



ORKNEY
ISLANDS COUNCIL

Item: 4

Planning Committee: 7 October 2026.

**Proposed Erection of Nine Houses with Roof Mounted Solar Panels,
Creation of Access, Installation of Communal Foul Drainage System and
Associated Landscaping at Coplands Road, Garson, Stromness.**

Report by Director of Infrastructure and Organisational Development.

1. Overview

- 1.1. This report considers an application for the proposed erection of nine houses with roof mounted solar panels, creation of an access, installation of a communal foul drainage system and associated landscaping at Coplands Road, Garson, Stromness. One valid representation (objection) has been received, along with a representation from a neighbour and Stromness Community Council. The development has been assessed against the relevant policies of the Development Plan and representations and it is considered that the development complies with relevant policies, and objections and other material considerations and there are no material planning considerations that would outweigh a positive determination of this application.

Application Reference:	26/155/PP.
Application Type:	Planning Permission.
Proposal:	Erect nine houses with roof mounted solar panels, create an access, install a communal foul drainage system and associated landscaping.
Location:	Land near Coplands Road, Garson, Stromness.
Applicant:	Orkney Islands Council.
Agent:	R. Clouston Ltd, 10 Grainshore Drive, Hatston Industrial Estate, Kirkwall, Orkney.

- 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 nine houses with roof mounted solar panels, creation of an access, installation of a communal foul drainage system and associated landscaping on land near Coplands Road, Garson, Stromness, subject to the conditions detailed in Appendix 1 to this report.

3. Consultations

Development and Marine Planning – Environment

- 3.1. Recommended a condition to ensure proposed biodiversity measures are implemented, to address the requirements of National Planning Framework 4 (NPF4) Policy 3 on biodiversity.

Roads Services

- 3.2. In general, the development is acceptable, however there are some matters regarding the proposed SuDS (surface water drainage) for the site that either require clarification prior to planning permission being granted, or alternatively could be conditions such that information must be submitted for approval prior to any works commencing on site.
- 3.3. The Drainage Layout at North Site drawing No 403479-PC-2002 Rev P01, indicates a sizable area as being 'Sub Base Area', with the same area being noted as being a 'Rain Garden' on the Site Plan drawing No J11677 04, dated 05/2026. Therefore, information on exactly what is proposed for this area is required.
- 3.4. Additionally further detail of the proposed changes noted in the email from the agent to the planning officer dated 18 September 2026, to amend the 'double gully' arrangement and kerbing around the parking area shown on the Drainage Layout at North Site drawing is also required.
- 3.5. There are discrepancies/contradictions between the drawings and the Drainage Impact Assessment that should be corrected to prevent any ambiguity over maintenance responsibilities.
- 3.6. A condition should also be applied in relation to the provision of a maintenance and management plan to ensure that there is a plan in place for the ongoing maintenance and management of all roads, footways, footpaths and streetlighting

within the development should the area not become part of the adopted public road network.

Scottish Water

- 3.7. “Scottish Water has no objection to the development. The applicant should be aware that this does not confirm that the proposed development can currently be serviced”.

Development and Marine Planning – Policy

- 3.8. “Development and Marine Planning (D&MP) have been involved with pre-application discussion for this application and note that points made during those discussions have been taken on board in the final application design. The development area is located within the Settlement Boundary of Stromness, and the principle of development is supported by the current Orkney Local Development Plan 2017 (OLDP17). The scale and design of the proposals are in keeping with those of the surrounding development and acknowledge the sites’ location within the Hoy and West Mainland National Scenic Area (NSA)”.

Engineering Services 21/9/2026

- 3.9. “The proposed filter drain would provide the water quality treatment that would otherwise be missing. The scheme as previously presented but with the filter drain now proposed instead of the connection back into the hill to the main storage would be adequate and acceptable”.
- 3.10. The presence of a filter drain would not preclude interesting planting within the corner plot”.

