

MINUTES

‘A’ & ‘B’

Planning Committee
Council Chamber, Town Hall, Lerwick
Tuesday 3 July 2012 at 10.00am

Present:

F Robertson	M Bell
S Coutts	B Fox
A Manson	D Ratter
G Robinson	D Sandison

Apologies:

P Campbell

In Attendance (Officers):

I McDiarmid, Executive Manager – Planning
A Jarden, Team Leader – Building Standards
J Barclay Smith, Planning Officer
G Leask, Design Engineer
M Taylor, Planning Officer
L Adamson, Committee Officer

Chair

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

Circular

The circular calling the meeting was held as read.

The Executive Manager – Planning advised that statutory performance indicators on Planning performance had recently been published by the Scottish Government. He reported that for the last quarter the Council’s Planning Service approved 111 out of 113 planning applications under delegated authority, through officers working with the applicants and objectors to resolve any issues. The Chair commented that the number of applications approved was an extremely high percentage from a national perspective.

To allow additional time for representatives from Fetlar to attend the meeting, the Chair proposed that the order of the agenda is changed. The Committee agreed that application “2011/361/PPF – To erect 15.5 metre wind turbine with 9 metre diameter blades, Leagarth House, Fetlar by Leagarth Estates Ltd.” would be taken last on the agenda.

Declarations of Interest

Mr S Coutts declared an interest in the agenda item, “2011/361/PPF – To erect 15.5 metre wind turbine with 9 metre diameter blades, Leagarth House, Fetlar by Leagarth Estates Ltd.”

12/12 **Minutes**

The Committee confirmed the minutes of the meeting held on 6 March 2012 on the motion of Mr Robertson.

13/12 **2012/060/PPP – Erect dwellinghouse, Nesbister (application for planning permission in principle) by Mr C Eunson**

The Committee considered a report by the Planning Officer [RECORD Appendix 1 (PL-16-12-F)]. The proposed site was illustrated by a PowerPoint display of photographs and key information.

The Planning Officer (J Barclay Smith) advised that the application was presented to Committee as an objection had been received from the Community Council, and as a letter of objection has also been received from residents of a neighbouring property the application is to be considered by Committee as a Hearing.

In referring to the Site Plan, the Planning Officer explained the application site would be classed as a gap site, as it lies between an existing house to the south and a site, as yet to be developed, which has approval for three houses to the north. Access is to be taken from the public road below the site and connection to mains water and sewerage is available in the area. She advised that works on the road access and drainage on the sites to the north has recently commenced.

The Planning Officer stated that the application is for planning permission in principle, and therefore there are no details of proposed layout or house design at this stage.

The Planning Officer reported that in their objection the Community Council feel that the proposed site will be 'shoehorned' in between existing housing and the proposed site to the north, and that as the house may be sited at the rear of the site it would not be in keeping with the existing building line in the area. The points raised by the objectors highlight concern about potential loss of amenity to their garden by the proposed access and the possible amalgamation of the access for this site with the sites to the north which would mean more traffic passing close to their property and the additional impacts that might entail.

In regards to the various concerns, the Planning Officer explained that the site is in a Zone 3 area, which is classed as developed countryside close to existing settlements, and according to the Local Plan Policy LPHOU4, in Zone 3 areas, new housing is generally considered favourably where it strengthens and reinforces existing settlements or is sited adjacent to or within an existing building group. The Planning Officer said that the gap site relates well to the development pattern that has become established in the area, which is linear development along both sides of the public road and in this respect will have no significant impact on the landscape of the area.

The Planning Officer explained that most of the matters raised by the objectors would be matters for consideration in relation to the details of the site that are not known at this stage. The site is large enough to support a dwelling, there is potential for a house to be designed for the site to avoid overlooking and unacceptable impact on daylight, and given the topography of the site it could be that a house would be sited to the rear of the site, which would not necessarily be out of keeping with the building line to the south where the houses are set back from the road.

In terms of the proposed access point, she explained that the Council's Roads Service has indicated that the point of access into the site from the public road is acceptable and achievable, however should the access arrangements for the site change in the future planning permission would be required and any potential impacts considered at that time. Any future applications for the detailed layout and site design will have to include cross sections through the site including the access showing how it will be achieved and the relationship with the adjacent property.

