

Item: 4.2

Planning Committee: 29 November 2023.

Erect Toilet Block, Create Car Park with Electric Vehicle Chargers, Associated Landscaping and Alter Accesses at Market Green, Dounby.

Report by Corporate Director for Neighbourhood Services and Infrastructure.

1. Summary

1.1.

The Market Green is located centrally within the village of Dounby, adjacent to the crossroads at the junction of the A986 and B9057. This area was the historic village centre (Market Green) and continues to be seen as the village centre. It is proposed to improve community and tourist facilities within the area including the erection of a toilet block, creation of a car park with electric vehicle chargers, and associated landscaping and access alterations. Two objections have been received, with objections not considered to have sufficient weight to merit refusal. There are no matters raised by the consultation bodies that cannot be addressed by planning conditions. The application is considered to accord with relevant policies of the Orkney Local Development Plan 2017 and the provisions of the National Planning Framework 4. Accordingly, the application is recommended for approval.

Application Number:	23/016/PP.
Application Type:	Planning Permission.
Proposal:	Erect a toilet block, create a car park with electric vehicle chargers, associated landscaping and alter accesses.
Applicant:	Orkney Islands Council, Ms Christie Hartley, Council Buildings, Kirkwall, KW15 1NY.
Agent:	Land Use Consultants, C/o Lesley Samuel, 37 Otago Street, Glasgow, G12 8JJ.

1.2.

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

2. Consultations

2.1. Roads Services

Roads Services provided an updated consultation response, confirming no objections to the development providing that:

“...a condition is applied in relation to there being a maintenance and management plan for all aspects of the development to maintain the development in perpetuity”.

2.2. Environmental Health

Environmental Health provided the following comments and recommended a planning condition:

“The existing underground fuel tank(s) and any associated supply pipework shall be excavated and removed.

Following completion of excavation and removal, a Verification Report shall be submitted to the Planning Authority. The Verification Report shall include details of the removal works carried out and details of post-remedial sampling and analysis to demonstrate the site is compatible with the proposed use, and evidence that contaminants are not present at unacceptable levels. Documentation detailing any waste material removed from site shall also be submitted.

No development shall be carried out within the application site until the Verification Report has been submitted to and approved in writing by the Planning Authority.

Reason: In the interests of public health, to ensure any potential contaminants resulting from the previous use of the site as a fuel station are remediated, and the site is suitable for its intended use”.

Environmental Health also “recommended some additional sampling is carried out at the time the petrol tanks are addressed and any materials that are to be reused or imported for the soft landscaping should be tested to ensure that they are suitable for the end use.”

2.3. Scottish Water

No objection. Scottish Water records indicate that there is live infrastructure in the proximity of the development area that may impact on existing Scottish Water assets.

2.4. Development and Marine Planning

2.4.1.

Wider biodiversity – invasive non-native species and landscaping. The Design Statement (dated July 2023) proposes that native species should be used in preference to non-native species in order to encourage native biodiversity. A condition requiring the submission and approval of a planting schedule is required.

2.4.2.

Protected species – breeding birds. Birds may use the existing trees and shrubs for breeding. As breeding birds are likely to be present, a condition should be applied to avoid adverse effects on breeding birds. Two mature trees adjoining the proposed development site are identified for pruning. This should be carried out by qualified tree surgeon(s) to ensure that the health of the trees is not compromised. A condition is required to secure this.

2.5. Engineering Services

The revised information is all acceptable with the exception that it demonstrates that maximum height of storage shown in drainage calculations would be higher than the proposed ground level at the lowest contributing gully. This should be relatively simple to address by changing the shape of the cellular storage provided.

3. Representations

3.1.

Two valid objections to the proposed development have been received from:

- Angus Scott, Junction House, Dounby, KW17 2HT.
- David and Sharon Craigie, Neven, Dounby, KW17 2HT.

3.2.

The objections are on the following grounds:

- No buildings should be built as the area is required for off-road parking for large vehicles.
- No alteration should be made to the stone wall and the existing underground tanks should be retained.
- Road safety concerns over the new access onto the main A986 road.
- Road safety concern with existing very narrow access with no footpath to Neven and change in layout of area will affect access to the adjacent garage.
- Parking to be designated as short stay in the plans with the resultant loss of long stay car parking in middle of Dounby. In future parking likely on B9057 causing roads safety issues.
- Loss of overspill parking for the bowling club especially when tournaments are held in the summer.

3.3. Other Matters

Other matters were raised that are not material to the decision, including the right to park private cars/vehicles on the area of the Market Green covered by this planning application.

