

## **Item: 5.1**

**Local Review Body: 29 January 2021.**

### **Proposed Erection of Artist Studio and Gallery and Installation of Air Source Heat Pump at Daisy Cottage, Orphir (20/170/PP).**

**Report by Chief Executive.**

#### **1. Purpose of Report**

To determine a review of the decision of the Appointed Officer to refuse planning permission for the proposed erection of an artist studio and gallery and installation of an air source heat pump at Daisy Cottage, Orphir.

#### **2. Recommendations**

The Local Review Body is invited to note:

##### **2.1.**

That planning permission for the proposed erection of an artist studio and gallery and installation of an air source heat pump at Daisy Cottage, Orphir, was refused by the Appointed Officer on 27 August 2020, for the reasons outlined in section 3.2 of this report.

##### **2.2.**

That the applicant has submitted a Notice of Review requesting that the decision of the Appointed Officer, referred to at paragraph 2.1 above, be reviewed.

**It is recommended:**

##### **2.3.**

That the Local Review Body determines whether it has sufficient information to proceed to determination of the review, and if so:

- Whether to uphold, reverse or vary the decision of the Appointed Officer.
- In the event that the decision is reversed or varied, the reasons and the detailed conditions to be attached to the decision notice.

##### **2.4.**

That, in the event the Local Review Body agrees that further information is required to determine the review, what further information is required, which parties are to be requested to provide the information, and whether to obtain further information by one or more of the following methods:

- By means of written submissions; and/or.
- By the holding of one or more hearing.

## **3. Background**

### **3.1.**

Planning application 20/170/PP relates to the proposed erection of an artist studio and gallery and installation of an air source heat pump at Daisy Cottage, Orphir.

### **3.2.**

The Appointed Officer refused the planning application on 27 August 2020 on the following grounds:

#### **3.2.1.**

The proposed commercial use would not reflect or be sympathetic to the nature or character of the local area, which is predominantly a typical rural mix of agriculture and houses. The development is therefore considered contrary to Policies 1 and 2 of the Orkney Local Development Plan 2017.

#### **3.2.2.**

Limited weight can be given to the particular applicant, goods or size of the premises. The proposed display and retail sale of art and other goods could generate significant footfall, in a location outwith a settlement boundary and therefore contrary to the sequential approach set out in Policy 3A. No justification or specific locational requirement has been provided that outweighs consideration in relation to Policy 3A, which seeks to protect roads and other infrastructure, the character of Orkney's rural areas and the defined villages and rural settlements as service centres. The development would be open to visiting members of the public and is therefore not home working. The development is therefore contrary to Policies 3A and 4B of the Orkney Local Development Plan 2017.

### **3.3.**

In terms of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013, the applicant has submitted a Notice of Review and supporting information, which is attached as Appendix 1 to this report.

### **3.4.**

The Planning Handling Report, Planning Services file and the Decision Notice, including the reason for refusal, referred to in section 3.2 above, are attached as Appendices 2, 3 and 4 to this report.

## **4. Review Procedure**

### **4.1.**

In response to a Notice of Review "interested parties" are permitted to make a representation to the Local Review Body. "Interested parties" include any party who has made, and not withdrawn, a representation in connection with the application. No further representations were received.

## **4.2.**

In accordance with the Council's policy to undertake site inspections of all planning applications subject to a local review, prior to the meeting to consider the review, a site visit to Daisy Cottage, Orphir, was undertaken at 10:00 on 29 January 2021.

## **4.3.**

The Local Review Body may uphold, reverse or vary the decision of the Appointed Officer.

In the event that the decision is reversed, it is proposed to delegate the finalisation of any planning conditions required to the Executive Director of Development and Infrastructure, in consultation with the Chair and Vice Chair of the Planning Committee. This is due to the nature of the application which makes it difficult to predict what matters may need to be controlled and consequently what planning conditions are required.

## **4.4.**

If the Local Review Body decides that further procedure is required, it may decide to hold a pre-examination meeting to consider what procedures to follow in the review, or to obtain further information by one or more of the following methods:

- By means of written submissions; and/or.
- By the holding of one or more hearing(s).

## **5. Relevant Planning Policy and Guidance**

### **5.1.**

Section 25 of the Town and Country Planning (Scotland) Act 1997 as amended 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..."

### **5.2.**

The full text of the Orkney Local Development Plan 2017 (OLDP 2017) and other supplementary planning advice and 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 Primary Retail Frontages.

- Policy 4 – Business, Industry and Employment.

## **6. Corporate Governance**

This report relates to the Council complying with its statutory duties as a Planning Authority and therefore does not directly support and contribute to improved outcomes for communities as outlined in the Council Plan and the Local Outcomes Improvement Plan.

## **7. Financial Implications**

All resources associated with supporting the review procedure, mainly in the form of staff time, are contained within existing Planning Service revenue budgets.

## **8. Legal Aspects**

### **8.1.**

Under the Planning etc (Scotland) Act 2006 and the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013 where an application for planning permission for local development has been determined by the Appointed Officer in accordance with the Council's Planning Scheme of Delegation, the applicant is entitled to seek a review of that decision by the Local Review Body.

### **8.2.**

The procedures to be followed in respect of the review are as detailed in section 4 above.

### **8.3.**

A letter from the Chief Planner, Scottish Government, in July 2011 confirmed that a review by a Local Review Body should be conducted by means of a full consideration of the application afresh.

## **9. Contact Officers**

Angela Kingston, Clerk to the Local Review Body, extension 2239, Email [angela.kingston@orkney.gov.uk](mailto:angela.kingston@orkney.gov.uk)

Roddy MacKay, Planning Advisor to the Local Review Body, extension 2530, Email [rodny.mackay@orkney.gov.uk](mailto:rodny.mackay@orkney.gov.uk)

Katharine McKerrell, Legal Advisor to the Local Review Body, extension 2246, Email [katharine.mckerrell@orkney.gov.uk](mailto:katharine.mckerrell@orkney.gov.uk)

## **10. Appendices**

Appendix 1 – Notice of Review (pages 1 – 11)

Appendix 2 – Planning Handling Report (pages 12 – 20)

Appendix 3 – Planning Services File (pages 21 – 47)

Appendix 4 – Decision Notice and Reasons for Refusal (pages 48 – 54)

Pages 1 to 54 can be viewed at [https://www.orkney.gov.uk/Service-Directory/D/application\\_search\\_submission.htm](https://www.orkney.gov.uk/Service-Directory/D/application_search_submission.htm) and inserting the planning reference “20/170/PP”.



Council Offices School Place Kirkwall KW15 1NY Tel: 01856 873 535 (ex 2504) Email: [planning@orkney.gov.uk](mailto:planning@orkney.gov.uk)

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100246867-002

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant  Agent

## Agent Details

Please enter Agent details

Company/Organisation:	R Clouston Ltd		
Ref Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Robert	Building Name:	
Last Name: *	Clouston	Building Number:	10
Telephone Number: *	01856877914	Address 1 (Street): *	Grainshore Drive
Extension Number:		Address 2:	Hatston Industrial Estate
Mobile Number:		Town/City: *	Kirkwall
Fax Number:		Country: *	Orkney
		Postcode: *	KW15 1GG
Email Address: *	enquiries@r-clouston.co.uk		

Is the applicant an individual or an organisation/corporate entity? \*

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mrs"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Daisy Cottage"/>
First Name: *	<input type="text" value="Ingrid"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Grieve"/>	Address 1 (Street): *	<input type="text" value="Orphir"/>
Company/Organisation:	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Orphir"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Orkney"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="KW17 2RB"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="[REDACTED]"/>		

## Site Address Details

Planning Authority:	<input type="text" value="Orkney Islands Council"/>
Full postal address of the site (including postcode where available)	
Address 1:	<input type="text" value="DAISY COTTAGE"/>
Address 2:	<input type="text" value="ORPHIR"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ORKNEY"/>
Post Code:	<input type="text" value="KW17 2RB"/>

Please identify/describe the location of the site or sites

Northing

Easting

## Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority. \*  
(Max 500 characters)

Proposed new artist studio and gallery.

## Type of Application

What type of application did you submit to the planning authority? \*

- Application for planning permission (including householder application but excluding application to work minerals)
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? \*

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

## Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: \* (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances

Established business, the existing studio is now too small to allow development of artist work. Business is expanding locally and online sales increasing nationally and internationally. Energy efficiency of building would create a comfortable work area. Increased storage will allow for work to be kept in one place. Parking area and disabled access. Area to hold art classes. Own site and surrounding 27 acres. HIE funding secured Full opening hours needed to allow the business to expand.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? \*

Yes  No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)



Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process. \* (Max 500 characters)

Location Plan 001(A3), Site Plan 002 (A3) and Proposed Plans and Elevations 004 (A1). 3 supporting letters.

## Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

20/170/PP

What date was the application submitted to the planning authority? \*

18/05/2020

What date was the decision issued by the planning authority? \*

27/08/2020

## Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. \*

Yes  No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? \*

Yes  No

Is it possible for the site to be accessed safely and without barriers to entry? \*

Yes  No

## Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? \*

Yes  No

Have you provided the date and reference number of the application which is the subject of this review? \*

Yes  No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? \*

Yes  No  N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? \*

Yes  No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review \*

Yes  No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.


**Declare – Notice of Review**

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mrs Cindy Mackenzie

Declaration Date: 18/11/2020

Ingrid Grieve  
Toumal Art Studio  
Daisy Cottage  
Orphir  
Orkney  
KW17 2RB



Dear Sir/Madam

I have a small art studio in my garden that I open to the public 2 days a week as part of the Orkney Creative Trail. I started trading as a sole trader 5 years ago. Over that time my business and visitor numbers have steadily grown and I have established a good customer base with quite a few people collecting my work locally, nationally and internationally. I sell my work locally in Ortak, Skail House, The Orkney Brewery, Castaway Crafts, Starlings, the Rousay Craft Hub and Sanday Heritage Centre and also in Ullapool, along with online sales and from my studio. I offer original paintings of Orkney, including commissioned work, prints, cards, mugs, notebooks and lampshades all featuring my artwork but feel I could do much more if I had suitable premises. My tiny 3mx4m studio is no longer fit for purpose so in order to expand my business and provide a suitable venue for visitors and for me to work in I would like to erect a purpose built studio at my home in Orphir.

I would like the new studio to have:

A work space, for creating original paintings

A clean space for putting together prints, cards and making up parcels etc.

A gallery/shop big enough for delivering painting classes

Disable access

Toilet facilities suitable for disabled use

A small kitchenette so I can offer tea and coffee for clients and classes. Not for general public.

Storage

Parking space to accommodate small bus tours

At the moment the studio is open to the public on Thursdays and Fridays, April- December with up to 18 visitors per day, rarely having no visitors, often having visitors on other days of the week and throughout the year both by appointment and dropping by. I have very little work space so need to close while I paint, but with a suitable building could open 6-7 days a week April- December and by appointment January -March. With more to offer I could increase footfall considerably through offering a greater range of goods, art classes and by providing a relaxed welcoming space for customers.

Suitable storage space would allow a bigger range of products, more stock and the possibility of an online shop.

I hope to be able offer 1-2 part time posts.

I estimate the building would need to be around 80 square metres and have attached a document showing the style of the building that I envisage with cladding and roof material to be decided. But I have not spoken to an architect or builder at this point and this will need to be reviewed. I use water soluble paint and have never used or plan to use any solvents or anything stronger than washing up detergent for cleaning brushes etc.

Daisy Cottage  
Orphir  
Orkney  
KW17 2RB

Ref no:20/170/PP

Dear Sir/Madam

Toumal Art Studio started trading in 2014. The business has increased each year beyond expectations until the small garden studio 4mx2.5m is no longer fit for purpose. Canvases, frames etc are having to be stored in my fathers shed in Stromness and often piled up in my hall with printers, mounts and cards taking up the spare room. A new purpose- built building would mean everything could be kept in one place and create a much more efficient workspace. This would be essential for the business to grow, expand and allow a much improved customer experience.