The Planning Officer said that on balance, there are no material considerations that would warrant the refusal of planning permission. The proposal is in line with the Council Policies listed in Section 3 of the report, and the application is recommended for approval subject to the conditions listed in the schedule of recommended conditions.

(The Chair invited a representative of the objector to address the meeting).

Mrs S Crook advised that she resides in the neighbouring property to the application site. Mrs Crook advised that planning permission had been granted quite recently for 6 houses in the area – 4 houses below their house and 2 on the other side, and that this would provide complete linear development between their property and the head of the voe. She said that there has been 10 years of development in the area, which included the building of their property. Mrs Crook advised on her surprise when she had been made aware of the proposals for this additional property. She said the access road was being squeezed into the site, and with proposals for the house to be built higher up the hill it will be out of line to the other properties along that side of the road.

Mrs Crook commented that she was aware that some concerns would be considered at the detailed planning stage, however she explained that depending on the positioning of the house, there could be the potential for loss of light, privacy and amenity. She also advised on her concerns that the access road would be slicing into the site at an angle to fit the gradients and would be near to their property, and she had concerns that during the construction of the road there would be damage to their garden and property. She added that the proposals for the road access would be more acceptable in an urban setting than in a rural setting. Mrs Crooks added that they also had concerns that at some point in the future should the road servicing the 4 new properties amalgamate with the access to this property there would be traffic from the 5 houses directly passing near to their house.

(The Chair invited a representative of the applicant to address the meeting).

Mr C Eunson, the applicant, explained that the application site was looked on as a gap site. He reported that developments in this area had been approved through Appeals in the past, and the Reporter was of the opinion that a linear development should be followed. This was a single house site and that due to the gradient of the site an individual access was proposed. He added that the application was for outline permission, and a detailed application would follow which will address all the requirements of the Planning Service.

The Chair advised that Members of the Committee had recently attended a visit to the application site.

Ms Manson enquired whether it would be possible to combine the proposed access with the access road to the new development for 3/4 houses to the north. She said that this could allow the house to be built further down the site, and could alleviate some of the objectors concerns. The Planning Officer explained that the Roads Service had advised that it would be easier to access the site from a single access as proposed, however the suggestion to combine the access roads could be considered.

The Planning Officer explained that as the application is seeking permission in principle, and the layout shown on the submitted plan is indicative only, if so minded the Committee could recommend to reserve matters on design and layout of the site

and add a condition specifying that the road access has to come from the approved road to the north of the site, rather than as a single access onto the site.

Ms Manson moved that the Committee approve the application, but to reserve matters on design and layout of the site and include a condition that the road layout has to come from the road to the north of the site, rather than the single access as proposed in the application. Mr Fox seconded.

14/12 **2012/059/PPP – Erect dwellinghouse, Site 4, Nesbister (application for planning permission in principle) by Mr C Eunson**

The Committee considered a report by the Planning Officer [RECORD Appendix 2 (PL-17-12-F)]. The proposed site was illustrated by a PowerPoint display of photographs and key information.

The Planning Officer (J Barclay Smith) advised that the application was presented to Committee as an objection has been received from the Community Council. She explained that the application site lies to the north of 3 as yet undeveloped sites, approved in 2010. Access to the site is to be taken from the access that will service the adjacent house sites and sewage and water connections are available in the area. She advised that the application is for planning permission in principle and therefore no details of the actual layout proposed or the house design are known at this time.

The Planning Officer reported on the Community Council's main concerns being are that the development would result in over-development of the area; there is a desire in the area to keep a gap site between the existing settlements; they question the need for more sites in the area; they feel that as there are approved sites that have not yet been developed the visual impact is not yet apparent; and, residents wish to keep a rural feel of the area.

The application was assessed in regards to Council policies, with the site being within a Zone 3 area. Under Local Plan (2004) Policy PLHOU4, in Zone 3 areas, new housing will generally be favourably considered where it strengthens and reinforces existing settlements and building groups, and new sites are encouraged adjacent to or within existing building groups. The existing pattern of development is a ribbon of houses along both the east and west of the public road. The proposal is immediately adjoining approved sites and there are other sites across the road, which are currently being developed. In this respect the proposal complies with the zoning policy in the area.

