



Item: 1

Planning Committee: 24 March 2026.

**Proposed Erection of House Near Gelderoo, Upper Crantit Road,
Kirkwall.**

Report by Director of Infrastructure and Organisational Development.

1. Overview

- 1.1. This report considers the erection of a house with an integral garage and air source heat pump near Gelderoo, Upper Crantit Road, Kirkwall. Consultation bodies have raised no concerns, and no representations have been received. The application is made on behalf of an Elected Member of the Council and, in accordance with the Scheme of Administration, the application must be reported to Committee for determination. The development complies with relevant policies of National Planning Framework 4 and the Orkney Local Development Plan 2017.

Application Reference:	25/362/PP.
Application Type:	Planning Permission.
Proposal:	Erect a house with an integral garage and air source heat pump.
Applicant:	Mr and Mrs Ivan Taylor.
Agent:	Stephen J Omand, 14 Victoria Street, Kirkwall, KW15 1DN.

- 1.2. All application documents (including plans, consultation responses and valid 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. Recommendation

- 2.1. It is recommended that members of the Committee:
- i. Approve the application for planning permission in respect of the proposed erection of a house, with an integral garage and air source heat pump, near Gelderoo, Upper Crantit Road, Kirkwall, subject to the conditions detailed in Appendix 1 to this report.

3. Consultations

Roads Services

3.1. Roads Services has confirmed no objection.

Scottish Water

3.2. Scottish Water has confirmed no objection.

Environmental Health

3.3. Environmental Health has confirmed no objection subject to a planning condition to control the noise levels of the air source heat pumps.

Development and Marine Planning – Environmental Planner

3.4. No response received.

4. Representation

4.1. No representations received.

5. Relevant Planning History

5.1. Planning application (nearby).

Reference	Proposal	Location	Decision	Date
10/432/PP.	Erect a house.	Upper Crantit Road (Land Near), Kirkwall, Orkney.	Grant Subject to Conditions.	20.10.2010.

6. Relevant Planning Policy and Guidance

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

6.2. National Planning Framework 4 can be read on the Scottish Government website [here](#).

6.3. The key policies listed below are relevant to this application:

- National Planning Framework 4 (NPF4):
 - Policy 3 - Biodiversity.

- Policy 9 - Brownfield, vacant and derelict land and empty buildings.
- Policy 14 - Design, quality and place.
- Policy 15 - Local Living and 20-minute neighbourhoods.
- Policy 16 - Quality homes.
- Orkney Local Development Plan 2017 (OLDP):
 - Policy 1 - Criteria for All Development.
 - Policy 2 - Design.
 - Policy 5 - Housing.

7. Legislative Position

- 7.1. 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...”
- 7.2. 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.”
- 7.3. Annex A continues as follows:
- The House of Lords’ judgement also sets 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.

- 7.4. 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.
- 7.5. An award of expenses may be substantial where an appeal is conducted either by way of written submissions or a local inquiry.

Status of the Local Development Plan

- 7.6. 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.

Status of National Planning Framework 4

- 7.7. 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 NPF4 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.
- 7.8. 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.

8. Assessment

Background and Proposal

- 8.1. Planning permission is sought to erect a house with an integral garage and air source heat pump including relocating an existing access and retaining the existing vegetation along the boundaries. The property is located near Gelderoo, Upper Crantit Road, within the Kirkwall settlement boundary, as indicated in the Site Plan attached as Appendix 2 to this report.
- 8.2. The site has a natural slope towards the west, similar to neighbouring properties either side. The site was previously occupied by two poly tunnels. Currently, all such structures have been cleared and the land is open, with signs of previous development.

Principle

- 8.3. The proposal would comprise infill residential development within the settlement boundary and would develop existing premises, complying with Policy 5A(iii) of the Local Development Plan 2017 and Policy 9(a) of NPF4. The development would contribute to local living and 20-minute neighbourhoods which fulfil the provisions of Policy 15 of NPF4. The principle of the development is therefore acceptable.

Design

- 8.4. The house is proposed at the centre of the land, being a deep one and a half storeys in design, maintaining the ground floor level lower than the Upper Crantit Road to respond to the natural slope towards the west. The house would be finished externally with cream- beige render with black panelling at the west elevation. Anthracite windows and doors would be used along with a black concrete tiled roof. Rooflights are proposed to gain natural light and ventilation to first floor, in addition to windows.
- 8.5. Overall external finishes and scale would merge the structure to the surrounding environment along with a minimum visual impact. On that basis, the proposal would comply with Policies 14 and 16 of NPF4 and Policies 1 and 2 of the Orkney Local Development Plan 2017.