Engineering Services 16/9/2026

- 3.11. “On the double gullies: There will be services in the path and it is very close to the carriageway – so I do not think that OIC would accept a filter drain under the footway (would need to confirm with Roads Support). However, as we pointed out months ago, there is a public planting area in the corner beside the gullies. Provision of above ground treatment (really an opportunity to put water into the ground) within this space with an overflow to the surface water (via a raised gully cover) would be our preferred solution. A benefit of this disconnection of the double gullies would be that it would allow the storage proposed beneath the permeable paving to have the volume required to provide the greater than 1:30 performance that was suggested earlier.

- 3.12. On the kerb line to the southern edge of the permeable parking area: The point raised regarding the possibility that vehicles could run over the edge of the parking area is valid. However, a solution which would prevent that driving over and address the point that we raised regarding a missed opportunity to use the water as a resource would be to provide at one (or preferably two) locations along the southern kerb line, single flush kerbs with drop kerbs used to take the top of kerb line down and back up again. The soil at the back of the kerbs would then just follow the tops of the kerbs and droppers. In order to limit erosion and to provide a hard surface to scrape silt from, a concrete flag surface could be provided at a level 25mm below the top face of the flush kerb and falling away from the car park (we could provide an example of a detail like this if required)".

Engineering Services 7/9/2026

- 3.13. "Flood Risk The modelled storage depths for the pervious paving shown in the calculations (17th August 2026) in Appendix 1 of the drainage impact assessment appear to show that the gully tail connecting back into the pipe between MHS9 and MHS5 would be partially flooded in the 1 in 30 (plus climate change) event. The site level at the location of this double gully indicates that the storage depths modelled for the 1 in 200 year (plus climate change) event could not be achieved before surface water from the system flowed back out of the gully and down the road. Unless it can be demonstrated not to compromise storage, this double gully should be disconnected from the main surface water system with water treated separately. The detail of the porous paving and grassed area shown on drawing 403479-PC-202 (P01) suggests that water moving across the surface of the paved area could not shed to the grass area due to the kerb. It is suggested that provision for water to migrate to the grassed area is made to maximise potential for runoff to be retained in soil for the benefit of planting."

Engineering Services 6/7/2026

- 3.14. "Flood Risk: We welcome the pre-application engagement for this development and the inclusion of raingardens to treat runoff. We do not object to the application on flood risk grounds."

Housing

- 3.15. "Orkney Islands Council, in its role as Strategic Housing Authority, supports the two Planning applications at Coplands Road (16 houses and 9 houses). The proposal provides much needed affordable housing in Stromness, which will cater for a mix of household types and sizes. The proposal is consistent with National Planning

Framework 4 (NPF4) policy on affordable housing provision, and the proposal has been discussed in detail with the Council's Housing Authority, in consultation with the Planning Authority".

Stromness Community Council

- 3.16. "Stromness Community Council have concerns over parking for the building of these houses, with limited parking for residents there are concerns that the car parks reserved for residents might be used.
- 3.17. The Community Council considers that the parking provision is insufficient to meet the likely needs of residents. Many households are likely to require two vehicles and in addition to residents' vehicles, provision must also be made for visitors, carers, delivery vehicles and other service providers.
- 3.18. The Community Council notes that, on the development plans, garden areas often appear relatively large while the parking areas at the front of the properties are limited. Consideration could perhaps have been given to positioning some of the houses further back within their plots to allow for additional parking provision".

Other Considerations

Screening Opinion.	EIA not required.
Environmental Impact Assessment (EIA).	Not applicable.
Appropriate Assessment (AA) under Habitats Regulation.	AA not required.
Design Statement.	Submitted application site within National Scenic area.

4. Representation

- 4.1. One valid representation (objection) has been received from:
- Teisha Thompson, 22 Coplands Road, Stromness.
- 4.2. Valid representation is on the following grounds:
- Noise (loud noises, lots of people, ruin the area).

