

Item: 4.1

Local Review Body: 9 February 2023.

Proposed Conversion of Former Shop and House to Four Flats at 5-7 King Street, Kirkwall (22/264/PP).

Report by Corporate Director for Strategy, Performance and Business Solutions.

1. Purpose of Report

To determine a review of the decision of the Appointed Officer to refuse planning permission for the proposed conversion of a former shop and house to four flats at 5-7 King Street, Kirkwall (22/264/PP).

2. Recommendations

The Local Review Body is invited to note:

2.1.

That planning permission for the proposed conversion of a former shop and house to four flats at 5-7 King Street, Kirkwall, was refused by the Appointed Officer on 14 November 2022, 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 22/264/PP relates to the proposed conversion of a former shop and house to four flats at 5-7 King Street, Kirkwall.

3.2.

The Appointed Officer refused the planning application on 14 November 2022 on the following grounds:

3.2.1.

The proposed intensification of the existing access would result in an unacceptable level of risk to public health and safety. The development is therefore contrary to Policy 1(vi): Criteria for All Development of Orkney Local Development Plan 2017.

3.2.2.

The access junction with the public road does not meet the necessary visibility splay in accordance with roads authority requirements. Roads Services has therefore objected to the development. The proposed development would not protect the safety of road users and is therefore considered contrary to Policy 14C (ii and iii): Transport, Travel and Road Network Infrastructure 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 5-7 King Street, Kirkwall, was undertaken at 14:00 on 9 February 2023.

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, an indication of relevant matters, in respect of potential planning conditions, are as follows:

- Parking.
- Materials and finishes.
- Window specification W11 and W12.
- Boundary wall.
- Surface water drainage.
- Hours of construction work.
- External Lighting.

4.3.1.

All conditions should be in accordance with [Planning Circular 4/1998](#) regarding the use of conditions in planning permissions.

4.4.

If the decision is reversed and the development is approved, it is proposed that powers be delegated to the Corporate Director for Strategy, Performance and Business Solutions, in consultation with the Planning Advisor and the Legal Advisor, to determine the necessary conditions, based on the relevant matters, agreed in terms of section 4.3 above.

4.5.

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 [here](#). Although the Orkney Local Development Plan 2017 is “out-of-date” and has been since April 2022, it is still a significant material consideration when considering planning applications. The primacy of the plan should be maintained until a new plan is adopted. However, the weight to be attached to the Plan will be diminished where policies within the plan are subsequently superseded.

5.2.1.

The policies listed below are relevant to this application:

- Orkney Local Development Plan 2017:
 - Policy 1 – Criteria for All Development.
 - Policy 2 – Design.
 - Policy 5 – Housing.
 - Policy 8 – Historic Environment and Cultural Heritage.
 - Policy 13 – Flood Risk, SUDS and Waste Water Drainage.
 - Policy 14 – Transport, Travel and Road Network Infrastructure.
- Supplementary Guidance:
 - Historic Environment and Cultural Heritage.
- Planning Policy Advice:
 - Historic Environment (Topics and Themes).
 - Amenity and Minimising Obtrusive Lighting (2021).

5.2.2.

National Planning Framework 4 (NPF4) was approved by Parliament on 11 January 2023 but will not be formally adopted until 13 February 2023. Once adopted, NPF4 will form part of the statutory Development Plan alongside the Orkney Local Development Plan 2017 and provide the national planning policy context and agenda for the assessment of all planning applications. During the period prior to being adopted, NPF4 is regarded as a significant material consideration. There is not considered to be any significant conflict between the policies of the Orkney Local Development Plan 2017 relevant to the assessment of this application and detailed in paragraph 5.2.1 and the policies of NPF4.

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

Karen Greaves, Corporate Director for Strategy, Performance and Business Solutions, extension 2202, Email karen.greaves@orkney.gov.uk

Angela Kingston, Clerk to the Local Review Body, Email angela.kingston@orkney.gov.uk

Roddy MacKay, Planning Advisor to the Local Review Body, extension 2530, Email roddy.mackay@orkney.gov.uk

Georgette Herd, Legal Advisor to the Local Review Body, Email georgette.herd@orkney.gov.uk

10. Appendices

Appendix 1 – Notice of Review (pages 1 – 20).

Appendix 2 – Planning Handling Report (pages 21 – 26).

Appendix 3 – Planning Services File (pages 27 – 74).

Appendix 4 – Decision Notice and Reasons for Refusal (pages 75 – 81).

Pages 1 to 81, can be viewed at [here](#), clicking on “Accept and Search” and inserting the planning reference “22/264/PP”.



Council Offices School Place Kirkwall KW15 1NY Tel: 01856 873 535 (ex 2504) Email: 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 100584540-004

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:	John D. Crawford Ltd		
Ref. Number:	JDC/1694	You must enter a Building Name or Number, or both: *	
First Name: *	John	Building Name:	
Last Name: *	Crawford	Building Number:	72
Telephone Number: *	01674672064	Address 1 (Street): *	New Wynd
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Montrose
Fax Number:		Country: *	Scotland
		Postcode: *	DD10 8RF
Email Address: *	admin@johndcrawford.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"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text" value="14"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="Craigmore Road"/>
Company/Organisation	<input type="text" value="Isle of Bute Jewellery Ltd"/>	Address 2:	<input type="text" value="Rothesay"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Isle of Bute"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="PA20 9LB"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="info@crawfordarchitecture.co.uk"/>		

Site Address Details

Planning Authority:

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

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)

Conversion of former retail unit and existing maisonette to form 4no two and three bedroom apartments

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.

We are seeking review of this refusal on the basis that there is ample parking within the application site and out with in the town centre area and although Roads dept flagged up issues with the access we had provided remediation to assist with this concern. It was also noted that recently approved application 22/119/PP was approved by local councillors against roads dept comments where no parking is provided to a 14 unit development near by our application site.

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)

Existing Floor Plans, Elevations, Site Plan and Location Plan Proposed Floor Plans and Site Plan Proposed Elevations and 3D Images Appeal Statement Design & Access Statement

Application Details

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

22/264/PP

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

20/07/2022

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

14/11/2022

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

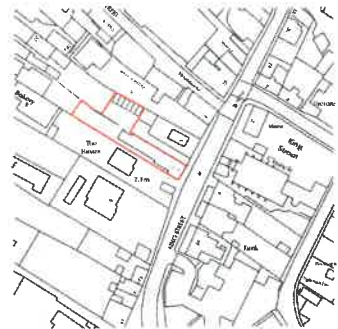
Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number,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

Declare – Notice of Review

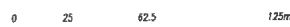
I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr John Crawford

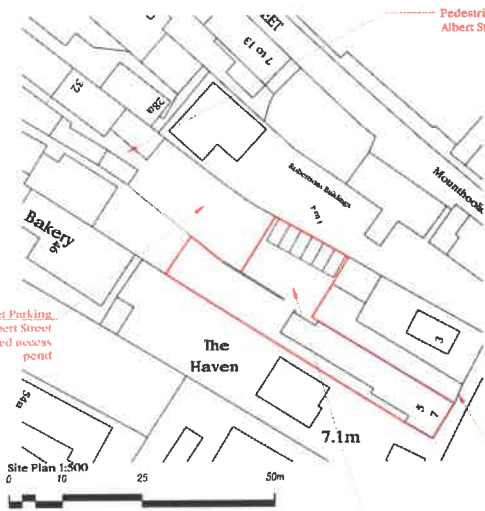
Declaration Date: 14/12/2022



Location Plan 1:1250



SCALE 1:1250



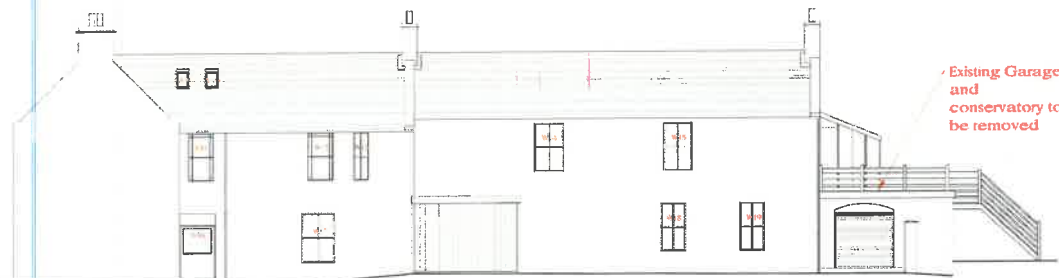
Site Plan 1:300



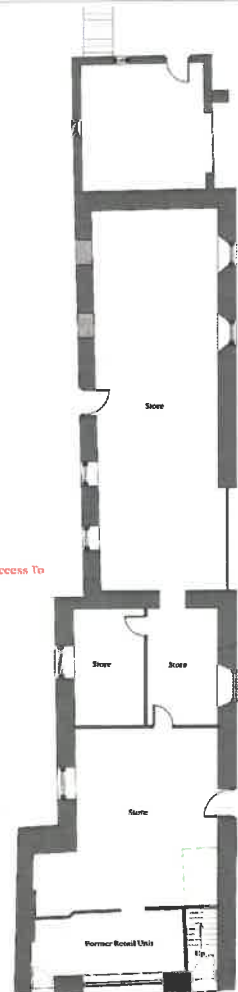
SCALE 1:500

Existing Off Street Parking Area for 5 & 7 King Street

Communal Access To Parking Area



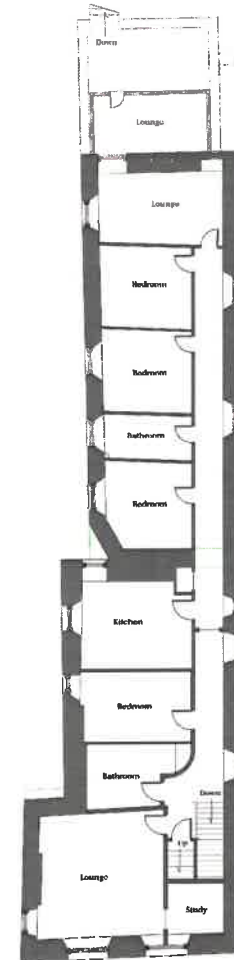
Existing North East Elevation 1:100



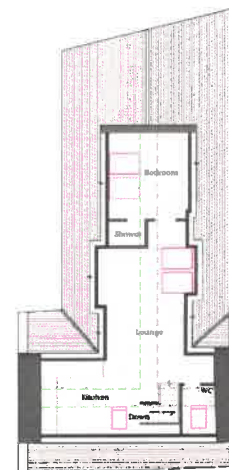
Existing Ground Floor Plan 1:100



SCALE 1:100



Existing First Floor Plan 1:100



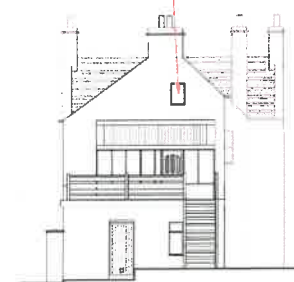
Existing Second Floor Plan 1:100



Existing South West Elevation 1:100



Existing South East Elevation 1:100



Existing North West Elevation 1:100

This drawing is solely for the purposes of obtaining Planning Approval. The drawing may be suitable for constructional purposes but it may be necessary to augment and/or amend this information. No liability will be accepted for any omission should the drawing be used for constructional purposes.

Do not scale this drawing for constructional purposes.

Date of Issue	Day	Month	Year	REV			
				A	B	C	D
	01	10	18				
	21	10	18				

Client: Isle of Bute Jewellery Ltd

Project: Conversion of former retail units and existing structure to form 4no apartments at 5-7 King Street, Kirkwall, Orkney, KW15 1JF

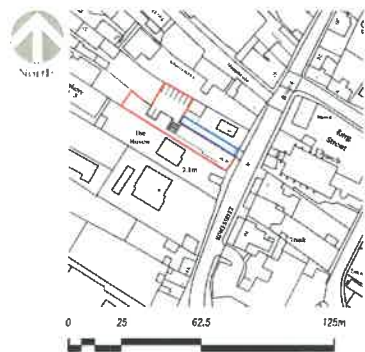
Title: Existing Floor Plans, Elevations, Site Plan and Location Plan

Drawing Ref: JDC - 1694 -001

CRAWFORD
architecture

10% + Address
72 New Wood Mountain, Angus, DD10 1RF
Tel: 0174 672091

This drawing is solely for the purposes of obtaining Planning Approval. The drawing may be suitable for constructional purposes but it may be necessary to augment and/or amend this information. No liability will be accepted for any omission should the drawing be used for constructional purposes. Do not scale this drawing for construction purposes.



SCALE 1:1250
Location Plan 1:1250
Site Area - 638m²

All Drainage both foul and surface water will be discharged to the existing drainage systems as no extra loadings will occur.



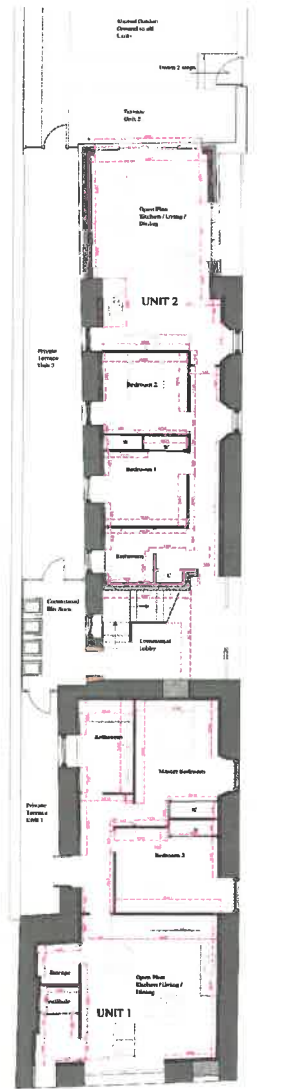
SCALE 1:500
Site Plan 1:500

Area Outlined in Blue noted as shared ownership access to site.

*Painted build outs to accommodate required visibility splay for egress from parking areas.

- Existing Off Street Parking Area for 30 @ 32 Albert Street accesses off shared access point
- Communal Off Street Parking for 8 vehicles
- Communal Access To Parking

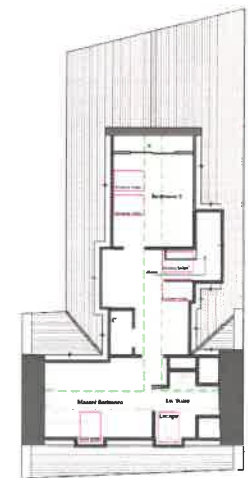
Traffic Calming Measure if required.