I have built up a good customer base with collectors local, national and international and this year alone have posted to USA, Germany, Norway, The Netherlands and throughout the Uk and been well supported by the local communtiy. With a dedicated work space and plenty of storage I would be able to extend my opening hours, welcome more visitors and develop a better online presence.

We already own the land that the proposed studio would be built on looking out onto Scapa Flow and the South Isles. Customers visiting the studio often remark on the view and take time to stop and admire the scenery. A new studio with large floor to ceiling windows would create a light and roomy gallery area separate from, but still accessible to, the work area so customers could continue to see work in progress. Disabled access and disable access toilet would expand my customer base and allow me to offer workshops/painting classes. We also own the land to the back of the site, 27 acres in all, most of which is crofted. The land is quite diverse with heather, marsh areas, lowland heath and areas that have been cultivated and we hope to develop this in the next few years and offer our customers a nature walk.

This could also be used for art workshops offering an outside drawing or painting experience in a safe environment.

I am part of the Orkney Creative Trail and we feel that a new purpose built studio would elevate the business to the high standard of many other businesses that are part of Creative Orkney and offer something unique to our visitors. We would also like to welcome locals, visitors, schools, groups and societies as the business develops.

All my work is based on Orkney's unique landscape, weather, history and sea and we believe that customers get a better understanding of my work if they can see the environment that inspires me.

Yours sincerely  
Ingrid Grieve

Daisy Cottage  
Orphir  
Orkney  
KW17 2RB



Ref no:20/170/PP

Dear Sir/Madam

Toumal Art Studio started trading in 2014. The business has increased each year beyond expectations until the small garden studio is no longer fit for purpose. A new purpose- built building would be essential for the business to grow and expand and allow a much improved customer experience.

We already own the land that the proposed studio would be built on looking out onto Scapa Flow and the South Isles. We also own the land to the back of the site, 27 acres in all, most of which is crofted. The land is quite diverse with heather, marsh areas, lowland heath and areas that have been cultivated. A few years ago, we enrolled on a scheme where we fenced some areas to create different habitats including areas, for voles, winter kale and wildflowers. We dug and enlarged an existing pond and planted native trees.

We plan to develop this further and offer it as part of our visitor experience by creating a wildlife/nature trail. We have already started creating a path and there are plans to create a second bigger pond.

On a short walk in our field last year, I photographed 18 different species of wild flowers, we see hen harriers, pheasants, owls, grouse, stonechats, ducks, skylarks, curlews, oystercatchers, wheatears etc which are sadly all in decline but hopefully a safe, managed area would encourage more birds. We would like to install a bird hide on the trail along with seating and art instalments.

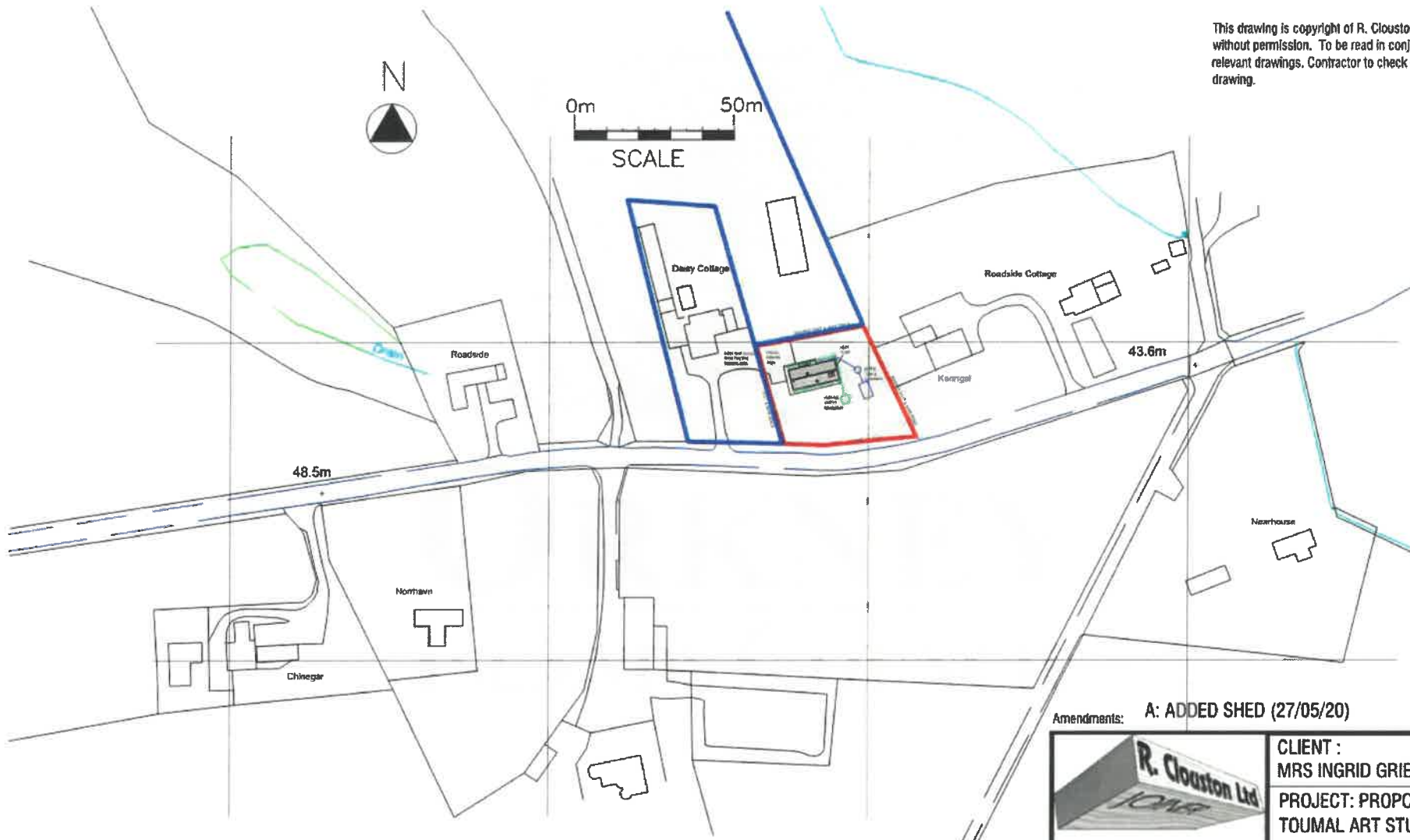
This could also be used for art workshops offering an outside drawing or painting experience in a safe environment.

I am part of the Orkney Creative Trail and we feel these changes would elevate the business to the high standard of many other businesses that are part of Creative Orkney and offer something unique to our visitors. We would also like to welcome locals, visitors, schools, groups and societies as the plan develops.

All my artwork is based on the Orkney land ,sea, weather and seasons and we feel that a nature trail would sit well alongside my work and enhance our visitor experience.


Yours sincerely  
Ingrid grievie

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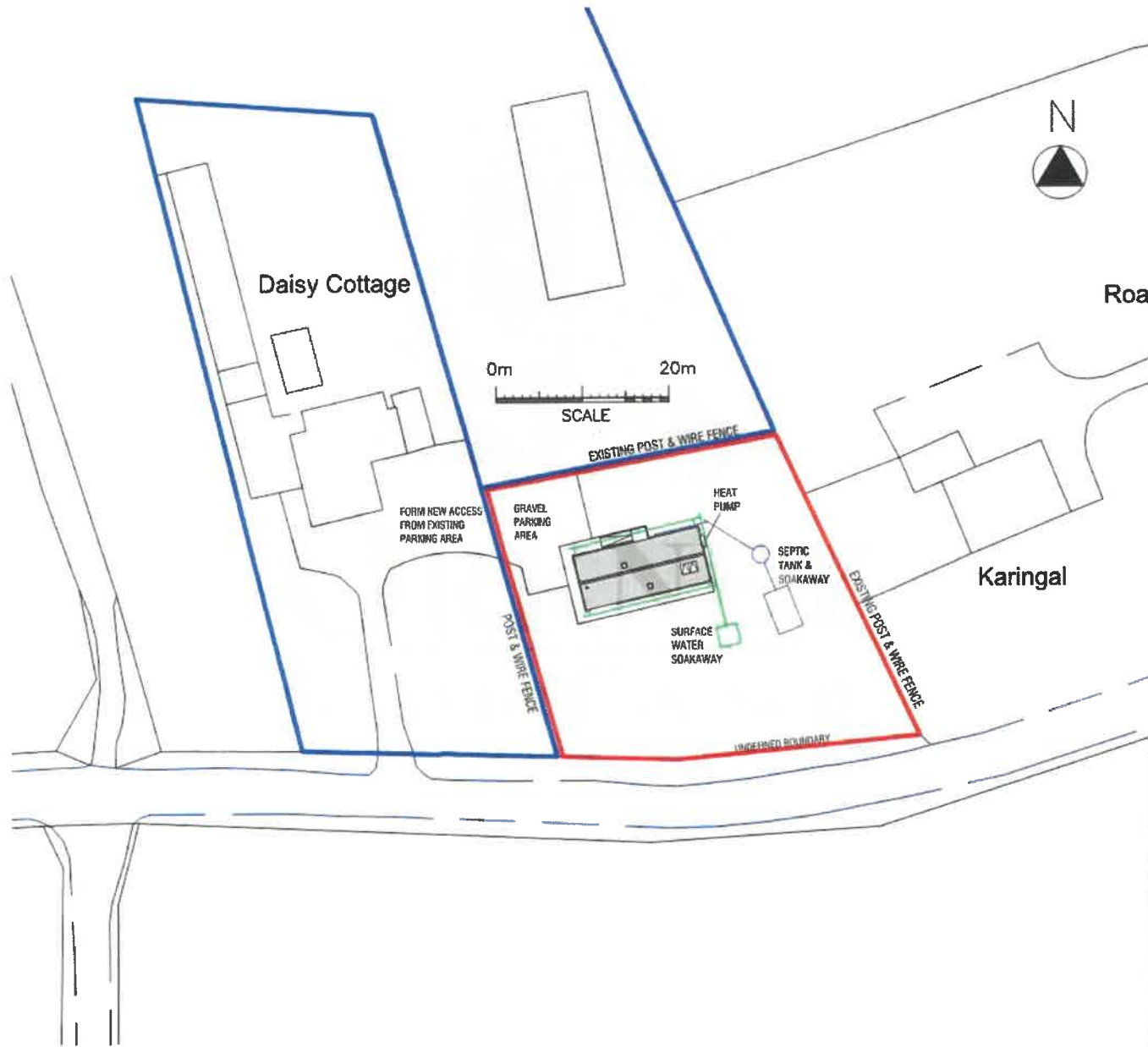


Amendments: A: ADDED SHED (27/05/20)

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 <p>R Clouston Ltd 10 Grainshore Drive Halston Industrial Estate Kirkwall Orkney KW15 1GG</p>		<p>CLIENT : MRS INGRID GRIEVE</p>	
		<p>PROJECT: PROPOSED NEW TOUMAL ART STUDIO NEAR DAISY COTTAGE, ORPHIR, ORKNEY, KW17 2RB</p>	
		<p>DRAWING: SITE LOCATION</p>	
		<p>SCALE : 1:1250</p>	<p>A3</p>
<p>Ref E2936</p>	<p>Date 02/2020</p>	<p>Drawing No 001</p>	<p>Amid A</p>
<p>Tel : 01856 877914 Fax: 01856 877014 Email: enquiries@r-clouston.co.uk Web: www.r-clouston.co.uk</p>			

