

# MINUTE

**‘Public’**

**Planning Committee**  
**Council Chamber, Town Hall, Lerwick**  
**Tuesday 5 March 2013 at 10am**

**Present:**

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

**Apologies:**

None

**In Attendance (Officers):**

I McDiarmid, Executive Manager - Planning  
J Holden, Team Leader - Development Management  
J Barclay Smith, Planning Officer - Development Control  
C Gair, Traffic Engineer  
L Adamson, Committee Officer

**Also Present**

T Smith, SIC

**Chair**

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

**Circular**

The circular calling the meeting was held as read.

**Declarations of Interest**

None

05/13 **Minutes**

The Committee confirmed the minutes of the meeting held on 5 February 2013 on the motion of Mr Campbell, seconded by Mr Fox.

**Local Reviews 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:**

06/13 **2012/205/PPF – LR13: Erect dwellinghouse and coastal protection: Westerhouse, Whiteness, Shetland, ZE2 9LJ**

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 – Development Control advised that the assessment concluded that the proposed dwellinghouse was acceptable. The proposals included the requirement for a flood risk assessment and an otter survey

which had been provided, and any issues that had arisen had been addressed by the applicant.

The Planning Officer - Development Control advised that the main concerns with the application related to the road access. She explained that the original submission included proposals to share the existing access which serves the property 'Westerhouse', where the Roads Service raised concerns relating to visibility. She explained that a number of options have been discussed, which included a proposal to provide a new access close to the south boundary of the site. The Roads Service concluded that the amended proposals would only be acceptable if the existing access is closed off and both houses are served by the new access point.

The Planning Officer – Development Control reported that the applicant submitted the appeal in relation to the condition relating to approval of the application relevant to the road access. She confirmed that the key issues are the objections from the Roads Service and the impact on road safety, and said that to remove the condition in question would be contrary to the Local Development Plan.

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

Mr A Tulloch, the appellant, confirmed that the information provided by the Planning Officer in her introduction was correct, in that various issues had been dealt with apart from the access. Mr Tulloch advised that during the process he has had a number of meetings with Mr Gair from the Roads Department. He advised that at the first meeting, Mr Gair suggested that if it could be demonstrated that improvements could be made to the existing access the Roads Department would be able to relax the requirements by possibly as much as 20%, from the required visibility splay of 160 metres. Mr Tulloch advised that he had employed a Civil Engineer to carry out a local survey of the road, which demonstrated the visibility splay of 133 metres could be achieved from the existing access. Mr Tulloch said that he had expected the Roads department to adopt the visibility splay as acceptable, however after a few weeks they received a letter by e-mail advising that a speed survey had been undertaken and the Roads Department could no longer accept the relaxation to the visibility splay.

Mr Tulloch advised that at a further meeting with the Roads Department, it was agreed that proposals would be drawn up to move the access down to near the bridge, and he confirmed that at no time was it suggested that the existing access would have to be closed. Mr Tulloch said that to reroute the traffic from residents of the existing 'Westerhouse' through the garden of their new house would cause the loss of amenity and privacy, and they could lose up to 50% of their site. He commented that Members who attended the site visit yesterday would be able to appreciate that even with a minimum radius of traffic the access road would sweep through the grass area of the site.

Mr Tulloch said that the Policy for the required 160 metres visibility splay comes from the Highways Design Manual, however opportunities for relaxation of the visibility splays are also offered, and he presumed that was the data that Mr Gair had been referring to initially. Mr Tulloch advised that from the table of traffic speeds and visibility, a visibility splay of 120 metres could be allowed. In referring to the Design Manual, it states that the design with at least desirable standards will produce a high standard of road safety, however the level of service may remain generally satisfactory where these values are reduced. Mr Tulloch said that they also discussed with the Roads Department and the Planning Service about widening the existing access by 4.5 metres so it would be suitable for a refuse lorry and the school bus to pull into. He

said that the proposals to widen the existing access included 8 metres of a draw off area which would allow an increased visibility to 140 metres. Being nearly 90% of the required visibility splay, it was believed that would meet the criteria required for the relaxation.

Mr Tulloch referred to the comments from the Roads Department regarding the increase in traffic from the site, and he explained that statistically there would be a 50% increase in traffic however it would only be 4 cars in total, being 2 cars from each property, and he did not consider that to be a big quantity of traffic. He added that most days himself and his partner travel by car to and from work, which would be 8 vehicle movements per day.

In referring to the presentation provided by the Planning Officer, Mr Tulloch said that the aerial photograph showed that only 100m to the north of the site there are two roads almost side by side, coming out onto the main road, and advised that these roads serve at least 8 houses.

Mr Tulloch advised that he had referenced typical stopping distances from the Highway Code, and a vehicle travelling at the maximum motorway speed of 70mph, the stopping distance would be 96 metres. He said that from the road speed survey undertaken by the Roads Service, the average speed was 40 mph on this piece of road and the stopping distance would be 36 metres.

