

Item: 4.3

Planning Committee: 4 October 2023.

**Erect House with Detached Garage at Whitehall Farm (land near),
Whitehall Road, Stronsay.**

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

1. Summary

1.1.

Full planning permission is sought for a single storey house and garage on land to the south west of Whitehall Farm, Whitehall Road, Stronsay. Planning permission was previously approved on the site and has lapsed. One objection to the proposed development has been received, stating grounds of flood risk and amenity space for parking and play space within the site. The current proposal is considered to comply with relevant Orkney Local Development Plan 2017 Policies, Supplementary Guidance, Planning Policy Advice and National Planning Framework 4. The objection is not considered to be of sufficient weight to warrant refusal. Appropriate conditions would be attached to any approval. Accordingly, the application is recommended for approval.

Application Number:	23/163/PP
Application Type:	Planning Permission
Proposal:	Erect a house with a detached garage.
Applicant:	Mr L Merrydew
Agent:	LPC (Trull) Ltd., c/o Simon Chambers, Trull, Tetbury, Gloucestershire, GL8 8SQ.

1.2.

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

2. Consultations

2.1. Roads Services

No objection subject to a condition being attached requiring the access to be constructed to a Roads Services standard drawing.

2.2. Engineering Services

Engineering Services was consulted, following flood risk being raised by an objector, and has confirmed no objection:

“SEPA Flood risk mapping does not indicate any risk of flooding at the site and OIC Roads Support do not have any record of flooding at the site – although there have been issues at the entrance Whitehall Farm steading which is located to the north of, and downhill from, the proposed development site.

Should the development proceed then care must be taken not to disrupt during construction the existing roadside ditches along the entire north west and west facing boundaries to the land owned by the developer and construct the proposed site entrance and ditch crossing according to detail SD-05 referred to in the response from Roads Services.

Fall across the site is sufficient to avoid ponding and the proposed arrangement should not encourage surface water to accumulate. In response to information provided in the objection received, particular attention should be paid to the avoidance of features which could impede the flow of surface water through the development site (with the exception of the proposed SuDS Pond).

We do not object to the development proposed but strongly recommend that, as referred to above, close attention is paid to the boundary drainage to all of the land owned by the developer in the vicinity of the application site. In addition, landscaping must be such that it would not impede the flow of surface water within the development site in the event of surface water entering the site during significant rainfall events.”

2.3. Development and Marine Planning – Environment

No objection subject to conditions including those for the rainwater garden/SuDS Pond and Biodiversity.

2.4. Scottish Water

No objection. It is advised that there is Scottish Water infrastructure within proximity of the site:

“Asset Impact Assessment - Scottish Water records indicate that there is live infrastructure in the proximity of your development area that may impact on existing Scottish Water assets.

- 2” PVC water main within the site boundary

The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team via our Customer Portal for an appraisal of the proposals. The applicant should be aware that any conflict with assets identified will be subject to restrictions on proximity of construction.. Written permission must be obtained before any works are started within the area of our apparatus.”

2.5. Islands Archaeologist

No objection to the proposal, provided that a condition requiring a Written Scheme of Investigation (WSI) and Watching Brief is attached to any approval:

“Whitehall farm is in an area of significant archaeology that includes prehistoric funerary remains, including burials, cisted ashes, urns and stone axes. The extent of these remains is not known. Although the development site is located an area disturbed by tracks in the 19th century, which are still visible, there is still a low potential for the disturbance of human and other funerary remains, especially in the form of cists or stone boxes dug into the subsurface, with remnants of cremations (ashes and/or a lightweight blueish slag-like material, or pottery) or other archaeological material.”

2.6. Highlands and Islands Airports Limited (HIAL)

“With reference to the above proposal, our preliminary assessment shows that, at the given position and height, this development would not infringe the safeguarding criteria and operation of Kirkwall Airport.

Therefore, Highlands and Islands Airports Limited has no objections to the proposal.”

3. Representations

3.1.

