

Item: 4

Planning Committee: 3 July 2024.

Erect House with Three Air Source Heat Pumps and Integral Garage, Associated Landscaping and Upgrade an Access (Resubmission of 23/176/PP) at Ferneybrae, Eday.

Report by Corporate Director for Neighbourhood Services and Infrastructure.

1. Summary

1.1.

Planning permission is sought for the erection of a dwellinghouse with three air source heat pumps and an integral garage, associated landscaping, including works to the coastal slope, and the upgrade of an existing access at Ferneybrae, Eday. One objection has been received on the grounds of road safety and residential amenity; the objection is not of sufficient weight to merit refusal of the application. Accordingly, the application is recommended for approval, subject to conditions.

Application Number:	24/115/PP.
Application Type:	Planning Permission.
Proposal:	Erect a house with three air source heat pumps and an integral garage, associated landscaping and upgrade an access (resubmission of 23/176/PP).
Applicant:	Mr G Crichton, Mr M Crichton and Mrs D Dawson.
Agent:	John D. Crawford Ltd.

1.2.

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

2. Consultations

2.1. Roads Services

2.1.1.

No objection, subject to conditions regarding upgrading of the existing access with the public road and a condition requiring a condition/dilapidation survey being carried out by the developer in conjunction with Roads Services, both prior to works commencing and on completion. The applicant would be responsible for funding the

condition/dilapidation survey and the cost of any repairs required to the public road, attributed to this development.

2.1.2.

This condition is required so that the developer assumes financial responsibility for the cost of any repairs, as a direct result of the construction phase of the development. Matters to be agreed prior to commencement of the survey include the methodology, as well as the length of the public road that the survey requirement would apply to.

2.2. Islands Archaeologist

No objection. Ferneybrae comprises a set of traditional Orkney vernacular dwellings and outbuildings that date back at least 140 years and possibly 200 years or more. These buildings are therefore of historic interest and require to be recorded before demolition if they cannot be retained and restored. A condition should be included requiring that a photographic survey of the buildings is carried out to the satisfaction of the Islands Archaeologist prior to demolition works commencing on site.

2.3. Engineering Services

No objection.

2.3.1.

The lowest proposed finished floor level of 5.50 metres AOD is acceptable in relation to the coastal flood boundary level plus climate change allowance, plus freeboard to allow for wave action.

2.3.2.

Reliable vehicular site access with respect to flood risk would be provided by the proposed access route to the east side of the development. Emergency access would be provided via this route with the proposed footpath access along the shore from the head of Mill Bay to the west more vulnerable to flooding.

2.3.3.

In addition to lower levels to the footpath access to the west side in comparison with the eastern vehicular access, Dynamic Coast 2 outputs suggest that the head of Mill Bay may become increasingly vulnerable to erosion over the coming decades. The footway access to the west of the development may in time need to be adapted to changes in the shoreline.

2.3.4.

The presence of what appears to be a surface cut-off drain has been noted along the base of what appears to be an area of hill-ground stretching the full width of the development at an elevation of approximately 20 metres Above Ordnance Datum (AOD). The ditch appears to discharge to land to the west of the proposed development. This feature appears on mapping from the 19th century and given the apparent modest fall we recommend that a plan be developed to ensure that

obstructions do not increase the risk of overtopping above the proposed development. A condition shall be applied requiring this information is submitted and agreed in writing prior to the commencement of works on site.

2.4. Scottish Water

No objection.

2.5. Development and Marine Planning - Environment

No objection, subject to conditions including protection of European Protected Species (breeding birds), water environment and wider biodiversity.

2.6. SEPA

No objection to the proposed development on the grounds of flood risk. The approximate coastal flood level for the area is 3.8 metres AOD including an allowance for climate change. The topographic drawing and design statement outline that the proposed dwelling will be on ground with a minimum level of 5.5 metres AOD. SEPA are therefore satisfied that the dwelling is unlikely to be at significant flood risk from this source.

2.7. Environmental Health

2.7.1.

No objections provided a suitably worded condition is attached in respect of air source heat pump noise.

2.7.2.