Access and Parking

- 8.6. The existing access would be used for the excavation of the site. During the underbuilding, the proposed permanent finished access would be constructed and used for remainder of works. Subsequently the existing access would be removed,

and a new section of footway would be constructed to match the adjacent sections of footway, including new kerbing to the front and rear.

- 8.7. The proposed driveway would continue towards the integral parking maintaining a standard vehicle manoeuvring area. Accessible steps would be provided margining the south side of the driveway. To form the new access, the existing streetlight would be relocated to a suitable position in conjunction with Roads Services' approval prior to the occupation.
- 8.8. Overall, Roads Services has no adverse comments on the development.

Water Supply and Drainage

- 8.9. The development would require a new water supply. Wastewater would be discharged to the public drainage network/ pipe which runs westerly across the land. Scottish Water has no objection to the application.
- 8.10. The surface water would be directed to the proposed surface water soakaway within the west side of the property boundary following the slope and gravity. Overall, the surface water is managed within the site boundary and there would be no extra burden to the surrounding drainage.

Biodiversity Enhancement

- 8.11. The existing vegetation along all four boundaries of the property would be retained and safeguarded. The existing bund and the ground cover along the south boundary would be retained and tidied while introducing fuchsia and flowering currant as an enhancement. Biodiversity enhancement measures are proportionate to the development and would be controlled by planning condition. The development is considered compliant with Policy 3 'Biodiversity' of NPF4.

Residential Amenity

- 8.12. The development would use an air source heat pump with the outdoor unit on the north elevation. Environmental Health has no adverse comments. A planning condition would be attached to protect any nearby residents from excessive noise disturbance from the heat pumps.
- 8.13. Sufficient separation distance would exist to neighbouring dwellings on both sides (north and south) of the development and the maintenance of lower ground floor level compared to the access road would create no overshadowing issues.

- 8.14. There are no openings at the north elevation from habitable spaces, avoiding any overlooking issue to the north. The maintenance of lower ground floor level compared to the access road, benefitting from the existing bund and vegetation along with proposed infill vegetation along the south boundary would act as a natural means of screening and unlikely to create any overlooking issue to the south.

9. Conclusion and Recommendation

- 9.1. The proposed development complies with relevant policies of National Planning Framework 4 and the Orkney Local Development Plan 2017. The proposal is acceptable in principle, and in terms of design and impact on the residential amenity. There are no material considerations that outweigh this conclusion. The application is therefore recommended for approval, subject to the conditions listed in Appendix 1 to this report.

For Further Information please contact:

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Shankha.Weerasekara@orkney.gov.uk

Implications of Report

1. **Financial:** None.
2. **Legal:** Detailed in section 7 above.
3. **Corporate Governance:** In accordance with the Scheme of Administration, determination of this application is delegated to the Planning Committee.
4. **Human Resources:** None.
5. **Equalities:** Not relevant.
6. **Island Communities Impact:** Not relevant.
7. **Links to Council Plan:** Not relevant.
8. **Links to Local Outcomes Improvement Plan:** Not relevant.
9. **Environmental and Climate Risk:** None.
10. **Risk:** If Members are minded to refuse the application, it is imperative that clear reasons for proposing the refusal of planning permission, on the basis of the proposal being contrary to the development plan policy and the officer's recommendation, be given and minuted. This is in order to provide clarity in the case of a subsequent planning appeal or judicial review against the Planning Committee's decision. Failure to give clear planning reasons for the decision could lead to the decision being overturned or quashed. In addition, an award of costs could be made against the Council. This could be on the basis that it is not possible to mount a reasonable defence of the Council's decision.

- 11. Procurement:** None.
- 12. Health and Safety:** None.
- 13. Property and Assets:** None.
- 14. Information Technology:** None.
- 15. Cost of Living:** None.

List of Background Papers

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

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

Appendices

Appendix 1 – Planning Conditions.

Appendix 2 – Location Plan.

Appendix 1.

1. 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.

2. The finished ground floor level shall be maintained at 19.13 Above Ordinance Datum (AOD) level (approximately 1,200 millimetres below the average road level adjacent) unless otherwise approved, in writing, by the Planning Authority.

Reason: To protect the amenity of the neighbours by ensuring there are no overshadowing or overlooking issues.

3. The development hereby approved shall not be occupied or brought into use until the access hereby approved with the public road has been constructed to the Council's Roads Services standard drawing 'SD-04 Typical Access Over Footway for Single Dwelling', attached to and forming part of this decision notice, including dimensions, road construction, any pipe required, and verge or footway. Thereafter the access shall be retained in accordance with these details throughout the lifetime of the development, 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.

