

**Planning Committee**  
**Council Chamber, Town Hall, Lerwick**  
**Tuesday 7 June 2016 at 2pm**

**Present:**

F Robertson	M Bell
S Coutts	P Campbell
B Fox	D Sandison

**Apologies:**

A Manson	G Robinson
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**In Attendance (Officers):**

I McDiarmid, Executive Manager – Planning  
R MacNeill, Planning Officer  
D Hunter, Planning Officer  
C Gair, Traffic and Road Safety Engineer  
P Sutherland, Solicitor  
L Gair, Committee Officer

**Also in Attendance**

C Smith

**Chair**

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

**Circular**

The circular calling the meeting was held as read.

**Declarations of Interest**

None

07/16      **Minutes**

The Committee confirmed the minutes of the meeting held on 15 March 2016 on the motion of Mr Campbell, seconded by Mr Robertson.

The Executive Manager – Planning provided an update on the number of applications and building warrants approved under delegated authority.

The Chair advised that the two applications presented today would take the form of Hearings, and he explained to all those present the Hearing process that would be followed and how the meeting would be conducted.

08/16      **2015/406/PPF – To erect dwelling house and alter existing communal car park, Site adjacent to 43 Fogralea, Lerwick by Mr James Watt**

The Committee considered a report by the Planning Officer – Development Management [RECORD Appendix 1 PL-04-16-F] for a decision following a Hearing.

The Planning Officer (D Hunter) gave a slide presentation, which illustrated the following:

- Principle of the Development
- Scale, form and design
- Neighbouring amenity
- Access and Parking

The Planning Officer advised that the application had been presented to the Committee as an objection had been received from the Community Council on the scale and, parking and amenities. He advised that the site is in the garden at the grounds of 43 Fogralea and will be a 2½ storey house. The house site is steep and there are 2 separate accesses. The existing communal parking area will be altered to give more space to access the dwelling but the number of communal spaces will be maintained. The application site is within an Area of Best Fit where development is encouraged and the proposal complies with Policies GP1 and H3. The Planning Officer advised that the application is large on the plot but in Fogralea there are other large prominent houses in the street which is characteristic of the area and the topography of the site pose strong engineering challenges. He said that the property would not stand out more than other dwellings and although it is contemporary in design there are a mix of 1980s contemporary houses and the colour would not be obtrusive. The Planning Officer went on to explain that in terms of amenity, the dwelling is designed 18m from neighbouring dwellings and would overshadow the road before and behind it. He advised that Roads Services had made amendments to the access to ensure appropriate conditions for a safe access can be made. This was a concern raised by neighbours and Community Councils and is a condition of the application.

In responding to a question, the Planning Officer advised that the ridge height of the house had been changed from the first submission of the application.

Members were advised that five letters of objection had been received and Councillor Cecil Smith was present to speak on behalf of the objectors.

Mr Smith advised that he had been asked to report on behalf of the objectors. He explained that the main concern was the size of the building as it is huge on a smaller site. There are other 2½ storey houses but not as prominent as what will be on this site. He said that the residents built houses in the 1980's and all are different designs. Thought needs to be given to this as policy and procedures are all well and good to follow and to tick boxes but common sense has to prevail. He advised that the site provided insufficient amenity space as the house will cover 32% of the site and access is shared with 43 Fogralea. Mr Smith referred to page 27 of the supplementary guidance where it stated that all new buildings must be visually related to the existing buildings and the building should fit the site, and not the other way around. He said that the objectors disagree that the density pattern is similar to other dwellings. In conclusion, Mr Smith said that the proposed design is modern, where Fogralea is of the 1980s, and as a result, the contemporary design is a feature of the a new development and does not complement this part of Fogralea. Mr Smith said that he is familiar with the area and the two storey houses are not on the skyline where this house will be.

*(Mr Smith left the meeting)*

The Planning Officer responded to a question and confirmed that this was the first time the application was being considered and although there had been pre

application enquiries only one application had been submitted to the Planning Service for consideration.

