

MINUTE

‘A’ & ‘B’

Planning Committee
Council Chamber, Town Hall, Lerwick
Wednesday 25 May 2011 at 10am

Present:

G Robinson	L F Baisley
I J Hawkins	W H Manson
C H J Miller	J G Simpson
C L Smith	

Apologies:

F A Robertson	J Budge
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In Attendance (Officers):

I McDiarmid, Head of Planning
J Holden, Service Manager - Development Management
C Gair, Traffic Engineer
G Hughes, Planning Officer (Conservation)
J Wiseman, Planning Officer
F Bell, Solicitor
L Adamson, Committee Officer

Also:

Mr J Henry
Mr A Hughson

Chair

In the absence of the Chair, Mr G Robinson, Vice-Chair of the Planning Committee, presided.

Circular

The circular calling the meeting was held as read.

Declarations of Interest

None.

Minutes

The minutes of the meetings held on a) 22 March 2011 and b) 20 April 2011, having been circulated were confirmed.

The Head of Planning advised that since the beginning of April fifty-five planning applications had been approved and forty building warrants issued under delegated authority.

In response to a question from Mr B Manson, the Head of Planning advised that he would provide Members with information to the number of applications outwith the statutory timetable for determination.

1/11 **2010/425/PCD – Form new section of public road, Veensgarth, Tingwall, by Cecil Eunson.**

The Committee considered a report by the Head of Planning (RECORD Appendix 1). The proposed site was illustrated by a PowerPoint display of photographs and key information.

The Service Manager - Development Management advised that the application was presented to the Committee as objections had been received from the Community Council. The Service Manager then took Members through the report. He highlighted that the Council's responsibility in regards to the protection of the trees was set out in Section 7.7 – 7.11 of the report, and that the letter of support received had been included amongst the 11 letters of objection and the petition, which were included as appendices to the report. He advised that the application was recommended for approval subject to the conditions listed at Section 10 of the report, which included a requirement for compensatory planting of the trees to be removed.

The Chair invited a representative of the objectors to address the meeting.

Mrs J Pole, advised that she was a member of the Tingwall, Whiteness and Weisdale Community Council and she was also acting on behalf of the objectors. Mrs Pole read from a prepared statement:

"Due to the current layout of the road, vehicles have to travel well below the speed limit and there are no reported accidents. The layout of the existing road slows current traffic and acts as a calming measure. The 130m long straight on the new section of road will encourage excessive speeds before forward visibility is reduced to 40m. There is no passing place on the new section of road. Vehicles approaching from the north and south of the two tie-ins cannot see each other, so slow moving farm machinery and school buses will have to reverse greater distances back to the tie-ins.

The wall which forms the west boundary of the listed farm steading is itself a Listed structure and its removal or destruction is contrary to LPBE6. The report by SIC Heritage Service states "this wall is deemed as being listed by curtilage and listed building consent would be required for the works". This planning application seeks its destruction. We disagree with this report's opinion on visual impact. The removal of the listed wall and trees certainly has a significant adverse impact on the setting in and around the farm steading and Veensgarth House. Our view is shared with that of the Council's Conservation Officer, the report states: "The substantially wooded character of the area contributes to the setting of the listed buildings". It goes on to say "if further trees are lost along the roadside because of, for example, the damage they have received during these operations, the impact on this setting would be more detrimental".

The trees and the listed dry stone dyke frame the western edge of the farm steading and Veensgarth House. Take away these two components, you will find that you have lost forever an essential part of our countryside, special to so many people. The Shetland Amenity Trust's Report from May 2010 concluded that the mature trees although old, appear healthy and were of amenity value given their rarity in Shetland and that their age also gives them a degree of cultural and historical value. The report noted that wych elms and sycamore are able to live over 200 years. The rare wych elms, under threat here are about 100 years old, half way through their life span. The Council's Heritage Service has also confirmed that the location and conditions of the trees on the proposed site meet the criteria for making a TPO. In the report the Conservation Officer states: "I am satisfied that the trees have significant amenity value and that it would be appropriate for the Council to ensure their preservation for that reason". Ten trees are to be felled, 2 are wych elm. A further wych elm and Swedish White beam would require regular pruning that will almost certainly cause these trees lasting damage and possible death. The remaining 15 trees, which includes a further 3 wych elms, are also at risk due to the impact on their root systems by the road's construction. It would appear from a Roads Service memo dated 19 May 2011 that on investigation the visibility at Vallafield junction will be "limited to some 45m" and if a full roads service design is required more trees will be lost. The Amenity Trust report raises concerns about the trees along the west perimeter of Veensgarth House. Their root systems may be affected by excavation, drainage and road construction. The Conservation Officers report states: "Damage to, or death of the root system affects the condition and health of the entire tree. The effects of such damage may only become evident several years later". Protection of the remaining trees by planning conditions will not be effective, due to the risk of root damage occasioned by this development, and given that the developer labels them "bushes to be removed" (the above is contrary to LPNE15).

