

# MINUTE

**‘Public’**

**Planning Committee**  
**Council Chamber, Town Hall, Lerwick**  
**Tuesday 20 November 2012 at 10am**

**Present:**

F Robertson	P Campbell
S Coutts	B Fox
D Ratter	G Robinson
D Sandison	

**Apologies:**

M Bell	A Manson
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**In Attendance (Officers):**

I McDiarmid, Executive Manager - Planning  
J Holden, Team Leader - Development Management  
R MacNeill, Planning Officer  
P Sutherland, Solicitor  
C Gair, Traffic Engineer  
L Adamson, Committee Officer

**Also Present**

G Smith

**Chair**

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

**Circular**

The circular calling the meeting was held as read.

The Executive Manager – Planning reported that since the last Planning Committee on 23 October, 20 Planning Applications had been determined under delegated authority and 22 Building Warrants had been completed.

In regards to the performance figures, the Executive Manager reported that following the significant improvement in the 1<sup>st</sup> quarter there had been a further improvement in the 2<sup>nd</sup> quarter, with 60.3% of non-householder applications and 80% of householder applications dealt with within the 2 month period as required by the Scottish Government. The Chair advised that these figures indicate that the Council's Planning Service is one of the top performers in Scotland.

A request was made for an update on the Scottish Government's proposals to introduce an increase in fees for planning applications in Scotland, to be similar to that operated in England. The Executive Manager advised that the increase in planning fees had been a key issue for discussion at a recent Heads of Planning meeting. He explained that the Scottish Government has maintained that a demonstrated improvement in performance would be followed by an increase in planning fees. However, although there has been a drop in planning applications there has not been a significant improvement in performance across Scotland, and therefore the indication from Scottish Ministers is that it is unlikely that there will be any sizeable increase to planning fees in the near future as had originally been proposed.

## **Declarations of Interest**

None

### **28/12 Minutes**

The Committee confirmed the minutes of the meeting held on 23 October 2012 on the motion of Mr Sandison, seconded by Mr Coutts.

## **The following item was considered as a Local Review under Section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended) to be considered by the Planning Committee sitting as Local Review Body**

### **29/12 2012/058/PPP – LR12: Erect dwellinghouse and develop existing track: New House, Toab, Virkie, Shetland ZE3 9JL**

The Review Body considered a report by the Team Leader – Development Management (RECORD Appendix 1). The Review Body decided to carry out the review process with a public hearing as indicated in the report. The proposed site was illustrated by a PowerPoint display of photographs and key information.

In introducing the application, the Planning Officer (R MacNeill) advised that the main concern with regard to this proposal is the presence of World War II archaeology within the site, a former military camp known as Goat Camp, and in particular there is an extremely well preserved air raid shelter on the site.

He advised that the initial site plan indicated that the air raid shelter be demolished. The Regional Archaeologist was consulted and recommended that the proposal be refused due to the potential impact on the archaeological heritage. It was suggested to the applicant's agent that the site be moved to the east of the track to take the application site outwith the former Goat Camp, and an amended plan placing the house within the original plot to avoid the shelter was subsequently submitted. However, further consultation with the Regional Archaeologist confirmed that the objection to the proposal remained, the objection being to the principle of the house on the plot, in its entirety, not the micro siting of the house. The applicant's agent advised that the applicant does not own the land to the east of the proposed site and that the application should be determined as submitted taking into account the amended site plan.

Members noted that the Key Issue with the application related to the objection from the Community Council on the impact on the archaeology of the site. The proposal is contrary to policies in the Shetland Structure Plan (2000), Local Plan (2004) and Interim Planning Policy Guidance (2009) as listed in paragraph 2 of the Delegated Report of Handling report, and it is therefore recommended that this appeal to the Local Review Body is refused.

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

*(There was no representative from Dunrossness Community Council present at the meeting).*

The Chair invited a representative of the applicant to address the Review Body.

Mr G Smith advised that the application site was owned by Mrs Reid and had been in family ownership for many years. He said that the land is zoned for housing, as Zone 1.