No objection in relation to noise from existing small wind turbines in the area. Having considered the desktop assessment provided by the applicant, Environmental Health note the report states that existing wind turbines have a predicted noise level of 35dB LA90, and therefore will be not negatively impact on the amenity of the proposed development.

3. Representations

3.1.

One objection has been received, from:

- Claire Stevens, 2 Hamarhill, Eday, KW17 2AB.

3.2.

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

- Road safety.
- Residential amenity.

4. Relevant Planning History

Reference	Proposal	Location	Decision
22/318/PP.	Erect a house with two air source heat pumps, a detached annex with an air source heat pump, associated landscaping including works to the coastal slope and upgrade an access.	Ferneybrae, Mill Bay Road, Eday, Orkney, KW17 2AB.	Withdrawn.
23/176/PP.	Erect a house with three air source heat pumps and an integral garage, associated landscaping and upgrade an access (resubmission of 22/318/PP).	Ferneybrae, Mill Bay Road, Eday, Orkney, KW17 2AB.	Withdrawn.

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 – Isles Approach.
 - Policy 1 – Criteria for All Development.
 - Policy 2 – Design.
 - Policy 5 – Housing.
 - Policy 8 – Historic Environment and Cultural Heritage.
 - Policy 9 – Heritage and Landscape.
 - Policy 12 – Coastal Development.
 - Policy 13 - Flood Risk, SuDS and Waste Water Drainage.
 - Policy 14 - Transport, Travel and Road Network Infrastructure.
- Supplementary Guidance:
 - Supplementary Guidance: Historic Environment and Cultural Heritage (2017).
 - Supplementary Guidance: Natural Environment (2017).

- Planning Policy Advice:
 - Planning Policy Advice: Amenity and Minimising Obtrusive Lighting (2021).
 - Planning Policy Advice: Historic Environment (Topics and Themes) (2017).
- National Planning Framework 4:
 - Policy 3 – Biodiversity.
 - Policy 4 – Natural Places.
 - Policy 10 – Coastal Development.
 - Policy 13 – Sustainable Transport.
 - Policy 14 – Design, quality and place.
 - Policy 17 – Rural Homes.
 - Policy 22 – Flood risk and water management.

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 Lords’ 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 Lords’ 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.
 - Policy in the Scottish Planning Policy and 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 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.

6.7.2.

In the current case, there is not considered to be any incompatibility between the provisions of National Planning Framework 4 and the provisions of the Orkney Local Development Plan 2017, to merit any detailed assessment in relation to individual National Planning Framework 4 policies, however, there are some new provisions, including biodiversity, and the proposed development has also been assessed against these as appropriate.

7. Assessment

7.1. Principle

7.1.1.

The Spatial Strategy of the Orkney Local Development Plan 2017 confirms that:

“Development within the islands, which support permanent resident populations and are served by public transport services, will be supported where it accords with relevant Plan policies and where it shall not place any unacceptable burden on existing infrastructure and services.”

7.1.2.

Policy 5C ‘The Isles Approach for Housing’ goes on to state: “There is a presumption in favour of new housing on the non-linked isles where it accords with ‘The Isles Approach’ set out within the Spatial Strategy.”

7.1.3.

These provisions align with Policy 17 – Rural homes, part a), of NPF4 which states:

c) Development proposals for new homes in remote rural areas will be supported where the proposal:

- i. supports and sustains existing fragile communities;
- ii. supports identified local housing outcomes; and
- iii. is suitable in terms of location, access, and environmental impact.

7.1.4.

The principle of the replacement dwelling in this location in Eday is therefore acceptable.

7.2. Location and proposal

7.2.1.

The 0.72-hectare site is located to the north of Mill Bay with the site lying on a south facing sloping field overlooking Mill Bay, as indicated in the Location Plan and Site Plan attached as Appendix 1 to this report. Currently unoccupied, the site comprises various buildings, including two vacant, traditionally constructed houses with later

additions, associated outbuildings and stone walls. The property has been left empty for a number of years and is now in a very poor state of repair. The proposed house would replace the existing vacant house which would be demolished. The proposed house comprises four rectangular units with a series of pitched roofs, linked with flat roof pavilions to limit the visual appearance. The building is to have reclaimed island stone, Scottish larch timber clad or smooth render on the external walls. The roofs are to be natural slate, metal roof sheeting and fibre glass on the sections of flat roof. Black aluminium clad windows and doors are proposed. The dwelling would be heated by three air source heat pumps, located on the west elevation.