The representative for the applicant was invited to address the meeting. Mr Ian Irvine, of PJP Architects, advised that when he was appointed by Mr and Mrs Watt they had already done the pre-application enquiries to consider whether the site would support a house. When he had started the design, Mr Irvine said he had two concerns one being the distance to the neighbours and he was mindful of the 18m distance required, the second was the roads issue regarding access and parking and the distance to the neighbours. He explained that this is a steep sloping site, which allowed the design over 2½ floors with a basement amounting to 81½ square metres keeping the footprint small. Mr Irvine explained that early in the design he consulted with the Roads Service and discussed parking and had arrived at a layout to meet Road Service's requirements. He said that an issue raised by the Community Council related to the character in the area, and he advised that there are a number of larger 2-2½ storey houses but also a number that fit tidily on their sites so he always felt that this house was characteristic of the area. The Community Council were also concerned about the larger vehicles and refuse access to the cul-de-sac but advised that there are no road changes and there is access to the basement with sufficient space that a car can park off the road to open the garage door. Mr Irvine said that the design was discussed with the Roads Service, ensuring that there were no safety concerns. The Community Council also raised the lack of green space, and again other houses in the area have a lack of space around the houses and he advised that there is a drying green and bin storage space on the ground. Mr Irvine advised that, as shown in the report, there had been changes made to the original design which the applicants were keen to do as far as possible to address the concerns raised and the Planning Service indicated that the changes made is an improvement. In conclusion, Mr Irvine commented on the objectors' presentation, and said that the size of the building was not big on the footprint and any house on the site would be 2½ storeys. The applicant has kept the ridge lower than No. 43, the scale is no more imposing than anything else in the area, the applicant had done as much as possible to alleviate concerns, and there were no objections from the Roads Service.

During consideration of the application, Members asked questions and in response the Traffic and Road Safety Engineer explained that two parking spaces were available, one each at the upper and lower levels of the site. This met the requirement for the development, which was based on the number of bedrooms in the house. In considering a question about the visibility splay going into the property, the Traffic and Road Safety Engineer said that the comment said that 'adequate visibility appeared to be available' because the achievable visibility cannot be measured because of the existing boundary fence, but that he was content that the lower access has sufficient visibility splay to be used safely.

Members noted that there was no comments from Scottish Water, but the Planning Officer was asked whether the SuDs requirement would be carried out before the development takes place. The Executive Manager – Planning advised that Scottish Water rarely respond to planning application notifications but if there really was an issue they would get in touch. He said that this is the case nationally as well. Member agreed that the SuDs should be a substantive condition before the development can proceed.

In terms of the communal parking moving to the North, the Traffic and Road Safety Engineer confirmed that it was a requirement of the Roads Service that the

communal parking retain the same number of spaces and orientation. While the alterations to the parking area would be provided by the applicant the area would continue to be a public space maintained by the Council. The Traffic and Road Safety Engineer also confirmed that the surface water drainage arrangements were acceptable.

Mr Bell said that he had visited the site, and considered the presentations made, and whilst he understood the concerns from those living in the area there is a mix of houses that have been cleverly engineered into place and this application was not out of place given the character of the other houses in the area. Mr Bell moved that the Committee approve the application, subject to the conditions being met. Mr Campbell seconded.

**Decision:**

The Committee **APPROVED** the application, subject to the schedule of recommended conditions.

09/16

**2015/426/PPF – Demolition of existing workshop and sheds, provision of 8 No. New Housing Units (within 4 no blocks) with air source heat pump, access road and associated parking, Hoswick, Sandwick, by Irvine Contractors Ltd**

The Committee considered a report by the Planning Officer – Development Management [RECORD Appendix 2 PL-03-16-F] for a decision following a Hearing.

The Planning Officer (R MacNeill) gave a slide presentation, which illustrated the following:

- Site
- Location plan
- Proposed site plan and housing layout
- Track to the east of the site and access to one house at block 5
- Main access to site and location of Hebron Cottage
- Looking into the site and Taingview
- View North to Hebron Cottage
- Shed to be demolished
- View south through site
- Orca Hotel and Bell View.

The Planning officer advised that the application was to develop housing on a site which was previously used by a local building firm in Hoswick. The proposal is to build 8 units in the form of single, semi-detached and terraced housing. An objection from the Community Council had been received and there are objections from neighbouring properties on the grounds referred to in the report. The issues raised were addressed in the body of the report and none have been assessed to be so significant that they have been considered as unacceptable adverse impacts or that they cannot be overcome by the imposition of appropriate planning conditions. He referred to concern raised about the height of the retaining wall at Taingview and advised that this would be 1.4m which is acceptable in terms of the development. The Planning Officer advised therefore that the Planning Service considers that the proposal is an acceptable development which will contribute to the character of the village and seeks to deliver housing.

Ms Schneider, of Hebron Cottage attended as an objector to the application, and was invited to address the Committee.