4. Relevant Planning History and Background

Reference	Proposal	Location	Decision	Date
16/209/PP	Extend shed	The Bowling Green, Dounby.	Granted subject to conditions	08.07.2016
14/449/PP	Create a bowling green with car parking and erect a general purpose shed for storage (retrospective)	Create a bowling green with car parking and erect a general purpose shed for storage (retrospective)	Granted subject to conditions	01.03.2016
04/624/RPF	Demolish Public Conveniences and Erect New Public Conveniences	Market Green, Dounby	Deemed Consent	17.01.2005

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.
 - Policy 1 – Criteria for All Development.
 - Policy 2 – Design.
 - Policy 3 – Settlements, Town Centres and Primary Retail Frontages.
 - Policy 9 – Natural Heritage and Landscape.
 - Policy 10 – Green Infrastructure.
 - Policy 11- Outdoor Sports, Recreation and Community Facilities
 - Policy 13 - Flood Risk, SuDS and Waste Water Drainage.
 - Policy 14 – Transport, Travel and Road Network Infrastructure.
- Supplementary Guidance:
 - Settlement Statements (2017).
- Planning Policy Advice:
 - Amenity and Minimising Obtrusive Lighting (2021).

- Three Villages Master plan.
- National Planning Framework 4.
 - Policy 3 – Biodiversity.
 - Policy 14 - Design, Quality and Place.
 - Policy 20 - Blue and Green Infrastructure.
 - Policy 21 - Play, Recreation and Sport.
 - Policy 30 – Tourism.

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 strategic development plan, a proposed local development plan, or proposed supplementary guidance.
 - Guidance adopted by a Strategic Development Plan Authority or a planning authority that is not supplementary guidance adopted under section 22(1) of the 1997 Act.
 - 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.

7. Assessment

7.1. Background and Proposal

7.1.1.

The site is known as the Market Green and lies adjacent to the crossroads and is the traditional centre of Dounby, as indicated in the location plan attached as Appendix 1 to this report. A hotel, shop and care facility lie across the road to the west and south with the school playing fields and access to the bowling green along residential properties to the north and east. The character of the surrounding area is therefore mixed use. To the north-east corner of the Market Green is an area formerly part of a blacksmith which is currently used for car parking. Along with land lying to the southeast of the site these areas are mainly accessed by two access points off the B9057 road. A block wall still surrounds the location of the former petrol pumps to the south end of the site. The area immediately adjacent to the crossroads and along the B9057 is laid down to grass and planting with picnic benches providing an open space in the centre of Dounby. There are also information boards and services within the site including a public telephone box. The existing public toilets lie across the B9057 with the small flat roofed building dating back to the 1960s/1970s.

7.1.2.

The proposal is to provide new toilet facilities, improved car parking facilities to accommodate cars, campervans, cycles with designated spaces for disabled drivers and for coach drop-off. Electric vehicle charging points would be provided at some of the parking spaces and provision is made for the future installation of additional chargers. The existing access points would be relocated with a new access off the A986 road and the access off the B9057 moved northward to be located more centrally within the site.

7.1.3.

The new toilet block would be located centrally within the area to provide easy access. The new toilets would provide four toilets which include facilities for disabled visitors and baby changing facilities. Wastewater disposal facilities for campervans would also be provided within the new toilet block.

7.1.4.

The landscaping adjacent to the crossroads will be enhanced through the introduction of feature structures such as a stone seating wall, stone walls, paths, and additional shrub planting.

7.1.5.

The area to the north of the site would become an amenity and events area with sculpted earthworks to provide an area for sheltered informal seating and recreation. The mounds would be planted with meadow and wildflower planting with feature large boulders. Picnic benches and interpretation boards would be relocated to this area.

7.1.6.

Car parking areas would be constructed to provide:

- 14 car parking spaces (each 2.5 x 5.5 metres).
- 3 disabled car parking spaces.
- 2 motorhome parking spaces - these are not intended for overnight stays.

7.1.7.

A new drainage system is included within the site. The Sustainable Drainage System (SuDS) would utilise porous paving and new gullies, with drain connections to the proposed SuDS/attenuation system would ultimately drain to the existing drainage network under the Hillside Road.

7.1.8.

The existing public toilets which lie to the west of the B9057 would be demolished as part of the development, with the land reinstated. The area could be further enhanced by additional planting in this area.

7.1.9.