7.2.2.

The proposed design is acceptable and could be adequately accommodated within the landscape. It is considered that the development would be acceptable in terms of design and appearance and would accord with Policy 1 'Criteria for all Development' and Policy 2 'Design' of the OLDP 2017.

7.3. Amenity

7.3.1.

The site is located at sufficient distance from other properties that it is considered unlikely that the proposed development would impact upon third party residential amenity of the neighbouring properties.

7.3.2.

An objection was raised regarding potential noise and disturbance to neighbouring residents caused by heavy traffic using the unmade track and junction off B9063. A condition addressing construction days and times can be applied to reduce the potential disturbance through the development phase, mindful that such impacts are of limited duration.

7.3.3.

Wind turbines are located within 250 metres of the site. Environmental Health has assessed the development in relation to the noise assessment supplied by the developer in consideration of the turbine(s) in the vicinity, and has raised no objection.

7.3.4.

The domestic curtilage is of sufficient size to provide adequate parking provision and amenity space for the occupants of the dwelling. A condition would be attached to ensure that any external lighting used would minimise light pollution as required by Planning Policy Advice 'Amenity and Minimising Obtrusive Lighting' (March 2021).

7.4. Natural Heritage

7.4.1. Protected species – breeding birds

Breeding birds are likely to use the existing vegetation and buildings on site for nesting. All wild birds are legally protected, making it an offence to damage or

destroy nests while being used or built. Different species have different nesting periods. For this site and likely range of species, the breeding season is considered to run from March to mid-September inclusive. As breeding birds are likely to be present on site the Environmental Planner has recommended that a condition be applied to any approval to ensure that no ground preparation or construction works shall start during bird nesting period or is otherwise subject to pre-start checks by an appropriately qualified ecologist if works were to commence within the bird breeding season.

7.4.2. Wider biodiversity

Biodiversity measures proportionate to the nature and scale of the proposed development have been included in the proposals. The Environmental Planner has recommended a condition be applied to any approval to ensure that the proposed biodiversity measures are secured and therefore contribute to meeting the requirements of National Planning Framework 4 (NPF4) Policy 3 on biodiversity.

7.4.3. Water environment

The proposed development adjoins the coast and includes a wing containing a swimming pool and hot tub. A private wastewater treatment system and reed bed system are proposed, which then discharges into the coastal zone. Limited information has been provided about how swimming pool water changes could be managed in consideration of chemicals and volume and frequency of water discharges. Uncertainty arises in how such discharges can be achieved in a way that ensures that the wastewater treatment plant and reed bed are not overloaded by the large volume of additional water released during water changes, which is likely to also contain chemicals. If the system is overloaded it is likely to overflow, leading to pollution by raw sewage (and chemically treated water) in the garden ground and wider environment, particularly the sensitive coastal zone that the reed bed outflows into. It is however considered in relation to safeguarding the environment that such matters will be subject to further scrutiny through the Building Warrant process and may also be subject to SEPA registration.

7.5. Access and Core Path

7.5.1.

Roads Services has no objection regarding capacity of the public road network, provided a condition/dilapidation survey of a relevant section of the public road is carried out at the developer's expense both prior to works commencing and again upon completion of work. The cost of any repairs following any damage to the public road which is attributed to the development would be borne by the developer, to an agreed timescale. Upgrading works would be controlled by condition, in relation to the point where the public road network meets the private access track.

7.5.2.

An objection has been received raising several issues relating to the access to the proposed development. The objector claims that the developer does not have access rights to the unmade track where the proposed development connects. The applicant has provided title deeds showing ownership of this track. Land ownership

is not a material planning consideration and is considered to be a civil matter between the parties involved.

7.5.3.

Core Path ED4 – Stephens Gate runs along the unmade track that the access to this development joins. The use and nature of the core path can be appropriately safeguarded by condition, to ensure unobstructed access to the section of core path network adjacent to the development site, before, during and upon completion of the development. This shall require the core path to remain accessible and be maintained to an appropriate standard. Concerns have been raised by the objector regarding the safety of users of the core path during and following the construction of the development. Due to the nature and location of the track, increased vehicle numbers as a consequence of either the construction phase or upon completion are not considered to be significant in relation to non-vehicular access rights and public safety. As the track is currently used for vehicle access to existing properties, non-vehicular users will be aware of the shared nature of use of the track.

