

Item: 5

Planning Committee: 8 May 2024.

Erect Self-catering Cabin with Air Source Heat Pump at Baikies Noust, Evie Village.

Report by Corporate Director for Neighbourhood Services and Infrastructure.

1. Summary

1.1.

Full planning permission is sought for the erection of a self-catering cabin within the garden area of the house 'Baikies Noust', within the settlement boundary of Evie Village. Three objections have been received, on grounds of overdevelopment of the site, the design and scale of the development, overshadowing, noise and lighting, additional traffic, impact on the neighbouring commercial premises and that the proposed development is contrary to the Settlement Statement. The objections are considered of insufficient weight to merit refusal. It is considered that the development would be acceptable in principle and detail, and accordingly is recommended for approval subject to conditions.

Application Number:	23/380/PP.
Application Type:	Planning Permission.
Proposal:	Erect a self-catering cabin with an air source heat pump.
Applicant:	Mr Max Barratt.
Agent:	Cindy Mackenzie, Cindy Mackenzie Architectural Services, Braeside, Ontoft Road, St Margaret's Hope KW17 2TL.

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 adverse comment.

2.2. Environmental Health

2.2.1.

No objection regarding the proposed air source heat pump, subject to a planning condition regarding noise.

2.2.2.

No objection regarding the impact on the proposed development from the 'Mistra' commercial premises adjacent, with Environmental Health noting that private club/pub part of the premises has not operated recently and does not currently hold an alcohol licence.

2.3. Development and Marine Planning – Environment

No objection, subject to a condition to control biodiversity enhancement measures as required by National Planning Framework 4 Policy 3.

2.4. Scottish Water

No objection to the development.

3. Representations

3.1.

Three objections have been received, from:

- George Carson, Quandale, Evie KW17 2PJ.
- Frances Eccles, Mistra, Evie KW17 2PJ.
- Damian Miller, Mistra, Evie KW17 2PJ.

3.2.

Objections on material planning grounds are as follows:

- Overdevelopment of the site.
- Design and scale of the development.
- Overshadowing.
- Noise and Lighting.
- Additional traffic.
- Impact upon neighbouring commercial business.
- Contrary to Settlement Statement.

4. Relevant Planning History

Reference	Proposal	Location	Decision	Date
22/296/HH.	Erect a domestic outbuilding (part retrospective).	Baikies Noust, Evie Village.	Grant subject to conditions.	03.11.2022.
21/454/HH.	Erect a domestic garage.	Baikies Noust, Evie Village.	Grant subject to conditions.	20.12.2021.
18/490/PP.	Erect a house with an air source heat pump and detached outbuilding (amendment to 18/336/PP).	Mistra (land near), Evie.	Grant subject to conditions.	14.01.2019.
18/336/PP.	Erect a house with an air source heat pump and detached outbuilding.	Mistra (land near), Evie.	Grant subject to conditions.	12.11.2018.
17/479/PIP.	Siting of a house.	Mistra (land near), Evie.	Grant subject to conditions.	20.12.2017.
05/305/PPF.	Erection of a house.	Mistra (land near), Evie.	Grant subject to conditions.	22.09.2005.

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 4A – Business and Industrial Land (Within Settlements).
 - Policy 7C – Energy (All Renewables and Low Carbon Energy Developments).

- Policy 13B – Sustainable Drainage Systems (SuDS).
- Policy 13C – Waste Water Drainage.
- Policy 14C – Road Network Infrastructure.
- Guidance:
 - Supplementary Guidance: Settlement Statements (2017) – Evie Village.
 - Planning Policy Advice: Amenity and Minimising Obtrusive Lighting (2021).
- National Planning Policy Framework 4 (NPF4):
 - Policy 3 – Biodiversity.
 - Policy 11 – Energy.
 - Policy 13 – Sustainable Transport.
 - 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 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.
 - 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 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. Proposal and Site

It is proposed to erect a cabin for use as self-catering holiday accommodation (and short-term use by visiting family and friends), within the domestic curtilage at Baikies Noust, Evie Village. The site is adjacent to Mistra Stores, as indicated in the Location Plan attached as Appendix 1. The site is within the settlement boundary of Evie Village, and includes the cabin, a parking area, and small area of grass for the occupants of the cabin. The cabin would be sited on an existing concrete base that was previously used for a caravan, and that is the site of an outbuilding/workshop that formed part of the house and outbuilding approved under application 18/490/PP.

