

MINUTE

AB - Public

Special Development Committee
Council Chamber, Town Hall, Lerwick
Wednesday 13 August 2014 at 2pm

Present:

A Cooper	T Smith
M Burgess	B Fox
R Henderson	A Manson
G Robinson	M Stout
A Westlake	

Apologies

F Robertson

In Attendance (Officers):

D Irvine, Executive Manager – Economic Development
A Taylor, Team Leader – Development Plans and Heritage
L Fiske, Planning Officer
K Marshall, Solicitor
C Anderson, Senior Communications Officer
L Adamson, Committee Officer

Chair:

Mr A Cooper, Chair of the Committee, presided.

Circular:

The circular calling the meeting was held as read.

Declarations of Interest

None

30/14 Appointment to Promote Shetland Steering Group

The Committee considered a report by the Executive Manager – Governance and Law (GL-10-14-F), which sought nomination from the Committee to appoint one Member to the Promote Shetland Steering Group.

The Committee Officer introduced the report. Mr Fox nominated Mr R Henderson to the Promote Shetland Steering Group, and Ms Westlake seconded. There were no further nominations.

Decision:

The Development Committee RESOLVED to appoint Mr R Henderson to the Promote Shetland Steering Group.

31/14 Historic Scotland Conversation Area Regeneration Scheme (CARS) Funding Submission

The Committee considered a report by the Planning Officer (DV035-F), which presented details of the proposed submission for Historic Scotland Conservation Area Regeneration Scheme (CARS) funding and sought approval for submission of the bid to Historic Scotland.

In introducing the report, the Planning Officer outlined to the Committee the 3 key proposals which form the funding bid to Historic Scotland. In referring to the concern raised at the previous Committee in regard to resourcing the scheme, she advised that the scale of the application being submitted reflects the resources available within the Service to deliver the scheme.

In response to a question relating to the proposed Community Seminars/Workshops element of the scheme, the Planning Officer advised that there would be no specific objectives or targets aimed for these events, but as local issues arise they will be taken forward in consultation with Living Lerwick and Historic Scotland.

In response to questions, the Planning Officer advised that the applications for funding from the Commercial Improvement Grant Scheme (CIGS) will be evaluated by staff in the Planning Service in consultation with Living Lerwick. She added that should the funding submission be successful, the works that would be eligible under the CIGS would be of a fairly minor nature and would not necessarily lead to a great deal of correspondence with Historic Scotland.

The Planning Officer reported that the Council is not proposing any additional funding towards this scheme. However, she advised that it is hoped that the scheme could be enhanced through further partnership working with Living Lerwick and benefit from other external funding sources. In response to questions, the Planning Officer advised that the grant being sought for the CIGS will be open to businesses only, however depending on the success of CIGS in the Lerwick Lanes Conservation Area, funding for private individuals could form part of a larger project in the future.

In response to a question from a Member on the decision not to appoint a specific CARS Officer to manage the scheme, the Planning Officer confirmed that it has been demonstrated that the scheme as proposed can be administered by the Planning Service in partnership with Living Lerwick.

Decision:

The Development Committee **RESOLVED** to support the submission of the funding bid to Historic Scotland for a Conservation Area Regeneration Scheme in the Lerwick Lanes Conservation Area.

32/14

Shetland Local Development Plan – Reporter's Recommendations

The Committee considered a report by the Team Leader – Development Plans and Heritage (DV034-F), which provided an update on the Shetland Local Development Plan (LDP).

The Team Leader – Development Plans and Heritage summarised the main terms of the report.

In response to questions from Mr Burgess, the Team Leader advised that once adopted, the LDP will become Council Planning Policy, and will not be due for replacement for a period of 5 years. However, he advised that the individual Supplementary Guidance documents can be revised as and when required. The Team Leader acknowledged the issue in the LDP in regard to the availability of land in the central mainland to meet the targets in the Housing Needs Demand Analysis (HNDA), which he said will form part of the update of the next LDP. In that regard,

he advised on the need for developers to feed into the process at an early stage to find solutions. The Team Leader reminded Members that the HNDA will be subject to its own review process, which will formulate the next Spatial Strategy and LDP.

