

MINUTE

AB - Public

Planning Committee
Council Chamber, Town Hall, Lerwick
Tuesday 10 December 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
M Taylor, Planning Officer
P Sutherland, 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.

The Chair reported that 19 Planning Applications that had been determined under delegated authority since the last Planning Committee on 12 November 2013.

Declarations of Interest

None

34/13 **Minutes**

The Committee confirmed the minutes of the meeting held on 12 November 2013 on the motion of Mr Campbell, seconded by Mr Robertson.

35/13 **2013/262/PPF Erect two polytunnels, behind the garages at Ingaville Road, Scalloway, Shetland, ZE1 0UD by Mr S Graham, on behalf of North Atlantic Re-Training Enterprise (NARE).**

The Committee considered a report by the Planning Officer – Development Management [PL-23-13-F: RECORD Appendix 1] for a decision following a hearing. The site was illustrated by a PowerPoint display of photographs and key information.

In introducing the application, the Planning Officer (M Taylor) referred Members to the aerial photo of the site and he indicated the location of the proposed two polytunnels. He advised on a variation from the Site Plan as submitted with the agenda, and highlighted the substantial extension to the neighbouring property at 1 Ingaville Road. He advised that an objection had been submitted from the residents of 1 Ingaville Road, and a further objection from a gentleman who leases a nearby garage.

In referring to the key issues relating to the application, the Planning Officer reported that in regard to intensification of use of the site, the proposal is that a total of 8 participants will be in attendance at site 3 days a week. He confirmed that any variation from this would require a decision of the Planning Authority. He advised that the residential and general amenity of the area will be retained or improved, and the relationship with the residential garden grounds would not be compromised. He advised that the Roads Service has no concerns in regard to access or parking, and that the existing garages will not be obstructed as a result of the proposed development. The Planning Officer concluded that the application was recommended for approval, subject to the schedule of conditions as outlined in the report.

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

Ms L Davidson, of 1 Ingaville Road, Scalloway, objector to the application, stated that her concerns had been detailed in the letter she had submitted to the Planning Service. Ms Davidson advised that as her daughter and herself both suffer from asthma, the proposal to grow flowers in the adjacent site would involve an increased use of pesticides and result in an increase in pollen which would affect their breathing. She also advised on her concerns at the increased activity at their back door. Ms Davidson reported that the original planning permission submitted had included two polytunnels of the same size (2 metres x 6 metres), however she was now aware that the size of the second polytunnel has increased to 4 metres x 8 metres, which she said was almost double in size to what was first proposed.

The Chair thanked Ms Davidson for the information provided.

(The Chair invited a representative of the applicant to address the meeting. There was no representative of the applicant present).

Mr Bell questioned whether the Planning Service had any further detail on NARE. He commented that as the scheme is to provide training and support to clients with additional support needs he would expect the organisation to be under the auspices of the Care Commission or Social Care. The Planning Officer advised that the information he held on the organisation was that which was submitted with the application; being an indication that the service users had additional needs and they would benefit from growing plants. He added that the applicant was a representative of NARE, who resides 4 properties away from the site of the proposed polytunnels.

In response to questions, the Planning Officer explained that the Council owns the land where the garages are built, and therefore the Council would have to agree any lease or sale of the garages. He confirmed that access to the garages would not be obstructed by users of the proposed development and that any items currently stored on the site would have to be relocated in agreement with the Council as the owner of the land. The Planning Officer advised that the area of land currently has no prescribed classification of use, and therefore the erection of polytunnels would not change the class of the site.

In referring to the concern raised by the objector in regard to the increased use of pesticides and to the applicant's assurance that only organic methods would be utilised, Mr Fox questioned whether an appropriate condition could be included to address this matter. The Planning Officer advised that the supporting letter from the applicant stated that the plants will be organically produced, and that statement as submitted will be included as a condition of approval of the application. He advised that the Planning Service will rely on the goodwill of the applicant in regard to adhering

to the condition, however the project will be monitored to limit any issues and any complaints received will be followed up.

In response to questions, the Planning Officer confirmed that the initial submission had included two polytunnels of a similar size; however that had been an error by the applicant. The subsequent proposal included a variation to the size of one of the polytunnels by 2 metres in length. He advised that as the increased length is on the side of the polytunnel furthest from the property of 1 Ingaville Road it was not considered significant and the Planning Service assessed this variation as being acceptable in terms of the application.

Mr Fox advised that on the site visit he had noted that the extension to the larger of the two polytunnels would impinge most on the residents of 1 Ingaville Road. He questioned whether there had been any discussion on the project operating from one larger polytunnel, rather than the two as proposed. The Planning Officer confirmed that the Planning Service had made the assessment based on the application submitted for the two polytunnels.

In response to a question from the Chair, the Planning Officer confirmed that the Roads Service are content with the application; in that the service users will be dropped off and picked up, and there is sufficient parking on the public highway.

Mr Ratter moved that the Committee approve the application, subject to the schedule of recommended conditions. Mr Coutts seconded.

36/13 **2013/295/PPF: To erect and install 1 no. 5kw wind turbine on a 15m high mast, adjacent to Mangaster, Sullom, by Mr B Manson, Mangaster, Sullom, Shetland**

The Committee considered a report by the Planning Officer– Development Management [PL-20-13-F: RECORD Appendix 2] for a decision following a hearing. The site was illustrated by a PowerPoint display of photographs and key information.