7.2. Spatial Strategy and Settlement Statement

7.2.1.

The Local Development Plan Spatial Strategy “seeks to support the growth of Orkney’s communities in a sustainable manner, ensuring that development is directed in the first instance to places with sufficient infrastructure and facilities to support sustainable social and economic development; the towns, villages and rural settlements of the Plan”. Supplementary Guidance: Settlement Statements (2017) provide an overview of each individual settlement, including information regarding matters such as natural heritage, cultural heritage, flooding, drainage and any specific design criteria. It also includes a map and details of housing allocations within each settlement boundary.

7.2.2.

The proposed development is in allocated housing site EV-1 within the settlement boundary and is indicated as having capacity for one house. The applicant’s house at Baikies Noust has been built within allocated housing site EV-1. Design guidance for Evie Village within the Settlement Statement indicates that “Development in Evie Village should ensure that the settlement retains its rural character by having plot layouts and scales consistent with neighbouring properties and avoiding urban and suburban types of development”. In the case of Evie Village, the Settlement Statement refers only to housing development.

7.2.3.

Objections have been received to the proposed cabin development, with regard to it being a ‘house’ including:

- “The original house was built on the site a few years ago. Since that time a large double garage has been erected and a large outside cabin... This additional new dwelling is quite large and I think is in effect a second house on the original plot. I therefore think that it is out of character with the area.”
- “... this proposal is contradictory to the settlement statement for EV-1 which states that this site only has permission for one dwelling. Despite being described as an annex and a cabin - this proposal is for a house which will also be used as a

commercial holiday let property. EV-1 does not give permission for a second residential home or a commercial property.”

- “EV-1 site has also been developed in a piecemeal fashion contradictory to the Orkney Local Development Plan 2017 with 2 additional buildings having been erected on the site after the initial approval of the residential house and the small workshop. Had the initial application included all buildings on the current site and the proposed dwelling this would have been in contradiction of EV-1 settlement agreement and most likely the workshop in addition to the garage and hut would not have been approved.”.

7.2.4.

The development proposed is not a domestic property or new dwelling house. Development has been undertaken at Baikies Noust following approval of householder planning applications, for a detached garage (21/454/HH) and an outbuilding/BBQ cabin (22/296/HH).

7.2.5.

The proposed development is not for a house and would be for business purposes only in association with the dwelling at Baikies Noust. This use can be controlled by planning condition. Business use is not included within the Settlement Statement for Evie Village and therefore the assessment of the proposal for a self-catering unit relates to other relevant policies, guidance, and material planning considerations.

7.3. Business and Tourism Policies

7.3.1.

Tourist and short-term letting accommodation fall under business use. As the site is located within a settlement boundary Local Development Plan Policy 4A is relevant, which states, “...New developments and uses, including redevelopment of existing sites and infill development, will be supported where they accord with the ‘Town Centre First’ approach set out in the Plan and any relevant Development Brief, Masterplan or Urban Design Framework”. Under the ‘Town Centre First Principle’ sequential approach of Local Development Plan Policy 3A, developments that would create significant footfall (including leisure developments) should follow the hierarchy of (1) Town Centres, (2) Edge of Town Centres, (3) Within Settlement Boundaries, and (4) Outwith Settlement Boundaries. The proposed development would fall under part 3 of this criterion – within settlement boundaries – and is therefore acceptable in principle.

7.3.2.

As provision of tourist accommodation, the key policy test under NPF4 is Policy 30 ‘Tourism’. This policy is supportive of new tourist accommodation, provided that “the nature and scale of the development is compatible with the surrounding area” and where the development contributes to the local economy. The proposed cabin would be located adjacent to and in the curtilage of the applicant’s own house which is regarded a relevant reason for the proposed location. The scale of the development would not attract significant numbers of people into the area.

7.3.3.

Due to the small scale of the development, it is considered that in principle, the proposal would comply with Local Development Plan Policies 3A 'The Town Centre First Principle' and 4A 'Business and Industrial Land (Within Settlements)' and NPF4 Policy 30 'Tourism'.