4. The development hereby approved shall not be occupied or brought into use until the existing access to the site has been removed and a new section of footway constructed to match the adjacent sections including a new kerbing to the front and rear of the footway, with the new footway being constructed in accordance with Roads Services standard detail for 'Footway Construction' attached to and forming part of this decision notice.

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.

5. No development shall commence until a design for the relocation of the existing streetlight has been submitted to and approved, in writing, by the Planning Authority, in conjunction with Roads Services. Thereafter, the development hereby approved shall not be occupied or brought into use until the streetlighting column has been relocated (or replaced as approved) to the approved location.

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.

6. 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 throughout the lifetime of the development hereby approved,

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, and to protect road safety.

7. The development hereby approved shall not be occupied until the development is connected to the public sewer network.

Reason: To ensure the development is connected to infrastructure.

8. The biodiversity enhancement measures identified on the Biodiversity Plan (Dwg. No. 1731-7-P) Rev. B and described in the amended Biodiversity Enhancement Form (dated 1 March 2026) shall be implemented in full no later than the first planting season following commencement of development. Thereafter the biodiversity measures shall be permanently retained in accordance with the approved details, including replacement of any planting that does not survive, is removed, or is damaged, unless otherwise agreed, in writing, by the Planning Authority.

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

9. Existing vegetation/trees/shrubs on all four development area boundaries, including the bund along the south boundary as identified in approved drawings, and a distance not less than five metres inside the west boundary, shall be retained undamaged throughout the construction period, including avoiding use of plant or machinery or storage of materials directly within those areas. Thereafter, the planting and bund shall be retained throughout the lifetime of the development unless otherwise approved, in writing, by the Planning Authority.

Reason: To ensure the existing biodiversity is safeguarded as required by Policy 3 of National Planning Framework 4 and to protect the amenity of the neighbours by ensuring there are no overlooking issues.

10. Total noise from the air source heat pump installed shall not exceed NR25 within any residential property outside the development, where NR25 is the Noise Rating Curve at 25, (noise measurements to be made with a window of any residential property out with the development open no more than 50mm).

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

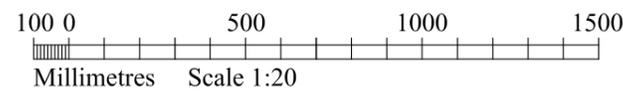
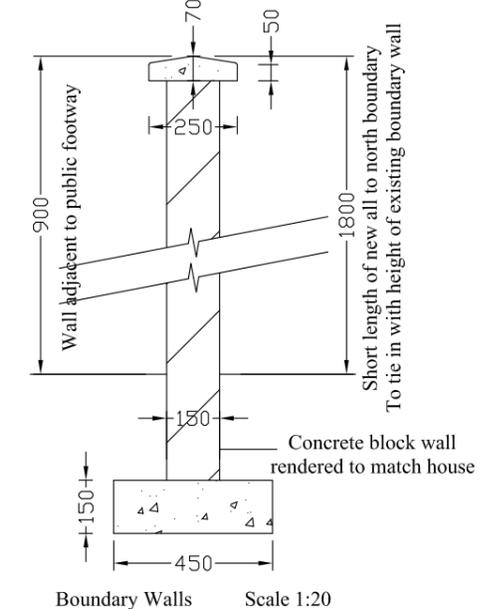
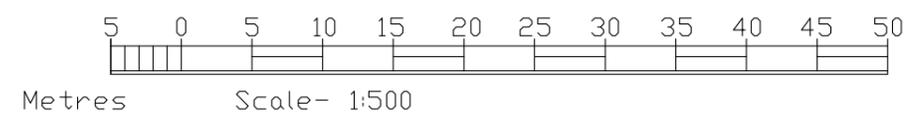
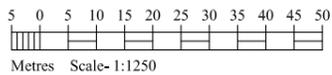
11. Throughout the lifetime of the development, any exterior lighting employed on the development shall be so positioned, angled and controlled to prevent any direct illumination, glare or light spillage outwith the site boundary. External lighting on the building shall meet the requirements for Zone E3/E4 areas (Medium Brightness/High District Brightness) 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).

12. 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 the amenity of the area and to reduce any possible nuisance arising to nearby residents/properties during the construction of the development.



Proposed House & Garage with Heat Pump.
Near Gelderoo, Upper Crantit Road, Kirkwall.
Dwg No 1731-1-P Rev A.
Plan Size A3.
20th January 2026.
OS Licence No- ES100003740