In making reference to Strand and Hoofields, being identified in the LDP as areas of development potential but where development has already taken place, Mr Burgess said that cognisance has to be taken that the LDP is already out of date. The Team Leader referred to the long process in the preparation of the LDP, and he recognised the fact that a number of sites have already come forward for development, or been developed, since the Council adopted the LDP as its settled view. He said that as sites come forward for development this will improve the information held by the Council going forward into the next LDP.

Mr Burgess enquired on the justification for Veensgarth being included in the LDP as a "Site with Development Potential" when three applications for developments in that area have previously been refused permission. The Team Leader advised that he was uncertain in regard to the detail, however he would provide Mr Burgess with a separate response.

In response to questions, the Team Leader advised that in instances where land is proposed for development but where the landowner is opposed to release the land would not prevent the land from being assessed as the best site in proper planning terms. He said that in such an instance negotiations would take place with the landowner, and could ultimately progress to a Compulsory Purchase Order should the Council decide to pursue that course. He also observed that, equally, sites with development potential could change ownership in time with the subsequent owner no longer having the same objectives for the site.

During the discussion, the Team Leader explained that the LDP gives no guarantee for or against development, but provides a structure of how Shetland should be planned from a spatial planning point of view, and offers a clearer framework for developers. Mr Burgess said that in his opinion, the LDP lends itself to piecemeal development, with larger developers avoiding areas where development would not be encouraged, but where individuals may take a chance and submit applications for a single dwellinghouse, and these be granted. The Team Leader commented that, in the case of an application submitted for development in an area not recommended for development the LDP would give the Planning Service a clearer steer, however he advised that all applications will be assessed on planning policy as a whole. He added that the clear priority is that larger developments will be favoured in the areas of best fit.

In response to comments, the Team Leader acknowledged that when the current Structure Plan and Local Plan were approved no one had perceived the further developments at Sullom Voe, however, he advised that the Planning Policies in place had been adequate to deal with the applications received and permission was granted. He said that there will always be unforeseen situations that will arise in the future, and it is considered that the LDP provides a sound basis for the Council to deal with these appropriately.

In response to a question, the Team Leader advised that the Planning Service has been very busy and that resources will continue to be an issue going forward. Members made reference to the recent improvement in the performance indicators achieved by the Planning Service which had been recognised at a national level.

Ms Manson advised that since June 2014, the Planning Service have determined 83 planning applications under delegated authority.

In response to a question relating to the Reporter's modifications to Issue Ref GP2, the Team Leader confirmed that the specific wording was required for the entire paragraph for all LDPs across Scotland.

During the debate, Mr Burgess commented on the obvious consequences to larger scale developers who would want to develop on land not assessed as an area of development potential or best fit, with the prospect of an application being granted being unlikely. The Chair advised however, that the LDP would allow developers to develop a site with more certainty than was previously.

The Chair said he was very cognisant of the issues of housing in the central mainland, and in that regard, Mr Cooper moved that the Committee approve the recommendation in the report, with the addition of Recommendation 2.1(b), "recognising the Reporter's observations, the Development Committee requests that the Council require officers to prepare a report setting out the options for housing in the central mainland". Mr Burgess seconded.

Mr Robinson said that he fully supported Mr Cooper's call for the additional report. Mr Robinson stated that it was important Members acknowledge the work officers have done to prepare the LDP, which the Reporter has reviewed and largely supported, which he added is a positive achievement and a step in the right direction for local developments.

Mr Stout questioned whether any other area, outwith the central mainland, had issues of there being insufficient land identified for housing development. The Chair said that should a developer want to develop housing sufficient land with development potential had been identified in the other areas of Shetland.

Decision:

The Development Committee **RECOMMENDED** that the Council resolve to accept the Reporter's recommendations and notify the Scottish Government that it intends to adopt the Shetland Local Development Plan and, following that, the Action Programme; and

Recognising the Reporter's observations, the Development Committee requests that the Council require officers to prepare a report setting out the options for housing in the central mainland.

The meeting concluded at 2.50pm.

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Chair

