

**Development: Form new section of public road Veensgarth, Tingwall**

**By: Cecil Eunson**

Application Ref: 2010/425/PCD

**1. Introduction**

- 1.1 This is an application for full planning permission to form a new section of public road at Veensgarth, Tingwall. The proposal is classed as a Local Development as assessed under the 2009 Hierarchy of Developments Regulations.
- 1.2 The proposed road will be 3.5 metres wide with a 1.5 metre verge. It will lead from the existing section of public road and run in a north/south direction in front of and to the west of the farm steadings and Veensgarth House which is a category C(s) listed building.
- 1.3 The applicant intends to remove a small section of the existing stone wall which runs adjacent to the public road. This wall forms part of the boundary for the field and is considered to be associated with the listed building.
- 1.4 A number of trees present along the existing route of the public road are proposed to be removed. It is anticipated that up to 10 trees in total are likely to have to be removed.
- 1.5 The proposal arises from a desire by the applicant to improve the road leading to Veensgarth to meet the requirements of the Roads Service relating to the access arrangements for pending applications for 2 dwellinghouses which are currently on hold.

**2. Statutory Development Plan Policies**

**2.1 Shetland Islands Council Structure Plan (2000) Policies**

GDS3 : Existing Settlements  
GDS4 : Natural and Built Environment  
SPNE1 : Natural and Built Environment  
SPNE2 : Landscape and Design  
SPBE1 : Natural and Built Environment

**2.2 Shetland Local Plan (2000) Policies**

LPBE6 : Listed Buildings  
LPNE15 : Protection of Trees  
LPNE10 : Development and the Environment

**3. Safeguarding**

- 3.1 Waste Water Drainage Hotspot

#### **4. Consultations**

##### **4.1 Shetland Islands Council:**

Road Services: No objections.

Roads Drainage: No objections subject to the roadside ditch being designed to contain any potential overflow.

##### **4.2 Community Council: Have raised objections to this development.**

- The development is on good agricultural land.
- Concerns regarding safety due to probable increase in traffic speeds.
- Lack of passing places on the new section.
- Concerns regarding removal of or possible damage to the existing trees and drystone dyke.
- The Community Council supports objections from Mr Irvine, Mr and Mrs Pole, and Mr Williamson.

#### **5. Statutory Advertisements**

- 5.1 Advertised in the Shetland Times on the 26<sup>th</sup> November 2010 as development affecting the setting of a listed building and contrary to the development plan policies LPBE6 and LPNE10.

#### **6. Representations**

- 6.1 11 letters of objection (from 9 sources) and a Petition objecting to the application (which contains 235 names) have been received. 1 letter of support has been received. The points raised are as follows:

- The trees and the drystone dyke are part of our heritage and must be protected.
- Concerns regarding the road layout proposed.
- Concerns regarding speed on the proposed road.
- Lack of passing places on the road.
- The existing road is passable and the corners act as a calming measure.
- Concerns regarding the visibility at the new junction.
- The field to be built on is best arable ground.
- The field has been classified as either 4.2 and 5.1
- Any reduction in the size of the field would be detrimental.
- The trees to be removed or pruned are very old Wych Elms.
- The wall to be demolished is part of the original boundary wall for Veensgarth House.
- The walls are an important habitat for the Shetland Wren.

- The new road will allow urban sprawl and facilitate ribbon development, destroying food producing areas.
- The land is zone 4 and housing should go on zone 1.
- No consultation has taken place with local residents.
- Subsequent additional houses along the road will lead to significant increases in traffic.
- Re-aligning the road will ruin the ambience of an area popular with locals, tourists and bird watchers.
- Impact on natural heritage.

#### Support

- Concerns about the safety of the current road as you cannot see around any of the corners.
- The writer advises that when travelling on this section of road 3 or 4 times a day to feed animals other roads users come round far too quickly.

### 7. Report

- 7.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 states that:

*Where in making any determination under the Planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan, unless material considerations indicate otherwise.*

- 7.2 The Statutory Development Plan Policies against which this application has to be assessed are listed at paragraphs 2.1 and 2.2 above. The determining issues to be considered are whether the proposal:

- complies with Development Plan Policy; or
- there are any other material considerations which would warrant the setting aside of Development Plan Policy.

- 7.3 The Roads Service has commented that proposal will remove an existing long running problem with the current public road. As such, in terms of being considered an improvement of the roads infrastructure in the area, the application can be considered in positive terms.

- 7.4 The main issue requiring consideration is whether the improvement to the roads network is a significant material consideration which would outweigh any perceived or actual injury to the existing trees, the wall and the amenity of the area. Therefore what has to be considered is whether the removal of a small number of trees, and a small section of wall will result in an unacceptable adverse impact on the amenity of the area and the setting of the listed building.

- 7.5 The location and condition of the trees on the proposed site meet the criteria for the making of a Tree Preservation Order.
- 7.6 The existing wall is in poor condition, and as it is not functional as a stock barrier a stock fence has been erected within the field.
- 7.7 Council policy ensures protection of trees, groups of trees and areas of woodland by making Tree Preservation Orders where this appears expedient in the interests of amenity. The Local Plan Policy concerned, Policy LPNE15, goes on to state that "The Council will ensure that, through the development control process, adequate provision is made for the preservation or planting of trees".
- 7.8 The Council as Planning Authority has a duty under the Planning Acts to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation or planting of trees. The Planning Authority can also make such Tree Preservation Orders as appear to it to be necessary in connection with the grant of such permission, whether for giving effect to such conditions or otherwise (with the grant of such permission).
- 7.9 A planning authority may also make a Tree Preservation Order if it appears to them to be expedient in the interest of amenity and/or, that the trees, groups of trees or woodlands are of cultural or historical significance.
- 7.10 A report carried out on the existing trees at Veensgarth by the Shetland Amenity Trust dated May 2010 concluded that the mature trees, although old, appear healthy. The report produced further considered that the trees had amenity value given their comparative rarity in Shetland, and that their age also gives them a degree of cultural or historical value.
- 7.11 In addition to the removal of the trees the construction phase of the proposed road may impact on the root system of the remaining trees. Damage to, or death, of the root system affects the condition and health of the entire tree, and the effects of such damage may only become evident several years later. The roots of at least some of these trees will it is considered extend well into the operational area of the proposed development. The extent of a tree's root system can be confirmed by the digging of test pits.
- 7.12 If permission is to be granted it is recommended that the developer should be required to minimise damage to the trees on site by means of appropriate protection. An Arboricultural Method Statement and Tree Protection Plan, both in the form

recommended in BS5837: 2005, Trees in Relation to Construction, are recommended to be required as a condition attached to a consent.

- 7.13 The decision that has to be made is whether the improvement in the road layout is a sufficient justification in terms of a material planning consideration to allow the removal of some mature trees, with the possibility that some of the others to remain may be adversely impacted upon in the future. Additionally, the individual objections and petition submitted would suggest that a number of residents and visitors to the area value the presence of the trees. Public concern relating to a development proposal can be considered as a material planning consideration. The weight to be given to the concern is a matter of judgement for the decision maker.
- 7.14 The improvement in the road layout for this area has, it is considered, to be given significant weight in the consideration of the proposal. Trees also have a finite lifespan and as assessed in the findings of the survey, many are now quite old, although it may be difficult to place a timescale on their future longevity although specific species type may have a bearing on life span. While the loss of the trees is regrettable, replanting with identical species will go some way to mitigate the visual and amenity impact.
- 7.15 While the proposal includes the removal of a section of wall this will not impact of the setting of the listed building as it is some distance removed and currently in poor condition. The road line does not allow for its rebuild, however the stone could be reused to repair and rebuild the existing wall and should it is considered be retained for such use.
- 7.16 The location of the proposed road is considered unlikely to impact adversely on the setting of the listed building and the steading in any significant way on the basis of adverse visual impact. However, the design of the road should in any event be such that any impact on the setting of the listed building, and potential impact on the structural elements of the buildings that are listed, is minimised.

## **8. Conclusions**

- 8.1 As indicated at paragraph 7.2 above, the determining issues with regard to this development are whether the proposal:
- complies with Development Plan Policy; or whether
  - there are any other material considerations which would warrant the setting aside of Development Plan Policy.

- 8.2 While it is regrettable that a number of historic trees are proposed to be removed, together with a section of old boundary wall, it is nevertheless considered that the proposed improvement in the road layout allows the Planning Service to recommend approval subject to the conditions outlined at section 10.2.

## **9. Policy and Delegated Authority**

- 9.1 A decision to approve this application with the relevant conditions ensures that the development complies with Council planning policy. As the application is for a proposed development falling within the category of Local Development in Hierarchy of Developments and a consultee, in this instance the Community Council, has specifically objected to a proposal, and conditions cannot address those issues, the decision is delegated to the Planning Committee under the Scheme of Delegation that has been approved by the Scottish Ministers.

- 9.2 If Members are minded to refuse the application as a departure from the Shetland Islands Council Development Plan Policy, it is imperative that clear reasons for proposing the refusal of planning permission contrary to the development plan policy and the officer's recommendation be given and minuted in order to comply with Regulation 28 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 and for the avoidance of doubt in the case of a subsequent planning appeal or judicial review. Failure to give clear planning reasons for the decision could lead to the decision being overturned or quashed, and an award of costs being made against the Council, on the basis that it is not possible to mount a reasonable defence of the Council's decision.

### **9.3 Notification to Scottish Ministers**

Not considered necessary on this occasion.

## **10. Recommendation**

- 10.1 In compliance with Development Plan Policy it is recommended that this application be approved subject to the following conditions.

10.2

### **Conditions:**

- (1) The development hereby permitted shall not be carried out other than wholly in accordance with the following plans and details (as may

be amended and/or expanded upon by a listed document following afterward) unless previously approved in writing by the Planning Authority:

Location Plan Drawing Number 559.02  
Site Plan Drawing No 559.01

Received by the Planning Authority on 7<sup>th</sup> February 2011.

Reason: For the avoidance of doubt as to what is being authorised by this permission.

(2) The development hereby permitted shall be commenced within three years of the date of this permission.

Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 20 of the Planning etc. (Scotland) Act 2006.

(3) The developer shall submit a written 'Notice of Initiation of Development' to the Planning Authority at least 7 days prior to the intended date of commencement of development. Such a notice shall:

- (a) include the full name and address of the person intending to carry out the development;
- (b) state if that person is the owner of the land to which the development relates and if that person is not the owner provide the full name and address of the owner;
- (c) where a person is, or is to be, appointed to oversee the carrying out of the development on site, include the name of that person and details of how that person may be contacted; and
- (d) include the date of issue and reference number of the notice of the decision to grant planning permission for such development.

Reason: To ensure that the developer has complied with the pre-commencement conditions applying to the consent, and that the development is carried out in accordance with the approved documents, in compliance with Section 27A of The Town and Country Planning (Scotland) Act 1997 (as amended).

(4) No part of the development hereby approved shall commence until a scheme detailing the proposed surface water disposal methods has been submitted to and approved in writing by the Planning Authority. Details of the scheme shall be supported by:

- details of existing and proposed site levels, including a measured sectional drawing, showing the gradients of the

access road within the development site and at the junction of the access with the public road;

- details of the surface water drainage on site pre and post development (catchment topography, local rainfall and runoff); the flow rate of any existing ditches, watercourses and culverts pre and post development;
- details of any flow attenuation measures to address any adverse impacts (if infiltration measures are proposed this should include details and results of a test pit for ground water level and soil infiltration test); and
- details of how any sustainable drainage scheme is to be maintained.

Reason: To ensure the provision of adequate surface water drainage as insufficient information has been submitted with the application in order to satisfy the Planning Authority that the development will not result in flooding, or be liable to flooding, and to ensure that no works are undertaken which have an adverse impact on any neighbouring properties or landownership in compliance with Shetland Structure Plan (2000) Policies GDS1 and GDS4 and Shetland Local Plan (2004) Policies LPNE10 and LPWD11.

(5) No part of the development hereby approved shall commence until;

(a) a plan showing the location of, and allocating a reference number to, each existing tree on the site, showing which trees are to be retained.

(b) details of the species, diameter, and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (c) and (d) below apply;

(c) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;

(d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation., (within the root system of any retained tree or of any tree on land adjacent to the site)

(e) a schedule for the digging of trial pits to confirm the extent of the root system of the retained trees and provision of results.

(e) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development within form an Arboricultural Method Statement and Tree Protection Plan in the form recommended in BS5837:2005

has been submitted to and approved in writing by the Planning Authority

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved details.

Reason In order to protect the trees affected by the proposed development and provide adequate provision for their preservation and



replanting of trees, in compliance with Shetland Structure Plan (2000) Policies GDS1 and GDS4 and Shetland Local Plan (2004) Policies LP NE15 , LPNE10 and LPWD11.

(6) No works or development shall take place until full details of proposed tree planting along the western edge of the proposed road, and the proposed times of planting, have been approved in writing by the Planning Authority, and all tree planting shall be carried out in accordance with those details and at those times.

Reason In order to protect the trees affected by the proposed development and provide adequate provision for their preservation and replanting of trees, in compliance with Shetland Structure Plan (2000) Policies GDS1 and GDS4 and Shetland Local Plan (2004) Policies LP NE15 , LPNE10 and LPWD11.

(7) If within a period of five years from the date of the planting of any tree planted in accordance with condition 6, that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

Reason In order to protect the trees affected by the proposed development and provide adequate provision for their preservation and replanting of trees, in compliance with Shetland Structure Plan (2000) Policies GDS1 and GDS4 and Shetland Local Plan (2004) Policies LP NE15 , LPNE10 and LPWD11.

(8) Any land disturbed by the construction of the development shall be graded and reinstated with topsoil and seeded or turfed with grass or otherwise landscaped. All planting, seeding or turfing shall be carried out by the end of the first planting and seeding season following the completion of the development. If the site is to be reinstated other than by seeding or turfing with grass a scheme for the landscaping of the site shall first be submitted to and approved in writing by the Planning Authority before the commencement of any landscaping works.

Reason: To ensure the reinstatement of land disturbed by the construction of the development in compliance with Shetland Structure Plan (2000) Policy GDS4 and Shetland Local Plan (2004) Policy LPBE13.

(9) If any top soil, spoil or waste materials arising from the excavation of the site and the construction of the development are to be removed from or disposed of outwith the site, details of the method of storage or disposal of any such materials, including details of the location of any disposal sites, shall be submitted and approved in writing by the Planning Authority prior to the commencement of development.

Reason: To ensure that any top soil or waste material arising from the construction of the development is disposed of to an authorised site and in an environmentally acceptable manner in compliance with Shetland Structure Plan (2000) Policy GDS4 and Shetland Local Plan (2004) Policy LPBE13.

## **11. Attachments**

11.1 Location Map

11.2 Site Plan

11.3

## **12. Background Papers**

12.1 Letters of objection have been received from the following.

Robert and Hazel Sinclair

Veensgarth

Tingwall

Shetland

Stephen Morgan

7 Vallafeld

Gott

Shetland

Jeanie Sandison

Hylendal

Gott

Shetland

ZE2 9SB

Mrs Fullerton

Houlland

Scalloway

Shetland

**ZE2 OUL**

Paul Williamson

15 Veensgarth

Tingwall

Shetland

ZE2 9SB

Joyce and David Pole

Leascole

13 Veensgarth

Tingwall

Shetland

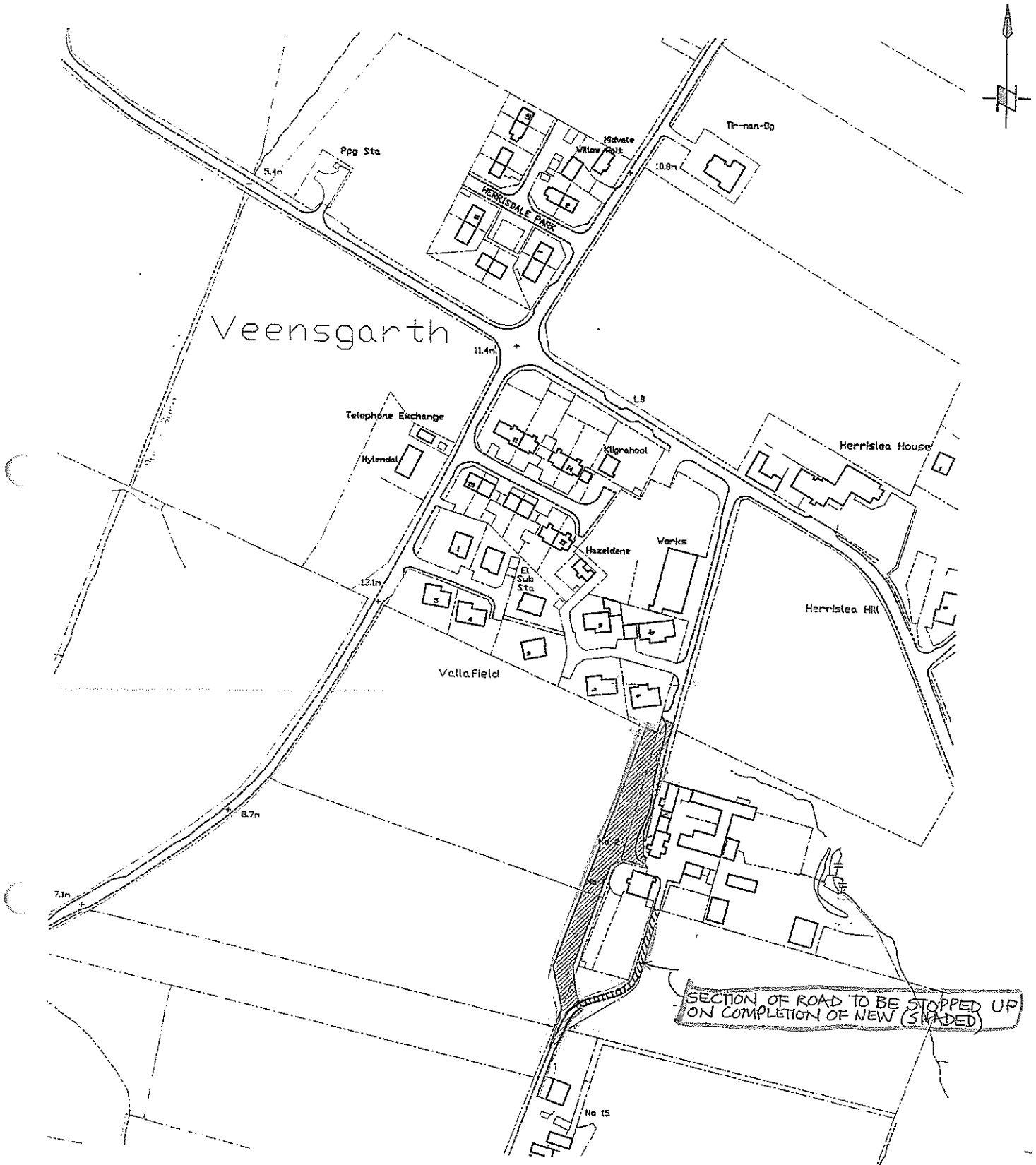
ZE2 9SB

Michael Irvine

1 Veensgarth  
Tingwall  
Shetland  
ZE2 9SB  
Rosemary Macklin  
Kirkasetter  
Tingwall  
Shetland  
ZE1 OUQ

David RA Anderson  
Houster  
Tingwall  
Shetland  
ZE2 9SF

Report Ref: 2010425/PCD rep.doc  
Officer: Richard MacNeill  
Planning Committee: 25<sup>th</sup> May 2011