Proposed Ground Floor Plan 1:100
SCALE 1:100



Proposed First Floor Plan 1:100
SCALE 1:100



Proposed Second Floor Plan 1:100
SCALE 1:100

Date of Issue	Day	Month	Year	REV			
				A	B	C	D
	15	03	21				
	05	08	20				
	23	02	22				

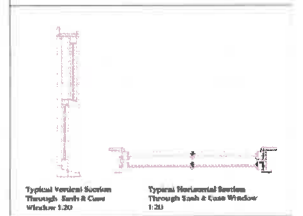
Client: **lele of Bute Jewellery Ltd**
 Project: **Conversion of former retail unit and existing annexette to form 400 apartments at 5-7 King Street, Kirkwall, Orkney, KW15 1JF**
 Title: **Proposed Floor Plans and Site Plan**
 Drawing Ref: **JDC - 1694 - 002**

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architecture

Office Address: 75 New Wood, Montrose, Angus, TD10 1BP
 Tel: 01674 622004

This drawing is solely for the purposes of obtaining Planning Approval. The drawing may be suitable for constructional purposes but it may be necessary to engage a structural engineer for this information. No liability will be accepted for any omission should the drawing be used for constructional purposes.

Do not scale this drawing for construction purposes.



Window & Door Schedule

Opening to be double glazed units with rain 14w/m2 U Value

Window Number	Status
W1	Replace existing rooflights with Conservatory style Escape Velux 140x780mm
W2	1920x1920mm New Timber Sash and Case Window
W3	1820x1820mm New Timber Sash and Case Window
W4	1820x1820mm New Timber Sash and Case Window
W5	1820x1820mm New Timber Sash and Case Window
W6	1820x1820mm New Timber Sash and Case Window
W7	1400x1400mm New Timber Sash and Case Window
W8	1600x1600mm New Timber Sash and Case Window
W9	Retained Existing Velux
W10	Retained Existing Velux
W11	Retained Existing Glass Window
W12	Retained Existing Glass Window
W13	600x1820mm New Timber Sash and Case Window
W14	810x1820mm New Timber Sash and Case Window
W15	810x1820mm New Timber Sash and Case Window
W16	Existing Door Replaced with 1900x1820mm Timber Sash and Case Window
W17	1200x1820mm New Timber Sash and Case Window
W18	1050x1820mm New Timber Sash and Case Window
W19	1050x1820mm New Timber Sash and Case Window
W20	Retained Velux
W21	Retained Velux
W22	Retained Existing Velux
W23	Retained Existing Velux
W24	900x1820mm New Timber Sash and Case Window
W25	900x1820mm New Timber Sash and Case Window
W26	900x1820mm New Timber Sash and Case Window
W27	900x1820mm New Timber Sash and Case Window (External)
W28	900x1820mm New Timber Sash and Case Window
W29	900x1820mm New Timber Sash and Case Window
W30	600x1820mm New Timber Sash and Case Window (Internal)
W31	900x1820mm New Timber Sash and Case Window
W32	Window to be removed
W33	900x1820mm New Timber Sash and Case Window
W34	900x1820mm New Timber Sash and Case Window
W35	Existing Door Replaced for Sash and Case Timber Window to match 900x1820mm
W36	900x1820mm New Timber Sash and Case Window (External)
W37	900x1820mm New Timber Sash and Case Window
W38	900x1820mm New Timber Sash and Case Window (External)

Door No	Status
D1	New Timber Panelled Front Entrance Door 900x1982mm
D2	New Pitch Timber Panelled Door 820x1982mm
D3	New Timber Slatted Door and Side Light 2500x1900mm
D4	New Timber Panelled Entrance Door 900x1982mm
D5	Existing Window Replaced with new external Double Panelled Doors 1900x1300x1900mm
D6	New Slatted Timber Door 810x1900x1900mm
D7	New Slatted Pitch Door Set 2100x1900mm

Windows on North East and South East Elevations to be replaced with like for like timber Sash and Case Windows

Windows on South West elevation to be casement sash windows, resembling timber sash and case window



All New Timber windows to be finished in White paint -RAL 9010
 All New Timber Doors to be finished in Rocaes Green paint -RAL 6011
 All New Slatted Doors to be finished in Graphite Black paint -RAL 9011

DATE	ISSUE	REV
07/08/11	01	A
22/02/13	02	B

Client: Isle of Bute Jewellery Ltd

Project: Conversion of former retail unit and existing outbuildings to form five apartments at 5-7 King Street, Kirkwall, Orkney, KW15 1JF

Title: Proposed Elevations and 3D Images

Drawing Ref: JDC - 1694 -003

CRAWFORD
 architecture
 Office Address: 2 New Wood Mountain, Anstruther, DD40 1BU
 Tel: 01874 672044

Statement for Application for Appeal -

We wish to appeal the decision to refuse application 22/264/PP for the conversion of a former shop and house to four residential flatted dwellings at 5-7 King Street, Kirkwall, Orkney, KW15 1JF.

Orkney Islands Council's reasoning for this decision is:

The principle of the development is considered acceptable. While not fully assessed, given the recommendation, the associated physical works would appear to preserve the character and appearance of the conservation area and amenity of both the proposed occupants and third-party neighbours.

However, it cannot be reasonably concluded that the intensification of the existing access would not cause a risk to public health and safety. The objection from Roads Services cannot be overlooked and has been considered pivotal to the conclusion in this instance.

The proposal is therefore considered contrary to Orkney Local Development Plan 2017 Policy 1 (vi) and Policy 14C (ii and iii).

REASONS FOR REFUSAL

01. The proposed intensification of the existing access would result in an unacceptable level of risk to public health and safety. The development is therefore contrary to Policy 1(vi) 'Criteria for All Development' of Orkney Local Development Plan 2017.

02. The access junction with the public road does not meet the necessary visibility splay in accordance with roads authority requirements. Roads Services has therefore objected to the development. The proposed development would not protect the safety of road users and is therefore considered contrary to Policy 14C (ii and iii) 'Transport, Travel and Road Network Infrastructure', of the Orkney Local Development Plan 2017.

HANDLING REPORT

2.1.1. Initial comment Objection, noting that "For a development of this size and nature it would normally be expected that eight parking spaces are provided, however the information provided only indicates six spaces. It must also be noted that the six spaces provided are also smaller than required by the NRDG and are therefore unacceptable. While it is accepted that the existing vehicular access has

been in existing for some time, that it is currently in regular use by a neighbouring property and that it could be used for access to the existing retail unit and domestic property above. The change of use to four residential properties will result in intensification of use of the access, which gives cause for concern due to the lack of forward visibility from the access and no prospect of being able to address this issue. Therefore, Roads Services object to this development proposal on the grounds of insufficient parking provision and intensification of use of the existing access for the reasons given above.”.

2.1.2. Final comment Objection sustained, noting that “While the additional information provided by the applicant is useful, there is still a safety concern regarding the intensification of use of the access due to insufficient forward visibility from the access. Therefore, Roads Services still object to this development proposal.”.

PARKING

The site benefits from an existing access pend and car park in between King Street and Albert Street. Part of this car park is owned by 30/32 Albert Street which is part retail and part residential properties. There is also a public footway between each street which seems to be a historic access route.

The rest is owned by the applicant and there is sufficient space for eight 2.5x5m parking spaces within the existing ownership.

It should also be noted that there is an array of on street parking and public car parks in the immediate vicinity of the application including, but not limited to:-

- *King Street Car Park – approx. 28 spaces*
- *Parking within land at 9 King Street (Council Building) approx. 12 spaces*
- *Orkney Council Car Park - approx. 45 spaces*
- *Broad Street Car Park – approx. 10 spaces*
- *Pickaquoy Road Car Park – approx. 30 spaces*

ACCESS

The existing access does not have great visibility when egressing the car park. However, this could be overcome by adding simple painted elements or build outs on the road to ensure visibility would be maintained and also adding a traffic calming element at the end of the access to ensure safety for pedestrians. Images from google and bing maps shows the car park in use

On site there is already a 'Keep Clear' notice painted on the roadside. The access visibility from the application building and the neighbouring boundary wall is where the issues noted from Roads dept stem from. As noted, we feel this could be overcome with a traffic calming measure at the mouth of the access to slow vehicles at the point of transition between pavement and access road, or indeed create roadside build outs to assist in the visibility for the access from cars parking close by. This could be conditioned as part of an approval.

PRECEDENT

Application - 22/119/PP

A recent town centre application to Convert a shop, gallery and music venue to 14 residential units was approved in Laing Street not 100m from the application site which was approved with no parking at all for this large conversion and new build project which should be looking for at least 28 car parking spaces under normal circumstances as noted within the approval documents –

'as roads authority has objected due to the lack of parking provision, noting that the development would not accord with the car parking standards set out in the National Roads Development Guide and the development would result in an unacceptable burden on existing infrastructure. The development is therefore contrary to Policies 1(v) and 14B(iii) of the Orkney Local Development Plan 2017. However, the development accords with Policies 1, 2 and 5, and relevant material considerations including provision of housing and making use of a vacant building outweigh the lack of parking. On balance, the development is considered acceptable.'

The King Street application is already part residential and all within an existing building with an existing car park area to the rear and ample parking in and around the immediate area so it is felt that there is sufficient reason for this application to be approved on the information supplied within this statement and for the precedent set-in application 22/119/PP.

CONCLUSION

It would be reasonable to assume that with the general support for the redevelopment of the building from the planning dept, the amount of local parking nearby and the precedent set by the development at Laing Street that the approval of this application appeal should be supported. However, if the access to the existing car park was still deemed to be an issue, then we would request consideration to conditioning the approval of this development without the benefit

of use of the existing car park. As noted above in the precedent set by Laing Street there is ample parking within the vicinity of King Street / Laing Street and if this was the only issue over the redevelopment of this prominent building then we would be happy to accept that.



DESIGN & ACCESS STATEMENT

Project Title | Conversion of former retail unit and existing maisonette to form 4no two and three bedroom apartments at 5-7 King Street, Kirkwall, Orkney, KW15 1JF

JDC Reference | JDC/1694/RevC

Introduction.

Crawford Architecture has been instructed by *Isle of Bute Jewellery Ltd* to prepare and submit a Planning Application for **Conversion of former retail unit and existing maisonette to form 4no two and three bedroom apartments at 5-7 King Street, Kirkwall.**

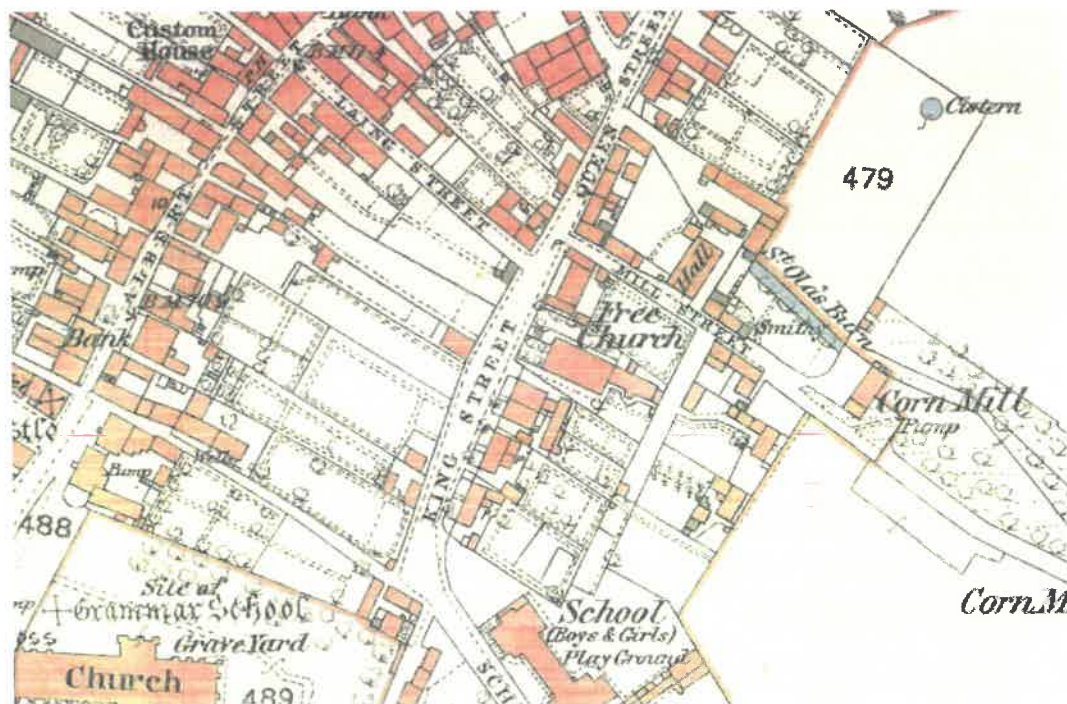
Our clients have owned the properties for some time however the retail unit is in a poor state of repair and the first-floor residential unit is deemed too large for a modern town centre apartment.

The property sits within Kirkwall's conservation area and as such various steps have been taken to ensure the character and appearance of the property is maintained and enhanced where required to ensure the special architectural interest of the area is maintained.

The property is not listed but sits within an area with a plethora of B & C listed dwellings.

Site History

The site has been occupied by the same building / buildings for some 130 years at least. The images below show the progression from the street fronted building in the cover page image in 1882 map of Kirkwall to the 1949 map showing the building had been extended quite significantly to the rear of the property. There is no evidence of when the garage and conservatory were built but this would like have been 1970's - 1980's from the visual inspection.



Map from 1882



Map from 1949



OS Map Extract from 2022

Application History

There have been no planning applications or building warrants on the property in the last 20 years, but previous to that there were several applications in the 80's and 90's for various proposals which are noted below: -

- Alterations and change of use to form an amusement arcade
Ref. No: 81/304 | Status: Application Refused
- Change of use from warehouse to shop/design studio
Ref. No: 81/322/PPF | Status: Grant Subject to Conditions
- Change of use from shop and store into six residential flats
Ref. No: 95/271/PPF | Status: Grant Subject to Conditions
- Change of use of shop/store to 4 dwelling units
Ref. No: 93/077/PPF | Status: Grant Subject to Conditions

As above there is previously approved precedent for the conversion of this building into 4no residential units which was never implemented.

Access Statement -

As there are some minor alterations to the front and side elevations to the property an Access Statement has been created as per section 6 of the Planning (Listed Building Consent and Conservation Area Consent Procedure) (Scotland) Regulations 2015.

The statement must address the following issues:

(a) explains the policy or approach adopted as to such access and how any specific issues arising from the proposed works which might affect such access have been addressed;

(b) describes how features which ensure access to the building for disabled people will be maintained; and

(c) states what, if any, consultation has been undertaken on issues relating to access to the building for disabled people and what account has been taken of the outcome of any such consultation.

Section A)

Our approach to address the access issues at 9 – 21 John Street is to ensure level thresholds are installed to all new access points i.e. new communal entrance to residential units. Unit 1 fronting King Street will retain its stepped access to maintain the character of the Listed Building.