7.4. Design and Appearance

7.4.1.

Objections regarding the design and siting of the development have been received, including the following:

- "Overall, this design is not in keeping with the local area as required in the Planning Policy Advice: Amenity and Minimising Obtrusive Lighting - Policy 2 - it is creating an urban developed site in a rural setting and will create a built up design when viewed from the Mistra property whilst it is entirely out of view for Baikie's Noust. It will block the view of our property from the main road having a negative effect on the appearance of the front view of our home."
- "Asymmetric design of the property is not in keeping with property in the local area."

7.4.2.

The proposed cabin would be 11.9 x 5.025 metres and has a monopitch roof which would be 4.632 metres at its highest point, sloping down to 2.580 metres. The height would be less than the dwelling at Baikies Noust. There would be two high-level horizontal windows to the bedroom and kitchen/living room to the south east elevation (facing the house at Baikies Noust), one small window to the bathroom to the south west elevation (facing the road) and patio doors facing towards the north east elevation (facing the garden). The elevation to the north-west, facing Mistra, would be blank.

7.4.3.

Proposed external materials include larch and profiled sheeting on the walls, slate-effect tiles to the roof and UPVC windows, doors, fascias and soffits in grey. It is considered that the colour palette and materials are acceptable. As the site is within a settlement boundary, there is flexibility in design, and whilst less common than dual pitched roof, monopitch roofs are present throughout Orkney.

7.4.4.

It is considered that the design, scale and appearance of the proposed building would not be out of character with the area and therefore would comply with Local Development Plan Policies 1(i) 'Criteria for All Development' and 2 'Design'.

7.5. Renewable Energy

It is proposed that an air source heat pump would be installed on the cabin, which is acceptable in principle. Environmental Health has been consulted and has no objection, provided that the total noise from the proposed air source heat pump

together with the air source heat pump on the dwelling at Baikies Noust be controlled by planning condition, in compliance with local Development Plan Policy 7C 'Energy', Supplementary Guidance: Energy (2017) and NPF4 Policy 11 'Energy'.

7.6. Drainage and Sewerage

The cabin would connect to the existing private septic tank and soakaway that serves Baikies Noust. This would comply with Local Development Plan Policy 13C 'Waste Water Drainage'. A standard condition would control surface water drainage, compliant with the requirements of Local Development Plan Policy 13B 'Sustainable Drainage Systems (SuDS)'.

7.7. Access, Parking and Road Safety

7.7.1.

Objectors have raised concerns regarding additional traffic generation, including the following:

- "...it is right up against the boundary with the Mistra shop and Post Office and will result in additional traffic onto the main road."
- "It has been noted that the shared access to Baikies Noust, which runs across the Land of Mistra and more specifically the car park for the store is often a point of contention for the residents of Baikies Noust. As part of the purchase of Mistra, this was on the basis that EV-1 site was permitted to have a single dwelling with associated traffic and not a commercial let in addition."

7.7.2.

The cabin would be for short-term let purposes only and limited to two occupants. The relatively small increase in traffic to the site would not significantly impact the volume traffic on the A966. Roads Services has no objection to the proposal on grounds of access, parking provision or road safety. It is considered that the proposal would comply with Local Development Plan Policy 1 (v) and (vi) 'Criteria for All Development' and NPF4 'Sustainable Transport' requirements.

7.8. Residential Amenity

7.8.1.

Concerns and objection have been raised by objectors regarding the impact of the proposed self-catering cabin development on residential amenity, including the following matters:

- "Main door of the property and lighting from the property would be visible and impact on the rear garden of the Mistra due to the close proximity to our house which is significantly less than 10m and there is only a boundary wire fence in place. This is directly outside the front door of our home - which although it is part commercial during the day, it is residential at night and I do not believe this proposal complies with the General Amenity statement 1 in terms of loss of daylight and potential noise. In terms of location, this property is adjacent to the

boundary wall and not 10m away, we will overlook this property and the proposed minimal outside space from our main habitable room windows.”

- “Siting of the air source pump to the end of the proposed building is directly outside the master bedroom and main living room of the Mistra residential property - concerns are raised regarding noise and proximity to our property as these are our main habitable living rooms.”
- “The height of the property at 4632mm will create overshadowing on our property which is a 200 year old stone building that greatly benefits from morning sunlight for warmth - this is exacerbated by the additional length of the property from the previous planning application”.