4.3. One letter of comment regarding:

- No information provided regarding contractor and construction-worker parking arrangements during the build period.
 - o This is a significant concern. There is an existing car park opposite the proposed development which serves residents of the housing already constructed on Coplands Road.
- I strongly object to this car park being used by contractors, construction workers, or associated vehicles. The planning authority should require the developer to provide suitable on-site parking and welfare arrangements for construction staff before any works commence.
 - o I am also concerned about the potential for construction vehicles and workers' cars to park on Coplands Road itself.
 - o This could obstruct access for existing residents, delivery vehicles, emergency services, and refuse collection vehicles.
 - o Adequate measures should therefore be put in place to prevent parking associated with the development from causing disruption to the existing community. In addition,
 - o Restricting construction working hours, particularly during early mornings, evenings, and weekends, to minimise noise disturbance for nearby residents.

5. Relevant Planning History

Reference	Proposal	Location	Decision	Date
12/082/PPMAJ.	Erect a detached house, 33 semi-detached houses and 6 serviced sites with associated infrastructure.	Garson (Land Near),Stromness.	Grant Subject to Conditions.	29.03.2012.
17/379/PP.	Permanent construction of an access road, including section of footway and street lighting.	Garson (Phase 5), Copland Road, Stromness.	Grant Subject to Conditions.	8.02.2019.

Reference	Proposal	Location	Decision	Date
20/267/PP.	Erect eight houses with associated car parking and landscaping, and upgrade public road and footpath.	Garson (Phase 5), Copland Road, Stromness.	Grant Subject to Conditions.	10.01.2021.

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

6.2. NPF4 forms part of the statutory development plan and must be considered as a whole in the determination of planning applications. This proposal has been assessed against all relevant policies of the Development Plan. The policies, supplementary guidance and planning policy advice listed below are the principal policies relevant to this application:

- National Planning Framework 4:
 - o Policy 3: Biodiversity.
 - o Policy 4: Natural Places.
 - o Policy 9: Brownfield, vacant and derelict land and empty buildings.
 - o Policy 11: Energy.
 - o Policy 13: Sustainable Transport.
 - o Policy 14: Design, Quality and Place.
 - o Policy 15: Local Living and 20 Minute Neighbourhoods.
 - o Policy 16: Quality Homes.
 - o Policy 18: Infrastructure First.
 - o Policy 21: Play recreation and sport.
 - o Policy 22: Flood Risk and Water Management.
 - o Policy 23: Health and Safety.
- Orkney Local Development Plan 2017:
 - o Policy 1: Criteria for All Development.
 - o Policy 2: Design.
 - o Policy 5: Housing.
 - o Policy 9: Natural Heritage and Landscape.

- o Policy 13: Flood Risk, SuDS and Waste Water Drainage.
- o Policy 14: Transport, Travel and Road Network Infrastructure.
- Supplementary Guidance:
 - o Settlement Statements.
 - o Amenity and Minimising Obtrusive Lighting.
 - o Development Brief.
- Planning Policy Advice:
 - o National Roads Development Guide.
 - o Amenity and Minimising Obtrusive Lighting (2021).

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 set out the following approach to deciding an application:
 - o Identify any provisions of the development plan which are relevant to the decision.
 - o Interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies.
 - o Consider whether or not the proposal accords with the development plan.
 - o Identify and consider relevant material considerations for and against the proposal.