One objection has been received, from:

- Leonardo B Martini-Brown, Brynley Cottage, 12 Whitehall, Stronsay KW17 2AS.

3.2.

Matters raised in the objection include flood risk and amenity space within the site.

4. Relevant Planning History

Reference	Proposal	Location	Decision	Date
18/520/PP	Erect a house with a detached garage and an air source heat pump.	Whitehall Farm (land near), Whitehall Road, Stronsay.	Grant subject to conditions.	12.02.2019
05/717/PPR	Erect a house.	Whitehall Farm (land near), Stronsay.	Grant subject to conditions.	13.02.2006
05/112/PPO	Siting of a house.	Whitehall Farm (land near), Stronsay.	Grant subject to conditions.	04.07.2005

5. Relevant Planning Policy and Guidance

5.1.

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

5.2.

The key policies, supplementary guidance and planning policy advice listed below are relevant to this application:

- Orkney Local Development Plan 2017:
 - The Spatial Strategy – The Isles Approach.
 - Policy 1 – Criteria for All Development.
 - Policy 2 – Design.
 - Policy 5C – The Isles Approach for Housing.
 - Policy 8 – Historic Environment and Cultural Heritage.
 - Policy 9 – Natural Heritage and Landscape.
 - Policy 13 – Flood Risk, SuDS and Waste Water Drainage.
 - Policy 14 – Transport, Travel and Road Network Infrastructure.
- Guidance:
 - Supplementary Guidance: Housing in the Countryside (2021).
 - Supplementary Guidance: Natural Environment (2017).
 - Supplementary Guidance: Historic Environment and Cultural Heritage (2017).
 - Planning Policy Advice: Historic Environment (Topics and Themes) (2017).
 - Planning Policy Advice: Amenity and Minimising Obtrusive Lighting (2021).
- National Planning Framework 4.

6. Legal Aspects

6.1.

Section 25 of the Town and Country Planning (Scotland) Act 1997 as amended (the Act) states, “Where, in making any determination under the Planning Acts, regard is to be had to the development plan, the determination is, unless material considerations indicate otherwise...to be made in accordance with that plan...”

6.2.

Annex A of Planning Circular 3/2013: ‘development management procedures’ provides advice on defining a material consideration, and following a House of Lord’s judgement with regards the legislative requirement for decisions on planning applications to be made in accordance with the development plan, confirms the

following interpretation: “If a proposal accords with the development plan and there are no material considerations indicating that it should be refused, permission should be granted. If the proposal does not accord with the development plan, it should be refused unless there are material considerations indicating that it should be granted.”

6.3.

Annex A continues as follows:

- The House of Lord's judgement also set out the following approach to deciding an application:
 - Identify any provisions of the development plan which are relevant to the decision.
 - Interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies.
 - Consider whether or not the proposal accords with the development plan.
 - Identify and consider relevant material considerations for and against the proposal.
 - Assess whether these considerations warrant a departure from the development plan.
- There are two main tests in deciding whether a consideration is material and relevant:
 - It should serve or be related to the purpose of planning. It should therefore relate to the development and use of land.
 - It should relate to the particular application.
- The decision maker will have to decide what considerations it considers are material to the determination of the application. However, the question of whether or not a consideration is a material consideration is a question of law and so something which is ultimately for the courts to determine. It is for the decision maker to assess both the weight to be attached to each material consideration and whether individually or together they are sufficient to outweigh the development plan. Where development plan policies are not directly relevant to the development proposal, material considerations will be of particular importance.
- The range of considerations which might be considered material in planning terms is very wide and can only be determined in the context of each case. Examples of possible material considerations include:
 - Scottish Government policy and UK Government policy on reserved matters.
 - The National Planning Framework.
 - Designing Streets.
 - Scottish Government planning advice and circulars.
 - EU policy.
 - A proposed local development plan or proposed supplementary guidance.