Entrance Door widths.

The existing main entrance door to Unit 1 on King Street is 950mm wide which is more than adequate for access requirements. The new access to the three other residential dwellings will have an access 1700mm which will be double glazed doors to a communal hall with direct access to the bin store area.

Section B)

Features which ensure access to the building for disabled people will be maintained.

There is currently no disabled access to the building and as per section A this will be vastly improved.

Section C)

At this early stage the only consultation carried out are from the current building regulations to ensure accessibility to all areas of the proposed property can be accommodated.

Design Statement –

The existing 2.5 storey building encompassing 5 – 7 King Street is a fairly imposing building on the street front – It sits independent from other structures which are predominantly terraced along the street itself.

The site itself is only approx. 8m wide at King Street and some 60m long to the back garden wall.

The building has very Georgian Features throughout the frontage which is simple in decoration – décor gets simpler the further back the building goes. Its likely the rear elements were always storage / workshop buildings with accommodation above.

The premise behind the alterations to this building was to ensure that as many existing openings were reused and or reopened as possible to bring the building back to life – especially the ground floor.

The rear garage and conservatory extensions are not in a good state and are proposed to be removed and replaced on the same footprint with a new structure built with similar stone to match the main building and a timber clad box on top. This will create Units 2 and 4 Living Areas.

The box structure has been designed as the only new element which against the vast stonework of the building – Scottish Larch will create a contemporary element that contrasts well against the existing. The removal of the full three sided conservatory and large terrace will decrease privacy issues to neighbouring garden areas but we will create a North West glazed gable to ensure the living space for Unit 4 has a good level of day light and outlook for the occupants.

Windows are to be replaced sympathetically using new timber sash and case windows with double glazed units to ensure that thermal values are being brought up to standard.

Two new escape conservation styles velux windows will feature on the front (king street) elevation, serving the Master Suite of Unit 3 replacing two smaller non heritage style rooflights.





Images of proposed new element

Parking & Access

The site benefits from an existing access pend and car park in between King Street and Albert Street. Half of this car park is owned by 30/32 Albert Street which is part retail and part residential properties. There is also a public footway between each street which seems to be a historic access route.

The rest is owned by the applicant and there is sufficient space for 6 2.5x5m parking spaces within the existing ownership and we would propose 2 more spaces within the garden ground of 5 / 7 King Street to ensure there is 2 spaces per unit.

It should also be noted that there is an array of on street parking and public car parks in the immediate vicinity of the application including, but not limited to:-

- *King Street Car Park - approx. 28 spaces*
- *Parking within land at 9 King Street (Council Building) approx. 12 spaces*
- *Orkney Council Car Park - approx. 45 spaces*
- *Broad Street Car Park - approx. 10 spaces*
- *Pickaquoy Road Car Park - approx. 30 spaces*

Access – The existing access does not have great visibility when egressing the car park. However, this could be overcome by adding simple painted elements or build outs on the road to ensure visibility would be maintained and also adding a traffic calming element at the end of the access to ensure safety for pedestrians.

Precedent

Application - 22/119/PP

A recent town centre application to Convert a shop, gallery and music venue to 14 residential units was approved in Laing Street not 100m from the application site which was approved with no parking at all for this large conversion and new build project which should be looking for at least 28 car parking spaces under normal circumstances as noted within the approval documents -

'as roads authority has objected due to the lack of parking provision, noting that the development would not accord with the car parking standards set out in the National Roads Development Guide and the development would result in an unacceptable burden on existing infrastructure. The development is therefore contrary to Policies 1(v) and 14B(iii) of the Orkney Local Development Plan 2017. However, the development accords with Policies 1, 2 and 5, and relevant material considerations including provision of housing and making use of a vacant building outweigh the lack of parking. On balance, the development is considered acceptable.'

The King Street application is already part residential and all within an existing building with an existing car park area to the rear and ample parking in and around the immediate area so it is felt that there is sufficient reason for this application to be approved on the information supplied within this statement and for the precedent set-in application *22/119/PP*.

Prepared by

David R Paton M.Arch BSc(Hons) Associate Director

Crawford Architecture | 72 New Wynd Montrose DD10 8RF | 01674 672064

Crawford Architecture trust that this document along with the planning application and other supporting documentation attached shall be sufficient in order to progress our proposed development application. Crawford Architecture have undertaken and complied with Scottish Planning Policy and carried out all the pre-application in a professional manner.

Planning Handling Report.

Convert former shop and house to four flats, extend including a balcony to the rear and install replacement windows, doors, rooflights and ridge tiles

Application Number:	22/264/PP
Application Type:	Planning Permission
Address:	5-7 King Street, Kirkwall, Orkney, KW15 1JF
Applicant:	Isle Of Bute Jewellery Ltd
Agent:	John D. Crawford Ltd

1. Background

1.1.

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

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

2. Consultations

2.1. Roads Services

2.1.1. Initial comment

Objection, noting that "For a development of this size and nature it would normally be expected that eight parking spaces are provided, however the information provided only indicates six spaces. It must also be noted that the six spaces provided are also smaller that required by the NRDG and are therefore unacceptable.

While it is accepted that the existing vehicular access has been in existing for some time, that it is currently in regular used by a neighbouring property and that it could be used for access to the existing retail unit and domestic property above. The change of use to four residential properties will result in intensification of use of the access, which gives cause for concern due to the lack of forward visibility from the access and no prospect of being able to address this issue.

Therefore, Roads Services object to this development proposal on the grounds of insufficient parking provision and intensification of use of the existing access for the reasons given above."

2.1.2. Final comment

Objection sustained, noting that "While the additional information provided by the applicant is useful, there is still a safety concern regarding the intensification of use of the access due to insufficient forward visibility from the access. Therefore, Roads Services still object to this development proposal."

2.2. Orkney Heritage Society and Scottish Water

No objections or concerns which could not be addressed by planning conditions.

3. Relevant Planning History

Reference	Proposal	Location	Decision	Date
81/304	Alterations and change of use to form an amusement arcade	7 King Street, Kirkwall, Orkney, KW15 1JF	Refused	
81/322/PPF	Change of use from warehouse to shop/design studio	7 King Street, Kirkwall, Orkney, KW15 1JF	Approved	
95/271/PPF	Change of use from shop and store into six residential flats	7 King Street, Kirkwall, Orkney, KW15 1JF	Approved	05.12.1995
93/077/PPF	Change of use of shop/store to 4 dwelling units	7 King Street, Kirkwall, Orkney, KW15 1JF	Approved	21.12.1993
02/488/PPF	Demolition of a porch	7 King Street, Kirkwall, Orkney, KW15 1JF	Approved	27.01.2003

4. Pre-application Advice

No preapplication advice was sought by the agent or applicant.

5. Representations

5.1.

Three objections have been received, from:

- Lesley Macleod, 3 King Street, Kirkwall, Orkney, KW15 1JF
- Stanley Groundwater, Newhall, St Margarets Hope, Orkney, KW17 2NW
- Sheila Beaven, 8 King Street, Kirkwall, Orkney, KW15 1JF

5.2.

Objections are based principally on the existing and proposed parking provisions, access issue, road safety and daylight.

6. Relevant Planning Policy and Guidance

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

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

The following policies are relevant to this application:

Orkney Local Development Plan 2017

- Policy 1 – Criteria for All Development
- Policy 2 – Design
- Policy 5 – Housing
- Policy 8 – Historic Environment and Cultural Heritage
- Policy 13 – Flood Risk, SUDS and Waste Water Drainage
- Policy 14 – Transport, Travel and Road Network Infrastructure.

Supplementary Guidance

- Historic Environment and Cultural Heritage

Planning Policy Advice

- Historic Environment (Topics and Themes)
- Policy Advice (PPA): Amenity and Minimising Obtrusive Lighting (2021).

7. Assessment

7.1. Foreword

The development is located within the settlement boundary of Kirkwall and on the basis that it would convert an existing building, residential development on this site is accepted. The application is acceptable in principle in accordance with Policy 5A 'Housing in Settlements' of the Orkney Local Development Plan 2017.

7.2. General

The property is not listed but is situated in a prominent location within the Kirkwall Conservation Area. The external appearance, especially the main frontage and views down each side, is of historic value and significantly contributes to the character and appearance of the area. The adaption and layout of the internals is not of consideration, but the proposed external works have been sensitively specified. The specific details, of which many would be conditioned for the avoidance of doubt on any approval, have not been followed up in this instance given the objection from Roads Services and outcome of the recommendation. The agent has engaged in negotiation and discussion during the assessment of the application and has amended the balcony detail and parking to try and address the issues requested by the planning authority, in conjunction with Roads Services.

7.3. Extension

While the publicly visible elevations would be relatively minor in their alterations, the extension to the north-west gable would be more substantial with a rebuilt extension. The footprint would match the existing, but the upper level would be extruded to match the length, which would increase both height and massing from the existing. The property to the south 'The Haven' has objected to this due to the potential impact to their light. This property is to the south of the development site and based on the siting and its relationship to the neighbours, it can be reasonably concluded that there would be no adverse impact on the loss of light from the proposed development, nor overshadowing. The site can fully accommodate the proposed extension and the design, materials, form and scale are considered acceptable in this location.

7.4. Balcony

An external balcony was proposed on the west gable, but it was concluded that given the proximity to the neighbour's external amenity space to the south and the general nature and use of a balcony at an elevated height, its use would have an adverse impact on the privacy and amenity of the immediate neighbours. The agent was subsequently obliging and altered this to a Juliet balcony. Although the main habitable rooms are to the rear with gable end glazing and a Juliet balcony to the upper floor, the glazing would not directly face the neighbours. This scenario is typical in terraced houses and direct overlooking issues have been reduced to an acceptable level. Crucially, the presence of this feature would not be readily viewed from the public realm and the rest of the works would enhance the character and appearance of the Conservation Area.

7.5. Amenity

As a residential development, occupancy of the units would not introduce any activity to the area that would impact residential amenity. The inclusion of two private terraces and a communal outside amenity space for passive and active recreational activities is appropriate and located conveniently for occupants without having a negative effect on the visual amenity of the development. The level of private amenity space and dedicated bin storage is considered acceptable in a dense town centre location.

7.6. Parking and Access

7.6.1.

The development has included eight designated car parking spaces, which is the appropriate number as required within the National Roads Development Guide (NRDG), and are located down an existing access parallel to the development. While an existing access, Roads Services have objected to its intensification on safety grounds due to the lack of forward visibility.

7.6.2.

Although there can be situation where the reductions of the standard may be considered in relation to parking, this is a health and safety issue which cannot be adequately resolved in this instance. As such, it can only be concluded that this

would have an unacceptable level of risk to public health and safety and the failure to comply with this policy requirement cannot be outbalanced against other material considerations to support the application.

7.6.3.

To meet roads parking requirements above, it is proposed to create a large opening in the historic stone boundary to accommodate two additional spaces. Although situated down a lane and not necessarily fully contributing to the character of the area, new openings in historic boundaries are generally avoided to ensure the integrity of the boundary is maintained, as directly stated in point 4.70 of Planning Policy Advice: Historic Environment. There is also a slight level difference in this area that would require to be addressed. Given the recommendation in this instance, the specific details surrounding these issues have not been pursued.

8. Conclusion

8.1.

The principle of the development is considered acceptable. While not fully assessed, given the recommendation, the associated physical works would appear to preserve the character and appearance of the conservation area and amenity of both the proposed occupants and third-party neighbours. However, it cannot be reasonably concluded that the intensification of the existing access would not cause a risk to public health and safety. The objection from Roads Services cannot be overlooked and has been considered pivotal to the conclusion in this instance. The proposal is therefore considered contrary to Orkney Local Development Plan 2017 Policy 1 (vi) and Policy 14C (ii and iii).

8.3.

Although the majority of the application is considered acceptable as described above, the application is submitted and assessed as a single development. For the application to be acceptable and recommended for approval, all elements of the proposed development must be in compliance with policy. By virtue of the risk to public health and safety set out in the above paragraph, the application as submitted is unacceptable.

9. Decision

Application Refused

01. The proposed intensification of the existing access would result in an unacceptable level of risk to public health and safety. The development is therefore considered contrary to Policy 1(vi) 'Criteria for All Development' of Orkney Local Development Plan 2017.

02. The access junction with the public road does not meet the necessary visibility spay in accordance with roads authority requirements. Roads Services has therefore objected to the development. The proposed development would not protect the safety of road users and is therefore considered contrary to Policy 14C (ii and iii) 'Transport, Travel and Road Network Infrastructure', of the Orkney Local Development Plan 2017.

10.Contact Officers

Jamie Macvie, Service Manager, Development Management, extension 2529.

Dean Campbell, Planning Officer, extension 2528.



Council Offices School Place Kirkwall KW15 1NY Tel: 01856 873 535 (ex 2504) Email: 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 100584540-001

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)

Conversion of former retail unit and existing maisonette to form 4no two and three bedroom apartments

Is this a temporary permission? *

Yes No

If a change of use is to be included in the proposal has it already taken place?

Yes No

(Answer 'No' if there is no change of use.) *

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:	John D. Crawford Ltd		
Ref. Number:	JDC/1694	You must enter a Building Name or Number, or both: *	
First Name: *	John	Building Name:	
Last Name: *	Crawford	Building Number:	72
Telephone Number: *	01674672064	Address 1 (Street): *	New Wynd
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Montrose
Fax Number:		Country: *	Scotland
		Postcode: *	DD10 8RF
Email Address: *	admin@johndcrawford.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:		You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *		Building Number:	14
Last Name: *		Address 1 (Street): *	Craigmore Road
Company/Organisation	Isle of Bute Jewelry Ltd	Address 2:	Rothesay
Telephone Number: *		Town/City: *	Isle of Bute
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	PA20 9LB
Fax Number:			
Email Address: *	info@crawfordarchitecture.co.uk		

Site Address Details

Planning Authority:

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

Easting

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

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)

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?

6

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)? *

6

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

Do your proposals make provision for sustainable drainage?? * Yes No
(e.g. SUDS arrangements) *

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)

Shown on Plans

Residential Units Including Conversion

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

Yes No

How many units do you propose in total? *

4

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

All Types of Non Housing Development – Proposed New Floorspace

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

Yes No

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: John Crawford

On behalf of: Isle of Bute Jewellery Ltd

Date: 15/07/2022

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 principal 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: Mr John Crawford

Declaration Date: 20/07/2022

Payment Details

Online payment: 475114

Payment date: 20/07/2022 11:37:53

Created: 20/07/2022 11:37



DESIGN & ACCESS STATEMENT

Project Title | Conversion of former retail unit and existing maisonette to form 4no two and three bedroom apartments at 5-7 King Street, Kirkwall, Orkney, KW15 1JF

JDC Reference | JDC/1694

Introduction.

