
    - Scottish Government planning advice and circulars.
    - EU policy.
    - A proposed local development plan or proposed supplementary guidance.
    - Community plans.
    - The environmental impact of the proposal.
    - The design of the proposed development and its relationship to its surroundings.
    - Access, provision of infrastructure and planning history of the site.
    - Views of statutory and other consultees.
    - Legitimate public concern or support expressed on relevant planning matters.

- The planning system operates in the long term public interest. It does not exist to protect the interests of one person or business against the activities of another. In distinguishing between public and private interests, the basic question is whether the proposal would unacceptably affect the amenity and existing use of land and buildings which ought to be protected in the public interest, not whether owners or occupiers of neighbouring or other existing properties would experience financial or other loss from a particular development.

#### **6.4.**

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.

#### **6.5.**

An award of expenses may be substantial where an appeal is conducted either by way of written submissions or a local inquiry.

#### **6.6. Status of the Local Development Plan**

Although the Orkney Local Development Plan 2017 is “out-of-date” and has been since April 2022, it is still a significant material consideration when considering planning applications. The primacy of the plan should be maintained until a new plan is adopted. However, the weight to be attached to the Plan will be diminished where policies within the plan are subsequently superseded.

#### **6.7. Status of National Planning Framework 4**

##### **6.7.1.**

National Planning Framework 4 (NPF4) was adopted by Scottish Ministers on 13 February 2023, following approval by the Scottish Parliament in January 2023. The statutory development plan for Orkney consists of the National Planning Framework and the Orkney Local Development Plan 2017 and its supplementary guidance. In the event of any incompatibility between a provision of NPF4 and a provision of the Orkney Local Development Plan 2017, NPF4 is to prevail as it was adopted later. It is important to note that NPF4 must be read and applied as a whole, and that the intent of each of the 33 policies is set out in NPF4 and can be used to guide decision-making.

### **6.7.2.**

In the current case, there is not considered to be any incompatibility between the provisions of NPF4 and the provisions of the Orkney Local Development Plan 2017, to merit additional detailed assessment in relation to individual NPF4 policies.

## **7. Assessment**

### **7.1. Principle and background**

#### **7.1.1.**

The proposed development is within the defined rural settlement of Lyron, on unallocated land within the settlement boundary, as indicated in the Location Plan attached as Appendix 1 to this report. Local Development Plan policies seek to direct development to settlements and such development will be supported where there would be no significant adverse environmental impacts or any adverse impacts on the amenity of surrounding users. As the land is unallocated, no specific capacity for the number of houses which may be achieved on the site has been stated within the Supplementary Guidance: Settlement Statements. It is for the developer to justify the housing density, noting in this case that the developer has reduced the original number of proposed houses from 9 to 8 and that a previous, now lapsed application in principle was approved for 6 houses.

#### **7.1.2.**

The settlement of Lyron has been subject to significant development in recent years, being considered as a modern settlement and with the most significant development occurring in the past 40 years. The settlement also boasts a community centre and playing field with good transport links being adjacent to the A966 Finstown to Birsay road. The supplementary guidance notes that development forms that have occurred are within 3 categories, which are: single dwellings along the main road; the community centre and sports pitch; and housing developments built around access roads. The proposed development follows the latter category.

#### **7.1.3.**

Through consideration of the application and taking cognisance of comments from the planning authority, consultation bodies and representations received, the developer has amended the number of houses proposed, reducing the proposed development from 9 houses to 8 and has altered the site layout, significantly in the layout of plots 6 and 7. Additional consideration has also occurred of the proposed landscaping of the site, drainage, access and bin uplift stance.

### **7.2. Design, Housing Density and Layout**

#### **7.2.1.**

During consideration of the application, the development has reduced from 9 to 8 houses. This has been achieved by omission of a second house in Plot 8 at the end of the existing row of houses to the north of the site. The proposed house shares a similar build line and relationship with the shared access road to the south. This



revision is considered favourably and reflects the adjacent existing plot layouts. In addition to this revision the placement and orientation of proposed houses on plots 6 and 7 has been revised with the central four plots in the development, comprising plots 4 through 7, being positioned opposite and parallel to each other.

#### **7.2.2.**

In consideration of individual designs there are two design types proposed, both of which are single storey, with a simple gable ended rectilinear form. Plots 1 to 3 are smaller two bed design with plots 4 to 8 being a larger three bedroomed design with integral garage. External materials are stated within the 'Design, Access & Supporting Statement' as 'a simple palette of materials will be adopted throughout the development following the local vernacular of materials. White roughcast and flat concrete interlocking tiles with an area of cladding to create a focal point at the entrance'. The scale, design and form of the proposed houses is considered acceptable.