- Community plans.
- The environmental impact of the proposal.
- The design of the proposed development and its relationship to its surroundings.
- Access, provision of infrastructure and planning history of the site.
- Views of statutory and other consultees.
- Legitimate public concern or support expressed on relevant planning matters.
- The planning system operates in the long term public interest. It does not exist to protect the interests of one person or business against the activities of another. In distinguishing between public and private interests, the basic question is whether the proposal would unacceptably affect the amenity and existing use of land and buildings which ought to be protected in the public interest, not whether owners or occupiers of neighbouring or other existing properties would experience financial or other loss from a particular development.

6.4.

Where a decision to refuse an application is made, the applicant may appeal under section 47 of the Act. Scottish Ministers are empowered to make an award of expenses on appeal where one party's conduct is deemed to be unreasonable. Examples of such unreasonable conduct are given in Circular 6/1990 and include:

- Failing to give complete, precise and relevant reasons for refusal of an application.
- Reaching a decision without reasonable planning grounds for doing so.
- Not taking into account material considerations.
- Refusing an application because of local opposition, where that opposition is not founded upon valid planning grounds.

6.5.

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

6.6. Status of the Local Development Plan

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

6.7. Status of National Planning Framework 4

6.7.1.

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

6.7.2.

In the current case, there is not considered to be any incompatibility between the provisions of NPF4 and the provisions of the Orkney Local Development Plan 2017, to merit any detailed assessment in relation to individual NPF4 policies, however, where there are additional considerations under NPF4 which enhance current Orkney Local Development Plan 2017 Policy, as in the case of NPF4 Policy 3c regarding Biodiversity, the proposal has also been fully assessed against these.

7. Assessment

7.1. Proposal and Site

7.1.1.

It is proposed to erect a single storey dwelling and detached garage on land approximately 140 metres south-west of Whitehall Farm, Whitehall Road, Stronsay, as indicated in the Location Plan, attached as Appendix 1 to this report. The development would also include creation of an access.

7.1.2.

The site is within the countryside, adjacent to the public road (Whitehall Road). The application site forms the central (and most 'square') part of a triangular area of land in the applicant's ownership. The site is located on higher land than the farm buildings at Whitehall Farm and the farmland to the south-east and east, which drops across fields towards the coast. The ground to the north and west rises higher than the site.

7.2. Principle

7.2.1.

There is a presumption in favour of single house developments in the non-linked isles under Policy 5C of the Orkney Local Development Plan 2017 (OLDP 2017) and the Isles Approach in the Spatial Strategy, provided that the development can also meet the requirements of other relevant policies of the Plan and any other material planning considerations.

7.2.2.

Previous approvals for housing exist at the site since 2005, the most recent (18/520/PP) being approved in 2019. No development was commenced and all previous permissions have lapsed.

7.2.3.

In relation to Policy 5C – The Isles Approach for Housing and Spatial Strategy – The Isles Approach, and NPF4 Policy 17(c) – Rural Homes in Remote Rural Areas, in principle, the proposed development is acceptable.

7.3. Design and Appearance

7.3.1.

The proposed dwelling would be single storey, with the massing of the house broken down into two sections (living room/kitchen) and bedrooms, with a link (comprising an en-suite, bathroom and corridor) between the two areas. The overall height of the pitched roof would be 4.789 metres.

7.3.2.

The living area would face south/south-east, over fields and countryside towards the coast in the distance. The southern aspect of the large windows to the living room would provide some solar gain.

7.3.3.

Proposed materials include grey tiles for the pitched roofs, grey felt to the flat roofed link, white smooth rendered walls and white uPVC window frames and doors. Rainwater goods would be either grey or black to match the roof colour.

7.3.4.

The proposed garage would have a footprint of 6.675 metres x 3.9 metres, and an overall height to the pitched roof of 3.837 metres. The colours of the roof and walls would match the house.

7.3.5.

It is considered that the design and proposed materials are satisfactory and the buildings would be of acceptable proportions. The design would comply with Policy 2 'Design'.

7.4. Residential Amenity

7.4.1.

The objector raised concerns regarding the size of the development and amenity space: "Where is the safe car parking and adequate play space for house of this size?"