In introducing the application, the Team Leader – Development Management advised that the proposed turbine is to connect to the applicant's garage and is situated to the northwest of the applicant's dwellinghouse at a distance of approximately 156 metres. The nearest non-associated sensitive noise receptor lies approximately 160 metres to the southeast of the proposed turbine's location.

The Team Leader advised that one letter of objection has been received to the proposed development relating to the unknown health impacts that turbines may pose to people, pets, wildlife, livestock and other lifeforms; unacceptable cost to the economy due to increasing electricity bills required to support such developments; and, the negative impacts that turbines have on tourism. The Team Leader explained that it is considered that the objection relates to commercial wind farm developments in general and does not raise any site specific issues pertaining to this planning application submission.

The Team Leader advised that the Council guidance on renewable energy technologies recommends that the minimum separation distance to avoid shadow flicker on neighbouring properties is 10 times the blade diameter. Given that the blade diameter of the proposed turbine is 5.5 metres in length, the minimum separation distance would be 55 metres. He confirmed that the noise levels between the neighbouring properties and the proposed turbine will be within the limit specified. The Team Leader said that as the position of the proposed turbine is sufficiently remote from all adjoining neighbouring properties, it is considered that residential

amenities will be safeguarded from unacceptable noise levels and shadow flicker. The Team Leader concluded that the application is recommended for approval in compliance with the Shetland Local Plan and Structure Plan policies.

(The Chair invited a representative of the objector to address the Committee. There was no representative of the objector present).

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

Mr B Manson, the applicant, advised that he was not acquainted with the objector to the application, nor was he aware that the objector had ever visited the Mangaster and Nibon areas. Mr Manson advised that the chambered cairn as referred to in the location plan is a prestige formation that is unexcavated, and he advised that visitors would tend to visit other cairns in the area. Mr Manson said that the objector's paper is very clearly a general submission, which has no direct application to this site. He added that the objector is not a neighbour and has no property interests in the Mangaster area that could be affected by this development.

In response to a question, the Team Leader advised that separation distances vary depending on the type, make and model of the turbine proposed, and that for this application the separation distance is found to be acceptable.

In commenting that the objector to this application had no specific connections with the development proposed, and to his similar objections the other applications concerning wind turbines on today's agenda and more than likely to wind turbine applications throughout the country, Mr Ratter questioned the significant workload that his extensive representations had generated. The Executive Manager – Planning advised that anyone can object to any development and that there is no geographical restriction, which he said is the nature of the democratic process.

Mr Fox said that with their being a chambered cairn on the site, he enquired whether Shetland Archaeologist had been consulted on this application. The Team Leader – Development Management confirmed that the Shetland Archaeologist is provided with a list of all applications, and would make representations on applications where they have any concern or interest.

Mr Fox advised of his full support for the proposed development, and moved that the Committee approve the application. Mr Ratter seconded.

37/13 **2013/332/PPF: Erect and install two 5Kw wind turbines on 15m high towers on 3m square bases, Midfield and Askalong, Ollaberry, Shetland, ZE2 9RU by Mr J Stephen, Rackwick, Ollaberry, Shetland**

The Committee considered a report by the Planning Officer – Development Management [PL-21-13-F: RECORD Appendix 3] for a decision following a hearing. The site was illustrated by a PowerPoint display of photographs and key information.

The Planning Officer (M Taylor) advised that this application and the next application on the agenda are from the same family, to erect 3 turbines in an area of Ollaberry.

The Planning Officer referred to the one objection received in regard to the proposed development, which he confirmed did not relate specifically to this application.

During the presentation, the Planning Officer advised that the proposed development is compatible with the surrounding land uses and would not compromise the use of

land for crofting, and he confirmed that there are no issues in regard to landscape and visual impacts. Referring to noise impacts, the Planning Officer reported that the nearest non-associated property is located a sufficient distance to achieve an acceptable noise reading. He advised that as the family are to benefit financially from the proposal they are willing to accept noise levels that are higher than recommended for sensitive receptors. The Committee was advised that a Section 75 Agreement would be entered into before any planning permission is issued to address any change of ownership of the property in order to protect the Council from any future claim relating to noise nuisance. The Planning Officer concluded by advising that the application is recommended for approval, subject to the conditions as outlined in the report.

Mr Ratter spoke on behalf of the applicant, and advised that he fully supported the project.

In response to a question, it was confirmed that the cost of the Section 75 Agreement would be covered by the applicant. It was further advised that should there be an intention for change of ownership of any of the properties that currently belong to the family, the new residents/tenants would be made aware of the noise concerns to prevent any claims on the Council.

Mr Robinson moved that the Committee approve the application, subject to the conditions in the report. Mr Campbell seconded.

38/13 **2013/346/PPF: Erect and install a 5Kw wind turbine on a 15m high tower on a 3m square base, Rackwick, Ollaberry, Shetland, ZE2 9RU by Mr J Stephen, Rackwick, Ollaberry, Shetland**

The Committee considered a report by the Planning Officer – Development Management [PL-22-13-F: RECORD Appendix 4].

The Committee approved the application subject to the conditions in the report, on the motion of Mr Ratter, seconded by Ms Manson.

39/13 **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 5].

- **2013/372/PPF: To convert disused storage shed into a one bedroom dwelling, 5 Anderson Place, Lerwick, Shetland, ZE1 0JE by Mr Peter Nield.**

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

The meeting concluded at 10.40am.

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Chair