

Item: 1

Planning Committee: 26 August 2026.

Proposed Erection of Veterinary Surgery, Construction of Staff and Visitor Parking with Surface Water Drainage System, Installation of Four Air Source Heat Pumps, Creation of Two Accesses, and Associated Landscaping on Land Between Hatston Brae and Grainbank, Kirkwall.
Report by Director of Infrastructure and Organisational Development.

1. Overview

- 1.1. This report considers an application to erect a veterinary surgery, construct staff and visitor parking with a surface water drainage system, install four air source heat pumps, create two accesses, and associated landscaping on land between Hatston Brae and Grainbank, Kirkwall.
- 1.2. The site is located within the settlement boundary of Kirkwall set on a parcel of land set between Hatston Brae and Grainbank with two road accesses proposed from Hatston Brae, A965. The site is currently laid to grass and of agricultural use enclosed by post and wire fencing. The site generally slopes from west to east. The proposed development comprises a single storey building situated off centre within the site, occupying the breadth of the site between Hatston Brae and Grainbank. Car parking is split in two separated by the building, with staff parking to the west and visitor parking to the east of the proposed building. Grassed areas bookend the site with a dog walking area proposed at the western end adjacent to an existing junction between Grainbank Road and Hatston Brae.
- 1.3. There are 39 valid representations submitted in relation to the application.
- 1.4. The application was subject to both readvertisement and reconsultation in the course of consideration which led to the alteration of the proposed access junctions from the site from Grainbank to Hatston Brae. Other changes include enhanced biodiversity measures and a reduction in the number of air source heat pumps to four.

- 1.5. The proposed development is accompanied by a completed Biodiversity Enhancement Form, Design and Access Statement, Preliminary Ecological Appraisal Report and a Drainage Report. Following professional officer assessment of all matters including representations and consultation responses, it is considered that the development complies with relevant Development Plan policies, and that objections and other material considerations do not merit refusal of the application.

Application Reference:	26/049/PP.
Application Type:	Planning Permission.
Proposal:	Erect a veterinary surgery, construct staff and visitor parking with a surface water drainage system, install four air source heat pumps, create two accesses, and associated landscaping.
Applicant:	Northvet Veterinary Group Ltd.
Agent:	Jonathan Forbes, NORR Consultants, 5 Longman Road, Inverness, Scotland, IV1 1RY.
Location:	Land between Hatston Brae and Grainbank, Kirkwall.

- 1.6. All application documents (including plans, consultation responses and valid representations) are available 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:
- Approve the application for planning permission in respect of the proposed erection of a veterinary surgery, construction of staff and visitor parking with a surface water drainage system, installation of four air source heat pumps, creation of two new accesses onto the A965 at Hatston Brae, and associated landscaping on land between Hatston Brae and Grainbank, Kirkwall, subject to the conditions detailed in Appendix 1 to this report.

3. Consultations

Orkney Islands Council Roads Services / the Roads Authority.

- 3.1. No objection.

- 3.2. Initial response from the roads authority sought further clarity in relation to use of the car parking, sizes of vehicles expected mindful of large animal handling, nature and number of car parking spaces provided and registered concerns over the use of the access from Grainbank. The developer thereafter responded to these matters by changing both access junctions onto Hatston Brae as now proposed.
- 3.3. Orkney Islands Council Roads Services commented; "Whilst the A965 in the vicinity of the proposed site is a relatively busy road it is a straight section of road with adequate visibility from both of the proposed access from the site, provided that suitable conditions in relation to the visibility, construction of the accesses and surface water drainage are applied to any planning permission that may be granted.' Subject to necessary planning conditions in relation to the design, retention of specified parking and manoeuvring spaces and achievement of satisfactory visibility splays, Orkney Islands Council Roads Services considers the proposed development as acceptable".

Orkney Islands Council Engineering Services / the Flood Authority.

- 3.4. No objection.
- 3.5. SEPA flood risk mapping indicates that the proposed development site is not at an elevated risk of surface water flooding. In the initial consideration of the proposed development Engineering Services were satisfied that the drainage arrangements proposed were acceptable with surface water being treated adequately and attenuated appropriately prior to discharge. However a query was raised in relation to the proposed drainage arrangements for the staff parking area as follows:
- 1) "Clarification is required on how maintenance of this element of the drainage system would be carried out'. The chamber in question is now 1200mm in diameter instead of 900mm – we consider this addressed.
 - 2) "We therefore request that the owner and operators of the development are clearly identified due to the potential impacts downstream of the proposed development.' We consider this satisfactorily addressed".
 - 3) "The entire area drained should be included in the SuDS calculations.' The proposed staff car park remains excluded from the SuDS calculations. However, more detail on the construction of the car park has been provided, including calculations appearing to show sufficient storage in the 1 in 200 year (+40%) event, taking account of the limited infiltration potential at the site and applying a conservative safety factor. The difference in height between the top and bottom

edge of the staff car park is almost 700mm. We therefore require a section for the staff car park specifically to demonstrate that storage to the calculated depth would be provided as well as a construction detail (with porosity clearly stated). If the further information requested satisfactorily demonstrates that the stated storage would be provided without overtopping to the channel drain, this would be acceptable. However, with respect to the vulnerability downstream of this development, we recommend that a condition that the staff car park must not be resurfaced with impermeable material in the future be imposed”.

- 3.6. It is considered that drainage matters have been adequately addressed by the developer with further detail provided to inform points raised and cross-sectional detail provided to the satisfaction of Engineering Services. Engineering Services have advised the use of a suitably worded planning condition to address any outstanding matters.