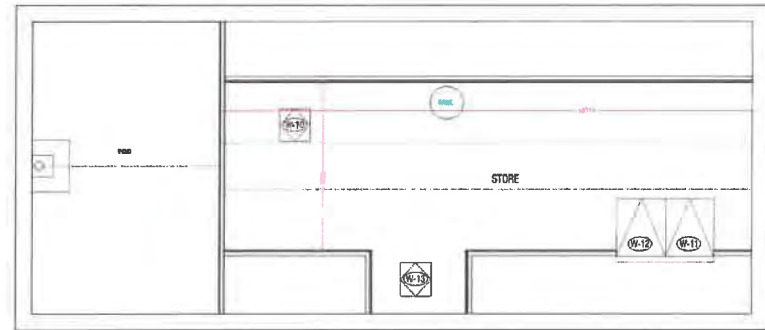
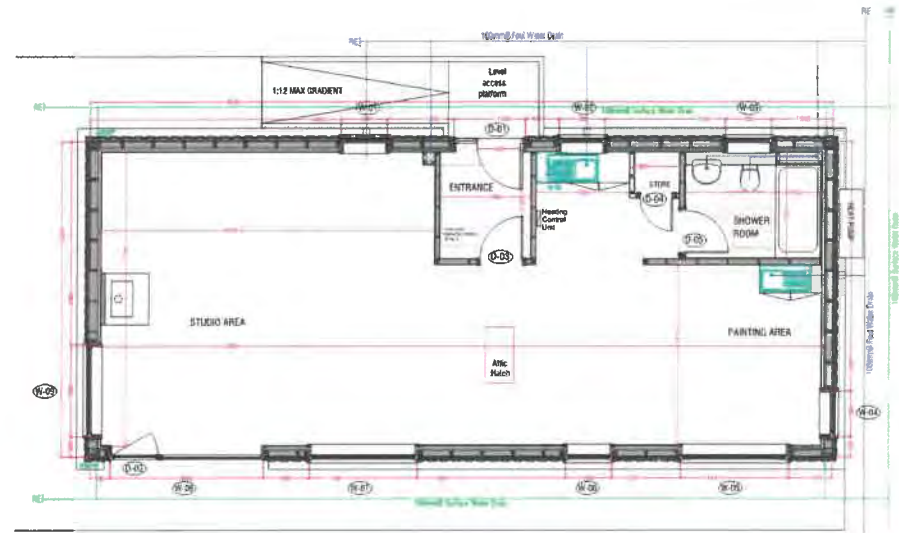
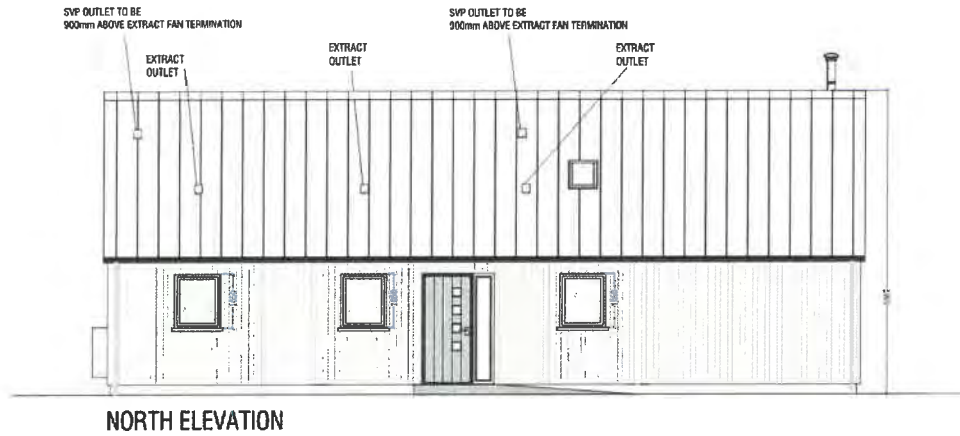
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A: ADDED SHED (27/05/20)

Amendments:

		CLIENT :	
		MRS INGRID GRIEVE	
R Clouston Ltd 10 Gramshore Drive Hatston Industrial Estate Kirkwall Orkney KW15 1GG  Tel: 01856 877914 Fax: 01856 877014 Email: enquiries@r-clouston.co.uk Web: www.r-clouston.co.uk		PROJECT: PROPOSED NEW	
		TOUMAL ART STUDIO	
		NEAR DAISY COTTAGE, ORPHIR, ORKNEY, KW17 2RB	
		DRAWING: SITE PLAN	
		SCALE : 1:500	A3
Ref	Date	Drawing No	Amc
E2936	02/2020	002	A



**EXTERNAL FINISHES:-**

- ROOF:- PROFILE METAL SHEETING - DARK GREY
- WALLS:- SCOTCH LARCH LEFT TO WEATHER NATURALLY
- WINDOWS & DOORS:- uPVC - ANTHRACITE GREY
- ROOFLIGHTS:- VELLUX - FK06 (660x1178mm) & PK08 (940x1400mm)
- FASCIAS & SOFFITS:- SCOTCH LARCH LEFT TO WEATHER NATURALLY
- AIR SOURCE HEAT PUMP:- PANASONIC SYSTEM

A: Added dimensions

<p>R. Croston Ltd 10 Galloway Drive Hutton Industrial Estate Kirkwall Orkney KW15 1QJ</p>	<p>CLIENT: MRS INGRID GRIEVE</p> <p>PROJECT: PROPOSED NEW TOUJMAL ART STUDIO NEAR DAISY COTTAGE, ORPHIR, ORKNEY, KW17 2RB</p>
	<p>DRAWING: PROPOSED PLANS AND ELEVATIONS</p>
<p>Tel: 01856 877014 Fax: 01856 877014 Email: <a href="mailto:enquiries@r-croston.co.uk">enquiries@r-croston.co.uk</a> Web: <a href="http://www.r-croston.co.uk">www.r-croston.co.uk</a></p>	<p>SCALE: 1:50</p> <p>E2936 02/2020 003</p>



## PLANNING HANDLING REPORT

Planning Application:	20/170/PP
Application address:	Daisy Cottage, Orphir, Orkney, KW17 2RB.
Proposal:	Erect an artist studio and gallery and install an air source heat pump.
Applicant:	Mrs Ingrid Grieve
Agent:	R Clouston Ltd, c/o Robert Clouston, 10 Grainshore Drive, Hatston Industrial Estate, Kirkwall, KW15 1GG.

### 1. BACKGROUND

#### 1.1.

All application documents (including plans and consultation responses) are available to view at the following website address: [http://www.orkney.gov.uk/Service-Directory/D/application\\_search\\_submission.htm](http://www.orkney.gov.uk/Service-Directory/D/application_search_submission.htm) (then enter the application number given above).

#### 1.2.

It is proposed to erect a single storey building comprising an artist studio and gallery, within the garden ground of Daisy Cottage in Orphir. The site is in the countryside, not within a settlement boundary. The site would be accessed from the existing domestic access. A design statement has been provided by the applicant regarding the building design, and a supporting statement regarding the history and proposed use and setting of the business.

#### 1.3.

A pre-application enquiry confirms that the applicant is an artist who sells work locally in various outlets, as well as online sales and from the existing premises. The range of goods sold currently includes original paintings, and commissioned work, prints, cards, mugs, notebooks and lampshades all featuring the artist's work. It was stated in the pre-application enquiry that the sales could expand if based in suitable premises.

#### 1.4.

The applicant currently operates from a small timber-clad studio within the garden of the house, adjacent to the proposed development footprint. An artist can use part of a house, or an outbuilding within the garden, as a studio and provided that is ancillary to the domestic use, a planning application would not typically be required. This would be regarded as homeworking. Similarly, should an artist provide classes or other visits by appointment only, on the basis the footfall would naturally be limited to those arranged, this would be considered acceptable. However, those scenarios are materially different to a studio or other commercial premises that is open to passing members of the public and/or sells a range of good as a retail outlet.

## 1.5.

Although currently operating from the site, planning permission has never been granted for the existing small studio or its use as a gallery or for the retail sale of goods to the public. It is a critical point, as a facility open to visiting members of the public, that the current application must be considered as a new development.

## 2. CONSULTATIONS

### 2.1. Roads Services.

No adverse comment provided condition and informative are applied to any planning permission that may be granted

### 2.2. Scottish Water.

No objection.

### 2.3. Development and Marine Planning

*"This proposed development is for the creation of a new builtform at Daisy Cottage, Orphir to form an artist studio and gallery that will be open to the public throughout April to December from 10 until 5 and then my appointment only during January – March.*

*Although the studio is operational from this location, it does not have planning consent for this use at this location. This use is therefore considered to be new in planning terms.*

*Policy 4 – Business, Industry and Employment of the Orkney Local Development Plan 2017 (OLDP 2017) at Section B considers a countryside location. This states that in line with the sequential approach set out in the Town Centre First Principle, commercial developments, excluding Use Class 5 – General Industrial and Use Class 6 – Storage or Distribution, at or adjacent to an existing dwelling (home working); or the redevelopment of existing buildings or a brownfield site to form a new business, (where the application site falls entirely within the confines of the redevelopment site), will be supported subject to relevant plan policies. The development of a new business in the countryside, including the diversification of an existing rural business, will be supported where there is a demonstrable locational requirement for the business that requires it not to be situated within a settlement or on a site described.*

*This policy notes support for homeworking. The applicant home address is given as Daisy Cottage. All new businesses require to demonstrate locational requirement for the business as to why a location out with a settlement is not required. Within this application, this information is limited to the land being owned by the applicant and having good views. This does not link the business to the location.*

*Policy 4 notes the sequential approach set out in the Town Centre First Principle. This is in Policy 3 of the OLDP2017. This policy looks to have located within the town centres first (Kirkwall and Stromness) uses with footfall that support vibrancy, vitality and viability. Retail and cultural facilities are noted as uses that attract footfall. This*

approach then notes 2 – Edge of Town Centres, 3 – Within Settlement Boundaries and 4 – Outwith Settlement Boundaries. Could the use proposed be located within a town centre or within a settlement boundary; supporting our retail and commercial locations and their economic sustainability?

Additionally, locations within settlements (whether within a retail centre or not) can be accessed more readily by active or public transport networks and not necessarily by private car. The Spatial Strategy of the Plan notes that the Plan seeks to support the growth of Orkney's communities in a sustainable manner, ensuring that development is directed in the first instance to places with sufficient infrastructure and facilities to support sustainable social and economic development; the towns, villages and rural settlements of the Plan.

This proposed development does not accord with the Policy 3 and 4 of the OLDP2017.”

### **3. PRE-APPLICATION ADVICE**

#### **3.1.**

“Given the location of the property, what you are proposing is a business in the countryside.

Any proposed new business in the countryside must abide by the criteria set out within the policies of the Orkney Local Development Plan 2017, specifically Policy 3A ‘Settlements, Town Centres and Prime Retail Frontages’ and Policy 4B ‘Business, Industry and Employment in the countryside’. 4B(i) states that:

‘...commercial developments at or adjacent to an existing dwelling to form a new business, (where the application site falls entirely within the confines of the redevelopment area), will be supported subject to the relevant policies.’

In isolation, that part of Policy 4B indicates that a gallery/shop would be acceptable. However, critical in any such proposal is the opening statement of Policy 4B, ‘In line with the sequential approach set out in the Town Centre First Principle...’ which links this section back to the requirements of Policy 3 ‘Settlements.

Town Centres and Primary Retail Frontages’.

Policy 3A sets out a sequential approach for any new retail, commercial, leisure, office, community and cultural facilities that attract significant footfall, working from a preference of town centre locations, to the countryside which requires greatest justification, as follows:

1 Town Centres

2 Edge of Town Centres

3 Within Settlement Boundaries

4 Out with Settlement Boundaries

*As a proposed shop/gallery would be based on generating footfall, the town centre first principle would apply. The property 'Daisy Cottage' is situated in the countryside which, in policy terms, is the least desirable location for the proposed business use. Therefore, in line with Policy 3A, the proposed business would have to provide justification in the first instance, including any locational requirements for the proposal.*

*It should be noted that an application would not be viewed favourably unless there was a thorough justification for its countryside location, i.e. a robust justification that the development is not able to be located in a settlement. Please refer to Policy 4A(ii) for further information.*

*Moving forward*

*As this does not appear to be a 'new' business, I would request that you submit more detailed information regarding the existing business, specifically how long you have been operating from the current address, etc. As much detail you can provide the better and we will be able to respond to your further query."*

### **3.2.**

The further detailed information submitted made clear that the current business has no planning history, so the proposed development must be regarded as new for the purposes of determining this application.