#### **7.2.3.**

A matter raised within objections received and mirrored by the consultation response from Development and Marine Planning is the relative density and layout of houses. In response to this, the developer has reduced the total number of properties and altered the layout and inter-relationship of plots 4 to 7. This is accepted as addressing, at least in part, matters raised in the context of the wider issue of how well the proposed development relates to what is defined as a rural settlement and compliance with the general design guidance within the Supplementary Guidance: Settlement Statements.

#### **7.2.4.**

In consideration of plot layout and housing density, the developer has considered this matter through their submitted supporting 'Design, Access & Supporting Statement'. It is also noted that the defined extent of the settlement includes the modern development adjacent and to the community hall and sports pitch to the north. Given the small scale of the defined settlement of Lyron, it is considered unreasonable to discount other development in informing the density and layout accepted.

#### **7.2.5.**

The plot sizes provided for plots 4 to 7, which comprise the larger of the two dwelling types, range from the generous amended plot 8, to reflect adjacent development pattern, to plot sizes of approximately 1200 square metres for plots 4 to 7. These plot areas are not considered as unusually small or constrained within a settlement context and are not at a significant variance to the existing house plot extents, adjacent and to the north of the proposed development. It is also recognised that the proposed development provides two distinct property types with the smaller two bedroomed houses on compact plots 1 to 3, being 547 to 578 square metres which is not dissimilar to development density to the north of the Community Centre.

#### **7.2.6.**

On balance and mindful of the reduction in the total number of houses proposed, the development is considered to be in accordance with Policies 1, 2 and 5 of the Local Development Plan and relevant sections of the Supplementary Guidance: Settlement Statements.

### **7.3. Roads**

#### **7.3.1.**

The Roads Authority has no objection to the proposed development. Several matters were raised for clarification and to ensure roads matters were fully considered in relation to both the junction with the public road and for the private road system internal to the site and as shared with existing properties. These matters included ensuring a satisfactory bin collection area by the junction with the public road, surface water drainage system relative to roads layout internal to the site and ensuring that an appropriate factoring agreement is secured.

#### **7.3.2.**

The proposed development would utilise the existing track in the north west corner of the site to achieve access to the public road, the A966. This access would be in shared use with the properties bordering the north edge of the site and Lyron Cottage to the east of the site. The ownership and nature of the shared access, specifically the section of the access currently in use by existing properties, has been subject to query within representations received. The matter of ownership is not a material planning consideration. Roads internal to the proposed development are not under consideration for formal adoption by the roads authority.

#### **7.3.3.**

Roads Services sought further information regarding: the junction with the public road; kerbing; provision of a pick-up/drop off area to adoptable standards for the School Bus Service; required visibility splay; and bin collection in proximity to the public road. The developer has provided evidence that these matters have been subject to clarification to the satisfaction of Roads Services. As a development within a settlement serving more than a single property the planning authority would typically seek a sealed surface on the shared parts of the road network serving a proposed development. The developer has reflected this on submitted plans. These matters can be further secured through appropriate planning condition(s).

#### **7.3.4.**

Objectors have raised several concerns in relation to roads matters including query over nature, use and maintenance of the existing access together with safety and amenity concerns arising from increased traffic. Such concerns are understandable as disruption through the development phase is fully recognised as having the potential to cause amenity impacts with plant movement and construction works allied to the build-out of the development. This is of short-term duration in relation to development albeit that the scale of development, comprising 8 houses, would not typically require a development phase management plan. Therefore, whilst a

phasing plan is not considered necessary, a Construction Management Plan would be required by planning condition. Other legislation exists to control matters of statutory nuisance. In relation to wider road safety matters raised as reasons of objection, on the basis the roads authority is satisfied, the development accords with Policy 14C of the Orkney Local Development Plan 2017 as it could be safely and conveniently accessed and would be safe for all road users.

#### **7.3.5.**

The development offers the potential to improve physical roads matters internal to the development, albeit that traffic on the access to the site would be increased. Achieving a sealed road surface where shared access is taken, appropriate surface water drainage, a designated area for bin uplift and achieving a short section of footway alongside the public road all being considered as enhancements to the current situation. No wider matters of road safety have been raised by consultees. Appropriate planning condition(s) can be applied to secure such matters including addressing the matter of ongoing management and maintenance.

