

MINUTE

A&B - Public

Planning Committee
Council Chamber, Town Hall, Lerwick
Thursday 24 August 2017 at 2pm

Present:

M Bell A Manson
T Smith

Apologies:

S Coutts E Macdonald
D Sandison C Smith
G Smith

In Attendance (Officers):

I McDiarmid, Executive Manager – Planning
J Holden, Team Leader – Development Management
J Barclay-Smith, Planning Officer
S Brunton, Team Leader – Legal
C Gair, Traffic Engineer
P Sutherland, Solicitor
Y Goudie, Trainee Planning Officer
L Adamson, Committee Officer

Also in Attendance:

C Hughson, SIC

Chair

Mr T Smith, Chair of the Planning Committee, presided.

Circular

The circular calling the meeting was held as read.

Declarations of Interest

None.

09/17 **Minutes**

The Committee confirmed the minutes of the meeting held on 20 June 2017 on the motion of Mr T Smith.

10/17 **Minutes**

The Committee confirmed the minutes of the meeting held on 4 July 2017 on the motion of Ms Manson, seconded by Mr T Smith.

Local Review 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:

The Chair advised that the item on the agenda will be considered by the Planning

Committee, sitting as the Local Review Body (LRB), and will follow the guidance as provided in the covering report at Item 1. The process will take the form of a Hearing, where the Planning Officer who handled the case will be asked to make a presentation on matters to be considered. Persons entitled to make representations on the application will be given the opportunity to address the Hearing, followed by the applicant/applicant's agent, and these will be restricted to a time limit of 5 minutes. Members of the LRB can ask questions throughout the process, or preferably at the end of each presentation. When questions are completed, Members will debate the proceedings and then make a decision.

The Chair concluded by advising that the decision of the LRB is full and final. Should the applicant be aggrieved by the decision, the only recourse is to the Court of Session in respect of the handling by the LRB.

11/17 **Local Review Ref: 2017/060/PPF – LR29 - Erection of a 1.5 storey 4 bedroom timber framed dwelling, externally clad in blockwork and rendered plus creation of associated access road and parking/turning area: Bridge of Walls, Shetland, ZE2 9NP**

The Committee considered a report by the Team Leader – Development Management [RECORD Appendix 1] for a decision following a Local Review. The note of the accompanied site visit, held on 23 August 2017, was tabled at the meeting (RECORD Appendix 1A).

The Planning Officer, case handler of the application, gave a presentation which illustrated the following:

- Location Plan
- Site Plan
- Photo: Application Site
- 3 x Photos: Access Junction

The Planning Officer reported that there were no issues in terms of location or design of the proposed dwellinghouse. The main issues being with the road access into the site from the public road. She advised on the concerns raised by the Roads Service that the visibility of the junction is substandard with only about 60 metres being available to the east when the requirement would be 120 metres. However, following a recent traffic count and speed monitoring by the Roads Service, this has been revised down to 90 metres. The access would require to be widened to 5.5 metres for the first 6 metres from the public road to allow a vehicle to exit the public road while another waits to enter. The gradient of the access should be no more than 5% (1 in 20) for the first 6 metres from the public road - the existing access road is currently steeper than this. The Planning Officer advised that the Roads Services had pre-application discussions with the applicant and advised them that their application did not meet the required criteria in terms of road safety.

The Planning Officer advised that Policy TRANS3 of the Shetland Local Development Plan requires that a safe and adequate access and visibility splay is provided for all developments. Policy GP2 is a general policy in the Local Development Plan that applies to all development and requires (i) suitable access to be provided, (ii) that new development should not compromise health and safety standards; and (iii) that new development should not have a significant adverse impact on existing users.

The Planning Officer said that, given the advice received from the Council's Roads Service set out in the various comments on the planning application, it is clear that the

visibility splay required for a safe access cannot be achieved from this access point and therefore road safety would be compromised. For that reason, the proposal does not comply with Policies TRANS3 and GP2, as referred to earlier, and the planning application was refused on that basis.