Orkney Islands Council Development and Marine Planning – Access and Biodiversity

- 3.7. No objection.
- 3.8. Regarding available access records there are no claimed rights of way on this area of land.
- 3.9. In consideration of biodiversity, further measures were advised with an objection initially lodged. The objection being subject to revision, submission of further biodiversity enhancement measures and use of condition, the objection was fully addressed.
- 3.10. Following consultation response, subsequent comment was received in response to the repositioning of the accesses onto Hatston Brae;

...."the access points have been changed to the main road to the North of the site. This leaves a continuous fence to the southern boundary facing the residential houses. This fenceline should be used for planting a multi-species hedge along the entire length. This will provide adequate biodiversity enhancements as well as visual screening thereby improving amenity to clients and importantly the properties on Grainbank.

When planting hedges, these should consist of at least 3 species with varying flowering times. This provides nectar sources over a longer period and offers benefits to different species. It will also maintain visual interest of the hedge over a longer period.

We note that the updated plan incorporates plantings of Balfour willow. This is a welcome addition to the plan and should be retained.

For wildflower areas, it is advisable to create favourable growing conditions by lowering soil fertility. Good soil handling is required to avoid emergence of unwanted plants from the soil's seed bank that can later dominate and reduce the biodiversity value. When planting flower mixes, this needs to be done according to the instructions provided by the seed merchant to ensure successful establishment. To maintain the area, appropriate management/mowing post constructions needs to be implemented as per instructions from the seed merchant. Appropriate measures need to be taken to avoid overgrowth by weeds.”

Scottish Water

3.11. No objection.

"The applicant would be required to pursue a Pre-Development Enquiry (PDE) in terms of water supply to the development. Scottish Water will not accept any surface water connections into their combined sewer system and advise that all avenues to remove surface water discharging into the combined sewer should be pursued. This would help to offset new foul demand as the existing combined sewer system is under considerable pressure owing to surface water entering the network.

Scottish Water records indicate that there is live infrastructure in the proximity of the development area that may impact on existing Scottish Water assets. The applicant should be aware that any conflict with assets identified will be subject to restrictions on proximity of construction. Potential conflicts with Scottish Water assets will require to be appraised directly between developer and Scottish water with written permission from Scottish Water requiring to be obtained before any works are starter within the vicinity of Scottish water apparatus. This response remained unchanged across consultations".

4. Representations

- 4.1. Representations have been received in consideration of the application across two periods of advertisement. Multiple representations have been received from the same individuals and households. For the avoidance of doubt where more than one letter/statement of representation is received from the same individual or household this must be considered as one representation.

4.2. 29 valid representations (objections) have been received from the following:

- Alexander and M Campbell, 1 Torness, Kirkwall.
- Bryan Rendall, Lynnfield, Hunclett Road, Holm.
- Catherine Webb, Hamly, 22 Grainepark, St Ola.
- Charles W Flett, Knarston, Grainepark, St Ola.
- Colin Rendall, Vardabreck, Kirkwall.
- Donald and Elen J Fergus, Valhalla, Grainbank, St Ola.
- Donald Sinclair, The Lodge, Grainbank, Kirkwall.
- Edwin and Kathleen Rendall, Esseldale, Grainbank, St Ola.
- Eoin Rendall, Carradale, Finstown.
- Euan Roberts, Glenora, Grainbank, St Ola.
- Mr and Mrs G Rendall, Oamaru, Grainbank, Kirkwall.
- Mr and Mrs H Lucas, Cartair, Grainepark, St Ola.
- Jackie Smith, Westbrae, Grainbank, St Ola.
- Jean Aim, Windermere, St Ola, Kirkwall.
- Jenna Johnston, Belvedere, 21B Grainepark, St Ola.
- J Laurence Craigie and Jennifer Duthie, Lyrae, Grainbank, St Ola.
- John and Barbara Copland, Greenloan, Grainbank, St Ola.
- John Wilson, Muirneag, Grainepark, St Ola.
- Dr Jonathan Scott, 221 W 137th St, New York.
- Katy Firth, Moorview, Grainepark, St Ola.
- Keith Nicol and Jackie Smith, Westbrae, Grainbank, St Ola.
- Margaret Rendall, Fair-Lea, St Rognavalds Way, Kirkwall.
- Paul Martin, Fairhill, 20 Grainepark, St Ola.
- Rachel Ratter, Mel-Fea, Grainepark, Kirkwall.
- Richard Burton, Raasay, Grainepark, Kirkwall.
- Robert S Byers, Hamal, Grainepark, St Ola.
- Robert and Vicki Learmonth, Howglen, 2 Willowburn Road, Kirkwall.
- Rognvald and Margaret Rendall, Lyndene, Grainepark, St Ola.
- Tommy and Emma Bichan, Helmsdale, Grainbank, St Ola.

4.3. Three valid representations (neutral comment) have been received from the following:

- Colin Sutherland, Sutherleys, Grainepark, St Ola.
- Jack G Shearer, Gainne Mor, 39 Grainepark, St Ola.
- Malcolm Gilbert, Dunmoven, 29 Grainepark, St Ola.

4.4. Seven valid representations (support) have been received from the following:

- Douglas Paterson, Veltigar, Tankerness.
- Erik Tait, Limbo, Nicolson St, Kirkwall.
- Erlend Wood, Berriedale Farm, South Ronaldsay.
- James Muir, Drummonds, Orkney Islands.
- Michael Kemp, Midbigging, Toab.
- Thomas Pottinger, Tuquoy, Westray.
- William Marcus, Quanterness Farm, St Ola, Kirkwall.