## **4. ASSESSMENT**

### **4.1. Policy 1.**

*Policy 1 - Criteria for All Development*

*Development will be supported where:*

*i. It is sited and designed taking into consideration the location and the wider townscape, landscape and coastal character;*

*iii. It is not prejudicial to the effective development of, or existing use of, the wider area;*

*iv. The amenity of the surrounding area is preserved and there are no unacceptable adverse impacts on the amenity of adjacent and nearby properties/users;*

### **4.2.**

Commercial activities are considered most appropriate where impact on the amenity of an area or the amenity of nearby properties is minimised. Introduction of a commercial premises, including retail and open to visiting members of the public, in a rural setting with residential and agricultural uses, would not reflect the character of the surrounding area and is considered detrimental to residential amenity, contrary to Policy 1 – 'Criteria for All Development', sections i, iii and iv, of the Orkney Local Development Plan 2017.

### 4.3. Policy 2.

#### *Policy 2 – Design*

- i. it reinforces the distinctive identity of Orkney's built environment and is sympathetic to the character of its local area;*
- ii. it has a positive or neutral effect on the appearance and amenity of the area;*
- iii. It facilitates easy wayfinding to and around the development and is appropriately connected to pedestrian, vehicular and public transport routes, encouraging and prioritising pedestrian access*

### 4.4.

Policy 2 is pertinent in relation to the character and amenity of the local area as referred to at points i and ii. The proposed building design is a simple rectangular plan form, with appropriate materials. This is in the context of various building designs and scales in the vicinity. Therefore, the structure could be accommodated in a landscape context; however, the development which includes sales and visiting members of the public is not considered sympathetic to the nature or character of the local area, which is predominantly a typical rural mix of agriculture and houses. As such, the development is considered contrary to Policy 2.

### 4.5. Policy 3.

#### *Policy 3 – Settlements, Town Centres and Primary Retail Frontages*

##### *3A Town Centre First Principles*

*i. ...For retail, commercial...facilities that attract significant footfall, a town centre first principle will apply, with the order of preference for potential alternative sites established through a sequential approach:*

- 1- Town Centres*
- 2- Edge of Town Centres*
- 3- Within Settlement Boundaries*
- 4- Outwith Settlement Boundaries*

*ii. Proposals for uses that attract significant numbers of people on sites in locations outwith the defined Town Centres must provide justification in the first instance, including any specific locational requirements for the impacts that the proposed development would have on the Town Centres.*

### 4.6.

As a proposed gallery with sale of goods, like any development of that nature, the success of the business would at least in part be based on generating footfall. Supplementary guidance does not define specific uses that may attract 'significant numbers of people', but in an Orkney context footfall at galleries or tourist-based outlets can be high. Visitor numbers in any such premises are not controlled, and a business that is open to visiting members of the public has an interest to seek to maximise footfall and customers. (That contrasts with a business such as a single

self-catering unit, where visitors are typically pre-booked, with no visiting members of the public, and in terms of footfall a finite number of visitors at any time.) It is also relevant that the development would not be limited to the applicant's products for example, and if approved would be a studio gallery with retail, available for the display and retail sale of any goods under the provisions of Class 1.

#### **4.7.**

Based on the above, the town centre first principle is critical to the assessment. The property is situated in the countryside which, in relation to the sequential approach as set out in Policy 3A, is the least desirable location for proposed retail or commercial activity. Therefore, in accordance with Policy 3A, any proposed development is required to demonstrate justification, including specific locational requirements. A Supporting Statement has been submitted with the application. It is not of sufficient weight, and does not provide information, to justify the countryside location.

#### **4.8.**

Policy 3 notes that Orkney's villages and rural settlements act as service centres for surrounding areas and confirms that the Orkney Local Development Plan seeks to reinforce this strong role by directing the majority of business development to settlements. Based on reinforcing existing defined rural settlements and villages, sustainability in terms of the travel and availability of public transport, and pressure on infrastructure including public roads, the countryside is the least appropriate location for business or commercial development with uncontrolled footfall.

#### **4.9.**

In relation to the decision, weight cannot be placed on the specific operator or the specific goods sold. In relation to anticipated footfall, limited weight has been placed on the scale of the proposed development, on the basis that it is the use and activities offered that would be most likely to attract footfall rather than the scale (i.e. the fact that the premises is relatively small would not preclude passing trade).

#### **4.10.**

Following the town centre first principle there are more appropriate locations for a commercial gallery business with retail within the parish of Orphir, including the identified village/rural settlements, or in the wider area, including Kirkwall or Stromness. The proposal lacks justification for a rural, countryside location and is contrary to Policy 3A. It is important that the viability and vitality of villages and towns is protected. If it was readily available for gallery or craft or other tourist shops to relocate to the countryside with no locational justification, the impact on town centres could be significant. Ownership of land or current operation of a similar venture, on a smaller and unauthorised basis, cannot prejudice the basic decision whether to make provision under the Town Centre First policies for businesses to set up in the countryside rather than a settlement.

#### **4.11. Policy 4.**

##### *Policy 4 – Business, Industry & Employment*

##### *B In the Countryside*

*i. In line with the sequential approach set out in the Town Centre First Principle, commercial developments, excluding Use Class 5 – General Industrial and Use Class 6 – Storage or Distribution, at or adjacent to an existing dwelling (home working); or the redevelopment of existing buildings or a brownfield site to form a new business, (where the application site falls entirely within the confines of the redevelopment area), will be supported subject to relevant plan policies.*

#### **4.12.**

Policy 4B provides for the creation of new commercial uses at, or adjacent to, an existing dwelling house in the countryside for home working, which is where the commercial activity can be carried out on a basis incidental and ancillary to the legitimate use as a house. That allows for activities such as home crafts, home office working, home hairdressing, etc., where there are no visiting members of the public and visitors are appointment based, or where any goods manufactures are sold off site in local shops. Whilst painting in the studio by the artist may have been acceptable if open to members of the public on an appointment basis only, e.g. for commissioned work, the proposed development does not meet the description of home working. The proposal is to operate the development as a commercial enterprise and is neither ancillary nor domestic in nature or character.

#### **4.13.**

The proposal does meet the latter part of Policy 4B point i, as the redevelopment of an existing building.

## **5. CONCLUSION**

### **5.1.**

It is proposed to erect a studio and gallery with retail. The site is in the countryside. As such, the principle of the development is assessed against policies 3A and 4B, which are linked by sequential tests.

### **5.2.**

In relation to policy 4B, based on the limited weight able to be given to the particular applicant, goods and size of the premises, the proposed display and retail sale of art and other goods could generate significant footfall, in a location outwith a settlement boundary and is therefore contrary to the sequential approach set out in policy 3A. The Supporting Statement is generalised, none of the stated benefits are site-specific, and the benefits could be similarly realised within the defined rural settlements elsewhere in the parish. Potential future use of the adjacent land is referred to, but that has not been carried out, no plans presented, and does not form part of the application. Therefore, no justification or specific locational requirement has been provided that outweighs consideration in relation to policy 3A.

**5.3.**

The proposed commercial use would not reflect or be sympathetic to the nature or character of the local area, which is predominantly a typical rural mix of agriculture and houses for this area of the Mainland. The development is therefore considered contrary to Policies 1 and 2.

**5.4.**

Any such proposal must be both an existing redevelopment site (existing site or building, and not including the unauthorised current studio) and meet the test of not creating significant footfall in the countryside. Failure of either test results in the proposal being unacceptable. Paragraph 0.7 of the Orkney Local Development Plan 2017 states that "All of the policies in the Plan will be afforded equal weight in the determination of planning applications; if a proposal is contrary to any single policy then it does not accord with the Plan." By being contrary to policy 3A, the development is contrary to the Local Development Plan.

**5.5**

For clarity, development that is low footfall (such as a single self-catering unit) and on an existing redevelopment site (such as within a curtilage or building group) would meet both tests and be acceptable. But in the absence of specific locational justification, a development on a green field site or significant footfall in the countryside, not in a rural settlement, is contrary to the Plan.

**5.6.**

The development is considered contrary to Policies 1 and 2 and is clearly contrary to Policies 3A and 4B. There are no material considerations which would outweigh the relevant Orkney Local Development Plan policies, or which can justify an outcome other than refusal of the application. The application is contrary to pre-application advice, and the aim of the Plan to protect the character of Orkney's rural areas, and the defined villages and rural settlements as service centres throughout the County.

**6. RECOMMENDATION****Application Refused**

1. The proposed commercial use would not reflect or be sympathetic to the nature or character of the local area, which is predominantly a typical rural mix of agriculture and houses. The development is therefore considered contrary to Policies 1 and 2 of the Orkney Local Development Plan 2017.

2. Limited weight can be given to the particular applicant, goods or size of the premises. The proposed display and retail sale of art and other goods could generate significant footfall, in a location outwith a settlement boundary and therefore contrary to the sequential approach set out in policy 3A. No justification or specific locational requirement has been provided that outweighs consideration in relation to policy 3A, which seeks to protect roads and other infrastructure, the character of Orkney's rural areas, and the defined villages and rural settlements as service centres. The development would be open to visiting members of the public



and is therefore not home working. The development is therefore contrary to Policies 3A and 4B of Orkney Local Development Plan 2017.

**Contact Officer**

Mr Jamie Macvie MRTPI, Planning Manager, Development Management, 01856 873535 extension 2529, Email [jamie.macvie@orkney.gov.uk](mailto:jamie.macvie@orkney.gov.uk)

**Date:** 13<sup>th</sup> August 2020



Council Offices School Place Kirkwall KW15 1NY Tel: 01856 873 535 (ex 2504) Email: [planning@orkney.gov.uk](mailto:planning@orkney.gov.uk)

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100246867-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Type of Application

What is this application for? Please select one of the following: \*

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

## Description of Proposal

Please describe the proposal including any change of use: \* (Max 500 characters)

Proposed new artist studio and gallery.

Is this a temporary permission? \*

Yes  No

If a change of use is to be included in the proposal has it already taken place?  
(Answer 'No' if there is no change of use.) \*

Yes  No

Has the work already been started and/or completed? \*

No  Yes – Started  Yes - Completed

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant  Agent

## Agent Details

Please enter Agent details

Company/Organisation:	R. Clouston Ltd		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	Robert	Building Name:	<input type="text"/>
Last Name: *	Clouston	Building Number:	10
Telephone Number: *	01856877914	Address 1 (Street): *	Grainshore Drive
Extension Number:	<input type="text"/>	Address 2:	Hatston Industrial Estate
Mobile Number:	<input type="text"/>	Town/City: *	Kirkwall
Fax Number:	<input type="text"/>	Country: *	Orkney
		Postcode: *	KW15 1GG
Email Address: *	enquires@r-clouston.co.uk		

Is the applicant an individual or an organisation/corporate entity? \*

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	Mrs	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	Daisy Cottage
First Name: *	Ingrid	Building Number:	<input type="text"/>
Last Name: *	Grieve	Address 1 (Street): *	Orphir
Company/Organisation:	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	Orphir
Extension Number:	<input type="text"/>	Country: *	Orkney
Mobile Number:	<input type="text"/>	Postcode: *	KW17 2RB
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

## Site Address Details

Planning Authority:

Orkney Islands Council

Full postal address of the site (including postcode where available)

Address 1:

DAISY COTTAGE

Address 2:

ORPHIR

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ORKNEY

Post Code:

KW17 2RB

Please identify/describe the location of the site or sites

Northing

1006303

Easting

335348

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

Yes  No

## Pre-Application Discussion Details Cont.

In what format was the feedback given? \*

Meeting  Telephone  Letter  Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this (This will help the authority to deal with this application more efficiently.) \* (max 500 characters)

To discuss the proposed studio to replace small existing studio, which has now become too small.