John d Crawford Ltd has been instructed by *Isle of Bute Jewellery Ltd* to prepare and submit a Planning Application for *Conversion of former retail unit and existing maisonette to form 4no two and three bedroom apartments at 5-7 King Street, Kirkwall.*

Our clients have owned the properties for some time however the retail unit is in a poor state of repair and the first-floor residential unit is deemed too large for a modern town centre apartment.

The property sits within Kirkwall's conservation area and as such various steps have been taken to ensure the character and appearance of the property is maintained and enhanced where required to ensure the special architectural interest of the area is maintained.

The property is not listed but sits within an area with a plethora of B & C listed dwellings.

Site History

The site has been occupied by the same building / buildings for some 130 years at least. The images below show the progression from the street fronted building in the cover page image in 1882 map of Kirkwall to the 1949 map showing the building had been extended quite significantly to the rear of the property. There is no evidence of when the garage and conservatory were built but this would like have been 1970's - 1980's from the visual inspection.



Map from 1882



Map from 1949



OS Map Extract from 2022

Application History

There have been no planning applications or building warrants on the property in the last 20 years, but previous to that there were several applications in the 80's and 90's for various proposals which are noted below: -

- Alterations and change of use to form an amusement arcade
Ref. No: 81/304 | Status: Application Refused
- Change of use from warehouse to shop/design studio
Ref. No: 81/322/PPF | Status: Grant Subject to Conditions
- Change of use from shop and store into six residential flats
Ref. No: 95/271/PPF | Status: Grant Subject to Conditions
- Change of use of shop/store to 4 dwelling units
Ref. No: 93/077/PPF | Status: Grant Subject to Conditions

As above there is previously approved precedent for the conversion of this building into 4no residential units which was never implemented.

Access Statement -

As there are some minor alterations to the front and side elevations to the property an Access Statement has been created as per section 6 of the Planning (Listed Building Consent and Conservation Area Consent Procedure) (Scotland) Regulations 2015.

The statement must address the following issues:

(a) explains the policy or approach adopted as to such access and how any specific issues arising from the proposed works which might affect such access have been addressed;

(b) describes how features which ensure access to the building for disabled people will be maintained; and

(c) states what, if any, consultation has been undertaken on issues relating to access to the building for disabled people and what account has been taken of the outcome of any such consultation.

Section A)

Our approach to address the access issues at 9 – 21 John Street is to ensure level thresholds are installed to all new access points i.e. new communal entrance to residential units. Unit 1 fronting King Street will retain its stepped access to maintain the character of the Listed Building.

Entrance Door widths.

The existing main entrance door to Unit 1 on King Street is 950mm wide which is more than adequate for access requirements. The new access to the three other residential dwellings will have an access 1700mm which will be double glazed doors to a communal hall with direct access to the bin store area.

Section B)

Features which ensure access to the building for disabled people will be maintained.

There is currently no disabled access to the building and as per section A this will be vastly improved.

Section C)

At this early stage the only consultation carried out are from the current building regulations to ensure accessibility to all areas of the proposed property can be accommodated.

Design Statement –

The existing 2.5 storey building encompassing 5 – 7 King Street is a fairly imposing building on the street front – It sits independent from other structures which are predominantly terraced along the street itself.

The site itself is only approx. 8m wide at King Street and some 60m long to the back garden wall.

The building has very Georgian Features throughout the frontage which is simple in decoration – décor gets simpler the further back the building goes. Its likely the rear elements were always storage / workshop buildings with accommodation above.

The premise behind the alterations to this building was to ensure that as many existing openings were reused and or reopened as possible to bring the building back to life – especially the ground floor.

The rear garage and conservatory extensions are not in a good state and are proposed to be removed and replaced on the same footprint with a new structure built with similar stone to match the main building and a timber clad box on top. This will create Units 2 and 4 Living Areas.

The box structure has been designed as the only new element which against the vast stonework of the building – Scottish Larch will create a contemporary element that contrasts well against the existing. The removal of the full three sided conservatory and large terrace will decrease privacy issues to neighbouring garden areas but we will create a North West glazed gable to ensure the living space for Unit 4 has a good level of day light and outlook for the occupants.

Windows are to be replaced sympathetically using new timber sash and case windows with double glazed units to ensure that thermal values are being brought up to standard.

Two new escape conservation styles velux windows will feature on the front (king street) elevation, serving the Master Suite of Unit 3 replacing two smaller non heritage style rooflights.





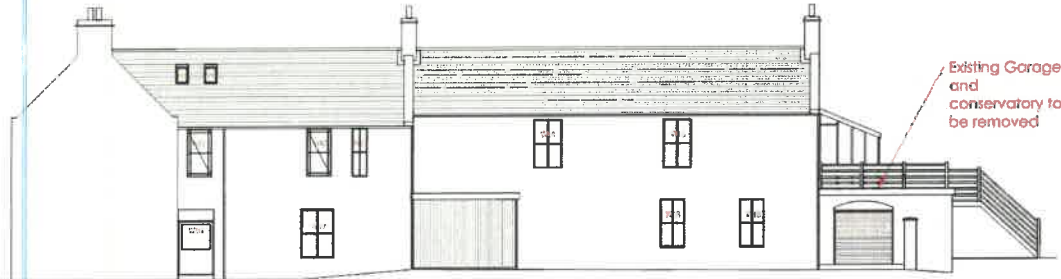
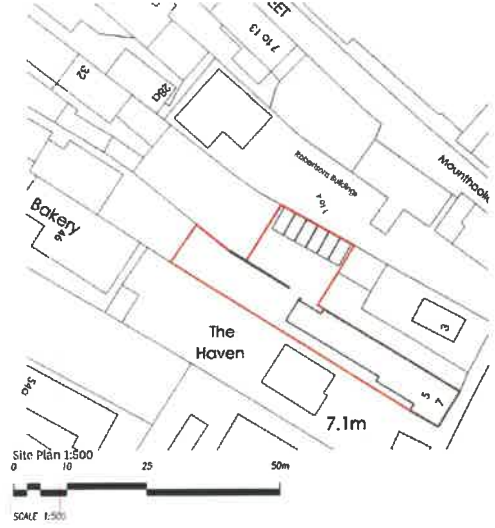
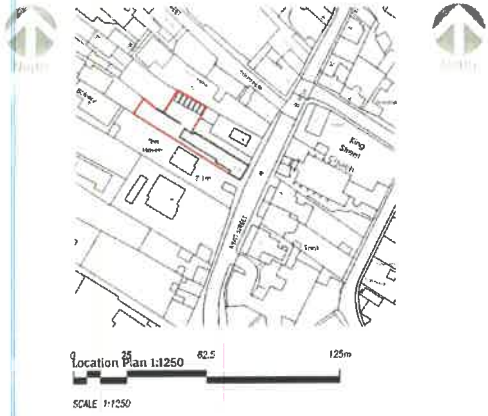
Images of proposed new element

Prepared by

David R Paton M.Arch BSc(Hons) Associate Director

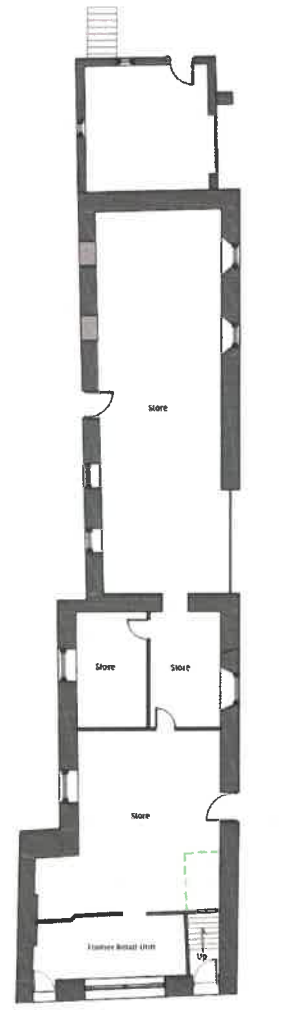
Crawford Architecture | 72 New Wynd Montrose DD10 8RF | 01674 672064

Crawford Architecture trust that this document along with the planning application and other supporting documentation attached shall be sufficient in order to progress our proposed development application. Crawford Architecture have undertaken and complied with Scottish Planning Policy and carried out all the pre-application in a professional manner.

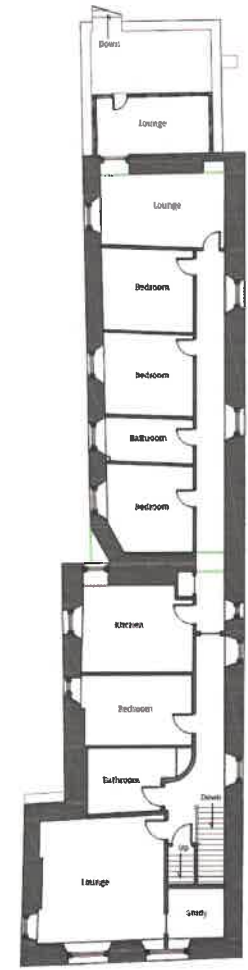


Existing Garage and conservatory to be removed

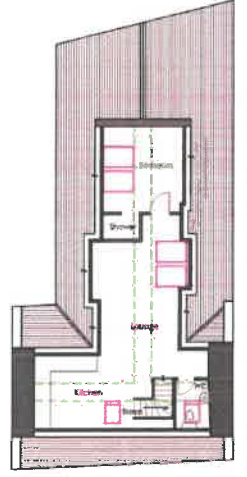
Existing North East Elevation 1:100



Existing Ground Floor Plan 1:100
SCALE 1:100



Existing First Floor Plan 1:100



Existing Second Floor Plan 1:100



Existing South West Elevation 1:100



Existing South East Elevation 1:100



Existing North West Elevation 1:100

Window to be Blocked up with stone to match for extension

This drawing is solely for the purposes of obtaining Planning Approval. The drawing may be suitable for constructional purposes but it may be necessary to augment and/or amend this information. No liability will be accepted for any omission should the drawing be used for constructional purposes.

Date of Issue	Drawn by	REV	
		NO	BY
		01	
		02	
		03	

Client: *Isle of Bute Jewellery Ltd*
 Project: *Conversion of former retail unit and existing maisonette to form 4no apartments at 6-7 King Street, Brixham, Devon, NW25-117*
 Title: *Existing Floor Plans, Elevations, Site Plan and Location Plan*
 Drawing Ref: *JDC - 1694 - 001*

CRAWFORD
architecture

Office Address: 72 New Wood Mansions, Angou, DE19 6BP
 Tel: 01874 872454
 Email: info@crowfordarchitecture.co.uk

NEIGHBOURHOOD SERVICES AND INFRASTRUCTURE

Corporate Director: Hayley Green, MBA (Public Service)
Council Offices, Kirkwall, Orkney, KW15 1NY

Tel: 01856 873535 Website: www.orkney.gov.uk
Email: planning@orkney.gov.uk

2nd August 2022



Isle Of Bute Jewellery Ltd
c/o John D. Crawford Ltd
72 New Wynd
Montrose
Scotland
DD10 8RF

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997, as amended DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS 2013 INVALID APPLICATION

Dear John D. Crawford Ltd

Ref No: 22/264/PP
Type: Planning Permission
Location: 5-7 King Street, Kirkwall, Orkney, KW15 1JF
Proposal: Conversion of former retail unit and existing maisonette to form 4no two and three bedroom apartments

Invalid application

Your recent application has been assessed on 2nd August 2022 and we are writing to confirm that your submission is not sufficient to legally validate the application.

An invalid application is one where the form and/or the content of information submitted has not met the requirements of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

An application must be accompanied by all relevant plans and drawings as are considered necessary by the planning authority to describe the development to which the application relates (Regulation 9(3)) and other matters, including the correct forms, certificates and appropriate fee.

In this case, the application was assessed as invalid in the following matters:

01. **Location Plan and Site Plan**
Communal access should be included in red application site area, as a means of access from the site to the public road (and land ownership certificate updated accordingly). Alternatively, the area can be outlined in blue, with a statement confirming that the applicant has a right of access.
02. **Specification**
Provide typical vertical and horizontal sections at scale 1:20 or similar of each specification of window and door, including scale, scale bar, dimensions and materials (to demonstrate details including glazing beads, parting bead, etc.)

Please note that the application cannot be made valid until all the above listed 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 to you and the application will not be processed.

Should you have any queries about the information required above please contact Development Management by email at planning@orkney.gov.uk or by telephone at the below number, using the extension provided.

Validation checks and issuing any requests for further information are carried out by different staff on different days. As such, there is no requirement to contact any particular member of staff in response to this invalid letter, and any queries can be answered by a technician on any given day.

Should you contact Development Management, simply confirm the application reference and that your contact is in relation to an invalid application.

Yours sincerely

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

Tel: 01856 873535 ext. 2504

Email: planning@orkney.gov.uk

LAND OWNERSHIP CERTIFICATION

Town and Country Planning (Development Management Procedure)
(Scotland) Regulations 2008.

1. Do you own all of the land?
Please indicate your answer by circling yes or no.

Yes No (If 'yes' sign & date immediately below; If 'no' go to question 2)

Sign _____

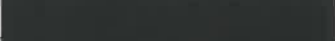
Print _____

Date _____

2. You must notify anyone with an interest in the land including all owners, lessees and agricultural tenants etc with Form 1 overleaf. Please record all owners, lessees and agricultural tenant's details below and sign the relevant section as confirmation that you have notified them.

NAME (also indicate whether an owner, lessee or agricultural tenant)	ADDRESS	DATE OF SERVICE
<u>owner/occupier</u>	<u>5 KING STREET KIRKDAL KWS10F</u>	<u>10.08.22</u>
<u>owner/occupier</u>	<u>7 KING STREET KIRKDAL KWS10F</u>	<u>10.08.22</u>
<u>owner/occupier</u>	<u>30 ALBERT STREET KIRKDAL</u>	<u>KWS1HP 10.08.22</u>
<u>owner/occupier</u>	<u>32 ALBERT STREET KIRKDAL</u>	<u>KWS1HQ 10.08.22</u>

I hereby confirm that I have notified all owners, lessees and agricultural tenants with an interest in the land.

Sign  _____

Print G CAMERON _____

Date 10.08.22 _____

3. If you have exhausted all reasonable means of identifying those with an interest in the land and you have not been able to identify and notify them, then you must confirm this by signing and dating below and pay for a notice to be placed in the local press.

Sign _____

Print _____

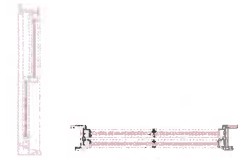
Date _____

This drawing is solely for the purposes of obtaining Planning Approval. The drawing may be suitable for constructional purposes but it may be necessary to augment it with additional information. No liability will be accepted for any omission should the drawing be used for constructional purposes.