We strongly believe that the removal of the trees and its adverse effect on this rural setting and the overwhelming level of public concern are material planning considerations which outweigh any perceived road improvements suggested by this proposal. The public have voiced their objection to this proposal by way of a petition showing 235 names, this gives an indication of the feeling widely held throughout Shetland that the trees and dyke should not be removed.

The road will sterilise Zone 4 scarce arable land which the tenant says is simply the best. The new road is solely to facilitate building two houses, or possibly only one house now that one applicant is hoping to build elsewhere. The new straight part of the road will cost approximately £180,000 and that would not include the tie-ins north and south, add to this the additional expense of the stipulated conditions.

Does the developer pay or is the Council obliged to fund the new road because of the perceived safety issue? We think this planning application should be refused."

The Chair invited a representative of the developer to address the Committee.

(There was no representative of the developer in attendance).

The Chair said that a fundamental issue was whether the Roads Service considers that the proposed road would be an improvement in road safety terms compared to the existing road. The Traffic Engineer said that the existing road layout has significant deficiencies with poor visibility at Veensgarth House. The proposed road would definitely be better as it would provide more visibility, however the proposals would still be a compromise. He explained that the required visibility splay on a public

road is 60 metres from a junction, but in this case 60 metres could only be achieved through the removal of all the trees. He said that as this was a local road mainly used for access for residents, the new Design for Streets guidance would permit approximately 45 metres for visibility, and this would mean that fewer trees would be affected.

In response to questions, the Traffic Engineer explained that the Council would not be contributing towards the cost of building the road, however on completion the road would become a public road and the Council would resume responsibility for maintenance. The Traffic Engineer said that the Council could not consider prioritising any further road improvements to the existing road, as improvements have been made to make the road as safe as possible for the current level of traffic. There was no history of accidents along the road and should any accidents occur these would be at a low speed. He said that the developer's proposal to form the new section of road relates to proposals he has to build more houses in the area, and in keeping with other developments the developer would pay for the works. The Traffic Engineer confirmed that there was no justification for the Council to consider spending on road improvements for the current level of traffic.

In response to questions, the Planning Officer (Conservation) advised that the wall is deemed to be listed by curtilage, being associated with, and in the same ownership as Veensgarth steading. However she added that this did not necessarily mean that it would be inappropriate to undertake the development. The Planning Officer (Conservation) confirmed that any requirement for listed building consent would be a separate matter to the Planning Permissions.

Ms L Baisley advised that she had been on the site visit yesterday and had also visited the area this morning. In response to questions from Ms Baisley, the Planning Officer (Conservation) advised that the proposals would result in one wych elm having to be removed, and the other trees to be removed were elders and sycamores.

Mrs I Hawkins said that she had attended the site visit. She said that the proposals for the new section of road would not only result in trees being removed but also root systems of other trees in the vicinity may be damaged. Mrs Hawkins said that the application site and this area of Tingwall in general is good agricultural land, and she could not support proposals for a road to go through good cropland. Mrs Hawkins moved that the Committee refuse the application. Mr C Smith seconded.

Ms Baisley moved as an amendment, that the Committee approve the application subject to the Conditions in Section 10 of the report. She said that the existing road was dangerous and the new road would improve road safety concerns. Ms Baisley said that she regretted the loss of the trees and the interference of a picturesque environment, however she was content with the conditions placed on the developer to compensate the loss of the trees. It would be necessary to ensure that the developer adheres to the conditions attached to approval of the application, and that the new road is excellent in terms of design and landscaping. Mr J Simpson seconded.

Mr B Manson referred to the proposal in paragraph 7.15 of the report that the stones from the part of the wall to be removed could be used to repair and rebuild the existing wall. The Service Manager advised that this had not been included as a planning condition, but would be considered during the application for Listed Building consent.

Mr Smith said that he had not attended the site visit, however he was familiar with the application site. Mr Smith referred to the concern raised by Mr M Irvine, owner of

Veensgarth House, that the existing wall around his house could be damaged during the construction of the road. He added that the improvements to the existing road layout proposed by the developer would result in more accidents due to traffic travelling at increased speeds, and pavements were not included in his proposals.

Following summing up, voting took place by a show of hands and the result was as follows:

Amendment (Ms L Baisley)	5
Motion (Mrs I Hawkins)	2

2/11 **2011/48/PCD – Residential development comprising 40 housing units, stopping up existing access to the Strand, creation of new access, play area and amenity space and provision of SUDS scheme, The Strand, Gott, Tingwall, by E & H Building Contractors.**

The Committee considered a report by the Head of Planning (RECORD Appendix 2). The proposed site was illustrated by a PowerPoint display of photographs and key information.