4.5. Representations in objections are on the following grounds:

- Incompatibility with policies of The Orkney Local Development Plan 2017.
- The development is not sited and designed appropriate to the location.
- Prejudicial to the existing character and use of the wider area.
- Negative impacts upon residential amenity with concerns including noise, privacy unsociable hours, waste management and litter.
- Inappropriate / unacceptable scale and design.
- Inadequate drainage, both surface water and foul.
- Road safety matters.
- Habitat loss and impacts upon biodiversity.
- Public safety.
- Impacts on the setting of a listed property, Grainbank House.

4.6. Neutral representations are on the following grounds;

- Supports relocation but considers Hatston a more suitable location.
- Concerns regarding proximity to residential properties.
- Concerns regarding road capacity, junction safety and increased traffic.
- Concerns regarding unclear junction priority and inadequate signage.
- Suggests junction improvements to improve road safety.

4.7. Representations in support are on the following grounds:

- Accessibility and parking provision
- Local business growth.
- Development that is fit for purpose and meeting local need.

4.8. Matters which are not material to the planning consideration of the application were also raised in representations including:

- Loss of view from adjacent properties.
- Land ownership and burdens on title.
- Identification of alternative locations for development.
- Parking related to other uses on the public highway.
- Historic planning practice.
- Loss of view of St Magnus Cathedral upon western approach on Hatston Brae.
- Temporary disruptions arising from construction phase.
- Anecdotal comment in relation to buried horse carcasses within the site.

4.9. It is also recognised that owing to revision of the proposed road access points from the unclassified Grainbank to Hatson Brae, a substantial number of objections raised on the point of the initially proposed access points no longer apply notwithstanding further objections were recorded on other road safety matters in relation to the proposed accesses from Hatston Brae (A956).

5. Relevant Planning History

5.1. Planning applications

Reference	Proposal	Location	Decision	Date
16/349/PN.	Install a telecommunications box.	Helmsdale (Land Near), Grainbank, St Ola, KW15 1UA.	Permitted Development.	09.08.2016.
16/562/PN.	Install a telecommunications box.	Glenora (Land Near), Grainbank, St Ola, KW15 1UA.	Permitted Development.	08.12.2016.

5.2. The above Prior Notifications for the roadside installation of telecommunications boxes are not Planning Applications and are noted for the avoidance of doubt with regards known planning history for development in the vicinity of the site.

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:
 - o Policy 1: Tackling the climate and nature crises.
 - o Policy 3: Biodiversity.
 - o Policy 7: Historic assets and places.
 - o Policy 8: Green belts.
 - o Policy 13: Sustainable transport.
 - o Policy 14: Design, quality and place.
 - o Policy 15: Local Living and 20 minute neighbourhoods.
 - o Policy 22: Flood risk and water management.
 - o Policy 26: Business and industry.
 - o Policy 27: City, town, local and commercial centres.
 - o Policy 28: Retail.
 - Orkney Local Development Plan 2017:
 - o Policy 1: Criteria for All Development.
 - o Policy 2: Design.
 - o Policy 3: Settlements, Town Centres and Primary Retail Frontages.
 - o Policy 4: Business, Industry and Employment.
 - o Policy 8: Historic Environment and Cultural Heritage.
 - o Policy 9: Natural Heritage and Landscape.
 - o Policy 10: Green Infrastructure.
 - o Policy 13: Flood Risk, SuDS and Waste Water Drainage.
 - o Policy 14: Transport, Travel and Road Network Infrastructure.
 - Supplementary Guidance:
 - o Historic Environment and Cultural Heritage (2017).
 - o Natural Environment (2017).
 - o Settlement Statements (2017).
 - Planning Policy Advice:
 - o Development Briefs and Design Statements (2014).
 - o Amenity and Minimising Obtrusive Lighting (2021).
 - o National Roads Development Guide (2015).

- Development Management Guidance:
 - o Business Development Outwith Town Centres (2023).
 - o Considering and Including Biodiversity in Development (2023).

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. Planning permission is sought for the erection of a veterinary surgery, construction of staff and visitor parking with a surface water drainage system, installation of four air source heat pumps, creation of two accesses, and associated landscaping on land between Hatston Brae and Grainbank, Kirkwall, as indicated in the Location Plan attached as Appendix 2 to this report.
- 8.2. The proposed development is by Northvet, an established veterinary practice, currently located at 33 Junction Road within the defined town centre area of Kirkwall. The developer has cited several reasons why new premises are required, with justification for the chosen site and building design, noted in the submitted Design and Access Statement. The Statement presents the case that the current premises are no longer fit for purpose in terms of scale and nature of current operations and is prohibiting further growth. The existing provision of six parking spaces at the current premises is completely inadequate, cited as one of the current practices most significant challenges. The business currently employs 32 full time and part-time staff with requirements stated as a suitably scaled, purpose designed premises, on one level with appropriate provision for accessibility and parking, to cater for both staff and a client base providing for both larger animals and domestic pet care.
- 8.3. In relation to consideration of alternate sites the developer has stated that alternative premises have been sought since 2015 with various options being investigated. The requirement for development of a custom-built development addressing the needs of this veterinary practice within Hatston Industrial Estate could not be achieved citing barriers to the nature of tenure offered for available sites in Hatston which were not feasible for the proprietor in terms of securing finance.
- 8.4. The site is within the settlement boundary of Kirkwall, the largest settlement and the primary service and transport centre in Orkney. The site is to be accessed directly from the A965, Hatston Brae, which is a revised access detail from that initially proposed which sought to take access from the unclassified Grainbank. This revision was introduced in response to the consultation response from the Roads Authority and in recognition of the concerns raised by local residents through representations received. The site can also be accessed through active travel and by means of both public and private transport.