Mr Smith said that there had been a number of observations and comments from the statutory consultees, which can be dealt with. Regarding the Road and Traffic concerns, he advised that Mr and Mrs Reid's agent argues that adjustments can be made to ensure the required visibility splays in both directions, and the applicant is content to have this as a condition of planning. He advised that a Method Statement would be provided for Environmental Health, as is normal procedure. Dunrossness Community Council made reference to the access track. He said that this track is in the ownership of the applicant and will be upgraded providing a better surface for those using it as a public right of way. Reference has been made to neighbours being consulted. He said that as can be seen from the paperwork there have been no objections from neighbouring landowners and the proposed siting of the house is not, in the line of sight of any other properties and indeed is some distance from the nearest property.

Mr Smith then referred to the reason for refusing of planning permission, being, "the erection of a dwellinghouse on this site would impact adversely on the setting of the air raid shelter and any construction works may have the potential to disturb or destroy the historic structure and any further artefacts as yet undiscovered", which he said stems from the objections from the County Archaeologist. He said that the air raid shelter is currently unlooked after, with the entrance to it full of rubbish including wire and other materials making it impossible to access at the moment, and clearly little interest has been shown in it recently. Mr Smith commented that this is evident from the photographs attached to the report. *(Mr Smith indicated that he had original copies of the photographs which could be made available to Members)*. In referring to the e-mail from the County Archaeologist of 22 March 2012, Mr Smith said that the objections are based on the assertion that Historic Scotland are "considering scheduling the site as it is unquestionably of National Importance", and yet in the letter of 16 August 2011 from Historic Scotland we learn that having assessed the site, Historic Scotland say, "We have decided not to recommend it (the Goat Camp of which this air raid shelter is part) for scheduling because there are insufficient field remains from the overall complex, to indicate a site of National Importance". Historic Scotland goes on to say that they "do however consider that it is highly worthy of preservation and would encourage careful stewardship". Mr Smith stated that the air raid shelter is one of many in the area, and many have housing adjacent. He said that the air raid shelter has been left neglected for many years, which is evident from the photographs circulated. He stated that Historic Scotland are not going to schedule this air raid shelter or indeed the Goat Camp of which it is part. The applicants have indicated they will completely clear and clean up the surrounds and access to the air raid shelter as part of the development of their dwellinghouse and they would work with any public body to provide access should anybody be interested.

Mr Smith asked that this appeal be upheld, and that planning permission in principle be granted for the construction of this dwellinghouse, thus benefiting the local economy and probably providing the best opportunity for this air raid shelter to be accessible, should any one wish to access it.

*(The originals of the photographs that had been copied with the report were circulated to Members of the Review Body).*

The Chair said that with the potential archaeological importance of the site, he invited Mr C Dyer, Archaeology Section, Shetland Amenity Trust to address the Local Review Body.

Mr Dyer read from a prepared paper, as follows: *"The single dwellinghouse development plot includes two recorded archaeological features dating to the Second World War. Most prominent are the remains of an air raid shelter which is described on the Shetland Sites and Monuments Record, maintained by Shetland Amenity Trust, as a World War II air raid shelter constructed of reinforced concrete. The entrance, ventilation and escape hatch are clearly visible. The development plot also includes the remains of three hut bases which appear to have functioned as Nissen hut accommodation, each measuring approximately 12m x 5m.*

*The aforementioned remains were part of a much larger military camp, known as the Goat Camp, which stretched over an area measuring approximately 400m NW-SE (from south-west of Scholland to the southern end of the Toab road), and approximately 500m E-W (from the North Point of Toabsgeo coastline in the west to the main A970 road in the east).*

*In local, Shetland terms, this area comprises a tremendously dense collection of surviving aboveground military remains comprising hut bases, air raid shelters, gun emplacements and tank traps (paralleled only by the Graven/Laxobigging area surrounding the wartime airfield at Scatsta and the related military activity in Sullom Voe/Calback Ness). These remains at the Goat Camp supported the dynamic activity at the Sumburgh Airfield during the Second World War. Indeed, the Goat Camp should be viewed alongside and indeed complementary to the wider environs encompassing the Sumburgh Battlefield HQ (north of West Voe), the West Voe pillbox, the Scholland Alan Williams turret and tank traps, radar establishments at Sumburgh Head and Compass Head and wartime fuel tanks and pipelines between Grutness and close to Sumburgh Farm as illustrating the density and significance of surviving military remains and twentieth century wartime archaeology within Dunrossness.*