The proposal also includes remediation and removal of disused underground petrol and diesel tanks at the former petrol station adjacent to the A986. The proposed development includes site investigations to inform detailed remediation and demolition. The redundant tanks would subsequently be removed or suitably remediated to allow the redevelopment of the area.

7.2. Design and Appearance

7.2.1.

The proposed public toilet block measures 5.4 by 6.6 metres, with a rectangular floor plan including a recessed area at the front of the building providing a covered seated area. The walls would be finished in stone cladding with recessed grey painted harling. The roof would be powder coated standing seam zinc including three photovoltaic (PV) panels and a rooflight. The proposed doors and windows are powder coated to match the roof. The building is traditional in form, utilising a sympathetic pallet of colours, materials and finishes that would fit well in this location. The design of the proposed toilets is therefore acceptable.

7.2.2.

The position of the building was subject to discussion, and whether it would have been better located away from such a prominent location in the centre of the site; however, the developer indicated that the proposed position provides best accessibility, is close to existing infrastructure, maximises passive surveillance, and maintains privacy from neighbouring properties.

7.2.3.

The main issues affecting consideration of the application are the design and scale of the scheme, and the resulting impact on the character and appearance of the area. The proposed development is considered adequately in-keeping with the design and appearance of its immediate context. It is therefore considered that the proposed development complies with Policy 1 'Criteria for All Development' and Policy 2 'Design' of the Orkney Local Development Plan 2017.

7.3. Residential Amenity

7.3.1.

The proposal is an enhancement of the existing use including the relocation of the public toilets. The surrounding uses including the Smithfield Hotel, shop, care facility, as well as school playing fields/bowling green and residential properties. The area is identified as public open space within the Settlement Statement for Dounby.

7.3.2.

Objections include concerns relating to changes to accesses, the safety of the access to the bowling green, layout of site, parking location, and the impact that this could have on neighbouring properties in terms of access to parking. Given the existing nature and use of the area and the level of the changes proposed it is considered unlikely that there would be a significant impact on the residential amenity of the adjacent dwellings.

7.3.3.

A condition would be attached to ensure that any external lighting used on the buildings would minimise light pollution, as required by Planning Policy Advice: Amenity and Minimising Obtrusive Lighting (March 2021). A condition requiring a Construction Method Statement would also be attached to help minimise the impact on the adjoining properties and the wider area of Dounby.

7.3.4.

The development would enhance the area without having any significant unacceptable impact on neighbouring properties. It is therefore considered that, subject to appropriate planning conditions, the development would be acceptable in relation to amenity impacts and therefore in accordance with Policy 1 'Criteria for All Development'.

7.4. Access and Road Safety

7.4.1.

Roads Services has removed an earlier objection following submission of additional information. The works within the site are outside the public road network; therefore, all assets (car parking area, roads, footpaths, EV chargers, drainage, and SuDS infrastructure) and their management and maintenance would require to be undertaken by the developer. A condition has been attached for the submission and approval of a Management and Maintenance Plan.

7.4.2.

Objectors have raised concerns regarding traffic parking, the size of parking spaces, the loss of existing parking space, the designation of the area as short stay parking, new access onto A986, impact on safety of access to the bowling green, and parking and access to the garage at the adjacent house of Neven.

7.4.3.

During consideration of this planning application, there have been several amendments made including changes to the size of car parking spaces. These spaces have been designed to accommodate cars rather than larger vehicles, and the developer has indicated that the parking area is to be designated as short stay car parking only. Although concerns have been expressed by one of the objectors in respect of the reduction in parking spaces, the retained provision for parking within the area would be 14 car parking spaces, 3 disabled car parking spaces and 2 motorhome parking spaces. In addition, there is other parking provision within the village which should minimise the need for any parking on the public road. The altered access points are both within the 30mph speed limit restriction and Roads Services has raised no concerns to their relocation.

7.4.4.

With regards concerns raised by the objector with respect to overflow car parking provision on bowling tournament days, it is not considered that this development would remove the ability for visitors to utilise the car parking provision within the site. This proposal would not alter or amend the existing access to the bowling green, nor impact the footpath that runs along the edge of the development site past the bowling green and on to Dounby Primary School.

7.4.5.

Other parking and access matters noted and representations fall outside the remit of, and are not material to, the planning decision. Roads Services has raised no concerns in regard to the final layout of the development as submitted.

7.4.6.

The development is considered to accord with Policy 14 'Transport, Travel and Road Network Infrastructure', and the objections on grounds of access and changes to parking areas and provision are not of sufficient weight to merit refusal of the application.