7.6. Flood Risk

7.6.1.

The lowest proposed finished floor level of 5.50 metres AOD is acceptable in relation to the coastal flood boundary level plus climate change allowance plus freeboard to allow for wave action.

7.6.2.

Through the applicant's initial assessment of the site and discussions with the Council's Engineering Services, it was identified that the existing access to the site from the Mill Bay road was at risk of flooding and coastal erosion. The proposed development has identified an acceptable vehicular site access with respect to flood risk via the indicated access route to the east of the development. Emergency access would be provided via this route with the southern access to the site being pedestrian only access, along the shore from the head of Mill Bay to the west, given that this access is more vulnerable to flooding. This footpath access may require adaptations in the future to accommodate coastal erosion.

7.6.3.

Historic drainage features in the form of a cut-off drain along the base of hill-ground on land above the development has been raised by Engineering Services with comment regarding the potential obstruction of such features leading to overtopping. Further detail and management of this feature is advisable. This matter can be secured by appropriate condition for the avoidance of doubt and to ensure the development is appropriately safeguarded.

7.7. Historic Environment

The existing buildings on site, which would be demolished, are a set of Orkney vernacular dwellings and outbuildings that date back at least 140 years, and is therefore of historic interest. Advice has been provided by the County Archaeologist

that to mitigate the loss of structures of historic interest a photographic survey of the buildings and structures on the site would be required. Subject to the securing of an acceptable photographic record of buildings and structures on site the development would be considered to be in accordance with historic environment policies and guidance. This matter can be secured by appropriate condition(s).

8. Conclusion and Recommendation

8.1.

The application is acceptable, as a housing development, in accordance with the Spatial Strategy and Policy 5C 'The Isles Approach for Housing' of the Orkney Local Development Plan 2017, and Policy 17 of National Planning Framework 4. The location of the site is compatible with the existing pattern of development along the coast. The objection is not of sufficient weight to merit refusal of the application.

8.2.

On balance, the development complies with relevant policy provisions of National Planning Framework 4 and the Orkney Local Development Plan 2017 and applicable supplementary guidance. There are no material considerations which would warrant refusal of the application. The development accords with Policies 1, 2, 5, 8, 9, 12, 13 and 14 of the Orkney Local Development Plan 2017 and National Planning Framework 4 Policies 3, 4, 10, 13, 14, 17 and 22. Accordingly, the application is recommended for approval, subject to the conditions attached as Appendix 2 to this report.