- 8.5. The land between Grainbank and the A965 Hatston Brae is currently laid to grass, enclosed by a post and wire fence and considered in agricultural use. The site is located within the Kirkwall settlement boundary on unallocated land, and as such has no defined safeguard from development or, conversely, has no specific development allocation. The land is not defined as green infrastructure nor open space. It is not designated as 'Greenbelt'.
- 8.6. The applicant has submitted a Design and Access Statement to inform the proposal. The proposed building is designed as a single storey, deep in plan, located off centre within the site covering the width of the site. The building splits the site, with staff car parking adjacent and to the Northwest of the building with a smaller extent of open land, denoted as a field to the Northwest extremity of the site laid to Orkney meadow mix with a small area of Balfour willow. To the Southeast, in immediate proximity to the building is the proposed visitor parking, with a dog walking area, laid to Orkney meadow mix planting with several clumps of Balfour willow to the Southeast end of the site adjacent to the junction of between Hatston Brae and Grainbank.
- 8.7. The form and massing of the building is substantially mitigated through use of a roof form of three traditionally gabled roofs giving the appearance of three aligned buildings side by side with the central element protruding from the two outer parts of the building further reinforcing the impression of three built elements. The apex of the three roofs is stated as 6.887 metres, with the width of the building being 29.690 metres and a length of 22.265 metres.
- 8.8. The internal floorplan illustrates the complexity of layout to meet the needs of both a small and large animal vet practice. This includes reception and seating areas, consulting rooms, theatre rooms, prep rooms, small pets wards, retail space, isolation ward, postmortem room, imaging room, dispensaries, office spaces, staff room, toilets, laundry, clinical waste storage and plant room. A degree of retail allied to the vets practice is indicated in relation to the waiting areas. This is an ancillary aspect of a typical veterinary practice. The Town and Country Planning (Use Classes) (Scotland) Order 1997, as amended, groups Class 1A uses to accommodate both retail and professional services (like vets) into a single unified use class.
- 8.9. External materials proposed feature extensive use of profiled metal cladding to both roof and walls with aluminium clad timber windows, timber doors and a metal rolling door, and aluminium rainwater goods all finished in anthracite grey RAL 7016. A natural stone finish to the northernmost element of the building, adjacent to Hatston Brae, is proposed to both gables. Accent detail through use of

aluminium curtain walling is proposed at the main entrance located on the Southeast corner of the Southeast elevation. Detail of the colour and finish of this accent detail has not been provided. However, this can be adequately addressed by condition for the avoidance of doubt.

- 8.10. A combination of photovoltaic panels is proposed to be situated on two of the three South west facing planes of the roof, avoiding the southernmost Southwest facing plane, which would be directly observed by domestic properties to the south of the site. A series of four heat pumps, amended from an initially proposed six units are to be located on the Northeastern-most gable, to be screened with a timber fence. The external bin storage area located by the staff car park entrance is to be enclosed with a 1.5 metre high hit and miss timber fence with boundary treatments typically a 1.2 metre high stock fence, which also encloses both the meadow section and dog walking area at either end of the development site. A section of 0.5 metre high drystone walling is to be located by the Southeast corner of the building.
- 8.11. The development will be accessed directly from Hatston Brae (A965) with respective new junctions for the separate staff and customer parking areas with directional/informative signage to suit. The staff parking area comprises 12 spaces with manoeuvring space whilst the customer/visitor car parking has 34 spaces, with pervious paving and incorporates both disabled and enlarged bays. A bike rack by the main entrance to the building is also proposed. There is footway provision on this side of Hatston Brae, which also benefits from streetlighting with regular bus services using the A965.

Principle

- 8.12. The proposed site is within the settlement boundary of Kirkwall. This is in accordance with the Plan Vision and Spatial Strategy of the Orkney Local Development Plan that settlements should act as a focus for growth in order to support existing facilities and services whilst acting as a service centre for Orkney's rural communities and the non-linked isles.
- 8.13. The site is proposed on unallocated land as denoted by the Orkney Local Development Plan 2017 and is outwith the extent of the area identified subject to the aged Grainbank, Kirkwall, Development Brief: November 2011. The site is also not considered to be at risk of negatively impacting the setting nor character of the 'B' Listed Grainbank House, situated to the southeast of the site, owing to separation distance and the existing local development context which comprises a mix of modern property forms and design character.

- 8.14. National Planning Framework 4, Policy 26; Business and Industry, Policy 27; City, Town Local and Commercial Centres and Policy 28; Retail, are all relevant and establish a policy emphasis on supporting development which contributes to the strategic aim of productive places whilst considering impacts arising and consideration of location. Orkney Islands Council Development Management Guidance 'Business Development Outwith Town Centres (2023)' is considered in relation to business uses within a settlement.
- 8.15. Policy 3; Settlements, Town Centres and Primary Retail Frontages, of the Orkney Local Development Plan is supportive of development proposals within settlements 'where there will be no significant adverse environmental impacts on the amenity of surrounding users'. Where such uses include business, industry and industrial uses the Orkney Local Development Plan supports the principle of expanding existing businesses by virtue of Policy 4; Business, Industry and Employment, noting A, Within Settlements (iii).
- 8.16. Elsewhere within Settlement Boundaries such development will be supported where it accords with the 'Town Centre First' approach set out in the Plan and any relevant Development Brief, Masterplan or urban Design Framework'. Orkney Islands Council Development Management Guidance 'Business Development Outwith Town Centres (2023)' is considered in relation to business uses within a settlement. In this case the continued growth of the established business within the town centre has been cited by the developer as significantly constrained owing to site and dedicated parking provision – necessitating the proposed out of town centre location for this veterinary practice.
- 8.17. Policies 14; Design, Quality and Place and 15; Local Living and 20 Minute Neighbourhoods of National Planning Framework 4 together with Policy 14; Transport, Travel and Road Network Infrastructure, of the Orkney Local Development Plan encourages all new development to make best use of existing infrastructure whilst providing active travel opportunities. The site's location within the settlement, adjacent to the arterial A965 with nearby formal bus stop provision provides opportunity for staff and customers to use local public transport to access the proposed development. As such, the development is considered as well connected and complies with Policies 14, Design, quality and Place and 15, Local Living and 20 Minute Neighbourhoods of National Planning Framework 4 and Policy 14; Transport, Travel and Road Network Infrastructure, of the Orkney Local Development Plan.