45

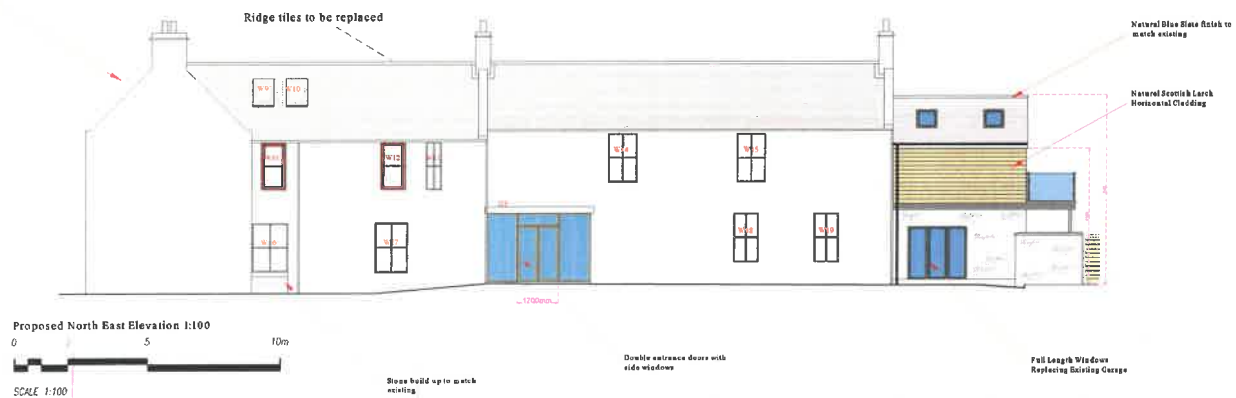


Typical Section Through Astragal 12

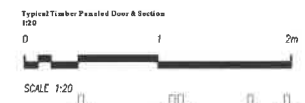


Typical Vertical Section Through Sash & Case Window 120
Typical Horizontal Section Through Sash & Case Window 120

Windows on North East and North East Elevations to be replaced with like for like timber sash and case windows



Windows on South West elevation to be replaced with casement oaklike windows, assembling timber sash and case window



Window & Door Schedule

Glazing to be double glazed units with min 1.4m² U Value

Window number	Status
W1	Replace existing Rooflights with Conservatory style Escape Velux 140x700mm
W2	1820x1700mm New Timber Sash and Case Window
W3	1820x1700mm New Timber Sash and Case Window
W4	1820x1700mm New Timber Sash and Case Window
W5	1820x1700mm New Timber Sash and Case Window
W6	1820x1700mm New Timber Sash and Case Window
W7	1820x1700mm New Timber Sash and Case Window
W8	1400x2100mm New Timber Sash and Case Window
W9	1400x2100mm New Timber Sash and Case Window
W10	Retained Existing Velux
W11	Retained Existing Glass Window
W12	Retained Existing Glass Window
W13	1050x1820mm New Timber Sash and Case Window
W14	1050x1820mm New Timber Sash and Case Window
W15	1050x1820mm New Timber Sash and Case Window
W16	Existing Door Replaced with 1200x1820mm Timber Sash and case Window
W17	1200x1820mm New Timber Sash and Case Window
W18	1050x1820mm New Timber Sash and Case Window
W19	1050x1820mm New Timber Sash and Case Window
W20	Retained Velux
W21	Retained Velux
W22	Retained Existing Velux
W23	Retained Existing Velux
W24	900x1820mm New Timber Sash and Case Window
W25	900x1820mm New Timber Sash and Case Window
W26	900x1820mm New Timber Sash and Case Window
W27	900x1820mm New Timber Sash and Case Window (External)
W28	900x1820mm New Timber Sash and Case Window
W29	900x1820mm New Timber Sash and Case Window
W30	450x1820mm New Timber Sash and Case Window (Internal)
W31	900x1820mm New Timber Sash and Case Window
W32	Window to be removed
W33	900x1820mm New Timber Sash and Case Window
W34	900x1820mm New Timber Sash and Case Window
W35	Existing Door Replaced for Sash and Case Timber Window to match 900x1820mm
W36	450x1820mm New Timber Sash and Case Window (Internal)
W37	900x1820mm New Timber Sash and Case Window
W38	900x1820mm New Timber Sash and Case Window (Internal)

Door No	Status
D1	New Timber Panelled Front Entrance Door 900x1982mm
D2	New False Timber Panelled Door 900x1982mm
D3	New Timber Glassed Door and Side Light 2100x1982mm
D4	New Timber Panelled Entrance Door 900x1982mm
D5	Existing Window Replaced with new external Double Panelled Door 1820x1982mm
D6	New Alaskan False Door Set (Graphite Mesh) 2100x1450mm
D7	New Alaskan False Door Set (Graphite Mesh) 1900x1450mm

All New Timber windows to be finished in White paint - RAL 9010
All New Timber Doors to be finished in Spanish Green paint - RAL 6011
All New Alaskan Doors to be finished in Graphite Black paint - RAL 9011

Date of Issue	Day	Month	Year	PAGE				REV
				NO	OF	CP	A	
				47	47			
				121	121			

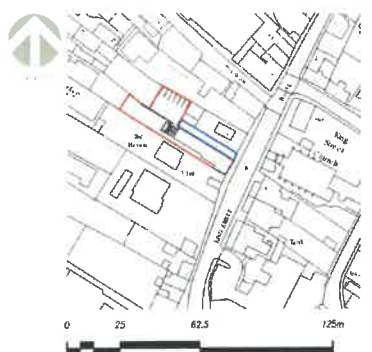
Client: **Isle of Bute Jewellery Ltd**
Project: Conversion of former retail unit and existing masonry to form 400 apartments at 5-7 King Street, Kirkcaldy, Orkney, KW15 1JP
Title: Proposed Elevations and 3D Images

Drawing Ref: JDC - 1694 - 003



Office Address: 7, Victoria Street, Dundee, DD1 1JF
Tel: 01392 822064





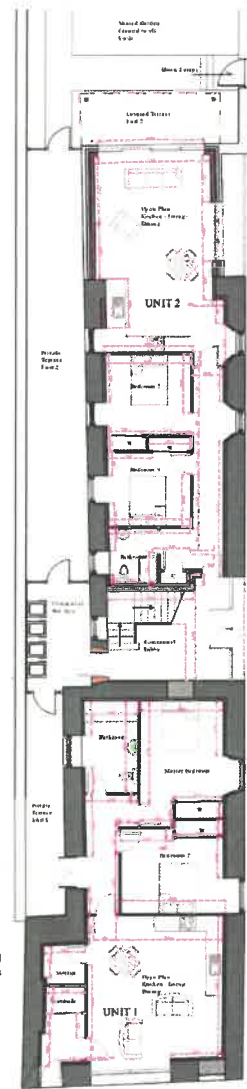
SCALE 1:1250
Location Plan 1:1250
Site Area - 638m²

All Drainage both foul and surface water will be discharged to the existing drainage systems as no extra loadings will occur.



SCALE 1:500
Site Plan 1:500

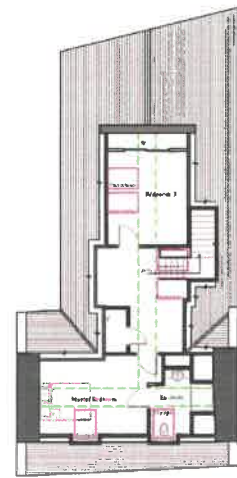
Area Outlined in Blue noted as shared ownership access to site.



SCALE 1:100
Proposed Ground Floor Plan 1:100



Proposed First Floor Plan 1:100



Proposed Second Floor Plan 1:100

Date of Issue	Drawn	Checked	Revision			
			Rev	Description	By	Date
Day 1	AB	CP	A	1		
Month 1				2		
Year 1				3		

Client: Isle of Bute Jewellery Ltd
 Project: Conversion of former retail unit and existing maisonette to form two apartments at 5-7 King Street, Kirkwall, Orkney, KW15 1JF
 Title: Proposed Floor Plans and Site Plan
 Drawing Ref: JDC - 1694 -002

NEIGHBOURHOOD SERVICES AND INFRASTRUCTURE

Corporate Director: Hayley Green, MBA (Public Service)
Council Offices, Kirkwall, Orkney, KW15 1NY

Tel: 01856 873535 Website: www.orkney.gov.uk
Email: planning@orkney.gov.uk



TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997, as amended

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

Regulation 20 - Publication of applications

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) (SCOTLAND) ACT 1997, as amended

The Planning (Listed Building Consent and Conservation Area Consent Procedure) (Scotland) Regulations 2015

Regulation 8 - Advertisement of applications

SITE NOTICE

Application Affecting the Character or Appearance of a Conservation Area

The application described below together with the plans and other documents submitted with it may be examined online at www.orkney.gov.uk following the link to Planning/Building on the home page, followed by Application Search and Submission.

Information explaining the procedures which are followed in relation to applications is available from Development Management by email at planning@orkney.gov.uk

Representations may be made to the planning authority by writing to the Planning Manager, Development Management, Orkney Islands Council, School Place, Kirkwall, KW15 1NY, online at www.orkney.gov.uk, or by email to planning@orkney.gov.uk

Representations must be made not later than **21 days** after the date of publication of this notice

Application Reference: 22/264/PP

Proposed Development: Convert former shop and house to four flats, extend including a balcony to the rear and install replacement windows, doors, rooflights and ridge tiles

Address: 5-7 King Street, Kirkwall, Orkney, KW15 1JF

DATE OF SITE NOTICE: 30 August 2022

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 22/264/PP

- W Hourston Jeweller, 34 Albert Street, Kirkwall, Orkney Islands, KW15 1HQ
- 8 King Street, Kirkwall, Orkney Islands, KW15 1JF
- 4 King Street, Kirkwall, Orkney Islands, KW15 1NN
- Atholl House, 48 Albert Street, Kirkwall, Orkney Islands, KW15 1HQ
- Old Stable, 28A Albert Street, Kirkwall, Orkney Islands, KW15 1HL
- Logo Orkney, Orkney Soap Company, 48 Albert Street, Kirkwall, Orkney Islands, KW15 1HQ
- Kirkwall East Church, King Street, Kirkwall, Orkney Islands, KW15 1JF
- Sheila Fleet, 50 Albert Street, Kirkwall, Orkney Islands, KW15 1HQ
- Orkney IFA, King Street, Kirkwall, Orkney Islands, KW15 1WQ
- 9 King Street, Kirkwall, Orkney Islands, KW15 1JF
- Winterdyne, 6 King Street, Kirkwall, Orkney Islands, KW15 1JF
- 48 Albert Street, Kirkwall, Orkney Islands, KW15 1HQ
- 50A Albert Street, Kirkwall, Orkney Islands, KW15 1HQ
- 4 Robertsons Buildings, Laing Street, Kirkwall, Orkney Islands, KW15 1GZ
- 3 Robertsons Buildings, Laing Street, Kirkwall, Orkney Islands, KW15 1GZ
- 2 Robertsons Buildings, Laing Street, Kirkwall, Orkney Islands, KW15 1GZ
- Ljothus, 3 King Street, Kirkwall, Orkney Islands, KW15 1JF
- The Haven, King Street, Kirkwall, Orkney Islands, KW15 1JF
- Flat 2, 5 King Street, Kirkwall, Orkney Islands, KW15 1JF
- Flat, 5 King Street, Kirkwall, Orkney Islands, KW15 1JF

- 1 Robertsons Buildings, Laing Street, Kirkwall, Orkney Islands, KW15 1GZ
- 7 King Street, Kirkwall, Orkney Islands, KW15 1JF

Number of neighbours notified: 22

Consultee ListApplication Number 22/264/PP

- Roads Services
- Scottish Water
- Orkney Heritage Society (East)

Monday, 05 September 2022



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

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

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk

Follow Us     

Dear Customer,

5-7 King Street, ,, Kirkwall, Orkney, KW15 1JF
Planning Ref: 22/264/PP
Our Ref: DSCAS-0071825-CPZ
Proposal: 22/264/PP | Convert former shop and house to four flats, extend including a balcony to the rear and install replacement windows, doors, rooflights and ridge tiles | 5-7 King Street, Kirkwall, Orkney, KW15 1JF

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. Please read the following carefully as there may be further action required. Scottish Water 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

- ▶ This proposed development will be serviced by KIRKWALL Waste 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.

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.

Combined Sewer.

The existing combined sewer system is under considerable pressure due to surface water entering the network. To provide capacity for this development it will be necessary for the Applicant to explore all avenues to remove surface water discharging from the property's curtilage to the combined sewer. This would help to offset the foul demand. This could include replacing hardstanding with permeable surfaces and/or installing a soakaway. Scottish Water would recommend that the Applicant submit a Pre Development Enquiry Form as early as possible with the details of their proposals.

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
 - ▶ 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.
- ▶ 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

▶ **Trade Effluent Discharge from Non-Domestic 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 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](#).
- ▶ 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

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.

Yours sincerely,

Ruth Kerr
Development Operations Analyst

Tel: 0800 389 0379

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."

From: sjrosie <sjrosie@btinternet.com>
Sent: 08 September 2022 13:48
To: planningconsultation <planningconsultation@orkney.gov.uk>
Subject: Re: Planning Application Consultation 22/264/PP

Comment from Orkney Heritage Society:

Orkney Heritage Society has no objection to this Planning Application.

Regards

Spencer Rosie

Comments for Planning Application 22/264/PP

Application Summary

Application Number: 22/264/PP

Address: 5-7 King Street, Kirkwall, Orkney, KW15 1JF

Proposal: Convert former shop and house to four flats, extend including a balcony to the rear and install replacement windows, doors, rooflights and ridge tiles [cr]

Case Officer: Mr Dean Campbell

Customer Details

Name: Lesley Macleod

Address: 3 King Street Kirkwall KW151JF

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment: Comment on Application by Mrs Lesley Macleod, 3 King Street, Kirkwall, Neighbour

I have lived next door at 3 King Street for forty-five years and in my experience to date, the current owners/occupants of the property have been considerate neighbours.

They improved the property when they took over from Knowles by removing the wooden extension at the side.

I have concerns however, with regard to parking and access.

1. Parking

2. Access

1. Parking

Traffic flow in King Street has increased considerably over the years as well as demand for parking spaces.

Since the refurbishment of the East Kirk and King Street Halls there has been and is, much demand for parking spaces by people attending the many public activities which take place there on every day of the week.

Despite signs to the contrary, people often park for long stretches at a time.

(I have not seen a parking attendant in King Street for many years now (formerly there was one) and the 'Keep Clear' markings for residents of King Street are in need of repainting!)

