



ORKNEY
ISLANDS COUNCIL

Item: 5

Local Review Body: 13 December 2024.

**Proposed Erection of House with Air Source Heat Pump at 1 Lynnside,
Lynn Road, Kirkwall (24/156/PP).**

**Report by Corporate Director for Strategy, Performance and Business
Solutions.**

1. Overview

- 1.1. Planning application 24/156/PP in respect of the proposed erection of a house with an air source heat pump at 1 Lynnside, Lynn Road, Kirkwall, was refused by the Appointed Officer on 3 October 2024.
- 1.2. Under the Town and Country Planning (Scotland) Act 1997 and the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013, where an application for planning permission for local development has been determined by the Appointed Officer in accordance with the Council's Planning Scheme of Delegation, the applicant is entitled to seek a review of that decision by the Local Review Body.
- 1.3. The applicant has submitted a Notice of Review (see Appendix 1) requesting that the decision of the Appointed Officer, referred to at paragraph 1.1 above, be reviewed. The applicant has indicated that the review can be determined without any further procedures.
- 1.4. A letter from the Chief Planner, Scottish Government, issued in July 2011, confirmed that a review by a Local Review Body should be conducted by means of a full consideration of the application afresh.
- 1.5. Section 21 of the Scheme of Administration states that the Local Review Body will undertake unaccompanied site inspections for all planning applications subject to a local review, prior to meeting to consider the review. The purpose of the site inspection, together with the procedure to be adopted, are set out in section 21.2 of the Scheme of Administration. The applicant and interested parties have been advised that an unaccompanied site inspection to 1 Lynnside, Lynn Road, Kirkwall, is due to be undertaken on 11 December 2024 at approximately 14:00.
- 1.6. The review procedure is set out in section 4 below.

2. Recommendations

- 2.1. The Local Review Body is required to:
 - i. Determine whether it has sufficient information to proceed to determination of the review, and if so whether to uphold, reverse or vary the decision of the Appointed Officer.
- 2.2. Should the Local Review Body determine that the decision is reversed or varied, it is required to:
 - i. Determine the reasons, and, if applicable, the relevant matters in respect of potential conditions to be attached to the decision notice.
- 2.3. Should the Local Review Body determine that the decision is reversed or varied, it is recommended that members of the Local Review Body:
 - i. Delegates powers to the Corporate Director for Strategy, Performance and Business Solutions, following consultation with the Planning Advisor and the Legal Advisor, to determine the necessary conditions to attach to the Decision Notice.
- 2.4. Should the Local Review Body determine that it does not have sufficient information to proceed to determination of the review, it is required to:
 - i. Determine what further information is required, which parties are to be requested to provide the information, and whether to obtain further information by one or more of the following methods:
 - By means of written submissions under the procedure set out in Regulation 15 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013; and/or
 - By the holding of one or more hearing under the Hearing Session Rules set out in Schedule 1 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.

3. Planning Authority Decision

- 3.1. The Planning Handling Report, Planning Services file and the Decision Notice are attached as Appendices 2, 3 and 4 to this report.

3.2. On 3 October 2024, the Appointed Officer refused planning application 24/156/PP on the following grounds:

- By sub-dividing the garden/amenity space at 1 Lynnside to facilitate the proposed development of the currently proposed house, whilst providing an adequate area of amenity space for the currently proposed dwelling, would result in little outside private dedicated space/garden ground to meet the recreational and domestic needs of the house at 1 Lynnside.

Whilst there is a communal area (paved with central planting) between the houses at 1, 2 and 3 Lynnside, this area is not dedicated to 1 Lynnside alone or private to that property and is overlooked by the dwellings and although 2 and 3 Lynnside share the communal area, they also have private gardens/ dedicated amenity spaces of their own (as would 1 Lynnside prior to subdivision). The proposed development would result in the replacement dwelling at 1 Lynnside (approved under 23/022/PP) being out of character with the neighbouring properties at 2 and 3 Lynnside in terms of available residential private amenity space.

The significantly reduced area of dedicated private residential amenity space/ garden at 1 Lynnside due to the subdivision of the garden to facilitate the currently proposed house development under 24/156/PP would not be sufficient for the 2 bedroom replacement house that was approved at 1 Lynnside under 23/022/PP, would result in detrimental impact to the amenity of 1 Lynnside and would result in overdevelopment.

The development would be contrary to OLDP 2017 Policy 1 (ii, iv) – Criteria for All Development, NPF4 Policy 14 (c) – Design, Quality and Place and Planning Policy Advice: Amenity and Minimising Obtrusive Lighting (2021) – Residential Amenity Criterion 1 – The Creation and Protection of Dedicated Outside Space.

4. Local Review Procedure

- 4.1. In response to a Notice of Review, “interested parties” are permitted to make a representation to the Local Review Body. “Interested parties” include any party who has made, and not withdrawn, a representation in connection with the application. No representations were received.
- 4.2. The Local Review Body may uphold, reverse or vary the decision of the Appointed Officer. In the event that the decision is reversed, an indication of relevant matters, in respect of potential planning conditions, are as follows:

- Duration of consent.
 - Air source heat pump.
 - Surface water drainage (SuDS).
 - Connect to the public sewer.
 - External lighting.
 - Biodiversity.
 - Demolition of existing garage (pre-commencement).
 - Hours of work.
- 4.3. All conditions should be in accordance with Planning Circular 4/1998 regarding the use of conditions in planning permissions.
- 4.4. If the decision is reversed and the development is approved, it is proposed that powers are delegated to the Corporate Director for Strategy, Performance and Business Solutions, following consultation with the Planning Advisor and the Legal Advisor, to determine the necessary conditions, based on the relevant matters, agreed in terms of section 4.2 above.
- 4.5. If the Local Review Body decides that further procedure is required, it may decide to hold a pre-examination meeting to consider what procedures to follow in the review, or to obtain further information by one or more of the following methods:
- By means of written submissions under the procedure set out in Regulation 15 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013; and/or.
 - By the holding of one or more hearing under the Hearing Session Rules set out in Schedule 1 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.

5. Relevant Planning Policy and Guidance

- 5.1. Section 25 of the Town and Country Planning (Scotland) Act 1997 as amended 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...”
- 5.2. The full text of the Orkney Local Development Plan 2017 (OLDP 2017) and other supplementary planning advice and guidance can be read on the Council website [here](#). Although the Orkney Local Development Plan 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.

5.3. National Planning Framework 4 was approved by Parliament on 11 January 2023 and formally adopted by Scottish Ministers on 13 February 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 National Planning Framework 4 and a provision of the Orkney Local Development Plan 2017, National Planning Framework 4 is to prevail as it was adopted later. It is important to note that National Planning Framework 4 must be read and applied as a whole, and that the intent of each of the 33 policies is set out in National Planning Framework 4 and can be used to guide decision-making.

5.4. It is for the Local Review Body to determine which policies are relevant to this application; however the policies listed below were referred to by the Appointed Officer in the Planning Handling Report:

- Orkney Local Development Plan 2017:
 - Policy 1 – Criteria for All Development.
 - Policy 2 – Design.
 - Policy 5A – Housing in Settlements.
 - Policy 7C – All Renewables and Low Carbon Developments.
 - Policy 9C – Wider Biodiversity and Geodiversity.
 - Policy 9G – Landscape.
 - Policy 13B – Sustainable Drainage Systems (SuDS).
 - Policy 13C – Waste Water Drainage.
 - Policy 14B – Sustainable Travel.
 - Policy 14C – Road Network Infrastructure.
- Guidance:
 - Supplementary Guidance: Settlement Statements – Kirkwall (2017).
 - Supplementary Guidance: Energy (2017).
 - Supplementary Guidance: Natural Environment (2017).
 - Planning Policy Advice: Amenity and Minimising Obtrusive Lighting (2021).
 - Development Management Guidance: National Roads Development Guide (2015).

- National Planning Framework 4:
 - Policy 2 – Climate Mitigation and Adaption.
 - Policy 3 – Biodiversity.
 - Policy 11 – Energy.
 - Policy 14 – Design, Quality and Place.
 - Policy 15 – Local Living and 20 Minute Neighbourhoods.
 - Policy 16 – Quality Homes.
 - Policy 22 – Flood Risk and Water Management.

For Further Information please contact:

Susan Shearer, Planning Advisor to the Local Review Body, extension 2433, Email: susan.shearer@orkney.gov.uk.

Implications of Report

1. **Financial:** All resources associated with supporting the review procedure, mainly in the form of staff time, are contained within existing revenue budgets.
2. **Legal:** The legal implications are set out in the body of the report.
3. **Corporate Governance:** In accordance with the Scheme of Administration, determination of Notices of Review is delegated to the Local Review Body.
4. **Human Resources:** None.
5. **Equalities:** None.
6. **Island Communities Impact:** None.
7. **Links to Council Plan:** The proposals in this report support and contribute to improved outcomes for communities as outlined in the following Council Plan strategic priorities:
 - Growing our economy.
 - Strengthening our Communities.
 - Developing our Infrastructure.
 - Transforming our Council.
8. **Links to Local Outcomes Improvement Plan:** The proposals in this report support and contribute to improved outcomes for communities as outlined in the following Local Outcomes Improvement Plan priorities:
 - Cost of Living.
 - Sustainable Development.
 - Local Equality.
9. **Environmental and Climate Risk:** None.
10. **Risk:** None.
11. **Procurement:** None.
12. **Health and Safety:** None.
13. **Property and Assets:** None.

14. Information Technology: None.

15. Cost of Living: None.

List of Background Papers

Orkney Local Development Plan 2017, available [here](#).

National Planning Framework 4, available [here](#).

Planning Circular 4/1988, available [here](#).

Appendices

Appendix 1 – Notice of Review (pages 1 – 15).

Appendix 2 – Planning Handling Report (pages 16 - 31).

Appendix 3 – Planning Services File (pages 32 - 65).

Appendix 4 – Decision Notice (pages 66 - 69).

Pages 1 to 69 can be viewed [here](#), clicking on “Accept and Search” and inserting the planning reference “24/156/PP”.



Council Offices School Place Kirkwall KW15 1NY Tel: 01856 873 535 (ex 2504) Email: planning@orkney.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100667862-002

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

≤ Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="KW15 1DN"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Stephen"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="Omand"/>	Building Number:	<input type="text" value="14"/>
Telephone Number: *	<input type="text" value="01856876215"/>	Address 1 (Street): *	<input type="text" value="Victoria Street"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Kirkwall"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
		Postcode: *	<input type="text" value="KW15 1DN"/>
Email Address: *	<input type="text" value="stephen@sjomand.co.uk"/>		

Is the applicant an individual or an organisation/corporate entity? *

≤ Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Workshop"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="St May's"/>
Company/Organisation	<input type="text" value="Alfred Flett Ltd"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Holm"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="KW17 2RU"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

Site Address Details

Planning Authority:	<input type="text" value="Orkney Islands Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="1 LYNN SIDE"/>
Address 2:	<input type="text" value="LYNN ROAD"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="KIRKWALL"/>
Post Code:	<input type="text" value="KW15 1SR"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="1009551"/>	Easting	<input type="text" value="345703"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Subdivision of Residential Curtilage, Erection of House, installation of Heat Pump & Demolition of Garage.

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

The existing house has a sizable area of amenity space around it, which, albeit it is shared with the two neighbouring properties, is large enough to serve and accommodate the occupants of all three properties. It has been accepted that the proposed house would have sufficient amenity space. If approved the proposed house would help meet some of the demand for smaller properties in and around Kirkwall.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

A4 Location Plan, A1 Main Plan, A4 Biodiversity Form, A4 Heat Pump Details, A4 Original Covering Letter.

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

24/156/PP

What date was the application submitted to the planning authority? *

09/04/2024

What date was the decision issued by the planning authority? *

03/10/2024

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Stephen Omand

Declaration Date: 11/10/2024

Lynnside

6

All foul and surface to existing systems via 450mm disconnecting manholes

Ribes sanguineum (flowering currant) planted 500mm off fence at 1m centres.

900mm wide pre-cast concrete paths around house
dust blinded and rolled parking area off compacted fill
remainder of site laid to lawns

Existing garage to be demolished to create amenity space for 1 Lynnside

dust blinded and rolled parking area off compacted fill
remainder of site laid to lawns

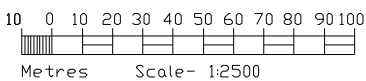
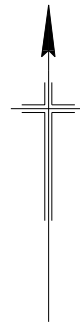
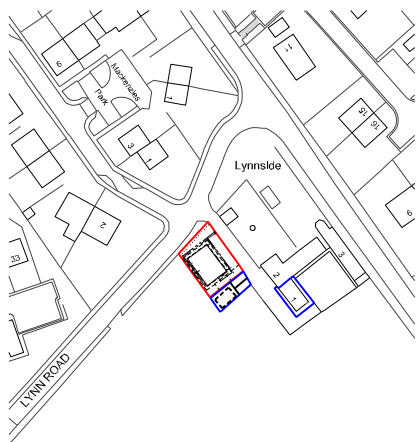
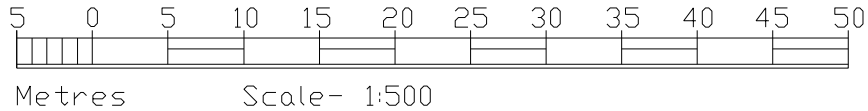
Existing 1 Lynnside shared amenity space

Total Area of existing house + garden with garage is 424.9m².