- 8.18. Policies 1, Criteria for All Development; Policy 2, Design of the Orkney Local Development Plan, require that places are safe, pleasant, sustainable and well-designed to meet the needs of people. The site is proposed on unallocated land as denoted by the Orkney Local Development Plan 2017 and is outwith the extent of the area identified subject to the aged Grainbank, Kirkwall, Development Brief: November 2011. A Design and Access statement has been submitted which informs these policies directly considering the location, the design of the building proposed in relation to massing, materials, elevational treatments, boundary treatments, signage and landscape/surface finishes.
- 8.19. In consideration of National Planning Framework 4; Policy 7, Historic assets and places and Policy 8, Historic Environment and Cultural Heritage of the Orkney Local Development Plan, the site is not subject to any heritage designations. The proposed development is not considered to negatively impact the setting nor context of the category B Listed Grainbank House situated to the southeast of the site given physical distance of separation from the proposed development.
- 8.20. Matters in relation National Planning Framework 4 Policy 1; Tackling the climate and nature crises, Policy 3; Biodiversity and Policy 9; Natural Heritage and Landscape of the Orkney Local Development Plan have been addressed through the additional biodiversity enhancement measures which were introduced to respond to matters raised through the consultation process. These matters can be further secured by appropriate condition, taking into consideration the Orkney Islands Council Development Management Guidance ; Considering and Including Biodiversity in Development. The site is not subject to any natural heritage designations.
- 8.21. The site is not at an elevated risk of surface water flooding. The site can be served through connection to the municipal foul waste system and surface water drainage matters can be adequately managed on site, subject to appropriate condition. The proposed development is considered to address National Planning Policy 4 Policy 22 Flood Risk and Water Management and Policy 13; Flood Risk, SuDs and Waste Water Drainage of the Orkney Local Development Plan.

Land Allocation

- 8.22. The land subject to application was cited by several objectors as safeguarded from development either by virtue of planning status or burdens on title. The formal planning status of the land in relation to the Orkney Local Development Plan is as unallocated land within the settlement boundary of Kirkwall. The land is not identified as Strategic Open Space or otherwise Green Infrastructure or 'Greenbelt

Land'. The land also has no defined public paths crossing it. As such, use of the land is not directly safeguarded by policy regarding open space.

- 8.23. As unallocated land any proposal requires to be compliant with all relevant planning policies, associated supporting planning guidance or advice, without virtue of allocation to a specific nature of development. The site is not subject to specific development comment with regards Your Kirkwall, Urban Design Framework, A Place Plan for Kirkwall, October 2018 or the earlier Kirkwall Urban Design Framework, 2009. Burdens on title are not a material planning consideration. The proposed use of the land is not considered to conflict with Policy 10 Green Infrastructure (Paths, Open Spaces and Green Networks) of the Orkney Local Development Plan nor Policy 8, Greenbelt, of National Planning Framework 4.

Servicing and Access

- 8.24. The requirement for adequacy of parking is a key requirement stated by the applicant and is cited as a significant constraint in relation to their current premises on Junction Road. Availability of a suitable site with dedicated car parking of the extent required to meet the needs of the business are at a premium within the defined town centre area of Kirkwall where a vets practice may typically be found.
- 8.25. Two new accesses would be created onto the A965 Hatston Brae which is currently subject to a 40 mph speed limit. Two accesses are considered a necessity due to the layout of the site with the centralised location of the building within the site with car parking and access to either side. Car parking is separated between staff use and larger animal handling to the Northwest with small pets and customer parking to the Southwest. As previously noted, this matter was subject to change in the course of consideration of the application as the two access junctions were previously proposed onto the unclassified Grainbank, a frequently cited point of objection.
- 8.26. Taking both accesses to the proposed development from Hatston Brae addressed issues raised from objectors and the Roads Authority, removing traffic from a narrow, unclassified road without footway provision and on-street parking to the arterial A965. This change is considered to enhance the accessibility of the development whilst reducing potential congestion and disruption to residents in the Grainbank/Grainepark areas. There is also footway provision which is streetlit and has direct accessibility to the bus services using Hatston Brae. There is also an allocation made for a bike rack within the site. The site is therefore considered

acceptable in relation to active and sustainable transport. Hatson Brae is also a priority 1 route in relation to current procedures in the event of adverse winter weather.

- 8.27. Subject to appropriate planning conditions to secure parking spaces, sightlines and junction details, Orkney Islands Council Roads Services as the Roads Authority, finds the proposed development acceptable. The development is therefore considered to be in accordance with Policy 13, Sustainable Transport and Policy 15, Local Living and 20 Minute Neighbourhoods of National Planning Framework 4, and Policy 14, Transport, Travel and Road Network Infrastructure of the Orkney Local Development Plan.