*Historic Scotland, as the executive agency of the Scottish Government charged with safeguarding the nation's historic environment, have stated that the site of the Goat Camp is 'highly worthy of preservation and (they) would encourage careful stewardship'.*

*Shetland Amenity Trust is not adverse to development in the environs of this area (for example planning application 2007/491/PCD – single dwellinghouse constructed in c.2000 less than 100m to the north). Indeed, as set out in the email from Shetland Amenity Trust Archaeology Section to Planning of 17 April 2012, were the development plot located immediately to the east, it would take the application out of military remains surviving within the Goat Camp.*

*Although the applicant states online in their Notice of Review appeal reference document (9a) that this decision is 'inconsistent with other applications which have been granted permission', notably Mr Campbell's house at Scatness, this is incorrect. With regard to Mr Campbell's house (reference 2009/172/PCD) we worked with the Planning Officer and agent/architect to ensure that the development did not physically impact upon the twentieth century wartime archaeology – in this case a Bofors gunsite.*

*National and Local planning policies pertaining to the protection of the historic environment would support the decision of Shetland Islands Council to refuse planning permission for this development dated 5 June 2012. These included Scottish Planning Policy, Local Policy and indeed the Dunrossness Community Council Area Statement.*

*The Archaeology Section of Shetland Amenity Trust has twice recommended refusal of this planning application due to the surviving military remains within the development plot. This recommendation was supported by Shetland Islands Council in their Delegated Report of Handling dated 19/5/12, and in the official decision notice dated 5 June 2012.*

*Although twentieth century military remains are not always as highly regarded as an aspect of Shetland's cultural heritage compared to, for example, a prehistoric landscape, nevertheless there is an increasing appreciation of their vital role in Shetland's history and this is our opportunity to safeguard them for the future. Once lost, these monuments are lost forever."* Mr Dyer asked the Review Body to support the Council's decision, to refuse the application.

Mr Fox enquired whether there is any evidence to support the comment from Dunrossness Community Council, that neighbouring householders are not in support of the application. The Executive Manager confirmed that all the information available had been presented in the report.

In response to a question regarding the implications to the Council should the Review Body's decision be contrary to Council Policies, the Executive Manager advised that he was not aware of any implications in terms of legal challenges to the decision. He added that the Local Review Body is to review the Officer's decision and for Members to make a decision on the application as they see fit. The Chair confirmed that the Local Review Body has full and final decision making powers, and that no new information is introduced when sitting as a Local Review Body.

Mr Coutts referred to the letter from Historic Scotland, dated 16 August 2011, where it states "...however we consider it is highly worthy of preservation and would encourage careful stewardship, I enclose a booklet which gives guidance and advice on how to look after archaeological sites", and enquired on the level of guidance in terms of conditions attached to approval of the application, should the Review Body agree to uphold the appeal. Ms V Turner, Regional Archaeologist, advised that Historic Scotland's booklet provides information to people who have sites of archaeological interest on their land, on how best to look after the site, to keep the site tidy, and on general conservation.

With the site not recommended for scheduling by Historic Scotland, clarification was sought as to whether an archaeologist would be required to be in attendance during excavation of the site. Ms Turner firstly explained that if the site had been scheduled as a monument of national importance, the site would be protected by law, and unless Historic Scotland consented the site could not be developed. Ms Turner went on to explain that she had been aware Historic Scotland were to undertake surveys of archaeological sites in Shetland, which included the application site. However, she had not been advised that the application site had been assessed as the Archaeology Service are only notified of sites that have been scheduled, rather than sites where it is decided not to recommend for scheduling. She said that should a decision be taken to approve the application, it would be hoped an archaeological condition would be included whereby a schedule of works would be agreed to include recording of any finds before development commences.

In response to a question, the Executive Manager – Planning explained that the Planning Officers made the decision on the application taking into account the advice from the Archaeological Service, and should Members overrule that decision the

Review Body would need to agree on what conditions should be attached to a development of this nature.

