

## **Minute**

### **Planning Committee**

Wednesday, 19 August 2020, 10:30.

Microsoft Teams.



### **Present**

Councillors Robin W Crichton, John A R Scott, Alexander G Cowie, Norman R Craigie, David Dawson, Barbara Foulkes, Stephen Sankey and Owen Tierney.

### **Clerk**

- Hazel Flett, Senior Committees Officer.

### **In Attendance**

- Roddy Mackay, Head of Planning, Development and Regulatory Services.
- Jamie Macvie, Planning Manager (Development Management).
- Susan Shearer, Senior Planner (Development and Marine Planning).
- Georgette Herd, Solicitor.
- Kenneth Roy, Team Leader Roads Support (for Item 4).
- Donald Wilson, Roads Authority Officer.

### **Observing**

- Gavin Barr, Executive Director of Development and Infrastructure (for Items 1 to 3).
- David Barclay, Senior Planner (Development Management) (for Items 1 to 3).
- David Hartley, Communications Team Leader.
- Angela Kingston, Committees Officer.
- Sandra Craigie, Committees Officer (for Items 1 to 3).

### **Apology**

- Councillor Duncan A Tullock.

### **Not Present**

- Councillor Magnus O Thomson.

### **Declarations of Interest**

- No declarations of interest were intimated.

### **Chair**

- Councillor Robin W Crichton.

## **1. Suspension of Standing Orders**

The Committee **suspended Standing Order 8.11** to enable members to participate in the meeting from a remote location, as a party had the right to be heard in person or through a representative and the decision to be made was as a result of a quasi-judicial or regulatory hearings process, such as a planning application or an appeal.

## **2. Form of Voting**

The Committee resolved that, should a vote be required in respect of the planning applications to be considered at this meeting, notwithstanding Standing Order 21.4, the form of voting should be by calling the roll or recorded vote.

## **3. Planning Application 19/143/PPMAJ**

### **Proposed Extension of Quarry, Continued Extraction of Stone, Restoration and Landscaping at Cursiter Quarry, Old Finstown Road, Firth**

As Councillor Duncan A Tullock had not taken part in the site visit, he had tendered his apologies, as in terms of Standing Order 8.6 he was therefore precluded from taking part in further discussion of this application.

Fraser Blackwood, agent representing the applicant, Orkney Islands Council, was present during consideration of this item.

Darren Richardson, David Custer and Steve Killeen, representing the applicant, Orkney Islands Council, were present during consideration of this item.

George Brown, John Grimond and Kenny Slater, objectors, were present during consideration of this item.

After consideration of a report by the Executive Director of Development and Infrastructure, copies of which had been circulated, and after hearing a report from the Planning Manager (Development Management), the Committee:

Noted:

**3.1.** That letters of objection relating to the application for planning permission in respect of the proposal for the extension of a quarry, continued extraction of stone, restoration and landscaping at Cursiter Quarry, Old Finstown Road, Firth, had been received from the following:

- George Brown, Rohallion, Grimbister.
- Andrew Giggle, Rossmyre, Grimbister.
- John Grimond, Old Manse of Firth, Grimbister.
- K A Slater, The Glebe, Grimbister.

**3.2.** That, on 9 June 2020, the Planning Committee deferred consideration of the application for planning permission in respect of the proposal for the extension of a quarry, continued extraction of stone, restoration and landscaping at Cursiter Quarry, Old Finstown Road, Firth, to enable members of the Committee to undertake an unaccompanied site visit.

**3.3.** That the site visit, referred to at paragraph 3.2 above, had taken place at 14:00 on 13 August 2020.

After hearing representations from Kenny Slater, John Grimond and George Brown, objectors, and from Fraser Blackwood, agent for the applicant, Orkney Islands Council, Councillor John A R Scott moved that the application for planning permission in respect of the proposal for the extension of a quarry, continued extraction of stone, restoration and landscaping at Cursiter Quarry, Old Finstown Road, Firth, be approved, subject to conditions as proposed by officers.

On receiving no seconder, his motion fell.

