

Item: 12

Development and Infrastructure Committee: 10 November 2020.

Proposed Stopping-Up of Section of Scapa Crescent, Kirkwall.

Report by Executive Director of Development and Infrastructure.

1. Purpose of Report

To consider stopping up part of Scapa Crescent, Kirkwall, in order to facilitate redevelopment of Garden House.

2. Recommendations

The Committee is invited to note:

2.1.

That, on 19 August 2020, planning permission was granted for the change of use, extension, alteration of car parking and the stopping up of a public road to form additional car parking at Garden House, New Scapa Road, Kirkwall.

2.2.

That, in order to provide adequate parking, the approved development includes the stopping up of a section of Scapa Crescent, Kirkwall, and its reconfiguration as a car park.

2.3.

That, by virtue of Section 207 of The Town and Country Planning (Scotland) Act 1997, a Planning Authority may, by order, authorise the stopping up of a road if it is satisfied that it is necessary to do so to enable development to be carried out in accordance with the planning permission granted.

2.4.

The proposal to stop up part of Scapa Crescent, Kirkwall, as shown on the site plan attached as Appendix 1 to this report, in order to facilitate redevelopment of Garden House.

It is recommended:

2.5.

That powers be delegated to the Executive Director of Development and Infrastructure to publish, serve and display the Stopping-Up Order, referred to at paragraph 2.4 above.

2.6.

That, should no unresolved representations or objections be received, powers be delegated to the Executive Director of Development and Infrastructure to confirm the Stopping-Up Order in respect of a section of road at Scapa Crescent, Kirkwall.

2.7.

That, should unresolved representations or objections be received during the publication period, the Executive Director of Development and Infrastructure should submit a report, to a meeting of the Committee in early 2021, detailing the comments received for further consideration, prior to the proposed Stopping-Up Order in respect of a section of road at Scapa Crescent, Kirkwall, being submitted to the Scottish Government.

3. Background

3.1.

On 19 August 2020, the Planning Committee granted planning permission for the change of use, extension, alteration of car parking and the stopping up of a public road to form additional car parking at Garden House, New Scapa Road, Kirkwall (planning reference 19/365/PP).

3.2.

In order to provide adequate parking, the approved development includes the stopping up of a section of Scapa Crescent and its reconfiguration as a car park. The site plan is attached as Appendix 1 to this report.

3.3.

A planning condition attached to the consent requires that all approved parking provision and alterations be constructed and completed prior to first occupation of the development.

3.4.

Section 207 of The Town and Country Planning (Scotland) Act 1997, as amended, confirms that a planning authority may by order authorise the stopping up of a road if it is satisfied that it is necessary to do so in order to enable development to be carried out in accordance with planning permission granted.

4. Procedure

4.1.

Under Section 207 and Schedule 16 of The Town and Country Planning (Scotland) Act 1997, as amended, notice of the proposed Stopping-Up Order would be as follows:

- Published in a local newspaper circulating in the locality and in the Edinburgh Gazette.
- Served on statutory undertakers.
- Displayed in a prominent position at the ends of the road to be stopped up.

4.2.

If there are no unresolved representations or objections at the end of the statutory publication period, the Planning Authority may confirm the Stopping-Up Order. If there are unresolved representations or objections, the Planning Authority must submit the proposed Stopping-Up Order to the Scottish Government for consideration.

5. Corporate Governance

This report relates to governance and procedural issues 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.

6. Financial Implications

The cost of publishing, serving and displaying the stopping-up order will be met by the developer.

7. Legal Aspects

Following the procedure as detailed within the body of the report will ensure that the Council complies with the Town and Country Planning (Scotland) Act 1997, as amended. The stopping up of the road is required to ensure proper implementation of the planning permission which has been granted.