**LOCATION PLAN**  
 Scale 1:2000

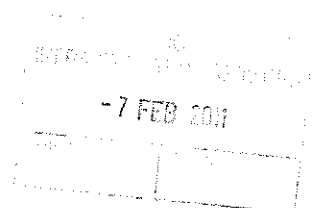
**VEGA TECHNICAL SERVICES**  
 Architectural, Land Surveying and Civil Engineering CAD drafting

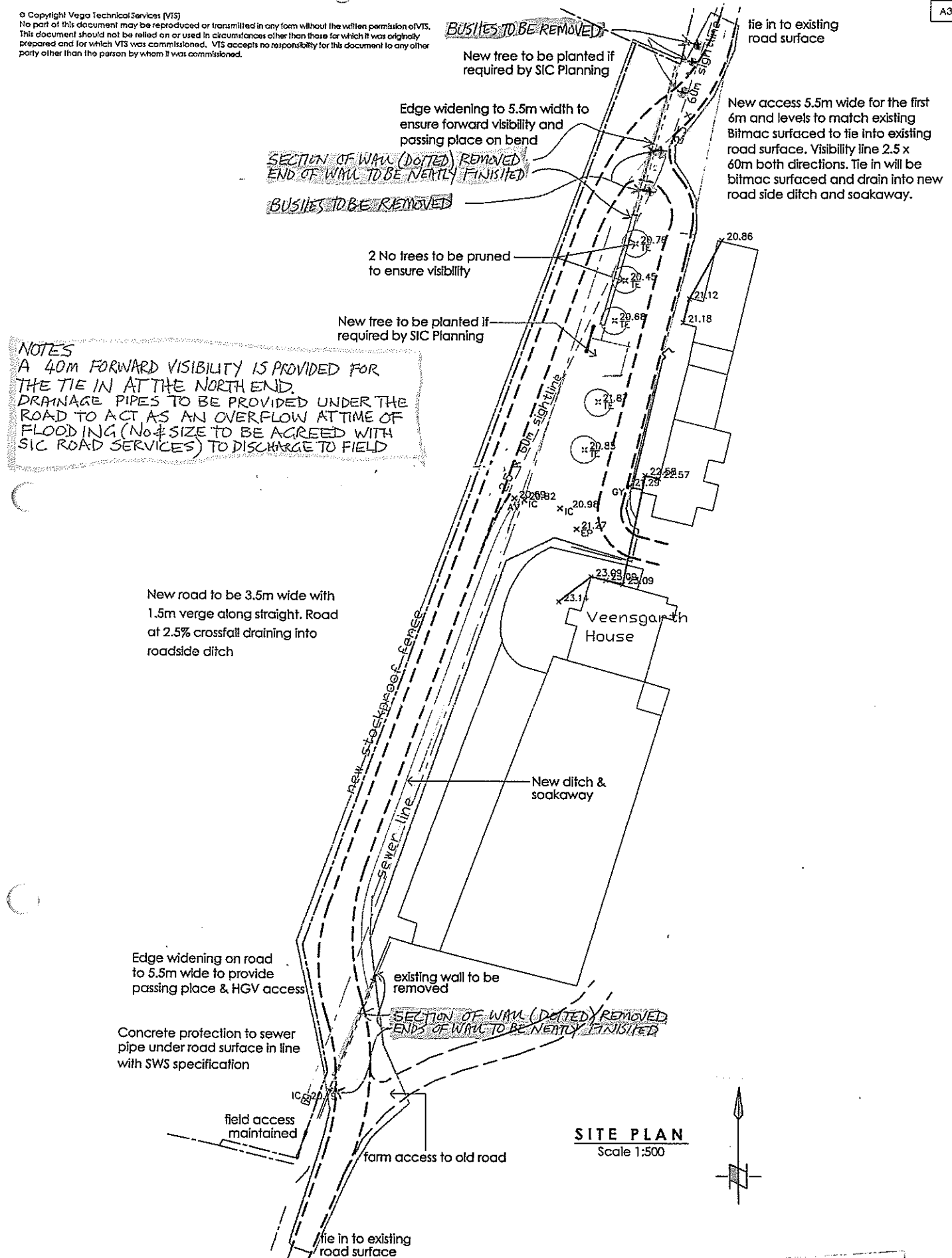


HOSWICK VISITOR CENTRE - SANDWICK - SHETLAND ZE2 7HL

Tel: (01950) 431 507/279  
 Mob: 07770 654 578  
 E-mail: michael@vegatech.plus.com

Project <b>PROPOSED ROAD RE-ALIGNMENT AT VEENSGARTH, TINGWALL, SHETLAND MR. CECIL EUNSON.</b>		Date Drawn 13.9.10
Drawing Title Location plan		Scale(s) @ A3 1:2000
Drawing Status <b>PLANNING</b>	Drawing Number <b>559.02</b>	Revision -





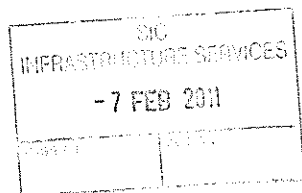
**VEGA TECHNICAL SERVICES**  
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Tel: 01950 431 502/279  
Mob: 07770 854 578  
E-mail: michael@vegach.plus.com

Project <b>PROPOSED ROAD RE-ALIGNMENT AT VEENSGARTH, TINGWALL, SHETLAND MR. CECIL EUNSON.</b>		Date Drawn 7.9.10
Drawing Title <b>Site plan</b>		Scale(s) @ A3 1:500
Drawing Status <b>PLANNING</b>	Drawing Number <b>559.01</b>	Revision -



Michael Irvine  
 Veensgarth House  
 Tingwall  
 Shetland  
 ZE2 9SB  
 12<sup>th</sup> March 2011

SIC INFRASTRUCTURE SERVICES	
14 MAR 2011	
PASS TO <i>EM</i> 150419	ACTION

**Subject; Response to Amended Site Plan for PL2010/425.**

Dear Sir/Madam,

Since the beginning of this process it has been my hope that if a new road is granted then the quality and safety of this new stretch of road should be as high as possible. This amended site plan falls well short of that hope. What the proposal represents is the best option for the lowest cost to the developer.

At the North tie in the site plan does not show the access junction to the Vallafeld Houses. The distance from the middle of the Vallafeld road to the south boundary fence of No. 6 is only **38m**, this fence is constructed of wood and is approximately 1.5 metres high which makes the entire length of the new road blind from the Vallafeld junction. For clarity I have enclosed a plan which includes the Vallafeld junction. What is the point of ensuring a visibility of 60m for No1 and 2 Veensgarth when in doing this the Visibility for Vallafeld is slashed to this extent.

In a letter dated the 22<sup>nd</sup> of December 2010 the Roads Service stated that “ **The speed to proposal was measured in 2004 and indicated an 85% speed in both directions of 32.5 mph. This would equate to a visibility splay in the region of 60m to 70m. It would be reasonable to assume, that speeds would decrease when approaching Veensgarth House given the tightness of the existing corner to be negotiated when travelling south. For this reason a 60m visibility was recommended by us for the junction visibility splay.**”

Again for clarity, I have indicated on the plan where the speed measurement was carried out. The new section of road no longer approaches Veensgarth House and no longer does the existing corner have to be negotiated when travelling south. To use the 2004 measurement taken on the old road to justify the visibility on the new road seems ,at best, illogical. The buckle of road between No's 1 and 2, which slowed the traffic for the measurement, no longer exists in the new plan so to take this into consideration must simply be a mistake. Additionally, no consideration seems to have been taken of the likely approach speed to the north tie in when approaching from the south. The tie in is after a 130m straight and I would suggest that the approach speed will be much greater than the 32.5 mph measured on the old road.

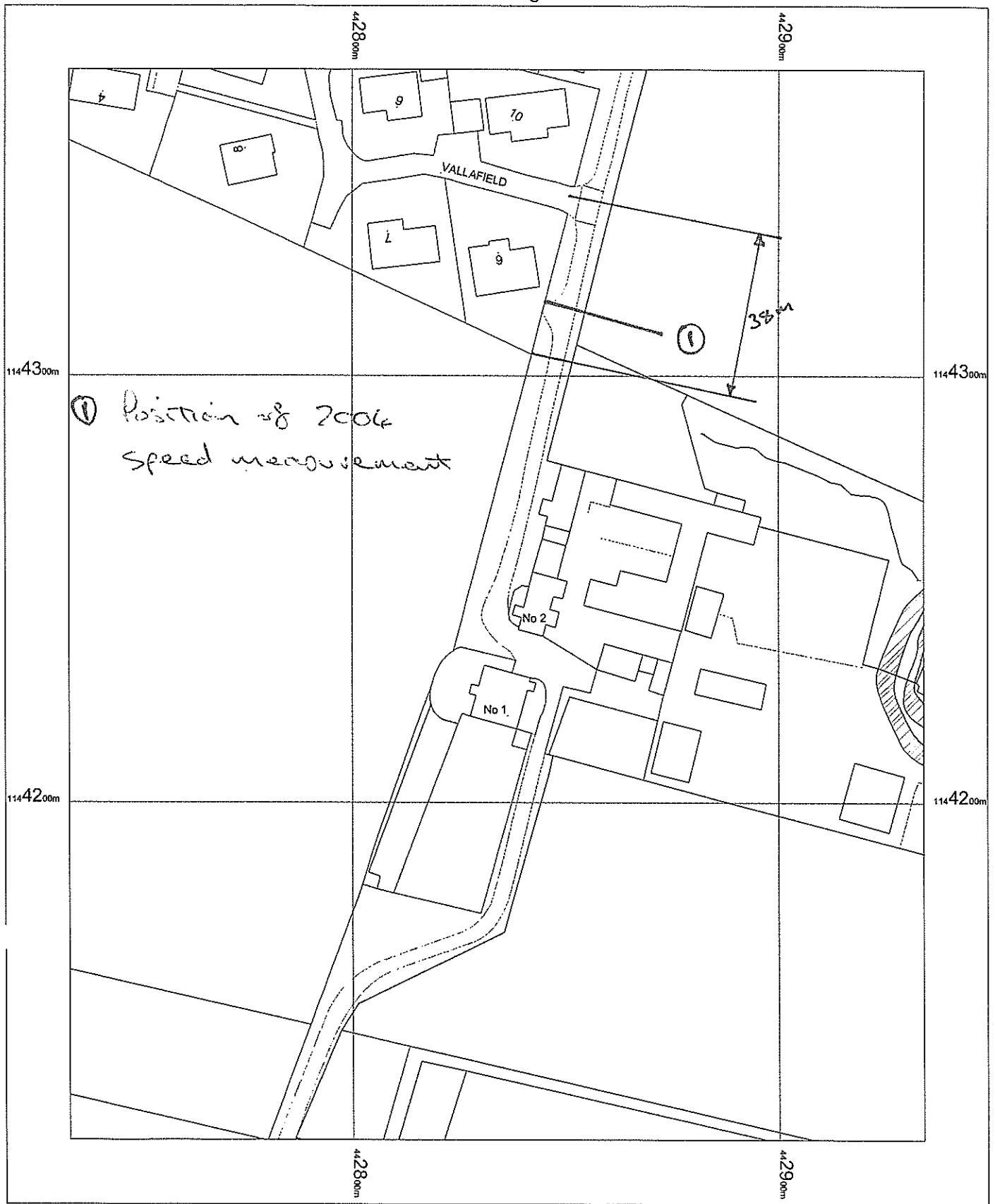
As with the original site plan there are no passing places. Vehicles approaching from north and south of the two tie ins simply cannot see each other so there will be vehicles continuously reversing back to the tie ins for want of a passing place in the middle.

The present road arrangement around No.1 Veensgarth, although being far from ideal, at least slows the existing traffic levels down. Given that the proposed new arrangements will open the way for the developer to hugely increase the volume of traffic it behoves both the Planning and Roads Services to ensure that any new road actually improves the situation unlike what is currently proposed. I hope that Planning will go back to roads with these deficiencies and ask them to reconsider their stated position of the 20<sup>th</sup> December last year when stating that “ **In principle I have no objections to this proposal.....**”.

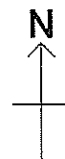
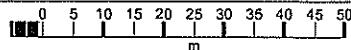
Best Regards,

Michael Irvine

# AMENDED SITE PLAN TO PL2010/425



① Position of 2006  
speed measurement



OS Mastermap  
07 March 2011, ID: CM-00062449  
[www.centremapslive.co.uk](http://www.centremapslive.co.uk)

1:1250 scale print at A4, Centre: 442834 E, 1144246 N

©Crown Copyright. Licence no. 10001998

Mapping  
sourced from

OS Ordnance  
Survey



Shetland  
Islands  
Council



# NOTES

A 40m FORWARD VISIBILITY IS PROVIDED FOR  
THE TIE IN AT THE NORTH END.  
DRAINAGE PIPES TO BE PROVIDED UNDER THE  
ROAD TO ACT AS AN OVERFLOW AT TIME OF  
FLOODING (No. & SIZE TO BE AGREED WITH  
SIC ROAD SERVICES) TO DISCHARGE TO FIELD

New road to be 3.5m wide with  
1.5m verge along straight. Road  
at 2.5% crossfall draining into  
roadside ditch

Edge widening on road to  
5.5m wide to provide  
passing place & HGV access

Concrete protection to sewer  
pipe under road surface in line  
with SWS specification

field access  
maintained

farm access to old road

tie in to existing  
road surface

BUSHES TO BE REMOVED

New tree to be planted if  
required by SIC Planning

Edge widening to 5.5m width to  
ensure forward visibility and  
passing place on bend

SECTION OF WALL (DOTTED) REMOVED  
END OF WALL TO BE NEATLY FINISHED

BUSHES TO BE REMOVED

2 No trees to be pruned  
to ensure visibility

New tree to be planted if  
required by SIC Planning

tie in to existing  
road surface

New access 5.5m wide for the first  
6m and levels to match existing  
Bimac surfaced to tie into existing  
road surface. Visibility line 2.5 x  
60m both directions. Tie in will be  
bimac surfaced and drain into new  
road side ditch and soakaway.

## SITE PLAN

Scale 1:500



ENCLOSED WITH  
OBJECTION FROM  
MICHAEL IRVINE DATED  
12/03/11 TO AMENDED  
SITE PLAN TO PH2010/421

<b>VEGA TECHNICAL SERVICES</b> Architectural, Land Surveying and Civil Engineering CAD drafting		Project <b>PROPOSED ROAD RE-ALIGNMENT AT VEENSGARTH, TINGWALL, SHETLAND MR. CECIL EUNSON.</b>	Date Drawn 7.9.10
105WICK VISITOR CENTRE SANDWICK SHETLAND ZE2 9HL Tel: 01950 431 507/279 Mob: 07770 854 578 E-mail: michael@vegatech.plus.com		Drawing Title <b>Site plan</b>	Scale(s) @ A3 1:500
Drawing Status <b>PLANNING</b>		Drawing Number <b>559.01</b>	Revision -

## MacNeill Richard@Infrastructure Services

**From:** Davidson Inga@Infrastructure Services on behalf of Planning Control@Infrastructure Svs  
**Sent:** 08 March 2011 11:23  
**To:** MacNeill Richard@Infrastructure Services  
**Subject:** FW: SIC - Suggestion/Comment submitted via Website - REF: PL2010/425

-----Original Message-----

From: Web Feedback Form [mailto:web-feedback-form@shetland.gov.uk]  
Sent: 08 March 2011 11:10  
To: Planning Control@Infrastructure Svs  
Subject: SIC - Suggestion/Comment submitted via Website - REF: PL2010/425

Page this user last visited: <http://www.shetland.gov.uk/planningcontrol/apps/apps.asp>  
=====

REF: PL2010/425

Case Officer: Richard MacNeill  
Location: , Veensgarth, Tingwall, ZE2 9SB  
Proposal: Form new section of public road

I objected to the initial planning application but I also wish to object to the ammended application.

First of all, I fail to see why someone who does not own the land in question should want to put a road through it, unless that person expects to gain financially from it.

In the application, the field through which the proposed road would go is described as being used for grazing and silage. This is not entirely true. This particular field is one of the best arable fields in Shetland, not just in Tingwall. I have a photograph of the field which was taken this past autumn. It is standing full of corn and I took the photo just before it was harvested. The field is used for grazing and silage when it is not being used to grow other crops. The proposed road would cut a large swathe right through the top of this field. I believe this particular piece of land has been given a specific grading which should exclude it from being used for anything other than agricultural purposes.

The trees which would be removed and/or pruned are very old Wych Elms. These trees are a native woodland tree, found mainly in the northern areas of Britain. A lot of the older and larger Wych Elm trees in other parts of the coutry have been lost to Dutch Elm disease. The fact that these trees are in a remote area is probably what has saved them so far. Trees such as these are a rarity and should have a Preservation Order put on them.

The two sections of drystone wall which would be demolished is part of the original boundary wall of Veensgarth Farm, which is over 150 years old. The old walls are an important habitat for the Shetland Wren, a species which is unique to these islands.

The original road ended at Veensgarth Farm and was extended to access other dwellings after the Farm was split up into smaller crofts. The road has served its purpose well and destroying a good arable field, some native trees and the habitat of a rare species does not justify altering it.

I maintain that this planning application should be refused.

Rosemary Macklin  
Kirkasetter

Tingwall  
Shetland  
ZE1 0UQ  
UK

SIC	
INFRASTRUCTURE SERVICES	
13 DEC 2010	
PASS TO JH 149245	ACTION

Michael Irvine  
1 Veensgarth  
Tingwall  
Shetland  
ZE2 9SB

6 December 2010

Shetland Islands Council  
Development Management  
Infrastructure Services Department  
Grantfield  
LERWICK  
Shetland  
ZE1 0NT

**Planning Application: Form new section of public road Veensgarth Tingwall**  
**Planning Authority ref no: PL2010/425**

Dear Sir/Madam,

I am writing to lodge my objections to the above application.

The last time this developer proposed to alter the road at Veensgarth, see PL2010/156, the many objections to felling the old trees resulted in a Tree Protection Order being initiated. For full details of this please contact Gwenan Hughes at Conservation. I can only surmise that the developer either does not know of the existence of the TPO or thinks that it only refers to the trees he was offering to fell last time around, this is not the case. To achieve this road re-alignment no less than eight trees must be felled, these trees are over 100 years old and must be protected. The Listed drystone wall to be demolished forms the west boundary of the Listed Farm standing at Veensgarth Farm (detailed as No. 2 Veensgarth in the application). Destruction of this wall should not be allowed.