### **7.4. Flood Risk, Foul and Surface Water Drainage**

#### **7.4.1.**

A lesser element of the application site under consideration is within an area subject to moderate flood risk. This is an area of ground immediately adjacent to the Burn of Sweenalay on the southern boundary of the site. None of the proposed houses, nor private garden ground associated thereto is within the area of mapped flood risk. This lower element of the proposed site is proposed as being retained as a wild 'natural' area with elements of enhancement including tree and shrub planting and includes the proposed communal foul drainage system.

#### **7.4.2.**

The development as submitted includes a private communal foul drainage system with secondary treatment via a reedbed situated within the lower southern part of the site between the southernmost house plots 6 and 7 and the Burn of Sweenalay. In consultation with Scottish Water it has been stated that there is capacity for a foul only connection in the Lyron Waste Water Treatment Works to service the proposed development. This is subject to the caveat that further investigations may be required and that formal application directly between the developer and Scottish Water would be required.

#### **7.4.3.**

Given that the proposed development is within a defined settlement, Policy 13C 'Waste Water Drainage' applies, requiring the development to connect to the public sewer unless there is either connection limitations or infrastructure constraints which should be evidenced by the developer through consultation with Scottish Water. This is therefore the requirement; however, the design of the proposed private communal system and its inclusion in the application submission provides a degree of comfort in the event that connection limitations or infrastructure constraints arise. The functionality of the proposed foul drainage scheme would also be subject to further regulatory control via Building Standards and the Scottish Environment Protection

Agency as applicable. Scottish Water otherwise have no objection to the proposed development. This matter can be addressed by appropriate planning condition, which confirms the default policy-based requirement that the development connects to the public system, allowing construction and connection of the private system only if it is evidenced that a public connection is not possible (and if approved, avoiding the requirement for a further planning application should the requirement for a private system be evidenced and accepted).

#### **7.4.4.**

Surface water drainage was a matter raised through objection to the development given cited issues of poor surface water drainage on the proposed site and localised flooding. It is incumbent on the developer to ensure that a proposed development can be satisfactorily serviced in relation to surface water drainage. Given the site area and proposed SuDS it is considered that appropriate consideration has been given to this matter and that satisfactory surface water drainage can be achieved, including with scope for revision to accommodate additional drainage loading from any further drainage works required to ensure that all elements of the shared roads infrastructure can be accommodated. Drainage can be further secured by appropriate conditions. The application is considered to be in accordance with Policy 13 of the Orkney Local Development Plan.

### **7.5. Refuse Uplift and Management**

As this is a private development which is not subject to adoption by the roads authority, bin uplift is made in the vicinity of the public road. The correct presentation of waste and household recycling for uplift through closed wheelie bins is not considered to raise issues of vermin or add to problems of littering, a matter raised by objectors. The storage of bins when not presented on the day of uplift would be within the curtilage of each of the proposed properties. The proposed arrangement for bin uplift is such that it meets Roads Services' requirements and should not impact the required visibility splays.

### **7.6. Wildlife and Open Space**

#### **7.6.1.**

The proposed development seeks to retain a substantial part of the overall development site as clear of built development, excepting the turning head of the internal road accessing plots 1 to 3 and the proposed combined foul drainage system (should that be required and constructed). This area has been specified as an area for structural tree and shrub planting to be maintained for biodiversity to address Policy 3(c) of National Planning Framework 4. This area is the southernmost extent of the site in the vicinity of the Burn of Sweenalay which in part is subject to flood risk. Such green space to the potential benefit of residents, wildlife and the landscaping of the southern extent of the site and wider settlement is viewed favourably.

### **7.6.2.**

Natural heritage interests have been raised by objectors. The land in question has no natural history designations, is of relatively limited wildlife value and irrespective of the planning status of land, existing wildlife legislation prohibits disturbance or interference to nesting birds. The opportunity presented by habitat enhancement through appropriate tree and shrub planting and retaining/creating an area for biodiversity is considered to add rather than detract from overall biodiversity on the site.

### **7.6.3.**

Shared spaces within the development are not subject to adoption by the Council, and a communal foul drainage system is proposed. These elements combined with the open space in the south of the site are deemed to require a factoring agreement to ensure the adequacy of management and maintenance of such communal interests within the development in perpetuity. This matter can be secured by appropriate planning condition(s).