Design and Context

- 8.28. As with any development on a currently undeveloped site the introduction of a new built form with attendant services will be a substantive change in the appearance and character of the area. It is recognised that properties bounding Grainbank have enjoyed an open aspect across fields and that the western approach via Hatston Brae into Kirkwall is likewise relatively open in aspect with fields and the golf course bracketing the road in this area with a noticeable set-back for the commercial activities within Hatston Industrial Estate to seaward and the housing at Grainbank / Grainepark.
- 8.29. The developer acknowledges the context of the development and has sought to accommodate a building with a significant footprint and deep plan form whilst mitigating the massing of the building through the use of three traditional gabled roofs with a stepped approach to the gables providing an impression of three buildings grouped together. The roof pitches, clipped eaves and verge and use of stone on the northernmost gables aids this approach which the developer has described as follows; ‘recalls the traditional gabled buildings characteristic of Orkney but interprets them in a contemporary manner’. The applicant proposes extensive use of anthracite coloured profiled metal sheeting to both roof and walls, considered as a contemporary colour and finish to commercial buildings.
- 8.30. To visualise the proposed form in relation to residential properties on Grainbank the sections and cross sections provided in support of the application are informative. The single storey form and ridge height coupled with the break of slope is not considered to be overly dominant and is acceptable in context. It is also the case that a substantial extent of the site is occupied by parking and grassed/landscaped areas. The proposed development takes account of the

location and context of the site in accordance with Policy 1; Criteria for All Development of the Orkney Local Development Plan.

Residential Amenity

- 8.31. The proposed development is separated from the nearest residential neighbours by virtue of the unclassified Grainbank. The proposed site is within an open field which currently acts as a buffer between the houses and Hatston Brae on the arterial A965, beyond and north of which there are open fields prior to Hatston Industrial Estate. Consequently, the residents along Grainbank currently benefit from a relatively open aspect with views to the north albeit within the town boundary of Kirkwall. It is recognised that a significant proportion of the objections received relate to concerns in relation to amenity matters. Impact on views from private properties are not a material planning consideration.
- 8.32. The design of the proposed development has accounted for matters in relation to possible noise from the proposed air source heat pumps by virtue of their location on the furthestmost gable from nearby residential properties to the south with amendment in the course of consideration of the application to increase the extent of the screen fencing and ensuring that the proposed air source heat pumps were in accordance with Environmental Health requirements. It is also recognised that owing to the recessed nature of the northernmost gable compared to the central section of the building a degree of screening is also achieved by virtue of the built form of the building. Noise impacts in relation to the air source heat pumps can be addressed by condition with no objection being cited by Environmental Health on this matter.
- 8.33. Operational use of the premises will involve 24 hour use for staff and in the event of veterinary emergencies. Customer opening hours for the existing branch are within typical working hours with all routine consultations requiring appointments. Impacts arising from staff movements outwith typical working hours are not considered to be significant. Standard customer opening hours can be secured by appropriate condition to safeguard residential amenity.
- 8.34. The location of the proposed photovoltaic panels is largely obscured from the public realm on the inner Southwest facing planes of the roof. The avoidance of the southern-most roof plane substantially reduces possible impacts of glint and glare arising in relation to properties along Grainbank.

- 8.35. Consideration within the design has also considered external lighting with downlit bulkhead lights, typically sited above, or by, entrances to the building. The 'Northvet' logo is also proposed to be backlit. Bollard lighting is proposed within the wider environs. External windows and glazed areas are not extensive in relation to the building as a whole and are not considered to add significantly to the risk of potential issues of light pollution, mindful of possible use of internal blinds and areas of the building likely to be in use in the hours of darkness. Both Hatston Brae and Grainbank currently benefit from streetlighting, as such, beam sweep from cars entering the site in the hours of darkness should be in the form of dipped rather than full beam, however further consideration of boundary treatments to limit the impact of such along Grainbank could be secured by virtue of an appropriate condition. This matter may also include further aspects of biodiversity enhancement and soft landscaping.
- 8.36. Modern building practice combined with the location of both dog and cat wards within the premises combined with appropriate care is unlikely to give rise to significant noise from animals within the building nor the typical operation of the premises.

Construction Phase

- 8.37. The construction phase of development for a single building with associated infrastructure of this nature and scale would typically be of limited duration without significant or prolonged impacts arising. Safeguarding amenity in relation to construction hours can be achieved through the use of appropriate planning condition.

Waste Management

- 8.38. Matters in relation to waste management on site were clarified with clinical waste storage internal to the building which will be collected weekly by a licensed carrier. Standard waste arrangements would otherwise apply to this development as a commercial enterprise with external storage in a screened bin compound in proximity to the staff car park, adjacent to the junction with Hatston Brae. In relation to litter, the proposed nature and use of the site is not typically associated with the potential for significant littering.

Surface Water and Foul Drainage

- 8.39. Details of both foul and surface water management were provided, being subject to consultation with Orkney Island Council Engineering Services, as the Flood Authority, and Scottish Water. Drainage concerns were also a matter cited by objectors to the application. Foul drainage will be via the municipal system with surface water management being accommodated within the site. A Drainage Report was also submitted by the applicant to inform the proposed development. There are no outstanding objections from consultees, subject to planning condition and informative noting that further liaison with Scottish Water will be required regarding connection and consideration of Scottish Water infrastructure on site.

9. Conclusion

- 9.1. The location, design and appearance of the proposed development is considered as acceptable. The proposed development allows the retention and potential for growth of a local business in Kirkwall with the current circumstance of premises within the town centre being significantly constrained, notably though lack of dedicated parking. It is acknowledged that the proposed site is in proximity to housing and the presence and use of the premises will alter the established character of the area particularly in relation to properties lining Grainbank, overlooking the site. Such impacts as may occur are not considered to be of sufficient severity as to be considered as unacceptable, provided that the development would comply with the proposed conditions, required mitigations and planning conditions advised. The site is unallocated land and is not subject to specific limitations upon development. The site is not safeguarded as greenspace and impact on private views is not a material planning consideration.
- 9.2. The proposed development is considered to comply with Policies 1, 2, 3, 4, 8, 9, 10, 13, and 14 of the Orkney Local Development Plan (2017); Policies 1, 3, 7, 13, 14, 15, 22, 26, 27 and 28 of National Planning Framework 4; and Development Management Guidance 'Business Development Outwith Town Centres (2023)' and 'Considering and Including Biodiversity in Development (2023)'. Having considered all relevant policy matters together with matters raised in representations and consultation responses, it is considered that there are no material planning considerations that outweigh this conclusion.