The reason for the developer wishing to redirect the road is that as a result of an on site meeting a couple of years ago between the Roads Department, two local councillors and myself the Roads Department made the correct decision not to allow any further development in the Veensgarth Road until the safety of the road is improved. Just because a new road is proposed does not make it safer. For example, at the north of the site plan where the driveway from Veensgarth House and the farm meet the new road the line of sight visibility is proposed at only 60m. This is only achieved by pruning back the two mature and rare Wych elm trees that are again over 100 years old. The result of this necessarily devastating pruning will more than likely result in the death of these trees but if it does not will the developer appear each year with his secateurs to maintain visibility. My information from the Roads department is that *"where the speed is unrestricted (60mph) required visibility distances are based on observed vehicle approach speeds."* Given that this is a new road and approach speeds are not observable then some common sense must be applied, knowing the speed which some drivers manage to navigate the existing bends, this will only increase with the opportunity of a new 100m straight section of road. The following figures are again from the Roads Department. *"For typical vehicle speeds over 53mph the distance is 215m, for typical speeds over 44mph (but less than 53mph obviously) it is 160m, below this there are several speed bands with visibility distances stepping down through*

120m, 90m, 70m etc.” As can be seen from these proposed visibility figures are well below what is required, I would suggest that an approach speed of at least 44-53 mph would be most appropriate. Roads also stated “ *The set-back distance, up the side road or access, is generally 2.5m but this may be increased depending on the expected volume of traffic entering from the side road, or if the side road traffic is predominantly heavy vehicles.*” The driveway in question leads to a shared farm steading used by Mr. Callum Sandison and Mr Ian Jeromson. A substantial percentage of the traffic using this road will be tractors. There are few vehicles on the road whose driving position is further from the front of the vehicle than a large modern tractor for this reason the set-back distance should be substantially increased. For your information a tractor with front loader and silage bale is approximately 4.5 metres from the driver's head to the front of the bale, tractors with bales front and back will regularly be using this junction. The radius of the turn at the end of the driveway seems very tight for the use of heavy farm machinery, from the site plan it would appear the radius is less than 4 metres.

There are two passing places on this proposed road they are both situated where the road connects to the old road. The problem is that you do not have line of sight from one to the other. By the time one car sees another approaching they will both be well past the passing places, this will result in a great deal of reversing. So at least one passing place must be situated in the middle of the straight.

The developer is being very guarded about how many houses he is planning to sell sites for on crofts 12 and 13 pick a number between 10 and 50. At what number will he be made to upgrade the road in it's entirety or must we just accept the situation that Gulberwick has with the old road being entirely inappropriate for the level of use.

The drystone wall around our property is Listed. The section of wall next to the proposed road has just been rebuilt. The under bigging of the new road comes within 2 metres of the south-west corner of this rebuilt drystone wall. I have taken advise from two contractors who have vast experience in road building. One said to keep the road further off and limit the vibrating roller to a “five inch specification”. The other said that if the road went ahead as planned he would expect a “roog of stanes” as a result, this individual was until recently an SIC roads foreman. I have written to the Conservation Department for advice and am personally prepared to take legal action to protect this wall.

Finally, there is an issue of ownership of the land on which the trees are standing. This is within the farm steading and as such belongs to Brian and Maurice Anderson with Callum Sandison as tenant. The assumption has been that seeing it is next to the County road then it must belong to the County but in this case the road followed the old road through the steading and unless the Council is holding a title deed for this ground then it still belongs to the Veensgarth Estate.

Yours Sincere

Michael Irvine

SIC INFRASTRUCTURE SERVICES	
10 DEC 2010	
PASS TO JH 149236	ACTION Rfm.

Leascole,  
13 Veensgarth,  
TINGWALL,  
Shetland,  
ZE2 9SB

10 December 2010.

Director of Planning,  
Planning Department,  
Grantfield,  
LERWICK,  
Shetland.

Dear Sir,

# OBJECTION TO PLANNING APPLICATION PL2010/425 ROAD CHANGE AT VEENSGARTH

The proposed road destroys the most scenic area in Veensgarth.

The permanent pruning of the historically important trees to maintain visibility will destroy the trees as they are on the limit of their viability due to the Shetland climate.

However, perhaps the most crucial matter is the sterilisation of the best most fertile agricultural land in Shetland. The field has been graded as 4.2 and 5.1 and is classed as one of only a handful of the better fields in Shetland. Part of the reason it is given a higher grade is its size, any reduction in the size of the field will affect the grading for subsidy and grant purposes and this is detrimental to the croft and the wider crofting community which is against Policy SP NE3.

The existing road is passable and indeed the problem corners perform a traffic calming measure and the road is adequate for the number of Crofting properties it allows access to. A wider access destroying the beauty of the area will only form a huge and un-necessary pressure to destroy the crofts and their fertile arable land. The result of a faster road will allow an urban sprawl and facilitate a ribbon development and housing estates which permanently destroys our food producing areas which is in opposition to Policy LP NE14. Policy SP NE3.

The area to develop housing on is Zone 1. The field affected and the area to be sterilised is Zone 4. The area put under urban sprawl pressure is Zone 4 and is "up there" with the most fertile parks in Shetland and this type of creeping destruction must stop before all our good food producing areas are under houses and mansions and Shetland loses its distinctive Crofting backbone (and with the demise of crofts goes the protection of the environment – flora and fauna).

There are loads of areas that are of poor agricultural value and these have been designated by the community for development - and are in the Tingwall area at that. The Zone 1 area was highlighted by the Reporter see appeal number PPA-360-2001. The proposed Village for the Tingwall area should be in Zone 1 not Zone 4 in Veensgarth which is primarily Crofts and their related croft houses. The poor land in the Veensgarth area has been exhausted and is already built on, only the arable fields and hills are left therefore the Planning Department must look at the poorer land still in the Tingwall area such as the Zone 1 which was put forward by the Tingwall community and give the developmental green light to housing. Housing which in the main will be for commuters who will mainly be working in Lerwick, Scalloway and perhaps Sullom.

PLEASE DO NOT DESTROY OUR GOOD FOOD PRODUCING AREAS.

ARABLE FIELDS → SILAGE AND FODDER → ANIMALS → MEAT → FOOD.

Yours faithfully,

Joyce and David Pole.

Enc. Petition circa 236 signatures



We wish to object to the destruction of the Veensgarth trees and Drystane dyke. They are part of the Farmstead and our heritage and must be protected.

Name	Address
David Sandison	Bayview, Skelister, South Westing
Stacey Sandison	Bayview, Skelister, South Westing
Jenny Reid	BAYVIEW, SKELISTER, SOUTH WESTING.
James Morton Sandison	Hylandal, Cott, SHETLAND.
Anita Adam	19 Vallafeld Tingwall Shetland
Scott Polson	19 Vallafeld Tingwall Shetland
Han Williamson	16 Vallafeld Tingwall Shetland
JAMES WILLIAMSON	17 VALLAFELD, TINGWALL, SHETLAND.
GRANT GILLIAN	15 VALLAFELD TINGWALL SHETLAND
ANDY DOW	18 VALLAFELD TINGWALL SHETLAND
Colin VITEBA	20 VALLAFELD TINGWALL SHETLAND
SM'CHURCH	1 VALLAFELD TINGWALL SHETLAND
G. McLOURE	1 VALLAFELD TINGWALL SHETLAND
MICHELLE HENDERSON	2 VALLAFELD TINGWALL SHETLAND
ROSALYNN FRASER	3 VALLAFELD TINGWALL SUGRAND
LOUISE FRASER	3 VALLAFELD TINGWALL SUGRAND
ROSS FRASER	3 VALLAFELD TINGWALL SUGRAND
Sarah Fox	3 VALLAFELD TINGWALL SHETLAND
ANTHONY SIMPSON	4 VALLAFELD TINGWALL SHETLAND
LOREANE MANSON	4 VALLAFELD TINGWALL SHETLAND
Miss Kay	5 Vallafeld Tingwall Shetland
James Han	" " " "
Michelle Williamson	16 VALLAFELD TINGWALL SHETLAND
MALCOLM POLSON	19 VALLAFELD TINGWALL SHETLAND



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Name	Address	
CLIFFORD HUTCHISON.	24 HOGALEE, EAST VOE, SCALLOWAY.	Clifford Hutchison
J SINCLAIR	6 SANDYLOCH DR, LERWICK	John Sinclair
L GERTY	21 BRAEFIELD LERWICK	L Gerty
J MAXSON	JAMELLE, LAXFIRTH, TINGWALL	J Maxson
LES MURRAY	OVREDAL, BUSTA, BRAE	L Murray
J. CLARK	TARRAFT, MIDLON	J. Clark
S. MACDOUGALL	25 RENTFIELD PLACE, SANDWICK.	S. MacDougall
J ROBERTSON	COLLAIRTH VOE	J Robertson
Sim Milne	3 RUNDAR, BRAE	Sim Milne
Phil Bannock	PALMURE, SULLOM	Phil Bannock
P DAVIES	BRAE	P Davies
TASHA POLAK	GUOYS, SKELLISTER, SOUTH NESTING	Tasha Polak
SARA POLAK	16 GREENFIELD PLACE, LERWICK	Sara Polak
FRANCES BROWN	97 ST OUF STREET, LERWICK	Frances Brown
MORAG NICOLSON	17 UPPER BAILA LERWICK	Morag Nicolson
NETTA SIMPSON	SHAMARA WHARFAY	Netta Simpson
MARY GUNDEL	IMMER, BUSTA BEAR	Mary Gundel
James Kennedy	BUSTA BEAR	James Kennedy
ALLAN SMITH	HIGHROVE MOSSBANK	Allan Smith
WILSON CARVAGLE	BRAE	Wilson Carvagle
RONNIE NICOLSON	VATNA BREKK QUARF	Ronnie Nicolson
LENNIE GEORGINSON	LOCHSIA? WALLS	Lennie Georginson
CAREY WILLIAMSON	NORTH COLLAIRTH OULABERRY	Carey Williamson
J J ANDERSON	SKED VERRICK WALLS	J J Anderson
SCOTT JONSON	SORFELI, BRAE	Scott Jonson
ROBERT ANDERSON	7 GILLSMIE	Robert Anderson
STROMA SMITH	BRAE, SHETLAND	Stroma Smith





We wish to object to the destruction of the Veensgarth trees and Drystane dyke. They are part of the Farmstead and our heritage and must be protected.

• Name Address

Lewis Ross-Smith	- 43 Stoney hill
MELVIN LEASK	- TRONDAROE, BRAB.
Kern Alfred	- Craigdale Sandness
WILLIAM PRIEST	- DENNYBRAKE UNST
JOHN LAWSON	Runn Maywick
SHAWN RENNIE	STROMFORTH
CRAIG IRVINE	4 KIRKHUS, SCALLOWAY
MIKE BATT	GILKIRK ROAD
W. W.	6 BLYTH.
E. NALCROV	BURRA
A. Helgou	Burne Isle.
W. W.	" "
N. ARTHUR	LOVERS LOAN LK.
J. GIFFORD	NESTING
L. COUTTS	NORTH RD. LK
S. DOROSH	MID. YELL
S. JAMIESON	ULSTA YELL
M. SINCLAIR	GOODAD CRESENT, LK
A. GOODAD	BRAESIDE YELL
F. JAMIESON	SEA BREEZE, YELL
S. MACINTYRE	BONNIE BRAC, ULSTA
SUSAN BERRY	BRESSAY.
W. W.	4 Prince Alfred St.
R. A. B.	PAPAL, BRIDGE-END, BURRA
G.M. Wilson	LAXO, VILLIN
R. BAIN	CUNNINGSBURGH.
J.R. Blance	Lerwick



We wish to object to the destruction of the Veensgarth trees and Drystane dyke. They are part of the Farmstead and our heritage and must be protected.

• Name Address

PAUL HAYO	FAIRVIEW QUEENDALE	ZE2 9JB
MARK HOSKINS	SENTINELS, KIRKABISTEL, BRESSAY	ZE2 9ER
JAMES SINCLAIR	11 WYTHE CROFT LK	ZE1 0QS
NEIL ADAMSON	HUGRO, CUNNINGSBURGH	ZE2 9HG
GILIS DAWSON	HAUGARTH, SWINISTER	ZE2 9HH
MOIRA RATTER	— " —	ZE2 9HH
SUSAN LAWSON	RUNN, MAYWICK	ZE2
J.A. RATTER	GRUTEN, VOG	
CAROLINE RATTER	GRUTEN, VOG	
RONNIE JOHNSON	10 HERRISDALE PK TINGWALL	ZE2 9SD
SCOTT SPENC	5 LANLAND	ZE1 0SJ
GERALD LEASK	58 NEDGENDALE	ZE1 0SB
EVELYN JOYCE	CLIFFCREST SCUSSDUNGH	ZE2 9JE
JAMES TOLUOH	LYCKA BRESSAY	ZE2 9ER
Blair Delnicki	Stangeroth LERWICK	ZE1 0PF
Graham Willison	The Cloister, Lister	ZE2 9LX
Rose M	Brough whalsay	
Carol MASON	SHAW HILL, LERWICK	ZE1 0QW
Mari Henry	12 Tarland LK	ZE1 0SJ
Inga Wood	3c Parkview, Scalloway	ZE1 0TS
G Mackie	Branchdale, Hammanoe	ZE2 9LA
B. Hume	WESTERDICH TERR. LK	ZE1 0GH
Sharon	Salt's Sand	ZE2 9HP
Sharon Anderson	Lerwick	ZE1 0HS
Valerie Monod	Bannamun	ZE2 9UD
ROBERT SINCLAIR	11	ZE1 0QS
Margaret Wilson	Drawick	ZE2 9HB



We wish to object to the destruction of the Veensgarth trees and Drystane dyke. They are part of the Farmstead and our heritage and must be protected.

• Name Address

Christine Henry	Baillister GOTT	ZE2 9SH
Alec A. Henry	Baillister GOTT	ZE2 9SH
Wida Grant.	FINNIE GARTH	TINGWALL ZE2 9SH
CHARLES GRANT	FINNIE GARTH	TINGWALL ZE2 9SH.
THEO CLAPP	3 WALSTER	TINGWALL ZE2 9SH
CAROLINE CLAPP	3 WALSTER	TINGWALL ZE2 9SH.
Jessamy Clapp	3 WALSTER	TINGWALL ZE2 9SH
A. WILLIAMSON	3 WALSTER	TINGWALL ZE2 9SH
Charnick	Midgarth	Tingwall ZE2 9SH.
J. H. Garrick	5 WALSTER	TINGWALL ZE2 9SH
J. C. GARRICK	5 WALSTER	TINGWALL ZE2 9SH
J. Henry	5 Mansfield	Lerwick ZE1 0YA
DAVIDSON	2 VEENSGARTH	TINGWALL ZE2 9SB
Calum Sinden	2 VEENSGARTH	TINGWALL ZE2 9SB
Scott McLaughlan	5 Mansfield	Lerwick ZE1 0YA
NEVILLE HUTTON	SHEENCLEST	BUNNINGSBURGH ZE2 9HB
R. Morgan	VALUAFIELD	ZE2 9Y11
IAN MORRIDGE	HILLSWICK	ZE2 9RL
BOB HURT	7 GOSBARFORD	BONE ZE2 9DP.



**We wish to object to the destruction of the Veensgarth trees and Drystane dyke. They are part of the Farmstead and our heritage and must be protected.**



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Name	Address	
M. Gair	GROSSY LOAN, LERWICK	
D. NICOLSON	2 CLACK NA STROM, WHITERNESS	
T. GRAY	3 SOUTH ROAD, LERWICK	
A. PRIEST	BURRAVOE, YELL.	
K. PEARSON	BURGABAA VIDLIN.	K Pearson
B. FORBES	3 MAIDENFIELD, MOSSBANK	B Forbes
C. RISE	15 H.B.C. LERWICK	C Rise
S. ROBERTSON	PACKINS VIDLIN.	S Robertson
R. LATO	6 STENBLAE YOLL	R Lato
D. SUTHERLAND	ISLESVIEW UNST	D Sutherland
A. STOUT	FJAEL VOE	A Stout
C. FRASER	OLIVANTH WHITERNESS	C Fraser
D. ANDERSON	MIDGARTH VOE	D Anderson
S. GRAY	BORDAFIRTH UNST	S Gray
J. ROBERTSON	COLLMARTH VOE	J Robertson



**We wish to object to the destruction of the Veensgarth trees and Drystane dyke. They are part of the Farmstead and our heritage and must be protected.**

- | Name            | Address                   |
|-----------------|---------------------------|
| Simon Liddle    | Victoria Cottage Walls    |
| Peter McKay     | 79 Sandreien Lerwick.     |
| David Polo      | 13 Veensgarth Fingwall    |
| TA RAMSAY       | SKEOTARIG CLOUSTA         |
| GLAMIS          | " "                       |
| Mandy Mail      | Shoreside Bridge of Walls |
| Hilda Middleton | Beidfields, Cunningsburgh |
| JOY DUNCAN      | 17 ENDAVOE SDY.           |
| FIONA CAMERON   | 2 PEGASUS PLACE LERWICK   |
| Jackie Syro     | Scheholapi Walls          |
| Wilma Greenwood | 1 Carlton Pl., Lerwick    |
| Maurie Mullan   | Gillberwick               |
| Ruth Thomson    | Kirkie                    |



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• Name Address

PAUL DAVIES - LINDWAYS VEENSGARTH  
 BRUCE GRAY - PAULHEAD, VEENSGARTH  
 DAVID STRAINE, 1 HERRISLEA HILL  
 KIRSTEEN STRAINE, " "  
 Ann Heine 2 HERRISLEA HILL TINGWALL  
 Amanda Britton 55B COMRA RD LK  
 PAUL MULLAY, 5 HERRISLEA HILL, GOTT  
 MELISSA MOHAT, 5 HERRISLEA HILL GOTT  
 Scot Jamieson, 4 HERRISLEA HILL, GOTT  
 SIMON MULLAY, WINDYBRAES, 6 HERRISLEA HILL, TINGWALL  
 SUZANNE TALBOT, VALLAVIEW, HERRISLEA, TINGWALL  
 ADAM TALBOT, VALLAVIEW, HERRISLEA TINGWALL  
 Jill Williamson Opala 15, HERRISLEA HILL TINGWALL  
 Lyndsey Williams 12 HERRISLEA HILL TINGWALL  
 Neil Tate 12 HERRISLEA HILL TINGWALL  
 W. G. G. G. 8 HERRISLEA HILL TINGWALL  
 M. G. G. G. 10 HERRISLEA HILL TINGWALL



We wish to object to the destruction of the Veensgarth trees and Drystane dyke. They are part of the Farmstead and our heritage and must be protected.

• Name Address

Audrey Huntington	13, VALLAFIELD, TINGWALL
Nigel Huntington	13 VALLAFIELD, TINGWALL
Beatrice Petersen	FAIRVIEW, WALSTER, TINGWALL
Claire Huntington	13, VALLAFIELD, TINGWALL
Corry Westmoreland	Da Trowlaus, Bressay, ZE2 9ES
Margaret Smith	Aelbek Ahtun Brae Galbraith, ZE2 9TX
John Lee	CHEINE CRESCENT, LERWICK, ZE1 0NS
Calvin McLean	RHU AULAN, SCOUSBURCH, ZE2 9JE
Clive Bennett	Upper Huddingarth, Tondra, ZE1 0XL
DOUGLAS COUL	MULLA, 106 ZE2 9XQ
Tyler Cromwell	8 TWASGOS ROAD, ZE1 0RB
Zoe Henry	Southern House, Whitewest, ZE2 9UL
Sam Nordman	Margherd House, Hald Bressay, ZE2 9EL
Lynsey Brown	Burra Isle, Skelton
LORRAINE MITCHELL	6 Mulla Vae
GRANT HUNTINGTON	102 TEDDER ROAD, ABERDEEN
CLAIRE MALONEY	102 TEDDER ROAD, ABERDEEN
CHRS CUTH	ROADSIDE, HUNNAN, BORAN
Marie Colvin	16 Young Vanner, Lerwick
Michelle Andersen	33 Sundhamar, ZE1 0WJ
Keri Wiseman	27 Nedderdale, ZE1 0SA
ASHLEY HUNTER	112 SANDVIGEN, ZE1 0RX
DARREN ADAMSON	112 SANDVEIEN, ZE1 0RX
JEMMA JOHANNESSEN	78 SANDVEIEN
GSMitchell	6 Mulla Vae
J. HERCULSON	2 ANDREWSTOWN TERRACE, LERWICK
Terry Rogers	North House, Esnich, Skelton, S Nesting, ZE2 9PS

ZE  
OS





We wish to object to the destruction of the Veensgarth trees and Drystane dyke. They are part of the Farmstead and our heritage and must be protected.