7.4.2.

The scale of the four bedroomed house is not unusual for new houses built in Orkney as family homes, and as described above, the scale and design generally is considered acceptable. With regards car parking and amenity space, the area of the site (the proposed domestic curtilage) does not exceed 1500 square metres, in accordance with relevant guidance for housing in the countryside. Critically, it is a requirement under Development Criteria 9 (DC9) of Supplementary Guidance: Housing in the Countryside (2021), (including in the Isles) that a house and any outbuildings do not exceed one third of the domestic curtilage of the dwelling, which the proposed development does not. A garage and adequate space for parking and turning of vehicles are proposed within the site as well as lawned areas of garden ground available as amenity space and play area. It is therefore considered that the proposed development would comply with the requirements of Development Criteria 9 (DC9) of Supplementary Guidance: Housing in the Countryside (2021).

7.4.3.

The closest third-party dwelling is the Old Manse, which is at a separation distance of 200 metres. Due to the separation and the development being single storey, it is considered unlikely that there would be unacceptable overlooking or overshadowing issues or other impacts on the residential amenity of third-party dwellings in the area.

7.4.4.

Under the provisions of Policy 2(vi) and Planning Policy Advice: Amenity and Minimising Obtrusive Lighting (2021), a condition would be attached requiring any external lighting to minimise obtrusive light and be downward facing, to further protect the residential amenity of the area.

7.4.5

Planning records indicate approval of a wind turbine on a site to the north, and over 250 metres from the proposed house site, reference 15/347/TPP. The separation distance between the wind turbine and the proposed house site is such that a wind turbine noise survey is not required.

7.4.6.

It is considered that the proposed development would have adequate parking and outside amenity space, and would be unlikely to have a significant or adverse impact upon the residential amenity of third party dwellings in the area and would therefore comply with Policies 1 'Criteria for All Development' (criterion iv) and 2 'Design' (criterion vi) and Planning Policy Advice: Amenity and Minimising Obtrusive Lighting (2021).

7.5. Water Supply, Drainage and Sewerage

7.5.1.

The proposed dwelling would connect to the public water supply. Scottish Water has indicated that the development would be fed from Stronsay Water Treatment Works.

7.5.2.

Scottish Water confirmed in its consultation response that there is no public sewer in the vicinity of the site. Therefore, the applicant is proposing a septic tank and soakaway. A condition would be attached requiring that the sewerage system is to be connected and fully operational prior to the first occupation of the dwelling, which would accord with Policy 13C 'Waste Water Drainage'.

7.5.3.

Scottish Water has also indicated that there is a water main pipe within the boundary of the site which may result in "restrictions on proximity of construction." An informative highlighting the Scottish Water advice would be attached to the decision notice.

7.5.4.

A standard condition requiring that surface water is managed in accordance with the principles of Sustainable Drainage Systems (SuDS) would be attached to an approval. This would accord with Policy 13B 'Sustainable Drainage Systems'.

7.6. Landscape and Visual Amenity

7.6.1.

As defined by the SNH Orkney Landscape Character Assessment, the site is located within a ridgeline island landscape, which indicates that in this landscape type, skylining should be avoided and development could be "obtrusive if not associated with existing developments...or well spaced along the ridge/road line".

7.6.2.

Whilst the site is on higher ground than to the east and south, the ground continues to gently rise to the north and west which would provide backdrop from some vantage points. From the B9060 road near Hunton, looking north, the house would be seen in the distance and towards the ridge; however, the larger groups of buildings at the Old Manse (which is further down the slope than the proposed development site) and Whitehall Farm (which is on higher ground than the Old Manse) would also be seen and, due to their scale and massing, the proposed house would have less prominence in the landscape. It is considered that the overall impact of the development on the wider landscape and visual amenity would be satisfactory, and that the proposal would be able to comply with Policy 1 'Criteria for All Development' and Policy 9G 'Landscape'.