## **8. Conclusion and Recommendation**

### **8.1.**

The principle of the development is acceptable as housing development on a site within the settlement of Lyron. Key to the consideration of whether this development of eight 2 and 3 bedroomed properties within the defined extent of the rural settlement of Lyron is acceptable, is whether the proposed density and layout is appropriate, and to confirm environmental and amenity impacts can be satisfactorily addressed in combination with servicing considerations.

### **8.2.**

The density of development proposed is higher than previously subject to approval in principle for the site; however, adequate justification has been provided, with all relevant matters addressed by the developer, including through significant improvements made to the proposed development following negotiation. The site layout, including housing density, and design of individual houses are acceptable. Residential amenity and biodiversity would be adequately protected. The development accords with Policies 1, 2, 3, 5, 9, 10, 13 and 14 of the Orkney Local Development Plan 2017, Supplementary Guidance 'Settlement Statements', Planning Policy Advice 'Development Quality within Settlements' (March 2012), and relevant policy provisions of National Planning Framework 4. Objections received on material planning grounds are not considered to be of sufficient weight to warrant refusal. Accordingly, the application is recommended for approval, subject to the conditions attached as Appendix 2 to this report.

## **9. Contact Officers**

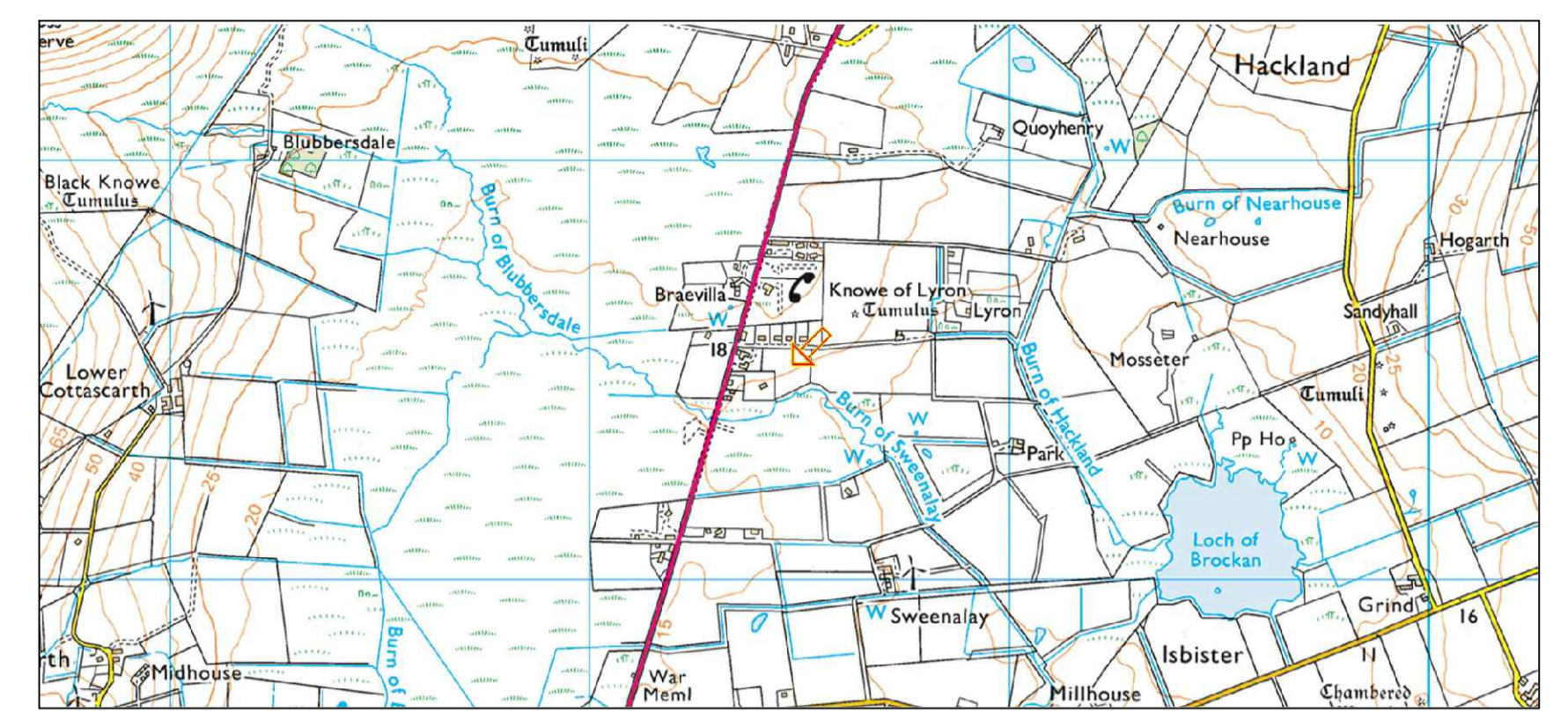
Jamie Macvie, Service Manager (Development Management), Email [jamie.macvie@orkney.gov.uk](mailto:jamie.macvie@orkney.gov.uk)