Title:

Mr

Other title:

First Name:

Jame

Last Name:

Macvie

Correspondence Reference Number:

Date (dd/mm/yyyy):

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

## Site Area

Please state the site area:

1323.00

Please state the measurement type used:

Hectares (ha)  Square Metres (sq.m)

## Existing Use

Please describe the current or most recent use: \* (Max 500 characters)

Unused garden area.

## Access and Parking

Are you proposing a new altered vehicle access to or from a public road? \*

Yes  No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? \*

Yes  No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make. Including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

0

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? \*

3

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces)

## Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? \*

Yes  No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? \*

- Yes – connecting to public drainage network  
 No – proposing to make private drainage arrangements  
 Not Applicable – only arrangements for water supply required

As you have indicated that you are proposing to make private drainage arrangements, please provide further details.

What private arrangements are you proposing? \*

- New/Altered septic tank.  
 Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed)  
 Other private drainage arrangement (such as chemical toilets or composting toilets)

What private arrangements are you proposing for the New/Altered septic tank? \*

- Discharge to land via soakaway.  
 Discharge to watercourse(s) (including partial soakaway)  
 Discharge to coastal waters.

Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: \*

Septic tank and soakaway.

Do your proposals make provision for sustainable drainage of surface water?? \*  
(e.g. SUDS arrangements) \*

Yes  No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? \*

Yes

No, using a private water supply

No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

## Assessment of Flood Risk

Is the site within an area of known risk of flooding? \*

Yes  No  Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? \*

Yes  No  Don't Know

## Trees

Are there any trees on or adjacent to the application site? \*

Yes  No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

## Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? \*

Yes  No

If Yes or No, please provide further details: \* (Max 500 characters)

Bin store to be constructed to rear of property.

## Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? \*

Yes  No

## All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? \*

Yes  No

## All Types of Non Housing Development – Proposed New Floorspace Details

For planning permission in principle applications, if you are unaware of the exact proposed floorspace dimensions please provide an estimate where necessary and provide a fuller explanation in the 'Don't Know' text box below.

Please state the use type and proposed floorspace (or number of rooms if you are proposing a hotel or residential institution): \*

Don't Know

Gross (proposed) floorspace (In square meters, sq.m) or number of new (additional) Rooms (If class 7, 8 or 8a): \*

81

If Class 1, please give details of internal floorspace:

Net trading spaces:

Non-trading space:

Total:

If Class 'Not in a use class' or 'Don't know' is selected, please give more details: (Max 500 characters)

Artist studio and gallery

## Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) \*

Yes  No  Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*

Yes  No

## Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? \*

Yes  No

Is any of the land part of an agricultural holding? \*

Yes  No

## Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

## Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed. Robert Clouston

On behalf of: Mrs Ingrid Grieve

Date: 28/04/2020

Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? \*

Yes  No  Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? \*

Yes  No  Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13 (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? \*

Yes  No  Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? \*

Yes  No  Not applicable to this application



g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- Site Layout Plan or Block plan.  
 Elevations.  
 Floor plans.  
 Cross sections.  
 Roof plan.  
 Master Plan/Framework Plan.  
 Landscape plan.  
 Photographs and/or photomontages.  
 Other.

If Other, please specify: \* (Max 500 characters)

Provide copies of the following documents if applicable.

- |  |   |   |
|--|---|---|
| A copy of an Environmental Statement. *  | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. *                                   | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> N/A            |
| A Flood Risk Assessment. *   | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. *  | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan  | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. *  | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> N/A |
| Habitat Survey. *  | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. *  | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> N/A |

Other Statements (please specify). (Max 500 characters)

## Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mrs Cindy Mackenzie

Declaration Date: 28/04/2020

## Payment Details

Cheque: x. 1

Created: 30/04/2020 17:17

**AQUAREA HIGH PERFORMANCE**  
**BI-BLOC SINGLE PHASE**  
**HEATING AND COOLING - SDC**



The Aquarea SDC range adapts well in an existing installation with a boiler backup, and in a new application with underfloor heating, low temperature radiators or even fan-coil heaters

This range can also be connected to a solar kit in order to increase efficiency and minimise the impact on the ecosystem. Finally, it is possible to connect a thermostat for better heating and cooling control and management.

**Technical focus**

- New remote control functions
- Efficient control of room temperature based on the outdoor temperature, indoor temperature using the Aquarea Manager.
- Optional Smartphone control
- Range from 7 to 16kW
- Maximum hydraulic module output temperature: 55°C
- Works at temperatures as low as -20°C
- Maximum 30 m rise between the outdoor unit and the hydraulic module
- Cooling temperature range 5 – 20°C

		Single Phase (Power to Indoor)			
Kit		KIT-WC07F3E5	KIT-WC09F3E5	KIT-WC12F6E5	KIT-WC16F6E5
Heating capacity at +7°C (heating water at 35°C)	KW	7.00	9.00	12.0	16.00
COP at +7°C (heating water at 35°C)	W/W	4.46	4.13	4.74	4.28
Heating capacity at +2°C (heating water at 35°C)	KW	6.55	6.70	11.40	13.00
COP at +2°C (heating water at 35°C)	W/W	3.34	3.13	3.44	3.28
Heating capacity at -7°C (heating water at 35°C)	KW	5.15	5.90	10.00	11.40
COP at -7°C (heating water at 35°C)	W/W	2.68	2.52	2.73	2.68
Cooling capacity at 35°C (cooling water at 7/12°C)	KW	6.00	7.00	10.00	12.20
EER at 35°C (cooling water at 7/12°C)	W/W	2.63	2.43	2.81	2.56
Energy Efficiency Class at 35°C				A++	A++
Energy Efficiency Class at 55°C				A++	A++
Indoor Unit		WH-SDC07F3E5	WH-SDC09F3E5	WH-SDC12F6E5	WH-SDC16F6E5
Sound pressure level	Heating / Cooling			33 / 33	
Dimensions / Weight	H x W x D	892 x 502 x 353 / 43		892 x 502 x 353 / 45	892 x 502 x 353 / 46
Water pipe connector			R 1 1/4		
Pump	Number of speeds		7		
	Input power (Min / Max)	34 / 114	40 / 120	34 / 110	30 / 105
Heating water flow (ΔT=5 K, 35°C)	l/min	20.1	25.8	34.4	45.9
Capacity of integrated electric heater	kW	3		6	
Recommended Fuse	A	30 / 30			
Recommended cable size, supply 1 & 2	mm²	3 x 4.0 or 6.0 / 3 x 4.0			
Outdoor Unit		WH-UD07FE5	WH-UD09FE5	WH-UD12FE5	WH-UD16FE5
Sound pressure level	Heating / Cooling	50 / 48	51 / 50	52 / 50	55 / 54
Dimensions / Weight	H x W x D	795 x 900 x 320 / 66		1,340 x 900 x 320 / 101	
Refrigerant (R410A)	kg	1.45		2.55	
Pipe diameter	Liquid / Gas	1/4 / 5/8		3/8 / 5/8	
Pipe length range / Elevation difference (in/out)	m	3 - 30 / 20		3 - 30 / 20	
Pipe length for additional gas / Additional gas amount	m / g/m	10 / 30		10 / 50	
Operation range	Outdoor ambient	-20 - +35			
Water outlet	Heating / Cooling	25 - 55 / 5 - 20			

**Accessories**

PAW-TE10C2E3HI-UK	Tank 180L Slimline HP Tank
PAW-TE10E3STD-UK	Tank 180L Standard Heat Pump Tank
PAW-TE30E3STD-UK	Tank 300L Standard Heat Pump Tank
C2-TK1	Temperature sensor for 3rd party tank
PAW-BTANK50L	Buffer tank 50L

**Accessories**

PA-AW-WIFI-TTE	Wifi interface
PAW-A2W-BIV	Bivalent controller
PAW-FLWMYR-KIT	Connection kit with flow indicator, strain filter and isolation valves
PAW-A2W-RTWIRED	Wired Thermostat

COP classification is at 230 V only in accordance with EU directive 2009/32/EC. Sound pressure measured at 1m from the outdoor unit and at 1.5m height, Heating sound pressure measured at +7°C (heating water at 55°C). Performance in agreement with EN14511.




<b>A++</b> EFP 55°C	<b>A++</b> EFP 35°C	<b>INVERTER</b>	<b>A CLASS</b> WATER PUMP	<b>4.84</b> COP	<b>HEATING MODE</b>	<b>HEATING MODE</b> -20°C	<b>BOILER CONNECTION</b>	<b>SOLAR KIT</b>	<b>INTERNET CONTROL</b>	<b>CONNECTIVITY</b>	<b>5 YEARS</b> COMPRESSOR WARRANTY	<b>7 YEAR</b> WARRANTY	<b>APPROVED PRODUCT</b> MCS
------------------------	------------------------	-----------------	------------------------------	--------------------	---------------------	------------------------------	--------------------------	------------------	-------------------------	---------------------	---------------------------------------	---------------------------	--------------------------------

INTERNET CONTROL: Optional, 5 YEARS COMPRESSOR WARRANTY and EXTENDED 7 YEARS COST OPTION: Exclusively for PRO Partners, MCS APPROVED PRODUCT: For full MCS approved product list please go to [www.microgenerationcertification.org/consumers](http://www.microgenerationcertification.org/consumers) or [www.panasonic.co.uk/DG\\_en/downloads/ethers](http://www.panasonic.co.uk/DG_en/downloads/ethers).

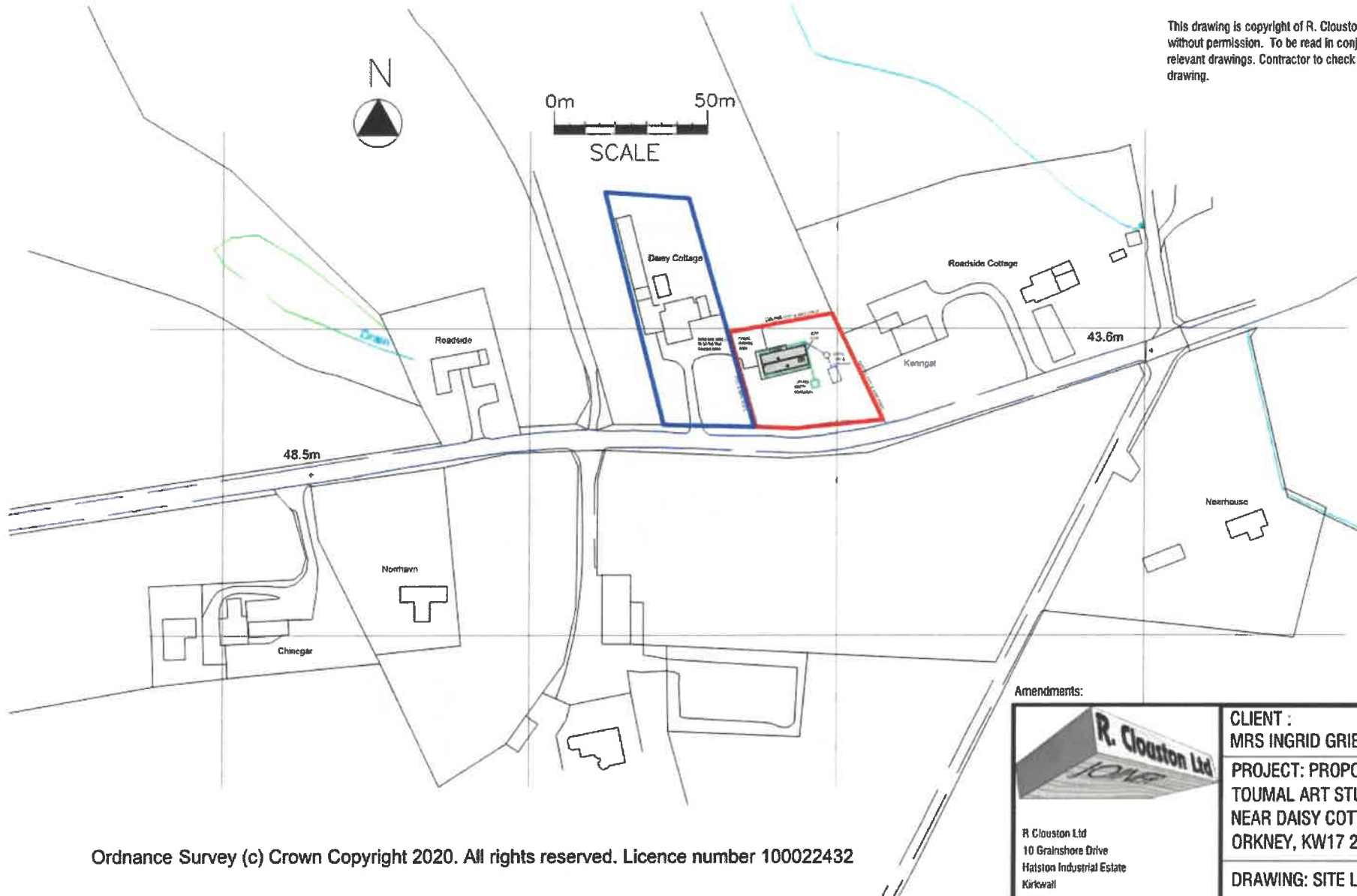
This drawing is copyright of R. Clouston Ltd and may not be reproduced without permission. To be read in conjunction with specification and all relevant drawings. Contractor to check dimension on site. Do not scale from drawing.



