

**Item: 3**

**Planning Committee: 10 December 2025.**

**Proposed Erection of Three-Storey Office at The Crafty, Junction Road, Kirkwall.**

**Report by Director of Infrastructure and Organisational Development.**

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## **1. Overview**

- 1.1. This report considers an application for the proposed erection of a three-storey office (Use Class 1A – financial, professional and other services) at The Crafty, Junction Road, Kirkwall. On 8 October 2025, the Planning Committee deferred consideration of the application, to allow for submission of 3D images of the proposed development, to allow further negotiation between officers and the developer regarding potential off-site works and additional details be provided, and to enable a member of the Roads Services team to be present.
- 1.2. The application is supported by a Daylight and Sunlight Report, specification for proposed air source heat pumps and evidence of direct consultation by the agent in advance of the application in relation to past and historic uses of the site with both Environmental Health and the Islands Archaeologist. The application was subject to amendment and re-advertisement during consideration.
- 1.3. Notwithstanding submission of additional information and some matters being satisfied, Roads Services has objected to the application owing to a lack of dedicated parking, and inadequate service vehicle access and therefore impacts on manoeuvring at the car park entrance and the hyperbaric chamber, adverse impacts arising from increased pressure on public car parking facilities in the vicinity of the development, and the specification of a proposed additional disabled parking bay. Five public representations (objections) have been received. Due to the absence of dedicated parking provision and impacts on the functionality of the car park, as reflected in the consultation response from Roads Services and public objection, the development is considered contrary to Policy 14B ‘Sustainable Travel’ and 14C ‘Road Network Infrastructure’ of the Local Development Plan which requires developments to “accord with the car parking standards that are set in the National Roads Development Guide” and “be safely and conveniently accessed by service, delivery and other goods vehicles, as

appropriate to the development”. The potential for off-site works has been investigated since the application was considered by the Planning Committee on 8 October 2025, and the resultant application as submitted does not include sufficient justification to outweigh the concerns raised, including those raised in public objections.

Application Reference:	24/353/PP.
Application Type:	Planning Permission.
Proposal:	Erect a three-storey office.
Applicant:	Neil Stevenson.
Agent:	Stephen Omand, 14 Victoria Street, Kirkwall, KW15 1DN.

- 1.4. 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. Refuse the application for planning permission in respect of the proposed erection of a three-storey office at The Crafty, Junction Road, Kirkwall.

## **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. Roads Services initially objected, advising that, for a development of this size and nature, it is expected that 25 parking spaces be provided, along with adequate space for service vehicles to access and exit the site in a forward gear. The current proposal provides neither parking spaces nor service vehicle facilities.

- 3.3. Whilst the National Roads Development Guide (NRDG) allows for a reduced level of parking in locations where alternative modes of transport and existing parking facilities are available, it does not permit a complete absence of parking or servicing provision as in the development as presented.
- 3.4. In addition, the information submitted states that surface water will be directed to the existing surface water drainage network. However, drainage from development sites should be managed in accordance with Sustainable Drainage Systems (SuDS) principles.
- 3.5. On this basis, Roads Services raises concerns regarding the development due to:
- Lack of on-site parking provision.
  - Absence of servicing facilities.
  - Resulting unacceptable impact on existing parking and road infrastructure.
- 3.6. In response to the original objection, Roads Services confirmed that its response could be downgraded to concern subject to a planning condition to secure off-site works, to address and in-part mitigate the impacts of the development.

**Roads Services – updated 28 November 2025**

- 3.7. “The latest site plan that was submitted on 5 November 2025 addresses Roads Services concerns regarding pedestrian access, as it now clearly shows that pedestrian access to the site can be made directly from the existing footway on Pickaquooy Road.
- 3.8. However, as noted in Roads Services earlier consultation response, the proposed development still fails to comply with the requirements of the of the National Roads Development Guide (NRDG), due to the lack of parking for both building users and service vehicles. Therefore, given that the NRDG has been adopted by the council as a policy document, the development fails to comply with council policy.
- 3.9. Also, as noted in Roads Services earlier consultation response, the latest version of the site plan submitted indicates the provision of a drop off/pick up area near the access to the car park which isn’t ideal given its proximity to the access to the site and the potential safety issues that this could present.
- 3.10. An additional disabled parking bay between the Scout Hall and the car park exit is also indicated, which will impinge on the access to the Scout Hall. The hatched area at the bottom of the access ramp was marked as it currently is to comply with Building Standards, therefore any reduction in the size of the existing hatched area to provide an additional disabled parking bay would be unacceptable.