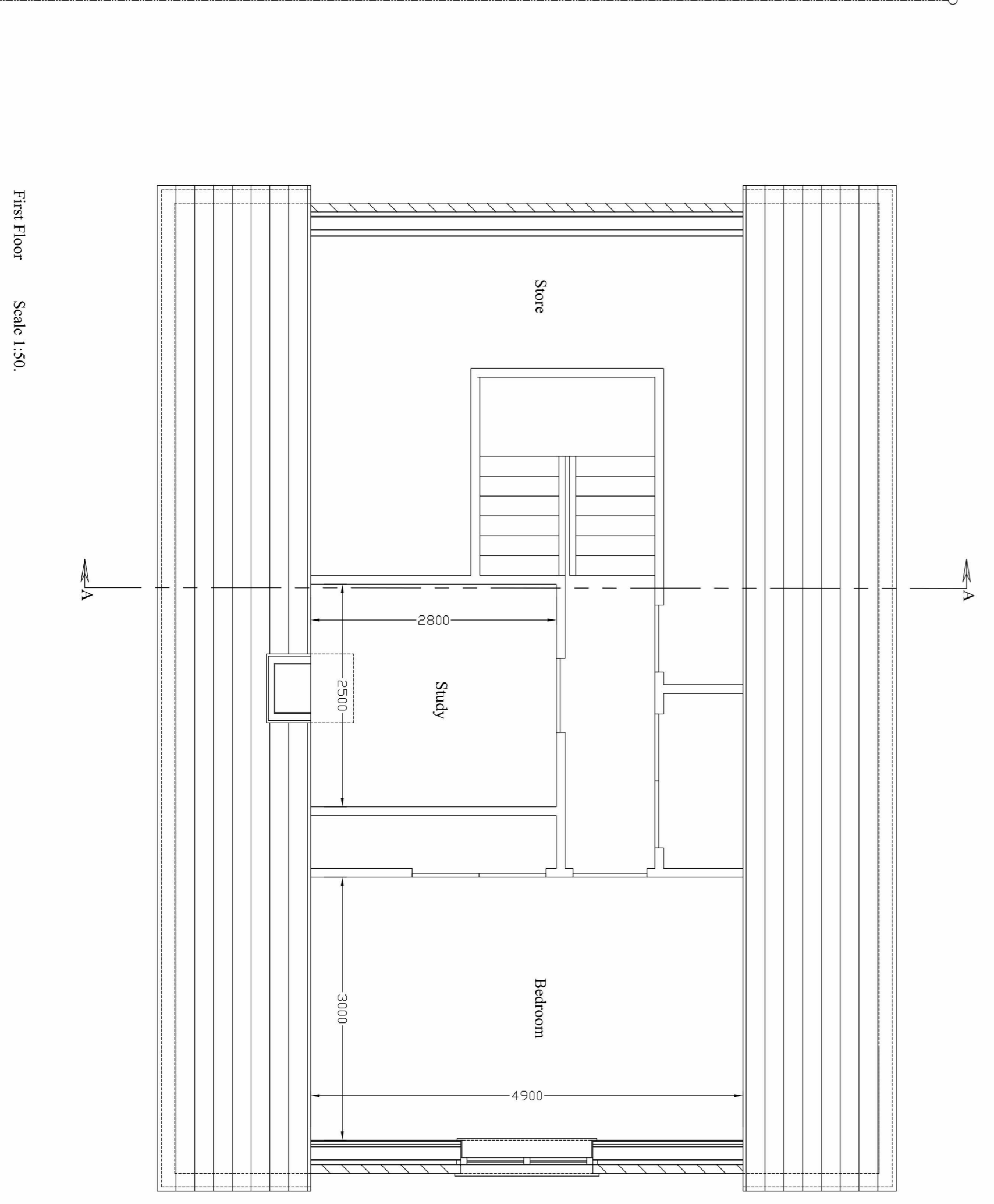
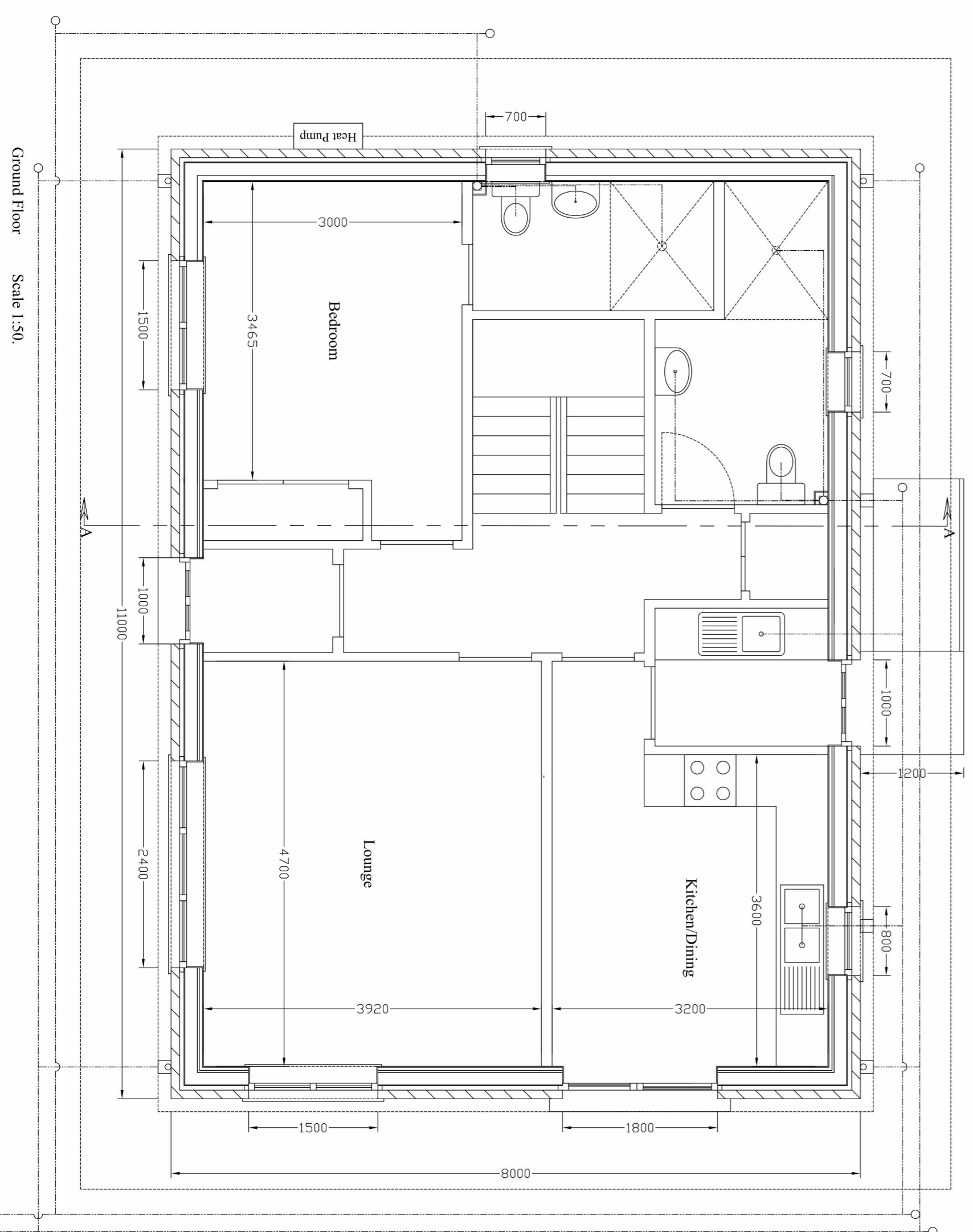
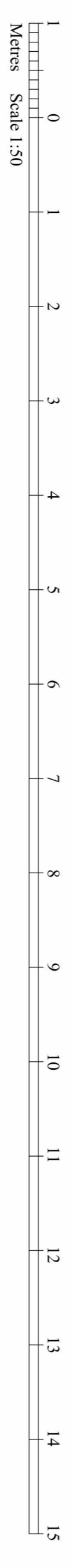
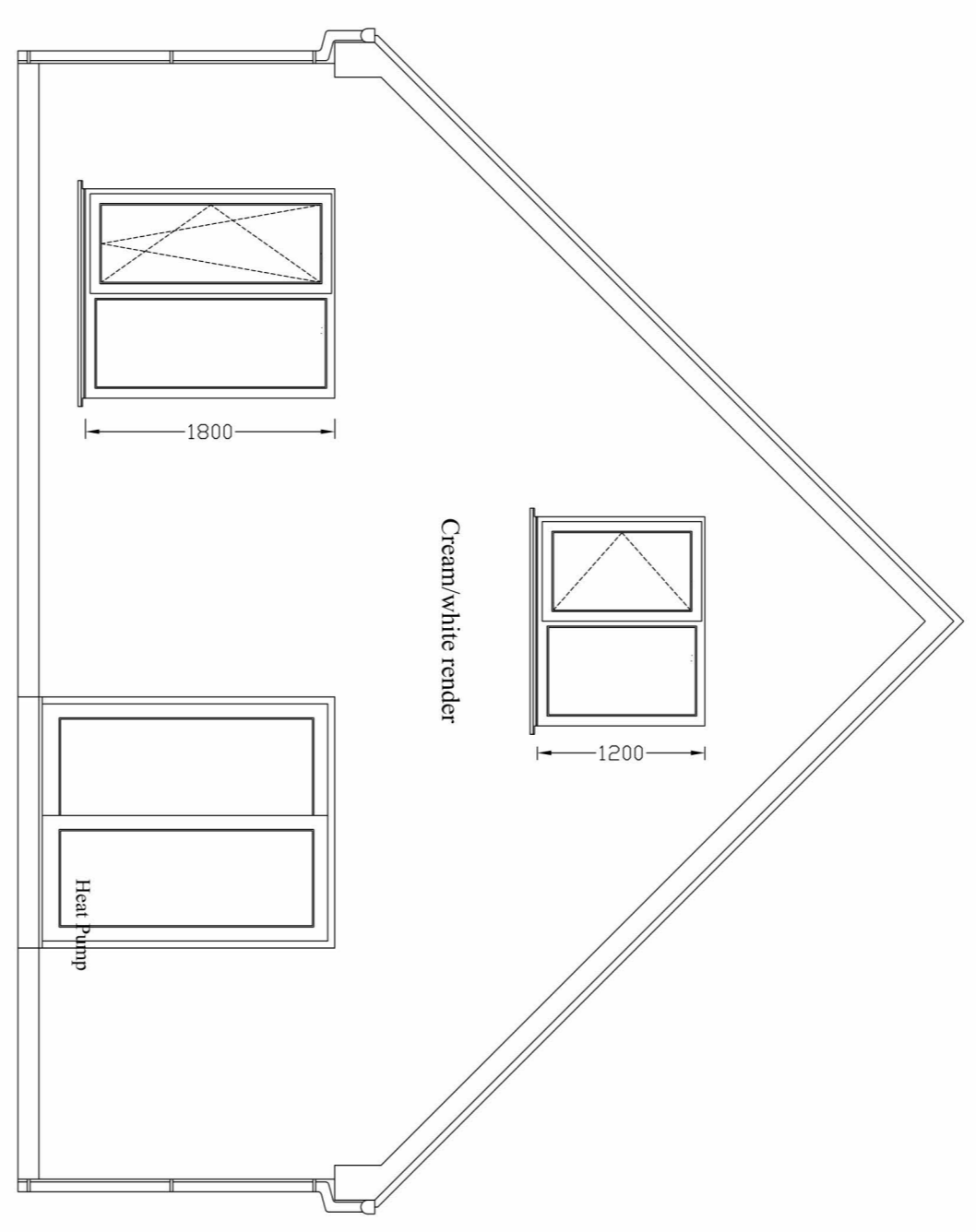
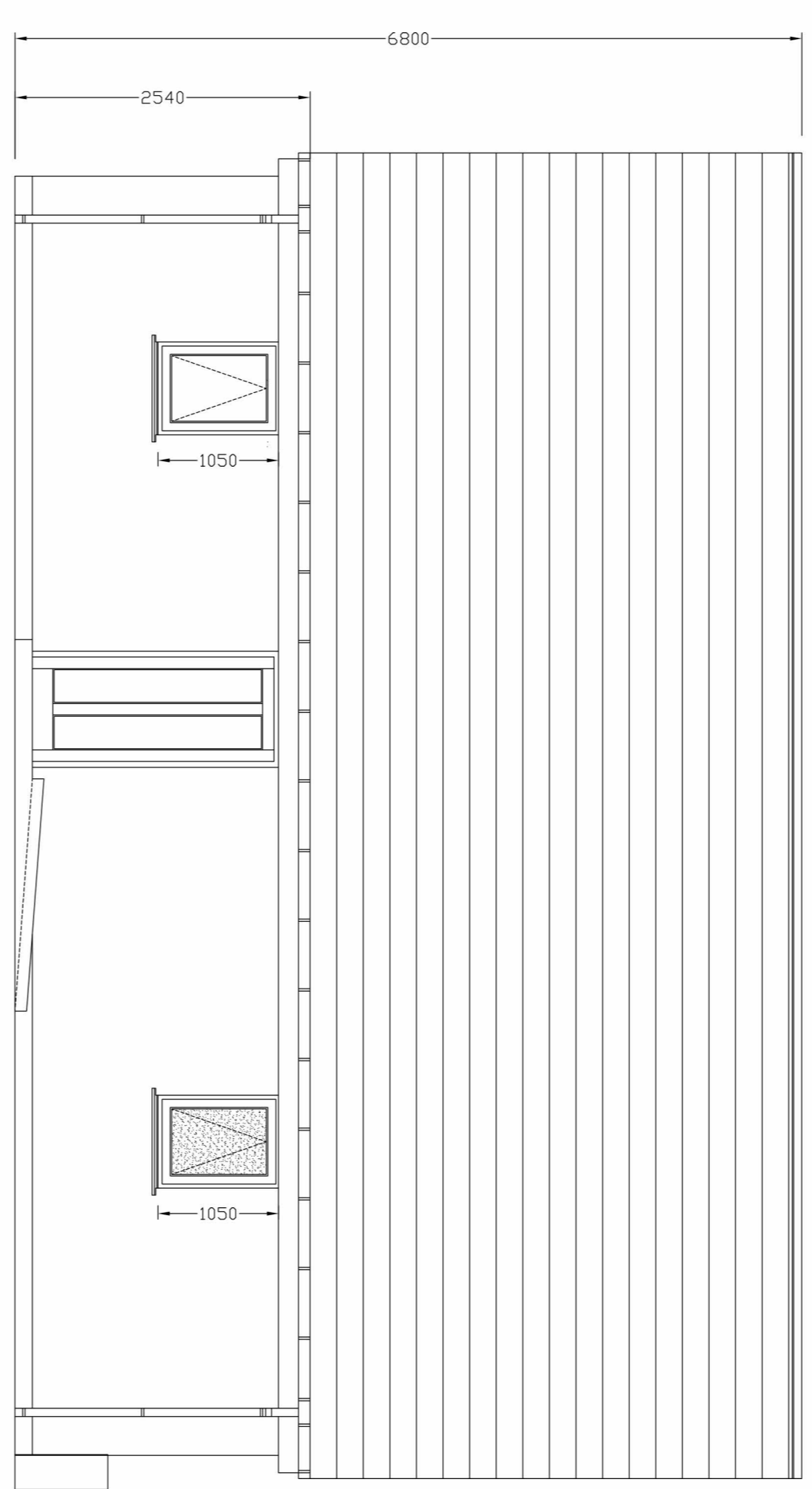
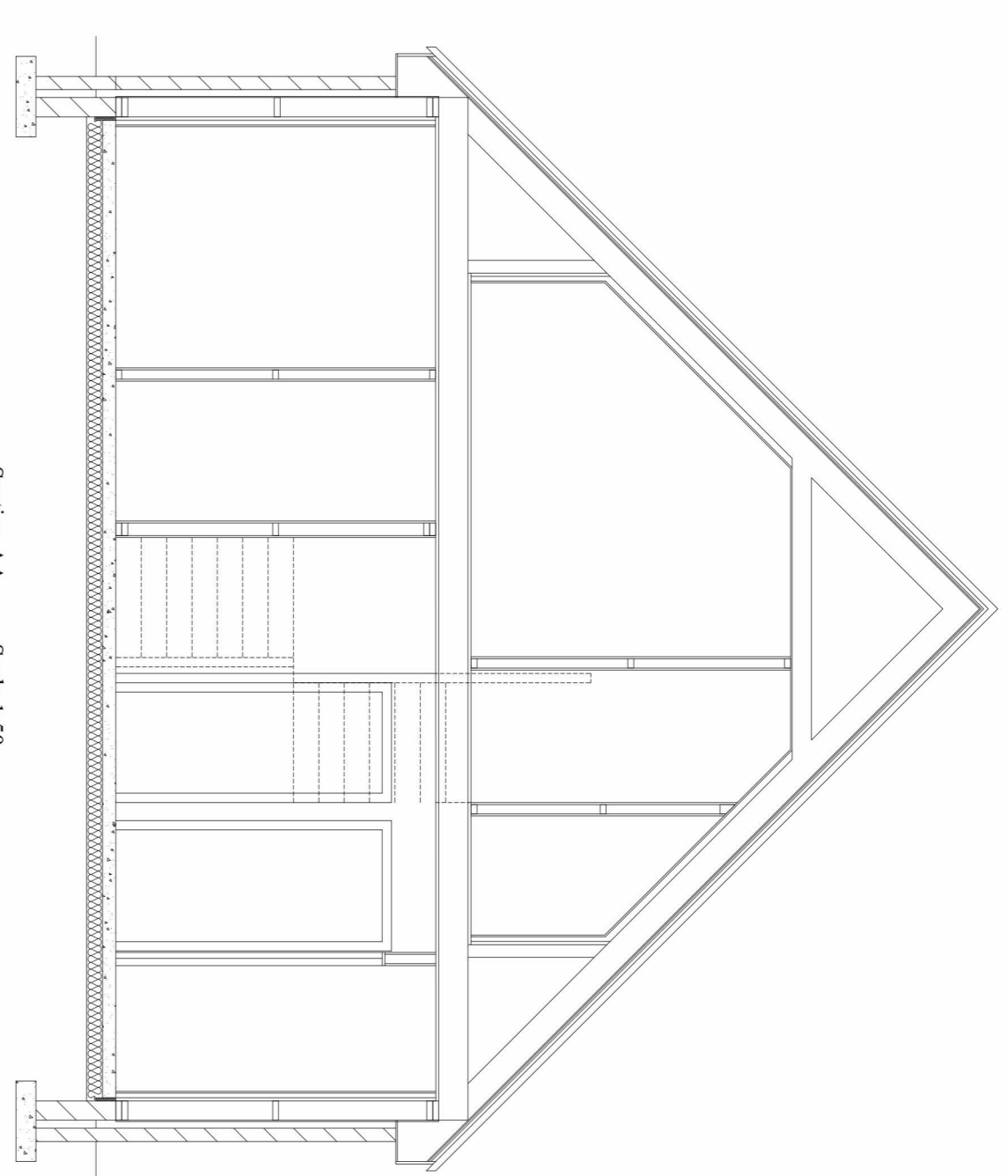
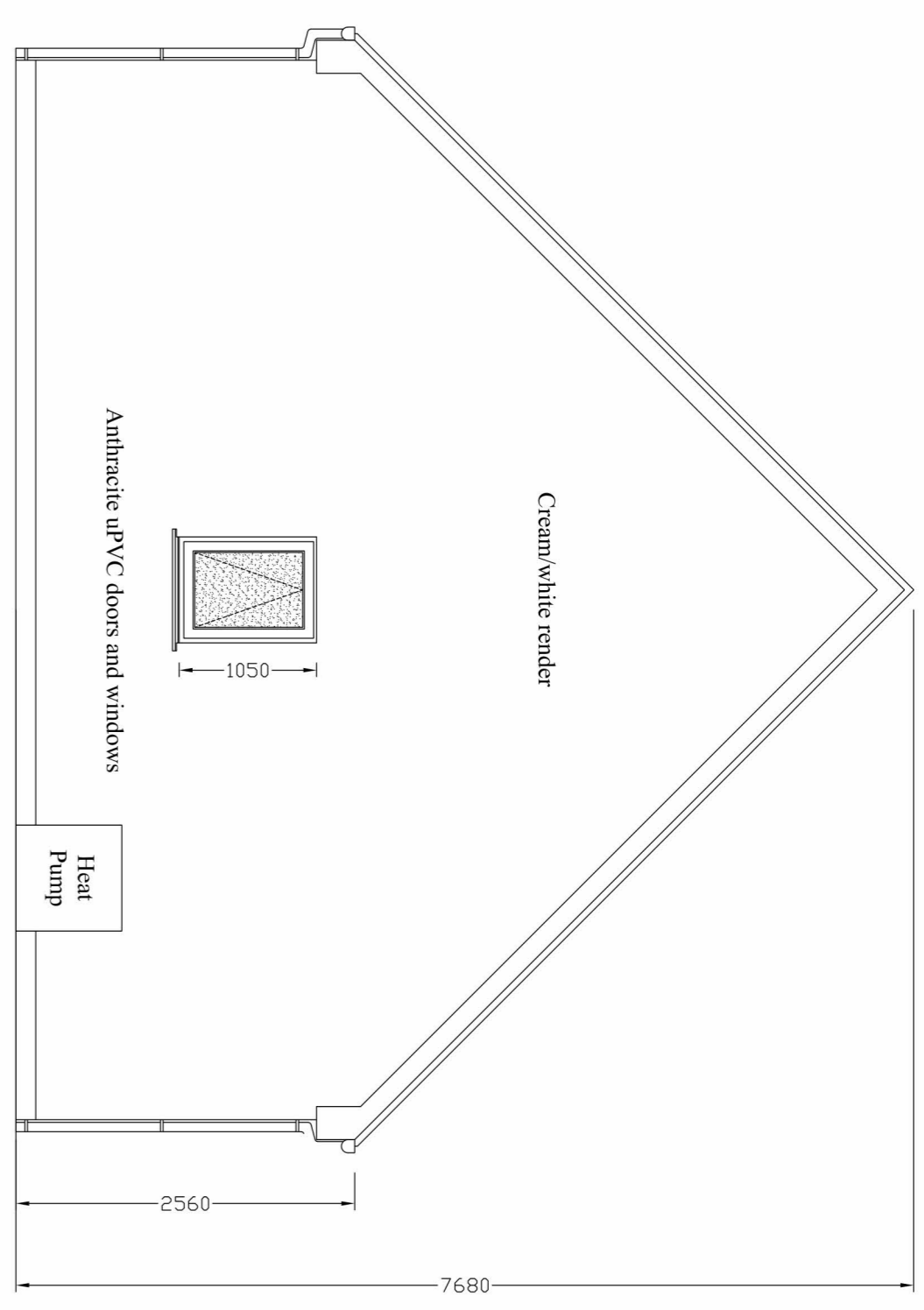
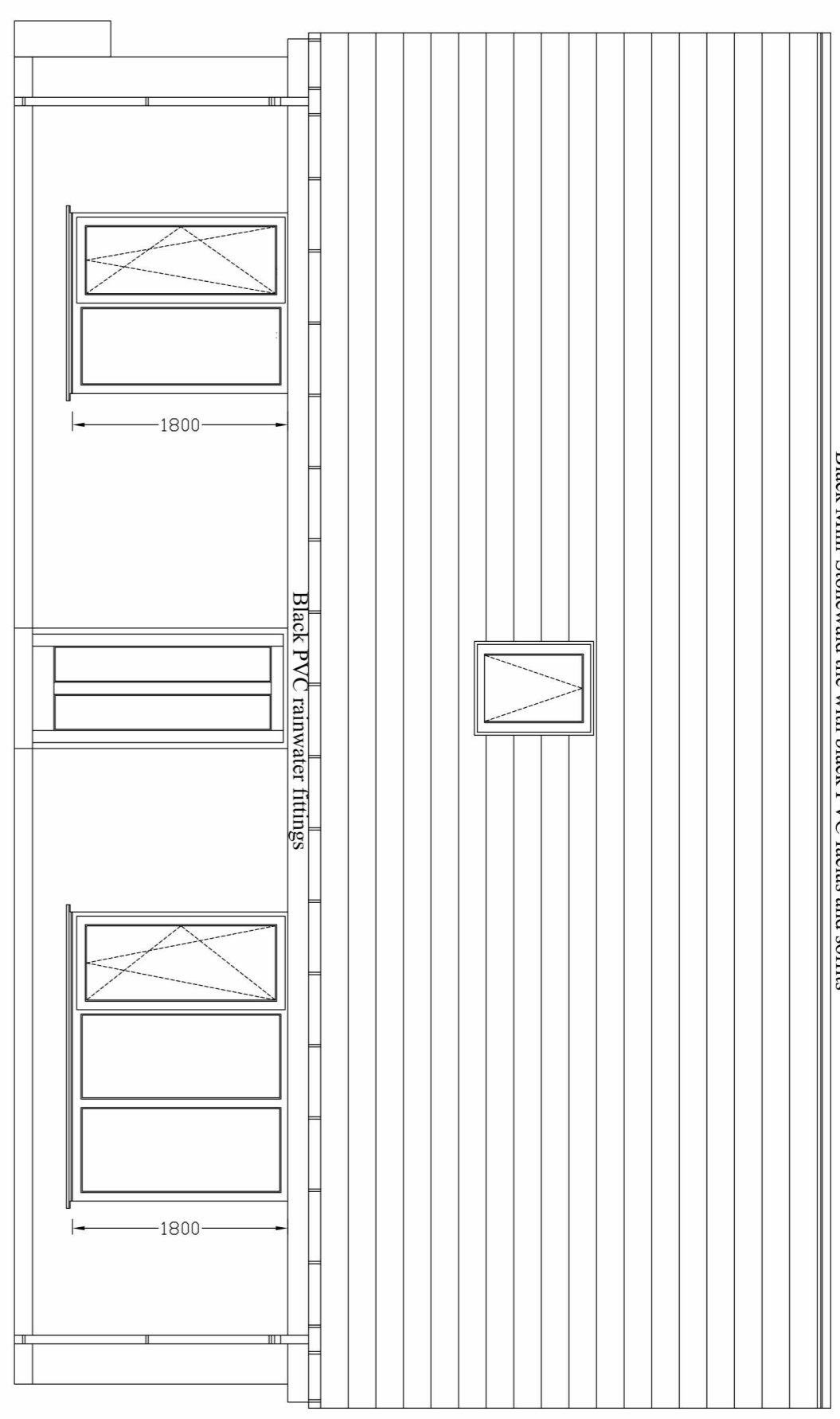
Note- The site is almost level with no exposed underbuilding