Mr Tulloch advised that the dyke at the existing access had been built too high, and work has commenced to lower the dyke by 400mm. He said these improvements would create the maximum visibility splay that can be achieved, and drivers should see up the road no problem.

The Chair thanked Mr Tulloch for the information provided.

The Chair enquired whether there were any other representatives of the appellant who wished to address the Review Body.

Mr T Smith advised that he was speaking in support of Mr Tulloch's application, and was representing the Tingwall, Whiteness and Weisdale Community Council. Mr Smith advised that following a lengthy discussion at the Community Council meeting on 21 January 2013, it had been agreed that the proposals would be found acceptable if the existing access could be moved approximately 7 metres to the south. This would achieve a 90% visibility splay, which would be approximately 140 metres instead of the required 160 metres. Mr Smith said that the Community Council were of the opinion that a new single access near to the Strom Bridge would seriously affect the amenity and privacy of the new property. Mr Smith concluded his address to the Board by reiterating the Community Council's support for Mr Tulloch's application.

The Chair thanked Mr Smith for his contribution, and he confirmed that the full comments from the Community Council had been included as part of the report.

In response to questions regarding the extent of the relaxation to the visibility splay as offered by the Roads Service, the Traffic Engineer clarified that relaxation of the visibility splay had not been offered. He explained that the applicant had been advised that relaxation of the visibility splay may be considered if the circumstances warranted such relaxation. The Traffic Engineer said that 140 metres (87%) visibility splay was identified as the maximum relaxation that might be considered, however, he had reserved his opinion pending full information on the potential for improvement. He

confirmed that he had advised the applicant that a survey of the road was to be undertaken which would allow vehicle speeds to be fully analysed and therefore confirm the minimum visibility requirements.

In response to a question, the Traffic Engineer said that he was aware of instances where relaxation had been permitted on other design parameters, however he has never supported relaxation to a visibility splay while he has been working for the Council.

In response to a question regarding the minimum distance permitted between junctions, the Traffic Engineer advised that standard guidance would require 160 metres between junctions. However, it is not uncommon to allow relaxation to 120 metres in more developed areas.

The Traffic Engineer confirmed that the junction serving the proposed new access would require to be at least 5.5 metres wide, as it will be serving 2 properties.

Mr Fox referred to the appellant's concerns regarding the proposed new access that is to serve both houses, due of the loss of amenity and the impact on traffic travelling past the new house, and he enquired whether any site plan had been prepared which would illustrate the impact on the property. Mr Tulloch advised of the requirement that the final layout of the internal road and parking was to be submitted with the Notice of Intention to Develop.

In referring to the proposals put forward from the Tingwall, Whiteness and Weisdale Community Council that the access is moved 7 metres to the south, it was noted that although layout plans had been drawn up these could not be considered during the Local Review as the proposals had not formed part of the original application. However, the Traffic Engineer advised that he had discussed these proposals with the applicant, and a 140 metres visibility could be achieved. The Roads Service could not support this proposal as from the speed survey a minimum visibility splay of 160 metres had been determined as appropriate.

In response to a question, it was advised that the distance between the proposed compliant access and the existing access would be between 27-30 metres.

In response to questions from Mr Coutts that the new road access would be across the road from an existing access, the Traffic Engineer advised that the Roads Service would generally aim to avoid accesses across the road from each other. However, in this situation, when dealing with two private accesses where the approaches are quite clearly to the main road, it was not felt that there would be a significant risk. He said that having two accesses nearly opposite each other had been assessed as being safer than two close together on the same side, and had been accepted to facilitate the development.

In response to questions, Mr Tulloch reported that the existing road access allows poor provision for larger vehicles, and that the only area where a bus could stop safely would be near to the shop. He said that his proposed modifications to the existing road access had included the creation of a draw off suitable for the occasional larger vehicle and for access during the construction phase of the development.

In response to questions regarding the speed survey that was undertaken in the area, the Traffic Engineer advised that there are between 2,000 – 2,400 vehicles passing the site each day, and that the average speed was 52mph. However, this speed

would lower during peak traffic times and increase at quieter times of the day. He reported that the required minimum visibility distance for a safe access in the area would be 160 metres from 2.5 metres back, and confirmed that from the guidance followed on minimum required emerging visibility distances, the speed of traffic in the area was at the maximum to be within the 160 metres requirement.

The Chair commented that the main issues in regards to road safety are the visibility to the north, with the crest in the road and the slight bend, and from vehicles pulling out from the two houses at the junction of the former Hjaltasteyn premises. In response to a question, the Traffic Engineer said that he was not aware of any application for the change of use of the former Hjaltasteyn building that would warrant any improvements to the access, and added that the amount of traffic from a house was possibly less than that of a business premises.