- Name Address
- Kelly Henry Hamnavoe Burra
- Ann - Marie Goudie Lochside Lerwick
- Gillian Swan Nargaet, Lerwick
- Cheryl Williamson, Sandwick
- Erin Burgess, Niederdale, Lerwick
- Rachel Young Vatnahvill, Whiteness
- LORI HORNAL. PARKHEAD BRESSAY.
- MARIA NICOL SOUTHERHOUSE WHITENESS
- KE SMITH AROM SANDWICK
- BABE DUNNAGE LEVENWICK, SHETLAND.
- Alison Coles, Heatherly PK, Gulberwick
- Kathy Hubbard, Nethaburn, WICK QUARR.
- Sophie Whitehead 15 Stockyard Lerwick
- Tom Nilsson Benavisee, Gulberwick
- William M. Nilsson Benavisee, Gulberwick
- R. Samuel 35 Burnside Lerwick



We wish to object to the destruction of the Veensgarth trees and Drystane dyke. They are part of the Farmstead and our heritage and must be protected.

- Name Address
- LEE Williamson 10 NAVY LANE, LERWICK
- A MANSON 5 NORSTANE, LERWICK
- S. MATHESON 4 FOERALEA, LERWICK
- C. NICOL 10 Nargact, Lennick
- J. CHEVIE 'TARASTA' WESTERSHELD.
- S Webster Strand TINGWALL
- A M MUMAY Strand TINGWALL
- D Brazier Robertson Crescent LK
- I Currie Stennetwilt Mills
- K Wiseman Edinburgh
- S. J. Sturges 2. Annstane Gardens, Lerwick
- J. Sturges 2. ANNSTANE GARDENS 11
- Tom Richardson Peerie Yorkshire, Hillside Brae, Gullberwick.
- Brian Wiley 43 North Road Lerwick.
- Tori Richardson Peerie Yorkshire, Hillside Brae, Gullberwick.

SIC INFRASTRUCTURE SERVICES	
25 MAR 2011	
PASS TO JH 150697	ACTION

15 Veensgarth  
Tingwall  
Shetland  
ZE2 9SB

24 March 2011

Shetland Islands Council  
Development Management  
Infrastructure Services Department  
Grantfield  
LERWICK  
Shetland  
ZE1 ONT

Dear Sir,

**Planning Application: Form new section of public road Veensgarth Tingwall  
Planning Authority ref no: 2010/425/PCD**

I note that an amended location plan and an amended site plan in respect of the above have been displayed on the Shetland Islands Council on-line planning control website from 10 February 2011.

I have the following comments to make regarding the amended site plan in respect of the above development.

The amended site plan now states the comment; "bushes to be removed" twice with arrows indicating that there are five bushes to be removed which presently border the existing road to the North of Veensgarth House. The developer has failed to recognise that the bushes are in fact trees and that there are actually eight trees which presently border the existing road to the North of Veensgarth House which are required to be felled to form the new section of public road.

Local residents have always considered them to be trees as was demonstrated by the recent petition to save them and this view appears to be shared with the Shetland Islands Council Conservation officer who is currently engaged in the process of preparing a Tree Preservation Order in order to protect these trees.

Stating that the trees are bushes appears to try and reduce the amenity value of the trees to the community at a time when their removal is being proposed by this planning application.

The amended plan now records the forward visibility of 40m at the tie in to the new junction at the North end of this new section of road. The question now is whether 40m of forward visibility is appropriate given the road speed and the road design.

The 130m long straight on the new section of road is cause for concern as it gives time and opportunity for vehicles to increase their speed before they reach the point at which the forward visibility is reduced to 40m. The speed recorded in both directions on the current road by the Roads Service is 32.5mph. The national speed limit of 60mph applies to the Veensgarth road. The Roads Service memo on this subject in the planning file is not well presented and appears to confuse the current road layout with the planned one.

*The speed to proposal was measured in 2004 and indicated an 85% speed in both directions of 32.5 mph. This would equate to a visibility splay in the region of 60m to 70m. It would be reasonable to assume, that speeds would decrease when approaching Veensgarth House given the tightness of the existing corner to be negotiated when travelling south. For this reason a 60m visibility was recommended by us for the junction visibility splay. (Extract from Road Service memo on 22 Dec 2010).*

The tight corners around Veensgarth House will be by passed by this new road with gradual reverse bends at each end of the new section of road to meet in with the existing road. The Road's Service need to assess the speed through the gradual reverse bend at the North end of the new section of road and not assume that current roads speeds through the existing tight corners will apply on the new planned road. It is important to establish the potential vehicle speed through the North corner on this road as it has a bearing on the amount of forward visibility (Stopping Sight Distance) required. No consideration seems to have been taken of the likely approach speed to the North tie in when approaching from the South. The tie in is after a 130m straight and I would suggest that the approach speed will be much greater than the 32.5 mph measured on the old road.

At the North tie in the site plan does not show the access junction to the Vallafeld Houses. The distance from the middle of the Vallafeld road to the South boundary fence of No. 6 is only 38m; this fence is constructed of wood and is approximately 1.5m high which makes the entire length of the new road blind from the Vallafeld junction. The Developer appears not to have taken into account the knock on effect this new section of road has on the visibility splay at the Vallafeld junction. Given the close proximity of the new section of road to the Vallafeld junction and the resultant reduction in visibility surely the Road's Service has a responsibility to review this plan again.

The Road's Service has dismissed concerns raised by objectors about the effect of increased speed on the existing Veensgarth road as a whole following the construction of the new section of road. I still consider this to be a valid concern particularly in respect of crofting activities where livestock and dogs are operating close to the road.

The Road's Service have ignored concerns raised by objectors in respect of the lack of official passing places on the Veensgarth road as a whole and the lack of a passing place on 130m long straight on the new section of road. Vehicles approaching from North and South of the two tie ins simply cannot see each

other so there will be vehicles including slow moving farm machinery continuously reversing back to the tie ins for want of a passing place in the middle.

I think some of the Road's Service assumptions and conclusions need to be reviewed in order to improve the quality and safety on this new section of road. Due to the current layout of the road vehicles have to travel well below the speed limit and they are no reported accidents. The current layout of the road around no. 1 Veensgarth whilst being far from ideal does slow the existing traffic levels down and in effect acts as a traffic calming measure.

If this planning application is granted it will more than likely pave the way for a large number of houses in the Veensgarth road. I think the issue of passing places needs to be seriously considered by the Road's Service before a decision on planning permission is taken on this new section of road as the future level of vehicular traffic is expected to increase substantially due to housing development. If provision of adequate passing places is not considered at this stage the people who live and work (croft) in Veensgarth will face many of the road problems encountered in Gulberwick where road design did not keep pace with housing development.

I would be grateful if you could highlight my concerns regarding road safety and design with the Road's Service.

Thank you for your assistance.

Yours faithfully, /

**Paul Williamson**

## MacNeill Richard@Infrastructure Services

**From:** Davidson Inga@Infrastructure Services on behalf of Planning Control@Infrastructure Svs  
**Sent:** 08 December 2010 07:58  
**To:** MacNeill Richard@Infrastructure Services  
**Cc:** anderhouse@btinternet.com  
**Subject:** FW: SIC - Complaint submitted via Website - REF: PL2010/425

Your email has been received and passed to the officer dealing with the application

Regards  
Inga Davidson

-----Original Message-----

**From:** Web Feedback Form [mailto:web-feedback-form@shetland.gov.uk]  
**Sent:** 07 December 2010 19:41  
**To:** Planning Control@Infrastructure Svs  
**Subject:** SIC - Complaint submitted via Website - REF: PL2010/425

Page this user last visited: <http://www.shetland.gov.uk/planningcontrol/apps/apps.asp>

=====

REF: PL2010/425

Case Officer: Richard MacNeill  
Location: , Veensgarth, Tingwall, ZE2 9SB  
Proposal: Form new section of public road

As the applicant is going to considerable expense to put a new road into Veensgarth I am sure it is not for farming operations. Will it be to enable housing development on his ground at the end of the Veensgarth road? This will be another case of trying to build houses on good ground in the Tingwall area.  
Road safety is also a major concern. If this road is re-aligned it is going to be almost straight, and a straight stretch of road will encourage speed.  
It is also unclear from the website if any of the trees will be cut down - if they are, how many and what species?

David R A Anderson  
Houster

Tingwall  
Shetland  
ZE2 9SF  
UK

=====

by the SIC web server.

DO NOT REPLY TO THIS

=====

SIC INFRASTRUCTURE SERVICES	
1 0 DEC 2010	
PASS TO JH 149229	NOTION

15 Veensgarth  
Tingwall  
Shetland  
ZE2 9SB

6 December 2010

Shetland Islands Council  
Development Management  
Infrastructure Services Department  
Grantfield  
LERWICK  
Shetland  
ZE1 ONT

Dear Sir,

**Planning Application: Form new section of public road Veensgarth Tingwall**  
**Planning Authority ref no: 2010/425/PCD**

I am writing to lodge my objections to the above planning application.

In order to form the new section of public road it will be necessary to fell 8 trees which presently border the existing road to the North of Veensgarth House. It will also be necessary to prune 2 trees which presently border the existing road to the North of Veensgarth House to ensure visibility. Regular pruning of these trees will almost certainly cause these trees lasting damage and result in their death. It is interesting to note that the 8 trees which require to be felled are not detailed on the site plan for this development. Nor is there any mention of the requirement to fell these trees on the site plan or planning application. I have attached a copy of the developer's site plan with the 8 missing trees detailed for your information.

These trees are over 100 years old and together with the trees situated to the South of Veensgarth House provide a rare habitat for birds and insects. These are some of the oldest trees in Shetland and should be protected for the sake of the environment and for future generations to enjoy. I am aware that the Shetland Islands Council Conservation officer is in the process of preparing a Tree Preservation Order in order to protect these trees.

The proposed new section of road will change forever the character of the area around Veensgarth farm and house which is over 150 years old and is a listed building. This is one of the few examples of a rural setting from a by-gone age in Shetland which has been restored and preserved for the future. Driving a modern road through this area will permanently damage the visual aspect of the area around Veensgarth farm and house which is an important part of Shetlands' rural heritage.

This planning application also requires an old stone wall which formed part of the Veensgarth farm's steading to be demolished. This wall forms part of the listed steading for Veensgarth farm.

I am also concerned about the visibility of the new junction to the North of Veensgarth House which is to be sited on a bend on the proposed new section of road. This junction will have limited visibility both North/South. I note with some concern that the developer has only allowed for a line of sight for this junction of 60 metres in both directions. I understand that this distance is suitable for vehicle speeds below 45mph. The new section of road will allow vehicles to travel faster and as the current speed limit is 60 mph for this road it is very possible that vehicles will be travelling faster than 44mph over the new section of road. Therefore the developer should be asked to increase the line of sight for this junction to at least 80 metres in both directions which is suitable for vehicle speeds between 45-53mph.

Due to the current layout of the road vehicles have to travel well below the speed limit and there are no reported accidents. In effect the current road layout acts as a traffic calming measure. I consider that the combined issues of limited visibility and increased speed will make this new junction unsafe for motorists, pedestrians including school children and for slow moving farm machinery.

Also the new section of road creates a long straight section of road with a bend at each end before it joins into the existing road. When road users approach the new section of road when travelling both north or south they are obscured from seeing beyond where the new section of road joins into the existing road. Therefore it is likely that vehicles including slow moving farm machinery will meet on this new section of road as they will not see oncoming vehicles in the distance. This is a concern as the new section of road does not have a passing place in the middle to deal with vehicles meeting on this section of road. This will lead to vehicles including large tractors having to reverse to the two passing places which are to be sited where the existing road connects to the new section of road.

I am also concerned that vehicles will be travelling faster through the new section of road which will be wider and will not reduce their speed when they travel over the existing narrower Veensgarth road. This will increase the risk of traffic accidents on the existing Veensgarth road.

There has been no consultation with the local residents living and working in Veensgarth by the property developer seeking to form this new section of road. Local residents are unsure of the motives behind this application. It would appear that this road development is necessary in order to allow the developer to build new houses in the Veensgarth road.

Will the existing infrastructure including road, sewerage and water support any further house development in the Veensgarth road? There are a limited number of passing places in the existing Veensgarth road. Currently the ends of private driveways are used by motorists as unofficial passing places in the existing Veensgarth road.

If this planning application is granted and subsequently additional houses are built in the Veensgarth road there could be a significant increase in vehicular traffic using this road. The use of the ends of private driveways as unofficial passing places would hardly be a safe practice to continue with given the expected increase in road speeds (as noted above) and with slow moving farm machinery using this road.



It would be a prudent measure on the grounds of road safety and cost (for the SIC) for the Planning Committee to ensure that the developer or developers are responsible for increasing the number of passing places in the Veensgarth road as part of any future planning application for new houses in the Veensgarth road.

I would urge the Planning Committee to turn down this application in order to protect Veensgarth's heritage and unspoilt rural environment and on the grounds of road safety as the new section of road does not have adequate passing places, will lead to an increase in the speed of vehicles using the Veensgarth road and that there will be limited visibility at the new junction situated to the North of Veensgarth House.

Yours faithfully,

/

**Paul Williamson**

cc Tingwall Whiteness & Weisdale Community Council  
Mr Andrew J Hughson Councillor Central Shetland Ward

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New road to be 3.5m wide with 1.5m verge along straight. Road at 2.5% crossfall draining into roadside ditch

Edge widening on road to 5.5m wide to provide passing place & HGV access

Concrete protection to sewer pipe under road surface in line with SWS specification

field access maintained

2 No trees to be pruned to ensure visibility

New tree to be planted if required by SIC Planning

New ditch & soakaway

existing wall to be removed

farm access to old road

tie in to existing road surface

tie in to existing road surface

New access 5.5m wide for the first 6m and levels to match existing Bitmac surfaced to tie into existing road surface. Visibility line 2.5 x 60m both directions. Tie in will be bitmac surfaced and drain into new road side ditch and soakaway.

8 TREES MISSING FROM SITE PLAN

**SITE PLAN**  
 Scale 1:500

SIC INFRASTRUCTURE SERVICES	
10 DEC 2010	
PASS TO	REVISION



<b>VEGA TECHNICAL SERVICES</b> Architectural, Land Surveying and Civil Engineering CAD drafting HOSWICK VISITOR CENTRE SANDWICK SHETLAND ZE2 9HL Tel: (01950) 431 502/279 Mob: 07770 5 54 578 E-mail: michael@vegatouch.plus.com	Project <b>PROPOSED ROAD RE-ALIGNMENT AT VEENSGARTH, TINGWALL, SHETLAND MR. CECIL EUNSON.</b>	Date Drawn 7.9.10
	Drawing Title <b>Site plan</b>	Scale(s) @ A3 1:500
	Drawing Status <b>PLANNING</b>	Drawing Number <b>559.01</b>

Houlland  
Scalloway  
Shetland  
ZE1 0UL  
27/11/2010

EXECUTIVE DIRECTOR of  
INFRASTRUCTURE SERVICES  
SIC  
BRANTFIELD  
LERWICK

SIC INFRASTRUCTURE SERVICES	
- 3 DEC 2010	
PASS TO JH 149137	ACTION

SHETLAND LOCAL PLAN (2004) POLICY  
LPB/425/PCD.

Dear Sir,

I wish to object to C. Eumson forming  
a new section of Public Road at Veensgath.  
Sungwall

① A new section of Road at Veensgath will  
ultimately end up with more traffic as the  
purpose of this Road must be for the purpose  
of another housing scheme further South  
and you must consider if the 38 houses  
comes at the North side and the others  
at Henwick you will be creating a disaster  
area for traffic. Safety must come first

② The park that this Road will go through  
is a good quality agricultural park and  
should not be destroyed

Please consider my points and remember  
that 1 person killed is 1 too many.

Yours faithfully

SIC INFRASTRUCTURE SERVICES	
- 6 DEC 2010	
PASS TO JH 149155	ACTION

Hylandal  
Gott ZE2 9SB  
Shetland  
30/11/2010

Shetland Local Plan (2004)  
Policy LPBE6 and LPNE 10  
2010/425/ PCD

Form a new section of public road Veensgarth by C Eunson.

I am writing to object to these plans submitted by Mr C Eunson, over the years Mr Eunson has acquired Crofts in various places through out Shetland and most have been used for house sites and not for agricultural purposes.

I have been a hard working crofter all my life and worked the croft 2 Veensgarth since 1966 and still work on the croft with my son and family. I also ran the Tingwall Agricultural Museum single handed. In 1994 I was the Crofter Of The year. SCU president Donald McLeod said that I was the worthy winner of this award, because of my hard work and dedication to Crofting and the community, which also included my work to preserve the wildlife habitat at Veensgarth.

The trees along the road at Veensgarth are well over a hundred years old, and are a very valuable part of our heritage, over the years this area at Veensgarth has been the home of the wee jenny wrens owls , ( long and short eared ) various migrant birds and of course the hedgehog.. The hedgehog was first discovered in this very same area many years ago.?

Veensgarth has been and still is a very popular area for the bird watchers from all over the world. Bill Odie, and other naturalists frequent here every year just for the birds. It is with this I write to express my concerns regarding the proposed new road and in particular the removal of these very precious trees, and the dry stane dyke which is the home of the jenny wren.

The Tingwall valley is one of the most fertile pieces of land in Shetland and at the rate that the best arable land is being used to build houses is `` Frightening``... Shetland is very small in comparison to Holland, Denmark , Germany or France. If we keep using up the best land to build on ``What will be left for our future generation``... Peat Bogs. Think about it ?

Yours Sincerely

Jeanie Morton Sandison MBE.

## MacNeill Richard@Infrastructure Services

From: Davidson Inga@Infrastructure Services on behalf of Planning Control@Infrastructure Svs  
Sent: 30 November 2010 08:36  
To: MacNeill Richard@Infrastructure Services  
Subject: FW: SIC - Complaint submitted via Website - REF: PL2010/425

-----Original Message-----

From: Web Feedback Form [mailto:web-feedback-form@shetland.gov.uk]  
Sent: 30 November 2010 06:57  
To: Planning Control@Infrastructure Svs  
Subject: SIC - Complaint submitted via Website - REF: PL2010/425

Page this user last visited: <http://www.shetland.gov.uk/planningcontrol/apps/>  
=====

REF: PL2010/425

Case Officer: Richard MacNeill

Location: , Veensgarth, Tingwall, ZE2 9SB

Proposal: Form new section of public road

I am writing to object to these plans submitted by Mr C Eunson, over the years Mr C Eunson has acquired crofts in various places and most have been used to build houses and not for agricultural purposes.