David Barclay, Senior Planner (Development Management), Email  
[david.barclay@orkney.gov.uk](mailto:david.barclay@orkney.gov.uk)

## **10. Appendices**

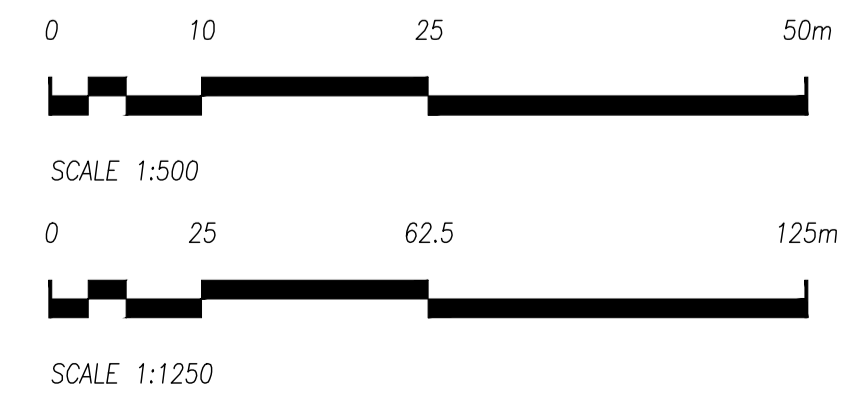
Appendix 1: Site Plan.

Appendix 2: Planning Conditions.



- Tarmac Finish
- Hardcore Finish
- Ground pertaining to others and applicant to have right of access over
- Factored Areas to be maintained

- Proposed Plot Sizes:
- Plot 1 - 547m<sup>2</sup> HT 2
  - Plot 2 - 558m<sup>2</sup> HT 2
  - Plot 3 - 578m<sup>2</sup> HT 2
  - Plot 4 - 1203m<sup>2</sup> HT 1
  - Plot 5 - 1210m<sup>2</sup> HT 1 (Handed)
  - Plot 6 - 1218m<sup>2</sup> HT 1 (Handed)
  - Plot 7 - 1221m<sup>2</sup> HT 1
  - Plot 8 - 1019m<sup>2</sup> HT 2
  - Plot 9 - 970m<sup>2</sup> HT 2



Revision	Date	Description
Rev E	29.11.22	Planning Updates
Client: Irvine Plumbing & Construction Ltd		
Project: Proposed 8no house residential development at Brookfield, Rendall, Orkney, KW17 2NZ		
Title: Proposed Site Plan with Existing Location Plan		
Date	Drawing Reference	Drawn By
22.03.22	JDC 1623 - PL - 003	RG
This drawing is issued for the purpose of the status indicated below only		
<input type="checkbox"/> Existing	<input type="checkbox"/> Building Warrant	
<input type="checkbox"/> Sketch	<input type="checkbox"/> Tender Issue	
<input checked="" type="checkbox"/> Planning	<input type="checkbox"/> Construction Issue	

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## Appendix 2.

01. The development hereby approved to which this planning permission relates must be begun not later than the expiration of three years, beginning with the date on which the permission is granted, which is the date of this decision notice. If development has not commenced within this period, this planning permission shall lapse.

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended, which limits the duration of planning permission.

02. No development shall commence until a scheme for the maintenance, in perpetuity, of all communal areas, including roads and on-site green spaces and/or woodland and/or other spaces, facilities, features or parts of the development that are not the exclusive property of any identifiable individual home owner (such as bin storage areas, the greenspace to the southern end of the site, and those elements of both foul and surface water drainage regimes not maintained either by the Council or Scottish Water), have been submitted to, and approved, in writing by the Planning Authority. Thereafter, the approved scheme shall be implemented in full and in accordance with the timescales contained therein.

Reason: To ensure that all communal spaces, facilities and landscaping areas are properly managed and maintained.

03. No development, including any demolition works, shall commence until a Construction Method Statement has been submitted to and approved, in writing, by the Planning Authority. The statement shall provide for:

- The parking of vehicles of site operatives and visitors.
- Loading and unloading of plant and materials.
- Storage of plant and materials used in constructing the development.
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- Measures to control the emission of dust and dirt during construction.
- A scheme for recycling/disposing of waste resulting from demolition and construction works.