7.5. Foul and Surface Water Drainage

7.5.1.

Development of the scale proposed requires the incorporation of sustainable drainage systems (SuDS). Following submission of additional information, the proposal now includes foul and surface water drainage calculations. Engineering Services and Roads Services advise that the revised information is acceptable except for the lowest contributing gully where further details require to be submitted for approval. This matter is covered by a planning condition.

7.5.2.

The development would connect to the public foul drainage system and a maintenance scheme has been provided for the foul and surface water assets within the site. It is therefore considered that the development would not place an unacceptable burden on existing infrastructure services and complies with Policy 1 'Criteria for All Development' and Policy 13 'Flood Risk, SuDS and Wastewater Drainage'.

7.6. Demolition and Contaminated Land Issues

7.6.1.

The existing public toilets lie to the west of the B9057 road, and these would be demolished as part of the proposal, with the land reinstated.

7.6.2.

The proposal also includes the remediation and removal of disused underground petrol and diesel tanks at the former petrol station adjacent to the A986 road. The proposed development includes site investigations to inform detailed remediation and demolition. The redundant tanks would subsequently be removed or suitably remediated to allow the redevelopment of the area.

7.6.3.

One of the objectors did not wish the underground petrol tanks and associated wall to be removed. However, the former underground petrol tanks, associated walls and hardstanding provide no functional use at present to enable the redevelopment of the area as a community space and these features require to be removed to allow vehicles to access onto the A986 and circulate within the site.

7.6.4.

Part of the site was historically used as a blacksmith yard and is presently used as an undefined parking area. Environmental Health has recommended that additional sampling be carried out in this area to ensure that it is suitable for its end use as part of the amenity and events area.

7.6.5.

Environmental Health is satisfied with the proposed remediations and has no objection to the development on grounds of contaminated land, subject to the inclusion of a condition covering the removal of the underground fuel tanks.

7.6.6.

The development is considered to accord with Policy 11 'Outdoor Sports, Recreation and Community Facilities', and the objection on the loss of the underground tanks and associated wall is not of sufficient weight to merit refusal of the application.

7.7. Other Matters

Following discussions with the applicant, the design of the toilet was altered to take account of National Planning Framework 4, Policy 14 - Design, Quality and Place. The original design provided three unisex toilets with access off an internal enclosed space, resulting in an unsupervised enclosed space, and resultant safety concerns for users. Ideally, unisex individual self-contained private toilets with external doors would have been provided. Whilst this has not been achieved, the design was amended to partially open up the internal space both from the front and side elevation, providing three unisex toilets with a hand basin for individual use, plus a disabled toilet. The revised design has also achieved an additional toilet within the block.

8. Conclusion and Recommendation

The principle of enhancing the community and tourist facilities at the Market Green is supported. It is acknowledged that some works may result in some inconvenience in terms of parking for existing users; however, parking provision remains available albeit at further distance. Previous objections from Roads Services and Engineering Services have been adequately addressed. It is considered that all the outstanding relevant matters can be adequately addressed by planning conditions. The application is considered to comply with provisions of Policies 3, 14, 20, 21 and 30 of National Planning Framework 4 and Policies 1, 2, 3, 9, 10, 11, 13 and 14 of the Orkney Local Development Plan 2017. Objections are of insufficient weight to warrant refusal. Accordingly, the application is **recommended for approval**, subject to the conditions attached as Appendix 2 to this report.