I have been a hard working crofter all my life and worked the croft at 2 Veensgarth since 1966 and still help on the same croft today. I also ran the Tingwall Agricultural Museum single handed, and in 1994 was the crofter of the year. SCU president Donald MacLeod

said that I was a very worthy winner of this award, because of my hard work and dedication to Crofting and to this community, which included my work to preserve the wildlife habitat here at Veensgarth. The trees along the road at Veensgarth are well over a hundred years old and are a very valuable part of our heritage, over the years this area at Veensgarth has been the home of the wee jenny wrens owls, ( long and short ) various migrant birds and of course the hedgehog, The hedgehog was first discovered here many years ago in this same area. Veensgarth has and still is a very popular area for the bird watchers from all over the world. Bill Odie, and other naturalists frequent here every year just for the birds. It is with this that I write to express my concerns regarding the proposed new road and in particular the removal of these very precious trees and the dry stane dyke which is the home of the jenny wrens. The Tingwall Valley is one of the most pieces of fertile land in Shetland and at the rate that the best land is being used up to build houses is

frightening... Shetland is very small in comparison to Holland, Denmark, Germany or France. If we keep using up the best land to build on what will be left for our future generation... Peat Bogs. Think about it ?.

jeanie Sandison  
Hylendal  
Gott  
Tingwall  
Shetland  
ZE2 9SB

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Do not reply to it.  
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by the SIC web server.  
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## MacNeill Richard@Infrastructure Services

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**From:** Davidson Inga@Infrastructure Services on behalf of Planning Control@Infrastructure Svs  
**Sent:** 29 November 2010 15:03  
**To:** MacNeill Richard@Infrastructure Services  
**Subject:** FW: SIC - Suggestion/Comment submitted via Website - REF: PL2010/425

-----Original Message-----

**From:** Web Feedback Form [mailto:web-feedback-form@shetland.gov.uk]  
**Sent:** 29 November 2010 15:11  
**To:** Planning Control@Infrastructure Svs  
**Subject:** SIC - Suggestion/Comment submitted via Website - REF: PL2010/425

Page this user last visited: <http://www.shetland.gov.uk/planningcontrol/apps/apps.asp>

=====

REF: PL2010/425  
Case Officer: Richard MacNeill  
Location: , Veensgarth, Tingwall, ZE2 9SB  
Proposal: Form new section of public road

I fully support this application for planning. I live close to the proposal and own a small area of croft land in the road.

I am very concerned about the safety of the current section of road as you can not see around any of the corners and there are houses with children on both sides.

The proposed road improves visibility and safety significantly.

I travel on this section of road three to four times a day to tend to my animals and have had other road users coming around far too quickly.

I also intend to apply for planning permission for an agricultural shed in the road and this section of road will assist in my crofting interests.

Stephen Morgan  
7 Vallafield  
Gott

Shetland  
ZE2 9XH  
Scotland

=====

by the SIC web server.

=====

## MacNeill Richard@Infrastructure Services

From: Davidson Inga@Infrastructure Services on behalf of Planning Control@Infrastructure Svcs  
Sent: 29 November 2010 09:10  
To: hazel@veensgarth.plus.com  
Cc: MacNeill Richard@Infrastructure Services  
Subject: RE: SIC - Complaint submitted via Website - REF: PL2010/425

Your email has been received and passed to the officer dealing with the application

Regards  
Inga Davidson

-----Original Message-----

From: Web Feedback Form [mailto:web-feedback-form@shetland.gov.uk]  
Sent: 28 November 2010 18:11  
To: Planning Control@Infrastructure Svcs  
Subject: SIC - Complaint submitted via Website - REF: PL2010/425

Page this user last visited: <http://www.shetland.gov.uk/planningcontrol/apps/apps.asp>  
=====

REF: PL2010/425

Case Officer: Richard MacNeill  
Location: , Veensgarth, Tingwall, ZE2 9SB  
Proposal: Form new section of public road

We wish to object to the above application for the following reasons :

- 1) Putting a bend in the road at the proposed point will create a dangerous exit for the existing housing scheme as visibility will be greatly reduced.
- 2) Re-aligning the road will encourage speeding.
- 3) The volume of traffic is going to increase significantly as the purpose of re-aligning the road is for property development. At the moment the Veensgarth road is the only quiet area in the vicinity where parents from the surrounding housing schemes can walk prams in safety, and their children can learn to cycle.
- 4) Re-aligning the road will ruin the ambiance of an area that is very popular with locals, tourists from the hotel, and for birdwatchers.
- 5) Re-aligning the road will lead to the destruction of several very old trees.

We urge the planning committee to consider the longterm consequences for the area, and for the local residents of approving this application.

Robert and Hazel Sinclair  
Veensgarth  
Tingwall

This message was sent automatically by the SIC web server.  
Do not reply to it.

=====

**MacNeill Richard@Infrastructure Services**

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**From:** Davidson Inga@Infrastructure Services on behalf of Planning Control@Infrastructure Svs  
**Sent:** 30 November 2010 08:36  
**To:** MacNeill Richard@Infrastructure Services  
**Cc:** hylendal@btinternet.com  
**Subject:** FW: SIC - Complaint submitted via Website - REF: PL2010/425

Your email has been received and passed to the officer dealing with the application

Regards  
Inga Davidson

-----Original Message-----

**From:** Web Feedback Form [mailto:web-feedback-form@shetland.gov.uk]  
**Sent:** 30 November 2010 07:01  
**To:** Planning Control@Infrastructure Svs  
**Subject:** SIC - Complaint submitted via Website - REF: PL2010/425

Page this user last visited: <http://www.shetland.gov.uk/planningcontrol/apps/>

=====

REF: PL2010/425

Case Officer: Richard MacNeill

Location: , Veensgarth, Tingwall, ZE2 9SB

Proposal: Form new section of public road

I am writing to object to these plans submitted by Mr C Eunson, over the years Mr C Eunson has acquired crofts in various places and most have been used to build houses and not for agricultural purposes.

I have been a hard working crofter all my life and worked the croft at 2 Veensgarth since 1966 and still help on the same croft today. I also ran the Tingwall Agricultural Museum single handed , and in 1994 was the crofter of the year. SCU president Donald MacLoed

said that I was a very worthy winner of this award, because of my hard work and dedication to Crofting and to this community, which included my work to preserve the wildlife habitat here at Veensgarth. The trees along the road at Veensgarth are well over a hundred years old and are a very valuable part of our heritage, over the years this area at Veensgarth has been the home of the wee jenny wrens owls, ( long and short ) various migrant birds and of course the hedgehog, The hedgehog was first discovered here many years ago in this same area . Veensgarth has and still is a very popular area for the bird watchers from all over the world. Bill Odie, and other naturalists frequent here every year just for the birds. It is with this that I write to express my concerns regarding the proposed new road and in particular the removal of these very precious trees and the dry stane dyke which is the home of the jenny wrens. The Tingwall Valley is one of the most pieces of fertile land in Shetland and at the rate that the best land is being used up to build houses is ``Frightening``... Shetland is very small in comparison to Holland, Denmark, Germany or France. If we keep using up the best land to build on ``what will be left for our future generation``... Peat Bogs. Think about it ?. I strongly object to this plan.

jeanie Sandison  
Hylendal  
Gott  
Tingwall  
Shetland  
ZE2 9SB

-----  
by the SIC web server.

Do not reply to it.

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**Development: Residential Development comprising 40 housing units, stopping up existing access to The Strand, creation of new access, play area and amenity space and provision of SuDS scheme, The Strand, Gott, Tingwall.**

**By: E & H Building Contractors**

Application Ref: 2011/48/PCD

1. Introduction

- 1.1 This is an application for full planning permission to erect a new housing development comprising 40 homes which will be a mix of 2,3,4 and 5 person units with a total development site of 2.36 hectares (5.5 acres). The site is classed as a Major Development as assessed under the 2009 Hierarchy of Developments Regulations. The applicants notified the Planning Service that they intended to carryout a Public Consultation as required by Section 35B of the Town and Country Planning (Scotland) Act 1997 on the 27<sup>th</sup> August 2011. A minimum of 12 weeks is required to carryout such consultation. The applicant carried out the required advanced publicity and public consultation. Details of the consultation process and the public meeting that was held are contained within the submission documents.
- 1.2 The site lies to the west of and adjacent to an existing group of dwelling houses at The Strand, Gott. The land is within Housing Zone 1 and is not considered to be of good agricultural quality being classified as 5.3 land by the Macaulay Land Institute.
- 1.3 Access is proposed by means of a new road being formed to the immediate south of the existing group of houses and leading from the public road. The proposal when it was first submitted included the blocking up of the access to The Strand houses and the use this new proposed single access to serve both developments. This part of the overall proposal however was the subject of objections from both the existing Strand residents and the Community Council. The applicants after consultation with the Roads Service and the community decided to amend the proposed access arrangement to the design layout now proposed which retains the existing access the The Strand development.
- 1.4 The site layout also incorporates an undeveloped area of land 46 metres wide that lies between The Strand houses and the new proposed development. The area will remain in meadow and aswell as acting as an attractive amenity space will accommodate a storm water retention tank which is a necessary part of the surface water attenuation scheme for the proposed development.

- 1.5 The dwelling houses will be finished in timber cladding painted in a mix of pastel colours. The low pitched roofs will have a dark concrete tile finish.

## **2. Statutory Development Plan Policies**

### **2.1 Shetland Islands Council Structure Plan (2000) Policies**

GDS3 : Existing Settlements  
GDS4 : Natural and Built Environment  
SPNE1 : Design and location  
SPHOU2 : Viability and Vitality of Existing Settlements

### **2.2 Shetland Local Plan (2000) Policies**

LPHOU4 : General Requirements for All New Dwellinghouses  
and Zone 3 Requirements  
LPNE10 : Development and the Environment  
LPBE13 : Design  
LPT12 : Car Parking Standards  
LPNE14 : Agricultural Land  
LPWD11 : SuDS

## **3. Safeguarding**

### **3.1 Community Council Land 5.3**

## **4. Consultations**

- 4.1 Shetland Islands Council:  
Road Services: No objections – standard conditions relating to access and parking  
Roads Drainage: No objections and consider that the SuDS scheme calculations demonstrate that the scheme is adequate.  
Environmental Health: No objections.
- 4.2 Scottish Water: No objections.
- 4.3 SEPA: has lodged an objection which can be discharged providing that conditions be applied that the development is (a) linked to a public sewer and (b) full details of the SuDs proposal are submitted to be approved in consultation with SEPA
- 4.4 Community Council: The Tingwall, Whiteness and Weisdale Community Council, has objected to the application on the following grounds:
- The existing housing is a long established, self contained estate.
  - The proposal to stop up the road and amalgamate with the new estate raises road safety concerns.

- Can the provision of a “gap” between the estates be made a planning condition.
- The residents require that their properties will not be affected by drainage of the new development.
- The Community Council adds its support to the letter of objection from the Strand Residents Association.

4.5 Shetland Amenity Trust's Regional Archaeologist has asked that a condition is applied until an archaeological examination of the site is carried out.

## 5. **Statutory Advertisements**

5.1 None

## 6. **Representations**

6.1 5 letters of representation including a letter signed by the Strand Residents Association have been received. The points raised are as follows:

- We object to the proposal to close our current access and create another one which would connect to forty new houses.
- The Strand residents are the prime group affected by the proposed new estate.
- We have no desire to have the ambience and character of this privately owned estate diminished.
- We have significant concerns for the safety of our children should the road layout be changed.
- Our self contained estate would be opened up to be a pathway to the hall and school with up to forty families making their way to and from events at the Tingwall Hall and School.
- We are not opposed in principle to the new development and as long as our access wishes are accommodated this objection can be withdrawn.
- We also seek assurance that the gap between our estate and the new houses will not be filled with houses at a later date.
- We would like an assurance that drainage for the new estate will not impact on our drainage which is poor at present.
- We are in favour of affordable housing but feel it would be better placed closer to the school and hall.
- We have concerns with regard to the enforcement of conditions for the previous estate.
- We would expect that any conditions placed on this development would be thoroughly enforced.
- We want to see safeguards in place to protect our property from any damage.

## 7. Report

- 7.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 states that:

*Where in making any determination under the Planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan, unless material considerations indicate otherwise.*

- 7.2 The Statutory Development Plan Policies against which this application has to be assessed are listed at paragraphs 2.1 and 2.2 above. The determining issues to be considered are whether the proposal:

- complies with Development Plan Policy; or
- there are any other material considerations which would warrant the setting aside of Development Plan Policy.

### Principle of Development

- 7.3 The applicant has included within the Supporting Statement that is submitted with the application for permission a section which is a summary of the Housing Needs and Demand Assessment (HNDA) which was produced in August 2010. This summary focuses on the level of demand in the Tingwall area specifically. This shows that there is significant demand for social rented housing in Tingwall with only 9% of the houses within the Community Council area being within the social rented sector
- 7.4 The site lies within a Zone 1 Area as identified in the Tingwall, Whiteness & Weisdale Proposals Map. Policy LPHOU4 of the Local Plan sets out the criteria with regard to housing in zone 1 areas, where proposals for two or more dwellings, should in addition to fulfilling the general requirements should also reflect the character and density of the surrounding development.
- 7.5 The application site lies to the east of an existing group of houses at The Strand and an ongoing housing development is under construction to the north at the Strand. It is considered that the new proposal reflects the existing and emerging pattern of development and complies with the requirements of Zone 1 policy.

### Servicing and access

- 7.6 A number of objections, including one from the Community Council, have been raised with regard to the access to the site and in particular the proposal on submission to block off the existing access to The Strand and serve both the existing and

the proposed development via one access road. The applicant considered the objections and following further consultation with the objectors and the Roads Service has amended the proposal to service the development with a new and separate access to the south of the group of houses at The Strand, between them and the property known as 'Grundaal'. The Roads Service has raised no objections to this amendment. A new footpath link will be created allowing pedestrian access to the school and hall. An objection has been raised with regard to the building of this footpath on land at No 7 The Strand on the basis that it is owned by the occupant of that house. Confirmation has been received that the land in question is in fact owned by the applicant.

- 7.7 Scottish Water has considered the application and raised no objections, but has indicated that a separate application for connection should be made to it to allow connection to its infrastructure after full planning has been granted.

#### Impact on Tingwall Primary School

- 7.8 The applicant has undertaken a study to assess the school roll and capacity at the Tingwall Primary School. The official capacity for the school is 124 pupils. It is estimated that the new housing could give rise to 19 children in the 5 to 11 age range, taking the maximum demand to around 97 places. It is therefore considered that there will be no adverse impact on the school.

#### Design and Layout

- 7.9 The applicant has submitted as Development Design Statement which outlines the design concept and principles behind the proposal under consideration. The emphasis has been placed on sustainability and energy efficiency, with insulation standards set to equal or surpass current technical standards.
- 7.10 The Planning Service considers that the proposed development sits well within the open aspect of the landscape which comprises the site. The lighter, less intense, pastel colour of the housing units it is considered will help integrate the development. It is considered that this is a good example of a well designed scheme with the housing cluster focused around a central sheltered public space. The site layout has three paths that link the estate to this central grassed hub which incorporates a play area. The houses "ripple" out from this point and are located on either side of the internal site road.
- 7.11 There is a mixture of house types proposed, and both their design and the materials to be used in their construction are considered to be of good quality and acceptable for this location, and also reflective of the housing in the area.

## **8. Conclusions**

8.1 As indicated at paragraph 7.2 above, the determining issues with regard to this development are whether the proposal:

- complies with Development Plan Policy; or whether
- there are any other material considerations which would warrant the setting aside of Development Plan Policy.

8.2 The applicant has demonstrated a willingness to listen to and take account of the concerns of the neighbouring residents and the Community Council. The Planning Service considers that:

- It has been demonstrated that the site can be serviced and accessed.
- The development of the site is considered to be sustainable, both in terms of location for public transport and energy saving.
- The design and layout is well thought out, provides good open public space and good footpath connectivity to existing services.

8.3 Therefore, for the reasons given above, it is considered by the Planning Service that this represents a good location for residential growth within the Tingwall Valley area.

## **9. Policy and Delegated Authority**

9.1 A decision to approve this application with the relevant conditions ensures that the development complies with Council planning policy. As the application is for a proposed development falling within the category of Major Development, with a consultee (the Community Council) having objected to the proposal, and it not being the case that Head of Planning holds the opinion that the proposal is significantly contrary to the development plan, the decision to determine the application is delegated to the Planning Committee under the Scheme of Delegation that has been approved by the Scottish Ministers.

9.2 If Members are minded to refuse the application as a departure from the Shetland Islands Council Development Plan Policy, it is imperative that clear reasons for proposing the refusal of planning permission contrary to the development plan policy and the officer's recommendation be given and minuted in order to comply with Regulation 28 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 and for the avoidance of doubt in the case of a subsequent planning appeal or judicial review. Failure to give clear planning reasons for the decision could lead to the decision being

overturned or quashed, and an award of costs being made against the Council, on the basis that it is not possible to mount a reasonable defence of the Council's decision.

### **9.3 Notification to Scottish Government**

Not considered necessary on this occasion.

## **10. Recommendation**

10.1 In compliance with Development Plan Policy it is recommended that this application be approved for the reasons set out in paragraphs 8.2 and 8.3 above, subject to the following conditions.

### **Conditions**

Application Ref: 2011/048/ PCD

(1) The development hereby permitted shall not be carried out other than wholly in accordance with the following plans and details (as may be amended and/or expanded upon by a listed document following afterward) unless previously approved in writing by the Planning Authority:

Supporting Statement Hjaltland Housing Association and E&H Building Contractors

Foul and Surface Water Drainage Layout Drawing No 102071-02

Road Longitudinal Sections Drawing No 102071-03

Foul Drainage Longitudinal Sections Drawing No 1020710-04

Surface Water Drainage Longitudinal Sections Drawing No 1020710-05

Received by the Planning Authority on 1<sup>st</sup> February 2011

Elevation House Type 5 Person 4 Apartment Drawing No 2011/48/PCD - SIC 1

Elevation House Type 4 Person 4 Apartment Drawing No SIC 2 - 2011/48/PCD

Elevation House Type 3 Person 3 Apartment Drawing No SIC 3 - 2011/48/PCD

Elevation House Type 2 Person 2 Apartment Drawing No SIC 4 - 2011/48/PCD

Received by the Planning Authority on 14<sup>th</sup> February 2011

Site and Location Plan Drawing No EH01 Rev A

Foul and Surface Water Drainage Layout Drawing No 102071-01 Rev A

Received by the Planning Authority on 10<sup>th</sup> May 2011

Reason: For the avoidance of doubt as to what is being authorised by this permission.

(2) The development hereby permitted shall be commenced within three years of the date of this permission.

Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 20 of the Planning etc (Scotland) Act 2006

(3) The developer shall submit a written 'Notice of Initiation of Development' to the Planning Authority at least 7 days prior to the intended date of commencement of development. Such a notice shall:

- (a) include the full name and address of the person intending to carry out the development;
- (b) state if that person is the owner of the land to which the development relates and if that person is not the owner provide the full name and address of the owner;
- (c) where a person is, or is to be, appointed to oversee the carrying out of the development on site, include the name of that person and details of how that person may be contacted; and
- (d) include the date of issue and reference number of the notice of the decision to grant planning permission for such development

Reason: To ensure that the developer has complied with the pre-commencement conditions applying to the consent, and that the development is carried out in accordance with the approved documents, in compliance with Section 27A of The Town and Country Planning (Scotland) Act 1997 (as amended).