In response to a question as to whether any of the extensions to the runways at Sumburgh Airport impacted on World War II remains, the Executive Manager – Planning recalled that significant archaeological concerns were raised by the Archaeological Service during the latest runway extension project, a number of conditions were attached to that planning permission and were enforced.

In response to a question as to how the required visibility splay could be achieved, the Traffic Engineer advised that there were no issues with the visibility to the north, however the visibility splay to the south is obstructed by a stone dyke. There had been proposals that the stone dyke could be moved back, however the applicant has now suggested that the dyke be lowered to 3ft. The Traffic Engineer confirmed that this could be feasible, however agreement would be required from the landowner.

The Traffic Engineer explained that the visibility splay from a junction is measured from the driver's eye height, and lowering the wall to the height below that level would, in this case, allow the visibility splay to be achieved.

Mr Sandison advised of his concern that there are a number of similar archaeological sites around Shetland that are not scheduled and with no upkeep will fall into disrepair, and will become dilapidated and problematic. He said that the applicant has indicated a willingness to take on some responsibility to maintain the archaeological remains on the site, and this should be seen as a positive proposal. Mr Sandison said that with Historic Scotland not going as far as to recommend the site for scheduling, he questioned whether the Local Review Body could impose conditions to go beyond the existing situation where the site is unscheduled.

Mr Ratter commented that any condition for the applicant to maintain the site would be difficult to enforce. He said that Historic Scotland had been given the opportunity to schedule the site, and had been unwilling to do so, and therefore it would be difficult to establish how the Local Review Body could go beyond that decision. Mr Ratter said that he could not support any planning application where there are road safety issues, however in this case the road safety concern can be addressed. Mr Ratter moved that the appeal be upheld, and that planning permission in principle be granted for the application, on the proviso that the road safety issues can be overcome. He added that the Review Body had noted the applicant's willingness to maintain the access track and the air raid shelter in good condition.

Mr Robinson seconded.

In response to a question from the Chair, Mr Ratter clarified that his motion to approve the application was conditional, in that the visibility splay must be achieved before works start on site.

Mr Fox advised that although he accepted the condition attached to Mr Ratter's motion relating to the road access, he stated that road safety concerns had not been included as a reason for refusal. The Chair commented that visibility was one of the most important aspects in planning terms.

During the discussion, Mr Coutts commented that it would be difficult to enforce any condition whereby the applicant would maintain the air raid shelter. However, Mr Campbell suggested that an additional condition could be added to approval of the

application, for the applicant to be mindful of the remains on the site and take cognisance of the guidance in Historic Scotland's booklet on how to look after archaeological sites. In receiving the consent of his seconder, Mr Ratter confirmed that he could not accept the additional condition into his motion, as he said it would prove difficult to enforce such a condition. However, at the suggestion of Mr Robinson, the Review Body agreed that the applicant's offer to maintain the shelter be recorded in the minute.

*(Mr Robinson left the meeting).*

30/12 **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 Team Leader – Development Management [RECORD Appendix 2].

- **2012/327/PPF – Installation of wigwag warning beacon to Fire Station access road, Leiraness, Bressay, Shetland ZE2 9EL by Highlands and Islands Fire and Rescue Service**

After hearing the Team Leader – Development Management introduce the report, the Committee approved the application on the motion of Mr Sandison, seconded by Mr Campbell.

31/12 **Applications for Consent to Display Advertisements where Determination cannot be taken by Appointed Person under Approved Scheme of Delegation:**

The Committee considered a report by the Team Leader – Development Management [RECORD Appendix 3].

- **2012/298/ADV - Erect signboard, Ham, Bressay, Shetland, ZE2 9ER by Bressay Primary School**

In introducing the report, the Team Leader – Development Management advised that the application forms part of a set of applications submitted by the Bressay Primary School for a shipwreck trail around Bressay. He advised that this application received objections from the Roads Service, however the location of the sign has now been moved and the application is recommended for approval.

The Committee approved the application on the motion of Mr Campbell, seconded by Mr Ratter.

In response to a question, the Team Leader – Development Management confirmed that condition “(3) This Consent is for a period of five years only commencing with the date of the granting of this Consent” is a standard condition relevant to all planning applications under current planning regulations.

The meeting concluded at 10.55am

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Chair