9. Contact Officers

Alison Poke, Planning Officer, Email alison.poke@orkney.gov.uk

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

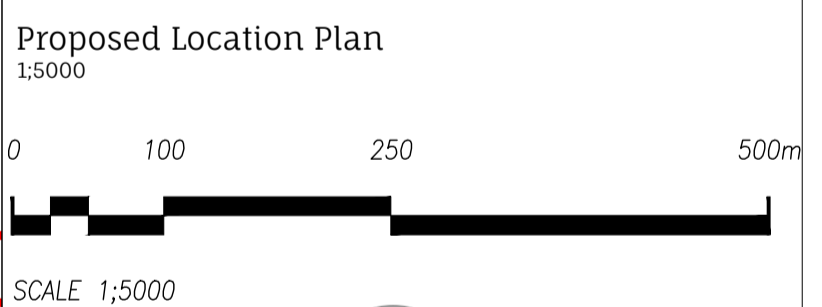
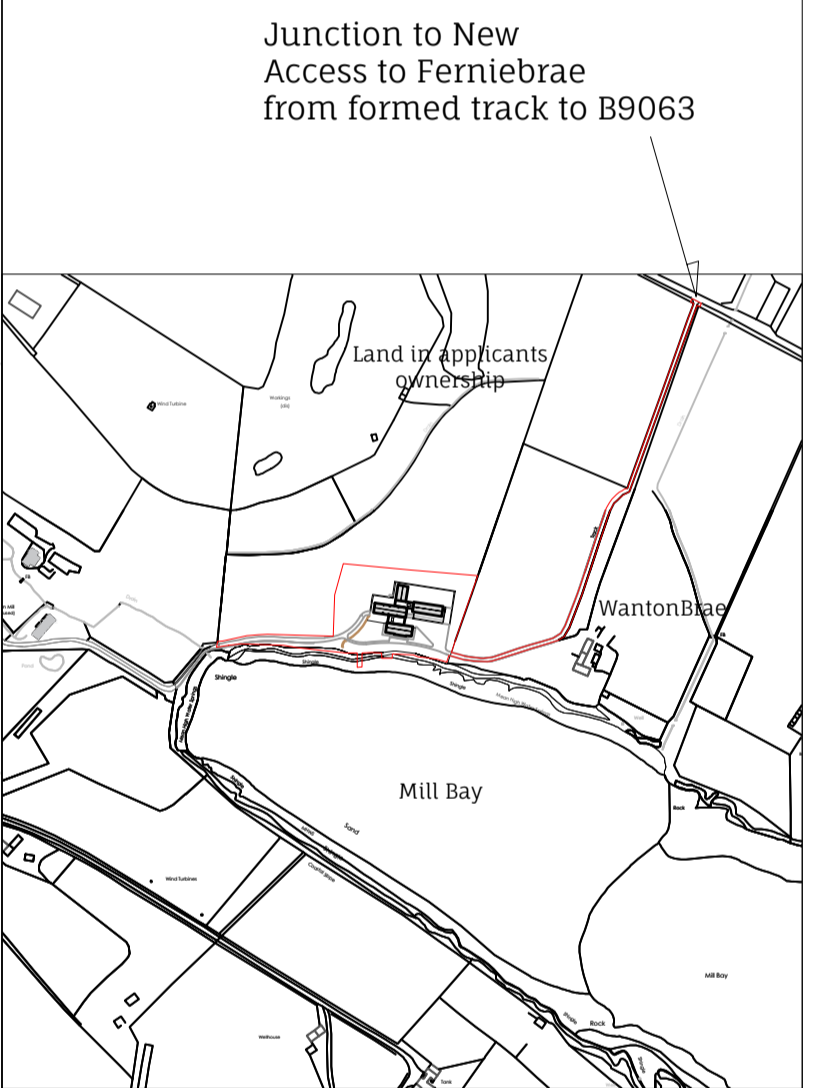
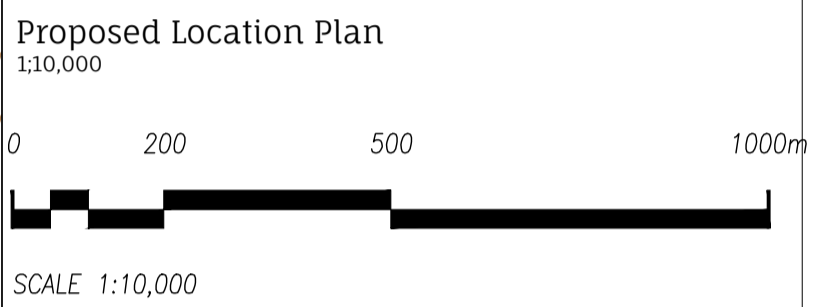
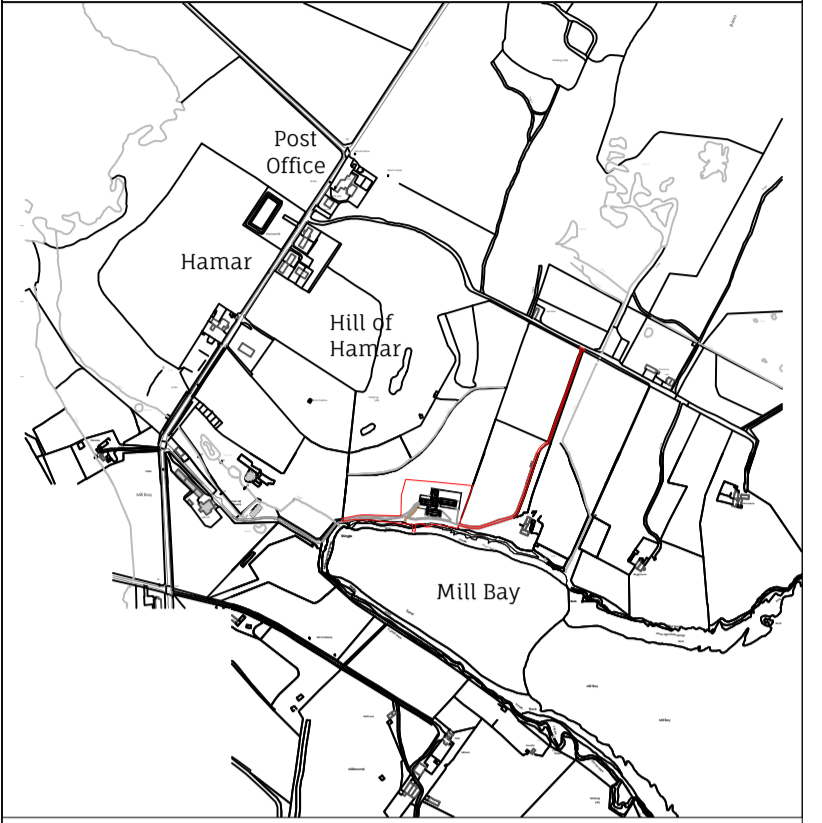
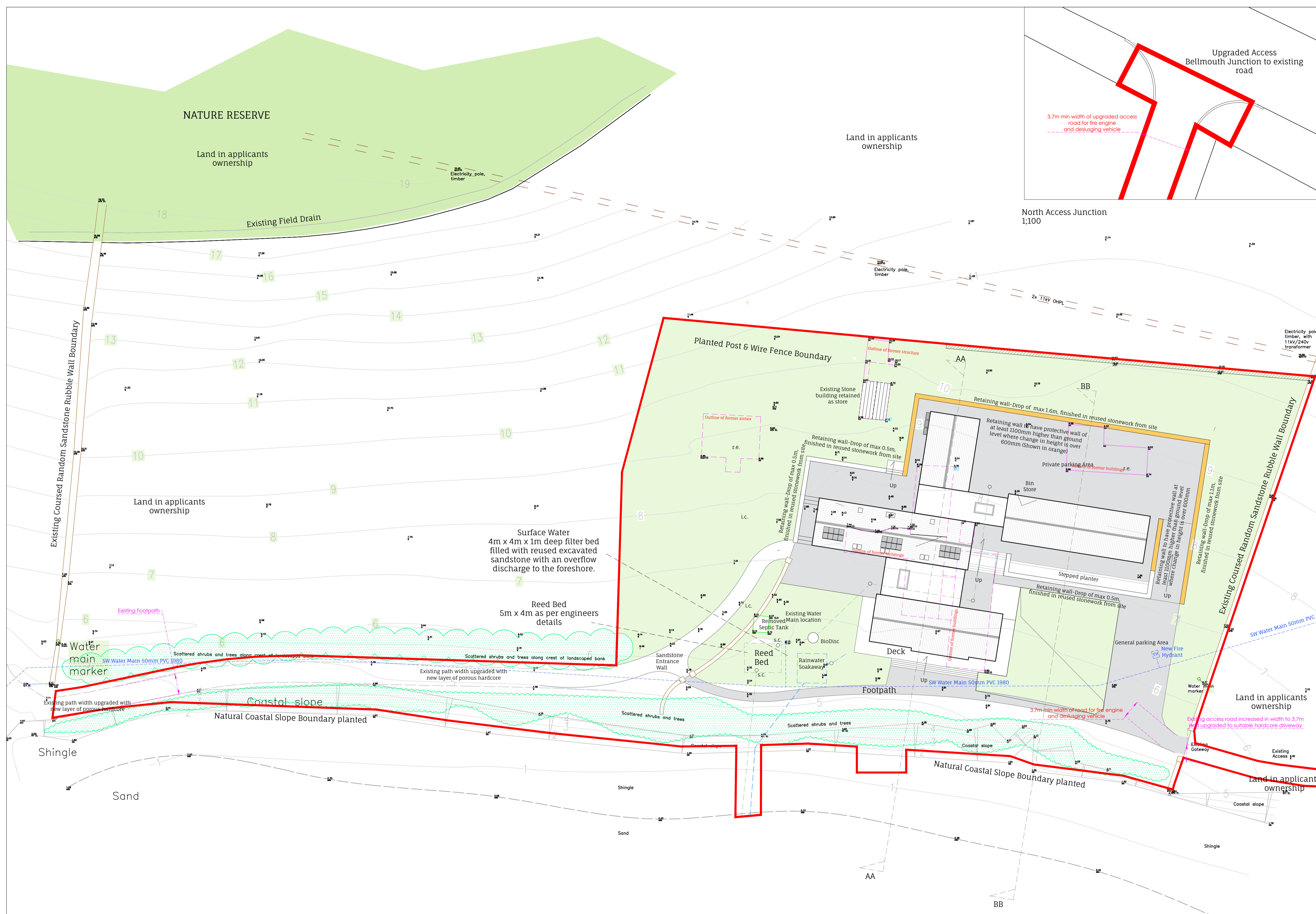
10. Appendices