The Planning Officer explained that the Community Council are seeking to protect the gap between the linear development in south Nesbister and the cluster of housing development north of this from further development. At present there is a clear gap of undeveloped land separating the two groups. However, in 2007 two house sites further north and to the west of the road were approved at Appeal, and at that time the Reporter considered that sufficient separation between the two groups would still be retained.

The Planning Officer said that the proposed site would not extend the linear development further north than the earlier approved site, and would not close the gap further than exists on the west side. She explained that in respect of the potential for additional developments, it should be noted that a further tier of development upslope of the existing and consented roadside development to the south was refused planning consent and subsequently dismissed at Appeal. The Reporter considered

the settlement pattern to be a linear ribbon development and resisted a further tear of development up-slope.

The Planning Officer concluded by advising that there are no issues with road safety, service connections are available, the proposal complies with planning policy and the application is recommended for approval subject to the conditions in the Schedule of Recommended Conditions.

In response to questions from Members, the Planning Officer provided some information on the planning decisions taken by Planning Officers, the Planning Committee and by the Reporter on a number of the sites in the area. In referring to the desire within the Community for a gap to be maintained between the housing groups, the Planning officer said that although it is a matter of judgement, in her opinion there would be a sufficient gap for visual separation between the groups, and in particular a considerable gap between the newer development and the existing settlement at Wormadale. She added that the Reporter considered that the gap would be sufficient.

The Planning Officer commented that Nesbister is becoming a built up area, it is a pressure area and there is a need for house sites. She added that in response to the consultation on the call for sites as part of the new Local Development Plan the Community Council has not objected outright, and the area could have development potential.

Mr Robinson commented on the long history pertaining to decisions made on planning applications in the Nesbister area. He said that the gap has reduced between the two housing groups with the housing development taking place below the road, and he could find no valid reason to refuse the application. Mr Robinson moved that the Committee approve the application, subject to the schedule of recommended conditions. Mr Ratter seconded.

15/12 **Applications for Planning Permission for Local Developments where Determination cannot be taken by Appointed Person under Approved Scheme of Delegation:**

The Committee considered a report by the Planning Officer [RECORD Appendix 3].

- **2012/049/PPF - Variation of Planning Permission 2010/326/PCD (to widen access road, form coastal protection works and expand car park, Sullom Voe Oil Terminal, Mossbank) by removing condition no.s 6 and 7 by Total E & P UK Ltd.**
The Committee approved the application on the motion of Ms Manson, seconded by Mr Robinson.
- **2012/050/PPF - Change of use of agricultural land to garden ground and erect attached garage to north elevation, 15 Atlaness, Hamnavoe, Burra, Shetland, ZE2 9XW by Mr G W Laurenson.**
The Committee approved the application on the motion of Mr Robinson, seconded by Ms Manson
- **2012/106/PPF - Create car parking area, Linkster, Tingwall, Shetland, ZE2 9SG by Shetland Islands Council Roads Service (Retrospective application).**
The Committee approved the application on the motion of Mr Robinson, seconded by Ms Manson

- **2012/159/PPF - Erect a Prysmian SC3000 street cabinet in verge, B9076 Junction To Sellaness, Shetland, ZE2 9QR by Shetland Telecom.**
2012/160/PPF - Erect a Prysmian SC3000 street cabinet in verge, A970/B9076 Junction, Brae, Shetland, ZE2 9QJ by Shetland Telecom.
2012/161/PPF - Erect a Prysmian SC3000 street cabinet in verge, A970 Brig O' Fitch Junction by Shetland Telecom.
2012/162/PPF - Erect a Prysmian SC3000 street cabinet in verge, Tagon Junction, Voe, ZE2 9PT by Shetland Telecom.

The Committee approved the application on the motion of Mr Robinson, seconded by Ms Manson

16/12 **Applications for Consent to Display Advertisements where Determination cannot be taken by Appointed Person under Delegated Approved Scheme of Delegation:**

The Committee considered a report by the Planning Officer [RECORD Appendix 4].

- **2012/045/ADV - To erect advertising signboard, Skibhoul, Baltasound, Unst by SIC Infrastructure Services.**
The Committee approved the application on the motion of Mr Sandison, seconded by Mr Robinson.
- **2012/046/ADV - To erect advertising signboard, Ulsta Ferry Terminal, Ulsta, Yell by SIC Infrastructure Services.**
The Committee approved the application on the motion of Mr Sandison, seconded by Mr Robinson.