- o 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:
 - o It should serve or be related to the purpose of planning. It should therefore relate to the development and use of land.
 - o 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:
 - o Scottish Government policy and UK Government policy on reserved matters.
 - o The National Planning Framework.
 - o Designing Streets.
 - o Scottish Government planning advice and circulars.
 - o EU policy.
 - o A proposed local development plan or proposed supplementary guidance.
 - o Community plans.
 - o The environmental impact of the proposal.
 - o The design of the proposed development and its relationship to its surroundings.
 - o Access, provision of infrastructure and planning history of the site.
 - o Views of statutory and other consultees.
 - o 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

- 8.1. The application site is a 3,193sqm area of land situated to the north of Coplands Road, Stromness. The site fronts the public road to the south, housing development to the east and west and across the road to the south there is a small play area to the west and the primary school and secondary school are a short distance from the site with good road and path network connectivity.
- 8.2. As noted in section 1 above, permission is sought for the erection of nine single storey dwellings with associated car parking and infrastructure, as detailed in the Location Plan attached as Appendix 2 to this report. The site is within the Stromness settlement boundary.
- 8.3. The surrounding area is characterised by residential housing with schools, a care facility, and industrial estates in the wider area. Properties in the immediate locality are generally masonry-built and single, one and a half storey and two storeys, with the traditional pattern of the houses fronting directly onto the street. The site benefits from pedestrian links to the town centre along the coast, and bus stops are relatively close, the site is accessible and integrated within the wider town centre.

Principle

- 8.4. The site is within the settlement boundary of Stromness. It forms part of a larger site that was previously granted planning permission for housing development under 12/082/PPMAJ in 2012. At the time of that permission this area was proposed for two semi-detached houses and one detached house. This permission is still valid as work commenced on the overall development. However, the increase in density and house design which is now proposed requires a fresh application. The principle of residential development on this site has therefore been established.
- 8.5. The application site has planning permission for five houses. A higher density development is now proposed with key considerations including the revised layout and detailed design to ensure that these are of sufficient merit to justify the higher density and number of houses provided. The higher density is enabled by reducing the size of the proposed housing, with the current application comprising a number of smaller one bedroomed units. This is considered appropriate in this urban residential setting and makes efficient use of the land available, whilst still

providing adequate private outside amenity space. The principle of the development is therefore considered to be acceptable in accordance with Policy 5A – Housing and Settlements of the Orkney Local Development Plan 2017, which allows for infill development where it accords with the relevant policy requirements and National Planning Framework 4 (NPF4) Policy 15.

Design, Scale, Landscape/Visual Amenity

- 8.6. The development comprises nine single storey houses, comprising three pairs of semi-detached units and a terrace of three houses. The proposed development includes a central road, with houses mainly on the north side of the road facing onto the road. Parking would generally be in communal areas, adjacent to the houses, with a turning head at the eastern end of the site.
- 8.7. As referred to previously, in the immediate locality are single, one and a half storey and two storeys. It is therefore considered that the proposed smaller homes and higher density development is not out of keeping with the surrounding area and that the built form of the proposed houses will reflect the scale and form of the housing development adjacent and in the surrounding development. Stepped roof profiles between the new houses will also ensure an effective fit with the topography which also helps reduce the massing of the houses when viewed from the street.
- 8.8. There is a fall of just over 4m across the site from east to west, this fall has resulted in the houses needing to be stepped and retaining walls being included within the design. This is similar to measures that have been used in the surrounding area and in much of Stromness given the topography of the area.
- 8.9. The external finishes are proposed as follows:
 - white dry-dash render (Glenarm on white cement mortar);
 - flat-profile concrete roof tiles in anthracite (RAL 7016);
 - anthracite uPVC windows, fascias and soffits and composite doors;
 - black rainwater goods.
- 8.10. The palette of materials proposed is a simple mix of white/off-white render with dark tiled roofs with matching fascias and soffits, and grey windows and doors. Each of the houses have solar photovoltaic panels fitted to the roof. The proposed material will fit with the material used in the locality therefore integrating into the townscape and wider landscape.