7.8.2. Privacy to Garden

The main entrance into the cabin would be in the north east elevation, which would face directly across other land in the ownership of the applicant and towards the coast. There would be a sideways view only towards the rear garden of Mistra from the patio doors and deck of the building (and the small garden area to the rear). The north west elevation of the cabin (which would be adjacent to the boundary with Mistra) would be blank and two metre high fencing and planting is proposed to the boundary between the site and commercial premises and dwelling at Mistra which would provide screening and privacy, and there are no windows in the proposed unit that would directly face towards the residential dwelling at Mistra. It is considered that the privacy of the development would be largely unaffected by overlooking.

7.8.3. Noise

It is unlikely that significant noise would be generated by the proposed number of visitors to the self-catering unit, and given the mixed use of the immediate setting, the proposed development is considered acceptable in terms of potential noise.

7.8.4. Air Source Heat Pump and External Lighting

The air source heat pump would not be located on the elevation of the building facing towards the dwelling at Mistra and would be located behind a two metre boundary fence. The control of noise from the air source heat pump would be secured by condition. A condition would also be attached to any approval to ensure that any external lighting used on the building would minimise light pollution. Taking account of matters that can be controlled by planning condition, the proposal would comply with Local Development Plan Policies 1(iv) ‘Criteria for All Development’, 2(vi) ‘Design’ and Planning Policy Advice: Amenity and Minimising Obtrusive Lighting (March 2021).

7.8.5. Privacy within the Home and Overshadowing

Whilst the application site is immediately adjacent to the boundary with Mistra (and 12.6 metres from the dwelling at Mistra), the proposed cabin would be 14.4 metres at its closest point from the wall of the dwelling at Mistra and would be separated by the car park at Mistra. As there are no windows proposed to the elevation of the cabin that would directly face towards the buildings at Mistra (commercial and house), the proposed cabin would not overlook the property at Mistra and could comply with Planning Policy Advice: Amenity and Minimising Obtrusive Lighting (2021).

7.8.6.

With regard to loss of daylight and overshadowing towards the dwelling at Mistra, the agent has provided a scaled plan, to the suggested standards by The Building Research Establishment (BRE) publication 'Site Layout Planning for Daylight and Sunlight' which provides guidance as indicated in the Planning Policy Advice: Amenity and Minimising Obtrusive Lighting (2021), and which requires the 25 degree rule for daylighting to be used "to demonstrate that the proposed development would not have a negative effect (upon) daylighting and sun lighting". Based on submitted drawings, the proposed building would be unlikely to breach the unobstructed zone of daylight (upper line of the 25 degree angle) and would be unlikely to unacceptably overshadow the dwelling at Mistra. Therefore, it is considered that the proposal would comply with the requirements of Planning Policy Advice: Amenity and Minimising Obtrusive Lighting (2021) – Residential Amenity Criterion 3 – The Right to Light.

7.9. Impact upon Neighbouring Commercial Business

7.9.1.

Objections have been received regarding the impact on the adjacent business at the Mistra, including the following:

- "...we are currently involved in seeking the necessary documents and measures to support an off sales alcohol licence for the business and future plans may lead to on premise licensing reinstatement for the social club. I have completed all relevant assessments in order to become a personal licence holder and am currently working through the process in order to be granted a personal alcohol licence from OIC...from a commercial standpoint, rather than increasing trade, an additional dwelling being placed in such close proximity to our commercial property would likely hinder any future alcohol licence application and any other plans for future growth of this site. The intention is to increase opening hours and potentially develop the empty social club into a licensed cafe to serve as an amenity that attracts locals and tourists to Evie village throughout the year".

7.9.2.

The Mistra private club/pub is not currently operating, but records indicate that it was operational within the last 10 years. In that case, in planning terms, the use would remain, and would not be abandoned. Following assessment of the proposal, Environmental Health has not objected, and has suggested that approval of the cabin would be unlikely to detrimentally affect any future consideration of an alcohol licence at the Mistra.

