

## Item: 5.1

**Planning Committee: 2 September 2020.**

### **Demolish Former Bus Station and Change of Use of Land to Parking at Great Western Road, Kirkwall.**

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

## **1. Summary**

It is proposed to demolish the former bus station and change the use of the land to bus parking at Great Western Road, Kirkwall. Five objections have been received on the grounds of noise and air pollution. Objections are considered of insufficient weight to merit refusal. The development accords with Policies 1, 2, 3 and 14 of the Orkney Local Development Plan 2017. Accordingly, the application is recommended for approval.

Application Number:	20/048/PP.
Application Type:	Planning Permission.
Proposal:	Demolish former bus station and change of use of land to parking (resubmission of 19/271/PP).
Applicant:	Orkney Islands Council, c/o Natalie Shewan, Council Offices, Kirkwall, Orkney, KW15 1NY.

### **1.2.**

All application documents (including plans, consultation responses and representations) are available for members to view at the following website address:

[https://www.orkney.gov.uk/Service-Directory/D/application\\_search\\_submission.htm](https://www.orkney.gov.uk/Service-Directory/D/application_search_submission.htm)  
(then enter the application number given above).

## **2. Consultations**

Consultees have not objected or raised any issues which cannot be addressed by planning conditions.

## **3. Representations**

### **3.1.**

Five objections have been received from:

- Agnieszka and Maja Borys, 6 Sommerville Square, Kirkwall, KW15 1BX.
- Brian J Watt, 5 Sommerville Square, Kirkwall, KW15 1BX.

- Rachael, Harris and Jean Malone, 7 Sommerville Square, Kirkwall, KW15 1BX.
- Angela M Way, 8 Sommerville Square, Kirkwall, KW15 1BX.
- Vince Halleran, 4 Sommerville Square, Kirkwall, KW15 1BX.

### 3.2.

The objections are based on the grounds of noise and air pollution, which have been considered in the assessment of the proposal.

## 4. Relevant Planning History

Reference.	Proposal.	Location.	Decision.	Date.
19/271/PP	Demolish former bus station and change of use of land to car park	Former Bus Station, Great Western Road, Kirkwall, Orkney	Withdrawn.	18.02.2020.

### 4.1.

Due to material changes to the proposal during the application process, the above application was withdrawn and resubmitted.

## 5. Relevant Planning Policy

The full text of the Orkney Local Development Plan 2017 and supplementary guidance can be read on the Council website at:

<https://www.orkney.gov.uk/Service-Directory/D/Planning-Policies-and-Guidance.htm>

The policies listed below are relevant to this application:

- Orkney Local Development Plan 2017.
  - Policy 1 – Criteria for All Development.
  - Policy 2 – Design.
  - Policy 3 – Settlements, Town Centres and Prime Retail Frontages.
  - Policy 14 – Transport, Travel and Road Network Infrastructure.
- Kirkwall Central West Development Brief.

## 6. Legal Aspects

### 6.1.

Section 25 of the Town and Country Planning (Scotland) Act 1997 as amended (the Act) states, “Where, in making any determination under the Planning Acts, regard is to be had to the development plan, the determination is, unless material considerations indicate otherwise...to be made in accordance with that plan...”

## **6.2.**

Where a decision to refuse an application is made, the applicant may appeal under section 47 of the Act. Scottish Ministers are empowered to make an award of expenses on appeal where one party's conduct is deemed to be unreasonable. Examples of such unreasonable conduct are given in Circular 6/1990 and include:

- Failing to give complete, precise and relevant reasons for refusal of an application.
- Reaching a decision without reasonable planning grounds for doing so.
- Not taking into account material considerations.
- Refusing an application because of local opposition, where that opposition is not founded upon valid planning grounds.

## **6.3.**

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

# **7. Assessment**

## **7.1. Background**

The building is thought to be around 70 years old and was built as a bus station to serve the town of Kirkwall. However, following the opening of the Kirkwall Travel Centre on West Castle Street in 2008, the former bus station has remained vacant.

## **7.2. Principle**

The property is situated in a prominent location, in an area defined as 'Town Centre', at the corner of Great Western Road and Pickaquoy Road. The proposed layout is indicated on the site plan attached as Appendix 1 to this report. Policy 3A 'The Town Centre First Principle' of the Orkney Local Development Plan 2017 supports development that would enhance the vibrancy, vitality and viability of the Kirkwall Town Centre. As development that would involve demolition of a small redundant building and replacement with bus parking to match the adjacent land use, the principle is accepted.