- 3.11. Given the foregoing assessment, Roads Services objects to the proposals.”

**Scottish Water**

- 3.12. Scottish Water has no objection to the development, and requests that all options for surface water drainage be explored to avoid additional surface water entering the combined sewer system.

**Environmental Health**

- 3.13. Environmental Health raises no adverse comment, and a standard condition is advised to address the cumulative noise impacts from the proposed air source heat pumps.

**Development and Marine Planning – Policy**

- 3.14. Matters were raised in relation to transport, access and active travel, the scale and massing of the proposed building and site layout, in relation to the proposal as initially submitted. Development and Marine Planning welcomed amendments made, which include a reduction in the overall building height, the introduction of cycle parking, and the addition of a pedestrian access point from Pickaquoy Road.

**Engineering Services**

- 3.15. Engineering Services originally advised that the minor loss of flood storage associated with the development (localised to the steps from the Scout Hall car park and only marginally above 2.2 metres AOD) is considered acceptable.
- 3.16. Reference was also made to the applicant’s assertion that the presence of a culvert negates the need for sustainable drainage (SuDS). SEPA guidance (WAT-RM-08) requires SuDS for all developments except single dwellings or those discharging directly to coastal waters.
- 3.17. Engineering Services concludes that the development will increase the rate of surface water runoff, particularly during frequent rainfall events and it is therefore necessary to provide treatment and attenuation measures prior to discharge. The proposed green spaces, elevated lawns, and shrub planting could potentially incorporate surface SuDS techniques, providing water quality treatment, infiltration/groundwater recharge, and an overflow connection to the surface water network.

## **Scottish Environment Protection Agency (SEPA)**

- 3.18. SEPA requested evidence to demonstrate that the development avoids areas of flood risk below 2.2 metres Above Ordnance Datum (m AOD). An updated site plan (dwg. 1679/2/P) was provided, confirming that the site lies largely above 2.2 m AOD, with only isolated boundary levels at 2.03 m AOD.
- 3.19. The adjacent site to the east, which is generally below 2 m AOD, is shown as fully inundated on SEPA flood maps. All built development and associated land raising within the application site are proposed above 2.2 m AOD, with finished floor levels set at 2.9 m AOD, and southern access provided at 2.75 m AOD. On this basis, SEPA is satisfied that the development avoids the identified flood risk area and has withdrawn any concerns on flood risk grounds.

## **4. Representations**

- 4.1. Five valid representations (objections) have been received from:
- Tim Casson, 17 Sommerville Square, Kirkwall, KW15 1BX.
  - Pat Heyward, 12 Sommerville Square, Kirkwall, KW15 1BX.
  - Pauline Lee, 19 Sommerville Square, Kirkwall, KW15 1BX.
  - Sheila McIndoe, 13 Sommerville Square, Kirkwall, KW15 1BX.
  - Orkney Housing Association, 39A Victoria Street, Kirkwall, KW15 1DN.
- 4.2. One late representation was also received. On that basis, it is not a 'valid representation' as defined in the Scheme of Delegation for Planning Committee. Whilst not listed above therefore, the matters contained in the representation have been included in the consideration of the application.
- 4.3. Valid representations are on the following grounds:
- Impact on daylight.
  - Noise.
  - Parking.
  - Privacy.
  - Design and scale.

## **5. Relevant Planning History**

- 5.1. No relevant planning applications noted.

- 5.2. Pre-application advice was provided, in terms of the location and designation of the land, and technical matters that would require to be addressed. That included parking, which is a key consideration of the recommendation: “Parking – this will be a key consideration, given the scale of the development and lack of on-site parking. Advice would be required from Roads Services...”.
- 5.3. The site was previously relatively densely vegetated by trees and shrubs. These were removed and the site cleared prior to submission of a formal planning application.