9. Contact Officers

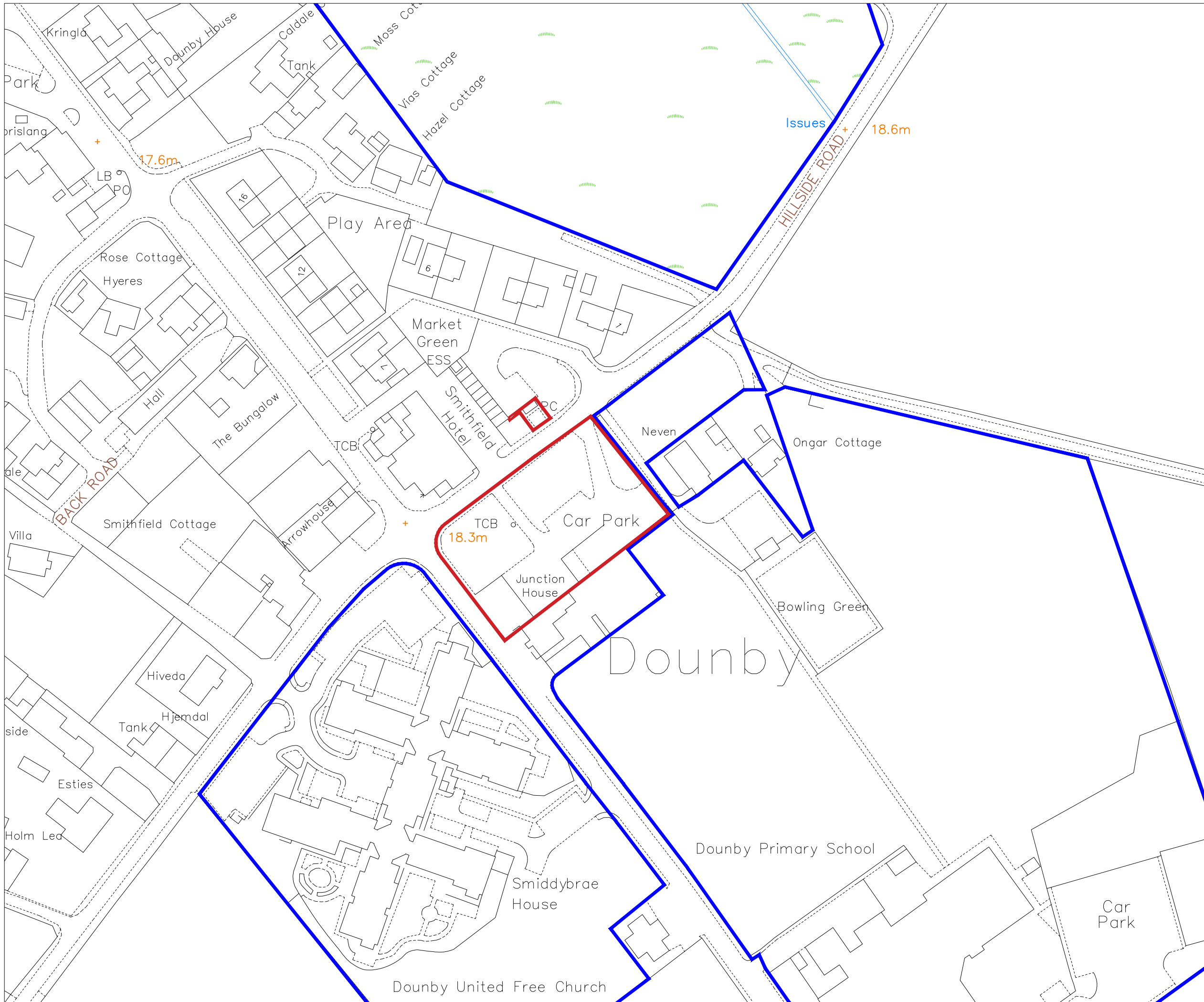
Jamie Macvie, Service Manager (Development Management), Email jamie.macvie@orkney.gov.uk

Margaret Gillon, Senior Planner (Development Management), Email margaret.gillon@orkney.gov.uk

10. Appendices

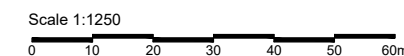
Appendix 1: Location Plan.

Appendix 2: Planning Conditions.

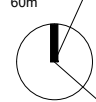


- Key**
- Site Boundary
 - Neighbouring Land within applicant's control

Iss	Date	Description	Drm	Chk	App
A	10.02.23	Revised for planning validation	MW	LS	MT
-	16.01.23	First Issue	MW	LS	MT



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Project
**Orkney Tourism Infrastructure
Design Phase**

Client
Orkney Islands Council

LUC Job Nr Scale @A3 Status
12195 1:1250 PLANNING

Drawing Title
**Dounby
Location Plan**

Drawing Nr Issue
12195-LD-PLN-100 A

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. 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 or the Christmas or New Year Public Holidays unless otherwise agreed in writing with the Planning Authority.

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

03. No development shall commence (including demolition, ground preparation, tree/shrub works, construction, or any other works) during March to August (inclusive), or (if during these months) until a pre-start walkover of the site and inspection of the existing buildings, structures and vegetation has been completed by a suitably experienced (and licensed) ecologist, to identify signs of breeding birds and until an appropriate Breeding Bird Protection Plan has been submitted to and approved, in writing, by the Planning Authority. Thereafter, the development shall be carried out wholly in accordance with the approved Breeding Bird Protection Plan.