8. Contact Officers

Gavin Barr, Executive Director of Development and Infrastructure, Email gavin.barr@orkney.gov.uk

Roddy Mackay, Head of Planning, Development and Regulatory Services, Email rodny.mackay@orkney.gov.uk

Jamie Macvie, Planning Manager (Development Management), Email jamie.macvie@orkney.gov.uk

9. Appendix

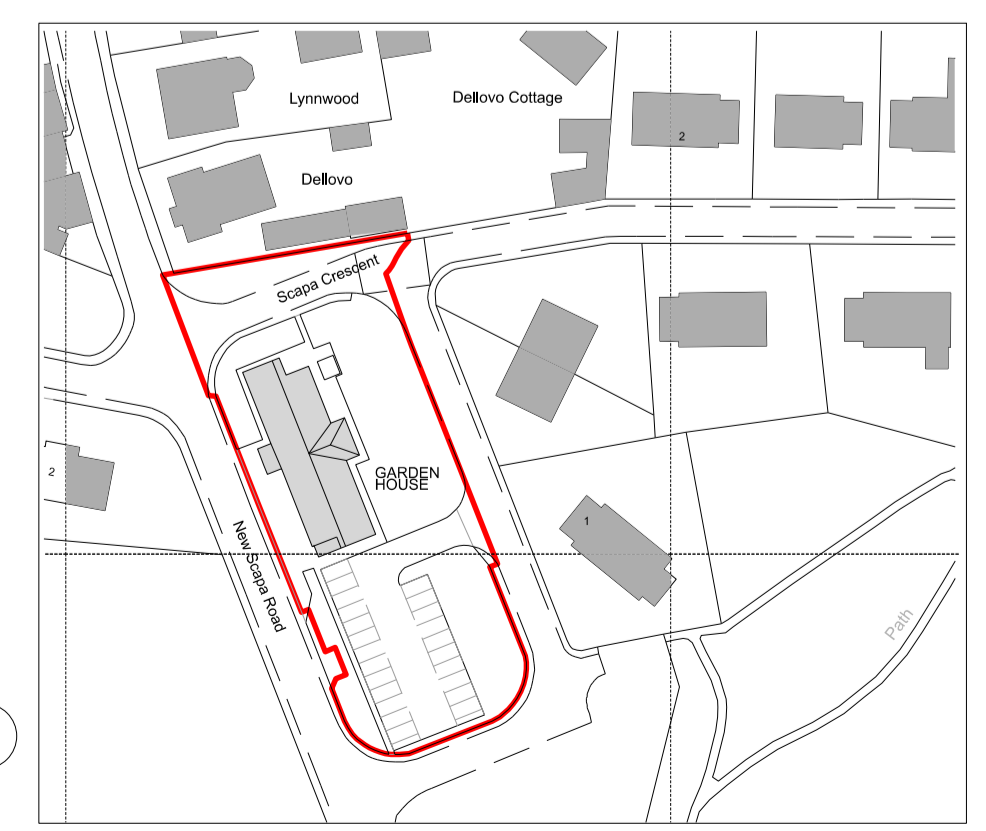
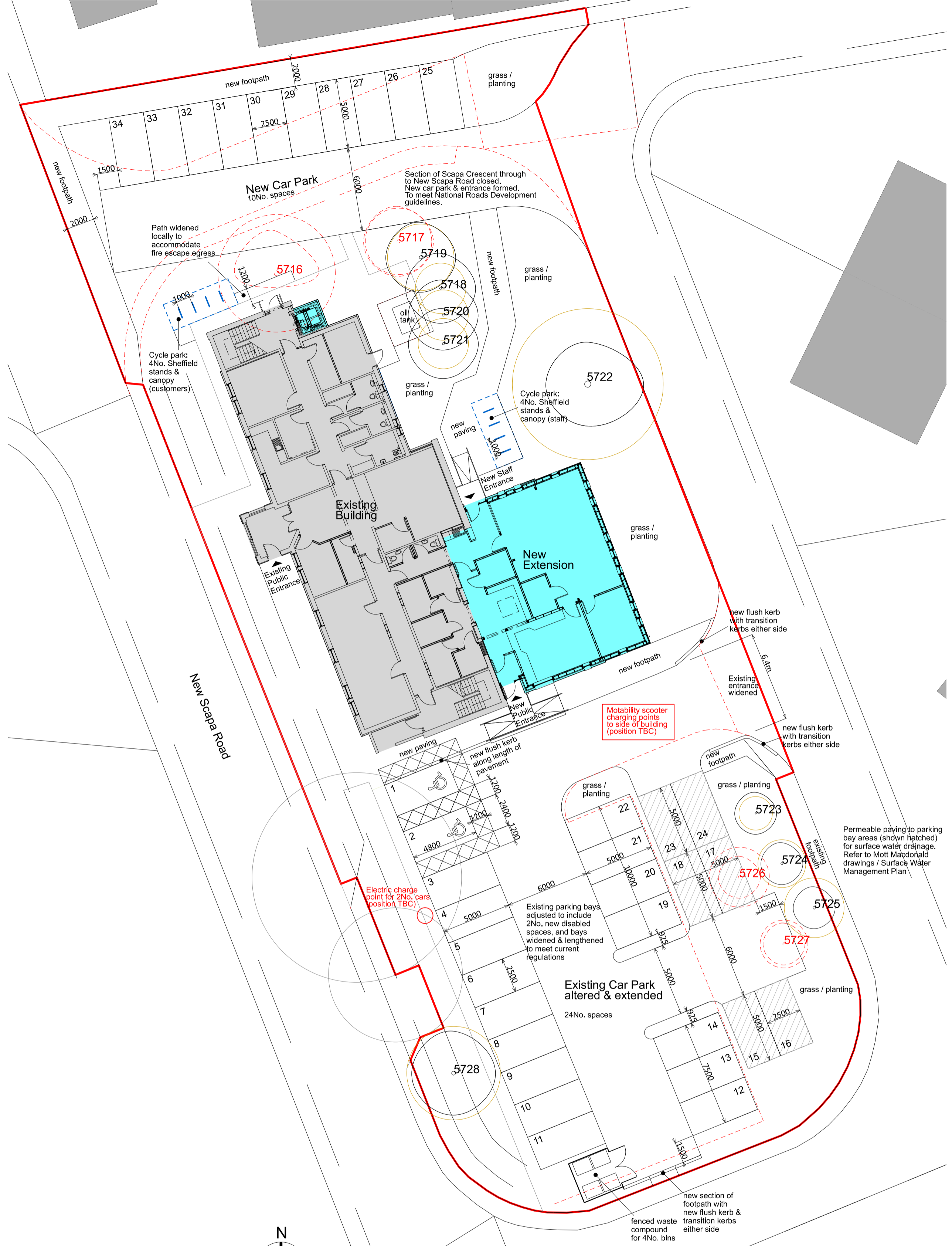
Appendix 1: Site Plan – Scapa Crescent, Kirkwall.

GENERAL NOTES:

DO NOT SCALE FROM THIS DRAWING
This drawing is to be used in conjunction with consultants drawings, where appropriate, and the specification / construction notes.
Any discrepancies are to be referred to the CA.
ANY AND ALL DIMENSIONS TO BE CHECKED ON SITE PRIOR TO ORDERING MATERIALS AND GOODS

LEGEND:

- Removals
- 5723 Tree No. & canopy
- 5717 Tree to be removed
- Tree root protection areas



PLANNING

Revision	Description	Date
G	Location scale bar corrected	31/10/19
F	Application Boundary revised to omit bus stop area by others	21/10/19
E	New car park position re-located to closed section of Scapa Crescent.	03/10/19

**GARDEN HOUSE
KIRKWALL
ORKNEY**

**LOCATION PLAN,
EXISTING SITE PLAN
& PROPOSED SITE PLAN**

Scale:	Date:	Lead:	Drawn:	Checked:
As noted @A1	12.02.19	MW	GF	XX

Project Number:	Drawing:	Revision:
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