(4) Notwithstanding the provisions of the Town and Country (General Permitted Development) (Scotland) Order 1992 or any subsequent, replacement or amendment Order, no windows, other than those shown on the approved plans, shall be installed to either the elevations or the roof of any of the buildings hereby approved without planning permission being granted on an application made to the Planning Authority.

Reason: In order to safeguard the amenities of the occupiers of adjoining properties and in order to maintain the architectural quality of the development in compliance with Shetland Islands Council Structure Plan (2000) Policies SPGDS4 and SPNE1, and Shetland Local Plan (2006) Policies LPNE10 and LPBE13.



(5) Notwithstanding the provisions of the Town and Country (General Permitted Development) (Scotland) Order 1992 or any subsequent, replacement or amendment Order, no walls, fences or other means of enclosure shall be erected on any part of the land lying between any main wall of the building fronting a highway and the highway boundary (unless approved under condition no 1) without planning permission being granted on an application made to the Planning Authority.

Reason: In order to maintain public and highway safety, the amenity of occupiers of adjoining properties and in order to maintain the architectural quality of the development in compliance with Shetland Islands Council Structure Plan (2000) Policies SPGDS4 and SPNE1, and Shetland Local Plan (2004) Policies LPNE10 and LPBE13.

(6) Notwithstanding the provisions of the Town and Country (General Permitted Development) (Scotland) Order 1992 or any subsequent, replacement or amendment Order, any satellite dishes erected under Class 6 or Class 68 of the Order shall be sited below the eaves level of the roof and only on a rear or side elevation of any of the buildings hereby approved.

Reason: In order to safeguard the amenities of the occupiers of adjoining properties and in order to maintain the architectural quality of the development in compliance with Shetland Islands Council Structure Plan (2000) Policies GDS4 and SPNE1, and Shetland Local Plan (2004) Policies LPNE10 and LPBE13.

(7) Notwithstanding the provisions of the Town and Country (General Permitted Development) (Scotland) Order 1992 or any subsequent, replacement or amendment Order, no alterations shall be made to any of the buildings hereby approved, nor shall they be occupied in any way which would result in a reduction in the number of residential units without planning permission being granted on an application made to the Planning Authority.

Reason: In order to ensure that the development continues to contribute to the housing needs of the area by the retention of dwellings of a variety of sizes and types in compliance with Shetland Islands Council Structure Plan (2000) Policy SPHOU3 and Shetland Local Plan (2004) Policy LPHOU5.

(8) Notwithstanding the provisions of the Town and Country (General Permitted Development) (Scotland) Order 1992 or any subsequent, replacement or amendment Order, no new external finishes (including fenestration), and including works of making good, shall be carried out other than in materials which match the material finishes approved by this permission.

Reason: In order to ensure that any additional works/repairs do not prejudice the architectural integrity of the design of this phase of the development in compliance with Shetland Islands Council Structure

Plan (2000) Policy SPGDS4 and SPNE1, and Shetland Local Plan (2004) Policies LPNE10 and LPBE13.

(10) The dwellinghouses hereby approved shall not be occupied until the access road serving the development site from the junction of the access with the public road has been constructed and finished in accordance with the approved Site Plan Site and Location Plan Drawing No EH01 Rev A received by the Planning Authority on 10<sup>th</sup> May 2011.

Reason: In order to ensure that the infrastructure within the development site is completed as approved, both in the interests of visual amenity and in order to provide a safe access to enable drivers of vehicles to enter and leave the site in safety in compliance with Shetland Islands Council Structure Plan (2000) Policy GDS4 and Shetland Local Plan (2004) Policy LPHOU4 and LPNE10.

(11) The car parking spaces identified on the approved Site and Location Plan Drawing No EH01 Rev A received by the Planning Authority on 10<sup>th</sup> May 2011 shall not be used for any purpose other than for the parking of vehicles used by occupiers or visitors to the dwellinghouse units hereby approved. The dwellinghouses hereby approved shall not be occupied until the car parking spaces have been constructed and completed as shown on the approved plan.

(12) At the junction of the access with the public road there shall be no obstruction to visibility within the site in the area of a splay measuring 2.5 metres by 90 metres. No fence, wall, bushes or other obstruction to visibility over 900mm in height shall be allowed within 2 metres of the access road.

Reason: To ensure that a safe access for vehicles, with a clear view, is provided during the course of the development, in the interests of public and road safety in compliance with Shetland Structure Plan (2000) Policy SPGDS4 and Shetland Local Plan (2004) Policy LPHOU4 .

(13) At all internal junctions accesses and driveways onto the development's road there shall be no obstruction to visibility in the area of a splay measuring 2.5 metres by 33 metres. No fence, wall, bushes or other obstruction to visibility over 900mm in height shall be allowed within this visibility splay.

Reason: To ensure that a safe access for vehicles, with a clear view, is provided during the course of the development, in the interests of public and road safety in compliance with Shetland Structure Plan (2000) Policy SPGDS4 and Shetland Local Plan (2004) Policy LPHOU4 .

(14) The dwellinghouses hereby approved shall not be constructed until at the junction of the access road serving the development with the public road:

(a) the access shall be completed in bitmac for at least the first 6 metres from the edge of the public road;

(b) the gradient of the access shall not exceed 5% (slope of 1 in 20) for the first 6 metres from the edge of the public road.

(c) The access should be piped with at least a 300mm diameter culvert that shall have concrete headwalls provided at either end of the pipe. The pipe shall be set to a self-cleansing gradient. The existing ditch shall be set back in order to create a 1.5 metre verge along the edge of the public road.

(d) the access shall be designed in order that it does not shed surface water from the site onto the public road.

Reason: To ensure that the infrastructure serving the development site is completed, both in the interests of visual amenity and to provide a safe access for vehicles, with a clear view, in the interests of public and road safety in compliance with Shetland Structure Plan (2000) Policy SPGDS4 and Shetland Local Plan (2004) Policy LPHOU4.

(15) Notwithstanding the provisions of the Town and Country (General Permitted Development) (Scotland) Order 1992 or any subsequent, replacement or amendment Order, no sheds, outbuildings or other means of enclosure shall be erected on any parking area identified on approved Site and Location Plan Drawing No EH01 Rev A received by the Planning Authority on 10<sup>th</sup> May 2011, or any subsequent replacement or amendment approved in writing by the Planning Authority.

Reason: To ensure that the parking provided within the development is utilised by occupants of the site and in order to ensure that the Council's car parking standards are maintained as required by Shetland Local Plan (2004) Policy LPTP12.

(16) Adequate space for the parking of construction workers vehicles and for the delivery and storage of materials shall be provided within the site prior to the commencement of any construction works. No materials, waste or equipment associated with the construction of the development hereby approved shall be stored in any road or public area in the immediate vicinity of the site without the prior written approval of the Planning Authority.

Reason: To prevent the parking of vehicles, storage of materials and equipment in any public areas in the interests of vehicle and pedestrian safety in compliance with Shetland Islands Council Structure Plan

(2000) Policy SPGDS4 and Shetland Local Plan (2004) Policy LPNE10.

(17) Prior to the commencement of any development details of the hours of operation of the construction works shall be submitted to the Planning Authority for written approval.

Reason: In the interests of amenity and in order to prevent disturbance to adjoining properties and local residents arising from unsociable working hours during the construction of the development, in compliance with Shetland Islands Council Structure Plan (2000) Policy GDS4 and Shetland Local Plan (2004) Policy LPNE10.

(18) Prior to the commencement of development details of the method of disposal of all spoil or excavated material arising from the construction of the development which is to be disposed of outwith the site, including details of the location of any disposal sites, shall be submitted to and approved in writing by the Planning Authority.

Any excavated material which is to be retained within the site shall be landscaped to both levels and in accordance with details approved in writing by the Planning Authority beforehand, and shall thereafter be maintained in a tidy manner.

Reason: To ensure that any spoil or waste material arising from the construction of the development is disposed of to an authorised site and in an environmentally acceptable manner, and that any material to be retained within the site is landscaped timeously to avoid unsightly spoil heaps to comply with Shetland Islands Council Structure Plan (2000) Policy GDS4 and Shetland Local Plan (2004) Policy LPNE10.

(19) Prior to the commencement of development details of the mitigation measures to be taken during the construction period with regard to surface water runoff shall be submitted to and approved in writing by the Planning Authority.

Reason: In order to ensure that surface water drainage is adequately addressed during the construction period and in order to protect the interests of adjacent residential and vehicular safety in compliance with Shetland Islands Council Structure Plan (2000) Policy GDS4 and Shetland Local Plan (2004) Policy LPNE10.

(20) Prior to the commencement of development details of the measures to be taken to ensure that mud/spoil from vehicles leaving the site is not deposited on the highway shall be submitted to and approved in writing by the Planning Authority.

Reason: In order to protect the interests of adjacent residential and vehicular safety in compliance with Shetland Islands Council Structure Plan (2000) Policy GDS4 and Shetland Local Plan (2004) Policy LPNE10.

(21) There shall be no processing or crushing on site of any rock or other materials either derived from the site during excavation or imported onto the site .

Reason: For the avoidance of doubt and to protect the existing residential amenity of the occupiers of neighbouring properties by reducing disturbance in compliance with Shetland Islands Council Structure Plan (2000) Policy SPGDS4 and Shetland Local Plan (2004) Policy LPNE10.

(22) In so far as this consent shall relate to the foul drainage to be constructed in association with the development it shall relate only to provision of a connection to the local sewer main as specified in the submitted plans Drawings No 1022071-01 Rev A received on the 10<sup>th</sup> May 2011 and 1022701-02 received on 1st February 2011. No part of the development shall be brought into use, ie the dwellinghouses occupied, until foul drainage works are fully operational.

Reason: For the avoidance of doubt as to what is being authorised and to ensure the provision of adequate means of drainage in the interests of public health and the control of pollution in compliance with Shetland Structure Plan (2000) Policy SPGDS4 and Shetland Local Plan (2004) Policy LPWD6.

(23) The dwellinghouses hereby approved shall not incorporate any underbuilding in excess of that shown on the plans hereby approved unless otherwise approved in writing by the Planning Authority.

Reason: For the avoidance of doubt and to ensure that the development does not have an adverse impact on the visual amenity of the area in compliance with Shetland Local Plan (2004) Policy LPBE13.

(24) Prior to the occupation of the dwellinghouses hereby approved, a scheme detailing the landscaping and planting of the informal recreational space identified on the approved Site and Location Plan Drawing No EH01 Rev A received by the Planning Authority on 10<sup>th</sup> May 2011 shall be submitted to and approved in writing by the Planning Authority, and shall include details of aftercare and maintenance. Following approval of the landscaping scheme, all planting, seeding and/or turfing shall be completed no later than the first planting season following completion of the development (March to August inclusive). Thereafter the informal play area/recreational space shall be retained for this use and shall not be used for any other purpose, and shall, from its completion, be maintained for a period of five years.

Reason: To ensure that the open space areas within the development site are completed timeously in the interests of visual amenity in compliance with Shetland Islands Council Structure Plan (2000) Policy GDS4 and Shetland Local Plan (2004) Policy LPNE10.

(25) Prior to colour finishes being applied to the walls of the dwellinghouses hereby approved, sample panels of the main colours

proposed for the external cladding, and details of the spread or grouping of the different colour finishes through the development site, shall be submitted to and approved in writing by the Planning Authority. Thereafter only the approved colours and groupings of colour shall be implemented.

Reason For the avoidance of doubt and as insufficient information has been submitted with the application and to ensure that the development does not have an adverse impact on the visual amenity of the area in compliance with Shetland Structure Plan Policy SPBE1, and Shetland Local Plan (2004) Policy LPBE13.

(26) The development hereby approved shall not commence until a surface water drainage scheme has been submitted to and approved in writing by the Planning Authority in consultation with SEPA. Thereafter no additional surface water drainage works shall be undertaken without the prior written permission of the Planning Authority.

Reason: To ensure the provision of adequate surface water drainage as insufficient information has been submitted with the application in order to satisfy the Planning Authority that the development will not result in flooding, or be liable to flooding, and to ensure that no works are undertaken which have an adverse impact on any neighbouring properties or landownership in compliance with Shetland Structure Plan (2000) Policies SPGDS1 and SPGDS4 and Shetland Local Plan (2004) Policies LPNE10 and LPWD11.

(27) No development shall take place within the site until a controlled machine strip of 20% of the site area is undertaken under the direction of a suitably qualified archaeologist to a brief agreed with the Regional Archaeologist. Thereafter within 1 month of the machine stripping having taken place the results shall be submitted in writing to the Planning Authority to determine whether there is a requirement to secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted and approved in writing by the planning authority.

Reason: To protect any archaeological remains within the site and in compliance with Shetland Islands Council Structure Plan (2000) Policy GDS4 (Natural and Built Environment), Policy SPBE1 (Built Environment), NPPG5 (Archaeology and Planning), and PAN 42 (Archaeology).

### **Notes to Applicant**

Hours of Working: It should be noted that restricted hours of working, including the restriction of working on Sundays, may be imposed for any noisy or disruptive work due to the number of domestic premises in close proximity to the proposed development.

**Scottish Water:**

Please note that any planning approval granted by the Local Authority does not guarantee a connection to Scottish Water infrastructure. Approval for a connection will only be given by Scottish Water upon receipt of an appropriate application and technical details. Due to the size of the proposed development it is necessary for Scottish Water to assess the impact that this new demand will have on existing infrastructure. With any development of 10 or more housing units, or equivalent, there is a requirement for the developer to submit a fully completed Development Impact Assessment Form.

**Notification of completion of development:**

As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.

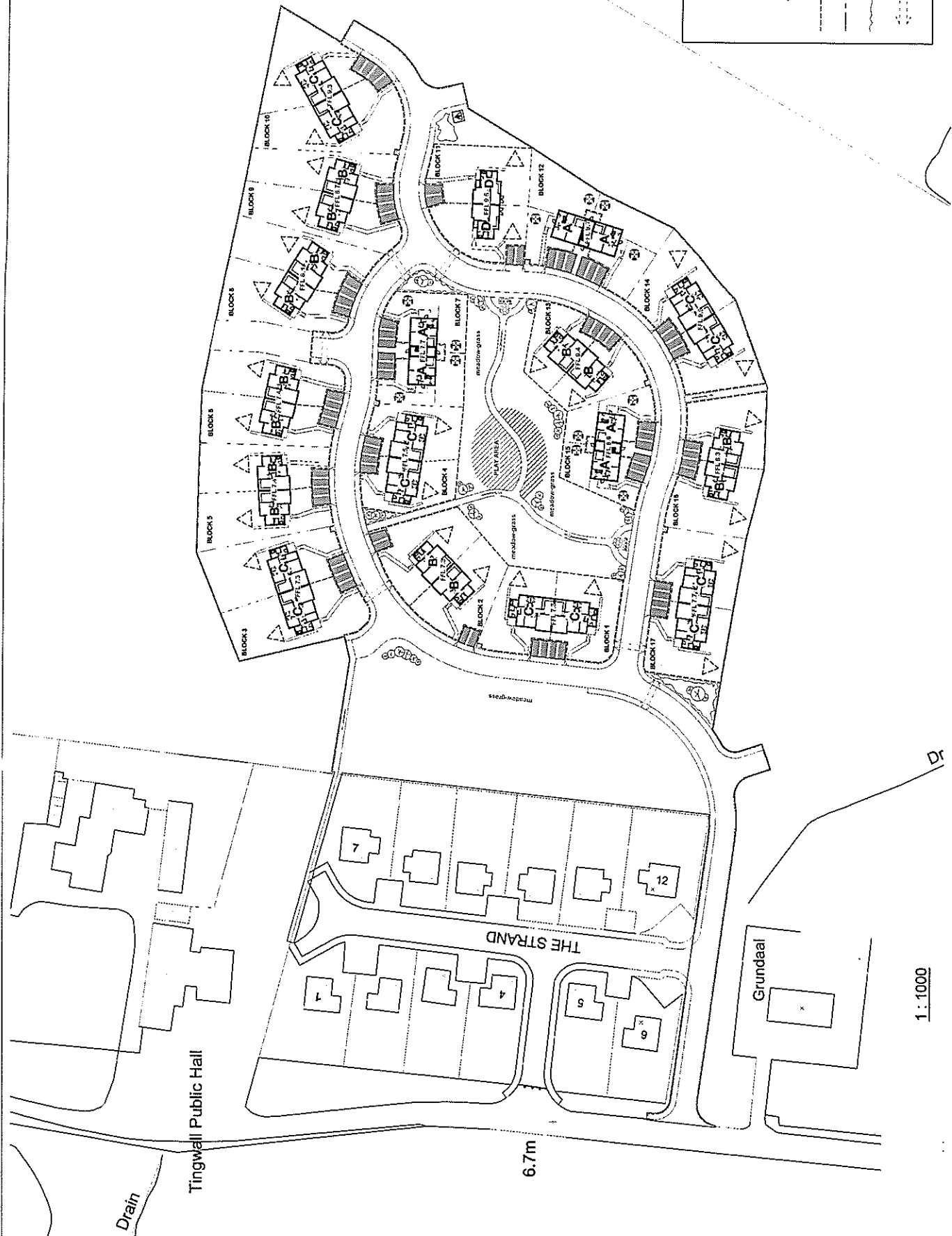
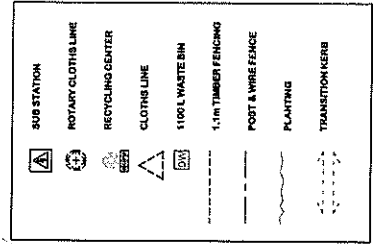
**11. Attachments**

- 11.1 Location Map
- 11.2 Site Plan

**12. Background Papers**

- 12.1 Letters of objection have been received from the following
- 12.2 Paul Moar, 1 Westerloch Terrace, Lerwick  
Mr and Mrs S Uren, 11 The Strand, Gott  
Charles Nicolson, 7 The Strand, Gott  
D&E Henderson, Grundall, Gott  
Strand Residents C/O 9 The Strand, Gott

Report Ref: 2011/48/PCD rep.doc  
Officer: R F MacNeill  
Planning Board: 25 May 2011





**01/03/2011 07:57**

**Davidson Inga@Infrastructure Services**

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Web Feedback Form [web-feedback-form@shetland.gov.uk]

28 February 2011 22:06

Planning Control@Infrastructure Svs

Subject:

SIC - Suggestion/Comment submitted via Website - REF: PL2011/48

Page this user last visited: <http://www.shetland.gov.uk/planningcontrol/apps/>

=====

REF: PL2011/48

Case Officer: Unallocated

Location: The Strand, Gott, Tingwall, ZE2 9SF

Proposal: Residential Development comprising 40 housing units, stopping up existing access to the Strand, creation of new access, play area and amenity space, connection to the public sewer and provision of SUDS scheme

Dear Sir/Madam,

I have just viewed the proposed plans for this development and wished to put forward the following thoughts.

First impression is that I find the proposed shapes of the houses very poor and basic.