Reason: To avoid adverse effects on breeding birds, to meet the requirements of Policy 9C – Wider Biodiversity and Geodiversity of the Orkney Local Development Plan 2017 and to comply with protected species legislation.

04. No development shall commence until a planting schedule has been submitted to and approved, in writing, by the Planning Authority. The planting schedule should incorporate native species and shall not include invasive non-native species. The planting schedule shall include details of the species (scientific and common names), size, density, total numbers, planting location, and timing in relation to commencement of development, for both new plants and those to be relocated within the site. The planting schedule shall also include details of monitoring and maintenance, covering the establishment period (3 years from planting, including replacement of any plants that do not survive). Thereafter the agreed planting schedule shall be implemented in full, retained in perpetuity in accordance with the approved details unless otherwise agreed, in writing, by the Planning Authority.

Reason: To protect the natural environment and meet the requirements of Policy 9C 'Wider Biodiversity and Geodiversity' of the Orkney Local Development Plan 2017.

05. Notwithstanding indicative details included in drawings hereby approved, no works shall be carried out to any existing mature tree adjacent to or overhanging the application site boundary, unless details of the works are submitted to and approved, in writing, by the Planning Authority. Thereafter, any pruning works shall be carried out wholly in accordance with approved details.

Proposed works shall be detailed by a suitably qualified arborist, and shall include any mitigatory planting, to be incorporated in the planting schedule specified by Condition 04.

Reason: To protect the natural environment and meet the requirements of Policy 9F 'Trees and Woodland' of the Orkney Local Development Plan 2017.

06. No other part of the development shall commence until the existing underground fuel tank(s) and any associated supply pipework shall be excavated and removed. Additional sampling shall be carried out in association with removal of the petrol tanks on the northeast area of the site, and any materials that are to be reused or imported for the soft landscaping shall be tested to demonstrate that they are suitable for the end use.

Following completion of excavation and removal, a Verification Report shall be submitted to the Planning Authority. The Verification Report shall include details of the removal works carried out and details of post-remedial sampling and analysis to demonstrate the site is compatible with the proposed use, and evidence that contaminants are not present at unacceptable levels. Documentation detailing any waste material removed from site shall also be submitted to the Planning Authority.

No development shall be carried out within the application site until the Verification Report and details of any waste material removed from the site as specified above have been submitted to and approved, in writing by, the Planning Authority in conjunction with Environmental Health.

Reason: In the interests of public health, to ensure any potential contaminants resulting from the previous use of the site as a fuel station are remediated, and the site is suitable for its intended use.

07. 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 Policy 22 'Flood risk and water management', and to protect road safety.

08. Any exterior lighting employed 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.

Reason: 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', in accordance with Planning Policy Advice: Amenity and Minimising Obtrusive Lighting (March 2021).

09. No development shall commence until a Management and Maintenance Plan covering all assets (soft landscaping, buildings, streetlighting, EV chargers, footpaths, roads, parking areas, drainage, etc) within the application site has been submitted to and approved, in writing, by the Planning Authority, in conjunction with Engineering Services in relation to drainage infrastructure. Thereafter the site shall be managed and maintained in accordance the Management and Maintenance Plan in perpetuity.

Reason: To ensure the implementation and management of a satisfactory scheme to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

10. The development hereby approved shall not be brought into use until the proposed foul drainage connection and surface water drainage system are constructed and completed wholly in accordance with the approved drawings, details, and calculations. The foul and surface water drainage system shall be retained thereafter in perpetuity.

Reason: To ensure that adequate drainage facilities are provided, and retained, in the interests of the amenity of the area.

11. No development shall commence until details of the level of the lowest contributing gully within the SuDS have been submitted to and approved, in writing, by the Planning Authority, in conjunction with Engineering Services. Thereafter, and in accordance with condition 10 above, the SuDS shall be constructed wholly in accordance with these approved details.

Reason: To ensure the level of the asset is below ground level.

12. No development shall commence until a Construction Method Statement has been submitted to and approved, in writing, by the Planning Authority. The Construction Method Statement shall include but not be limited to:

- The parking of vehicles of site operatives and visitors.
- Loading and unloading of plant and materials.
- Storage of plant and materials used in constructing the development.
- The erection and maintenance of security hoarding.
- Measures to control the emission of dust and dirt and the management of construction water runoff during construction.

- A scheme for recycling/disposing of waste resulting from construction works.
- Construction compound and site arrangement.

Thereafter, the development shall be carried out wholly in accordance with the approved Construction Method Statement.

Reason: To protect residential amenity.