At least two parking spaces are taken up by residents of Laing Street and my fear is that, with the conversion of the Old Library into flats (the application granted despite absence of required parking facilities) there will be even more pressure on demand for parking in King Street.

2. Access

I have right of access to my garage which is to the rear of my property, out of view of the road.

Although I note that there are designated parking spaces in the plans, there will inevitably be increased traffic flow back and forth along the narrow lane between our two properties resulting in

further degradation of the surface of the lane which is not tarmacked.

Lesley Macleod

Online comment submitted 19/09/22

Comments for Planning Application 22/264/PP

Application Summary

Application Number: 22/264/PP

Address: 5-7 King Street, Kirkwall, Orkney, KW15 1JF

Proposal: Convert former shop and house to four flats, extend including a balcony to the rear and install replacement windows, doors, rooflights and ridge tiles [cr]

Case Officer: Mr Dean Campbell

Customer Details

Name: Mr Stanley Groundwater

Address: Newhall South parish St margarets hope Kw17 2rw

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to this application on the following.

1 . Increased traffic and parking on kings street which is already at breaking point. I note they propose off street parking but invariably there will be increased parking pressure on the street.

2. As the property owner of The Haven I object to the planned timber clad extension to the rear of the property as this will in effect close off most of the light to my kitchen window.

Kind regards

J.S. Groundwater

From: Hannah Beaven [REDACTED]
Sent: 17 September 2022 18:40
To: planning <planning@orkney.gov.uk>
Cc: David Dawson <David.Dawson@orkney.gov.uk>; Steven Heddle <Steven.Heddle@orkney.gov.uk>;
John Ross Scott <JohnRoss.Scott@orkney.gov.uk>; Gwenda Shearer <Gwenda.Shearer@orkney.gov.uk>
Subject: Application Reference: 22/264/PP

Good evening,

Please see below response to the above planning application, sent on behalf of Sheila Beaven.

Sheila Beaven

8 King Street

Kirkwall

Orkney

KW15 1JF

Development Management

Orkney Islands Council

Council Offices

School Place

Kirkwall

Orkney

KW15 1NY

Application Reference: 22/264/PP

5-7 King Street

Dear Sirs,

I write regarding the above planning application with particular reference to the current problems of traffic flow, access and parking on King Street which is a through route for traffic between Palace Road and St Catherine's Place.

Currently vehicles park on both sides of the street leaving a single lane down the middle of the road. There is no monitoring of yellow-line restrictions and a frequent disregard for residents' need for access with vehicles left in front of garage doors, driveway entrances and across 'keep clear' signs painted on the road. This results in obscured lines of sight for residents emerging onto the road and the need to stop oncoming and following traffic when reversing into driveways and garage entrances. There is no guarantee that other drivers will wait patiently whilst residents manoeuvre. Some vehicles are parked partly on the pavement, presumably with the idea that this will help the flow of traffic but this makes pedestrian progress difficult especially for those with buggies or wheelchairs.

If parking were limited to one side of the road (on the left from School Place to St Catherine's Place) and worn-away 'keep clear' signs were re-painted, this could go some way towards improving matters for everyone.

However, all of the problems will undoubtedly be exacerbated by the proposed building developments in King Street and Laing Street with contractors' vehicles and ultimately residents of all the proposed flats adding to the parking and access problems during construction and once the work is completed.

I hope that these observations will be given serious consideration, particularly with road safety in mind.

Yours faithfully,

Sheila Beaven

8 King Street.

Copies sent to:

David Dawson

Glenda Shearer

John Ross Scott

Steven Heddle

INTERNAL MEMORANDUM TO: Roads Services

Date of Consultation	30th August 2022
Response required by	20th September 2022
Planning Authority Reference	22/264/PP
Nature of Proposal (Description)	Convert former shop and house to four flats, extend including a balcony to the rear and install replacement windows, doors, rooflights and ridge tiles
Site	5-7 King Street, Kirkwall, Orkney, KW15 1JF
Proposal Location Easting	345038
Proposal Location Northing	1011000
Area of application site (Metres)	659
Supporting Documentation URL	http://planningandwarrant.orkney.gov.uk/online-applications/ Please enter - 22/264/PP
PA Office	Development Management
Case Officer	Mr Dean Campbell
Case Officer Phone number	(01856) 873535 Ex2528
Case Officer email address	dean.campbell@orkney.gov.uk
PA Response To	planningconsultation@orkney.gov.uk

Comments:

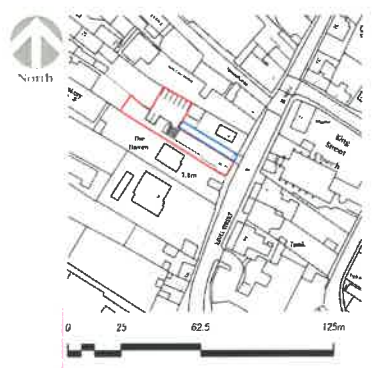
For a development of this size and nature it would normally be expected that eight parking spaces are provided, however the information provided only indicates six spaces. It must also be noted that the six spaces provided are also smaller that required by the NRDG and are therefore unacceptable.

While it is accepted that the existing vehicular access ahs been in existing for some time, that it is currently in regular used by a neighboring property and that it could be used for access to the existing retail unit and domestic property above. The change of use to four residential properties will result in intensification of use of the access, which gives cause for concern due to the lack of forward visibility from the access and no prospect of being able to address this issue.

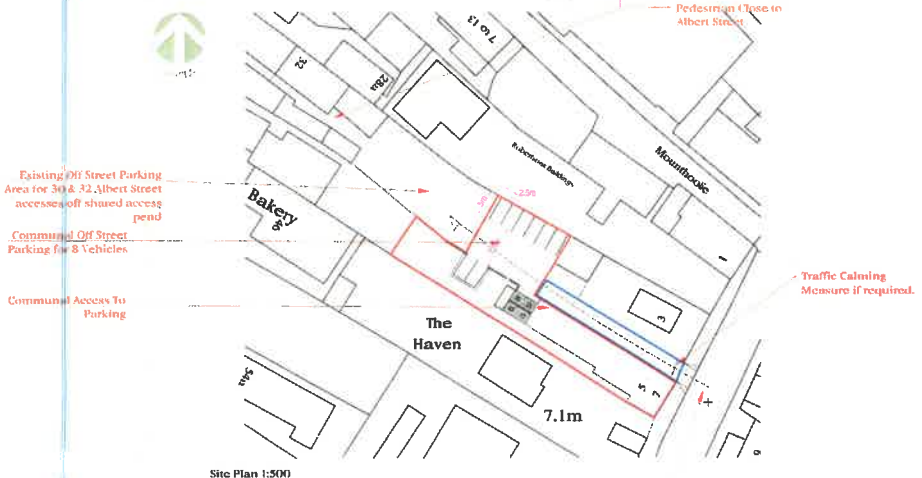
Therefore, Roads Services object to this development proposal on the grounds of insufficient parking provision and intensification of use of the existing access for the reasons given above.

D.W.

This drawing is solely for the purposes of obtaining Planning Approval. The drawing may be suitable for constructional purposes but it may be necessary to augment/amend this information. No liability will be accepted for any omission should the drawing be used for constructional purposes.
Do not scale this drawing for construction purposes.



SCALE 1:1250
 Location Plan 1:1250
 Site Area - 638m²



SCALE 1:500
 Site Plan 1:500

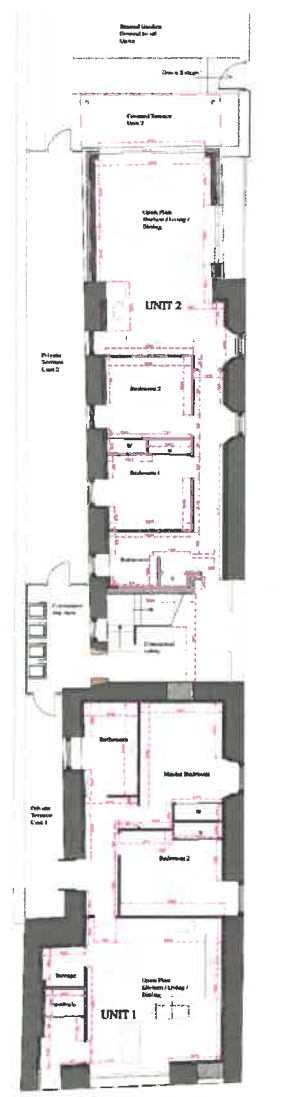
All Drainage both foul and surface water will be discharged to the existing drainage systems as no extra loadings will occur.

Perfection Close to Albert Street

Traffic Calming Measure if required.

Area Outlined in Blue noted as shared ownership access to site.

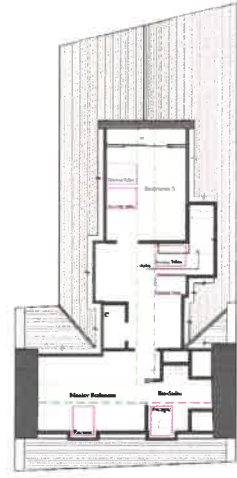
Painted build outs to accommodate required visibility play for egress from parking areas.



Proposed Ground Floor Plan 1:100
 SCALE 1:100



Proposed First Floor Plan 1:100



Proposed Second Floor Plan 1:100

Date of Issue	Day	Month	Year	REV	
				NO	BY
	01	03	25	01	AL
				02	AL
				03	AL

Client: **Iolo of Bute Jewellery Ltd**
 Project: **Conversion of former retail unit and existing premises to form 4no apartments at 3-7 King Street, Kirkwall, Orkney, KW15 1JF**
 Title: **Proposed Floor Plans and Site Plan**

Drawing Ref: **JDC - 1694 -002**

CRAWFORD
 architecture

Office Address: **22, New Wound Mountain, Angus, DD10 8BP**
 Tel: **01874 672569**
 Fax: **01874 672569**

From: [David Paton](#)
To: [Dean Campbell](#)
Cc: [Kevin Crawford](#)
Subject: 22/264/PP
Date: 25 October 2022 13:57:22
Attachments: [image010.png](#)
[image011.png](#)
[JDC.1694.001ExistingPAREvC.pdf](#)
[JDC.1694.002ProposedPAREvC.pdf](#)

Morning Dean,

This is our proposed response below in red and drawings updated and attached – but we are actually in Kirkwall tomorrow around 1pm and would appreciate if we could get a quick chat with you about this? Does that suit?

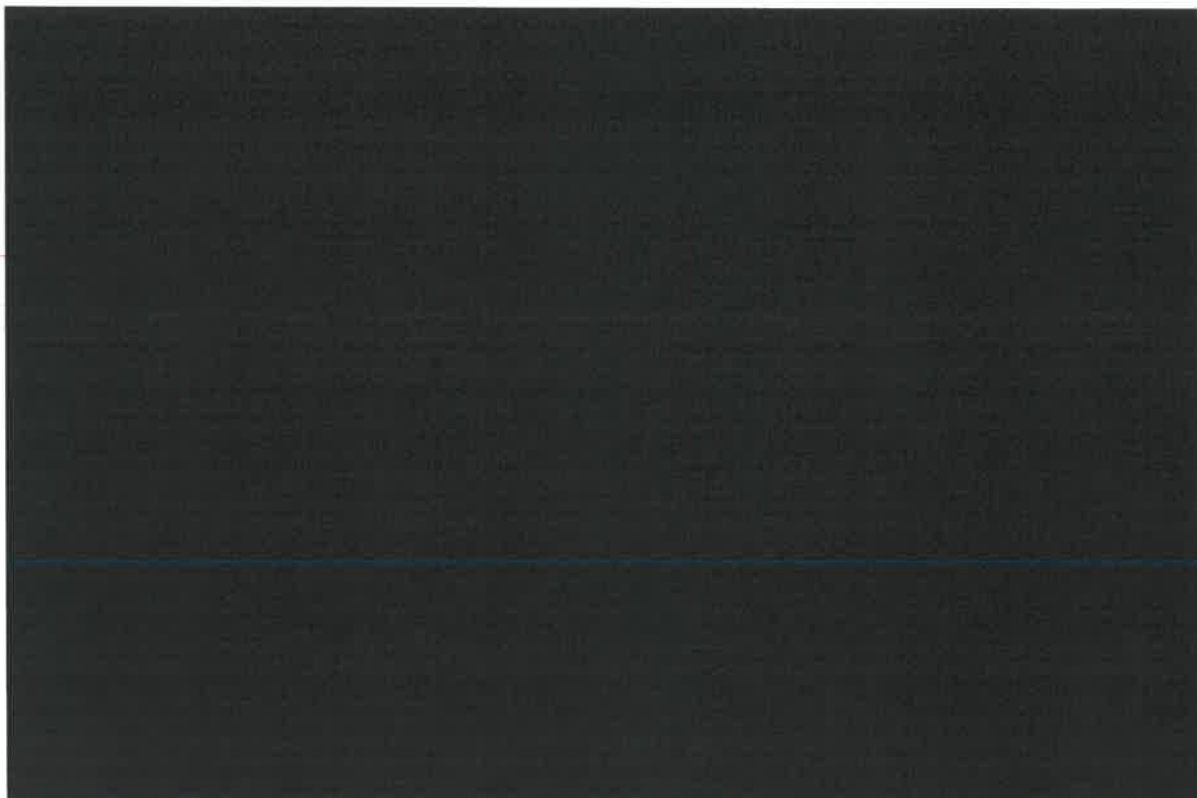
Parking - could be overcome by adding two spaces within the garden ground of the development if that was agreeable to planning? Space dimensions have been updated to 2.5 x 5m on plan attached.

Access – could be overcome by adding simple painted elements or build outs on the road to ensure visibility would be maintained? However there is no note of what the required visibility splay would be? Assume 2.4m x 45m?

The pavement on King Street is also more than an average width of pavement at 2.8m which gives ample room for access and egress and for opportunity to see pedestrians to each side – we would propose a raised traffic calming measure at the mouth of the pend to ensure cars slow down at this point if felt necessary.

We would also argue that we don't really see where there is an intensification of use as this whole area in question (even beyond the red line boundary) is a car park at present owned and used by a 30 & 32 Albert Street (which is residential and retail buildings) all within an existing situation - in its previous life this area was used as retail parking for the shop within the application building – we are purely repurposing an area of that car park as residential parking which will be marked as such to stop unwanted retail parking on that area. But as above, we would be happy to ensure that there are upgrades to this area to ensure safety.

Again, we would think these items can all be addressed in a safe manner to accommodate the redevelopment of this large, mostly empty building within the conservation area of Kirkwall and as such we would like to get formal response from Roads again prior to making a decision on whether to withdraw or continue with the application.