## **7.3. Design and Appearance**

### **7.3.1.**

The former bus station building has been unused for many years and has received minimal maintenance during this period. The building is unique in terms of design and function in a Kirkwall context and does have some cultural interests. However, on balance, it is not of such significance that it is worthy of retention. However, the building retains its original steel-framed windows in the principal elevation which are in a good condition. It is therefore intended that a planning condition be attached to ensure the safe removal and retention of these windows for future re-use due to their architectural and historic interest.

### 7.3.2.

The existing paving would be extended, new footway installed, and two coach parking bays installed on the footprint of the existing bus station. A new stone bench would be constructed adjacent to the area of footway to create a new small public space. The proposed works are considered an overall visual improvement to the area. The development therefore complies with Policy 1 – Criteria for All New Development, parts (i) and (iii) and Policy 2 – Design.

## 7.4. Residential Amenity

The development is in a relatively mixed-use area, with public car parking, offices, supermarkets, the power station and residential properties all located nearby. The area of car park directly adjacent is already marked out for buses, so the proposed two additional coach spaces would be an extension of this use. It is anticipated that the two additional bus parking bays would have no greater impact on the residential amenity of neighbouring properties than the existing use, or indeed than was the case when the site operated as a bus station. The development is therefore considered to comply with Policy 1 – Criteria for All New Development, part (iv).

## 7.5. Road Safety

Roads Services have no objections to the proposed development. A standard Roads Services informative would be attached to any approval. The development accords with Policy 14. A planning condition would require the site to be completed wholly in accordance with the submitted details.

## 8. Conclusion and Recommendation

The proposed demolition of the former bus station at Great Western Road, Kirkwall, and the change of use of the land to form parking would not conflict with the policies of the Orkney Local Development Plan 2017. Visually, it is considered that the proposed changes are appropriate and, given the existing surrounding land use including other bus parking, it is considered that the addition of two bus parking spaces would have no unacceptable additional impact on the amenity of nearby residential properties. The material planning objections are not of sufficient weight to merit refusal. The development accords with Policies 1, 2, 3 and 14 of the Orkney Local Development Plan 2017 and the Kirkwall Central West Development Brief. Accordingly, the application is recommended for **approval**, subject to the conditions attached as Appendix 2 to this report.

## 9. Contact Officer

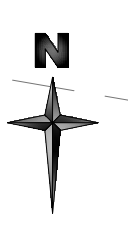
Alison Poke, Graduate Planner, Email [alison.poke@orkney.gov.uk](mailto:alison.poke@orkney.gov.uk)

## 10. Appendices

Appendix 1: Site Plan.