7.7. Access/Road Safety

An access would be formed from the public road. Roads Services has no objection in terms of road safety, subject to the access being constructed to the specification SD-05 (Typical Access Over Verge with Service Bay), which would be conditioned, and based on an Informative being attached requiring compliance with Sections 56 and 95 of the Roads (Scotland) Act 1984. On this basis, it is considered that the proposal would comply with Policy 1 'Criteria for All Development' and Policy 14 'Transport, Travel and Road Network Infrastructure'.

7.8. Natural Heritage and Biodiversity

7.8.1.

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

7.8.2. Wider Biodiversity

Under Policy 3c of National Planning Framework 4 (NPF4), there is a requirement that all local developments 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”. During consideration of the application, an ecological study was undertaken, and the report submitted to the Planning Authority.

7.8.3.

In relation to biodiversity measures proposed, the Council’s Policy Officer (Environment) has advised that, whilst bird boxes “are not considered to be an appropriate biodiversity measure in this location as there is insufficient confidence in their potential to contribute towards biodiversity longer term. This does not however prevent the applicant from installing bird boxes if they wish” but also that the biodiversity measures proposed on the landscaping plan are satisfactory and “proportionate to the nature and scale of the proposed development”. Planning conditions would ensure that the biodiversity measures (rainwater garden/SuDS Pond) are undertaken and can meet the requirements of NPF4 Policy 3.

7.8.4.

Taking account of the above and the proposed mitigation measures which would be conditioned, it is considered that the development would comply with the biodiversity requirements under NPF4 Policy 3; Policy 1 ‘Criteria for All Development’ and Policy 9C ‘Wider Biodiversity and Geodiversity’ of the Local Development Plan and Supplementary Guidance: Natural Heritage (2017).

7.8.5. Peat and Soils

During assessment of the application, a soil survey was undertaken, and the report submitted. The Council’s Policy Officer (Environment) has advised that sufficient information has been provided to confirm there is no peat present in the proposed development site and that no peat management plan is required.

7.9. Flood Risk

7.9.1.

The objector cited “...the lack of any plan to cope with the excess amount of water which can run over this site. (I have owned property (commercial, land & domestic) in Stronsay for over 30 years). I have seen water pouring down through the exposed site... The site has changed hands and planning for good reason. I suspect the agent may be unaware of the excess rain issue”.

7.9.2.

The planning mapping system and the SEPA flood risk maps do not indicate that the site is at specific risk of flooding from coastal, river or surface water flooding. However, to provide additional certainty, Engineering Services (as the flood risk authority) was consulted to enable assessment.

7.9.3.

Engineering Services confirmed that flood risk mapping does not indicate any risk of flooding at the site and that the roads authority has no record of flooding at the site, and concluded with no objection.

7.9.4.

The development would include Sustainable Drainage Systems (SuDS) including a SuDS Pond and storm water soakaway and the mitigations required by Engineering Services, and SuDS would be conditioned.

7.9.5.

It is considered that, with the mitigations proposed and conditions, the development would comply with the requirements of Policies 13A 'Flood Risk' and 13B 'Sustainable Drainage Systems'.

7.10. Historic Environment

7.10.1.

There is known underlying archaeology within the area. Oram's Fancy, a scheduled monument, is located 800 metres to the south-west. Due to potential for archaeology within the vicinity of the site, the Islands Archaeologist was consulted.

7.10.2.

The response from the Islands Archaeologist states that "Whitehall Farm is in an area of significant archaeology that includes prehistoric funerary remains, including burials, cisted ashes, urns and stone axes. The extent of these remains is not known. Although the development site is located an area disturbed by tracks in the 19th century, which are still visible, there is still a low potential for the disturbance of human and other funerary remains, especially in the form of cists or stone boxes dug into the subsurface, with remnants of cremations (ashes and/or a lightweight blueish slag-like material, or pottery) or other archaeological material." In this case, the Islands Archaeologist requires that a Watching Brief be undertaken, preceded by the submission of a Written Scheme of Investigation.

7.10.3.