Appendix 1: Site Plan.

Appendix 2: Planning Conditions.

This drawing is solely for the purposes of obtaining Planning Approval. The drawing may be suitable for constructional purposes but it may be necessary to augment/and or amend this information. No liability will be accepted for any omission should the drawing be used for constructional purposes.

Do not scale this drawing for construction purposes.



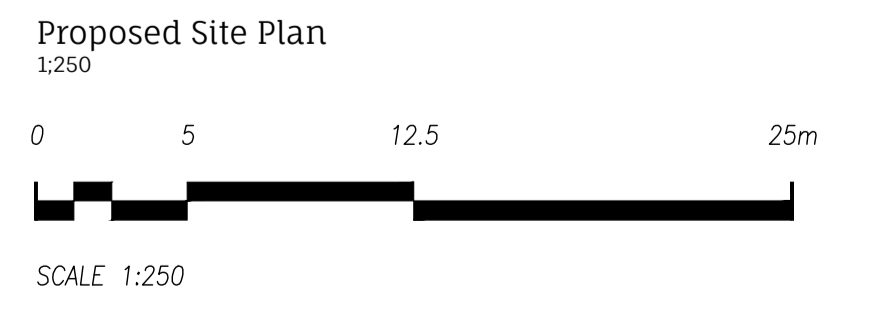
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	Date of Issue	Month	04	06	09	10	12	
	Year	23	23	23	23	23	24	

Client: Mr G Crichton, Mr M Crichton & Mrs D Dawson
 Project: Proposed Erection of replacement dwelling and Ancillary Annex at Fernybrae, Millbay, Eday, Orkney Isles, KW17 2AB

Title: Proposed Site & Location Plans
 Drawing Ref: JDC - 1665 - A300 - PL



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Appendix 2.

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

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

02. The access hereby approved with the public road shall be constructed to the Council's Roads Services standard drawing 'SD-01 Typical Access for Single Development (2-4 houses)', attached to and forming part of this decision notice, including dimensions, road construction, any pipe required, and verge or footway. The access shall be constructed and completed wholly in accordance with these details prior to any other works commencing on the development hereby approved, and thereafter shall be retained in accordance with these details throughout the lifetime of the development, unless otherwise agreed in writing by the Planning Authority.

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.

03. No development shall commence until a condition / dilapidation survey has been undertaken jointly between the developer / developer's representative and Roads Services. This shall be undertaken both prior to works commencing and again upon completion of work on the hereby approved development site, on the existing public road infrastructure that will be used to access and egress the development site.

The applicant shall be responsible for funding the condition / dilapidation survey and the cost of any repairs following any damage to the public road which is attributed to this development which may have been caused by vehicles or plant accessing or egressing the site. Any works identified to be carried out shall be carried out to the satisfaction of the Planning Authority, in conjunction with Roads Services, within three months of completion of works on site.

The developer will also be responsible for maintaining any damage caused to the public road in such a manner that the roads always remain safe for other road users and until permanent repair works are agreed and carried out.

Reason: In the interest of road safety.