Secondly, I am however all in favour of the coloured timber clad style of housing but the (apparent) pastel colours are pretty awful and so I would suggest more solid colours are used, as found in the existing housing scheme at The Strand.

Paul Moar

1 westerloch Terrace

Lerwick  
Shetland  
ZE1 0GA

SIC INFRASTRUCTURE SERVICES - 1 MAR 2011	
PASS TO JH 150187	ACTION

=====

This message was sent automatically by the SIC web server.  
Do not reply to it.

=====

Davidson Inga@Infrastructure Services

Web Feedback Form [web-feedback-form@shetland.gov.uk]  
28 February 2011 20:33  
Planning Control@Infrastructure Svs  
SIC - Complaint submitted via Website - REF: PL2011/48

Page this user last visited: <http://www.shetland.gov.uk/planningcontrol/apps/apps.asp>

REF: PL2011/48

Case Officer: Unallocated

Location: The Strand, Gott, Tingwall, ZE2 9SF

Proposal: Residential Development comprising 40 housing units, stopping up existing access to the Strand, creation of new access, play area and amenity space, connection to the public sewer and provision of SUDS scheme

In the planning application we see that E & H are wanting to stop up existing access to the Strand!! As residents with small children we have great concerns for our childrens safety and other children in the schemes safety due to the amount of extra traffic passing our door. Residents in The Strand do not want the road re-routed.

S Uren  
Strand

PXT

SIC INFRASTRUCTURE SERVICES - 1 MAR 2011	
PASS TO JH 150186	ACTION

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Do not reply to it.

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**Davidson Inga@Infrastructure Services**

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**From:** charlie nicolson [charlienicolson@hotmail.com]  
**Sent:** 16 March 2011 10:38  
**To:** Planning Control@Infrastructure Svs  
**Subject:** THE STRAND GOTT

Good day

I thank you for the "notice of planning application"  
I observe that the proposed footpath to the public hall car park ,  
is shown to come through my back garden ,  
is your plan correct ? if so please note my concerns and objections.

regards  
charles nicolson  
7 strand  
gott  
7e2 9xt

ref. 2011/48/pcd

SIC INFRASTRUCTURE SERVICES 16 MAR 2011	
PASS TO 1504 PI	ACTION

SIC INFRASTRUCTURE SERVICES	
- 8 MAR 2011	
PASS TO 150311	ACTION

'Grundaal'  
Gott  
Tingwall  
6<sup>th</sup> March 2011

Ref: Planning Authority Reference number 2011/048/PCD

Dear Ms Davidson,

Thank you for notifying us about the proposed housing development near to our property. We presume that this is the neighbour notification, for this planning application, since we have had no correspondence from Hjaltland Housing Association or the builder.

We require clarification of a couple of items regarding this application. Firstly, what is the 'SUDS' scheme, and also, the plan shows the footprints for 34 housing units, but the text refers to 40 units. This would suggest that there are some two storey houses within the development. Could you please clarify this?

While we are in favour of housing development within this area, we will obviously be seeking safeguards to ensure there are no adverse effects to our property during and after the construction, if planning permission is granted.

Unfortunately, previous experience from the building of the Strand Estate, has shown that enforcement of planning conditions placed upon a development is not one of the SIC's strong points.

We have been trying to get access to this area, through the Strand Estate, since 1997, as per conditions for that development, whilst it was being constructed. We were told by the Planning Department that they could do nothing until someone applied to build in that area.

We have been through the SIC complaints procedure and the Ombudsman. The time frame given by Graham Spall and the Ombudsman confirmed that we were within the 10 year period as specified in the Town and Country Planning (Scotland) Act 1997. We can't understand why the conditions have not been enforced before now.

At the moment we are waiting to hear from Willie Shannon and our local Councillor, Iris Hawkins on this matter. We hope that the Planning Department will enforce the conditions and put access through the Strand Estate to the new development.

We would ask if you could give us a prompt reply please.

pp Duncan and Esther Henderson

SIC INFRASTRUCTURE SERVICES	
18 MAR 2011	
PASS TO	ACTION
150572	

**Davidson Inga@Infrastructure Services**

From: Web Feedback Form [web-feedback-form@shetland.gov.uk]  
Sent: 18 March 2011 14:54  
To: Planning Control@Infrastructure Svs  
Subject: SIC - Suggestion/Comment submitted via Website - REF: PL2011/48

Page this user last visited: <http://www.shetland.gov.uk/planningcontrol/apps/apps.asp>

REF: PL2011/48

Case Officer: Unallocated

Location: The Strand, Gott, Tingwall, ZE2 9SF

Proposal: Residential Development comprising 40 housing units, stopping up existing access to the Strand, creation of new access, play area and amenity space, connection to the public sewer and provision of SUDS scheme

Planning Application Ref: 2011/048/PCD

From: Duncan and Esther Henderson, "Grundaal", Gott.

We are in favour of development of affordable housing in this area and the sustainable nature of the estate as shown on the layout plan received, but feel that it would be better placed closer to the School and Hall.

We do, however, have concerns on aspects regarding the development.

We have been trying since 1997 to have the conditions of the Strand Estate development properly enforced, in particular, access to this area. Every time we spoke to planners or the developer we got fobbed off.

The condition specified that Provision for vehicular access to the land to the north east of the estate from the turning head at the southern end of the internal road was to be installed to prevent sterilisation of that land. No vehicular access provision was ever installed.

Our complaints were within the 10 year period as specified in the Town and Country Planning (Scotland) Act 1997 (as acknowledged by the SPSO and Graham Spall) but the Planning Department and Planning Board would take no action and would give no plausible explanation. This appeared to us as favours being done for the developer, since any further development within this area would then be under the control of the developer, rather than anyone else. This also favoured the Strand residents who appeared to be against further development in this area. Blocking off the existing access to the Estate as shown on the plan appears to show this is still the case.

With regard to the construction phase, we would expect that any conditions placed on this development will be thoroughly enforced.

We want to see safeguards in place to protect our property from any damage or adverse affect from construction activity as well as from any potential flooding resulting from rerouting of drainage between our property and the Strand Estate.

D&E Henderson  
Grundaal  
Gott

Shetland  
ZE2 9SF  
Scotland  
840451

=====  
This message was sent automatically by the SIC web server.  
Do not reply to it.  
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SIC INFRASTRUCTURE SERVICES	
21 MAR 2011	
PASS TO JH 150591	ACTION

9 The Strand  
Gott  
Shetland  
ZE2 9XT

18<sup>th</sup> March 2011

Head of Planning  
Shetland Islands Council  
Infrastructure Services Department  
Grantfield  
Lerwick  
ZE1 0NT

Dear Mr McDiarmid,

**Proposed New Housing scheme in Strand**

We refer to the above and your letter of 1<sup>st</sup> March 2011 and write to lodge a formal objection to the proposed new development at Strand, Tingwall in its present form.

We are predominantly objecting to the proposal to close our current access and create another one which would connect to the road leading to forty new houses.

The Strand residents are the prime group of people directly affected by this proposed new estate and accordingly we would be obliged if our wishes can be accommodated. It does appear they can be accommodated with no inconvenience on either side or objection from Roads.

The Strand is a self contained predominantly private owned estate in the country and we have no desire for the ambience and character of it to be diminished. The estate has been fully established for nearly 15 years and we see no good reason or justification why this should be disrupted. We also have significant concerns for the safety of the children in the estate, should this change to our layout be ratified, with a road to forty housing units at the proposed entrance to our estate which is already a log jam of vehicles at present.

It concerns us that it appears that our self contained estate would be opened up to effectively being utilised as a pathway to the hall and school with up to forty families making their way to and from events at the Tingwall School / Tingwall Hall at any given time.

The Roads Service have confirmed that they would not recommend refusal if the current Strand residents wishes are accommodated with our estate remaining

self contained. The developer also indicated in an e-mail that they would be happy to accommodate our wishes if Roads were not going to object.

We therefore hope that this letter is unnecessary and the plans are amended.

The undernoted is a direct quote from the Roads service:

**"As we are within a 30mph speed limit and traffic flows are relatively low we would not oppose the new development if it meant two separate accesses with the new one as proposed" ....**

We are not opposed in principle to the new development and as long as our access wishes are accommodated this objection can be withdrawn.

We also seek assurance that the gap between our estate and the new houses would not be filled with further houses at a later date (We live in the country not an urban conurbation). The developer has verbally indicated this area is too wet for building but we would seek further assurance on this matter.

The other concern we would like considered is an assurance that drainage for the new estate will not adversely impact on our drainage which is poor at present in any case.

Whilst this is one objection letter it is an united and consolidated objection by the adult Strand Residents as signed below.

Yours sincerely,

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**Development: Erection of freestanding signboard (retrospective application), adjacent to West Sandwick Beach, Yell.**

**By: Yell Community Council**

Application Ref: 2011/082/ADV

**1. Introduction**

- 1.1 This is an advertisement consent application for the retrospective siting of a freestanding signboard at the West Sandwick Beach in Yell, by the Yell Community Council.
- 1.2 The signboard will display various items of information relating to the West Sandwick Beach, namely information on the Seaside Award for the beach's cleanliness, environmental management and quality of bathing water.
- 1.3 The reason for reporting this application to Members is due to the Shetland Islands Council having a financial interest in the development.

**2. Statutory Development Plan Policies**

- 2.1 **Shetland Islands Council Structure Plan (2000) Policies**  
GDS4 Natural and Built Environment  
SP NE2 Landscape and Design
- 2.2 **Shetland Local Plan (2000) Policies**  
LPNE10 Development and the Environment  
LP BE11 Advertisements and Signs

**3. Safeguarding**

- 3.1 Within Good Agricultural Land.

**4. Consultations**

- 4.1 Shetland Islands Council: Road Services - No comments.

**5. Statutory Advertisements**

- 5.1 None.

**6. Representations**

- 6.1 None.

**7. Report**

- 7.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 states that:

*Where in making any determination under the Planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan, unless material considerations indicate otherwise.*

- 7.2 The Statutory Development Plan Policies against which this application has to be assessed are listed at paragraphs 2.1 and 2.2 above. The determining issues to be considered are whether the proposal:

- complies with Development Plan Policy; or
- there are any other material considerations which would warrant the setting aside of Development Plan Policy.

- 7.3 Location

Access down to the West Sandwick Beach is via a single-track road down to a vehicular turning head. The sign is sited at the west of this turning head.

- 7.4 Design of Sign

The overall size of the sign sits approximately 2 metres in height by 1.5 metres in width (approx); this size includes the area of the notice board. The sign will be housed on two posts approximately one metre in height.

- 7.5 As indicated in paragraph 1.2, the signboard will be used to display various items of information relating to the West Sandwick Beach. This display will include the Seaside Award for the beach's cleanliness, environmental management and quality of bathing water. This sign is also in conjunction with the siting of life saving equipment and other warning signs along the beach.

- 7.6 Current Policies

The main policies against which this application has to be assessed, are firstly the overarching environmental policies that seek to ensure that all new development does not detract from the setting of, or damage, the surrounding natural and built environment. Also relevant are policies that seek to ensure a high quality and good standard of design. These policies are Shetland Structure Plan (2000) policies GDS4 Natural and Built Environment and SP NE2 Landscape and Design. Policies that are also relevant for the siting of this sign are Shetland Islands Council Local Plan (2004) Policies LP NE10 Development and the Environment and also LP BE11 Advertisements and Signs.

- 7.7 The sign complies with the aims of the above policies, as it is of an appropriate location and design for the car parking area and

most importantly, the sign will not have a detrimental visual impact on the surrounding natural environment .

## **8. Conclusions**

8.1 As indicated at paragraph 7.2 above, the determining issues with regard to this development are whether the proposal:

- complies with Development Plan Policy; or whether
- there are any other material considerations which would warrant the setting aside of Development Plan Policy.

8.2 For the reasons set out in paragraphs 7.5 and 7.6, the proposed sign is not detrimental to the surrounding natural environment, and is a welcome addition that displays awards and information relating to the quality of Shetland's natural environment.

## **9. Policy and Delegated Authority**

9.1 A decision to approve this application with the relevant conditions ensures that the development complies with Council planning policy and so the decision is therefore delegated to the Planning Board.

9.2 If Members are minded to refuse the application as a departure from the Shetland Islands Council Development Plan Policy, it is imperative that clear reasons for proposing the refusal of planning permission contrary to the development plan policy and the officer's recommendation be given and minuted in order to comply with Regulation 28 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulation, and for the avoidance of doubt in the case of a subsequent planning appeal or judicial review. Failure to give clear planning reasons for the decision could lead to the decision being overturned or quashed, and an award of costs being made against the Council, on the basis that it is not possible to mount a reasonable defence of the Council's decision.

### **9.3 Notification to Scottish Ministers**

Not considered necessary on this occasion.

## **10. Recommendation**

10.1 In compliance with Development Plan Policy it is recommended that this application be approved subject to the following conditions.

(1) The development hereby permitted shall not be carried out other than wholly in accordance with the following plans and details (as may be amended and/or expanded upon by a listed document following afterward) unless previously approved in writing by the Planning Authority:

Location Map (SIC Ref: 2011/082 00)  
Site Plan (SIC Ref: 2011/082 01)  
Elevation Drawing (SIC Ref: 2011/082 02)  
received by the Planning Authority on 19 January 2011.

Reason: For the avoidance of doubt as to what is being authorised by this permission

(2) This Consent is granted for a period of five years only commencing with the date of the granting of this Consent.

Reason: To comply with Regulation 18(1) of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.

(3) All advertisements displayed, and any land used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Planning Authority.

Reason: To comply with Regulation 6 of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.

(4) Any hoarding or similar structure, or any sign, placard, board or device erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition to the reasonable satisfaction of the Planning Authority.

Reason: To comply with Regulation 6 of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.

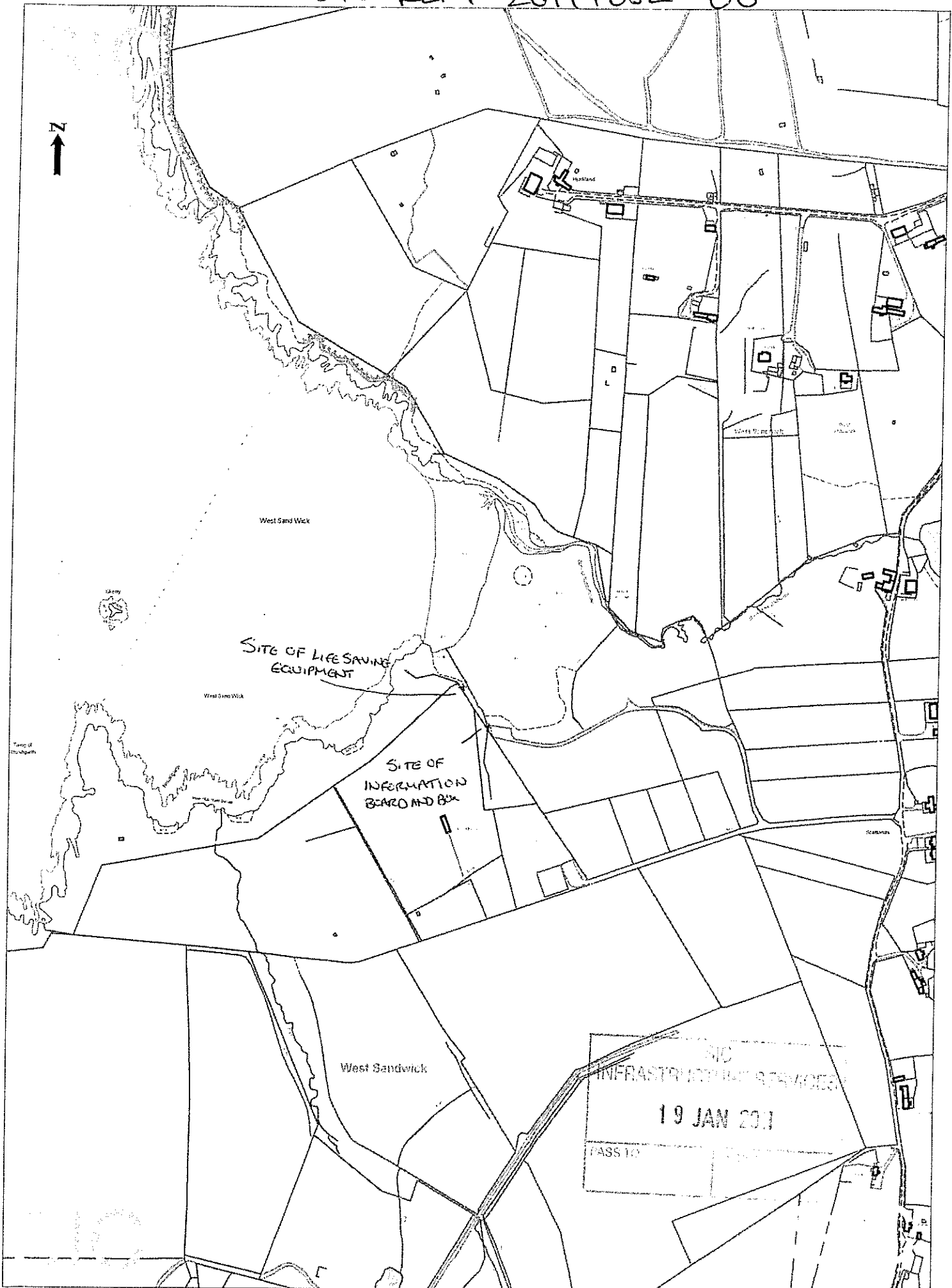
## **11. Attachments**

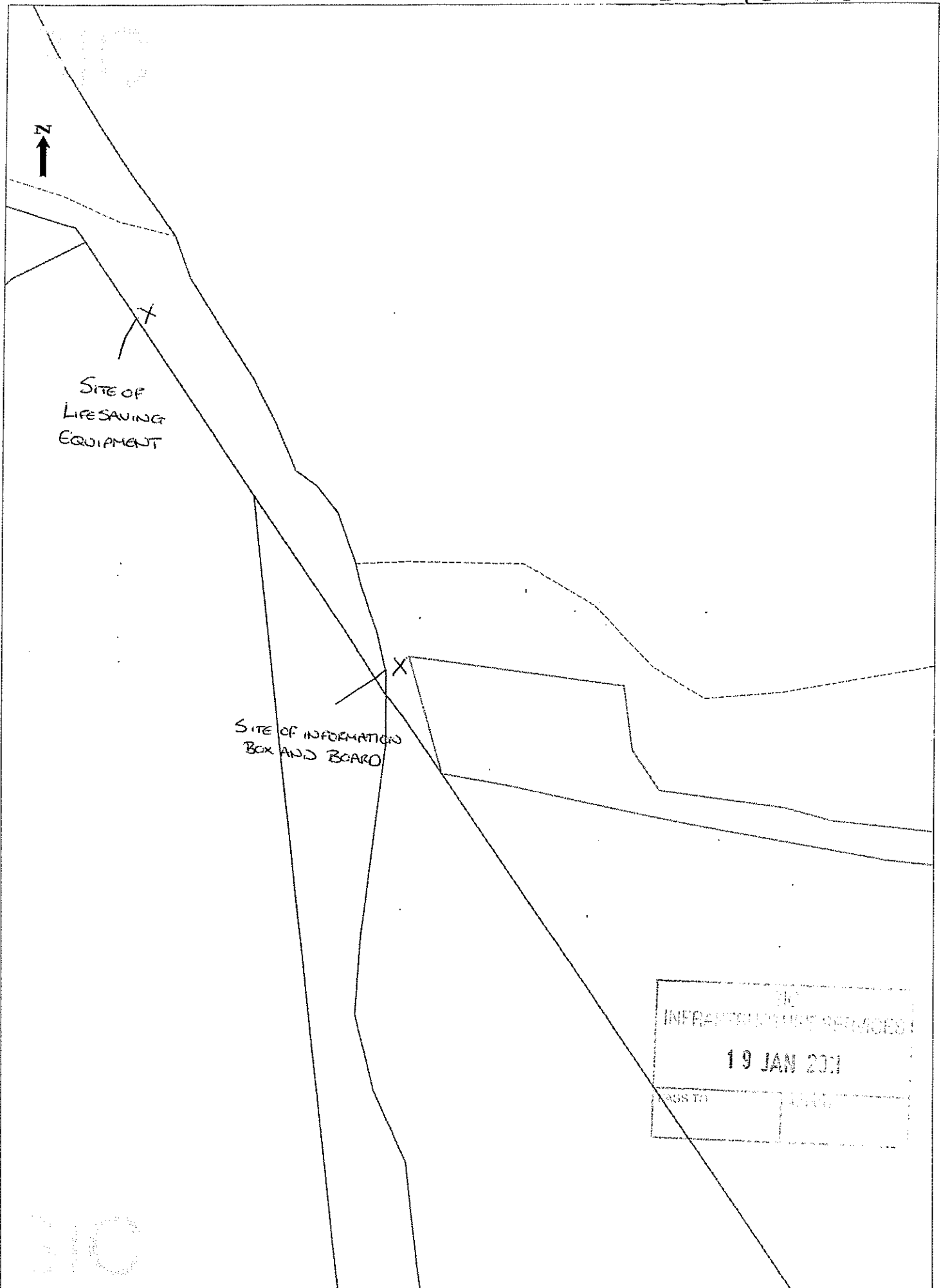
- 11.1 Location Map (SIC Ref: 2011/082 00)
- 11.2 Site Plan (SIC Ref: 2011/082 01)
- 11.3 Elevation Drawing (SIC Ref: 2011/082 02)