On the motion of Councillor David Dawson, seconded by Councillor Owen Tierney, the Committee resolved, in terms of delegated powers:

**3.4.** That the application for planning permission in respect of the proposal for the extension of a quarry, continued extraction of stone, restoration and landscaping at Cursiter Quarry, Old Finstown Road, Firth, be refused.

**3.5.** That the Committee's reasons for refusing planning permission against the recommendation of the Executive Director of Development and Infrastructure were that, in the Committee's opinion:

- The scale and extent of the proposed extension to the quarry, which extended beyond the defined Minerals Safeguard Area, was not justified and, in particular, the case had not been made that future need and demand for aggregate could not be met within a defined Minerals Safeguard Area.
- The proximity of the proposed extension to residential properties would result in significant adverse cumulative impacts on the residential amenity of the neighbouring properties as a result of noise, dust and vibration from blasting.
- There would be an adverse impact on the landscape character and visual amenity of the local area.
- There were potential adverse impacts on cultural and natural heritage assets.
- Measures proposed were not sufficient to satisfactorily mitigate the impact of the quarry extension on the amenity of neighbouring residents and the wider environment.

And, accordingly, the proposed development was contrary to the following policies of the Orkney Local Development Plan 2017:

- Policy 1 – Criteria for All Development, parts (iii), (iv), (vi), (ix) and (x).
- Policy 2 – Design, parts (i) and (ii).
- Policy 4 – Business, Industry and Employment, section E – Minerals.
- Policy 9 – Natural Heritage and Landscape, section A – Natural Heritage Designations, parts (2) and (3).
- Policy 9 – Natural Heritage and Landscape, section G – Landscape, parts (i) and (ii).

The Committee noted:

**3.6.** That, in terms of Standing Order 15.6, Councillor John A R Scott wished his dissent recorded in respect of the decision outlined at paragraph 3.5 above.

#### **4. Planning Application 19/365/PP**

##### **Proposed Change of Use from Offices to Offices and Other Services, Extension, Alterations to Car Park and Stopping-Up of Public Road to form Car Parking at Garden House, New Scapa Road, Kirkwall**

As Councillor Norman R Craigie had not been involved in previous discussions at the Committee regarding this application, nor taken part in the site visit, in terms of Standing Order 8.6 he was therefore precluded from taking part in further discussion of this application and left the meeting at this point.

As Councillor Duncan A Tullock had not been involved in previous discussions at the Committee regarding this application, nor taken part in the site visit, he had tendered his apologies, as in terms of Standing Order 8.6 he was therefore precluded from taking part in further discussion of this application.

Alan Gray, agent representing the applicant, Orkney Islands Council, Ian Rushbrook, representing the applicant, Orkney Islands Council, and Fraser Anderson, objector, were present during consideration of this item.

After consideration of a report by the Executive Director of Development and Infrastructure, copies of which had been circulated, and after hearing a report from the Planning Manager (Development Management), the Committee:

Noted:

**4.1.** That letters of objection relating to the application for planning permission in respect of the proposal for the change of use from offices to offices and other services, extension, alterations to the car park and stopping-up of the public road to form car parking at Garden House, New Scapa Road, Kirkwall, had been received from the following:

- Fraser Anderson, Orkney Hand Crafted Furniture, Giggs Cottage, New Scapa Road, Kirkwall.
- Brian Anderson, Margaret Anderson and Tracy Russell, Dell'Ovo, New Scapa Road, Kirkwall.
- Susan Anderson-Leslie and Paul H Marcus, West Lynn, Holm Branch Road, Kirkwall.
- Ruth Britten, 7 Kirk Park, Orphir.
- Sam Britten, Asgard, Orphir.
- Kirsty Brown and Luke Brown, Oakhurst, Willow Road, Kirkwall.
- Jacqui Bruce, 74 Liberator Drive, Kirkwall.
- John Bruce, 4 Warrenfield Drive, Kirkwall.
- Karen Budge, Rohaven, Annfield Crescent, Kirkwall.
- Katrina Budge, 9 Jubilee Court, Kirkwall.
- Joy Butcher and Matthew Butcher, 1 Royal Oak Court, Holm Road, Kirkwall.
- Chloe Farrer and David Farrer, Upper Misker, Deerness.
- Gillian Farrer, Fern Valley Wildlife Centre, Tingwall House, Tingwall, Rendall.
- W Flett, Edgeriggs, 1 Scapa Crescent, Kirkwall.
- Shenandoah Gills and Calum Miller, 13 Church Road, Stromness.