Area of Proposed House Site is 264.5m²
Footprint area of proposed house is 88.15m²
1/3rd of Site Area is 88.17m².

Area of Site remaining is 75.01m² + 85.50m²= 160.5m²
Footprint Area of Existing House is 55.6m².
1/3rd of Site Area is 53.5m² but there is a large communal area to the north east of 1 Lynnside.



Subdivision of Residential Curtilage, Erection of House,
Installation of Heat Pump & Demolition of Grange.
1 Lynnside, Kirkwall.
Plan Size A4. Drwg 1680/1/P Rev A
OS Licence No- ES100003740



S J Ormond Chartered Surveyors, 14 Victoria Street, Kirkwall, KW15 1DN. Tel: 01866 876215 Email: sjo@sjomond.co.uk Ethan: ethan@sjomond.co.uk		Project 1 Lyonside, Kirkwall.	
Title Subdivision of Residential Curtilage, Erection of House, Installation of Heat Pump & Demolition of Garage.		Client Alfred Fiat, Ltd, W Kirkcaldy, SI M17 7S, Holland.	
Date April 2024.		Drawing No SIO	
Scale As shown.		Project No 16802/P	
		Page No A1	
		Rev A	



ORKNEY ISLANDS COUNCIL BIODIVERSITY FORM FOR PLANNING APPLICATIONS TO BE COMPLETED AND SUBMITTED WITH PLANNING APPLICATIONS	
Planning reference or address of development:	Site at 1 Lynnside, Kirkwall.
Date of form completion:	9 th April 2024.
Person/company completing form:	Stephen J Omand, FRICS Agent.
Baseline - what's there	
<p>Please provide photographs to give an overview of the habitats and features present on site, and, referring to the photographs, describe below the dominant habitat type and most recent land use. If the land use has recently changed please also describe the previous known land use. List any species of note that use the site. (Example level of information: grass, grazed field, brown hare and curlew; coastal heath, rough grazing for sheep, Arctic skua; heather moorland, unmanaged, short eared owl; livestock fodder crops, agricultural field, geese; unmanaged meadow, previously livestock grazing field until farm changed hands last year, unknown; urban brownfield site previously with flats on it (demolished 5 years ago) within existing settlement, none as it's a concrete slab; etc).</p> <p>Please provide a site layout plan that shows the location of existing broad habitat types and biodiversity features such as wetter/drier areas, ditches, watercourses, trees and shrubs, stone walls, ditches, invasive plant species, etc, both within and adjoining the proposed development site. The biodiversity features should be marked on a site layout plan that shows all elements of the proposed development, including infrastructure such as roads, paths, services, drainage, electricity lines, etc. (This is to enable assessment of how the existing biodiversity features might be affected by the construction and use of the proposed development. It can also be helpful to include photographs of the biodiversity features and their context within the site.)</p>	
<p>Starling, wren, house sparrow, blackbird, etc. Laid to grass with no variety of plant species. Stone dyke to north west boundary.</p>	

Minimising effects on existing biodiversity (conserving and restoring)

Referring to the plan provided above, please describe below how you have minimised adverse effects on existing biodiversity through siting, design and layout that retains existing habitats and features of biodiversity value, and where this has not been possible, please explain why.

Where relevant, please also describe how degraded existing biodiversity features are going to be restored. (Restoration will not be applicable to all sites.)

There is no existing biodiversity.

Enhancement of biodiversity

Please list below what enhancement measures you intend to include and explain what they are seeking to achieve. Please include common and Latin names of plant species and where the plants or seeds will be sourced from. (This is to check that species appropriate to the site and Orkney conditions are used.)

Please provide a site layout plan that shows the location of enhancement measures. The enhancement measures should be marked on a site layout plan that shows all elements of the proposed development, including infrastructure such as roads, paths, services, drainage, electricity lines, etc. (This is to enable assessment of how the construction and use of the proposed development might interact with the proposed enhancement measures.)

Ribes sanguineum (flowering currant) to north west boundary..
Retain stone dyke.

Monitoring and maintenance of biodiversity retained and enhanced

Please describe below how will the retained and enhanced biodiversity features and measures be monitored and maintained in the longer term to ensure they continue to benefit biodiversity, and who will be responsible for monitoring and maintenance. (Where detailed information on monitoring and maintenance will be provided in a landscaping or other site management plan to be submitted with the planning application, please provide the document title, author and date, and summarise the information below.)

To be regularly maintained by owners.

Advice

If you have sought or received advice about what is present on or makes use of the proposed development site and / or how to safeguard, restore and enhance biodiversity, please list below who has given you advice. (For example, an ecological consultant, others with relevant local knowledge, etc.)

Where advice has been received, please summarise it below and provide a copy if advice was given in writing.

General advice from Biodiversity Officer.

Please describe how have you incorporated any advice you received into the proposed development, and if not, please explain why not.



Aquarea High Performance Bi-bloc J Generation 1 Phase • R32

Aquarea, an innovative new low-energy system based on Air to Water heat pump technology

Aquarea warms your home effectively and efficiently, even with extreme outdoor temperatures. Aquarea can also cool space in summer and bring hot water all year round.

Aquarea High Performance is the range for new installations and low consumption homes. Outstanding efficiency and energy savings with minimised CO2 emissions and minimum space.

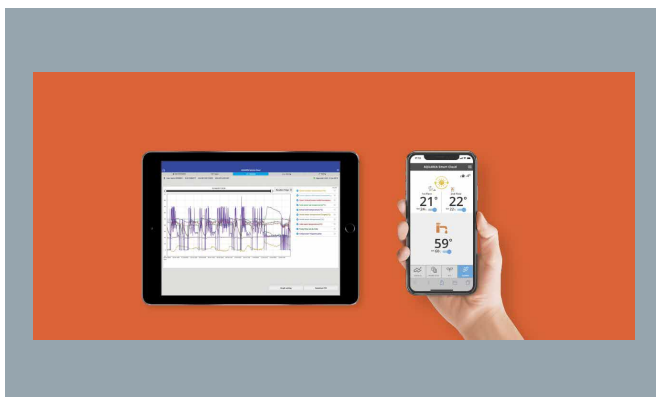
The Bi-Block system: The system, separate indoor and outdoor units, connects to the heating and/or hot water system.

- High efficient R32 refrigerant
- A+++ energy Class (average climate at 35°C water outlet)
- Maximum hydraulic module output temperature: 60°C
- Special software for low consumption homes with minimum output temperature: 20°C
- Works at temperatures as low as -20°C
- Cloud control and service with CZ-TAW1
- Easy-to-use remote controller
- Domestic hot water with external tank
- Easy installation and maintenance
- Built-in magnet water filter and flow meter, and automatic air purge valve



Aquarea with R32 Refrigerant.
A small change that changes everything.

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Aqueara High Performance BI-bloc J Generation 1 Phase • R32		SINGLE PHASE (Power to Indoor)
Kit		KIT-WC07J3E5
Heating capacity (A +7°C, W 35°C)	kW	7,00
COP (A +7°C, W 35°C)		4,76
Heating capacity (A +7°C, W 55°C)	kW	7,00
COP (A +7°C, W 55°C)		2,82
Heating capacity (A +2°C, W 35°C)	kW	6,85
COP (A +2°C, W 35°C)		3,41
Heating capacity (A +2°C, W 55°C)	kW	6,20
COP (A +2°C, W 55°C)		2,21
Heating capacity (A -7°C, W 35°C)	kW	5,60
COP (A -7°C, W 35°C)		2,87
Heating capacity (A -7°C, W 55°C)	kW	5,25
COP (A -7°C, W 55°C)		1,94
Cooling capacity (A 35°C, W 7°C)	kW	6,70
EER (A 35°C, W 7°C)		3,03
Cooling capacity (A 35°C, W 18°C)	kW	6,70
EER (A 35°C, W 18°C)		4,72
Heating average climate. Seasonal energy efficiency (W 35°C / W 55°C)	ηs %	193 / 130
Heating average climate. Seasonal energy efficiency (W 35°C / W 55°C)	SCOP	4,90 / 3,32
Heating average climate. Energy class (W 35°C / W 55°C) (1)	A+++ to D	A+++ / A++
Heating warm climate. Seasonal energy efficiency (W 35°C / W 55°C)	ηs %	227 / 160
Heating warm climate. Seasonal energy efficiency (W 35°C / W 55°C)	SCOP	5,75 / 4,07
Heating warm climate. Energy class (W 35°C / W 55°C) (1)	A+++ to D	A+++ / A+++
Heating cold climate. Seasonal energy efficiency (W 35°C / W 55°C)	ηs %	164 / 116
Heating cold climate. Seasonal energy efficiency (W 35°C / W 55°C)	SCOP	4,18 / 2,98
Heating cold climate. Energy class (W 35°C / W 55°C) (1)	A+++ to D	A++ / A+
Indoor unit		WH-SDC0709J3E5
Indoor sound pressure (Heat)	dB(A)	30
Indoor sound pressure (Cool)	dB(A)	30
Indoor dimension (Height)	mm	892
Indoor dimension (Width)	mm	500
Indoor dimension (Depth)	mm	340
Indoor net weight	kg	42
Water pipe connector	Inch	R 1¼
A class pump (Number of speeds)		Variable Speed
A class pump (Input power Min)	W	34
A class pump (Input power Max)	W	114
Heating water flow (ΔT=5 K, 35°C)	L/min	20,10
Capacity of integrated electric heater	kW	3,00
Indoor recommended fuse	A	15 / 30
Recommended cable size, supply 1	mm²	3 x 2,5
Recommended cable size, supply 2	mm²	3 x 1,5
Outdoor unit		WH-UD07JE5
Outdoor sound power part load (Heat) (3)	dB(A)	59
Outdoor sound power full load (Heat)	dB(A)	68
Outdoor sound power full load (Cool)	dB(A)	67
Outdoor dimension (Height)	mm	795
Outdoor dimension (Width)	mm	875
Outdoor dimension (Depth)	mm	320
Outdoor net weight	kg	61
Refrigerant (R32) / CO2 Eq.	kg / T	1,27 / 0,857
Pipe diameter (Liquid)	Inch (mm)	1/4 (6,35)
Pipe diameter (Gas)	Inch (mm)	5/8 (15,88)
Pipe length range	m	3 ~ 50
Elevation difference (in/out)	m	30
Pipe length for additional gas	m	10
Additional gas amount	g/m	25
Operation range (Outdoor ambient)	°C	-20 ~ +35
Water outlet (Heat)	°C	20 ~ 60
Water outlet (Cool)	°C	5 ~ 20

(1) Sound power in accordance to 8112013,81312013 and EN12102-1:2017 at +7°C.
EER and COP calculation is based in accordance to EN14511.