For Further Information please contact:

David Barclay, Senior Planner (Development Management), Email
David.Barclay@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.

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. No other development shall commence until the site accesses have been constructed in accordance with the Council's Roads Services standard drawing 'CC-01 Carriageway Construction', attached to and forming part of this decision notice, including dimensions, and verge or footway. These accesses being denoted as the junctions serving the 'Staff Parking' and 'Visitor Parking' areas detailed on the 'Site-Proposed Plan' drawing No ZZ-DR-A-9001 Rev P12, with the public road (A965). Thereafter the accesses shall be constructed and completed wholly in accordance with these details throughout the lifetime of the development, unless otherwise agreed, in writing, by the Planning Authority.

At no time shall access be taken to the site from Grainbank.

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: To ensure that access is provided timeously for the development and in the interests of road safety and amenity.

03. A forward visibility splay of at least 80 metres in either direction from both of the hereby approved accesses shall be achieved. This shall be measured from a central point of each access at a distance of 2.4 metres back from the edge of the carriageway of the A965 (Hatston Brae) and shall be kept clear of any obstruction and/or vegetation in excess 1.0 metres at all times, throughout the lifetime of the development.

Reason: In the interests of road safety.

04. Prior to first use of the development hereby approved, the car parking, access and vehicle manoeuvring arrangements detailed on the approved site plan KWVT-NOR-XX-ZZ-DR-A-9001, Rev P12 dated 15/05/26 shall be completed in full and made available for use in perpetuity.

Reason: In order to ensure that the level of off-street parking is adequate.

05. The development hereby approved shall not be open to customers, except in exceptional or emergency circumstances, outwith the hours of 08:00 to 18:00 Mondays to Saturdays inclusive.

Notwithstanding the above, the premises shall not be open to customers, except in exceptional or emergency circumstances on Sundays and Christmas or New Year Public Holidays unless approved, in writing, by the Planning Authority.

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

06. There shall be no vehicle deliveries to, or the unloading of delivery vehicles within the application site outwith the hours of 08:00 to 18:00 Mondays to Saturdays inclusive, unless otherwise approved, in writing, by the Planning Authority as an exceptional instance for operating outwith these hours.

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

07. No development shall commence until full details of the external finish of the accent panels at the main customer entry to the building have been submitted to and approved, in writing, by the Planning Authority. Thereafter, development and work shall progress in accordance with these approved details.

Reason: To ensure that this design element of the development is acceptable in context and for the avoidance of doubt.

08. 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.

09. All exterior lighting employed shall be so positioned, angled and controlled to prevent any direct illumination, glare or light spillage outwith the site boundary. The use of automatic cut-out or sensor operated external lighting of limited timed illumination is advocated.

Reason: In order 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'.

10. The backlit illuminated sign on both northernmost gables shall only be illuminated during customer opening hours as specific by condition 05, unless otherwise agreed, in writing, by the Planning Authority.

Reason: To ensure that the illumination of the backlit sign does not have an adverse impact upon residential amenity.

11. No development shall commence until further details, incorporating those as currently stated, comprising hard and soft landscaping works, biodiversity enhancement and boundary treatments have been submitted to, and approved, in writing by, the Planning Authority. Details of the scheme shall include:
- The location and design, including materials, of all proposed walls, fences and gates.
 - All soft landscaping and planting works, including plans and schedules showing the location, species and size of each individual tree and/or shrub and planting densities.
 - Further enhancement of proposed biodiversity and landscaping features on the boundaries of the site, with particular emphasis on the southern boundary of the site, including use of multi-species hedged incorporating a field layer planted along the proposed stock fence.
 - Full details of the proposed grass seed mixtures to be used.
 - A programme for preparation, completion and subsequent ongoing maintenance and protection of all landscaping and biodiversity works.

Landscaping works shall be carried out in accordance with the approved scheme. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of development, unless otherwise stated in the approved scheme.

Any trees or plants which, within a period of five years from the completion of the development, die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species.

Reason: In order to ensure that a high standard of both landscaping and biodiversity enhancement is achieved, appropriate to the location of the site.

12. All surface water drainage provision within the application site, including all associated granular and porous surfaces, shall be implemented in accordance with the approved Plans and Drainage Report and shall be maintained in a fully operational condition for the life of the development hereby approved. Construction of all details of the approved surface water drainage shall be completed prior to the first occupation of the development.

Reason: To ensure that surface water drainage, complying with the SuDS Manual 2015 (CIRIA Report C753) and meeting the requirements of SEPA WAT-RM-08 (or any superseding guidance prevailing at the time), is provided timeously and maintained effectively; in order to avoid an increase in flood risk and protect the water environment.

13. Total noise from the Air Source Heat Pumps 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 outwith the development open no more than 50 mm).

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

Informatives

1. Roads

It is an offence under Section 56 of the Roads (Scotland) Act 1984 to carry out any excavations within the boundary of the public road without written permission of the Roads Authority. Therefore, one or more separate consents will be required from the Council's Roads Services to carry out any works within the road boundary, prior to any works commencing. These consents may require additional work and/or introduce additional specifications. You are therefore advised to contact Roads Services for further advice as early as possible.

Any damage caused to the existing road infrastructure during construction of the development shall be repaired prior to the development being brought into use, to the satisfaction of the Planning Authority, in conjunction with Roads Services.

It is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain beyond the working day, on a public road from any vehicle or development site.