7.9.3. Impact on Mistra Shop

- "In 2021 planning application 21/454/HH was raised in order to build a double garage on the site EV-1. This was not contested due to the fact that the building would be situated on the opposite side of the plot from Mistra. However, after living with the impact this building has had on the visibility of the store and a genuine perceived drop in "passing" tourist trade in the summer months an

objection would have been justified. This new building would have a far more substantial impact on the visibility of the storefront and store signage.”.

7.9.4.

The proposed chalet would be in a part of the curtilage of Baikies Noust which would screen the front of Mistra (including shop front and shop signage) from the road, when approaching from the east. However, this is already the case due to other existing structures when approaching the shop from other directions. Current consideration can only relate to the application as submitted, and not speculative issues including that the development would, “...restrict the potential for reinvigorating the shop and social club premises”.

7.10. Landscape/Visual Amenity/Character of the Area

The proposed building would be viewed in association with the existing house and buildings at Baikies Noust, as well as Mistra, and would be screened on approach from some directions. It is considered that the development, which is relatively small scale and located within the settlement boundary, would not have a significant or detrimental impact on the wider landscape, visual amenity or character of the area and would comply with Local Development Plan Policies 1(i) and (ix) ‘Criteria for All Development’ and 9G ‘Landscape’.

7.11. Overdevelopment and Character of the Area

7.11.1.

Objections including the following:

- “...this is overdevelopment of the site and too large a development.”
- “This additional new dwelling is quite large and I think is in effect a second house on the original plot. I therefore think that it is out of character with the area.”
- “The proposed footprint of the building is more than double the previously approved planning permission which was granted at a point that the site was empty whereas now the site contains 3 additional buildings – this is effectively creating a courtyard on our land as this building is so close to our property”.

7.11.2.

Whilst larger than the outbuilding approved on the same site under the house application for Baikies Noust 18/490/PP, the purposes of the current and previously approved outbuilding are different, and each application must be assessed on its own merits against relevant policies, guidance and material planning considerations.

7.11.3.

The proposed development is wholly within the domestic curtilage of the dwelling, which covers an area of approximately 1660 square metres. Since the approval of 18/490/PP for the house, two householder planning applications have been approved under delegated powers. Although these developments have increased the built area at Baikies Noust and the currently proposed cabin would increase this

further, the total land within the domestic curtilage (including the house) used for built developments is approximately 300 square metres, less than one third of the domestic curtilage at Baikies Noust.

7.12. Boundary Treatment

7.12.1.

- “The siting of the high wall of the property so close to the boundary wall effectively creates a 4.6m high boundary fence which will be unsightly and in a material that is not in keeping with the rural area.”
- “... parallel boundary wall will also be incomplete as it runs in parallel with the existing boundary then extends partially along the currently unwalled part of the boundary. This incomplete construction will be unsightly from our property and appear partially constructed whereas the current boundary wall is completed to join the Mistra Shop and Social Club.”
- “... higher than the existing boundary and not in keeping with the property as it will be higher than the front boundary wall and constructed in a different material from any of the existing boundary walls.”
- “The siting of a wall so close to the existing wall raises concerns that its construction will destabilise the existing boundary wall.”

7.12.2.

The proposed fencing would be two metres in height and would run along the boundary between the proposed development site and Mistra and would cover the area from the end of the proposed parking area and immediately to the north of the decking. The boundary treatment to the remaining garden area to the north (adjacent to Mistra’s side/rear garden) would be planting of evergreen shrubs, escallonia. Originally proposed timber fencing has been amended to a composite material in grey, for easier maintenance. Both timber and composite fencing are not unusual in either the countryside or settlements within Orkney, and due to the proposed fence being located within a relatively closed area (between the site and car park and buildings at Mistra) and not extensively visible within the wider landscape, it is considered that the proposed fence would not warrant a refusal.

7.12.3.

Roads Services has not raised any issue regarding impacts on visibility from the road. The front boundary wall would remain as existing.

7.13. Biodiversity

It is a requirement under Policy 3c of NPF4 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”. Biodiversity information has been assessed by the Environmental Planner, who has advised that the proposed biodiversity measures are proportionate to the nature and scale of the proposed development. Taking account of the above, it is considered that the proposed development would comply with the biodiversity requirements of NPF4 Policy 3 and Local Development Plan

Policy 1 'Criteria for All Development', Policy 9C 'Wider Biodiversity and Geodiversity' and Supplementary Guidance: Natural Heritage (2017).