The Service Manager - Development Management advised that the application was presented to Committee as objections had been received from the Community Council. The Service Manager then took Members through the report, advising on the proposals for the development, the consultation process, the objections received, and advised that the applicant has taken account of the concerns raised by the Community Council and neighbouring residents. The Planning Service considers that it has been demonstrated that the site can be serviced and accessed, the development of the site is considered to be sustainable both in terms of location for public transport and energy saving, the design and layout is well thought out, provides good open public space and good footpath connectivity to existing services, and therefore the Planning Service are recommending the application for approval, subject to the conditions in Section 10 of the report.

The Chair invited a representative of the objectors to address the Committee.

(There was no representative of the objectors in attendance).

The Chair invited a representative of the developer to address the meeting.

Mr B Leask, Hjaltland Housing Association (HHA), referred to HHA's efforts to develop housing in Tingwall and to the Planning Board's decision to refuse HHA's application to develop houses at Veensgarth where one of the reasons for refusal was that Strand would be a more suitable location for housing development.

Mr Leask said that the main objection relating to the Strand application had been the access to the new development and how it would impact on the existing Strand residents. He advised that the proposals for access to the new development in the original proposal had raised a number of objections, but that by undertaking further consultation changes have been made which mitigate these objections. The amended proposal is for a new access road that will have no connection to the existing Strand houses.

Mr Leask said that the need for housing in the Tingwall area has been well documented and the Housing Needs Demand Assessment (HNDA) concludes that Tingwall is one of the areas with the highest demand for housing. Mr Leask said that the application site was not good agricultural land and is in Zone 1 where housing development will be encouraged. Mr Leask said that HHA have taken into account the points raised by the objectors and he hoped that the Committee would agree with officers' recommendation to approve the application.

Mrs C Miller moved that the Committee approve the application, subject to the conditions in Section 10 of the report. Ms L Baisley seconded.

Mr C Smith commented that the layout of the scheme was very good, however he said that there appeared to be a shortage of parking. Mr Leask said that for HHA's housing schemes the average number of car parking spaces per property is 1.7. The new development at Strand is for affordable social rented properties and the requirement by the Roads service for parking provision is 1.5 parking spaces where shared parking is provided, and HHA are achieving that requirement with this scheme. In response to a question, Mr Leask said that with the layout of the road through the scheme being a loop system this would assist with public transport and refuse collection.

3/11 **2011/82/ADV – Erection of freestanding signboard adjacent to West Sandwick Beach, Yell, by Yell Community Council (Retrospective)**

The Committee considered a report by the Head of Planning (RECORD Appendix 3). The proposed site was illustrated by a PowerPoint display of photographs and key information.

The Planning Officer (J Wiseman) advised that the application was presented to Committee as the Council has a financial interest in the project. The Planning Officer said that the signboard, which was already in place, displayed the Seaside Award. The signboard was of good quality and would have no detrimental impact on the environment.

On the motion of Mrs I Hawkins, seconded by Mrs C Miller, the Committee approved the application subject to the conditions in Section 10 of the report.

4/11 **Application for Planning Permission for Local Developments where Determination cannot be taken by Appointed Person under Approved Scheme of Delegation:**

- 2011/93/PCD – Temporary planning permission for a change to use of land to Class 6 Storage and Distribution and Class 5 General Industrial, land adjacent to Scatsta Airport, Brae by Total E & P UK Ltd. (Retrospective)

The Committee considered a report by the Service Manager - Development Management (Appendix 4).

The Service Manager - Development Management advised that the application was presented to Committee, as the Council is the landowner.

During the discussion regarding a termination date for the temporary permission Mr B Manson suggested that the temporary permission relating to this application should have a limit of 5 years, however the Chair noted that Condition 9(2) stipulated that the permission was for a limited period to expire on 31 December 2014.

Mrs C Miller moved that the Committee approve the application, subject to the Conditions in Section 9 of the report. Mr C Smith seconded.

Mr Manson commented that there was some uncertainty as to whether the road between the cattle grid and the old Scatsta airstrip was a private road, and he said that although there has been some discussion on the Stopping-Up of the road he questioned whether the Stopping-Up had taken place. The Traffic Engineer advised that the first part of the road was a public road, with public right of access. The road beyond the cattle grid was a private road, maintained by the landowner rather than the Council, however the public still have a right of access. The Service Manager undertook to discuss the issue of Stopping-up the road with the Council's Roads Service.

In response to a question, the Service Manager confirmed that the temporary permission for the change of use related to an area of the old runway and would not affect the nearby quarry operations in any way.

5/11 **Conservation Grant – 99 Commercial Street**

The Committee considered a report by the Planning Officer (Conservation) (Appendix 5), and approved the recommendation contained therein, on the motion of Ms L Baisley, seconded by Mrs I Hawkins.

The meeting concluded at 11am.

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Chair