

MINUTE

AB - Public

Planning Committee
Council Chamber, Town Hall, Lerwick
Tuesday 11 June 2013 at 10am

Present:

F Robertson	M Bell
P Campbell	S Coutts
G Robinson	

Apologies:

B Fox	A Manson
D Ratter	D Sandison

In Attendance (Officers):

J Holden, Team Leader - Development Management
J Wiseman, Planning Officer
N Sineath, Enforcement Officer
C Gair, Traffic Engineer
K Marshall, Solicitor
L Adamson, Committee Officer

Also Present:

J Wills

Chair

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

Circular

The circular calling the meeting was held as read.

Declarations of Interest

None

15/13 **Minutes**

The Committee confirmed the minutes of the meeting held on 14 May 2013 on the motion of Mr Bell, seconded by Mr Coutts.

16/13 **2013/019/PPF: To change use from Class 8 Residential Institutions to Class 7 Hotels, Hostels, Boarding and Guest Houses, Leog House, 2 Leog Lane, Lerwick**

The Committee considered a report by the Planning Officer – Development Management [RECORD Appendix 1]. The proposed site was illustrated by a PowerPoint display of photographs and key information.

The Planning Officer advised that the application has been submitted by Asset and Property Services on behalf of the Council, and as such the Planning Committee are required to make the decision on the application following a Hearing.

He advised that the application is for a change of use of the building that was formerly used as a children's home. This use falls within class 8 of the Use Classes Scotland Order 1997, residential institutions, which can include a variety of uses such as a

residential school, college or training centre or other forms of residential accommodation with care such as a nursing home. The change of use sought is for a use within class 7 which includes hotels, boarding and guest houses and hostels.

The Planning Officer reported that the key issues in relation to this application relate to parking and access. Objections have been received from residents of 3 neighbouring properties and these relate mainly to the issues of parking and access. He explained that when the application was first submitted the application site had included the 5 public car parking spaces and turning head at the top of Leog Lane and this caused some concern that the turning head and car parking spaces would not be available for general use. The application site has subsequently been amended and the areas of public road, car parking and the turning head have been removed from the application site, however neighbours remain concerned about the demand for parking that this type of development could generate and the capacity of Leog Lane to cope with traffic to the site. The Planning Officer advised that the parking requirements for a development such as this are calculated on the basis of the proposed number of rooms that could be used at a rate of 1 space per bedroom and 1 space per 3 staff. The applicant has indicated that a maximum of 10 bedrooms would be provided within the development and therefore the parking requirement for the change of use sought would be 11 spaces.

The Planning Officer advised that following advice from the Roads Service the applicant carried out a snap shot parking survey of the parking available within a 3 minute walk of the building. The results showed that there were between 21 and 29 spaces within a 3 minute walk of the site. The Roads Service have confirmed the results of the survey, and are of the opinion that there is adequate parking within a reasonable distance of the building to support the change of use proposed.

He advised that the building, although now largely unused, has an existing use within Class 7 and the proposed change of use as a hotel/guest house would not add significantly to the parking demand generated by its existing use that has been accommodated in the area in the past. He said that the building is Listed and is within the Lerwick Conservation Area where in order to secure appropriate uses for listed buildings in such sensitive areas it is accepted that it may not be possible to provide on site parking. A balance has to be achieved and in this instance it has been demonstrated that the surrounding area has the capacity to cope with the parking demand.

The Planning Officer advised that objectors have also expressed concerns about the access to the site via Leog Lane which is narrow and single track. In response to consultation on this aspect, the Roads Service has indicated that while the proposed change of use will generate a number of traffic movements in the area it will not be appreciably worse than the previous use, and on this basis the Roads Service had no concerns about access to the building via Leog Lane.

The Planning Officer said that on balance it is considered that the proposed change is an acceptable use of this listed building that will not have a detrimental impact on the building or the conservation area. Adequate parking exists in the wider area, and the Roads Service have no concerns about road safety. The proposal complies with the Council policies listed in the report and is recommended for approval.

The Chair referred Members to the letter from the Lerwick Community Council that had been tabled at the meeting (Appendix 1A), which confirmed that their earlier objection to this development has been withdrawn.

In referring to the 3 letters of objection received in response to the application, the Chair invited a representative of the objectors to address the meeting.

Mr A Anderson, an objector, confirmed that he resides at 7 Leog Lane, Lerwick. Mr Anderson referred to Section 4.3 of the report, which informed on the snap shot survey undertaken by the Roads Service between the hours of 08.00 and 18.00 within a 3 minute walk of Leog House. He also referred to their letter of 23 May (tabled at the meeting – Appendix 1B) which had questioned whether the traffic survey had been conducted at the best time when most parking in the area would be required during the evening and at night. He said that the period during 08:00 and 18:00 would be less relevant as more parking spaces would be available in the surrounding area during that time, and he suggested that a more relevant parking survey would be undertaken in the evening and at night.