Amendments:


 R Clouston Ltd 10 Grainshore Drive Hatston Industrial Estate Kirkwall Orkney KW15 1GG  Tel : 01856 877914 Fax: 01856 877014 Email: enquiries@r-clouston.co.uk Web: www.r-clouston.co.uk		CLIENT : MRS INGRID GRIEVE	
		PROJECT: PROPOSED NEW TOUMAL ART STUDIO NEAR DAISY COTTAGE, ORPHIR, ORKNEY, KW17 2RB	
DRAWING: SITE PLAN			
SCALE : 1:500		A3	
Rev	Date	Drawing No	AME
E2936	02/2020	002	-

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Ordnance Survey (c) Crown Copyright 2020. All rights reserved. Licence number 100022432

Amendments:

		<b>CLIENT :</b> MRS INGRID GRIEVE	
		<b>PROJECT:</b> PROPOSED NEW TOUMAL ART STUDIO NEAR DAISY COTTAGE, ORPHIR, ORKNEY, KW17 2RB	
R Clouston Ltd 10 Grainshore Drive Hatston Industrial Estate Kirkwall Orkney KW15 1GG  Tel : 01856 877914 Fax: 01856 877014 Email: enquiries@r-clouston.co.uk Web: www.r-clouston.co.uk		<b>DRAWING:</b> SITE LOCATION	
		<b>SCALE :</b> 1:1250	A3
Ref: E2936	Date: 02/2020	Drawing No: 001	Attd: -

Proposed New Toulmal Art Studio, Daisy Cottage,  
Orphir, Orkney, KW17 2RB

Design Statement

## Site Appraisal

This design statement is for the erection of a new studio and gallery at Daisy Cottage, Orphir. The Toulmal Art Studio was established in 2014 and a small timber clad studio was erected in the garden area at Daisy Cottage. Over the years the business has flourished and has now outgrown the existing studio.

The new studio would sit just in front of the existing studio, which would be removed. Access to the studio would be taken from the existing house access and a parking area created to the rear of the studio.

Surrounding buildings are mainly detached houses, 1 & 2 storey and a few outbuildings.

## Design Solution

By studying the surrounding buildings and taking these forms, proportions, details and materials and including them in the proposed studio to create an overall integrated design to the local area.

The plan is designed to be simple and practical in order to help reduce heating costs, build costs and maximise useable space for painting and displaying paintings. The external features and form reflect the simplicity of the plan, the metal sheet roof and timber clad walls, create a modern building and links back to the original 'garden shed' studio. Fenestration is also designed using traditional proportions, all openings in the building are designed only where necessary, to enjoy the scenic views over Scapa Flow, gain from natural lighting and create an exciting and welcoming gallery and working area.

Notwithstanding the traditional forms and massing, the construction of the studio will utilise super insulated construction methods with U-values beyond the minimum standard required by current Building Regulations in order to provide a design that is modern in spirit yet rooted in the rural tradition. In addition to this, sustainable energy measures include all heating and hot water would be provided by an air source heat pump.

## DEVELOPMENT AND INFRASTRUCTURE

**Executive Director:** Gavin Barr, BSc Hons, MSc URP, MRTPI  
Council Offices, Kirkwall, Orkney, KW15 1NY

Tel: 01856 873535 Website: [www.orkney.gov.uk](http://www.orkney.gov.uk)  
Email: [planning@orkney.gov.uk](mailto:planning@orkney.gov.uk)



7th May 2020

Mrs Ingrid Grieve  
c/o R Clouston Ltd  
10 Grainshore Drive  
Hatston Industrial Estate  
Kirkwall  
Orkney  
KW15 1FL

### TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS 2013 INCOMPLETE APPLICATION

Dear R Clouston Ltd

Ref No: 20/170/PP  
Type: Planning Permission  
Location: Daisy Cottage, Orphir, Orkney, KW17 2RB  
Proposal: Erect an artist studio and gallery

Your application was assessed as deficient on 7th May 2020.

A deficient application is one where the information submitted has not met the requirements necessary to register an application, as stipulated in the The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

In this case, the application was determined to be deficient in the following respect(s):

01. **Elevations** - include eave and ridge heights
02. **Operation of gallery** -  
confirm whether the building would be open to visiting members of the public.  
confirm proposed opening hours.

Note that the application cannot be registered as valid until all information is provided in accordance with statutory requirements. To avoid further delay, all required information should be submitted as soon as possible. If the information is not submitted within 28 days of this correspondence, the application and all associated documents (and fee) will be returned.

Yours sincerely

Development Management  
Development and Infrastructure  
Council Offices  
School Place  
Kirkwall  
Orkney  
KW15 1NY

Tel: 01856 873535 ext. 2504 Email: [planning@orkney.gov.uk](mailto:planning@orkney.gov.uk)

**planning**

---

**To:** Cindy Mackenzie  
**Subject:** RE: 20/170/PP - Daisy Cottage, Orphir

**From:** Cindy Mackenzie <cindy@r-clouston.co.uk>  
**Sent:** 18 May 2020 12:14  
**To:** planning <planning@orkney.gov.uk>  
**Cc:** Bob Clouston <bob@r-clouston.co.uk>; Ingrid Grieve  
**Subject:** 20//170/PP - Daisy Cottsgge, Orphir

Hi,

Please find attached a revised elevations drawing confirming external dimensions.

The proposed gallery opening hours are –

10 – 5 daily from April – December  
Appointment only during January – March.

I trust you will find all to be in order.

Kind regards  
Cindy



**Consultee List**Application Number 20/170/PP

- Roads Services
- Scottish Water
- Development & Marine Planning - Policy
- Environmental Health

### Neighbour Notification List

From the 3rd August 2009 the responsibility for Neighbour Notification transferred from the applicant to Orkney Islands Council. The Council will send out Notices to those having an interest in land coterminous with or within 20 metres of the boundary of the land for which development is proposed. Where there are no premises on this land and where the Council is unable to identify a relevant address to which notification can be sent, it will advertise this in the local press.

Below is a list of the properties notified for this application.

#### Application Number 20/170/PP

- Karingal, Orphir, Orkney Islands, KW17 2RB
- Roadside Cottage, Orphir, Orkney Islands, KW17 2RB

**Number of neighbours notified: 2**

**DEVELOPMENT AND INFRASTRUCTURE**

**Executive Director:** Gavin Barr, BSc Hons, MSc URP, MRTPI  
Council Offices, Kirkwall, Orkney, KW15 1NY

Tel: (01856) 873535 Website: [www.orkney.gov.uk](http://www.orkney.gov.uk)  
Email: [planning@orkney.gov.uk](mailto:planning@orkney.gov.uk)



---

26th May 2020

Mrs Ingrid Grieve  
c/o R Clouston Ltd  
10 Grainshore Drive  
Hatston Industrial Estate  
Kirkwall  
Orkney  
KW15 1FL

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS  
DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS 2013  
REQUEST FOR FURTHER INFORMATION**

Dear R Clouston Ltd

Ref No: 20/170/PP  
Type: Planning Permission  
Location: Daisy Cottage, Orphir, Orkney, KW17 2RB  
Proposal: Erect an artist studio and gallery and install an air source heat pump

I refer to your planning application, details of which are given above. The following additional information is required to enable me to process your application:

Submit amended location and site plans showing the agricultural shed North of the application site.

I should be obliged if you could provide me with this information by 9 June 2020. If you are unable to comply with this request within this time, please let me know when you will be able to do so, and if you are agreeable to the 2 month period for determination of the application being extended accordingly.

Yours sincerely

Mr Jamie Macvie  
Planning Manager

**From:** Paul Turner <Paul.turner@orkney.gov.uk>  
**Sent:** 27 May 2020 12:13  
**To:** planningconsultation <planningconsultation@orkney.gov.uk>  
**Subject:** 20/170/PP | Erect an artist studio and gallery and install an air source heat pump | Daisy Cottage, Orphir, Orkney, KW17 2RB

**Classification: NOT PROTECTIVELY MARKED**

20/170/PP | Erect an artist studio and gallery and install an air source heat pump | Daisy Cottage, Orphir, Orkney, KW17 2RB

Having considered the information provided Environmental Health recommend that if development permission is granted the following planning conditions are attached to any approval:-

Total noise from the Air Source Heat Pump(s) installed shall not exceed NR25 within any residential property outwith 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.

Hours of opening to the public shall be limited to 09:00 to 18:00 any day of the week all year round.

In the interest of Residential Amenity

We also recommend planners apply a condition restricting the type and nature of any Craft/Art work/Processes carried on at the premises in order to avoid the risk that a future change in the nature of the work/processes carried on site, which could be within the same Use Class but amount to a significant change with potential impacts on residential properties outwith the development, are controlled

For example:-

No additional plant or machinery shall be installed on the premises without the prior approval of the Planning Authority.

In the interest of residential amenity

Regards  
Paul

Paul Turner  
Environmental Health Officer

Wednesday, 27 May 2020



Local Planner  
Development Management, Development and Infrastructure  
Orkney Islands Council  
Kirkwall  
KW15 1NY

Development Operations  
The Bridge  
Buchanan Gate Business Park  
Cumbernauld Road  
Stepps  
Glasgow  
G33 6FB

Development Operations  
Freephone Number - 0800 3890379  
E-Mail - [DevelopmentOperations@scottishwater.co.uk](mailto:DevelopmentOperations@scottishwater.co.uk)  
[www.scottishwater.co.uk](http://www.scottishwater.co.uk)

Dear Sir/Madam

**SITE: Daisy Cottage, Orphir, Orkney, KW17 2RB**  
**PLANNING REF: 20/170/PP**  
**OUR REF: DSCAS-0014790-PMK**  
**PROPOSAL: Erect an artist studio and gallery and install an air source heat pump**

**Please quote our reference in all future correspondence**

### **Audit of Proposal**

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

### **Water Capacity Assessment**

Scottish Water has carried out a Capacity review and we can confirm the following:

- ▶ This proposed development will be fed from Kirbister Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity currently so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water via [our Customer Portal](#) or contact Development Operations.