Complementary products



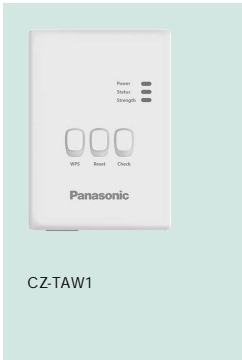
PAW-A2W-RTWIRED



PAW-A2W-RTWIRELESS



CZ-NS4P



CZ-TAW1



PAW-TD20C1E5

9th April 2024.

Planning and Community Protection,
Neighbourhood Services and Infrastructure,
Orkney Islands Council,
Council Offices,
Kirkwall,
KW15 1NY

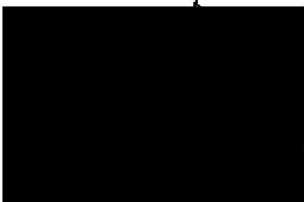
Dear Sirs,

**Subdivision of Residential Curtilage.
1 Lynnside, Kirkwall.
Alfred Flett Ltd.**

Please find enclosed an application in respect of the above.

To clarify, the ownership of the property does include the path around the original house. This was actually missed, when outlining the full site boundaries in respect of the recent application to fully renovate the existing house. As well as the land that passes with 1 Lynnside there is also a sizable shared paved area to the north east of the existing house.

Yours faithfully,



Stephen J Omand, FRICS.

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Planning Handling Report

Erect a house with an air source heat pump

1. Summary

Application Number:	24/156/PP
Application Type:	Planning Permission
Address:	1 Lynnside, Lynn Road, Kirkwall
Applicant:	Alfred Flett Ltd., Workshop, St Mary's, Holm, Orkney KW17 2RU
Agent:	Stephen Omand, 14 Victoria Street, Kirkwall, Orkney KW15 1DN

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. Development and Marine Planning (Policy)

"We would advise that since the advice you provided at the pre application stage there has been no change in the status of the LDP and its planning policies. Therefore the policies that you highlighted as part of the pre-app stage advice are all still relevant."

2.2. Development and Marine Planning (Environmental Planner)

"Biodiversity measures proportionate to the nature and scale of the proposed development have been included, as described in the submitted Biodiversity form (dated 9 April 2024) and shown on the 1:500 site plan drawing (reference 1680/1/P revision A, undated, published 5 June 2024). A condition is required to ensure the proposed biodiversity measures are carried out and therefore contribute to meeting the requirements of National Planning Framework 4 (NPF4) policy 3 on biodiversity..."

2.3. Roads Services

Roads Services have raised no objection to the proposal, provided that the standard informative regarding compliance with Sections 56 and 95 of the Roads (Scotland) Act 1984 and that any damage caused to the existing road infrastructure is repaired, are attached to any approval.

2.4. Environmental Health

“Having reviewed the information that has been supplied in support of the application, Environmental Health recommend the standard condition...be applied...”

2.5. Kirkwall Airport (Senior Pilot)

No response has been received to date from Kirkwall Airport, however, it is noted that in the past this consultee has stated that they do not respond if they have no comment.

2.6. Scottish Water

No objection.

3. Pre-Application Advice

3.1.

Pre-application advice has been sought for the redevelopment of 1 Lynnside, St Ola since the original house was destroyed by fire in 2022, first by the original owner of the property and latterly by the agent for the current application.

3.2.

After the original house on the site was destroyed by fire early in 2022, the previous owner of 1 Lynnside contacted Development Management for pre-application advice regarding either reinstating the house or building a new house on the garden ground. Their preference at that time was to build a new house on the garden ground (as the current application under 24/156/PP) but to remove the existing dwelling. Therefore, only one house would be built, but advice was provided for both options, as at that time the owner was not 100% sure which option they would be take. Since that time, it would appear that the property at 1 Lynnside has been sold on to the applicant for the current application and also 23/022/PP.

3.3.

In 2023, an application was received from the agent for the current application for the erection of a house on the site of the former house at 1 Lynnside. That application addressed concerns regarding scale and residential amenity and retained the garage and garden ground across the access track as the amenity space/garden for that dwelling. There is no other dedicated private garden/amenity area specifically for the dwelling at 1 Lynnside immediately adjacent to that property. The application was approved with conditions on 24 April 2023 and works have commenced on the approved house.

3.4.

In September 2023, a Pre-Application Enquiry was received from the current agent (on behalf of the applicant) regarding the development of the private garden ground/amenity space at 1 Lynnside for a new house. In October 2023 the Case Officer spoke to the agent by telephone and advised that whilst there is a presumption, in principle for the development of new dwellings within settlements under OLDP 2017

Policy 5A – Housing in Settlements where the development is within an allocated housing site or “consists of infill development, conversion, the redevelopment of derelict land/existing premises and the sub-division of garden grounds” they should also (1) look at other relevant policies and guidance of the OLDP 2017 and NPF4 to ascertain the requirements of the relevant policies and to ascertain whether the proposal would be able to comply with them, (2) that the area of land which is the subject of the Pre-Application Enquiry is the garden area (which also contains a garage) for the dwelling at 1 Lynnside (a replacement house at 1 Lynnside was granted planning permission under 23/022/PP and an initiation of development form was submitted stating that works were due to commence on 28 July 2023, (3) residential amenity is material and that the developer should ensure that a house on the proposed site will not impact upon the residential amenity of nearby dwellings and (4) that it would appear that the proposed development of the garden ground site which also has parking provision for 1 Lynnside (and that it does not appear that there is any other private garden ground or amenity space attached to 1 Lynnside), would result in no/little garden ground/amenity space, parking for the occupants of the dwelling at 1 Lynnside and would be considered detrimental to the amenity of that property, which would be unacceptable and the development of the whole of the garden ground/amenity space belonging to 1 Lynnside to provide another house would result in the approved dwelling at 1 Lynnside being unable to comply with OLDP 2017 Policies and Guidance.

3.5.

The agent contacted the Case Officer again on 21 November 2023 regarding the same development (2nd Opinion) and the Case Officer stated that they would raise/discuss this at the next Development Management Team Meeting and would consult the Development and Marine Planning (Policy) Team. Following the Development Management Team Meeting on 22 November 2023, the Case Officer e-mailed the agent to advise that the consensus of opinion was as previously advised, and that the development, as proposed at that time, could not be supported.

3.6.

A consultation response was received from the Development and Marine Planning (Policy) Team on 28 November 2023 and an e-mail was sent to the agent on 1 December 2023 stating the following:

“Further to my telephone conversation with you on 21 November 2023 regarding your planning enquiry for the land at Lynnside, Kirkwall and my subsequent discussion with other members of the Planning Team at our team meeting and consultation with the Policy Team (to ascertain the policy position).

In my e-mail to you of 23 November 2023, I advised that the general consensus regarding the proposal, following the discussion with other members of the Planning Team, is as previously advised, and could not be supported.

A response has now been received from the Policy Team (Development and Marine Planning). They have raised that in addition to other policies of the OLDP 2017, the following guidance on page 9 of Planning Policy Advice ‘Amenity and Minimising

Obtrusive Lighting (2021) (<https://www.orkney.gov.uk/Service-Directory/R/amenity-and-minimising-obtrusive-lighting.htm>) is relevant:

“Residential Amenity Criterion 1 – The Creation and Protection of Dedicated Outside Space for Housing Development C1.01 All housing development is required to have dedicated outside space or garden ground to meet the recreational and domestic needs of the residents. This space should provide for passive and active recreational activity such as sitting out, entertainment, playing, gardening and clothes drying.”

By developing a separate residential property on this space (garden ground and garage for 1 Lynnside) will result in no dedicated outside space or garden ground to meet the recreational and domestic needs of the existing resident of 1 Lynnside, and therefore the proposed development could not be supported.”

3.7.

On 15 January 2024, the agent e-mailed the Case Officer regarding the proposed development and the pre-application correspondence sent to the original owner of 1 Lynnside in February 2022 (see Section 3.2 above) and asked if it would mean that a house could be built on the garden area.

3.8.

A full response was sent to the agent on 29 January 2024, (1) clarifying that the advice given to the previous owner of 1 Lynnside was to **either** reinstate the house **or** build a new house on the garden ground, and was for one house only and (2) reiterating the previous advice given to the agent and reasons why the development of a house on the garden ground (in addition to the reinstated house on the original house site) could not be supported. However, it was for the agent and/or their client to decide whether or not to submit a planning application for the development.

3.9.

The current planning application (24/156/PP) and associated documents submitted for the development of a house on the garden ground of 1 Lynnside has been fully assessed on its own merits on the proposal as submitted, against relevant policies, guidance and material planning considerations.

4. Publicity

4.1.

The proposed development was advertised on 13 June 2024 in the ‘Orcadian’ newspaper under the Town and Country (Development Management Procedure) (Scotland) Regulations 2013 Notice Under Regulation 20 and by neighbour notification on 7 June 2024. The proposed development was also included on the Weekly List dated 3 June 2024 which is freely available to view on the Council’s Planning Website. No representations or objections have been received.

5. Representations

5.1.

None

6. Relevant Planning History

Reference	Proposal	Location	Decision	Date
23/022/PP	Erect a house	1 Lynnside, 1 Lynn Road, Kirkwall	Grant subject to conditions	24.04.2023

7. Relevant Planning Policy and Guidance

7.1. Orkney Local Development Plan 2017

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 following policies are relevant to this application:

Orkney Local Development Plan (2017):

- Policy 1 – Criteria for All Development
- Policy 2 – Design
- Policy 5A – Housing in Settlements
- Policy 7C – All Renewables and Low Carbon Developments
- Policy 9C – Wider Biodiversity and Geodiversity
- Policy 9G - Landscape
- Policy 13B –Sustainable Drainage Systems (SuDS)
- Policy 13C – Waste Water Drainage
- Policy 14B – Sustainable Travel
- Policy 14C – Road Network Infrastructure

Guidance:

- Supplementary Guidance: Settlement Statements – Kirkwall (2017)
- Supplementary Guidance: Energy (2017)
- Supplementary Guidance: Natural Environment (2017)
- Planning Policy Advice: Amenity and Minimising Obtrusive Lighting (2021)
- Development Management Guidance: National Roads Development Guide (2015)

National Planning Framework 4: Policies

- Policy 2 – Climate Mitigation and Adaption
- Policy 3 – Biodiversity
- Policy 11 – Energy
- Policy 14 – Design, Quality and Place
- Policy 15 – Local Living and 20 Minute Neighbourhoods
- Policy 16 – Quality Homes
- Policy 22 – Flood Risk and Water Management

7.2. Status of the Local Development Plan (OLDP 2017)

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.

7.3. Status of National Planning Framework 4 (NPF4)

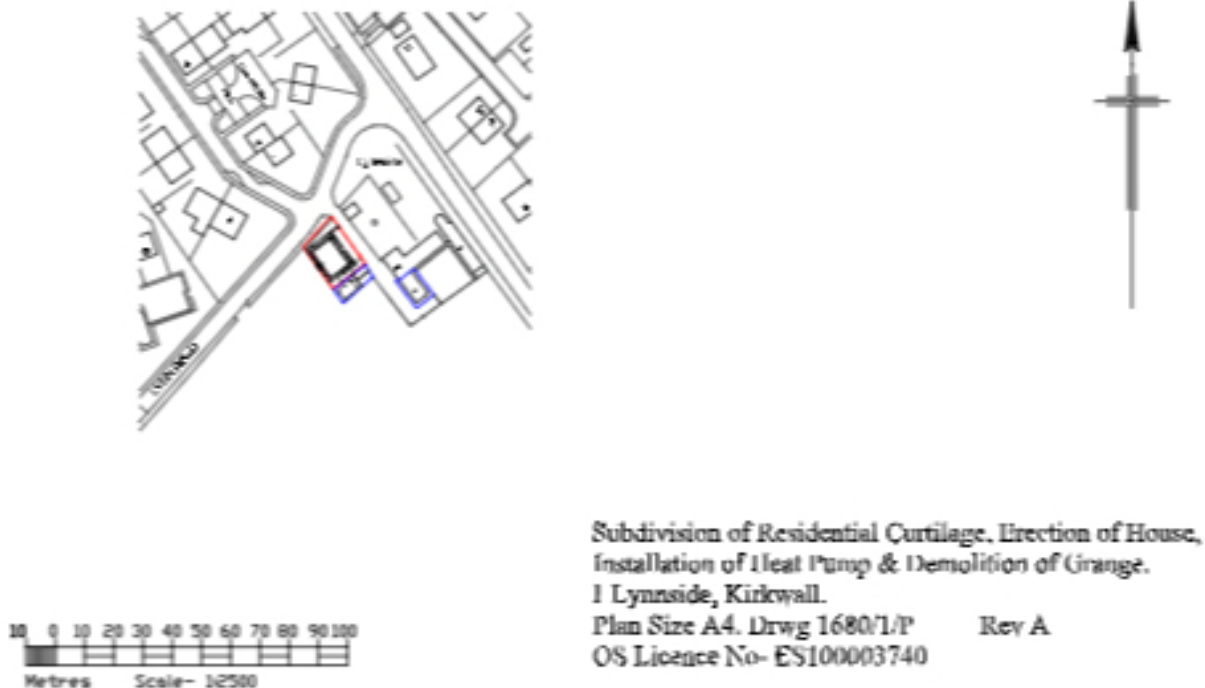
The National Planning Framework 4 (NPF4) was adopted by Scottish Ministers on 13 February 2023, following approval by the Scottish Parliament in January 2023. The statutory development plan for Orkney consists of the National Planning Framework and the Orkney Local Development Plan 2017 and its supplementary 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.

8. Assessment

8.1. Proposal

8.1.1.

The proposed development seeks the subdivision of the garden of the dwelling at 1 Lynnside, off Lynn Road, Kirkwall in order to erect a new house with an air source heat pump. The garden area of 1 Lynnside is across a track from the house, as can be seen on the following location plan (the area of garden ground to provide the new house site is outlined in red and the remaining domestic curtilage on both sides of the track (which includes the house) for 1 Lynnside is outlined in blue). The existing garage on the garden area to the west of the track and adjacent to the proposed house site would be demolished and this smaller site used as amenity area for the replacement dwelling currently being constructed at 1 Lynnside under 23/022/PP.



8.2. Housing Policy

8.2.1.

Under Policy 5A of the Orkney Local Development Plan 2017 (OLDP 2017) there is provision for the erection of new dwellings within settlement boundaries, either on allocated sites or on other sites (including infill and sub-divided garden ground or where it consists of the redevelopment of derelict land/existing premises) provided that the development would also meet other policies of the plan and any other material planning considerations, including relevant Supplementary Guidance.

8.2.2.

1 Lynnside and its garden ground (which forms the application site) are within the settlement boundary of Kirkwall.

8.2.3.

Being within the settlement boundary, the property would be within a 20 minute journey (by various means) to public transport, employment, shopping, healthcare facilities, schools and areas used for recreation, which would comply with the requirement under NPF4 Policy 15 – Local Living and 20 Minute Neighbourhoods and also the requirement for being ‘connected’ under NPF4 Policy 14 (b).

8.2.4.

Under NPF4 Policy 16, “Development proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances...” including: (f, ii and iii) “the proposal is for smaller scale opportunities within an existing settlement boundary”, that “the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20 minute neighbourhoods.”

8.2.5.

Taking account that there is a general presumption for housing development within settlement boundaries and that the development would be within a 20 minute journey from local amenities/facilities and would be a smaller scale opportunity within an existing settlement boundary, and with regard to these requirements only, in principle, it is considered that the proposal would comply with relevant parts of OLDP 2017 Policy 5A – Housing in Settlements, and NPF4 Policies 14 – Design, Quality and Place (b, Connected), 15 - Local Living and 20 Minute Neighbourhoods and 16 – Quality Homes. However, the proposal is also required to be considered against other policies of the plan and relevant guidance and material planning considerations, which will be considered in the following report.