Mr Bell commented that he had attended the site, and he knew the area quite well. Mr Bell questioned whether theoretical or actual danger could be reduced by additional signage in the area, or whether a mirror could be erected as seen in other country areas of Shetland, to mitigate the issues raised by the Roads Service. The Traffic Engineer explained that in respect of signage, there is already an advanced sign for traffic approaching from the east, to warn of the bend in the road. From the west there is a sign to warn of the concealed access. In referring to the findings from the recent traffic survey, he advised that there has been a significant reduction in vehicle speed along the road. In regard to the suggestion of additional signage, he questioned whether this would lead to any further reduction in speed. The Traffic Engineer said that traffic mirrors are not generally used by the Roads Service, but are put up by individuals, and also traffic mirrors are better for viewing shorter distances, rather than for viewing longer distances and therefore would not be suitable for this location.

In response to a question, the Traffic Engineer advised from the findings of the recent traffic survey that 85% of vehicles were travelling at 34 mph, which he said was quite slow. He advised also that there have been very few accidents along the section of road, and no accidents in recent years.

In response to a suggestion for additional signage to warn of the concealed access when approaching from the east, the Traffic Engineer questioned whether an additional mark on the existing sign, would make much difference to vehicle speeds.

The Chair advised that as there were no objectors to the application, he then invited the applicant's advocate to address the meeting.

Ms C Hughson, Member for Shetland West, thanked the Chair for the opportunity to advocate on the application. Mrs Hughson stated that the application meets all the requirements and conditions of the Shetland Local Development Plan:

- The site itself is close to an existing settlement and it is stated that it is acceptable in term of the settlement pattern,
- The access is in daily use by existing residents as well as the applicants undertaking their crofting duties. The Crofters Commission are accepting of the applicants 10 years business plan to run this croft.
- There have been no objections from the neighbours, Sandness and Walls Community Council, Marine Planning Flooding and Drainage section - having attended meetings in Bixter and Walls this week, the lack of accommodation in these areas is very high on the agendas.
- Community Councils are pleased to note a young family seeking to put down permanent roots in the area. It has been heard at Community Council meetings on many occasions about the lack of housing for local young people wanting to live in the community.
- The only objection raised from Roads Department in that it does not meet the visibility splay requirements of current SIC Policy.

- The access has been used for many years and the applicants themselves have repeatedly stated that they will continue to use the access track daily to carry out their crofting duties – and therefore it is difficult to understand the additional use.
- A bus stop stands adjacent to the entrance to this access, built in accordance with SIC specification and has operated successfully without incident for a number of years - there is no record of road accidents at this junction.
- The recent traffic counts show that the speed of traffic is slower than first determined in the original report to the Planning Committee.
- The applicants have got a crofting grant to build their house, and if that is lost they will probably be unable to build a house of any kind.

Ms Hughson said that to a lay person like herself, the application is part of encouraging development in rural Shetland. In concluding, Ms Hughson asked the Members present to give all these points consideration when reaching their decision, bearing in mind that this is a local family seeking to continue to work and live in the local community and work their croft.

In response to a question, Ms Hughson clarified that the applicants currently live in Walls and travel to the application site on a daily basis to work the croft. She added that the applicants living at the application site should not significantly increase the traffic movements.

(Mrs C Hughson left the meeting).

During debate, Mr Bell commented that there were no issues with the house itself. In terms of the objections raised by the Roads Service, Mr Bell said that he agreed that these issues had to be raised as they form part of the Policy and should correctly be discussed at the LRB. He said that the LRB are to balance Policy and planning opinion, but also that the wider public interest be taken into account in terms of theoretical, perceived and actual risks. Mr Bell then referred to the information provided by the Traffic Engineer, that vehicles are travelling at low speeds along the stretch of road and therefore there are no real concerns in that regard. He said that most people using the road, and that particular junction, would be locals and therefore aware of the risks in the area. He also referred to the advice given by the Traffic Engineer, that there would be no real benefit to put up additional signage. Mr Bell said that the application was for a single house, and not a housing estate. The applicants currently travel to and from the area on a regular and daily basis, and therefore it would be unlikely that their living at the site would increase the traffic at the junction, and it may even lead to a reduction in traffic movements. Mr Bell said that the application has been welcomed by the community and it is good to see young people wanting to stay in rural areas. Mr Bell added that although there is a theoretical risk, on balance there is no increased real risk. Mr Bell moved that the LRB grant the application. Ms Manson seconded.

Decision:

The Local Review Body agreed to uphold the appeal and **APPROVE** the planning permission for the development, for the reasons given.

The meeting concluded at 2.25pm.

.....
Chair