- Calum Grant and Lyndsay Grant, 27 Buttquoy Crescent, Kirkwall.
- Jackie Harrison and Keith Harrison, Reesterbrae, Orphir.
- Barbara Mackenzie and Tyler Mackenzie, Tonray, 10 Meadow Park, Kirkwall.
- Gina McMahon, Lower Bu, Holm.
- Ann Rendall, Iona, 3 Scapa Crescent, Kirkwall.
- Jacqui Robertson and Liam Robertson, Westermill, 24 Willowburn Road, Kirkwall.
- Steven Russell, Dellovo Cottage, New Scapa Road, Kirkwall.
- Graham Scollay and Netsanet Sori, Muirdene, Orphir.

**4.2.** That, on 4 March 2020, the Planning Committee deferred consideration of the application for planning permission in respect of the change of use from offices to offices and other services, extension, alterations to the car park and stopping-up of the public road to form car parking at Garden House, New Scapa Road, Kirkwall, to enable members of the Committee to undertake an unaccompanied site visit.

**4.3.** That the site visit, referred to at paragraph 4.2 above, had taken place at 13:30 on 19 August 2020.

After hearing representations from Fraser Anderson, objector, on the motion of Councillor Robin W Crichton, seconded by Councillor Barbara Foulkes, the Committee:

Resolved, in terms of delegated powers:

**4.4.** That the application for planning permission in respect of the proposal for the change of use from offices to offices and other services, extension, alterations to the car park and stopping-up of the public road to form car parking at Garden House, New Scapa Road, Kirkwall, be granted, subject to the conditions attached as Appendix 1 to this Minute.

## **5. Conclusion of Meeting**

At 15:40 the Chair declared the meeting concluded.

Signed: Rob Crichton.

## Appendix 1.

### **Proposed Change of Use from Offices to Offices and Other Services, Extension, Alterations to Car Park and Stopping-Up of Public Road to form Car Parking at Garden House, New Scapa Road, Kirkwall (19/365/PP)**

#### **Grant subject to the following conditions:**

01. Throughout the lifetime of the development hereby approved, surface water must be treated in accordance with the principles of Sustainable Drainage Systems (SUDS) and be compliant with the guidance set out in CIRIA's SuDS Manual C753. The requisite surface water drainage shall be operational prior to the development being brought into use and shall be maintained as such thereafter.

All surface water shall be contained within the development site and there shall be no surface water drainage run-off onto the road or adjacent land.

Reason: To ensure the provision of an adequate surface water drainage system and to accord with Policy 13B – Sustainable Drainage Systems (SuDS) of Orkney Local Development Plan 2017, Scottish Planning Policy – Managing Flood Risk and Drainage, and in the interests of road safety.

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

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

03. All access and parking provision and alterations hereby approved shall be constructed and completed wholly in accordance with approved details prior to first occupation of the development hereby approved, and thereafter shall be retained in accordance with these details throughout the lifetime of the development, unless otherwise agreed, in writing, by the Planning Authority.

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

Reason: In the interests of road safety.

04. All tree protection shall be implemented wholly in accordance with the sequence of works and specifications included in the 'Tree Protection Plan' hereby approved. No excavation works shall be carried out within the site until all protective fencing is erected in accordance with the tree protection plan and is inspected on site and confirmed as acceptable by the Planning Authority.

Reason: To ensure adequate protection of trees, including roots, throughout the construction of the development.

05. Notwithstanding the site layout hereby approved, and in conjunction with the requirements of condition 03 above, the car park layout and parking provision for the development shall include an electric vehicle charger and two associated parking bays marked for the use of electric vehicles.

Reason: To ensure the provision of electric vehicle infrastructure to serve the development.