04. No development shall commence until a Written Scheme of Investigation (WSI), including the scope of the programme and a Level 1 building survey, that details a programme of historic building investigation and recording of the extant buildings and structures on the application site, is submitted to, and approved in writing by, the Planning Authority and Orkney's Islands Archaeologist or Conservation Officer. Works shall be funded by the applicant and carried out in accordance with the approved WSI and subsequent updates, or the condition will not be discharged.

Reason: In the interests of the protection or preservation by record of Orkney's archaeological and cultural heritage resources and to accord with NPF4 Policy 7, Natural Places, Orkney Local Development Plan 2017 Historic Environment and Cultural Heritage Policies 8A, All Development, and 8B(vi), Investigation and Recording, Supplementary Guidance: Historic Environment and Cultural Heritage (2017) and Planning Policy Advice: Historic Environment (Topics and Themes) (2017).

05. No demolition, ground preparation and/or construction works shall occur between March to mid September (inclusive) unless a pre-start walk over of the site and inspection of structures to be demolished has been undertaken by a suitably experienced (and licensed) ecologist to identify signs of breeding birds and an appropriate breeding bird protection plan is submitted to, and approved in writing by, the Planning Authority before any demolition, ground preparation or construction works commence.

Reason: To avoid adverse effects on breeding birds and to comply with protected species legislation.

06. Biodiversity measures identified on the Landscape and enhancement plans drawing (reference JDC-1665-A302-PL , revision G, dated 16 February 2024) and described in the submitted Biodiversity form (dated 7 September 2023), shall be implemented in full prior to first occupation or no later than the first planting season following occupation. Thereafter the biodiversity measures shall be retained for the lifetime of the development in accordance with the approved details, unless otherwise agreed in writing with the Planning Authority.

Reason: To ensure biodiversity measures are implemented as required by NPF 4 Policy 3, Biodiversity.

07. The development hereby approved shall not encroach on Core Path ED4 - Stephens Gate. Throughout the lifetime of the development, the developer shall maintain unobstructed and without unreasonable damage, the stretch of ED4 - Stephens Gate Core Path network adjacent to the development site. Public access along the Core Path adjacent to the site shall not be obstructed, unless otherwise agreed in advance in writing by the Council's Access Officer.

Prior to the completion of the development hereby approved, this stretch of core path network shall be inspected and made to a standard at least equal to that prior to the commencement of works. At the reasonable request of the Planning Authority, interim works shall be carried out to the Core Path.

Reason: To maintain the Core Path network and in order to safeguard public access during the construction phase of the development and the general rights of public access under the provisions of the Land Reform (Scotland) Act 2003.

08. No development shall commence until an appraisal to demonstrate that the approved private wastewater drainage system can manage additional water volume and the chemically treated nature of the water during water changes for both the swimming pool and the hot tub has been submitted to, and approved in writing by,

the Planning Authority, in consultation with Building Standards. Thereafter, the development shall progress in accordance with the approved details.

Reason: To avoid environmental pollution and minimise the risk of adverse effects on biodiversity.

09. Throughout the lifetime of the development hereby approved, any external lighting used shall be downward facing only and shall comply with the requirements of Orkney Local Development Plan 2017 Policy 2 (principle vi) that all external lighting shall minimise light pollution and shall meet the requirements specified by the Institution of Lighting Professionals for Zone E1/E2 areas (Rural/Low District Brightness). The lighting shall be turned off when not required either by automatic sensor or manually.

Reason: To minimise obtrusive light, glare or distraction in the interests of safeguarding the amenity of the area and to accord with Orkney Local Development Plan 2017 Policy 2 - Design.

10. Hours of construction at 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 on site.

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

11. Total noise from the Air Source Heat Pumps 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.

12. 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, NPF4 Policy 22, Flood Risk and Water Management and to protect road safety.

13. No other development shall commence until full details of the cut-off drain to the north of the development including all management thereof, 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 detail.

Reason: To ensure that the feature remains un-obstructed and does not result in over topping which may otherwise pose a surface water flood risk to the site.

14. The access to the west of the site, from Mill Bay Road, shall remain open and accessible for non-vehicular use only.

Reason: In the interests of retaining non-vehicular access and for the avoidance of doubt.