DESIGN & ACCESS STATEMENT

Project Title | Conversion of former retail unit and existing maisonette to form 4no two and three bedroom apartments at 5-7 King Street, Kirkwall, Orkney, KW15 1JF

JDC Reference | JDC/1694/RevC

Introduction.

Crawford Architecture has been instructed by *Isle of Bute Jewellery Ltd* to prepare and submit a Planning Application for *Conversion of former retail unit and existing maisonette to form 4no two and three bedroom apartments at 5-7 King Street, Kirkwall.*

Our clients have owned the properties for some time however the retail unit is in a poor state of repair and the first-floor residential unit is deemed too large for a modern town centre apartment.

The property sits within Kirkwall's conservation area and as such various steps have been taken to ensure the character and appearance of the property is maintained and enhanced where required to ensure the special architectural interest of the area is maintained.

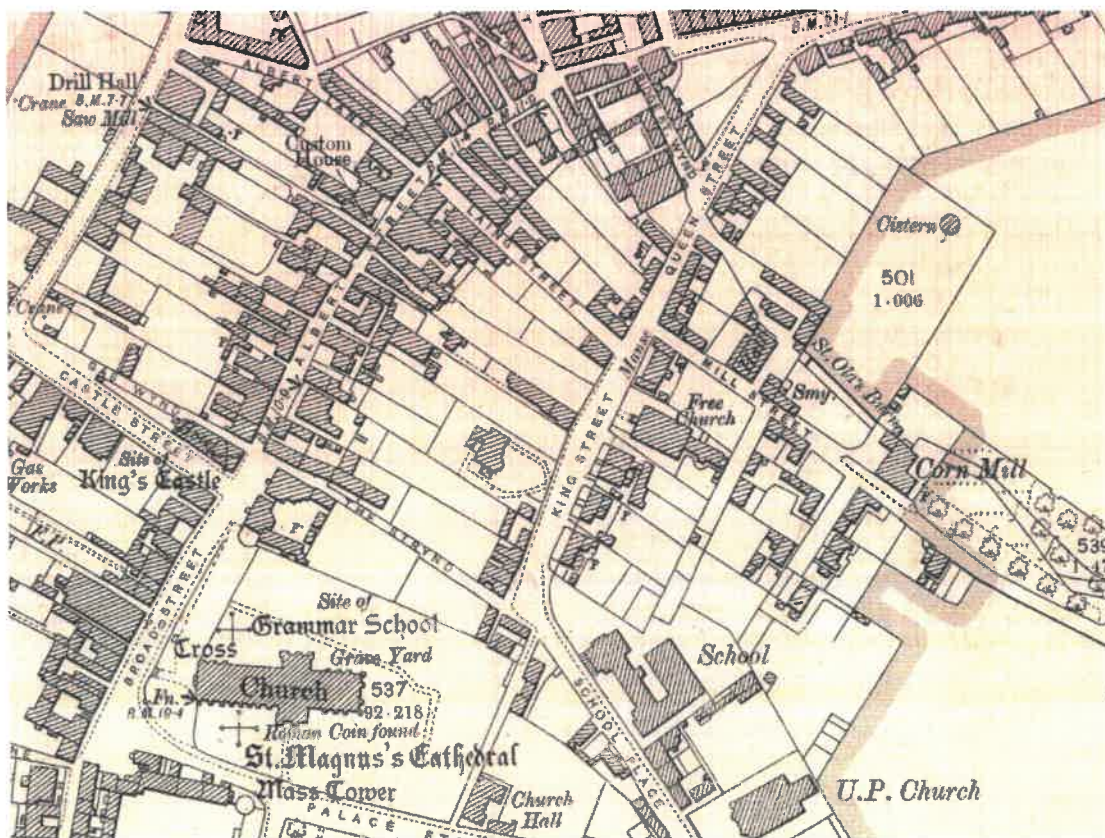
The property is not listed but sits within an area with a plethora of B & C listed dwellings.

Site History

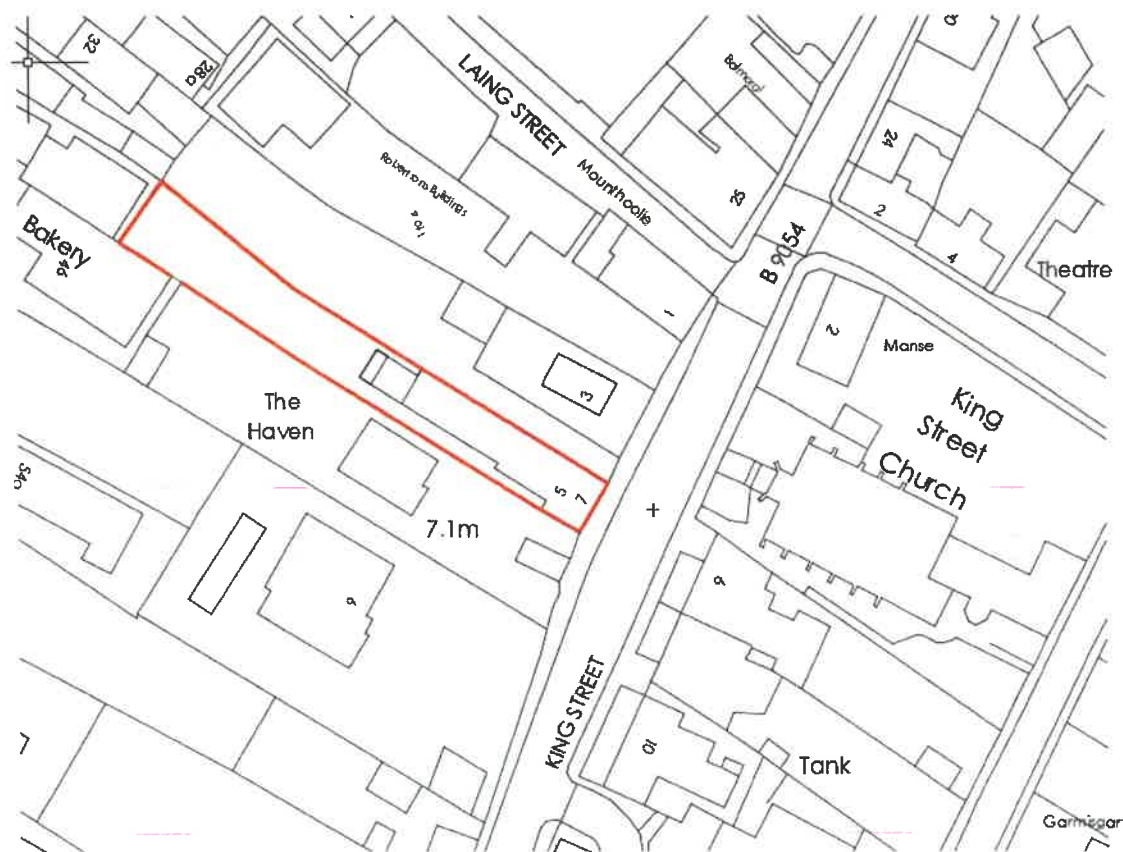
The site has been occupied by the same building / buildings for some 130 years at least. The images below show the progression from the street fronted building in the cover page image in 1882 map of Kirkwall to the 1949 map showing the building had been extended quite significantly to the rear of the property. There is no evidence of when the garage and conservatory were built but this would like have been 1970's - 1980's from the visual inspection.



Map from 1882



Map from 1949



OS Map Extract from 2022

Application History

There have been no planning applications or building warrants on the property in the last 20 years, but previous to that there were several applications in the 80's and 90's for various proposals which are noted below: -

- Alterations and change of use to form an amusement arcade
Ref. No: 81/304 | Status: Application Refused
- Change of use from warehouse to shop/design studio
Ref. No: 81/322/PPF | Status: Grant Subject to Conditions
- Change of use from shop and store into six residential flats
Ref. No: 95/271/PPF | Status: Grant Subject to Conditions
- Change of use of shop/store to 4 dwelling units
Ref. No: 93/077/PPF | Status: Grant Subject to Conditions

As above there is previously approved precedent for the conversion of this building into 4no residential units which was never implemented.

Access Statement -

As there are some minor alterations to the front and side elevations to the property an Access Statement has been created as per section 6 of the Planning (Listed Building Consent and Conservation Area Consent Procedure) (Scotland) Regulations 2015.

The statement must address the following issues:

(a) explains the policy or approach adopted as to such access and how any specific issues arising from the proposed works which might affect such access have been addressed;

(b) describes how features which ensure access to the building for disabled people will be maintained; and

(c) states what, if any, consultation has been undertaken on issues relating to access to the building for disabled people and what account has been taken of the outcome of any such consultation.

Section A)

Our approach to address the access issues at 9 – 21 John Street is to ensure level thresholds are installed to all new access points i.e. new communal entrance to residential units. Unit 1 fronting King Street will retain its stepped access to maintain the character of the Listed Building.

Entrance Door widths.

The existing main entrance door to Unit 1 on King Street is 950mm wide which is more than adequate for access requirements. The new access to the three other residential dwellings will have an access 1700mm which will be double glazed doors to a communal hall with direct access to the bin store area.

Section B)

Features which ensure access to the building for disabled people will be maintained. There is currently no disabled access to the building and as per section A this will be vastly improved.

Section C)

At this early stage the only consultation carried out are from the current building regulations to ensure accessibility to all areas of the proposed property can be accommodated.

Design Statement –

The existing 2.5 storey building encompassing 5 – 7 King Street is a fairly imposing building on the street front – It sits independent from other structures which are predominantly terraced along the street itself.

The site itself is only approx. 8m wide at King Street and some 60m long to the back garden wall.

The building has very Georgian Features throughout the frontage which is simple in decoration – décor gets simpler the further back the building goes. Its likely the rear elements were always storage / workshop buildings with accommodation above.

The premise behind the alterations to this building was to ensure that as many existing openings were reused and or reopened as possible to bring the building back to life – especially the ground floor.

The rear garage and conservatory extensions are not in a good state and are proposed to be removed and replaced on the same footprint with a new structure built with similar stone to match the main building and a timber clad box on top. This will create Units 2 and 4 Living Areas.

The box structure has been designed as the only new element which against the vast stonework of the building – Scottish Larch will create a contemporary element that contrasts well against the existing. The removal of the full three sided conservatory and large terrace will decrease privacy issues to neighbouring garden areas but we will create a North West glazed gable to ensure the living space for Unit 4 has a good level of day light and outlook for the occupants.

Windows are to be replaced sympathetically using new timber sash and case windows with double glazed units to ensure that thermal values are being brought up to standard.

Two new escape conservation styles velux windows will feature on the front (king street) elevation, serving the Master Suite of Unit 3 replacing two smaller non heritage style rooflights.





Images of proposed new element

Parking & Access

The site benefits from an existing access point and car park in between King Street and Albert Street. Half of this car park is owned by 30/32 Albert Street which is part retail and part residential properties. There is also a public footway between each street which seems to be a historic access route.

The rest is owned by the applicant and there is sufficient space for 6 2.5x5m parking spaces within the existing ownership and we would propose 2 more spaces within the garden ground of 5 / 7 King Street to ensure there is 2 spaces per unit.

It should also be noted that there is an array of on street parking and public car parks in the immediate vicinity of the application including, but not limited to:-

- *King Street Car Park – approx. 28 spaces*
- *Parking within land at 9 King Street (Council Building) approx. 12 spaces*
- *Orkney Council Car Park - approx. 45 spaces*
- *Broad Street Car Park – approx. 10 spaces*
- *Pickaquooy Road Car Park – approx. 30 spaces*

Access – The existing access does not have great visibility when egressing the car park. However, this could be overcome by adding simple painted elements or build outs on the road to ensure visibility would be maintained and also adding a traffic calming element at the end of the access to ensure safety for pedestrians.

Precedent

Application - 22/119/PP

A recent town centre application to Convert a shop, gallery and music venue to 14 residential units was approved in Laing Street not 100m from the application site which was approved with no parking at all for this large conversion and new build project which should be looking for at least 28 car parking spaces under normal circumstances as noted within the approval documents –

'as roads authority has objected due to the lack of parking provision, noting that the development would not accord with the car parking standards set out in the National Roads Development Guide and the development would result in an unacceptable burden on existing infrastructure. The development is therefore contrary to Policies 1(v) and 14B(iii) of the Orkney Local Development Plan 2017. However, the development accords with Policies 1, 2 and 5, and relevant material considerations including provision of housing and making use of a vacant building outweigh the lack of parking. On balance, the development is considered acceptable.'

The King Street application is already part residential and all within an existing building with an existing car park area to the rear and ample parking in and around the immediate area so it is felt that there is sufficient reason for this application to be approved on the information supplied within this statement and for the precedent set-in application *22/119/PP*.

Prepared by

David R Paton M.Arch BSc(Hons) Associate Director

Crawford Architecture | 72 New Wynd Montrose DD10 8RF | 01674 672064

Crawford Architecture trust that this document along with the planning application and other supporting documentation attached shall be sufficient in order to progress our proposed development application. Crawford Architecture have undertaken and complied with Scottish Planning Policy and carried out all the pre-application in a professional manner.

INTERNAL MEMORANDUM TO: Roads Services

Date of Consultation	26th October 2022
Response required by	2nd November 2022
Planning Authority Reference	22/264/PP
Nature of Proposal (Description)	Convert former shop and house to four flats, extend including a balcony to the rear and install replacement windows, doors, rooflights and ridge tiles
Site	5-7 King Street, Kirkwall, Orkney, KW15 1JF
Proposal Location Easting	345038
Proposal Location Northing	1011000
Area of application site (Metres)	659
Supporting Documentation URL	http://planningandwarrant.orkney.gov.uk/online-applications/ Please enter - 22/264/PP
PA Office	Development Management
Case Officer	Mr Dean Campbell
Case Officer Phone number	(01856) 873535 Ex2528
Case Officer email address	dean.campbell@orkney.gov.uk
PA Response To	planningconsultation@orkney.gov.uk

Comments:

While the additional information provided by the applicant is useful there is still a safety concern regarding the intensification of use of the access due to insufficient forward visibility from the access. Therefore Roads Services still object to this development proposal.

D.W.



**REFUSE PLANNING PERMISSION
DELEGATED DECISION**

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

Ref: 22/264/PP

Isle Of Bute Jewellery Ltd
c/o John D. Crawford Ltd
72 New Wynd
Montrose
Scotland
DD10 8RF

With reference to your application registered on 22nd August 2022 for planning permission for the following development:-

PROPOSAL: Convert former shop and house to four flats, extend including a balcony to the rear and install replacement windows, doors, rooflights and ridge tiles

LOCATION: 5-7 King Street, Kirkwall, Orkney, KW15 1JF

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 principle of the development is considered acceptable. While not fully assessed, given the recommendation, the associated physical works would appear to preserve the character and appearance of the conservation area and amenity of both the proposed occupants and third-party neighbours. However, it cannot be reasonably concluded that the intensification of the existing access would not cause a risk to public health and safety. The objection from Roads Services cannot be overlooked and has been considered pivotal to the conclusion in this instance. The proposal is therefore considered contrary to Orkney Local Development Plan 2017 Policy 1 (vi) and Policy 14C (ii and iii).