Ms Schneider advised that the overall objection is regarding the lack of parking and inappropriate siting of the development which will be overwhelming. She suggested that two or three houses with gardens would fit the ethos of the settlement. She explained that the road was in a poor state and in providing a photo, she advised of an incident where there had been a car in the ditch under her window. She said that this happens frequently and she was worried of lorries bringing in containers, tipping into the ditch as it would crash into her house. Ms Schneider commented that she was surprised that with all the talk in the community there was no one else present to speak. Moving on, Ms Schneider commented that the size of the development was ridiculous in number and the houses would be cramped into a small sized site. She said she would lose light into her house and it was a narrow road. There were a lot of water pipes broken and the water pressure had dropped in the last few years and with more washing machines and demand on the system that would only get worse. Ms Schneider said that she knows the road well and in illustrating her concern regarding the standard of the road she said she "can put her arm under the road". She said that the road would not hold the volume of traffic as it had already deteriorated. She said there would also be asbestos in the work sheds and this would have to be specially removed. In conclusion, Ms Schneider said she felt that the development was much too big, and it would detract from the attractive town houses in the old village.

In regard to the current use as a builders yard Ms Schneider was asked what traffic she had experienced with that operation. Ms Schneider said that Farquhar and Jamieson workers would come and go and were never a problem. She said that 8 houses with 2 cars would mean 16 extra vehicles up and down the road every day. She said there are no pathways so those residents with no vehicles were at danger. She said that she has to take coming out of her house already, but 16 more vehicles would make it more difficult.

Mr Alan McKay, Architect, representing the applicant, Irvine Contractors, was invited to address the Committee. Mr McKay said that the developer had to get a number of houses on the site to make it a viable development. He explained that there was no additional funding available to subsidise a smaller development. Mr McKay said that his task was to promote the number of houses and achieve an attractive layout and fit in with the characteristics of the area. He said that following the objections he had proposed a modified plan, reducing from 8 to 6 units, but the developer would struggle to make it work financially. In consultation with the Planning Service, he had produced costings that were provided to the Planning Service, in confidence. Mr McKay said that the concept proposed would only achieve a modest profit therefore reducing it was not an option. He said that the developer had asked him to relay that if the application is not approved there would be no alternative but to use the space as a building site, which the applicant has considered. Mr McKay said that this application made better use of the site and through the whole process he had sought advice on the scheme and the Roads Service has provided advice. He said that Hoswick area is huddles of houses together and this application was not uncharacteristic of that. With demand for housing the developer saw an opportunity to provide housing in this area.

Mr McKay was asked whether the developer had considered targeting the housing to retired or a particular group of people, similar to the "Emmerdale" development in Lerwick. Mr McKay explained that the house types reflected the demand as he

understood it with 2 bed houses for single, retired or young couples and 3 bed houses were more likely to be family homes. He said that was seen as the most potential to sell and if it does not sell it would get negative equity.

In terms of the objections relating to Bell View, which had received damage from large vehicles in the past, Mr McKay advised that the developer had indicated that only light vans would be used, rather than lorries. He added that this section of road would not be required as the main access through to the site. Mr McKay advised that there is planned to be a set down area as a temporary facility with no requirement for heavy vehicles, but should there be any damage, this would be reinstated. He said that there would only be one house that would need access from this section therefore only one to two additional cars using this access.

Following further discussion around the access at Bell View, the Planning Officer said that he was content that an appropriate condition would be applied during construction.

Members noted the objection relating to Skelbo Cottage, in terms of the SuDs requirements. It was reported that this was being looked at and was subject to a separate application under delegated authority. Members were advised that, if approved today, the application would depend on the separate application being approved. It was also reported that a further report had been carried out on a Victorian community built flood defence holding tank in the area and it was reported that the future maintenance should be deferred to the property owner in a legal document. The Solicitor said that it was common on a development for there to be a Deed of Condition giving individual owners joint responsibility for draining on site and sets forth relative shares that they are responsible for if this was to remain as a private drainage system. Officers were asked if that would be looked at with the drainage engineers. The Planning Officers advised on the developer's proposal for taking away drainage water more efficiently and advised that the Planning Service has never put a condition on the maintenance of such a system in the past. The Executive Manager – Planning advised that a joint agreement on drainage, access or maintenance of a system would not be something that would be specified during a planning application process.

Mr McKay advised that he had several discussions with the Drainage Engineer and upon his advice a separate application had been made to take the flow of water down past the Visitor Centre. Following further consideration of the objections received, and in particular on the condition of the road it was noted that any further deterioration of the road would be attributable to the development and it was agreed that a photographic survey would be undertaken.

Mr Sandison moved that Committee approve the recommendation for approval of the application subject to conditions listed, with the addition that a photographic survey of the road be undertaken and that any damage would be made good by the developer to the satisfaction of the Roads Authority. Mr Campbell seconded.

**Decision:**

The Committee **APPROVED** the application, subject to the schedule of recommended conditions with the addition that a photographic survey of the road be undertaken and that any damage would be made good by the developer, to the satisfaction of the Roads Authority.

The meeting concluded at 3.30pm.

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Chair