For the avoidance of doubt there shall be no burning or burying of waste within the site.

The approved Construction Method Statement shall be applied and complied with throughout the construction period.

Reason: To safeguard the amenity of neighbouring properties and occupants.

04. Notwithstanding approved details of the communal foul drainage scheme, no development shall commence until full details of connection of all houses to the Lyron Waste Water Treatment Works have been submitted to and approved, in writing, by the Planning Authority. Thereafter, the connection as approved shall be implemented in full.



The only exception is if connection limitations or infrastructure constraints, including through consultation with Scottish Water, are evidenced to the extent that connection to the public system cannot be achieved. The private foul drainage scheme hereby approved shall not be implemented unless that evidence is accepted, in writing, by the Planning Authority.

No house within the development shall be occupied until it is connected to the Lyron Waste Water Treatment Works or, if the use of the private foul drainage system is approved, until that system is constructed wholly in accordance with approved details, and the house is connected.

Reason: In order to protect people and the environment from the impact of waste water and ensure the connection to the public sewerage network is achieved where appropriate.

05. No development shall commence until full details of the management of surface water from all elements of the shared access road are submitted to and approved, in writing, by the Planning Authority, in consultation with Engineering Services. These details shall include prevention of the flow of surface water from the shared access road into land adjacent. Thereafter, the development shall be constructed wholly in accordance with approved details and shall be retained in accordance with these details throughout the lifetime of the development.

Reason: To ensure the appropriate management of surface water from surfaced elements of the shared access road serving both the approved development and existing development.

06. No other development shall commence until completion of the section of footway along the public road and the refuse / recycling bin collection area. These works shall be completed wholly in accordance with construction details as shown on drawing JDC1623-PL-009 Rev J, to the satisfaction of the Planning Authority in consultation with the Roads Authority. Only the approved details shall be employed and thereafter these elements shall be maintained to the agreed standard unless/until it is adopted for maintenance under the Roads (Scotland) Act 1984 (as amended).

Reason: To ensure the timely provision of an appropriate means of access and servicing in the interests of road safety.

07. The development hereby approved shall not be occupied or otherwise brought into use until all communal parts of the proposed shared access track are finished with a bituminous surface, or other sealed surface agreed, in writing, by the Planning Authority and in accordance with construction details as shown on drawings JDC1623-PL-009 Rev J, and JDC 1623- pl-003 Rev. G to the satisfaction of the Planning Authority in consultation with the Roads Authority.

Reason: To ensure an appropriate specification and finish for communal accesses within a settlement as identified by Supplementary Guidance: Settlement Statements.

08. Throughout the lifetime of the development hereby approved, all surface water within the application site area shall 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. Requisite surface water drainage shall be operational prior to first occupation of the development 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 runoff to the public 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.

09. All landscaping works in communal areas shall be carried out in accordance with the Proposed Landscaping Plan 'B' (reference JDC 1623 – PL – 008) hereby approved. All planting, seeding or turfing as may be comprised in the approved scheme and plans shall be carried out in the first planting and seeding seasons following the commencement of the development, unless otherwise stated in the approved scheme. Any trees or plants which, within a period of five years from the completion of the development, die or for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species, unless otherwise agreed, in writing, by the Planning Authority.

Reason: In order to ensure that the approved landscaping works are properly undertaken on site and that biodiversity measures are implemented as required by Policy 3 of National Planning Framework 4.

10. Throughout the lifetime of the development hereby approved, any external lighting used on the approved houses shall be downward facing only and shall comply with the requirements Policy 2 (principle vi), to minimise light pollution and 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' of the Orkney Local Development Plan 2017.

11. 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 on Saturdays and not at all on Sundays, Christmas or New Year Public Holidays unless otherwise agreed in writing with the Planning Authority.

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.

12. Notwithstanding the inset detail on approved plans JDC 1623-PL-001 Proposed Plan and Elevations HT1 – Plots 4-7 and JDC 1623 -PL-002 Proposed Plan and Elevations HT2 – Plots 1-3 & 8-9 [noting that Plot 9 has been removed from the application] the installation of air source heat pumps does not form part of this planning permission.

Reason: For the avoidance of doubt. Whilst referenced in text, no detail nor position of any air source heat pumps has been provided for consideration or assessment, in the interests of safeguarding residential amenity.