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

Decision date: 14th November 2022

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

Ref: 22/264/PP

REASONS FOR REFUSAL

01. The proposed intensification of the existing access would result in an unacceptable level of risk to public health and safety. The development is therefore contrary to Policy 1(vi) 'Criteria for All Development' of Orkney Local Development Plan 2017.

02. The access junction with the public road does not meet the necessary visibility splay in accordance with roads authority requirements. Roads Services has therefore objected to the development. The proposed development would not protect the safety of road users and is therefore considered contrary to Policy 14C (ii and iii) 'Transport, Travel and Road Network Infrastructure', of the Orkney Local Development Plan 2017.

Ref: 22/264/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:

Existing Plan	OIC-01	2
Other	OIC-02	3
Elevations	OIC-03	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) Regulations, 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
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)
Orkney Islands Council
Council Offices
School Place
KIRKWALL
Orkney
KW15 1NY

Email: 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.

Ridge tiles to be replaced



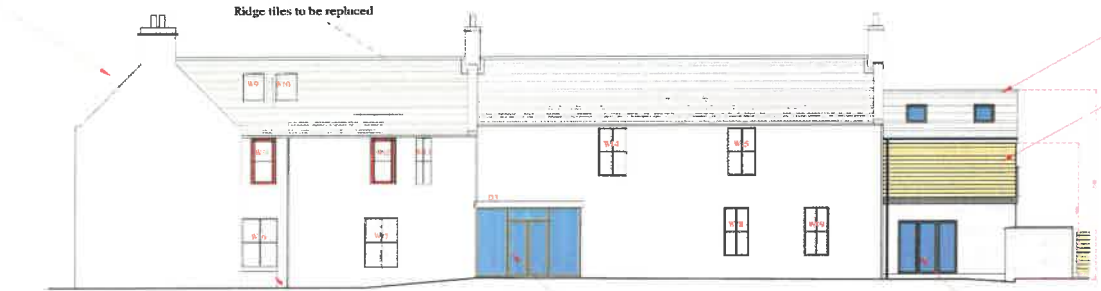
Proposed South East Elevation 1:100
SCALE 1:100



Proposed North West Elevation 1:100
SCALE 1:100

Windows on North East and South East Elevations to be replaced with like for like timber sash and case windows

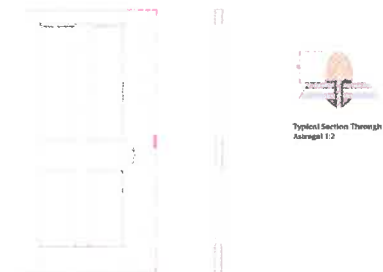
Windows on South West Elevation to be casement oak like windows, comprising timber sash and case window



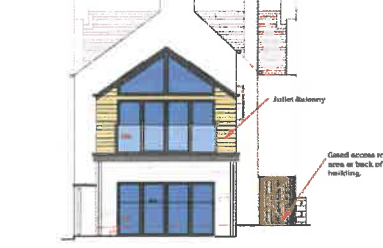
Proposed North East Elevation 1:100
SCALE 1:100



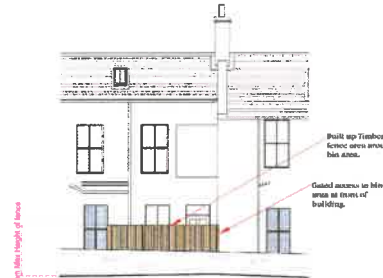
Proposed South West Elevation 1:100
SCALE 1:100



Typical Section Through Rafters 1:20
SCALE 1:20



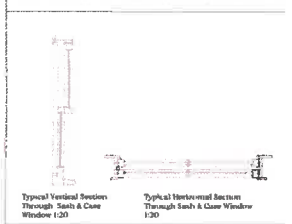
Proposed Bin Area (North West Elevation) 1:100



Proposed Bin Area (South West Elevation) 1:100

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Do not scale this drawing for construction purposes.



Typical Vertical Section Through Sash & Case Window 1:20
Typical Horizontal Section Through Sash & Case Window 1:20

Window & Door Schedule

Checking to be double glazed units with min 1.4m² U Value

Window Number	Notes
W1	Replace existing rooflights with Conservation style Gargoyle Velux 140x140mm
W2	1820x1000mm New Timber Sash and Case Window
W3	1820x700mm New Timber Sash and Case Window
W4	1820x1000mm New Timber Sash and Case Window
W5	1820x1000mm New Timber Sash and Case Window
W6	1400x1000mm New Timber Sash and Case Window
W7	1400x1000mm New Timber Sash and Case Window
W8	1400x1000mm New Timber Sash and Case Window
W9	Retained Existing Velux
W10	Retained Existing Velux
W11	Retained Existing Glass Window
W12	Retained Existing Glass Window
W13	600x1820mm New Timber Sash and Case Window
W14	1050x1820mm New Timber Sash and Case Window
W15	1050x1820mm New Timber Sash and Case Window
W16	Existing Door Replaced with 1300x1820mm Timber Sash and case window
W17	1200x1820mm New Timber Sash and Case Window
W18	1050x1820mm New Timber Sash and Case Window
W19	1050x1820mm New Timber Sash and Case Window
W20	Retained Velux
W21	Retained Velux
W22	Retained Existing Velux
W23	600x1820mm New Timber Sash and Case Window
W24	970x1820mm New Timber Sash and Case Window
W25	900x1820mm New Timber Sash and Case Window
W26	900x1820mm New Timber Sash and Case Window (Internal)
W27	900x1820mm New Timber Sash and Case Window
W28	900x1820mm New Timber Sash and Case Window
W29	1820x1820mm New Timber Sash and Case Window
W30	600x1820mm New Timber Sash and Case Window (External)
W31	600x1820mm New Timber Sash and Case Window to be removed
W32	Window to be removed
W33	900x1820mm New Timber Sash and Case Window
W34	900x1820mm New Timber Sash and Case Window
W35	Existing Door Replaced for Sash and Case Timber Window in place of W34 (Internal)
W36	900x1820mm New Timber Sash and Case Window (Internal)
W37	900x1820mm New Timber Sash and Case Window
W38	900x1820mm New Timber Sash and Case Window (External)

Door No	Notes
D1	New Timber Painted Front Entrance Door 950x1920mm
D2	New Full Timber Painted Door 1920x1920mm
D3	New Timber Glass Door and Side Light 2500x1900mm
D4	New Timber Painted Entrance Door 1000x1920mm
D5	Existing Window Replaced with new external Double Painted Frame 600x1300mm
D6	New Attached Patio Door Set (Aluminum) 2400x1600mm
D7	New Attached Patio Door Set (Aluminum) 2400x1600mm

All New Timber windows to be finished by White paint -RAL 9010

All New Timber Doors to be finished in Joneda Green paint -RAL 9011

All New Allocated Doors to be finished in Dupont Black paint -RAL 9011

Date of Issue	Day	Month	Year	PAPER						
				A1	CP	A	B	C	D	

Client: Isle of Bute Jewellery Ltd

Project: Conversion of former retail units and existing maisonette to form two apartments at 3-7 King Street, Kirkwall, Orkney, KW15 1JF

Title: Proposed Elevations and 3D Images

Drawing Ref: JDC - 1694 -003



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Tel: 01574 673962
Fax: 01574 673962

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

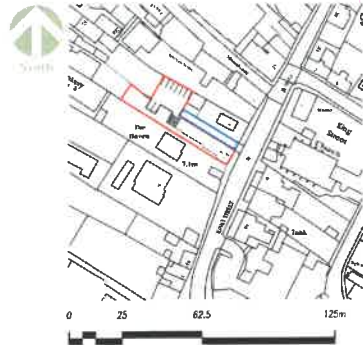
REFUSED
22/284/PP
14 November 2022





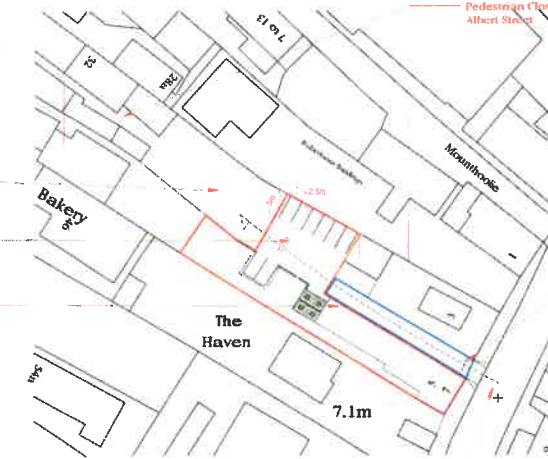
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ORKNEY ISLANDS COUNCIL
Town & Country Planning
(Scotland) Acts

REFUSED
 22/264/PP
 14 November 2022



SCALE 1:1250
 Location Plan 1:1250
 Site Area - 638m²

All Drainage both foul and surface water will be discharged to the existing drainage systems as no extra loadings will occur.



Site Plan 1:500
 SCALE 1:500

Area Outlined in Blue noted as shared ownership access to site.

Painted build outs to accommodate required visibility splay for egress from parking areas.

- Existing Off Street Parking Area for 30 & 22 Albert Street accesses off shared access point
- Commuter Off Street Parking for 8 Vehicles
- Commuter Access To Parking

Traffic Calming Measure if required.



Proposed Ground Floor Plan 1:100
 SCALE 1:100



Proposed First Floor Plan 1:100



Proposed Second Floor Plan 1:100

DATE	REV	BY	CHKD	APP
13/03/21	01	AI	OP	ABC
19/09/21	02	AI	OP	ABC
21/12/22	03	AI	OP	ABC

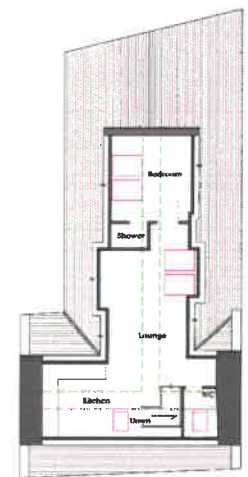
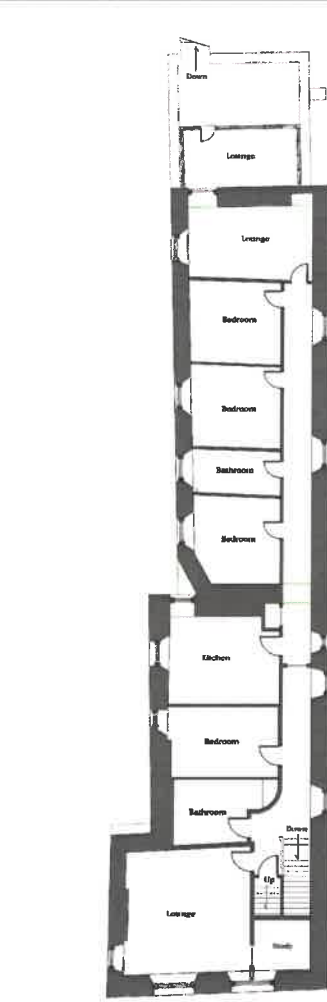
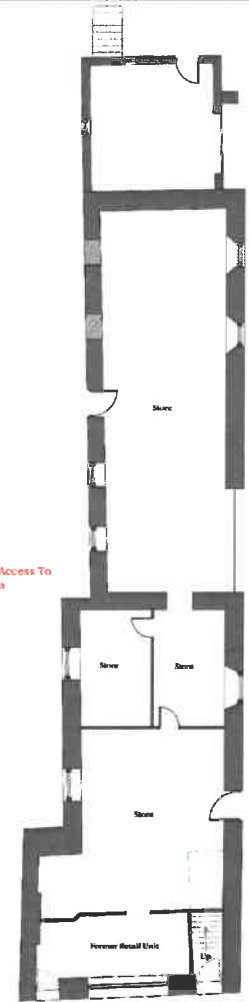
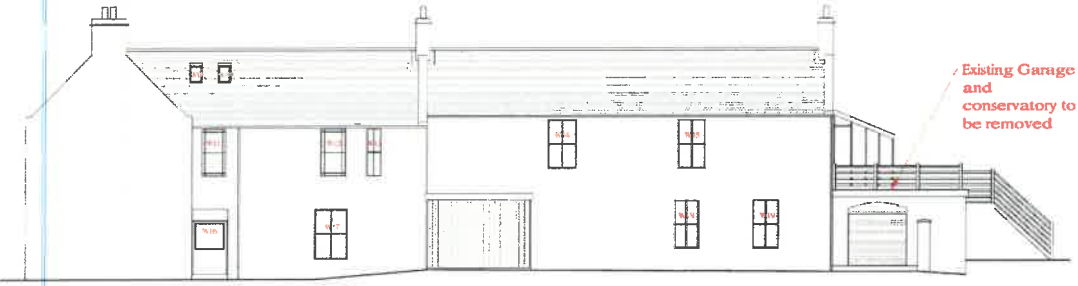
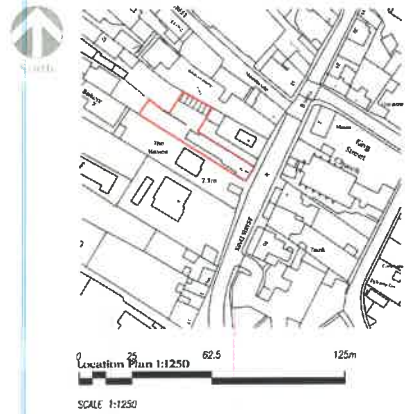
Client:	Isle of Bute Jewellery Ltd
Project:	Conversion of former retail units and existing malshouses to form 4no apartments at 5-7 King Street, Kirkwall, Orkney, KW15 1JF
Title:	Proposed Floor Plans and Site Plan
Drawn/No:	JDC - 1694 -002

CRAWFORD
 architecture.

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REFUSED
 22/284/PP
 14 November 2022



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Date of Issue	Rev	REV			
		NO	BY	DATE	DESCRIPTION
15/09/22	01				
19/04/22	02				
23/11/22	03				

Client: Isle of Bute Jewellery Ltd
 Project: Conversion of former retail unit and existing manservants to form 4no apartments at 5-7 King Street, Kirkwall, Orkney, KW15 1JF
 Title: Existing Floor Plans, Elevations, Site Plan and Location Plan
 Drawing Ref: JDC - 1694 - 001