Mr Anderson referred to Section 4.4 of the report, which informed on the conservation area and the listed building status. He then referred Members to the Plan which detailed the 5 parking spaces, and he highlighted the area immediately to the north which he advised had been included in the site sale which he suggested could be used for additional car parking.

In referring to Section 4.5 of the report, Mr Anderson explained that they had raised 5 specific issues in an earlier letter, which they have yet to receive responses to from either the Roads Service or the Planning Service. He advised that one concern raised related to the safety aspects of the access, and in particular the right turn into Leog Lane. He said that the essay cart has to reverse up the road and a fire engine could not access Leog Lane from South Commercial Street, so the road is clearly narrow.

Mr Anderson advised that there is no public pavement beyond 5 Leog Lane. He said that the additional car parking that could be generated by the new business and from the residents parking in the area will result in instances of double parking which will clog up the area and the access. Mr Anderson made reference to the inclusion of an area for small coaches in the Site Plan however he said that this requirement would take away a number of parking spaces and also affect the turning area. Mr Anderson said that there had also been an indication of an area for a loading bay, which has not now been included. Mr Anderson stated that these points raised had not been addressed by the Road Service. Mr Anderson added that the Capital Programme Service had confirmed that there are only a few of the parking spaces required that would be within a one minute walk of the property, and the shorter distance would make the proposed development more attractive to potential residents.

The Traffic Engineer explained that the snap shot survey had been timed to start at 08:00 and finish with a last survey round starting at 18:00. From experience this gives a fairly accurate measure of residential parking use in areas of Lerwick.

He said that Leog House is an existing building with a historical level of use. Any assessment of the impact resulting from the change in use to a Bed and Breakfast or small hotel has to be based on the existing use, and whether the new use would be significantly different or not. In the opinion of the Roads Service there would not be a fundamental change resulting from the proposed change. He said that there will always be a degree of parking required by staff and residents whatever use is made of the building.

In response to the earlier comment, the Traffic Engineer questioned whether there would be any need for users of the building to be transported in coaches, due to the relatively small size of the premises. He said that a mini bus was more likely to be the largest vehicle to be used. That size of vehicle was not dissimilar to that used when the building was a children's home and as a training venue.

The Traffic Engineer said the Roads Service concluded that there is unlikely to be any significant change to the access and level of use generated by the proposed change of use, and there could possibly be a slight improvement in the parking situation with the predominant client type likely to be well used to walking some distance from the nearest available parking in an urban environment. He added that the owners of the premises may consider providing additional parking in the area if it was an issue for their customers.

In response to a question from the Chair, the Traffic Engineer explained that, when the turning head behind Leog House was improved, and the existing parking provided, the Roads Service had explored the possibility of including the grassed area north of the hedge. However, with the space constraints, incorporating the additional area could only achieve about 2 additional spaces.

In response to questions from Dr Wills, Member for the Area, the Traffic Engineer advised that any instances of obstruction through double parking in the area would have to be enforced by the Police. The Traffic Engineer confirmed that the traffic survey had recognised between 21 – 29 vacant car parking spaces within a 3 minute walk of the site. The traffic survey as undertaken included times when the highest demand for residents parking in the area, being first thing in the morning and early evening, are usually found. He confirmed that the survey had not highlighted any concerns. The Traffic Engineer explained that the listed building status of a building would have no bearing on the recommendation from the Roads Service in regard to the parking requirements, and said that consideration of listed building status is a matter for the Planning Service. The Team Leader – Development Management advised that most developments would have some potential impact on other areas of land, including highways, particularly in a conservation area.

Dr Wills commented on the poor aesthetic appearance of one side of the property, where he suggested it would not be detrimental to extend the car park to the north-west. The Team Leader advised that any proposals to develop a car park to the north west of the premises did not form part of this application. In response to a further question the Team Leader advised that the Planning Committee, in approving the application as presented, could include a planning condition in regard to additional parking provision, bearing in mind the advice from the Roads Service.

In response to questions relating to the sale of alcohol on the premises, the Team Manager advised that such matters would be subject to consideration by the Licensing Board.

The Committee noted that there was no representative of the applicant present at the meeting.

In noting that most of the objections to the application relate to parking and access to the site, Mr Robinson said that he would anticipate similar concerns regardless of the use of the property. He said that unless the site is sterilised there is a need for care to be taken in regards to parking in the area, and until such time as a detailed planning application is presented and the number of bedrooms in the property is known the car

parking requirements are uncertain. Mr Robinson moved that the Committee approve the application with the conditions as attached, but with an additional condition that depending on the future use of the property and associated parking requirements, the area to the north could be developed to provide the additional 2 car parking spaces.

In seconding, Mr Bell questioned what future use of the property would not raise the same, or additional concerns, in regard to parking. He said that in that respect, he was disappointed that there was no representative from the Council's Capital Programme Service at the meeting to advise on potential alternative options for future use.

Mr Campbell advised that he was aware that another area of land further north-west is to be included in the sale of the property, which he suggested could be developed for further parking. The Team Leader said that he had received no communication to that effect, but confirmed that any additional proposals would be a separate planning matter.