8. Conclusion and Recommendation

8.1.

The application is acceptable, as a business development, in accordance with Orkney Local Development Plan 2017 Policies 3A 'Settlements, Town Centres and Primary Retail Centres (The Town Centre First Principle)' and 4A 'Business and Industrial Land (Within Settlements)' and National Planning Framework 4 Policy 30 'Tourism'.

8.2.

The development complies with Policies 1, 2, 3, 4, 7, 9, 13 and 14 of the Orkney Local Development Plan 2017, National Planning Framework 4 Policies 3, 11, 13, and 30, Supplementary Guidance: Settlement Statements 2017 (Evie Village), Supplementary Guidance: Energy (2017), Supplementary Guidance: Natural Environment (2017) and Planning Policy Advice: Amenity and Minimising Obtrusive Lighting (2021). Objections are not of sufficient weight to merit 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

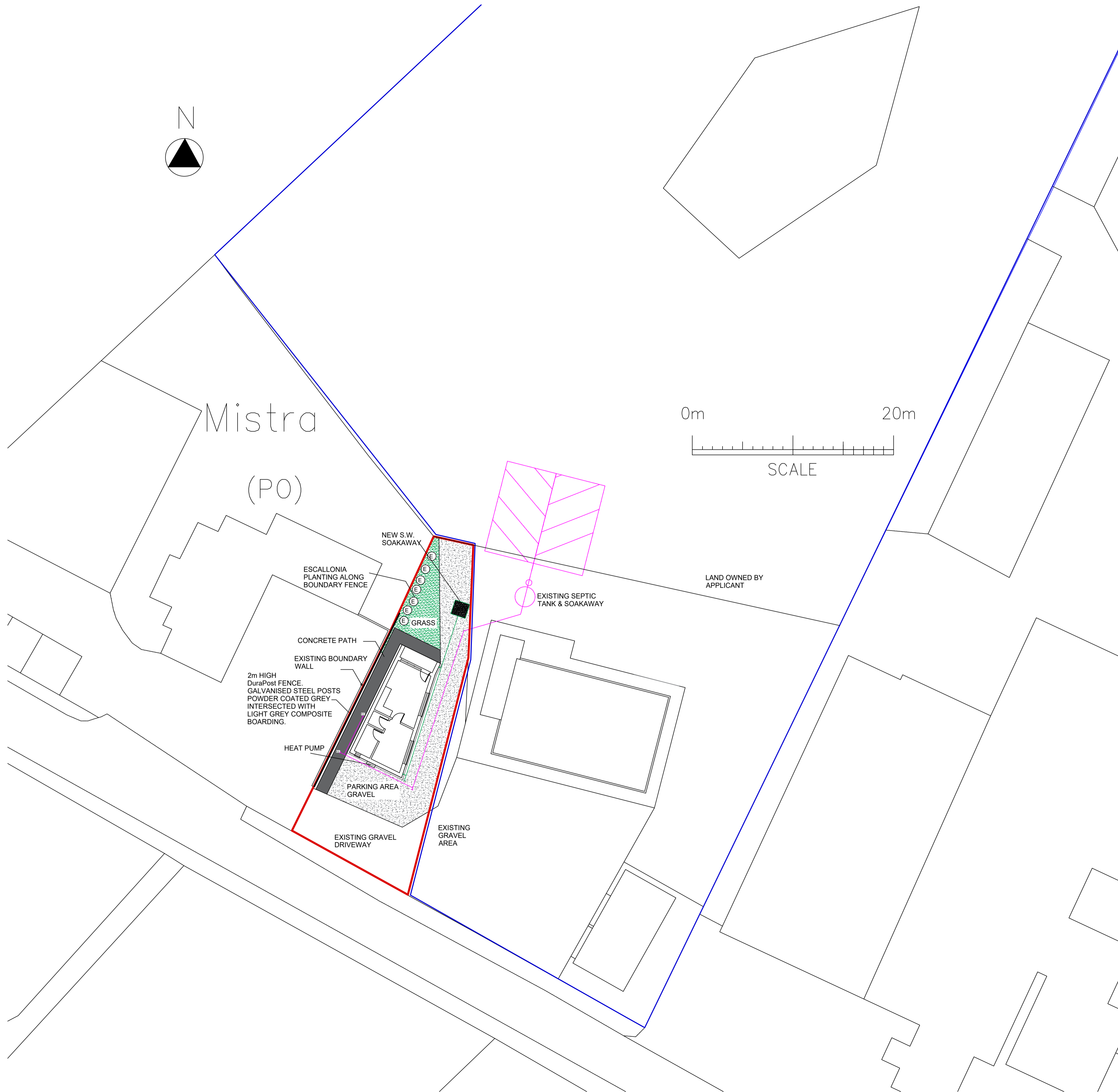
Sue Doyle, Planning Officer (Development Management), Email sue.doyle@orkney.gov.uk.