## **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, supplementary guidance and planning policy advice listed below are relevant to this application:
- National Planning Framework 4:
    - Policy 3. Biodiversity.
    - Policy 13. Sustainable transport.
    - Policy 15. Local Living and 20 minute neighbourhoods.
    - Policy 22. Flood risk and water management.
    - Policy 23. Health and safety.
    - Policy 26. Business and industry.
    - Policy 27. City, town, local and commercial centres.
  - Orkney Local Development Plan 2017:
    - Policy 1: Criteria for All Development.
    - Policy 2: Design.
    - Policy 3: Settlements, Town Centres and Primary Retail Frontages.
    - Policy 4: Business, Industry and Employment.
    - Policy 13: Flood Risk, SuDS and Waste Water Drainage.
    - Policy 14: Transport, Travel and Road Network Infrastructure.
  - Planning Policy Advice:
    - National Roads Development Guide.
    - Amenity and Minimising Obtrusive Lighting (2021).
    - Kirkwall Urban Design Framework (2018).

## 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:
    - 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**

8.1. As noted in section 1 above, permission is sought for the erection of a three-storey office at The Crafty, Junction Road, Kirkwall, as indicated on the Location Plan attached as Appendix 1 to this report. The site is within the Kirkwall settlement boundary, and in the defined Town Centre.

- 8.2. The surrounding area is characterised by a mixed-use town centre environment, including retail units, offices, civic buildings, hospitality premises, and residential properties, as well as private and public car parking. Properties in the immediate environs are masonry-built, of two to three storeys fronting directly onto the street. The development is in a location where there is a degree of transition from traditional town centre, built development, to supermarkets and extents of car parking. The site also benefits from pedestrian priority areas, and close links to bus stops, and car parking facilities contribute to the site's accessibility and integration within the wider town centre.

### **Principle**

- 8.3. This triangular site is located adjacent and to the south of the Lidl supermarket car park, near the roundabout serving Pickaquoy Road and Junction Road. Policy 27 'City, town, local and commercial centres' of NPF4 directs new commercial and business development to established centres, in order to support their vitality and viability. Supporting this, Policy 26 'Business and industry' supports proposals for new or expanded business premises where they are located in sustainable, accessible locations and contribute positively to the economy.
- 8.4. Policy 3 'Settlements, Town Centres and Primary Retail Frontages' of the Local Development Plan encourages office, commercial, and community uses within town centres where these do not adversely impact the character, function, or retail role of the area. Policy 4 'Business, Industry and Employment' further supports development that provides employment opportunities within appropriate locations.
- 8.5. Given the location in the Kirkwall town centre, surrounded by a mix of retail, office, hospitality, and residential uses, the proposal is consistent with both national and local policy objectives. In principle, the erection of an office at this site is therefore considered an acceptable use of the site.
- 8.6. The built form reflects the scale and form of the flatted development at 61 Junction Road, adjacent to the Salvation Army premises, with an overall stepped roof approach to the form when viewed from either the southeast or northwest which aids in reducing the massing of the building, noting that it would substantially occupy the site. The parts of the site not occupied by the footprint of the building would be used for external pedestrian access, bin storage and bicycle parking. Two small areas would be open space laid to grass in the south-east corner of the site.

## **Access and parking**

- 8.7. In the original consultation response, Roads Services raised the matters of a lack of on-site parking, servicing provision, and surface water drainage. A development of this scale would normally be expected to provide approximately 25 parking spaces, together with dedicated servicing arrangements. Compromise is often achieved through the planning process, and a reduced number accepted; in this case, no parking provision is proposed.
- 8.8. As a site in Kirkwall town centre, it is within walking distance of a wide range of services and facilities and is well connected by public transport. The National Roads Development Guide recognises that reduced levels of parking are appropriate in central locations where public parking and alternative transport options are available. The principle of minimising on-site parking is also strongly supported by Policy 13 ‘Sustainable transport’ and Policy 15 ‘Local living and 20-minute neighbourhoods’ of NPF4, which encourage the concentration of employment uses in accessible town centre locations.
- 8.9. It is recognised that there is a range of public car parking in the vicinity. This has been acknowledged within various consultation responses from Roads Services, with concerns raised regarding impacts the proposed development would have on existing parking availability. Kirkwall Urban Design Framework (2018) identified 1,389 public car parking spaces in Kirkwall, with the Crafty identified as an area where, if developed, new public parking would be a key consideration.
- 8.10. 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 does not meet parking standards.
- 8.11. In addition to the issue of parking provision, adequate servicing space is not provided at the entrance of the development. The nature or frequency of any deliveries or collections at the premises is not known, as Use Class 1A offices, providing professional and other services, is where the service is principally provided to visiting members of the public. This absence of dedicated space could have impacts on the efficiency and safety of the car park entrance from Pickaquooy Road. It could also impact access to the hyperbaric chamber. The development is therefore contrary to Policy 14C ‘Road Network Infrastructure’ of the Local Development Plan which requires that all new development “can be safely and conveniently accessed by service, delivery and other goods vehicles, as appropriate to the development”.