In referring to the additional condition attached to approval of the application, Mr Campbell enquired whether a further application would have to be presented for consideration to Committee. The Team Leader explained that the proposals would be considered, and whether it was presented to Committee or determined through delegated authority would depend on a number of factors, including who the applicant was, any interests in the land, and issues arising during the consultation.

During the discussion, Mr Campbell commented on the amount of land that would be required to the north of the property to provide only 2 additional car parking spaces. The Traffic Engineer said that when the Roads Service had considered the previous improvements to the turning head the conclusion was reached not to develop the area of land bounded by a hedge, as the benefit accruing from two additional parking spaces did not warrant the cost involved.

In response to a request for clarity, the Traffic Engineer explained that the duty to maintain any new area providing additional 2 parking spaces would depend on whether the applicant creates private parking spaces in the reconfigured area, or whether it is developed to a standard that can be maintained as public parking. He also advised that the existing provision of 5 public spaces would have to be retained as part of any future proposal to provide additional parking.

17/13 **2013/107/LBC: Review, replace and repaint external cladding; repair and replace windows including dormer windows and replace rotten timber and structural components (Part Retrospective Application); St Magnus Bay Hotel, Hillswick, Shetland, ZE2 9RW by St Magnus Bay Hotel**

The Committee considered a report by the Planning Officer – Development Management [RECORD Appendix 2]. The application site was illustrated by a PowerPoint display of photographs and key information.

The Planning Officer advised that this listed building consent is presented to Members as the applicant is a Member of the Planning Committee.

He explained that the application is mostly for renovation works that have already been carried out to the building. The works include the replacement of the external cladding on the building, the replacement of windows and also the repair and replacement of rotten structural and non-structural timbers. The listed building consent will also include the completion of that external renovation works.

The Planning Officer said that the application was received in its first form back in 2010 and there has been a bit of coming and going in terms of trying to get the appropriate information that would allow the Planning Service to formally validate then start processing the application.

The Planning Officer advised that the St Magnus Bay Hotel, formerly known as the Hillswick Hotel, is a category C listed building, and in terms of listed building status, there is A, B and C listed buildings, with A being the category afforded the highest protection under the 1997 Listed Buildings and Conservation Areas Act.

The Planning Officer advised that Members will see from the photographs the scale of works that have already been undertaken to the building, which includes replacement of most of the windows and the new cladding that has been cut to exactly the same profile. He said that unfortunately the photographs may not do the condition of the existing cladding any justice, however Members were advised that the applicant's supporting statement gives a better indication of the condition of the cladding that has been replaced.

The Planning Officer advised that the biggest difference with the new cladding is the change of colour from white to nut brown. Initially the Planning Service had concerns with the change of colour, however the applicant has provided written and photographic evidence, and more importantly physical evidence, that the historic colour of the building had been nut brown.

The Planning Officer said it is evident that the windows have been painted a multitude of different colours; however the Planning Service would want to see a return to the dark brown opaque colour, including the window surrounds. In referring Members to the final photograph which gave an example of the top quality weight hung, case and sash windows that have been put in the building, the Planning Officer advised that the Planning Service would require the painting of the aluminium sills to look a little more historically correct.

The Planning Officer stated that the works to date have been done to a very high quality and it is commendable that the applicant is willing to take on the challenge that is bringing back to life and old tired listed building. He acknowledged that it is unfortunate that the works have been done to the building without the required consents, but said that if Members are minded to approve the listed building consent this will address that issue and will allow the applicants to continue on and complete their renovation works. The Planning Officer advised that the retrospective and proposed future works comply with policies listed in Section 3.3 of the Report of Handling and is recommended for approval.

Mr Campbell commented that this was an instance where we should welcome the renovation and care of a building. He said that the property is a significant building in Northmavine and in Shetland as a whole, and an indication of the links that existed between Shetland and Norway. Mr Campbell said that he owners should be commended for the work undertaken to the building. Mr Campbell moved that the Committee approve the application.

In seconding, Mr Robinson advised that he initially had concerns with the colour of the building however with the information imparted by the Planning Officer and from viewing the photographs he was content to support the application.

18/13 **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 3].

- **2013/093/PPF: To construct gas condensate pipeline (1630m) running from Shetland Gas Plant to Sullom Voe Terminal, and ancillary infrastructure including temporary and permanent access roads, pig receiver, emergency shut down valve, access platforms and fibre optic cable, Sullom Voe Terminal, Mossbank, Shetland ZE2 9TU by TOTAL E & P Ltd. and BP Exploration Operating Company Ltd.**

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

- **2013/150/PPF: change of use from public toilet to community hub, Public Toilets, Clickimin, Lochside, Lerwick, Shetland ZE1 0PJ by Shetland Telecom**

The Committee approved the application on the motion of Mr Coutts, seconded by Mr Bell.

- **2013/151/PPF: Change of use from public toilet to community hub, Public Toilets, Grantfield, Lerwick, Shetland, ZE1 0NT by Shetland Telecom**

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

The meeting concluded at 10.55am.

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Chair