8.3. Design and Appearance

8.3.1.

The proposed dwelling would have a footprint of 11m x 8m (88 square metres), would be over two floors and would have an overall height of 7.680m. The proposed dwelling would be offset from the dwelling at 2 Lynnside and would face towards the garden of that dwelling.

8.3.2.

The proposed materials, which would be similar to those used on other dwellings within Kirkwall and in the wider Orkney area, include Mini Stonewold flat profile concrete tiles in colour: black to the roof, render in colour cream/white to the walls, uPVC doors and window frames in colour: Anthracite/Dark Grey uPVC and rainwater goods, fascias and soffits in colour: black. The materials are considered acceptable and would not be out of character with the local environment.

8.3.3.

Therefore, in terms of materials, scale and design, it is considered that those proposed would comply with the requirements of OLDP 2017 Policy 2– Design and NPF4 Policy 14 – Design, Quality and Place (b – Distinctive).

8.4. Scale and Density

8.4.1.

The site is located within a fairly high density residential area in Kirkwall, where plot sizes tend to be smaller than in some other areas of the town and within the wider Orkney.

8.4.2.

The proposed dwelling would be one and a half storey in height (6.8m) which would be comparable to other dwellings within the area, which tend to be single storey and storey and a half, and the houses at 1 and 2 Lynnside are also over single storey in height. The footprint of the proposed house would be 88 square metres (11m x 8m) which would be one third of the proposed site area, which is 264.5 square metres,

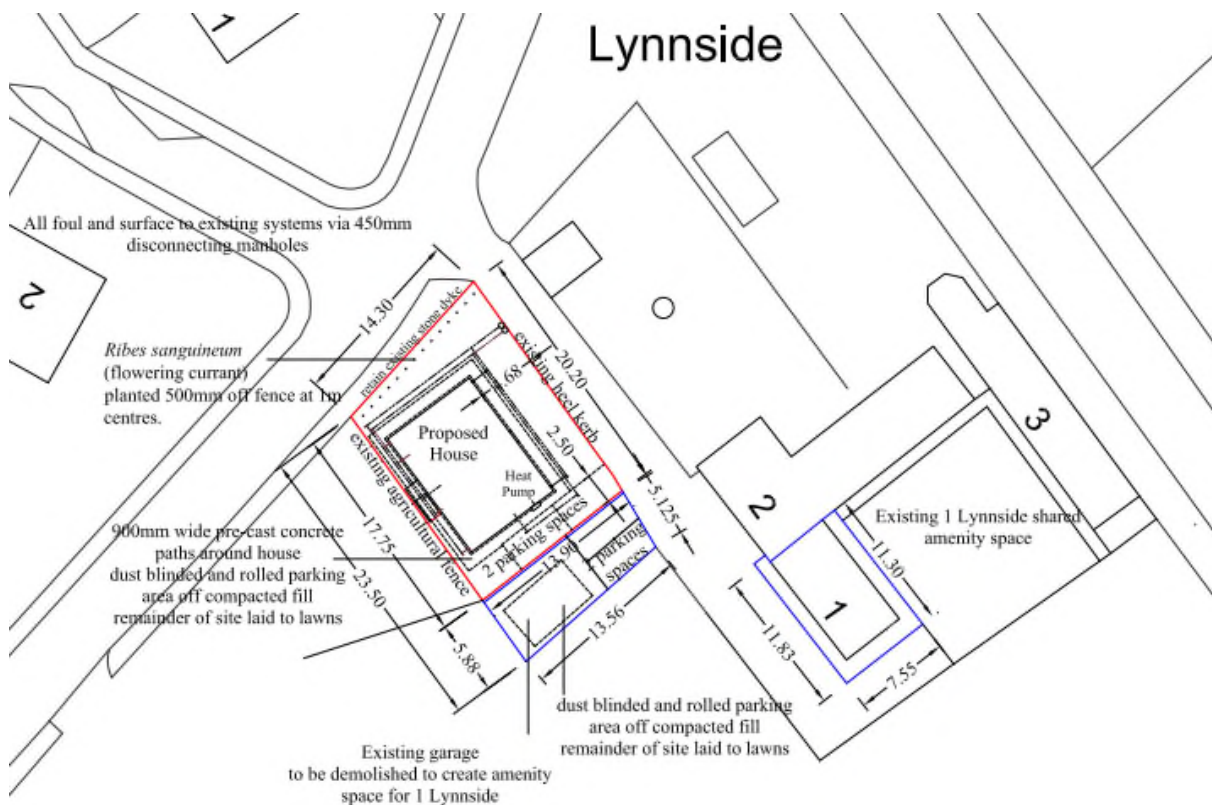
which in principle, would be an acceptable house/domestic curtilage ratio. However, it is crucial that the development is also assessed against other considerations.

8.4.3.

In this case, it should be noted that the site and garden/domestic curtilage of the currently proposed house would be formed from the garden/domestic amenity space of the dwelling at 1 Lynnside.

8.4.4.

Whilst the submitted plan indicates that an area of the garden, measuring in the region of 75 square metres (currently occupied by a domestic garage which would be demolished) would be retained by 1 Lynnfield as amenity space and parking area together with the small area of surrounding the house at 1 Lynnside, which would be approximately 26.63 square metres (Whole area including house: 85.50 square metres – 58.87 square metres (house at 1 Lynnside approved under 23/022/PP) = 26.63 square metres remaining), the total amenity space available to the house at 1 Lynnside would be approximately 101.63 square metres. Just less than half of the proposed amenity area retained by 1 Lynnside that is adjacent to the development site proposed by the current application (24/156/PP) would be retained for parking at 1 Lynnside, with the remaining area set to lawn.



8.4.5.

Relevant policies and guidance under which this element of the proposal is required to be considered include OLDP 2017 Policies 1 - Criteria for All Development, 5A – Housing in Settlements, NPF4 Policy 14 – Design, Quality and Place and Planning Policy Advice: Amenity and Minimising Obtrusive Lighting (2021).

8.4.5.1. OLDP 2017 Policy 1 – Criteria for All Development

Parts of OLDP 2017 Policy 1, relevant to this element of the proposal state the following:

Development will be supported where:

i. It is sited and designed taking into consideration the location and the wider townscape, landscape or coastal character

ii. The proposed density of the development is appropriate to the location

iv. The amenity of the surrounding area is preserved and there are no unacceptable adverse impacts on the amenity of adjacent and nearby properties/users

Comment: The proposed dwelling would be located within the settlement boundary of Kirkwall and there are similarly designed houses within the area. However, it is considered that the resultant garden/amenity space for the dwelling at 1 Lynnside after the subdivision of their garden/amenity area to facilitate the proposed development would result in an inadequate dedicated garden/private amenity area for the residents of 1 Lynnside which would be out of character with the adjacent dwellings at 2 and 3 Lynnside (who also share the communal area, but also have private gardens), would not be sufficient for the 2 bedroom replacement house that was approved at 1 Lynnside under 23/022/PP and it is considered to be overdevelopment of the site. Therefore, the development would be contrary to OLDP 2017 Policy 1 (ii, iv) – Criteria for All Development.

8.4.5.2. OLDP 2017 Policy 5A – Housing in Settlements

The proposed development site is located within the settlement boundary of Kirkwall.

Under part (iii) of OLDP 2017 Policy 5A it states that:

“There is a presumption in favour of appropriate residential development outwith allocations where it consists of infill development, conversion, the redevelopment of derelict land /existing premises and the sub-division of garden grounds.”

Comment: The proposed new house development would be located on subdivided garden ground belonging to the house at 1 Lynnside.

8.4.5.3. NPF4 Policy 14 – Design Quality and Place

NPF4 Policy 14 states the following:

a) Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.

b) Development proposals will be supported where they are consistent with the six qualities of successful places:

Healthy: Supporting the prioritisation of women's safety and improving physical and mental health.

Pleasant: Supporting attractive natural and built spaces.

Connected: Supporting well connected networks that make moving around easy and reduce car dependency

Distinctive: Supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity.

Sustainable: Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions.

Adaptable: Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time.

c) Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.

Comment: The design of the proposed dwelling, which would be similar to others within the area would be acceptable in terms of design, scale and materials and would be unlikely to have a detrimental impact upon the quality or character of the area.

The development would comply with being connected, as it is within an area that is within 20 minute distance of services within the settlement, with public transport walking and cycling options (20 minute neighbourhood), the proposed house design would be fairly similar in style and scale to other housing developments in the area and biodiversity is assessed in Section 8.10 of the report.

However, with regard to being adaptable, whilst it is considered that the proposed house could be maintained over time, any potential future change of use would be dependent upon full assessment under a separate future planning application, and due to the fact that the development site is located within a wholly residential area, only alternative uses that would be compatible with residential areas would be likely to be acceptable.

Due to the fact that the proposed development would take the majority of the garden/amenity space from the house at 1 Lynnside to provide the development site for the proposed new house, leaving only approximately 101.64 square metres of amenity space and access to a communal space shared between 1, 2 and 3 Lynnside, it is considered that the development proposed would be detrimental to the amenity of 1 Lynnside and could not be supported under NPF4 Policy 14 (c) – Design, Quality and Place.

8.4.5.4. Planning Policy Advice: Amenity and Minimising Obtrusive Lighting (2021)

The Planning Policy Advice states the following:

Residential Amenity Criterion 1 – The Creation and Protection of Dedicated Outside Space for Housing Development:

C1.01 All housing development is required to have dedicated outside space or garden ground to meet the recreational and domestic needs of the residents. This space should provide for passive and active recreational activity such as sitting out, entertainment, playing, gardening and clothes drying.

C1.02 To create and maintain rear garden privacy, the minimum rear garden depth should be at least 10 metres as noted in picture 1. To maintain future residential amenity, if land is allocated for housing, or in the opinion of the planning authority has the potential for further housing development, this 10-metre requirement should be used.

C1.04 Areas within the curtilage that are occupied by garages, outbuildings, car parking and footpaths are not considered to be dedicated outside space for residential amenity.

C1.05 The size of outside amenity space will be dependent on the character of the development and the location, with ratios of built form to outside space positively considering the neighbouring properties... The size of outside amenity space should be appropriate to the size of the residential unit that is being proposed or protected. For example, larger outside amenity spaces will be expected for a 3 to 4-bedroom house than a 1-bedroom house.

Comment: By sub-dividing the garden/amenity space at 1 Lynnside to facilitate the proposed development of the currently proposed house, whilst providing an adequate area of amenity space for the currently proposed dwelling, would result in little outside private dedicated space/garden ground to meet the recreational and domestic needs of the house at 1 Lynnside. As stated in C1.04 of Planning Policy Advice: Amenity and Minimising Obtrusive Lighting (2021), “*Areas within the curtilage that are occupied by garages, outbuildings, car parking and footpaths are not considered to be dedicated outside space for residential amenity.*” Just under half of the proposed amenity area retained by 1 Lynnside adjacent to the proposed development site would be retained for car parking by that property which would significantly reduce the amenity area/dedicated space for residential amenity.

Although there is a communal area (paved with central planting) between the houses at 1, 2 and 3 Lynnside, this area is not dedicated to 1 Lynnside alone or private to that property and is overlooked by windows of all the dwellings. It should be noted that the two houses at 2 and 3 Lynnside, although sharing this communal area also have private gardens/dedicated amenity spaces of their own.

Taking account of the above and that the development of the existing garden ground/residential amenity space at 1 Lynnside would be significantly reduced, it is considered that the proposed development would be detrimental to the amenity of 1

Lynnside, the reduced garden/amenity space would not be consistent with the character of the other properties at 2 and 3 Lynnside which have private gardens in addition to the shared communal area, would not be sufficient for the 2 bedroom replacement house that was approved at 1 Lynnside under 23/022/PP and it is considered to be overdevelopment of the site. Therefore, the development would be contrary to the requirements of Planning Policy Advice: Amenity and Minimising Obtrusive Lighting (2021) – Residential Amenity Criterion 1 – The Creation and Protection of Dedicated Outside Space and could not be supported.

8.5. Amenity

8.5.1.

If the development is considered favourably, a condition would be attached to an approval to ensure that any external lighting used on the dwelling would minimise light pollution as required by OLDP 2017 Policy 2(vi) and Planning Policy Advice: Amenity and Minimising Obtrusive Lighting (March 2021), which would help to reduce impacts on residential and visual amenity of the area.

8.5.2.

The closest third party properties to the proposed development site are 1 and 2 Lynnside (15m and 9m respectively) and dwellings across Lynn Road on Mackenzies Drive (over 25m). The proposed house would be off-set and would not directly face towards the houses at 1 and 2 Lynnside nor the houses on Mackenzies Drive and due to this and the separation distance between the proposed house and the houses on Mackenzies Drive, it is considered that privacy between the dwellings could be maintained and it is unlikely that there would be significant issues of overlooking or overshadowing of the third party dwellings by the proposed house or vice versa. It is considered that in the case of 2 Lynnfield and the houses within the wider housing area of Lynn Road and Mackenzies Drive the development could comply with Orkney Local Development Plan 2017 Policy 1(iv) – Criteria for All Development, National Planning Framework 4 Policy 16(g) – Quality Homes and Planning Policy Advice: Amenity and Minimising Obtrusive Lighting (2021) – Part 3: Residential Amenity.

8.6. Water Supply/Surface Water Drainage and Waste Water Drainage

8.6.1.

The proposed development would connect to the public water supply, which would comply with NPF4 Policy 22 (d) – Flood Risk and Water Management.

8.6.2.

Should the proposal be considered favourably, a standard condition regarding SuDS would be attached to any approval, which would accord with OLDP 2017 Policy 13B – Sustainable Drainage Systems (SuDS) and NPF4 Policy 22 (c) - Flood Risk and Water Management.

8.6.3.

The proposed dwelling would connect to the public sewerage system which would accord with the requirements of OLDP 2017 policy 13C – Waste Water Drainage.

8.7. Renewable Energy

8.7.1.

The proposal includes the installation of an air source heat pump, which is acceptable and would increase the use of renewable energy within Orkney and would comply with OLDP 2017 Policies 1 (vii) – Criteria for All Development, 7C – Energy and NPF4 Policy 11.

8.7.2.

If the proposal is considered favourably, noise from the air source heat pump would be controlled by condition to protect residential amenity, which would comply with OLDP 2017 Policy 1(iv) – Criteria for All Development.

8.8. Access/Road Safety

8.8.1.

Access to the property would be taken from Lynn Road via the shared access track to 1 and 2 Lynnside.

8.8.2.

Roads Services have raised no objection to the proposal, provided that the standard informative regarding compliance with Sections 56 and 95 of the Roads (Scotland) Act 1984 and that any damage caused to the existing road infrastructure is repaired, are attached to any approval.

8.8.3.

Taking account of the above, it is considered that the development would comply with Orkney Local Development Plan 2017 Policy 14C – Road Network Infrastructure.

8.9. Landscape/Visual Amenity

8.9.1.

The site is located within the settlement boundary of Kirkwall and the development would be viewed together with other dwellings within the area. Taking this into account, and that the proposed dwelling would be similar to other houses in the area, it is considered that the proposal would be unlikely to have any significantly increased impact upon the wider landscape or visual amenity of the area than already exists and would comply with OLDP 2017 Policies 1 (i,) – Criteria for All Development and 9G – Landscape.

8.10. Natural Heritage and Biodiversity

8.10.1.

The site is not located within a designated Natural Heritage Site or Local Nature Conservation Site (LNCS).

8.10.2.

Under National Policy Framework 4 (NPF4) there is a requirement for all local developments to take account of biodiversity within proposals. Policy 3 c) of NPF 4 requires that *“Proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development.”*

8.10.3.

A biodiversity enhancement form and information was submitted with the application, outlining biodiversity measures proposed on the site, which has been fully assessed by the Council’s Environmental Planner, who has advised Planning that the measures proposed are *“proportionate to the nature and scale of the proposed development...”*, but requires that a condition is attached to any approval *“to ensure the proposed biodiversity measures are carried out and therefore contribute to meeting the requirements of National Planning Framework 4 (NPF4) policy 3 on biodiversity.”*

8.10.4.

Taking account of the above and the requirement for a condition should the proposal be considered favourably, the development would comply with the requirements of National Planning Framework 4 Policy 3 – Biodiversity.

8.11. Historic and Cultural Environment

8.11.1.

There is no known underlying archaeology within the site area or Scheduled Ancient Monuments or Listed buildings in the immediate area that would be significantly affected by the proposed development.

8.12. Aviation Safety

8.12.1.