Subject to condition, the development would comply with Policy 1 'Criteria for All Development', Policy 8A 'All Development', Policy 8B(vi) 'Investigation and Recording', Supplementary Guidance: Historic Environment and Cultural Heritage (2017), Planning Policy Advice: Historic Environment (Topics and Themes) (2017) and NPF4 Policy 7(o).

7.11. Aviation Safety

The site is within the 3 kilometre buffer zone of Stronsay Airfield. Highlands and Islands Airports Limited (HIAL), Kirkwall Airport and the Airfield Superintendent were consulted. Only HIAL responded, stating no objections.

8. Conclusion and Recommendation

The proposal is for the erection of a single storey dwelling and garage on land near Whitehall Farm, Stronsay. Subject to the conditions, the development would comply with Orkney Local Development Plan 2017 Policies 1, 2, 5C, 8A, 8B(vi), 9G, 13B, 13C, 14B, 14C, Spatial Strategy 'The Isles Approach, relevant Development Criteria in Supplementary Guidance: Housing in the Countryside (2021), Supplementary Guidance: Historic Environment and Cultural Heritage, Supplementary Guidance: Natural Heritage (2017), Planning Policy Advice: Historic Environment (Topics and Themes) (2017), Planning Policy Advice: Amenity and Minimising Obtrusive Lighting (2021), and National Planning Framework 4. The concerns of the objector have been assessed but are of insufficient weight to warrant refusal and conditions would be attached to address drainage and flood risk. Accordingly, the application is recommended for approval, subject to the conditions attached as Appendix 2 to this report.

9. Contact Officers

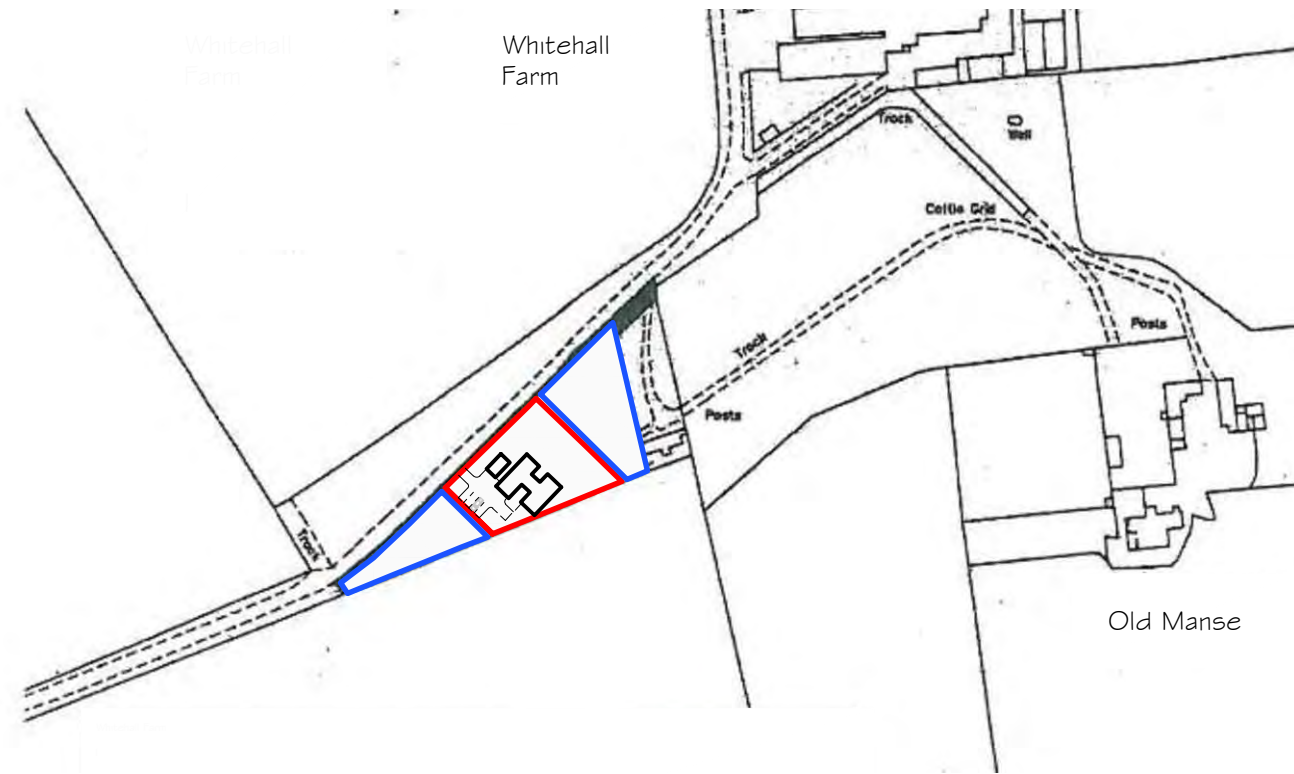
Jamie Macvie, Service Manager (Development Management), Email jamie.macvie@orkney.gov.uk