In response to a request for clarification on the traffic measurements in the area, the Traffic Engineer explained that the average speed of traffic passing the site was 42mph, however the 85% speed of traffic approaching from the north, being the direction of concern, was 52mph. In response to a comment from Mr Coutts regarding the speed of traffic passing the site and required stopping sight distances, the Traffic Engineer advised that a number of factors are taken into account in the national guidance including different drivers and vehicle types, and the figures are significantly higher than those quoted in the Highway Code, particularly because they include an allowance for the time taken to identify a potential hazard.

Mr Coutts enquired on any proposals to implement a speed limit in the area. The Traffic Engineer advised that the Roads Service have just finished a review of speed limits, and this section of road was not identified as requiring investigation. However, he said that depending on future developments or accidents in the area this section of road could be reassessed in the future. The Traffic Engineer advised that having assessed accident data for the area over the past 5 years, there was only one report of a slight injury accident in 2007, which happened during an overtaking manoeuvre just north of the existing access.

In response to questions, the Traffic Engineer explained that whichever access point is agreed it would have to meet the minimum width requirement of 5.5 metres, but this is not large enough for a proper draw off area, which is much larger. He confirmed that there is currently no policy in place that allows the Council to instruct applicants when drawing up proposals for an access to include provision for larger vehicles. However, the Roads Service currently suggest and encourage applicants to include provision and details of the recommended layout had been passed to the applicant. He added that a guidance document has been drafted which will inform applicants on all aspects of access design as well as the requirements for provision for larger vehicles.

In response to a question regarding the continuation of use of the existing road access that serves 'Westerhouse' when it does not meet the required standards, the Traffic Engineer explained that the Roads Authority has no powers to stop up an access unless there has been a significant history of accidents, and in such cases an alternative access would have to be provided. Reference was made to the intensification of use of the existing access from the addition of one further property at 'Westerhouse', which although not a big increase in the number of properties, would increase traffic movements by 100%. The Traffic Engineer explained the guidelines followed on intensification of use of an existing access, which concludes that a significant increase would be any increase in traffic over the threshold of 10%.

In response to a query from Mr Sandison as to the scope of the application for consideration by the Review Body, the Chair advised that consideration is only to be given to the papers as presented, but could include the suggestion that a new access is created 7 metres to the south of the existing junction.

The Executive Manager – Planning confirmed that in regards to the decision making process the Review Body is to consider the application afresh but no new information can be submitted. He suggested that the Review Board could decide to either:

- accept the appeal as presented today, which would allow the two accesses;
- relocate the existing access with conditions; or,
- dismiss the appeal.

The Executive Manager explained that should the Review Body agree to dismiss the appeal, the appellant could submit a further application, which would be assessed by the Roads Service and Planning Officers for a decision to be reached on whether the new proposals are acceptable.

Mr Robinson commented that the existing access would continue to be considered as acceptable had it not been for the application being considered today, and that there was no history of accidents at the access. He explained that the area where there would be a bottleneck of traffic would be north of the access at the crest of the hill, where there are a number of steep and difficult accesses. Mr Robinson advised that he had not been on the site visit, however he was familiar with the site, and had noticed that the wall had been lowered which has already made a vast improvement to the site lines. Mr Robinson moved that the Review Body allow the appeal, but rather than closing off the existing access, the existing access is to be improved. He added that the access should not be extended to the north, but may be moved to the south, and a draw off should be contained within the access. Mr Fox seconded.

In response to questions from the Chair, Mr Robinson clarified that his motion included a request for a sufficient draw off to be provided within the area 7 metres to the south of the existing access, and that details of the draw off were to be submitted to the Planning Service. This received the consent of his seconder.

*(Mr Ratter left the meeting).*

(Mr Robinson advised that he would take no part in the discussion on the following item, being a Council representative involved in discussions with Shetland Telecom).

*(Mr Robinson left the meeting).*

07/13 **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].

- **2013/008/PPF - To erect Triax 700 Cabinet or equivalent in roadside verge, A970/A971 Junction, Gott, Tingwall by Shetland Telecom**

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

- **2013/009/PPF - To erect Triax 700 Cabinet or equivalent in roadside verge, Close to Mossbank School, Mossbank by Shetland Telecom**  
The Committee approved the application on the motion of Ms Manson, seconded by Mr Campbell.
- **2013/010/PPF - To erect Triax 700 Cabinet or equivalent in roadside verge, Vidlin Shop, Vidlin by Shetland Telecom**  
The Committee approved the application on the motion of Ms Manson, seconded by Mr Campbell.
- **2013/011/PPF - To erect Triax 700 Cabinet or equivalent in roadside verge, South Nesting/Gletness junction by Shetland Telecom**  
The Committee approved the application on the motion of Ms Manson, seconded by Mr Campbell.
- **2013/012/PPF - Installation of 220kw biomass boiler system with associated fuel store and flue system, Port Administration Building, Sellaness, Sullom, Shetland, ZE2 9QR by Shetland Islands Council**  
The Committee approved the application on the motion of Mr Bell, seconded by Mr Campbell.

The meeting concluded at 11.15am.

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Chair