The site is located within the 3km consultation zone of Kirkwall Airport. However, the development would be less than 15m in height and would be one of many existing dwellings in this area and it is considered unlikely that the proposal would pose any additional impact upon aviation interests than already exists. Kirkwall Airport was consulted, but there has been no response to date, however in the past this consultee has stated that they do not respond if they have no comment.

9. Conclusion

The principle of the development of a house within settlement boundaries and the design of the house could be considered acceptable in principle. However, the area of garden/amenity space that would remain for the dwelling at 1 Lynnside after the subdivision to facilitate the proposed development would result in inadequate dedicated garden/private amenity area for the residents of 1 Lynnside which would be out of character with the adjacent dwellings at 2 and 3 Lynnside (who also share the communal area, but also have private gardens), would not be of sufficient size for the 2 bedroom replacement house that was approved at 1 Lynnside under 23/022/PP and

it would be considered to be overdevelopment of the site. Therefore, the development would be contrary to OLDP 2017 Policy 1 (ii, iv) – Criteria for All Development, NPF4 Policy 14 (c) – Design, Quality and Place and Planning Policy Advice: Amenity and Minimising Obtrusive Lighting (2021) – Residential Amenity Criterion 1 – The Creation and Protection of Dedicated Outside Space.

10. Decision.

Application Refused

By sub-dividing the garden/amenity space at 1 Lynnside to facilitate the proposed development of the currently proposed house, whilst providing an adequate area of amenity space for the currently proposed dwelling, would result in little outside private dedicated space/garden ground to meet the recreational and domestic needs of the house at 1 Lynnside.

Whilst there is a communal area (paved with central planting) between the houses at 1, 2 and 3 Lynnside, this area is not dedicated to 1 Lynnside alone or private to that property and is overlooked by the dwellings and although 2 and 3 Lynnside share the communal area, they also have private gardens/dedicated amenity spaces of their own (as would 1 Lynnside prior to subdivision). The proposed development would result in the replacement dwelling at 1 Lynnside (approved under 23/022/PP) being out of character with the neighbouring properties at 2 and 3 Lynnside in terms of available residential private amenity space.

The significantly reduced area of dedicated private residential amenity space/garden at 1 Lynnfield due to the subdivision of the garden to facilitate the currently proposed house development under 24/156/PP would not be sufficient for the 2 bedroom replacement house that was approved at 1 Lynnside under 23/022/PP, would result in detrimental impact to the amenity of 1 Lynnside and would result in overdevelopment.

The development would be contrary to OLDP 2017 Policy 1 (ii, iv) – Criteria for All Development, NPF4 Policy 14 (c) – Design, Quality and Place and Planning Policy Advice: Amenity and Minimising Obtrusive Lighting (2021) – Residential Amenity Criterion 1 – The Creation and Protection of Dedicated Outside Space.

11. Contact Officers

Jamie Macvie, Service Manager, Development Management, Email
jamie.macvie@orkney.gov.uk

Sue Doyle, Planning Officer, Development Management, Email
sue.doyle@orkney.gov.uk

Date

27 September 2024



Council Offices School Place Kirkwall KW15 1NY Tel: 01856 873 535 (ex 2504) Email: planning@orkney.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100667862-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Subdivision of Residential Curtilage, Erection of House, installation of Heat Pump & Demolition of Garage.

Is this a temporary permission? * Yes No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) * Yes No

Has the work already been started and/or completed? *

No Yes – Started Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	KW15 1DN		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	Stephen	Building Name:	<input type="text"/>
Last Name: *	Omand	Building Number:	14
Telephone Number: *	01856876215	Address 1 (Street): *	Victoria Street
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	Kirkwall
Fax Number:	<input type="text"/>	Country: *	United Kingdom
		Postcode: *	KW15 1DN
Email Address: *	stephen@sjomand.co.uk		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	Workshop
First Name: *	<input type="text"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	St Mary's
Company/Organisation	Alfred Flett Ltd	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	Holm
Extension Number:	<input type="text"/>	Country: *	UK
Mobile Number:	<input type="text"/>	Postcode: *	KW17 2RU
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

Planning Authority:

Orkney Islands Council

Full postal address of the site (including postcode where available):

Address 1:

1 LYNN SIDE

Address 2:

LYNN ROAD

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

KIRKWALL

Post Code:

KW15 1SR

Please identify/describe the location of the site or sites

Northing

1009551

Easting

345703

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

Meeting Telephone Letter Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

General discussion.

Title:

Mrs

Other title:

First Name:

Sue

Last Name:

Doyle

Correspondence Reference Number:

Date (dd/mm/yyyy):

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Site Area

Please state the site area:

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

Yes No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? *

Yes No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

Yes No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *

- Yes – connecting to public drainage network
 No – proposing to make private drainage arrangements
 Not Applicable – only arrangements for water supply required

Do your proposals make provision for sustainable drainage of surface water?? * (e.g. SUDS arrangements) *

Yes No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

<p>Are you proposing to connect to the public water supply network? *</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No, using a private water supply</p> <p><input type="checkbox"/> No connection required</p> <p>If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).</p>	
<h3>Assessment of Flood Risk</h3> <p>Is the site within an area of known risk of flooding? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p> <p>If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.</p> <p>Do you think your proposal may increase the flood risk elsewhere? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p>	
<h3>Trees</h3> <p>Are there any trees on or adjacent to the application site? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.</p>	
<h3>Waste Storage and Collection</h3> <p>Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes or No, please provide further details: * (Max 500 characters)</p> <div style="border: 1px solid black; padding: 5px; min-height: 50px;"> <p>In accordance with Building Regs.</p> </div>	
<h3>Residential Units Including Conversion</h3> <p>Does your proposal include new or additional houses and/or flats? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>How many units do you propose in total? * <input style="width: 100px; text-align: center;" type="text" value="1"/></p> <p>Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.</p>	
<h3>All Types of Non Housing Development – Proposed New Floorspace</h3> <p>Does your proposal alter or create non-residential floorspace? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<h3>Schedule 3 Development</h3> <p>Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p> <p>If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.</p> <p>If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.</p>	

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? * Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? * Yes No

Is any of the land part of an agricultural holding? * Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Stephen Omand

On behalf of: Alfred Flett Ltd

Date: 09/04/2024

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *	≤ Yes T N/A
A Design Statement or Design and Access Statement. *	≤ Yes T N/A
A Flood Risk Assessment. *	≤ Yes T N/A
A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *	≤ Yes T N/A
Drainage/SUDS layout. *	≤ Yes T N/A
A Transport Assessment or Travel Plan	≤ Yes T N/A
Contaminated Land Assessment. *	≤ Yes T N/A
Habitat Survey. *	≤ Yes T N/A
A Processing Agreement. *	≤ Yes T N/A

Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Stephen Omand

Declaration Date: 09/04/2024

Payment Details

Cheque: AAAAAAAAAAAAAAAAAAAAAA, 000000

Created: 09/04/2024 19:49

Aquarea High Performance Bi-bloc J Generation 1 Phase • R32

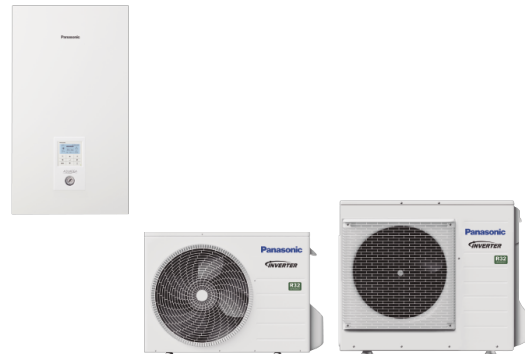
Aquarea, an innovative new low-energy system based on Air to Water heat pump technology

Aquarea warms your home effectively and efficiently, even with extreme outdoor temperatures. Aquarea can also cool space in summer and bring hot water all year round.

Aquarea High Performance is the range for new installations and low consumption homes. Outstanding efficiency and energy savings with minimised CO2 emissions and minimum space.

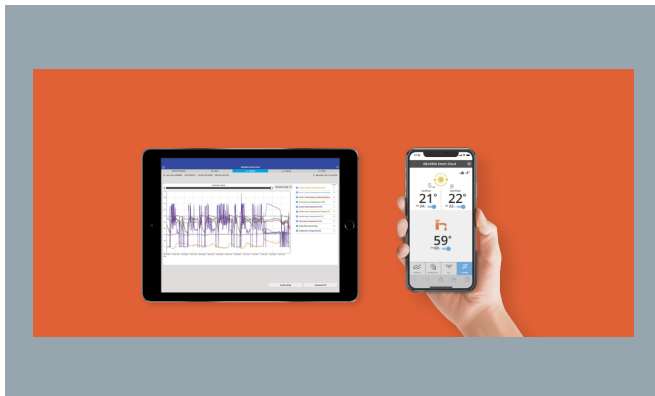
The Bi-bloc system: The system, separate indoor and outdoor units, connects to the heating and/or hot water system.

- High efficient R32 refrigerant
- A+++ energy Class (average climate at 35°C water outlet)
- Maximum hydraulic module output temperature: 60°C
- Special software for low consumption homes with minimum output temperature: 20°C
- Works at temperatures as low as -20°C
- Cloud control and service with CZ-TAW1
- Easy-to-use remote controller
- Domestic hot water with external tank
- Easy installation and maintenance
- Built-in magnet water filter and flow meter, and automatic air purge valve



Aquarea with R32 Refrigerant. A small change that changes everything.

[MORE ABOUT AQUAREA R32](#)



Aquarea Service Cloud. Control for today and for the future

[FOR END USER](#)

[FOR INSTALLERS / MAINTENANCE](#)

Aqueara High Performance Bi-bloc J Generation 1 Phase • R32		SINGLE PHASE (Power to indoor)
Kit		KIT-WC07J3E5
Heating capacity (A +7°C, W 35°C)	kW	7,00
COP (A +7°C, W 35°C)		4,76
Heating capacity (A +7°C, W 55°C)	kW	7,00
COP (A +7°C, W 55°C)		2,82
Heating capacity (A +2°C, W 35°C)	kW	6,85
COP (A +2°C, W 35°C)		3,41
Heating capacity (A +2°C, W 55°C)	kW	6,20
COP (A +2°C, W 55°C)		2,21
Heating capacity (A -7°C, W 35°C)	kW	5,60
COP (A -7°C, W 35°C)		2,87
Heating capacity (A -7°C, W 55°C)	kW	5,25
COP (A -7°C, W 55°C)		1,94
Cooling capacity (A 35°C, W 7°C)	kW	6,70
EER (A 35°C, W 7°C)		3,03
Cooling capacity (A 35°C, W 18°C)	kW	6,70
EER (A 35°C, W 18°C)		4,72
Heating average climate. Seasonal energy efficiency (W 35°C / W 55°C)	ηs %	193 / 130
Heating average climate. Seasonal energy efficiency (W 35°C / W 55°C)	SCOP	4,90 / 3,32
Heating average climate. Energy class (W 35°C / W 55°C) (1)	A+++ to D	A+++ / A++
Heating warm climate. Seasonal energy efficiency (W 35°C / W 55°C)	ηs %	227 / 160
Heating warm climate. Seasonal energy efficiency (W 35°C / W 55°C)	SCOP	5,75 / 4,07
Heating warm climate. Energy class (W 35°C / W 55°C) (1)	A+++ to D	A+++ / A+++
Heating cold climate. Seasonal energy efficiency (W 35°C / W 55°C)	ηs %	164 / 116
Heating cold climate. Seasonal energy efficiency (W 35°C / W 55°C)	SCOP	4,18 / 2,98
Heating cold climate. Energy class (W 35°C / W 55°C) (1)	A+++ to D	A++ / A+
Indoor unit		WH-SDC0709J3E5
Indoor sound pressure (Heat)	dB(A)	30
Indoor sound pressure (Cool)	dB(A)	30
Indoor dimension (Height)	mm	892
Indoor dimension (Width)	mm	500
Indoor dimension (Depth)	mm	340
Indoor net weight	kg	42
Water pipe connector	Inch	R 1¼
A class pump (Number of speeds)		Variable Speed
A class pump (Input power Min)	W	34
A class pump (Input power Max)	W	114
Heating water flow (ΔT=5 K, 35°C)	L/min	20,10
Capacity of integrated electric heater	kW	3,00
Indoor recommended fuse	A	15 / 30
Recommended cable size, supply 1	mm²	3 x 2,5
Recommended cable size, supply 2	mm²	3 x 1,5
Outdoor unit		WH-UD07JE5
Outdoor sound power part load (Heat) (3)	dB(A)	59
Outdoor sound power full load (Heat)	dB(A)	68
Outdoor sound power full load (Cool)	dB(A)	67
Outdoor dimension (Height)	mm	795
Outdoor dimension (Width)	mm	875
Outdoor dimension (Depth)	mm	320
Outdoor net weight	kg	61
Refrigerant (R32) / CO2 Eq.	kg / T	1,27 / 0,857
Pipe diameter (Liquid)	Inch (mm)	1/4 (6,35)
Pipe diameter (Gas)	Inch (mm)	5/8 (15,88)
Pipe length range	m	3 ~ 50
Elevation difference (in/out)	m	30
Pipe length for additional gas	m	10
Additional gas amount	g/m	25
Operation range (Outdoor ambient)	°C	-20 ~ +35
Water outlet (Heat)	°C	20 ~ 60
Water outlet (Cool)	°C	5 ~ 20

(1) Sound power in accordance to 8112013,81312013 and EN12102-1:2017 at +7°C.
EER and COP calculation is based in accordance to EN14511.

Complementary products



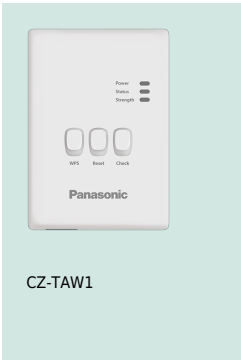
PAW-A2W-RTWIRED



PAW-A2W-RTWIRELESS



CZ-NS4P



CZ-TAW1



PAW-TD20C1E5

9th April 2024.

Planning and Community Protection,
Neighbourhood Services and Infrastructure,
Orkney Islands Council,
Council Offices,
Kirkwall,
KW15 1NY

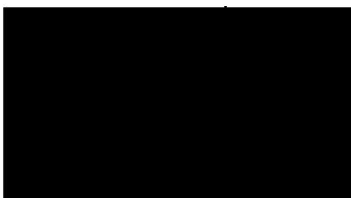
Dear Sirs,

**Subdivision of Residential Curtilage.
1 Lynnside, Kirkwall.
Alfred Flett Ltd.**

Please find enclosed an application in respect of the above.

To clarify, the ownership of the property does include the path around the original house. This was actually missed, when outlining the full site boundaries in respect of the recent application to fully renovate the existing house. As well as the land that passes with 1 Lynnside there is also a sizable shared paved area to the north east of the existing house.

Yours faithfully,



Stephen J Omand, FRICS.

**SERVICES
INCLUDE:**

Bank &
Building
Society
Valuations

Residential &
Commercial
Property Surveys

Single
Surveys

Energy
Performance
Certificates

SAP
Certifications

Building
Surveying
Services

Rental &
Insurance
Valuations

Residential
& Commercial
Plans

Title Deed
Plans

Overseeing
New Builds

Planning
& Building
Warrant
Applications

ORKNEY ISLANDS COUNCIL BIODIVERSITY FORM FOR PLANNING APPLICATIONS TO BE COMPLETED AND SUBMITTED WITH PLANNING APPLICATIONS	
Planning reference or address of development:	Site at 1 Lynnside, Kirkwall.
Date of form completion:	9 th April 2024.
Person/company completing form:	Stephen J Omand, FRICS Agent.
Baseline - what's there	
<p>– Please provide photographs to give an overview of the habitats and features present on site, and, referring to the photographs, describe below the dominant habitat type and most recent land use. If the land use has recently changed please also describe the previous known land use. List any species of note that use the site. (Example level of information: grass, grazed field, brown hare and curlew; coastal heath, rough grazing for sheep, Arctic skua; heather moorland, unmanaged, short eared owl; livestock fodder crops, agricultural field, geese; unmanaged meadow, previously livestock grazing field until farm changed hands last year, unknown; urban brownfield site previously with flats on it (demolished 5 years ago) within existing settlement, none as it's a concrete slab; etc).</p> <p>– Please provide a site layout plan that shows the location of existing broad habitat types and biodiversity features such as wetter/drier areas, ditches, watercourses, trees and shrubs, stone walls, ditches, invasive plant species, etc, both within and adjoining the proposed development site. The biodiversity features should be marked on a site layout plan that shows all elements of the proposed development, including infrastructure such as roads, paths, services, drainage, electricity lines, etc. (This is to enable assessment of how the existing biodiversity features might be affected by the construction and use of the proposed development. It can also be helpful to include photographs of the biodiversity features and their context within the site.)</p>	
<p>Starling, wren, house sparrow, blackbird, etc. Laid to grass with no variety of plant species. Stone dyke to north west boundary.</p>	

Minimising effects on existing biodiversity (conserving and restoring)

- Referring to the plan provided above, please describe below how you have minimised adverse effects on existing biodiversity through siting, design and layout that retains existing habitats and features of biodiversity value, and where this has not been possible, please explain why.
- Where relevant, please also describe how degraded existing biodiversity features are going to be restored. (Restoration will not be applicable to all sites.)