(Mr Coutts declared an interest in the following item, as he had recommended the installation of the wind turbine through his previous employment with Energy Saving Scotland. Mr Coutts left the meeting).

The meeting adjourned at 10.45am, to allow some further time for the representatives travelling from Fetlar to attend the meeting.

In the absence of the representatives from Fetlar, the meeting reconvened at 11.05am.

17/12 **2011/361/PPF – To erect 15.5 metre wind turbine with 9 metre diameter blades, Leagarth House, Fetlar by Leagarth Estates Ltd.**

The Committee considered a report by the Planning Officer [RECORD Appendix 5 (PL-18-12-F)]. The proposed site was illustrated by a PowerPoint display of photographs and key information.

The Planning Officer (M Taylor) advised that the application was presented to Committee as an objection had been received from the Community Council and from the tenants of a nearby property.

During the presentation and in referring to the location plan, site plan and photographs of the area, the Planning Officer indicated to Members the locations of the proposed turbine, the applicant and objectors' properties, and the location of existing wind turbines in the area.

In referring to the main issue raised by the objector, which relate to noise from the proposed turbine, the Planning Officer explained that Environmental Health have no

objections to the proposals having assessed generic noise data and additional data for low wind speeds. He advised that the objector's property is approximately 250 metres from the proposed turbine, which is in excess of 80 metres beyond the minimum acceptable separation distance for noise.

In referring to the issues raised in the letters of objection relating to noise from an existing turbine in the area, the Planning Officer confirmed that these are being investigated by the Council's Environmental Health Service, and it is hoped that a resolution will be found soon.

In regards to visual impact, the Planning Officer advised that the turbine is proposed within the Houbie 'developed' area, the turbine will be viewed in association with various buildings, two other existing turbines, hydro poles, and the main roadway. The turbine is well related to the property that it will serve whilst maintaining sufficient separation from other buildings so as not to impact on their amenity. The Planning Officer concluded by advising that the application is recommended for approval subject to the conditions listed in the schedule of recommended conditions.

The Chair advised that time restrictions had not allowed for a site visit to Fetlar to view the application site, however he said that he was familiar with the site.

Mr Fox said that he was mindful that there had been no site visit, and said that he would have found a site visit helpful. Mr Fox said he had no problem with the proposed development, however he was also mindful of the Community Council's objection, which supported the views of the objector from the nearby property.

In response to a question from Mr Fox, the Planning Officer explained that relocation options for the turbine were limited, as the turbine has to be located far enough from sensitive receptors but with a close enough association to the house it has to serve.

In response to a question as to whether there would be any similarities in noise levels between the proposed turbine and the existing turbines, the Planning Officer advised that the turbines were entirely different types. The Planning Officer went on to explain that the issues relating to noise disturbance from the existing turbine had only been brought to the Planning Service's attention during the consultation process on this application, and the complaint had passed to Environmental Health at that time.

In response to a question, the Planning Officer explained that the final decision on this application rests with the Planning Committee, and any appeal on the decision would be directed to the Scottish Government. He said that the Planning Service have based their decision for approval of the application, having assessed all the information to ensure the proposals are in accordance with Policy.

The Chair advised that it would be at this point in the Hearing that the objector and applicant would be invited to address the Committee.

During a brief discussion, the Committee agreed to proceed to consider the application in the absence of the objectors.

In response to a comment from a Member, the Executive Manager – Planning explained that a site visit to each application site and the photograph presentation to Committee were not mandatory elements of the planning application process and are not required by law. He added that a site visit is carried out solely for Members to familiarise themselves with an application site.

The Chair invited the representative of the applicant to address the Committee.

Mr A Henderson of David Adamson and Partners, representing Leagarth Estates Ltd., reported on the change to feed-in tariffs, which are to reduce soon. Mr Henderson said that Environmental Health had no objections to the proposed turbine, and the issues with the existing turbine were not directly relative to this application.

Mr Robinson commented that the issue of feed-in tariffs was not a material planning consideration. He said that the Committee has approved a number of similar applications in recent years, and he could see no difference between this application and the former applications. He also commented that Environmental Health had indicated that they did not expect noise to be a problem with the proposed turbine. Mr Robinson moved that the Committee approve the application, subject to the schedule of recommended conditions. Mr Ratter seconded.

The meeting concluded at 11.20am.

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Chair