- 8.11. As noted above, the development density exceeds the development previously approved on the site and the submitted Design Statement addresses this issue in the context of development nearby. Areas of relatively dense housing development exist throughout Stromness, not only in the town centre, so it is not considered that higher density housing would be out of character for a development in this location. The arrangement of the houses provides a simple layout, reflective of the adjacent housing development and with appropriate scale and placement of open space and parking. Drawing together these design matters, it is considered that the application complies with NPF4 Policy 14 Design Quality and place and OLDP Policy 1 Criteria for all Development and Policy 2 Design.
- 8.12. The development would be contained within an existing built-up area within the settlement boundary of Stromness and would not extend into the countryside around the town. It is also considered that the proposed development would be viewed in context with the nearby housing development in the surrounding area and that as such, the proposed development would be unlikely to have a significant effect upon the character of the area, upon visual amenity, the wider landscape or the integrity of the National Scenic Area or the special qualities for which it is designated and would comply with NPF4 Policy 4 Natural Places and OLDP Policy 9 Natural Heritage and Landscape.

Access and parking

- 8.13. This site is within walking distance of a wide range of services and facilities and is well connected by public transport. The onsite parking provision is based on the number of bedrooms in each house therefore the 11 spaces are appropriate for the 7 x1 bedroomed houses and 2 x 2 bedroomed properties. Policy 14B 'Sustainable Travel' of the Local Development Plan requires, "iii. Developments must accord with the car parking standards that are set in the National Roads Development Guide, which has been adopted as Planning Policy Advice". The development meets these parking standards.
- 8.14. NPF4 Policy 13 'Sustainable transport' and Policy 15 'Local living and 20-minute neighbourhoods' encourage the housing being in accessible locations. This site benefits from tying into good existing pedestrian links to the town centre and along the coast. There are also existing bus stops close by. The site is therefore considered to have good accessibility and integration within the wider town with good access to the town centre, responding to the NPF4 policies noted above, and also to LDP Policy 14 Transport, Travel and Road Network Infrastructure.

Residential Amenity

- 8.15. To protect the amenity and character of these areas, development proposals must be assessed against the potential for impact on the existing and surrounding properties particularly in terms of overlooking, loss of privacy and sunlight provisions.
- 8.16. The existing dwellings surround the site on three sides, the houses to the rear have back to back gardens with a distance between windows of over 21m. The existing house at 16 Coplands Drive has a window from a residential property facing towards the site, accordingly, a 1.5m high boundary fence is proposed between the houses. Given this, along with the drop in levels between the sites, should minimise overlooking and loss of privacy. The house to the west at 30 Coplands Drive also has windows on the elevation, however the elevation with the windows is set back from the boundary by approximately 12m. Again a 1.5m high boundary fence will be erected.
- 8.17. Consequently, given the considerable distances between the proposed units and existing dwellings, the marginal adverse impacts caused as a result of the development would not be significant, therefore compliant with Policy 2 Design of OLDP 2017 and Policy 23 Health and Safety of NPF4.
- 8.18. The proposed development is not anticipated to have risk of generating significant levels of noise, odour, or disturbance beyond what would be expected within this largely residential environment.
- 8.19. Given proximity to residential properties, appropriate conditions could be used to address construction phase matters.
- 8.20. Accordingly, the proposal is considered to comply with Policy 23 'Health and safety' of NPF4 and Policy 1 'Criteria for All Development' of the Local Development Plan, which requires that new development does not give rise to significant amenity issues.

Surface Water Drainage and Flood

- 8.21. Surface water drainage design and calculations were submitted with the application. However, changes to the design have resulted in reconsultation with Engineering Services and Roads Services to ensure that the proposal works with the site layout, road network and existing drainage infrastructure. Topography and ground conditions along with the compact scale of the site added to the complexity of the surface water drainage design. Notwithstanding this, the

Drainage Statement and associated drawings are now at a stage that the details are acceptable with proposed planning conditions to clarify the final details and maintenance responsibilities and schedules to ensure these are carried out by the appropriate responsible organisation(s) for all surface water drainage elements, including SuDS devices.

- 8.22. The development therefore accords with Policy 22 'Flood risk and water management' of NPF4, and Policy 13 'Flood Risk, SuDS and Waste Water Drainage' of the Local Development Plan.