There is no existing biodiversity.

Enhancement of biodiversity

- Please list below what enhancement measures you intend to include and explain what they are seeking to achieve. Please include common and Latin names of plant species and where the plants or seeds will be sourced from. (This is to check that species appropriate to the site and Orkney conditions are used.)
- Please provide a site layout plan that shows the location of enhancement measures. The enhancement measures should be marked on a site layout plan that shows all elements of the proposed development, including infrastructure such as roads, paths, services, drainage, electricity lines, etc. (This is to enable assessment of how the construction and use of the proposed development might interact with the proposed enhancement measures.)

Ribes sanguineum (flowering currant) to north west boundary..
Retain stone dyke.

Monitoring and maintenance of biodiversity retained and enhanced

- Please describe below how will the retained and enhanced biodiversity features and measures be monitored and maintained in the longer term to ensure they continue to benefit biodiversity, and who will be responsible for monitoring and maintenance. (Where detailed information on monitoring and maintenance will be provided in a landscaping or other site management plan to be submitted with the planning application, please provide the document title, author and date, and summarise the information below.)

To be regularly maintained by owners.

Advice

- If you have sought or received advice about what is present on or makes use of the proposed development site and / or how to safeguard, restore and enhance biodiversity, please list below who has given you advice. (For example, an ecological consultant, others with relevant local knowledge, etc.)
- Where advice has been received, please summarise it below and provide a copy if advice was given in writing.

General advice from Biodiversity Officer.

- Please describe how have you incorporated any advice you received into the proposed development, and if not, please explain why not.



NEIGHBOURHOOD SERVICES AND INFRASTRUCTURE

Corporate Director: Hayley Green, MBA (Public Service)
Council Offices, Kirkwall, Orkney, KW15 1NY

Tel: 01856 873535 Website: www.orkney.gov.uk
Email: planning@orkney.gov.uk



2nd May 2024

Alfred Flett Ltd
c/o Stephen Omand
14 Victoria Street
Kirkwall
United Kingdom
KW15 1DN

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997, as amended DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS 2013 INVALID APPLICATION

Dear Sir/Madam

Ref No: 24/156/PP
Type: Planning Permission
Location: 1 Lynnside, Lynn Road, Kirkwall, Orkney KW15 1SR
Proposal: Erect a house with an air source heat pump

Invalid application

Your recent application has been assessed on 2nd May 2024 and we are writing to confirm that your submission is not sufficient to legally validate the application.

An invalid application is one where the form and/or the content of information submitted has not met the requirements of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

An application must be accompanied by all relevant plans and drawings as are considered necessary by the planning authority to describe the development to which the application relates (Regulation 9(3)) and other matters, including the correct forms, certificates and appropriate fee.

In this case, the application was assessed as invalid in the following matters:

01. **Application Site Area**
The red application site area should be the proposed site only (not the existing house being subdivided from)
Other land (including the existing house) outlined in blue
02. **Elevations**
Annotate as directional (North, South, etc.)

Please note that the application cannot be made valid until all the above listed information is provided in accordance with statutory requirements.

To avoid further delay, all required information should be submitted as soon as possible. If the information is not submitted **within 28 days** of this correspondence, the application and all associated documents (and fee) will be returned to you and the application will not be processed.

Should you have any queries about the information required above please contact Development Management by email at planning@orkney.gov.uk or by telephone at the below number, using the extension provided.

Validation checks and issuing any requests for further information are carried out by different staff on different days. As such, there is no requirement to contact any particular member of staff in response to this invalid letter, and any queries can be answered by a technician on any given day.

Should you contact Development Management, simply confirm the application reference and that your contact is in relation to an invalid application.

Yours faithfully

Development Management,
Neighbourhood Services and Infrastructure,
Council Offices, School Place, Kirkwall, Orkney, KW15 1NY

Tel: 01856 873535 ext. 2504

Email: planning@orkney.gov.uk

Date of Consultation	7th June 2024
Response required by	28th June 2024
Planning Authority Reference	24/156/PP
Nature of Proposal (Description)	Erect a house with an air source heat pump
Site	1 Lynnside, Lynn Road, Kirkwall, Orkney KW15 1SR
Proposal Location Easting	345703
Proposal Location Northing	1009551
Area of application site (Metres)	373
Supporting Documentation URL	http://planningandwarrant.orkney.gov.uk/online-applications/ Please enter - 24/156/PP
PA Office	Development Management
Case Officer	Mrs Sue Doyle
Case Officer Phone number	(01856) 873535 Ex2503
Case Officer email address	Sue.Doyle@orkney.gov.uk
PA Response To	planningconsultation@orkney.gov.uk

Comments

Advice provided by: Nina Caudrey,
Environmental Planner **Date of assessment:** 10 June 2024

Is the advice final or interim?
(if interim then further information is needed, see detailed advice) final

SUMMARY ADVICE (must be read in conjunction with detailed advice)

Biodiversity measures proportionate to the nature and scale of the proposed development have been included and should be secured by condition.

Are condition(s) required/ recommended in the detailed advice? yes

Separate consideration of need for a Habitat Regulations Appraisal required? (9.A.1 / NPF4 4.b) no

If yes, which European site(s) may need further consideration?

n/a

DETAILED ADVICE

Which natural heritage interests have the potential to be significantly affected by the proposed development? Is further information or survey work required before final advice can be given? Are conditions required?

- **SSSIs**
(9.A.2 / NPF4 4.c)
- **Local Nature**

**Conservation Site,
Local Nature
Reserve**

(9.A.3 / 4.d)

- **Protected species**
(9.B / NPF4 4.f)

- **Wider biodiversity**
(9.C / NPF4 3)

Wider biodiversity

Biodiversity measures proportionate to the nature and scale of the proposed development have been included, as described in the submitted Biodiversity form (dated 9 April 2024) and shown on the 1:500 site plan drawing (reference 1680/1/P revision A, undated, published 5 June 2024). A condition is required to ensure the proposed biodiversity measures are carried out and therefore contribute to meeting the requirements of National Planning Framework 4 (NPF4) policy 3 on biodiversity:

Condition: That the biodiversity measures described in the submitted Biodiversity form (dated 9 April 2024) and shown on the 1:500 site plan drawing (reference 1680/1/P revision A, undated, published 5 June 2024) are implemented in full no later than the first planting season following commencement of development. Thereafter the biodiversity measures shall be permanently retained in accordance with the approved details, including replacement of any planting that does not survive, is removed, or is damaged, unless otherwise agreed in writing with the planning authority.

Reason: To ensure biodiversity measures are implemented as required by National Planning Framework 4 policy 3

- **Water environment**
(9.D / NPF4 20,
22.e, 3.d)

- **Peat and soils**
(9.E / NPF4 5)

- **Trees or
woodlands of
significant
ecological,
landscape, shelter
or recreational
value**
(9.F / NPF4 6, 3.d)

- **Natural coastal
resources**
(12.A.ii / NPF4 10)

- **Coastal and
marine
ecosystems,
geomorphology**
(12.A.iii / NPF4 10)

- **Aquaculture
habitats and**

**species,
designated sites,
biodiversity, PMFs**
(12.D.i.a / NPF4
32.d)

- **SUDS in relation to
ecology and
habitat
enhancement**
(13.B.ii.e / NPF4
22.c, 22.e, 3.d)

- **Have any opportunities been included in the proposed development to enhance biodiversity and promote ecological interest?** (9.C.ii, 9.D.i.b / NPF4 3)

See above advice for **Wider biodiversity**.

From: Derek Manson <Derek.Manson@orkney.gov.uk>
Sent: Thursday, June 20, 2024 11:20 AM
To: planningconsultation <planningconsultation@orkney.gov.uk>; Sue Doyle <Sue.Doyle@orkney.gov.uk>
Cc: devplanconsultations <devplanconsultations@orkney.gov.uk>
Subject: RE: Planning Application Consultation 24/156/PP

Classification: NOT PROTECTIVELY MARKED

Hello Sue

Thank you for consulting us on the above planning application. We would advise that since the advice you provided at the pre application stage there has been no change in the status of the LDP and its planning policies. Therefore the policies that you highlighted as part of the pre-app stage advice are all still relevant.

Kind Regards

Derek

From: Nick Blowfield <nick.blowfield@orkney.gov.uk>
Sent: Monday, July 1, 2024 3:11 PM
To: planningconsultation <planningconsultation@orkney.gov.uk>
Subject: RE: Planning Application Consultation 24/156/PP

Classification: OFFICIAL

Sue,

24/156/PP | Erect a house with an air source heat pump | 1 Lynnside, Lynn Road, Kirkwall, Orkney, KW15 1SR

Having reviewed the information that has been supplied in support of the application, Environmental Health recommend the standard condition below be applied:

Total noise from the Air Source Heat Pump(s) installed shall not exceed NR25 within any residential property outwith the development, where NR25 is the Noise Rating Curve at 25, (noise measurements to be made with a window of any residential property outwith the development open no more than 50 mm.)

Reason: to protect any nearby residents from excessive noise disturbance from the air source heat pumps.

Kind regards

Nick

Nick Blowfield
Environmental Technical Officer
Environmental Health | Planning and Community Protection
Neighbourhood Services and Infrastructure,
Orkney Islands Council, School Place, Kirkwall, KW15 1NY
Tel: 01856 873535 Ext: 2803 email: nick.blowfield@orkney.gov.uk

Thursday, 04 July 2024



Local Planner
Development Management, Development and Infrastructure
Orkney Islands Council
Kirkwall
KW15 1NY

Development Operations
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Stepps
Glasgow
G33 6FB

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk



Dear Customer,

1 Lynnside, Lynn Road, Kirkwall, KW15 1SR
Planning Ref: 24/156/PP
Our Ref: DSCAS-0111682-VQD
Proposal: Erect a house with an air source heat pump

Please quote our reference in all future correspondence

Scottish Water has no objection to this planning application. The applicant should be aware that this does not confirm that the proposed development can currently be serviced.

Please read the following carefully as there may be further action required. Scottish Water would advise the following:

Water Capacity Assessment

- This proposed development is within the Kirbister Water Treatment Works catchment. Single house developments, unless utilising private water sources, are required to submit a Water Connection Application via our Customer Portal to allow us to fully appraise the proposals. We recommend that this is done at the earliest opportunity to allow for network appraisal to be carried out ahead of development proceeding.

Waste Water Capacity Assessment

- This proposed development is within the Kirkwall Waste Water Treatment Works catchment. Single house developments, unless utilising private drainage methods, are required to submit a Waste Water Application via our Customer Portal to allow us to fully appraise the proposals. We recommend that this is done at the earliest opportunity to allow for network appraisal to be carried out ahead of development proceeding.

- The existing combined sewer system is under considerable pressure due to surface water entering the network. To provide capacity for this development it will be necessary for the applicant to explore all avenues to remove surface water discharging from the property's curtilage to the combined sewer. This would help to offset the new foul demand. This could include replacing hardstanding with permeable surfaces and/or installing a soakaway. Scottish Water would recommend that the applicant submits a technical application as early as possible with the details of their proposals.

Please Note

The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works. When planning permission has been granted and a formal connection application has been submitted, we will review the availability of capacity at that time and advise the applicant accordingly.

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should refer to our guides which can be found at <https://www.scottishwater.co.uk/Help-and-Resources/Document-Hub/Business-and-Developers/Connecting-to-Our-Network> which detail our policy and processes to support the application process, evidence to support the intended drainage plan should be submitted at the technical application stage where we will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

Next Steps:

Single house developments, unless utilising private water or drainage sources, are required to submit a Water Connection Application and Waste Water Application via our Customer Portal to allow us to fully appraise the proposals. Please note that Single House developments are not required to submit a Pre-Development Enquiry form (PDE) however local network capacity will be assessed on receipt of application forms.

Further information on our application and connection process for Single Household development can be found on our website <https://www.scottishwater.co.uk/Business-and-Developers/NEW-Connecting-to-Our-Network/Single-Household-Customers>

I trust the above is acceptable however if you require any further information regarding this matter, please contact me on **0800 389 0379** or via the e-mail address below or at planningconsultations@scottishwater.co.uk.

Yours sincerely,

Angela Allison

Development Services Analyst
PlanningConsultations@scottishwater.co.uk

Scottish Water Disclaimer:

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."

Supplementary Guidance

- Scottish Water asset plans can be obtained from our appointed asset plan providers:
 - Site Investigation Services (UK) Ltd
 - Tel: 0333 123 1223
 - Email: sw@sisplan.co.uk
 - www.sisplan.co.uk
- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Development Operations department at the above address.
- If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or a Sustainable Drainage System (SUDS) proposed to vest in Scottish Water is constructed.
- Please find information on how to submit application to Scottish Water at our Customer Portal

From: Sue Doyle
Sent: Tuesday, July 23, 2024 10:26 AM
To: Donald Wilson
Subject: Sue - Outstanding Roads Services Consultation Responses - 23.07.2024

Donald,

Please find attached below, planning applications that I am currently waiting Roads Services consultation responses for that are overdue. Please can you let me have Roads Services consultation responses for these.

Thank You.

Sue

Sue Doyle BA, MSc URP
Planning Officer, Development Management
Planning and Community Protection
Neighbourhood Services and Infrastructure
Orkney Islands Council, Council Offices, Kirkwall, Orkney, KW15 1NY