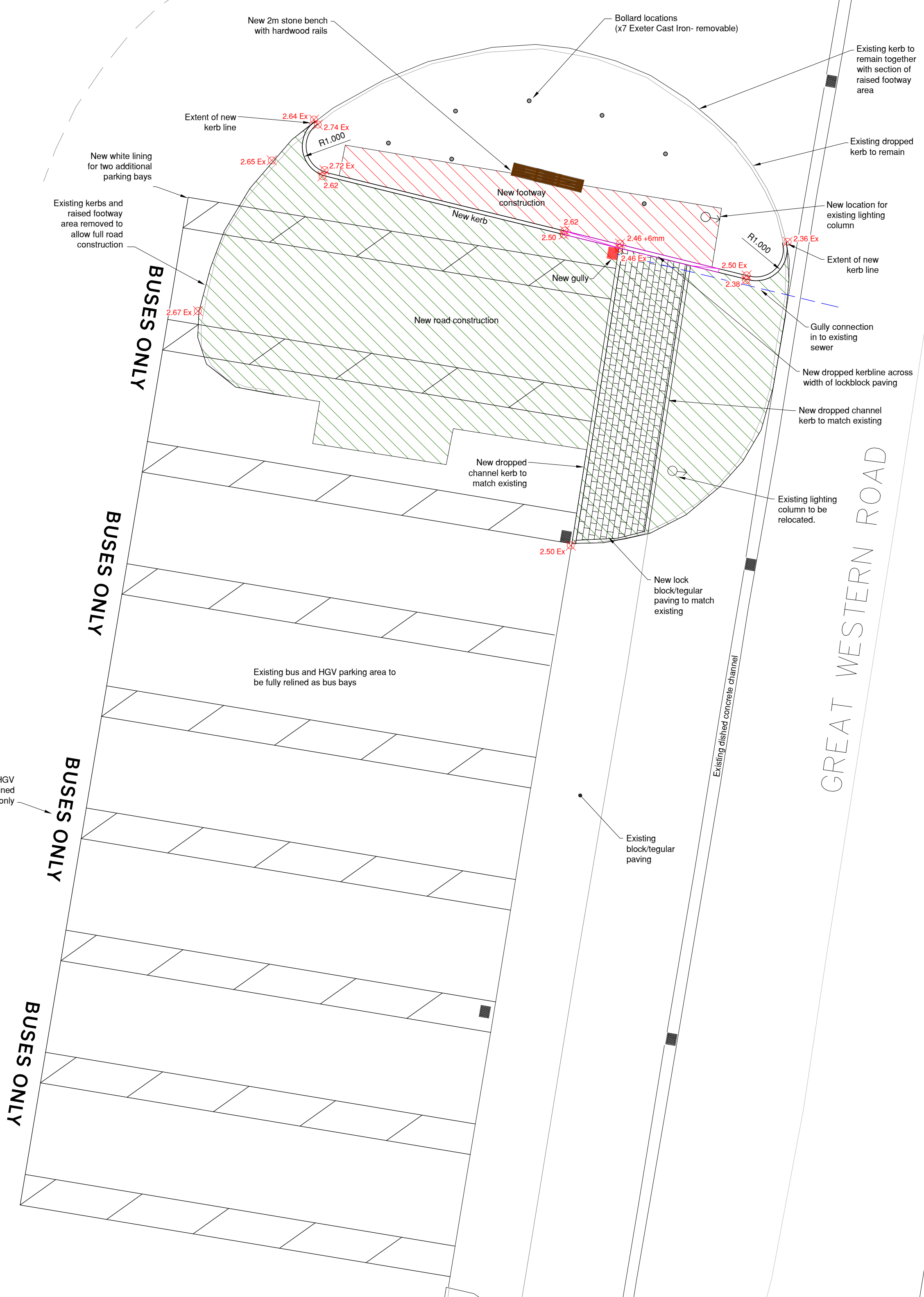
Appendix 2: Proposed Planning Conditions.





Notes:  
1) All levels are in metres above Ordnance datum

	New road construction
	New footway construction
	New lock block/tegular paving



Rev	Desc	Date	By	Chk	App
C	Drawing changed to A2 to show larger area	14/07/20	SG	NG	NG
B	Dropped kerb added at request of Floods	07/05/20	SG	NG	NG
A	Planning application issue	17/01/20	SG	NG	NG

File Ref. 1000755	Drawing No. PP 02
Revision A B C	Drawn SG
Date 13/01/20	Checked NG
Scale 1:100 Original drawing size 420mm x 297mm (A2)	Approved NG

Former Bus Station GWR  
Proposed Works

ENGINEERING

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationary Office © Crown Copyright. Unauthorised reproduction infringes crown copyright and may lead to prosecution or civil proceedings.  
Orkney Islands Council 100021621 For reference purposes only. Date: 2019

DEVELOPMENT AND INFRASTRUCTURE

Council Offices, Kirkwall  
Orkney, KW15 1NY  
tel (01856) 873535

Executive Director:-  
Gavin Barr, BSc Hons, MSc URP, MRTPI

## **Appendix 2.**

01. Prior to the bus parking being brought into use, the site shall be constructed and completed wholly in accordance with all details included in the 1:100 site plan (reference 1000755 PP 02) hereby approved, including but not limited to all kerbs, bollards, bench, white lining, and all 'BUSES ONLY' lining at the proposed and adjacent existing bus bays.

Reason: To ensure the development is completed wholly in accordance with approved details prior to first use.

02. All existing steel framed windows in the south elevation of the building shall be carefully removed as complete units during the demolition. Thereafter, all glazing units shall be retained and stored for potential re-use. The units shall not be removed from the application site until full details of the location and method of storage are submitted to, and agreed in writing by, the Planning Authority, and thereafter the windows shall be stored wholly in accordance with agreed details, unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure the protection of an unusual architectural feature of local historic importance.

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

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

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