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

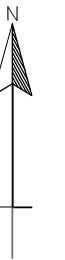
10. Appendices

Appendix 1: Site Plan.

Appendix 2: Planning Conditions.



LOCATION PLAN 1:2500

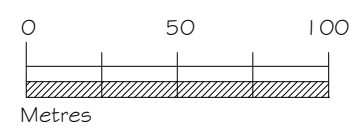


Rev	Date	Notes
B	10.5.23	Additional blue boundary lines as per LA request
A	27.4.23	Scale & boundary amended as per LA letter 26.4.23



LPC (TRULL) LTD.,
 TRULL, TETBURY, GLOUCESTERSHIRE GL6 6SQ
 Tel: 01285 841433 email: admin@lpc-trull.com

Client:
 Mr L Merrydew
 Project:
 Whitehall Farm, Whitehall
 Road, Stronsay, Orkney
 KW17 2AT
 Drawing:
 LOCATION PLAN



Date: April 2023 Scale: 1:2500 @ A3
 Drawing Number:
 LPC 5599 EX 01 B

Appendix 2

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

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

02. All existing dry stone walls bounding the application site shall be retained and repaired (as necessary) throughout the lifetime of the development.

Reason: To ensure that the external appearance of the development is acceptable, and to protect a traditional boundary finish.

03. Throughout the lifetime of the development hereby approved, surface water shall be managed in accordance with the principles of Sustainable Drainage Systems (SuDS) and the guidance set out in CIRIA's SuDS Manual C753. Requisite surface water drainage measures shall be operational prior to the development being brought into use and shall be maintained as operational thereafter and throughout the lifetime of the development.

All surface water shall be contained within the application site and shall be managed to avoid flow into any adjacent road or other land.

Reason: To ensure appropriate management of surface water drainage, in accordance with Policy 13B 'Sustainable Drainage Systems (SuDS)' of the Orkney Local Development Plan 2017, National Planning Framework 4, and to protect road safety.

04. The foul drainage system hereby approved shall be connected and fully operational prior to the first occupation of the development hereby approved.

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

05. All foundations shall be excavated into the slope, and no part of the finished floor level shall exceed the existing ground level.

Reason: In the interests of visual and landscape amenity.

06. Throughout the lifetime of the development, the garage hereby approved shall be restricted to private use incidental to the enjoyment of the dwelling house. No commercial activity shall be carried out in, or from, the garage.

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

07. Throughout the lifetime of the development, any exterior lighting employed on the dwelling and garage and any outbuilding(s) within the site boundary, shall be so positioned, angled and controlled to prevent any direct illumination, glare or light spillage outwith the site boundary. The use of automatic cut-out or sensor operated external lighting of limited timed illumination is advocated. External lighting on the building shall meet the requirements for Zone E2 areas (Rural/Low District Brightness) as defined by the Institution of Lighting Professionals.

Reason: In order to ensure that any lighting installed within the application site does not spill beyond the intended target area, does not impact adversely upon the amenity of adjacent properties and does not result in 'sky glow' and to accord with Policy 2 'Design' of the Orkney Local Development Plan 2017 and Planning Policy Advice: Amenity and Minimising Obtrusive Lighting (2021).