Biodiversity

- 8.23. The submitted biodiversity proposals dated 5/22/2026, show the site is surrounded by dwellings and has very little biodiversity in its current state. The site has been used for storage and work compound during previous building works. The site is generally surrounded by timber fences. To improve the biodiversity, it is proposed to have several planting beds within the development proposal. The planting beds would have a mix of Escallonia Macrantha, Flowering Currant and Woolly Willow. This mix of plants would support pollinators from spring to summer. The Flowering Currant would provide berries for birds.
- 8.24. The proposal is considered acceptable in demonstrating how it will incorporate measures to support and enhance biodiversity in line with national and local policy requirements including NPF 4 Policy 3 Biodiversity. This matter could be secured through appropriate planning condition.

Affordable Housing

- 8.25. There is a requirement for on-site provision of a minimum of 25% affordable houses on all new housing development sites. In this case, the applicant is the Local Authority, with the development resulting in 100% affordable housing. This will contribute to meeting local demand for affordable housing and addressing the local housing emergency and will ensure compliance with NPF4 Policy 16 Quality Homes and OLDP Policy 5 Housing.

Representations

- 8.26. Representations received raised concerns in relation to noise, including construction noise, and car parking provision, along with issues regarding location of contractor's compound.

- 8.27. The issues regarding car parking provision have been discussed in sections 8.13 and 8.14 which indicates the onsite car parking provision is in accordance with the requirements of the National Roads Development Guide.
- 8.28. The applicant has indicated that the construction compound would be located to the south of the site on open land. However, the location of the contractor's compound from the immediate site will only mitigate a certain amount of traffic and noise, there will always be on site construction noise. The construction management plan should include measures to ensure that existing car parking is not used by construction vehicles or works. Planning conditions can help mitigate these to a degree to ensure that construction activities do not cause significant adverse effects on health and quality of life.
- 8.29. The proposal has been assessed and the concerns regarding noise, particularly from construction activity, could be addressed through standard conditions controlling hours of work, programming of noisy activities and site management measures. On this basis, the development is not anticipated to have an adverse impact on residential amenity.

9. Conclusion

- 9.1. The proposed development is acceptable in principle and would not harm residential amenity or the visual amenity of the surrounding area. Subject to conditions, it is considered that the development accords with the relevant provisions of National Planning Framework 4 and the Orkney Local Development Plan 2017, Supplementary Guidance and Planning Policy advice and there are no material considerations, including those raised in the objections, that, based on the evidence presented, can be considered reasonable to outweigh this policy based planning conclusion. The application is therefore recommended for approval, subject to the conditions set out in Appendix 1.

For Further Information please contact:

Margaret Gillon, Senior Planner (Development Management). Email:
margaret.gillon@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. If Members are minded to approve the application, attaching planning conditions to

the decision notice would be delegated to Director of Infrastructure and Organisational Development.

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 approve the application, it is imperative that clear reasons for proposing the approval of planning permission on the basis of the proposal being in accordance with 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](#).

Appendix

Appendix 1 – Planning Conditions

Appendix 2 – Location Plan.

Appendix 1.

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

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

02. Hours of work during the construction of the development hereby approved, involving the use of machinery and powered tools, or any other operation, for example hammering, that would generate noise audible beyond the boundary of the site, shall be restricted to 07:30 to 18:00 on 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.

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

03. Notwithstanding the details submitted of the location of the contractor's compound, no development shall commence until a Construction Method Statement has been submitted to, and approved in writing by, the Planning Authority. The statement shall provide but not be limited to:

- Contractors compound
- Separate surface water treatment for the construction period.
- The parking of vehicles of site operatives and visitors (measure to ensure parking in existing communal car parking in the area is avoided).
- Vehicle movements to and from site to minimise movement during times children go to and from school.
- Loading and unloading of plant and materials.
- Construction compound/welfare facilities/storage facilities.
- The erection and maintenance of security hoarding.
- Measures to control the emission of dust and dirt during construction.
- Construction lighting.
- A scheme for recycling/disposing of waste resulting from demolition and construction works.