- 8.12. The Council operates public car parks in proximity to the site, which may be capable of accommodating staff and visitor demand. This is acknowledged by Roads Services; however, concern is raised that this may result in an unacceptable impact on existing public parking provision. This is also a repeat issue, with a cumulative impact of multiple developments approved with reduced or no parking provision in the town centre. It is also notable that the matter of parking has been raised through multiple of the public objections received.
- 8.13. In respect of surface water, it is accepted that SuDS measures should be incorporated, which could be secured by planning condition in any scenario of the development being approved.

#### **Access and parking – 8 October 2025 Planning Committee**

- 8.14. In the report to Planning Committee on 8 October 25, the concerns of Roads Services, as the roads authority, were acknowledged. The planning balance in reaching the recommendation of that report included consideration of the absence of dedicated parking provision within the application site and the requirements of the NRDG, in the context of current pressures on public car parking, and potential impact on the efficiency and safety of the car park entrance due to the absence of parking or manoeuvring space for service vehicles, for what is an office use for visiting members of the public. On the other hand, it was relevant to the consideration that the development is in the town centre, and Policy 13 ‘Sustainable transport’ of NPF4 states, “Development proposals which are ambitious in terms of low/no car parking will be supported, particularly in urban locations that are well-served by sustainable transport modes”. It was concluded that, even if the absence of parking had been accepted, the practical and safety concerns regarding the absence of manoeuvring space for vehicles at the site entrance had not been addressed.
- 8.15. In response to the development as presented at that time, Roads Services ultimately took a pragmatic approach, whilst maintaining concern regarding the cumulative impact of new developments in the town centre with no dedicated parking provision. Roads Services confirmed no objection subject to a planning condition requiring off-site works be secured, including some staff and/or visitor parking of a number to be agreed, disabled parking in the vicinity of the development, measures including adequate manoeuvring space for service vehicles to ensure the safety of the adjacent car park entrance, and protection of access to existing adjacent buildings. Those off-site works had potential to include negotiation with the operators of private car parking adjacent.

### **Access and parking – update since 8 October 2025 Planning Committee**

- 8.16. Time since the last meeting of the Planning Committee has allowed the applicant and his agent to investigate options regarding the issues raised by Roads Services. Key updates include confirmation of a pedestrian access from the development site directly to Pickaquoy Road, and amendments to an existing hatched area within the public car park to provide an additional disabled parking bay.
- 8.17. The agent has also contacted Lidl Great Britain Limited as the operator of the adjacent private, supermarket car park, to confirm whether parking bays within that car park could be made available through any means for the development proposed. The private car park operator has confirmed, in writing, that no part of that private car park is available.
- 8.18. These updates have allowed the up-to-date consultation response from Roads Services. The pedestrian access to Pickaquoy Road is acknowledged. However, in terms of other aspects of the proposed development, notwithstanding the time provided since the last meeting of the Planning Committee, Roads Services retains concerns. It is confirmed that the development still fails to comply with the requirements of the NRDG, due to the lack of parking for both building users and service vehicles, and the latest site plan continues to include the provision of a drop off/pick up area near the access to the car park, which raises potential safety issues.
- 8.19. In terms of the additional disabled parking bay proposed by the developer, between the Scout Hall and the car park exit, it is considered by Roads Services that this would impinge the access to the Scout Hall, noting that the hatched area at the bottom of the access ramp was marked as it currently is to comply with building regulations, and therefore any reduction in the size of the existing hatched area to provide an additional disabled parking bay would be unacceptable.
- 8.20. The Roads Services position remains that whilst, in principle, off-site measures could be secured that would make the development acceptable, the amendments made and measures provided since the application was reported to the Planning Committee on 8 October 2025 are insufficient and/or raise safety concerns. The assessment is therefore updated from that of the previous meeting, where a conclusion of ‘no objection’ was reached on the basis it was in the hands of the developer to explore options that would make the development acceptable; having now explored those options and presented a final access and parking provision, a position is now reached where the development is confirmed as not

acceptable to Roads Services, and an objection to the development has been received.