08. Landscaping works shall be carried out in accordance with the approved scheme shown on Landscaping Plan (reference LPC 5599 PR 05 A, dated 19 July 2023), hereby approved. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of development, unless otherwise stated in the approved scheme.

Any trees, shrubs or plants which, within a period of five years from the completion of the development, die or for whatever reason are removed or damaged, shall be replaced in the next planting season with others of the same size and species.

Reason: In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.

09. Construction of the rainwater garden/SuDS pond shall not commence until full details of the design and planting are submitted to and approved, in writing, by the Planning Authority. Thereafter, the development shall be carried out wholly in accordance with approved details.

Reason: To ensure the design and planting of the rainwater garden/SUDS pond is appropriate in the context of Policy 3 of National Planning Framework 4.

10. With the exception of the bird boxes, the biodiversity measures identified on the Landscaping Plan (reference LPC 5599 PR 05 A, dated July 2023) and described in the submitted Biodiversity Form, and the agreed details of the rainwater garden/ SuDS pond, shall be implemented in full no later than the first planting season following first occupation. Thereafter, the biodiversity measures shall be retained in accordance with the approved details throughout the lifetime of the development.

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

11. No development shall commence until a Written Scheme of Investigation (WSI), that details an Archaeological Watching Brief to be conducted during ground-breaking works at the development site, is submitted to and approved, in writing, by the Planning Authority, in conjunction with the Islands Archaeologist. Thereafter, the development shall be carried out wholly in accordance with the approved WSI.

The WSI shall include provision for dealing with human remains, artefacts, ecofacts, samples and structural remains, should any be found and which may cause temporary delays to the works. The works and provision for recovery, analysis and reporting of any archaeology found shall be funded by the applicant and carried out in accordance with the approved WSI and subsequent updates.

Reason: To protect Orkney's archaeological and cultural heritage resources and to accord with Policy 7 of National Planning Framework 4; Policies 8A and 8B(vi), Supplementary Guidance: Historic Environment and Cultural Heritage (2017) of the Orkney Local Development Plan 2017 and Planning Policy Advice: Historic Environment (Topics and Themes) (2017).

12. No other development shall commence until the access with the public road is constructed to the Council's Roads Services standard drawing 'SD-05 (Typical Access Over Verge with Service Bay)', attached to and forming part of this decision notice, including dimensions, road construction, any pipe required, and verge or footway.

Thereafter, the access shall be retained in accordance with these details throughout the lifetime of the development.

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

Reason: In the interests of road safety.

13. Throughout the construction phase of the development hereby approved, the roadside ditches along the entire north-west and west facing boundaries to the land owned by the developer shall be protected from disruption.

Reason: In the interests of the prevention of flood risk.

14. A caravan, not exceeding 3 metres in width, may be located within the application site hereby approved on a temporary basis, limited to the residential use of the applicant/developer only, and for a maximum of 3 years from the date of the decision notice or until first occupation of the dwellinghouse, whichever is the sooner. At no time shall it be used for permanent residential use.

Reason: To ensure that the caravan is not used for permanent residential occupation in the interest of the visual amenity of the area and to comply with Policy 5D – Residential Caravans and other Temporary Residential Structures of the Orkney Local Development Plan 2017. A caravan is a temporary structure on self-build sites.

15. Hours of work during the construction of the development hereby approved, involving the use of machinery and powered tools, or any other operation, for example hammering, that would generate noise audible beyond the boundary of the site, shall be restricted to 07:30 to 18:00 Mondays to Fridays, 08:00 to 13:00 on Saturdays and not at all on Sundays, Christmas or New Year Public Holidays unless otherwise agreed, in writing, with the Planning Authority.

There shall be no burning of waste or any other materials on site at any time during the construction phase of the development.

Reason: In the interest of residential amenity of the area and to reduce any possible nuisance arising to nearby residents during the construction of this development.