For the avoidance of doubt there shall be no burning or burying of waste within the site.

The approved Construction Method Statement shall be applied and complied with throughout the construction period.

Reason: In order to safeguard the amenity of neighbouring properties and occupants.

04. Due to the proximity of the coast, Otters may be active in the area, where the animals are likely to alternate between the coast and freshwater environment and nearby burns and drainage channels. Otter is classed as a European Protected Species (EPS) and is therefore afforded a strict level of protection under UK legislation. Further information on otters and the law is available from the Scottish Natural Heritage website at: <https://www.nature.scot/professional-advice/safeguarding-protected-areas-and-species/protected-species/protected-species-z-guide/protected-species-otters>.

Throughout the construction phase of the development, the following shall be complied with:

- Access to open-water habitats shall be safeguarded at all times and impacts to traditional routes between such areas (such as drainage ditches) during the construction phase shall be minimised;
- Site preparation and external construction work shall be restricted to daylight hours only (as otters are most active between dusk and dawn);
- Any temporarily exposed open pipe system shall be capped in such a way as to prevent otters gaining access, as may happen when contractors are off-site.
- Open pits shall be covered at night, and exit ramps provided in steep-sided trenches. All excavations shall be checked daily to ensure that no wildlife has become trapped;
- All personnel involved in the development shall be made aware that otter may be present in the area, and of the requirement to follow the measures listed above to avoid disturbance to the species.

Reason: In the interests of the protection of otters, a European Protected Species afforded a strict level of protection under UK legislation.

05. The parking and turning areas hereby approved must be provided within the site prior to occupation of the first dwellinghouse hereby approved and be retained thereafter in perpetuity.

Reason: To ensure the development hereby approved is served by an appropriate level of parking and vehicle turning.

06. Prior to any of the houses hereby being occupied, the 1.5m high boundary fences shall be erected in accordance with the approved details. Once erected, the means of boundary screen fencing shall thereafter be permanently retained in accordance with the approved details.

Reason: In the interests of residential amenity.

07. The biodiversity enhancement measures identified on the 1:200 Site Plan J11677 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, with the Planning Authority.

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

08. Prior to the dwellings hereby approved being occupied and brought into first use, they shall be connected to Scottish Water's public waste water system.