2. Scottish Water

The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works. Upon the granting of planning permission and receipt of a formal connection application Scottish Water will review the availability of capacity at that time and advise the applicant accordingly.

Scottish Water records indicate that there is live infrastructure in the proximity of your development area that may impact on existing Scottish Water assets.

The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team via our Customer Portal for an appraisal of the proposals.

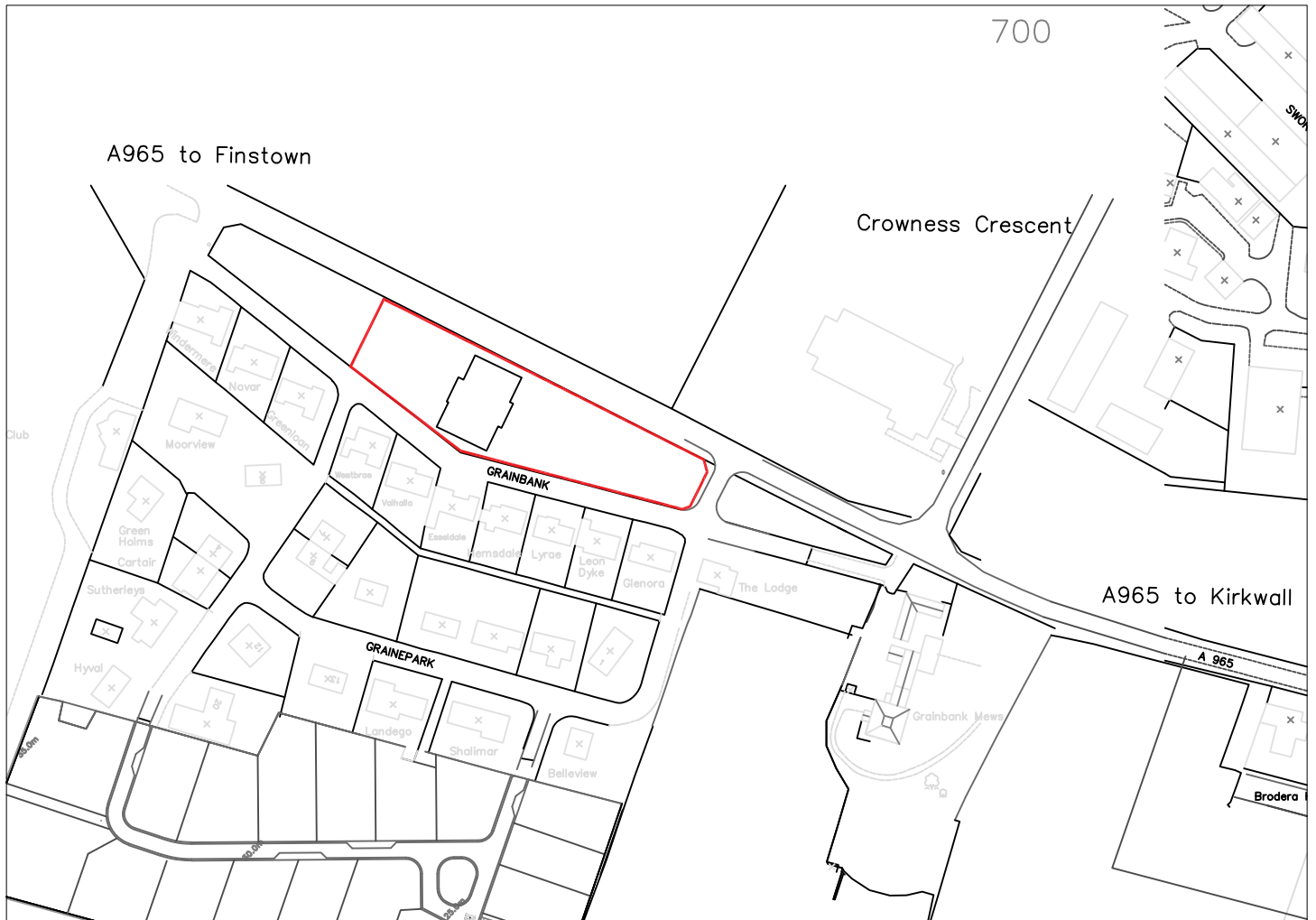
The applicant should be aware that any conflict with assets identified will be subject to restrictions on proximity of construction.

Written permission must be obtained before any works are started within the area of our apparatus.

Scottish Water Disclaimer: "It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."

3. Protected Species – Ground Nesting Birds

Construction works have the potential to disturb nesting birds or damage their nest sites, and as such, checks for ground nesting birds should be made prior to the commencement of development as this coincides with the main bird breeding season (April – July inclusive). All wild bird nests are protected from damage, destruction, interference and obstruction under the Wildlife and Countryside Act 1981 (as amended). Some birds (listed on schedule 1 of the Wildlife and Countryside Act) have heightened protection where it is also an offence to disturb these birds while they are in or around the nest.



5	05/02/26	For Planning	CM	MF
4	05/02/26	Building Outline Updated	CM	MF
3	23/01/26	Grainbank Mews Installed	CM	MF
2	12/12/25	Updated Site Boundary	CM	MF
1	12/12/25	FIRST ISSUE	CM	MF
Rev.	Date	Details	Drawn	Checked

Issued for:

S2 - FOR INFORMATIONProject/Client:
Northvet Veterinary GroupProject No:
IN3025-0345
Dwg No:
KWWT-NOR-XX-ZZ-DR-A-00001Rev:
4Drawing:
Proposed New Build
Location PlanScale:
1:2500 @A4
Drawn By: CM Date: 12/12/2025
Checked By: MF Date: 11/12/2025
 Application Site Area

 Other Land in Applicants Ownership