### **Residential Amenity**

- 8.21. The proposed office use is not anticipated to generate significant levels of noise, odour, or disturbance beyond what would be expected within a town centre environment, mindful of the proximity of this development to an arterial route and junction within the town centre. Office activity is typically confined to standard working hours, which limits the potential for conflict with neighbouring residents. The matter of noise arising from the operation of the proposed air source heat pumps could be addressed by condition.
- 8.22. Development of the site would be of limited duration with amenity impacts arising therefore limited. Given proximity to residential properties, appropriate conditions could be used to address construction phase matters.
- 8.23. Impact on daylight was raised in representation. The developer has provided a Daylight and Sunlight Report, based on the numerical tests laid down in the Building Research Establishment (BRE) guide 'Site Layout Planning for Daylight'. The report considers impacts from the proposed development to neighbouring properties and concludes that all neighbouring windows pass the BRE diffuse daylight and direct sunlight tests and that the proposed development would have a low impact on the light receivable by the neighbouring properties. The reduction in height of elements of the proposed development during consideration of the application may further lessen any such impacts; however, given that the survey concluded that the proposed development at its originally proposed height sufficiently safeguarded daylight and sunlight amenity, no further review of this matter is necessary.
- 8.24. Matters of lighting and waste storage could be addressed by appropriate conditions where necessary. The proposal is not considered likely to result in an unacceptable adverse impact on residential amenity.
- 8.25. 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.

## **Flood Risk**

- 8.26. Initial concerns were raised regarding potential flood risk, particularly in relation to land below 2.2 m AOD adjacent to the Scout Hall car park. Engineering Services confirmed that the resulting loss of flood storage due to minor land raising in this area would be small and acceptable. SEPA initially requested further information to demonstrate that the proposed development and associated land raising would avoid areas at risk of flooding. An updated site plan was submitted, showing that all built development is located above 2.2 m AOD, with finished floor levels raised to 2.9 m AOD and safe access provided to the south at 2.75 m AOD. On this basis, SEPA has confirmed that the proposal avoids areas of flood risk and has no objection.
- 8.27. SuDS measures remain a requirement, as the development would increase the rate of surface water runoff. Landscaping features such as elevated lawns and shrub planting are identified as having the potential to incorporate surface SuDS functions to manage water quality, provide infiltration/groundwater recharge, and enable controlled discharge to the surface water network. Such matters could be addressed by planning conditions.

## **Biodiversity**

- 8.28. The submitted biodiversity form, dated 2 November 2024, has been reviewed and is considered acceptable in demonstrating how the proposal will incorporate measures to support and enhance biodiversity in line with national and local policy requirements. This matter could be secured through appropriate planning condition.

## **Representations**

- 8.29. Representations received raised concerns in relation to daylight reduction. The proposal has been assessed and is considered to not result in any significant loss of daylight or sunlight, with neighbouring amenity sufficiently safeguarded. Concerns regarding noise, particularly from construction activity and the proposed air source heat pumps, could be addressed through standard conditions controlling hours of work and noise limits. On this basis, the development is not anticipated to have an adverse impact on residential amenity. Representations also raised concerns about potential overlooking; however, due to the proposed layout and design, there would be no unreasonable overlooking of neighbouring properties, and existing levels of privacy are adequately safeguarded, mindful of the town centre location.

- 8.30. Concerns were also raised regarding the design and scale of the proposed development. The design has been assessed against both national and local planning policy requirements and is considered appropriate to the setting and being in-keeping with the character of the surrounding townscape regarding Policy 2 ‘Design’ of the Local Development Plan.
- 8.31. Representations also raise the absence of on-site parking. This mirrors the concerns of Roads Services. As noted, no car parking spaces are proposed, with reliance on public parking in the vicinity to satisfy parking requirements for the proposed development. Absence of parking provision and impact on existing parking infrastructure are material considerations in the determination of the application.