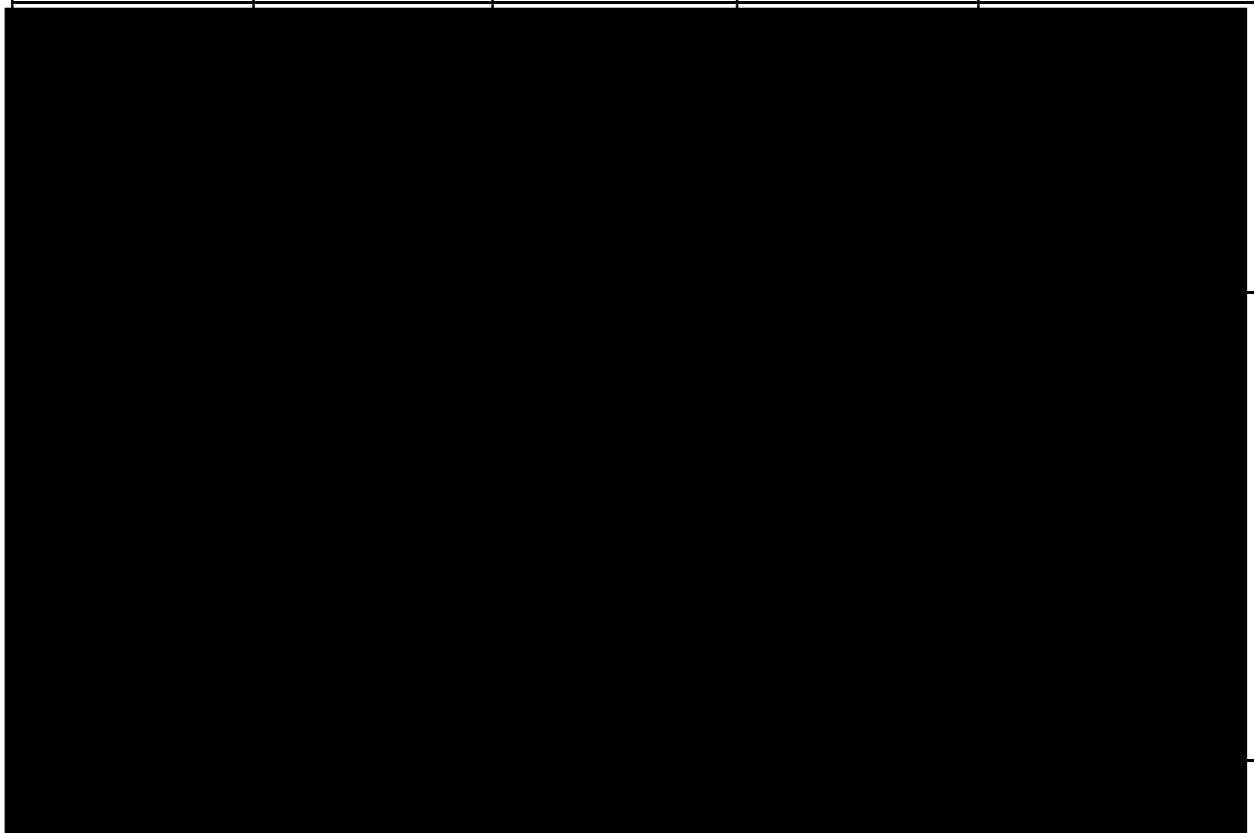
Telephone 01856 873535 Extension 2503

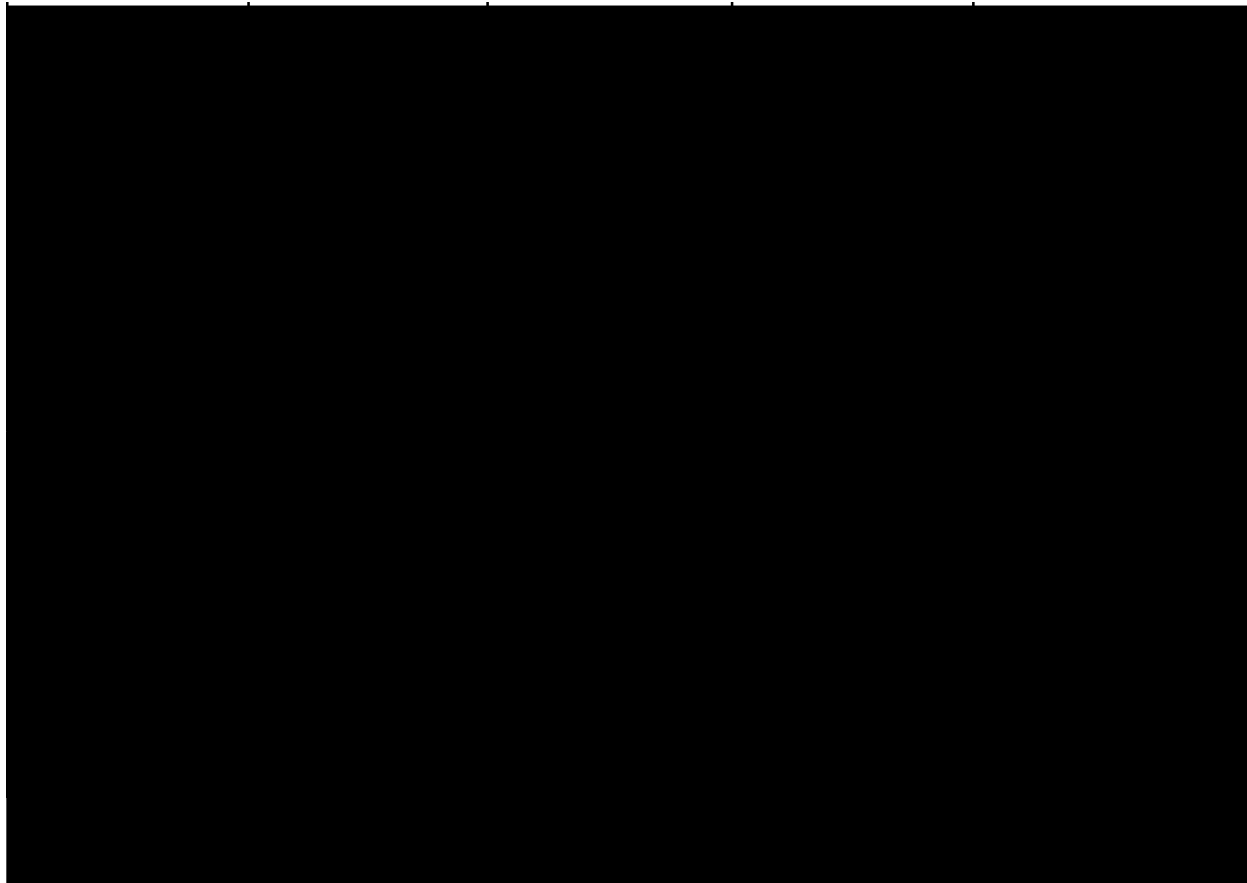
Advice given is without prejudice to any decision that may be taken by the Council on receipt of a formal planning application.

Officers should only be contacted directly in relation to current applications. Pre-application advice, general enquiries, or enforcement or other correspondence regarding determined applications should be sent to planning@orkney.gov.uk

Correspondence seeking pre-application advice will be allocated to an officer; Development Management has a target date of 20 working days to provide responses. As priority is given to planning applications over other enquiries, it would be appreciated if Development Management is not further contacted within that period, and note that workloads may result in delays to the target date. However, be assured that your correspondence will be dealt with as quickly as possible.

Application Ref.	Address	Proposal	Original Date Consulted and Response Requested by	Notes

				
24/156/PP	1 Lynnside, Lynn Road, Kirkwall	Erect a house with an ASHP	07.06.2024 Response requested by 28.06.2024	
				



From: Sue Doyle
Sent: Tuesday, September 3, 2024 2:32 PM
To: Donald Wilson
Subject: Sue - Outstanding Roads Services Consultation Responses - 03.09.2024

Donald,

Please find attached below, planning applications that I am currently waiting Roads Services consultation responses for that are overdue. Please can you let me have Roads Services consultation responses for these.

Thank You.

Sue

Sue Doyle BA, MSc URP
Planning Officer, Development Management
Planning and Community Protection
Neighbourhood Services and Infrastructure
Orkney Islands Council, Council Offices, Kirkwall, Orkney, KW15 1NY

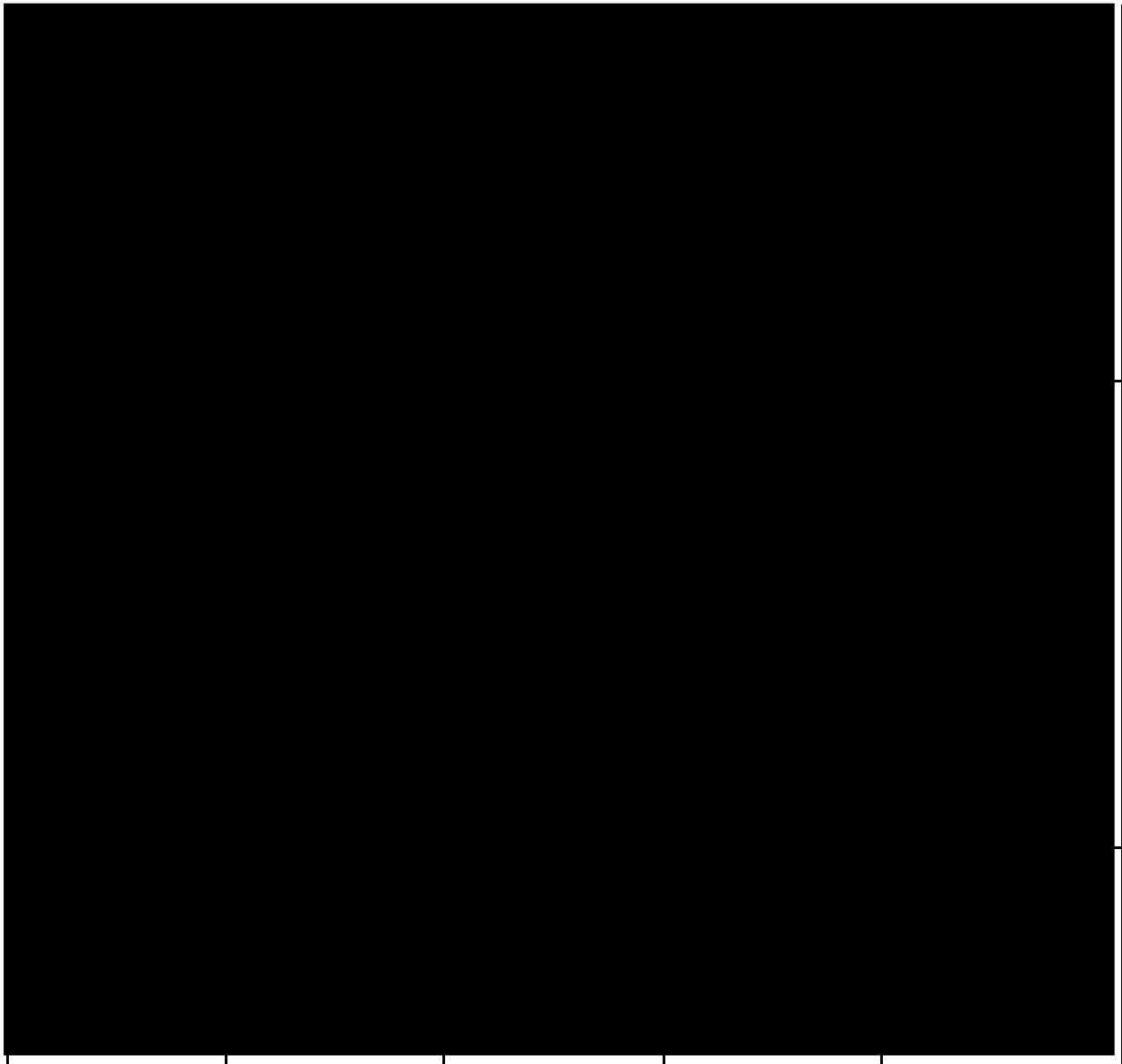
Telephone 01856 873535 Extension 2503

Advice given is without prejudice to any decision that may be taken by the Council on receipt of a formal planning application.

Officers should only be contacted directly in relation to current applications. Pre-application advice, general enquiries, or enforcement or other correspondence regarding determined applications should be sent to planning@orkney.gov.uk

Correspondence seeking pre-application advice will be allocated to an officer; Development Management has a target date of 20 working days to provide responses. As priority is given to planning applications over other enquiries, it would be appreciated if Development Management is not further contacted within that period, and note that workloads may result in delays to the target date. However, be assured that your correspondence will be dealt with as quickly as possible.

Application Ref.	Address	Proposal	Original Date Consulted and Response Requested by	Notes
[Redacted]				
24/156/PP	1 Lynnside, Lynn Road, Kirkwall	Erect a house with an ASHP	07.06.2024 Response requested by 28.06.2024	Reminders sent: 23.07.2024
[Redacted]				



INTERNAL MEMORANDUM TO: Roads Services

Date of Consultation	7th June 2024
Response required by	28th June 2024
Planning Authority Reference	24/156/PP
Nature of Proposal (Description)	Erect a house with an air source heat pump
Site	1 Lynnside, Lynn Road, Kirkwall, Orkney KW15 1SR
Proposal Location Easting	345703
Proposal Location Northing	1009551
Area of application site (Metres)	373
Supporting Documentation URL	http://planningandwarrant.orkney.gov.uk/online-applications/ Please enter - 24/156/PP
PA Office	Development Management
Case Officer	Mrs Sue Doyle
Case Officer Phone number	(01856) 873535 Ex2503
Case Officer email address	Sue.Doyle@orkney.gov.uk
PA Response To	planningconsultation@orkney.gov.uk

Comments:

No adverse comment provided the undernoted informative is applied to any planning permission that may be granted.

INFORMATIVE

It is an offence under Section 56 of the Roads (Scotland) Act 1984 to carry out any excavations within the boundary of the public road without written permission of the roads authority. Therefore, one or more separate consents will be required from the Council's Roads Services to carry out any works within the road boundary, prior to any works commencing. These consents may require additional work and/or introduce additional specifications. You are therefore advised to contact Roads Services for further advice as early as possible.

Any damage caused to the existing road infrastructure during construction of the development shall be repaired prior to the development being brought into use, to the satisfaction of the Planning Authority, in conjunction with Roads Services.

It is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain beyond the working day, on a public road from any vehicle or development site.

D.W.

REFUSE PLANNING PERMISSION
DELEGATED DECISION

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT, 1997 (as amended) ("The Act")
DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS 2013

Ref: 24/156/PP

Alfred Flett Ltd
c/o Stephen Omand
14 Victoria Street
Kirkwall
United Kingdom
KW15 1DN

With reference to your application registered on 5th June 2024 for planning permission for the following development:-

PROPOSAL: Erect a house with an air source heat pump

LOCATION: 1 Lynnside, Lynn Road, Kirkwall, Orkney KW15 1SR

Orkney Islands Council in exercise of its powers under the above Act and Regulations, hereby **REFUSE Planning Permission for the reason(s) outlined on the next page.**

The plans to which this decision relates are those identified in Schedule 1 attached.

The Council's reasoning for this decision is: The principle of the development of a house within settlement boundaries and the design of the house could be considered acceptable in principle. However, the area of garden/amenity space that would remain for the dwelling at 1 Lynnside after the subdivision to facilitate the proposed development would result in inadequate dedicated garden/private amenity area for the residents of 1 Lynnside which would be out of character with the adjacent dwellings at 2 and 3 Lynnside (who also share the communal area, but also have private gardens), would not be of sufficient size for the 2 bedroom replacement house that was approved at 1 Lynnside under 23/022/PP and it would be considered to be overdevelopment of the site. Therefore, the development would be contrary to OLDP 2017 Policy 1 (ii, iv) - Criteria for All Development, NPF4 Policy 14 (c) - Design, Quality and Place and Planning Policy Advice: Amenity and Minimising Obtrusive Lighting (2021) - Residential Amenity Criterion 1 - The Creation and Protection of Dedicated Outside Space.

(For further detail you may view the Planning Handling Report for this case by following the Application Search and Submission link on the Council's web page and entering the reference number for this application).

Decision date: 3rd October 2024

Jamie Macvie MRTPI, Service Manager, Development Management, Orkney Islands Council, Council Offices, Kirkwall, Orkney, KW15 1NY

REASONS FOR REFUSAL

01. By sub-dividing the garden/amenity space at 1 Lynnside to facilitate the proposed development of the currently proposed house, whilst providing an adequate area of amenity space for the currently proposed dwelling, would result in little outside private dedicated space/garden ground to meet the recreational and domestic needs of the house at 1 Lynnside.

Whilst there is a communal area (paved with central planting) between the houses at 1, 2 and 3 Lynnside, this area is not dedicated to 1 Lynnside alone or private to that property and is overlooked by the dwellings and although 2 and 3 Lynnside share the communal area, they also have private gardens/dedicated amenity spaces of their own (as would 1 Lynnside prior to subdivision). The proposed development would result in the replacement dwelling at 1 Lynnside (approved under 23/022/PP) being out of character with the neighbouring properties at 2 and 3 Lynnside in terms of available residential private amenity space.

The significantly reduced area of dedicated private residential amenity space/garden at 1 Lynnside due to the subdivision of the garden to facilitate the currently proposed house development under 24/156/PP would not be sufficient for the 2 bedroom replacement house that was approved at 1 Lynnside under 23/022/PP, would result in detrimental impact to the amenity of 1 Lynnside and would result in overdevelopment.

The development would be contrary to OLDP 2017 Policy 1 (ii, iv) - Criteria for All Development, NPF4 Policy 14 (c) - Design, Quality and Place and Planning Policy Advice: Amenity and Minimising Obtrusive Lighting (2021) - Residential Amenity Criterion 1 - The Creation and Protection of Dedicated Outside Space.

Ref: 24/156/PP

SCHEDULE 1 – PLANS, VARIATIONS AND ANY OBLIGATION**1. Plans and Drawings**

The plans and drawings to which this decision relates are those identified below:

Location & Site Plans	OIC-01	1
Section, Elevation & Floor Plan	OIC-02	1

2. Variations

If there have been any variations made to the application in accordance with section 32A of the Act these are specified below:

Date of Amendment:

Reasons

RIGHT TO SEEK A REVIEW

If you are unhappy with the terms of this decision you have a right to ask for a review of your planning decision by following the procedure specified below.

PROCEDURE FOR REQUESTING A REVIEW BY THE LOCAL REVIEW BODY

1. If the applicant is aggrieved by the decision of the Appointed Officer to:
 - a. Refuse any application, or
 - b. Grant permission subject to conditions.

In accordance with the Town and Country Planning (Scheme of Delegation and Local Review Procedure) (Scotland) Regulations, the applicant may apply to the Local Review Body within three months from the date of this notice for a review of that decision.

Forms to request a review are available from either address below, or from <http://www.orkney.gov.uk/Service-Directory/D/appeal-a-decision.htm>

2. Completed forms to request a review should be submitted to the address below:

Committee Services
Orkney Islands Council
Council Offices
School Place
KIRKWALL
Orkney
KW15 1NY

and at the same time a copy of the notice for a review should be sent to:

Service Manager (Development Management)
Orkney Islands Council
Council Offices
School Place
KIRKWALL
Orkney
KW15 1NY

Email: planning@orkney.gov.uk

3. If permission to develop land is refused or granted subject to conditions, whether by the planning authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Act.