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

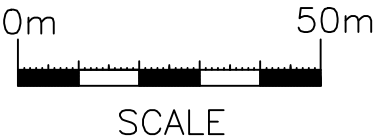
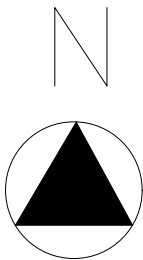
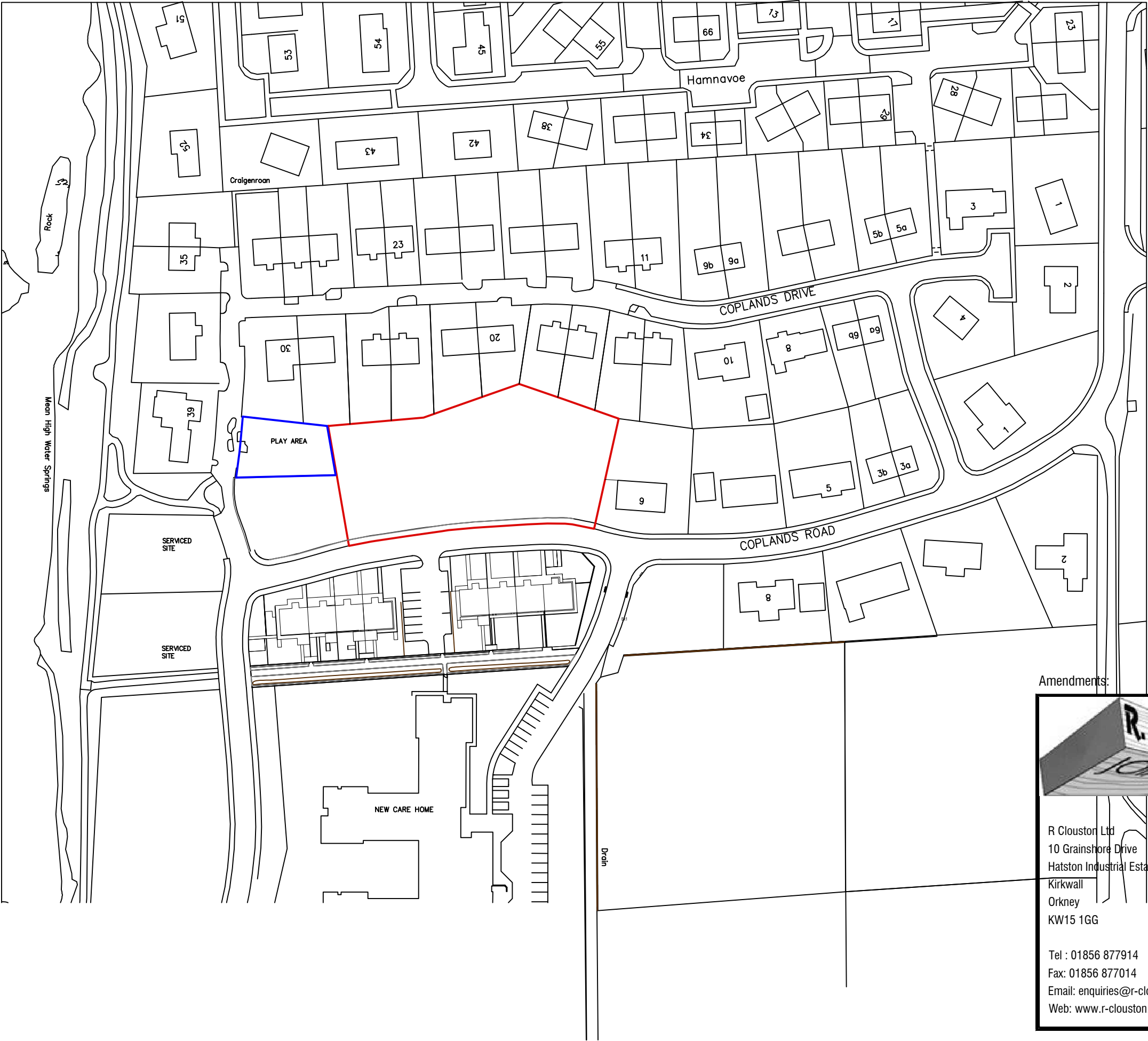
09. No development shall commence on site until updated details of surface water drainage arrangements, including drawing and drainage impact assessment, have been submitted to, and approved in writing by, the Planning Authority, in consultation with Roads Services. Such drainage arrangements will require to comply with the principles of sustainable urban drainage systems as required. The development shall not be occupied until the surface drainage works have been completed in accordance with the details submitted to and approved by the Planning Authority.

Reason: To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.

10. The development hereby approved shall not be brought into use until a Management Plan for the maintenance and management for all SUDS, roads, footways, footpaths and streetlighting within the development has been submitted to, and approved in writing by, the Planning Authority, in consultation with the Roads Authority, and shall thereafter be permanently maintained to the satisfaction of the Council as Planning Authority.

Reason: To ensure that the infrastructure is managed and maintained in a satisfactory condition.

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Amendments:



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CLIENT: ORKNEY ISLANDS COUNCIL

PROJECT: PROPOSED HOUSING
DEVELOPMENT (NORTH)
COPLANDS ROAD, STROMNESS
ORKNEY

DRAWING:
LOCATION PLAN

SCALE 1:1250

A3

Ref:	Date:	Drawing No:	Amd:
J11677	05/2026	01	-