## **9. Conclusion**

- 9.1. The proposed development complies with relevant planning policies in all aspects other than parking provision and the absence of manoeuvring space impacting the entrance to the car park, subject to planning conditions where applicable including technical matters in relation to surface water drainage. The site is within Kirkwall town centre, where a range of public car parks are readily available. Furthermore, NPF4 actively supports reduced reliance on private car use in accessible town centre locations.
- 9.2. Parking in and around Kirkwall town centre is perceived to be a significant concern. Kirkwall Urban Design Framework (2018) identified 1,389 public car parking spaces in Kirkwall, with the Crafty identified as an area where, if developed, new public parking would be a key consideration. The proposed development has no car parking provision, resulting in additional pressure on parking in Kirkwall town centre. This matter is stated as a concern through representations received and Roads Services’ consultation response.
- 9.3. The lack of any dedicated car parking creates an unacceptable burden on existing parking provision serving Kirkwall town centre and is contrary to the car parking standards as stated within the National Roads Development Guide. 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 does not meet parking standards.
- 9.4. In addition, adequate servicing space is not provided at the entrance of the development. As offices providing professional and other services including to visiting members of the public, the nature or frequency of any deliveries or



collections at the premises is not known. This absence of dedicated service or manoeuvring space, and the location of the development access close to the car park entrance, are such that the development could impact the efficiency and safety of the car park entrance from Pickaquoy Road. It could also impact access to the adjacent hyperbaric chamber. The development is therefore contrary to Policy 14C 'Road Network Infrastructure' of the Local Development Plan which requires that all new development "can be safely and conveniently accessed by service, delivery and other goods vehicles, as appropriate to the development". This has not been demonstrated.

- 9.5. The conclusion and recommendation are therefore a balance of the benefits of the proposed development, against the parking, service vehicle, public safety, and other matters related to the impact on the existing public car park. In favour of the development, it would make use of an infill site in the town centre, and provide town centre offices, submitted as a proposed permanent location for Voluntary Action Orkney. In addition, the development has addressed multiple technical matters, including flood risk and daylight and sunlight impact. However, as submitted, the development raises concerns regarding parking provision and manoeuvring space, with resulting impacts on the safety and functionality of the adjoining public car park, and as set out above the development is contrary to Policies 14B and 14C of the Local Development Plan.

## **10. Reason for Refusal**

- 10.1. Roads Services has objected to the development. In final consideration, notwithstanding the benefits of the development, the concerns raised by Roads Services and in public objections have not been adequately addressed, in relation to a lack of dedicated parking, and inadequate service vehicle access and therefore impacts on manoeuvring at the car park entrance and the hyperbaric chamber, adverse impacts arising from increased pressure on public car parking facilities in the vicinity of the development, and the specification of a proposed additional disabled parking bay. The development is contrary to Policy 14B 'Sustainable Travel' and 14C 'Road Network Infrastructure' of the Orkney Local Development Plan 2017 which requires developments to "accord with the car parking standards that are set in the National Roads Development Guide" and "be safely and conveniently accessed by service, delivery and other goods vehicles, as appropriate to the development".

### **For Further Information please contact:**

Gavin Barr, Head of Planning and Regulatory Services. Email: [Gavin.Barr@orkney.gov.uk](mailto:Gavin.Barr@orkney.gov.uk).