### **Waste Water Capacity Assessment**

- ▶ Unfortunately, according to our records there is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options.



To find out more about connecting your

property to the water and waste water supply visit:



#### So, how are we doing?

We'd love to know what we're doing well or could do better. We promise we're listening, [click here](#) to tell us.



## Please Note

- ▶ The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

## Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

### General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
  - ▶ Site Investigation Services (UK) Ltd
  - ▶ Tel: 0333 123 1223
  - ▶ Email: [sw@sisplan.co.uk](mailto:sw@sisplan.co.uk)
  - ▶ [www.sisplan.co.uk](http://www.sisplan.co.uk)
- ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.
- ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.



To find out more about connecting your

property to the water and waste water supply visit:



### So, how are we doing?

We'd love to know what we're doing well or could do better. We promise we're listening. [click here](#) to tell us.



- ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
- ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).

## **Next Steps:**

### ▶ **All Proposed Developments**

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

### ▶ **Non Domestic/Commercial Property:**

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at [www.scotlandontap.gov.uk](http://www.scotlandontap.gov.uk)

### ▶ **Trade Effluent Discharge from Non Dom Property:**

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and laundrettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email [TEQ@scottishwater.co.uk](mailto:TEQ@scottishwater.co.uk) using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).



To find out more about connecting your

property to the water and waste water supply visit:



#### So, how are we doing?

We'd love to know what we're doing well or could do better. We promise we're listening. [click here](#) to tell us...



- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.
- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at [www.resourceefficientscotland.com](http://www.resourceefficientscotland.com)

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at [planningconsultations@scottishwater.co.uk](mailto:planningconsultations@scottishwater.co.uk).

Yours sincerely,

**Planning Application Team**  
Development Operations Analyst  
[developmentoperations@scottishwater.co.uk](mailto:developmentoperations@scottishwater.co.uk)

#### 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."*



To find out more about connecting your

property to the water and waste water supply visit:



>>

**So, how are we doing?**

We'd love to know what we're doing well or could do better

We promise we're listening

[click here](#) to tell us..



**INTERNAL MEMORANDUM TO: Roads Services**

Date of Consultation	26th May 2020
Response required by	16th June 2020
Planning Authority Reference	20/170/PP
Nature of Proposal (Description)	Erect an artist studio and gallery and install an air source heat pump
Site	Daisy Cottage, Orphir, Orkney, KW17 2RB
Proposal Location Easting	335348
Proposal Location Northing	1006303
Area of application site (Metres)	1316
Supporting Documentation URL	<a href="http://planningandwarrant.orkney.gov.uk/online-applications/">http://planningandwarrant.orkney.gov.uk/online-applications/</a>  Please enter - 20/170/PP
PA Office	Development Management
Case Officer	Mr Jamie Macvie
Case Officer Phone number	01856 873535 EXT 2529
Case Officer email address	jamie.macvie@orkney.gov.uk
PA Response To	planningconsultation@orkney.gov.uk

**Comments:**

No adverse comment it is still however requested that the informative noted below is applied to any planning permission that may be granted.

**INFORMATIVE**

One or more separate consents may 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.

D.W.

Daisy Cottage  
Orphir  
Orkney  
KW17 2RB



Ref no:20/170/PP

Dear Sir/Madam

Toumal Art Studio started trading in 2014. The business has increased each year beyond expectations until the small garden studio 4mx2.5m is no longer fit for purpose. Canvases, frames etc are having to be stored in my fathers shed in Stromness and often piled up in my hall with printers, mounts and cards taking up the spare room. A new purpose- built building would mean everything could be kept in one place and create a much more efficient workspace. This would be essential for the business to grow, expand and allow a much improved customer experience.

I have built up a good customer base with collectors local, national and international and this year alone have posted to USA, Germany, Norway, The Netherlands and throughout the Uk and been well supported by the local communtiy. With a dedicated work space and plenty of storage I would be able to extend my opening hours, welcome more visitors and develop a better online presence.

We already own the land that the proposed studio would be built on looking out onto Scapa Flow and the South Isles. Customers visiting the studio often remark on the view and take time to stop and admire the scenery. A new studio with large floor to ceiling windows would create a light and roomy gallery area separate from, but still accessible to, the work area so customers could continue to see work in progress. Disabled access and disable access toilet would expand my customer base and allow me to offer workshops/painting classes. We also own the land to the back of the site, 27 acres in all, most of which is crofted. The land is quite diverse with heather, marsh areas, lowland heath and areas that have been cultivated and we hope to develop this in the next few years and offer our customers a nature walk.

This could also be used for art workshops offering an outside drawing or painting experience in a safe environment.

I am part of the Orkney Creative Trail and we feel that a new purpose built studio would elevate the business to the high standard of many other businesses that are part of Creative Orkney and offer something unique to our visitors. We would also like to welcome locals, visitors, schools, groups and societies as the business develops.

All my work is based on Orkney's unique landscape, weather, history and sea and we believe that customers get a better understanding of my work if they can see the environment that inspires me.

Yours sincerely  
Ingrid Grieve

**INTERNAL MEMORANDUM TO: Development & Marine Planning**

Date of Consultation	26th May 2020
Response required by	16th June 2020
Planning Authority Reference	20/170/PP
Nature of Proposal (Description)	Erect an artist studio and gallery and install an air source heat pump
Site	Daisy Cottage, Orphir, Orkney, KW17 2RB
Proposal Location Easting	335348
Proposal Location Northing	1006303
Area of application site (Metres)	1316
Supporting Documentation URL	<a href="http://planningandwarrant.orkney.gov.uk/online-applications/">http://planningandwarrant.orkney.gov.uk/online-applications/</a>  Please enter - 20/170/PP
PA Office	Development Management
Case Officer	Mr Jamie Macvie
Case Officer Phone number	01856 873535 EXT 2529
Case Officer email address	jamie.macvie@orkney.gov.uk
PA Response To	planningconsultation@orkney.gov.uk

**Comments:**

This proposed development is for the creation of a new builtform at Daisy Cottage, Orphir to form an artist studio and gallery that will be open to the public throughout April to December from 10 until 5 and then my appointment only during January – March.

Although the studio is operational from this location, it does not have planning consent for this use at this location. This use is therefore considered to be new in planning terms.

Policy 4 – Business, Industry and Employment of the Orkney Local Development Plan 2017 (OLDP2017) at Section B considers a countryside location. This states that in line with the sequential approach set out in the Town Centre First Principle, commercial developments, excluding Use Class 5 – General Industrial and Use Class 6 – Storage or Distribution, at or adjacent to an existing dwelling (home working); or the redevelopment of existing buildings or a brownfield site to form a new business, (where the application site falls entirely within the confines of the redevelopment site), will be supported subject to relevant plan policies. The development of a new business in the countryside, including the diversification of an existing rural business, will be supported where there is a demonstrable locational requirement for the business that requires it not to be situated within a settlement or on a site described.

This policy notes support for homeworking. The applicant home address is given as Daisy Cottage. All new businesses require to demonstrate locational requirement for the business as to why a location out with a settlement is not required. Within this application, this information is limited to the land being owned by the applicant and having good views. This does not link the business to the location.

Policy 4 notes the sequential approach set out in the Town Centre First Principle. This is in Policy 3 of the OLDP2017. This policy looks to have located within the town centres first (Kirkwall and Stromness) uses with footfall that support vibrancy, vitality and viability. Retail and cultural facilities are noted as uses that attract footfall. This approach then notes 2 – Edge of Town Centres, 3 – Within Settlement Boundaries and 4 – Outwith Settlement Boundaries. Could the use proposed be located within a town centre or within a settlement boundary; supporting our retail and commercial locations and their economic sustainability?

Additionally, locations within settlements (whether within a retail centre or not) can be accessed more readily by active or public transport networks and not necessarily by private car. The Spatial Strategy of the Plan notes that the Plan seeks to support the growth of Orkney's communities in a sustainable manner, ensuring that development is directed in the first instance to places with sufficient infrastructure and facilities to support sustainable social and economic development; the towns, villages and rural settlements of the Plan.

This proposed development does not accord with the Policy 3 and 4 of the OLDP2017.

SS – 17/07/2020

**REFUSE PLANNING PERMISSION  
DELEGATED DECISION**



**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT, 1997 (as amended) ("The Act")  
DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS 2013**

**Ref: 20/170/PP**

Mrs Ingrid Grieve  
c/o R Clouston Ltd  
10 Grainshore Drive  
Hatston Industrial Estate  
Kirkwall  
Orkney  
KW15 1FL

With reference to your application registered on 18th May 2020 for planning permission for the following development:-

**PROPOSAL:** Erect an artist studio and gallery and install an air source heat pump

**LOCATION:** Daisy Cottage, Orphir, Orkney, KW17 2RB

Orkney Islands Council in exercise of its powers under the above Act and Regulations, hereby **REFUSE Planning Permission for the reason(s) outlined on the next page.**

The plans to which this decision relates are those identified in Schedule 1 attached.

**The Council's reasoning for this decision is:** The development is considered contrary to Policies 1 and 2 and is clearly contrary to Policies 3A and 4B. There are no material considerations which would outweigh the relevant Orkney Local Development Plan policies, or which can justify an outcome other than refusal of the application. The application is contrary to pre-application advice, and the aim of the Plan to protect the character of Orkney's rural areas, and the defined villages and rural settlements as service centres throughout the County.

(For further detail you may view the Report of Handling for this case by following the Online Planning link on the Council's web page and entering the reference number for this application).

Decision date: 27th August 2020

Jamie Macvie MRTPI, Planning Manager, Development Management, Orkney Islands Council, Council Offices, Kirkwall, Orkney, KW15 1NY

## REASONS FOR REFUSAL

01. The proposed commercial use would not reflect or be sympathetic to the nature or character of the local area, which is predominantly a typical rural mix of agriculture and houses. The development is therefore considered contrary to Policies 1 and 2 of the Orkney Local Development Plan 2017.

02. Limited weight can be given to the particular applicant, goods or size of the premises. The proposed display and retail sale of art and other goods could generate significant footfall, in a location outwith a settlement boundary and therefore contrary to the sequential approach set out in policy 3A. No justification or specific locational requirement has been provided that outweighs consideration in relation to policy 3A, which seeks to protect roads and other infrastructure, the character of Orkney's rural areas, and the defined villages and rural settlements as service centres. The development would be open to visiting members of the public and is therefore not home working. The development is therefore contrary to Policies 3A and 4B of Orkney Local Development Plan 2017.

Ref: 20/170/PP

**SCHEDULE 1 – PLANS, VARIATIONS AND ANY OBLIGATION****1. Plans and Drawings**

The plans and drawings to which this decision relates are those identified below:

Floor & Elevation Plans	OIC-03	1
Location Plan	OIC-01	2
Site Plan	OIC-02	2

**2. Variations**

If there have been any variations made to the application in accordance with section 32A of the Act these are specified below:

Date of Amendment:

Reasons

## RIGHT TO SEEK A REVIEW

If you are unhappy with the terms of this decision you have a right to ask for a review of your planning decision by following the procedure specified below.

### PROCEDURE FOR REQUESTING A REVIEW BY THE LOCAL REVIEW BODY

1. If the applicant is aggrieved by the decision of the Appointed Officer to:
  - a. Refuse any application, or
  - b. Grant permission subject to conditions.

In accordance with the Town and Country Planning (Scheme of Delegation and Local Review Procedure) (Scotland) Regulation 2008, the applicant may apply to the Local Review Body within three months from the date of this notice for a review of that decision.

Forms to request a review are available from either address below, or from <http://www.orkney.gov.uk/Service-Directory/D/appeal-a-decision.htm>

2. Completed forms to request a review should be submitted to the address below:

Committee Services  
 Chief Executive's Service  
 Orkney Islands Council  
 Council Offices  
 School Place  
 KIRKWALL  
 Orkney  
 KW15 1NY

and at the same time a copy of the notice for a review should be sent to:

Planning Manager (Development Management)  
 Development and Infrastructure  
 Orkney Islands Council  
 Council Offices  
 School Place  
 KIRKWALL  
 Orkney  
 KW15 1NY

Email: [planning@orkney.gov.uk](mailto:planning@orkney.gov.uk)

3. If permission to develop land is refused or granted subject to conditions, whether by the planning authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Act.



