

MINUTE

‘A’ & ‘B’

Planning Committee
Council Chamber, Town Hall, Lerwick
Tuesday 21 June 2011 at 10am

Present:

F A Robertson	L F Baisley
J Budge	I J Hawkins
W H Manson	C H J Miller
J G Simpson	C L Smith

Apologies:

G Robinson

In Attendance (Officers):

I McDiarmid, Head of Planning
J Holden, Service Manager - Development Management
D Macnae, Network and Design Manager
D Stewart, Planning Officer
F Bell, Solicitor
L Adamson, Committee Officer

Chair

Mr F Robertson, Chair of the Planning Committee, presided.

Circular

The circular calling the meeting was held as read.

Declarations of Interest

Mrs C Miller declared an interest in Item 2 “2011/095/ADV – To erect non-illuminated board to the rear of The Camera Centre, 72 Commercial Street, Lerwick, by The Camera Centre”, as she is the owner of property on Commercial Street and is currently a retailer. Mrs Miller indicated that she would take part in the debate.

(Mr W Manson attended the meeting).

6/11 **2011/042/PCD – To erect detached dwellinghouse with new access, surface water drainage system and connection to the public sewer, land adjacent to Ourhaven, Greenwell, Gott by Mr G Elphinstone**

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 Planning Officer advised that the application was presented to Committee as an objection had been received from Tingwall, Whiteness and Weisdale Community Council.

The Planning Officer explained that the site lies within a Zone 1 area of Tingwall where applications for new individual dwellings will normally be granted provided that the development meets the general requirements for all dwellings as per Shetland Local Plan Policy LPHOU4. The proposed scale, design and style of the dwellinghouse are compatible with existing dwellings in the area. She advised that the position of the dwellinghouse has been moved from the original application to remove flood risk concerns.

The Planning Officer advised that the key issues relating to the application are that three objections have been received from local residents in addition to the objection from the local Community Council. The main points of concern related to visibility, road and pedestrian safety, a lack of capacity from the public sewer and excess surface water run off. She advised that all of these concerns have been addressed in consideration of the planning application.

- In terms of road safety and visibility concerns, Roads Service had no objections to the proposal as a safe access can be achieved, adequate turning/parking can be accommodated within the site, the 90m forward visibility splay lies outwith the site and as any increase in the volume of traffic using this road will not be significant.
- Scottish Water state that its existing infrastructure may be able to accommodate increased demand in terms of water and wastewater services and has no objections to the proposal.
- SEPA withdrew its objection in respect of a potential flood risk as their initial concerns have been alleviated by the provision of a flood risk assessment and as the applicant intends to manage the small ditch which runs across the site by diverting it, rather than culverting. The proposal includes a SUDS system to deal with surface water run-off.

The Planning Officer advised that the proposed development is recommended for approval, in compliance with Shetland Local Plan and Structure Plan Policies.

(There was no representative of the objectors, or applicant, present at the meeting).

It was noted that the letter of objection from the Tingwall, Whiteness and Weisdale Community Council had not been appended to the report.

The Planning Officer then read the following statement from the correspondence received from the Community Council, dated 22 March 2011, "The members wish to object strongly to this application. The dwelling is sited on an already blind corner and would cause the situation to be much worse. The plans show the visibility splay for the access road to the dwelling but do not demonstrate the situation for motorists using the road. Any future bushes and trees would also reduce visibility. Concerns were expressed about both the capacity of the sewage system and the drainage of surface water in the vicinity".

In referring to Scottish Water's comments in the report in regards to capacity on the public sewer, Mrs Hawkins said there was no guarantee that a connection could be

made. The Planning Officer explained that the applicant would have to apply to Scottish Water directly in relation to connection to the infrastructure, and if connection is not possible, the applicant will have to come up with an alternative solution. The Service Manager explained that during the statutory consultation process the comments received in regards to this application was a standard response from Scottish Water, and was not aware of an instance when such a response had been given when a connection could not then be made. The Service Manager indicated that at the next liaison meeting held between officers and Scottish Water representatives he would raise the issue of revising its consultation responses.

Mrs Miller said that she supported the application however she suggested that a condition should be included to ensure that there is no planting of trees or outbuilding built that would restrict the visibility for motorists. The Planning Officer referred Members to Condition (4) on page 9 of the report, which stated that “no fence, wall, bushes or other potential obstruction to visibility over 900mm high above road surface level shall be permitted within the identified forward visibility splay as indicated on the submitted site plan....”. Mrs Miller indicated that the inclusion of the condition addressed her concern. The Network and Design Manager advised that the Roads Service had undertaken a thorough assessment of the application, with the conclusion being that the proposal met the visibility splay requirements. He added that in addition to the Planning Service, the Roads Service could also enforce Condition (4).

Mr Budge said that as the new house would alter the line of vision for motorists he suggested the requirement for a passing place to ensure vehicles pass safely. The Planning Officer clarified that although not indicated on the Site Plan, there was a passing place on the corner of the road.

In reporting from his attendance at the site visit, Mr Simpson said it was evident that the application site was suitable for a house and that the visibility splay can be achieved. Mr Simpson moved that the Committee approve the application, subject to the conditions in Section 10 of the report. Mrs Baisley seconded.

During the discussion, a request was made that Members be provided with further clarification on the requirement that dwellinghouses shall not be constructed until the access road servicing the development from the public road has been surfaced in bitmac for at least the first 6 metres from the public road. The Chair reminded Members that this matter had been reported to a recent meeting of Infrastructure Committee, following discussion at Planning Board in February.

7/11 **2011/095/ADV – To erect non-illuminated board to the rear of The Camera Centre, 72 Commercial Street, Lerwick, by The Camera Centre**

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 Planning Officer advised that the application was presented to Committee as the current Scheme of Delegation does not permit refusal of applications for advertisement consent.

During the presentation, the Planning Officer referred to the existing signage on the front and side of the property. She advised that the key issue is the impact that a third commercial sign would have on the character and visual appearance of the building, and the Lerwick Conservation Area. She said that it is considered that the proposed sign in its current design, scale and location would be an inappropriate addition to the building and would have a detrimental impact on the visual amenity of the Lerwick Conservation Area. As such, it is recommended that the proposal be refused in compliance with Shetland Plan and Local Plan Policies.

During the discussion, Members commented that the sign on the back of the property would attract cruise ship and yachting visitors to visit the shop, and it was noted that there were a number of other shop signs along the Esplanade. Mrs Baisley moved that the application be approved, and Mrs Hawkins seconded.

In response to a question from the Head of Planning, the Committee agreed that the standard advertisement conditions would apply to approval of the application.

The meeting concluded at 10.30am.

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Chair