10. Appendices

Appendix 1: Site Plan.

Appendix 2: Planning Conditions.

This drawing is copyright of Cindy Mackenzie Architectural Services and may not be reproduced without permission. To be read in conjunction with specification and all relevant drawings. Contractor to check dimension on site. Do not scale from drawing.



A: AMENDED FENCE DETAIL.

cindy.mackenzie.Bsc(Hons) architectural services Braeside St. Margaret's Hope Orkney KW17 2TL Tel: 01856 831717 Mob: 07719864957 email: cindy.mackenzie@talktalk.net	CLIENT : MR M BARRATT & MISS M CLAY		
	PROJECT: PROPOSED CABIN AT BAIKIES NOUST, EVIE ORKNEY, KW17 2PJ		
	DRAWING: SITE PLAN		
	SCALE : 1:200	A1	
AUGUST 2023	002	rev 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. Throughout the lifetime of the development hereby approved, the self-catering unit shall be used for the purpose of self-catering short-term letting holiday accommodation only. To accord with the use as self-catering letting, occupation of the unit by any person shall not exceed a period of 28 days in any calendar year. The unit shall not be occupied by more than two persons at any time. To facilitate the enforcement of such control, the applicants shall be required to make available to the Planning Authority upon reasonable request, the register of occupiers of the premises to which this permission relates.

Reason: For the avoidance of doubt, as the development is approved as self-catering holiday accommodation only.

03. The self-catering unit hereby approved shall be maintained in the same condition as approved throughout the lifetime of the development, to the satisfaction of the Planning Authority.

Reason: In the interests of visual amenity, to protect the appearance of the local area and to ensure the unit does not deteriorate in physical condition.

04. Throughout the lifetime of the development hereby approved, the maximum noise from the air source heat pump hereby approved, together with the existing air source heat pump approved on the house at Baikies Noust, shall not exceed NR25 within any residential property outwith the development site, 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 50mm).

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

05. 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, Policy 22 'Flood risk and water management' of National Planning Framework 4, and to protect road safety.

06. The approved sewerage system shall be connected and fully operational prior to the first use of the development hereby approved.

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

07. The parking area hereby approved and as shown on the Location and Site Plan hereby approved (Site Plan 002, dated August 2023) shall be provided prior to first occupation of the development, and shall be maintained throughout the lifetime of the development and maintained for the use of the self-catering unit only.

Reason: To ensure adequate parking provision for the development.

08. Throughout the lifetime of the development hereby approved, any exterior lighting employed on the development 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/Small Village locations) as defined by the Institution of Lighting Professionals.

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' and to accord with Orkney Local Development Plan 2017 Policy 2 'Design' and Planning Policy Advice: Amenity and Minimising Obtrusive Lighting (2021).

09. The biodiversity measures identified on the 1:200 Site Plan hereby approved (reference 002 Rev. A, Dated August 2023) and described in the submitted Biodiversity form (dated 10 October 2023) shall be implemented in full during the first planting season following the development being first brought into use. Thereafter, the biodiversity measures shall be permanently retained 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 Policy 3 'Biodiversity' of National Planning Framework 4.

10. All landscaping works hereby approved shall be carried out wholly in accordance with submitted details and plans, during the first planting season following the development being first brought into use. Any trees, bushes, shrubs or plants which, within a period of five years from the completion of the development, die, or for any reason are removed or damaged, shall be replaced in the next planting season with others of the same size and species.

Reason: To ensure appropriate landscaping of the development.

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

Throughout the construction phase of the development there shall be no burning of waste material on site.

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