## Implications of Report

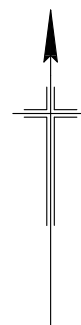
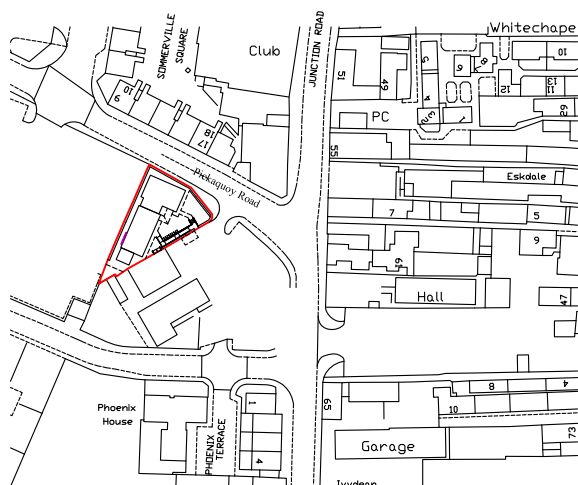
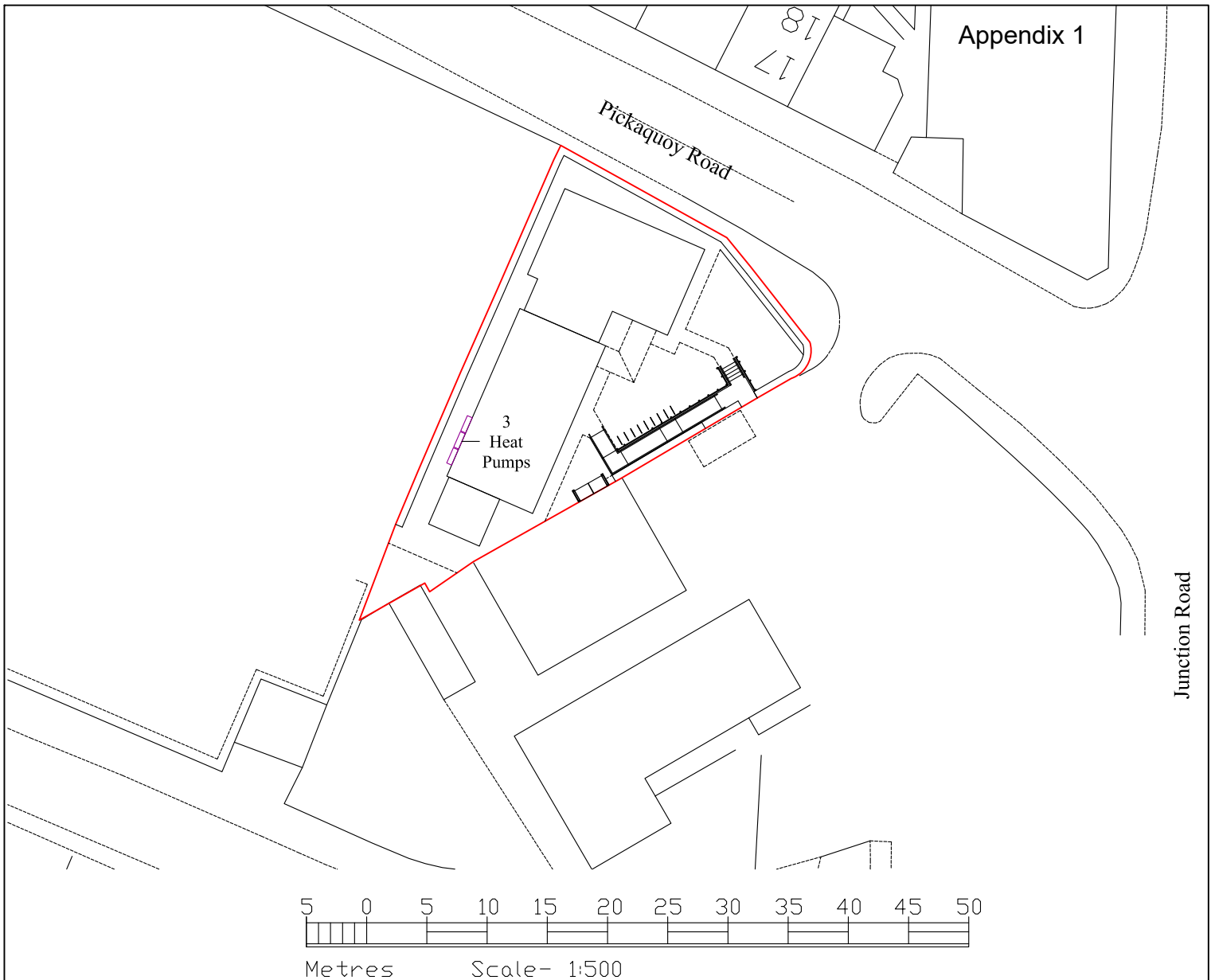
1. **Financial:** None.
2. **Legal:** Detailed in section 7 above.
3. **Corporate Governance:** In accordance with the Scheme of Administration, determination of this application is delegated to the Planning Committee. If Members are minded to approve the application, it is proposed that determination of standard planning conditions to be attached to the decision notice be delegated to the Director of Infrastructure and Organisational Development, incorporating any further matters which the Committee might also determine as relevant.
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 – Location Plan.



Proposed Offices.  
At The Crafty, Kirkwall.  
Plan Size A4.  
Dwg No 1679/1/P Rev A.

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