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**ORKNEY ISLANDS COUNCIL**  
 Town & Country Planning  
 Planning (Scotland) Acts




**REFUSED**  
**ORKNEY**  
 ISLANDS COUNCIL

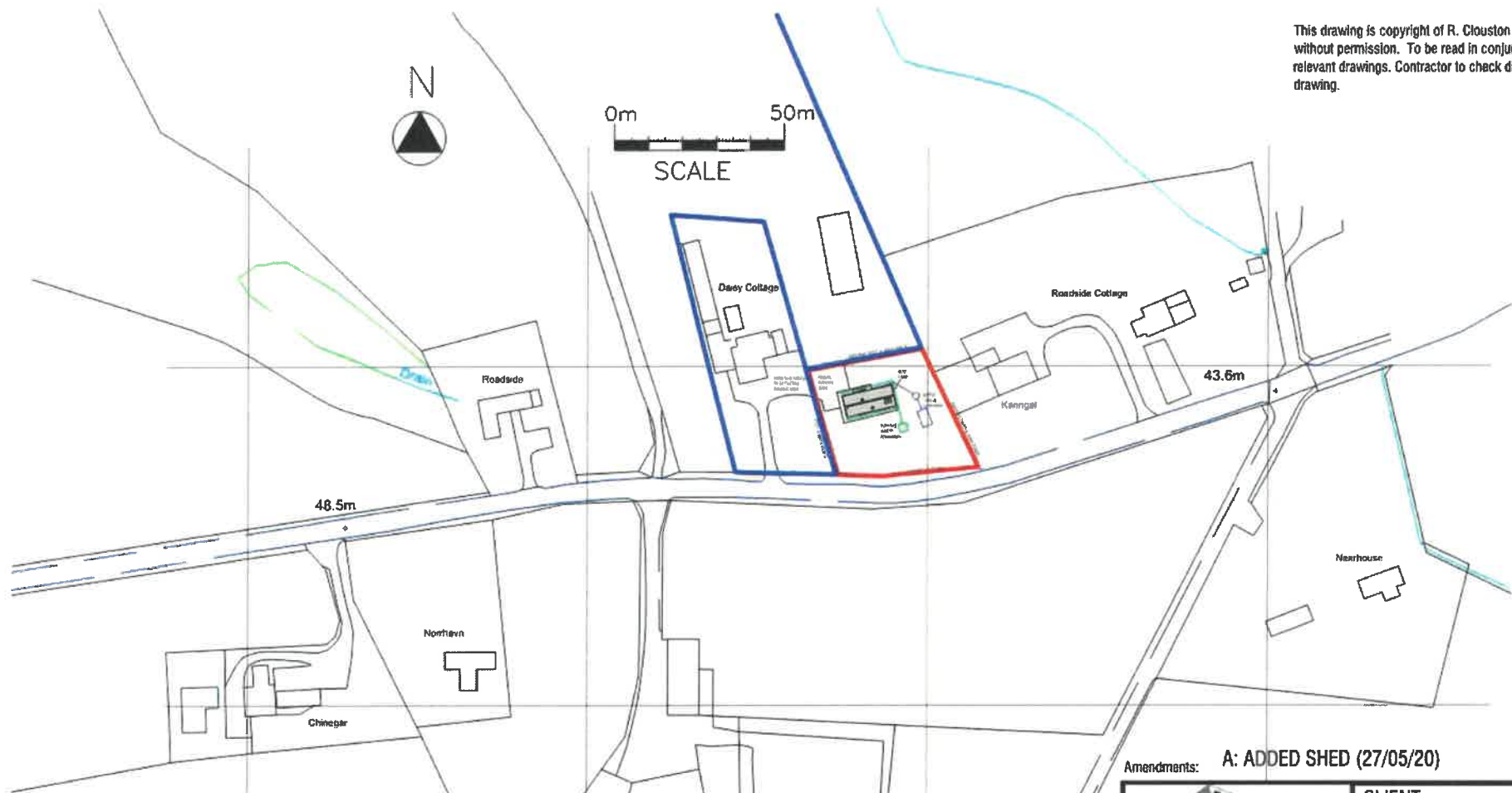
Application Number: 20/170/PP  
 Date: 27 August 2020

A: ADDED SHED (27/05/20)

Amendments:

 R Clouston Ltd 10 Grainshore Drive Halston Industrial Estate Kirkwall Orkney KW15 1GG  Tel : 01856 877914 Fax: 01856 877014 Email: enquiries@r-clouston.co.uk Web: www.r-clouston.co.uk		CLIENT : MRS INGRID GRIEVE	
		PROJECT: PROPOSED NEW TOUMAL ART STUDIO NEAR DAISY COTTAGE, ORPHIR, ORKNEY, KW17 2RB	
		DRAWING: SITE PLAN	
SCALE : 1:500		A3	
Ref: E2936	Date: 02/2020	Drawing No: 002	Area: A

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Amendments: A: ADDED SHED (27/05/20)

**ORKNEY ISLANDS COUNCIL**  
 Town & Country Planning  
 Planning (Scotland) Acts

**REFUSED**

Application Number: 20/170/PP  
 Date: 27 August 2020



**ORKNEY**  
 ISLANDS COUNCIL

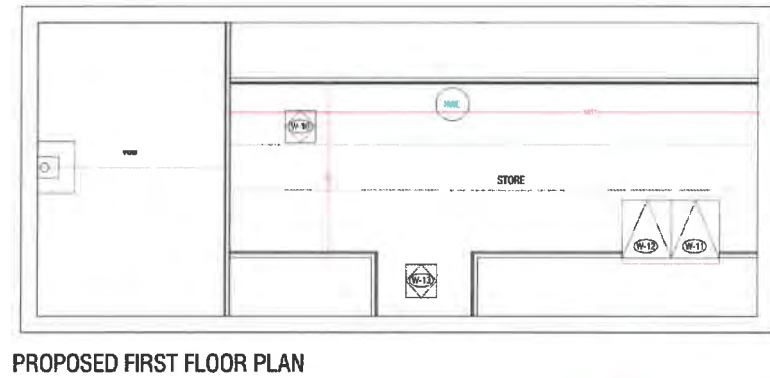
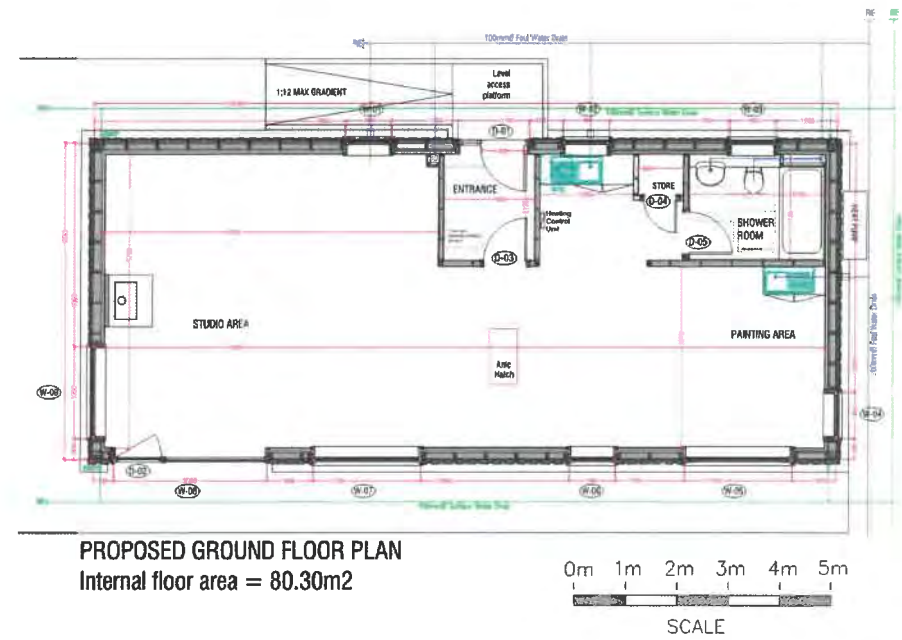
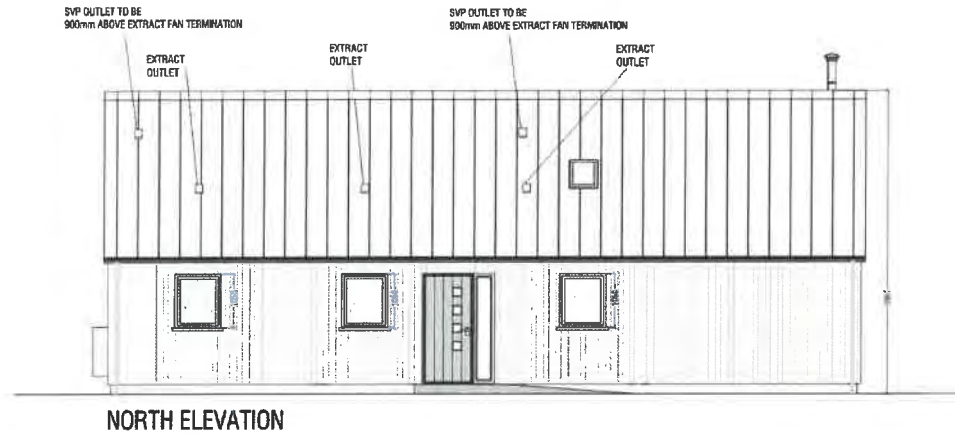
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R Clouston Ltd  
 10 Grainshore Drive  
 Hatston Industrial Estate  
 Kirkwall  
 Orkney  
 KW15 1GG

Tel : 01856 877914  
 Fax: 01856 877014  
 Email: enquiries@r-clouston.co.uk  
 Web: www.r-clouston.co.uk

<b>CLIENT :</b> MRS INGRID GRIEVE			
<b>PROJECT:</b> PROPOSED NEW TOUMAL ART STUDIO NEAR DAISY COTTAGE, ORPHIR, ORKNEY, KW17 2RB			
<b>DRAWING:</b> SITE LOCATION			
<b>SCALE :</b> 1:1250		A3	
Ref:	Date:	Drawing No:	Acad:
E2936	02/2020	001	A



- EXTERNAL FINISHES:-**
- ROOF:- PROFILE METAL SHEETING - DARK GREY
  - WALLS:- SCOTCH LARCH LEFT TO WEATHER NATURALLY
  - WINDOWS & DOORS:- uPVC - ANTHRACITE GREY
  - ROOFLIGHTS:- VELLUX - FK06 (660x1178mm) & PK08 (940x1400mm)
  - FASCIAS & SOFFITS:- SCOTCH LARCH LEFT TO WEATHER NATURALLY
  - AIR SOURCE HEAT PUMP:- PANASONIC SYSTEM

**ORKNEY ISLANDS COUNCIL**  
 Towns & Country Planning  
 Planning (Scotland) Act

**REFUSED**

Application Number: 20/170/799  
 Date: 27 August 2020

**ORKNEY COUNCIL**

CT: PROPOSED NEW  
 TOWNAL ART STUDIO  
 NEAR DAISY COTTAGE, ORPHIR,  
 ORKNEY, KW17 2RB

DRAWING: PROPOSED PLANS  
 AND ELEVATIONS

SCALE: 1:50 A1

E2936	02/2020	003
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R Cleaton Ltd  
 19 Bracken Drive  
 Hadden, Westwood, Fife  
 Kirkcaldy  
 KY11 1UG

Tel: 01856 877814  
 Fax: 01856 877014  
 Email: enquiries@rc-cleaton.co.uk  
 Web: www.rc-cleaton.co.uk