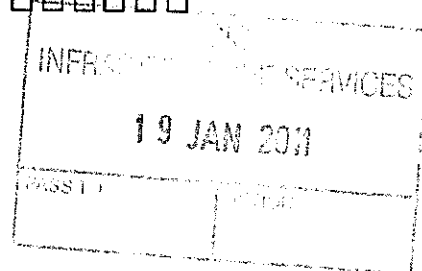
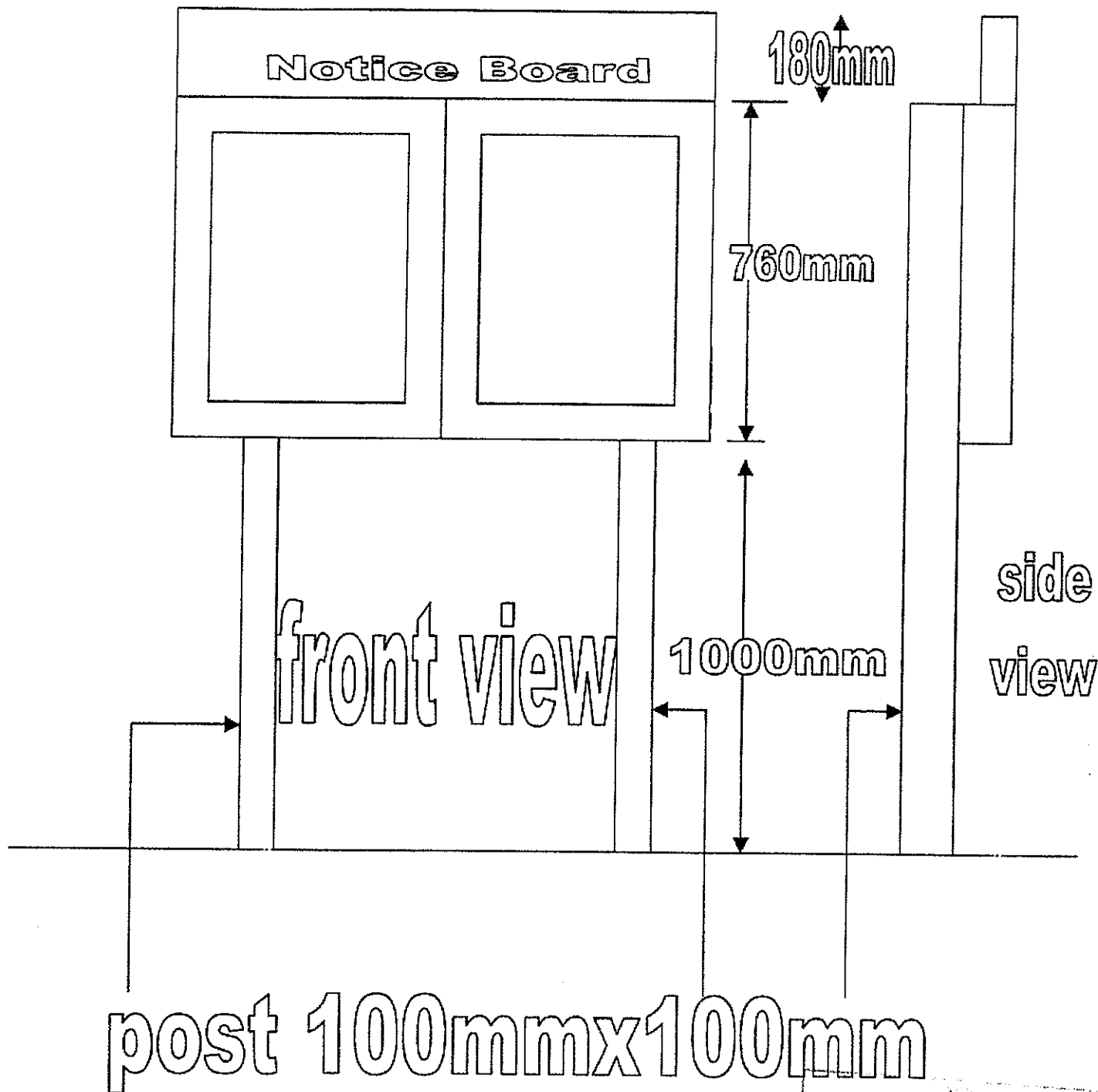
## **12. Background Papers**

- 12.1 None

Report Ref: 2011/082/ADV  
Officer: Jonny Wiseman  
Planning Board: 25 May 2011







letters carved in timber  
at the top







## **REPORT**

**To: Planning Committee**

**25 May 2011**

**From: Service Manager – Development Management  
Planning  
Infrastructure Services Department**

### **Applications for Planning Permission for Local Developments where Determination cannot be taken by Appointed Person under Approved Scheme of Delegation**

#### **1 Purpose of Report**

- 1.1 The Scheme of Delegations for the Planning Service that has been approved by the Council, as well as the Scottish Ministers, identifies the appropriate level of decision making to ensure compliance with the 1997 Planning Act.
- 1.2 Applications for planning permission that fall within the category of Local Development under the hierarchy of development introduced by the Planning etc. (Scotland) Act 2006, which is at the heart of the modernised planning system, are expected to mainly be determined by officers as have been appointed by the planning authority. The approved Scheme of Delegations does however provide exceptions, both specified and statutory, where the determination of an application where the proposal is for a Local Development instead falls to be determined by the Planning Committee.
- 1.3 The exceptions that apply include applications where: a) the Council has an interest (and stands to benefit in some way from the development proceeding) and where there are objections (a specified exception); b) the planning authority or a member of the planning authority is the applicant; and c) the land to which the application relates is either in the ownership of the planning authority or the planning authority has a financial interest in it. In relation to interpretation of the latter two exceptions any part of the Council is regarded as being the planning authority.
- 1.4 With the agreement of the Chairperson and Vice-Chairperson of the Planning Board, applications for Local Development, where the exceptions that are set out in paragraph 3 above applied and so therefore the decision fell to be made by the Planning Board, were set out in a table that included the related officer recommendation.
- 1.5 The application for Local Development that is set out in the table below, and to which an exception applies, has had a Report of Handling prepared by the officer detailing: the proposal; the assessment carried out; and recommended conditions or refusal reasons (as appropriate), as well as the

reasons for such a decision, and this is available in the Member's Room at the Town Hall.

Planning Application Ref.	Development Proposed	Applicant	Officer Recommendation
2011/93/PCD	Temporary planning permission for a change of use of land to Class 6 Storage and Distribution and Class 5 General Industrial, land adjacent to Scatsta Airport, Brae. (Retrospective)	Total E & P UK Ltd	Approve, with conditions

- 1.6 In respect of the application a decision that accepts the officer's recommendation will, in the opinion of the Head of Planning, comply with Council planning policy. If Members are minded to determine the application contrary to the officer's recommendation, as a departure from the Shetland Islands Council Development Plan Policy, it is imperative that clear reasons for proposing to do so, contrary to the development plan policy and the officer's recommendation, be given and minuted in order to comply with Regulation 28 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 and for the avoidance of doubt in the case of a subsequent planning appeal or judicial review. Failure to give clear planning reasons for the decision could lead to the decision being overturned or quashed, and an award of costs being made against the Council, on the basis that it is not possible to mount a reasonable defence of the Council's decision. Notification to the Scottish Ministers is not required in the case of the application concerned.

## 2. Recommendation

- 2.1 In compliance with Development Plan Policy it is recommended that the application that has been received and which is set out in this report is determined in accordance with the officer's recommendation, for the reasons that are set out in the related Report of Handling.

planning board.doc  
Service Manager: J R Holden  
Planning Committee: 25/5/2011

## **Report of Handling**

**Development: Temporary permission for change of use of land to Class 6 Storage and Distribution and Class 5 General Industrial, land Adjacent to Scatsta Airport, Scatsta (retrospective planning permission).**

**By: Total E&P UK Ltd**

Application Ref: 2011/93/PCD

### **1. Introduction**

- 1.1 This is an application for a lay-down and storage area for pipes and fittings required in connection with the approved gas processing plant at Sullom Voe and import and export pipelines. Temporary permission is sought for the duration of the pipe-laying works due to be completed in 2014. It should be noted that works have already commenced therefore this application is now a retrospective application.
- 1.2 The site is located on part of the old World War 2 runway to the west of the existing Scatsta airport as shown on the location map attached to this report. This application is referred to the Planning Committee as the site is owned by the Council.
- 1.3 As well as a lay-down and storage area, a small part of the site is proposed for use as a fabrication area as some of the pipe may need to be welded on site before delivery to the pipeline site. Also proposed is a canopy to provide temporary shelter for welding and 2 portacabins to provide welfare facilities and an office/drying area.

### **2. Statutory Development Plan Policies**

#### **2.1 Shetland Islands Council Structure Plan (2000) Policies**

GDS1: Sustainable Development  
GDS2: Economic Competitiveness  
GDS4: natural and Built Environment  
SPIND1: Business and Industry  
SPENG1: Energy  
SPTP8: Pipelines

#### **2.2 Shetland Islands Council Local Plan (2004) Policies**

LPNE10: Development and the Environment  
LPIND4: Business and Industry

### **3. Safeguarding**

- 3.1 The site lies within the area around Scatsta Airport where consultation with the airport operators is required for all development.

#### **4. Consultations**

##### **4.1 Shetland Islands Council**

Roads Services: The public road leading to the site from the B9076 requires the following improvements:

- The junction shall be widened to at least 6.0 metres over the first 15 metres with 9 metre radii provided at the bellmouth. This is provided at present.
- The two bends around the runway require widening to allow two HGV's to meet without obstruction. The camber of the corners shall require to be assessed. The location of the traffic lights on the corner of the bend may need to be relocated.

Design of these improvements shall be done following consultation with the Roads Service and will require Construction Consent. The improvements will require to be in place prior to operations commencing on site.

The road from the cattlegrid at the airport to the development site is a private road and is of poor construction in terms of make-up and width. This road is mainly single track with some widening that can be used for passing places, however, these are mainly unsurfaced. Given that there is public usage along this road the onus should be on the developer to maintain the private road between the cattlegrid and the site.

**4.2 Environmental Health Service:** Although the area in question doesn't fall in to the safeguarded Military Remains area and the old runway was cleared of all ordnance laid during the war, it is recommended as a matter of caution, that a method statement is drawn up for any ground works to be carried out that details actions to be taken if any old ordnance is found and/or disturbed.

**4.3 Scatsta Airport:** No objections to this proposal however the airport operator requires to be notified of the use of any cranes on site.

#### **5. Statutory Advertisements**

**5.1** Not required.

#### **6. Representations**

**6.1** One representation has been received from the Shetland Biological Records Centre that raises the following points:

The area to the south west of the site supports a wide range of breeding birds including several pairs of whimbrel (Schedule 1 of the Wildlife & Countryside Act, 1981 as amended) and the area to the north usually supports at least one pair of Red-throated Divers (also Schedule 1 of the Wildlife & Countryside Act, 1981 and Annex 1 of the E C Birds Directive) and a small population of the Common Blue Damselfly (*Enallagma cyathigerum*), a species with a very localised distribution in Shetland.

These important species are clearly habituated to a degree of noise given their presence next to Scatsta Airport so any welding work etc. at the proposed site is unlikely to disturb them. It is important, however, that the work area is fenced off and that under no circumstances machinery, equipment, or similar are stored outwith this fence and that the access route as described is the only access route to the site.

## 7. Report

- 7.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 states that:

*Where in making any determination under the Planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan, unless material considerations indicate otherwise.*

- 7.2 There are Statutory Development Plan Policies against which this application has to be assessed and these are listed at paragraphs 2.1 and 2.2 above. The determining issues to be considered are whether the proposal:

- complies with Development Plan Policy; or
- there are any other material considerations which would warrant the setting aside of Development Plan Policy.

- 7.3 The proposed site is classed as a brownfield site as it is on the site of the disused runway to the west of Scatsta Airport. The site comprises a concreted strip of land measuring 250 metres by 40 metres. The area was previously used for drying peat in association with commercial peat cutting activities in the area in the late 1980's.

- 7.4 The site will be mainly used as a lay-down and storage area with a small portion of the site being used for fabrication such as welding and any permission will be for a temporary period only with all fencing, structures and other equipment on site being

removed on completion of the pipe-laying in association with the construction of the gas processing plant.

- 7.5 No new drainage systems are proposed in connection with this development. The area is already concreted and the development will not change the surface water run-off from the site from the existing situation. As the welfare and office facilities proposed are self-contained with their own electricity and water supply and chemical toilet, no service connections are required. Therefore the environmental impact of the development is minimised which is important in this location close to the Sullom Voe Special Area of Conservation (SAC).
- 7.6 The points raised by the Biological Records Centre relate to the potential of the development to disturb wildlife in the area around the site. As the proposal includes the provision of a security fence around the perimeter of the site, accidental trafficking of the area outwith the application site should not occur, and the access route to the site is as shown on the submitted plans.
- 7.7 The main issue in relation to this application relates to the need to improve the road access to the development site in accordance with the requirements of the Roads Service outlined in paragraph 4.1 above. Similar works to the public road were required in association with the recently approved quarry at Scatsta (2010/94/PCD) and it is intended to attach conditions requiring the improvement works to the public road to be carried out as detailed in the conditions list below.
- 7.8 The Development Plan policies that apply to this proposal, as listed in paragraphs 2.1 and 2.2 above, are largely supportive of this type of development. The use of a brownfield site for the lay-down area, close to the site of the gas processing plant is more sustainable than using a green field site elsewhere. The site is in an area where industrial type development already exists or has been approved (airport and quarry).
- 7.9 SPENG1 encourages the continued use of the Sullom Voe area for oil related developments and SPIND1 promotes an integrated and sustainable approach to the development of the Shetland economy that, amongst other things, ensures that an adequate supply of land is available for business and industrial use, pursues opportunities with the oil industry and prioritises the use of brownfield sites such as this for appropriate economic activity whilst recognising the interdependence between the local economy and the environment. The development of this site as proposed would fit well with this policy.
- 7.10 GDS4 is designed to ensure that any development respects the natural and built environment and LPNE10 sets out various parameters against which all developments require to be

assessed to ensure that developments do not have an unacceptably significant adverse effect on the natural or built environment. Given the location and nature of the development, and the fact that it is required for a temporary period, it will have minimal environmental impact and therefore complies with the requirements of GDS4 and LPNE10.

## **8. Recommendation**

- 8.1 It is recommended that this application be approved subject to the controlling conditions listed below.

## **9. Conditions**

(1) The development hereby permitted shall not be carried out other than wholly in accordance with the following plans and details (as may be amended and/or expanded upon by a listed document following afterward), subject to matters subsequently agreed under the remaining conditions of this consent, or unless previously approved in writing by the Planning Authority:

### **Supporting Statement**

Proposed Pipe and Fittings Lay-Down Yard Adjacent to Scatsta Airport, Location Plan and Layout Plan, Drawing No SGP-GEN-00-C-GA-173805-001 Rev R02

Proposed Pipe and Fittings Lay-Down Yard Adjacent to Scatsta Airport, Layout Plan, Drawing No SGP-GEN-00-C-GA-173805-002

received by the Planning Authority on 24 March 2011.

Reason: For the avoidance of doubt as to what is being authorised by this permission.

(2) That in so far as this consent shall relate to the change of use of land to Class 6 Storage and Distribution and Class 5 General Industrial within the area bounded in red on Drawing no SGP-GEN-00-C-GA-173805-001 R02 received by the Planning Authority on 24 March 2011, it is granted for a limited period only commencing on the date of this decision and expiring on 31 December 2014 at or before which time unless an extension of permission has previously been granted the use of the land shall cease operation and all structures, machinery, plant, and equipment employed on site in association with the development shall be removed from the site and the site shall be reinstated to its pre-development condition unless otherwise approved in writing by the Planning Authority.

Reason: In order to retain control over the development and as permission is sought for a temporary period only and in order to secure appropriate reinstatement of the site when quarry

operations cease in compliance with Shetland Structure Plan (2000) GDS4 and Shetland Local Plan (2004) LPNE10.

(3) No drainage systems in association with the development hereby approved shall be installed within the site without the prior written approval of the Planning Authority.

Reason: To ensure that site is developed in an acceptable manner, to minimise environmental and impact and impact on adjacent land uses and order to safeguard the Sullom Voe Special Area of Conservation in compliance with Shetland Structure Plan (2000) Policy GDS4, and Shetland Local Plan (2004) Policy LPNE10.

(4) Within 3 months of the date of this permission, the junction of the public road leading to the development site from the road B9076 shall be widened to at least 6.0 metres over the first 15 metres from the B9076 with 9 metre radii provided at the bellmouth, and the two bends on the public road around the north end of the Scatsta Airport runway (as identified in blue on the attached plan (Ref no: 2011/093-SIC 01) shall be widened to allow two Heavy Goods Vehicles to meet without obstruction. A scheme showing how the improvements to the public road shall be achieved shall be submitted to and approved in writing by the Planning Authority before the improvement works take place. Thereafter the works to the public road shall only be carried out in accordance with the approved scheme.

Reason: To ensure that the infrastructure serving the development site is completed, both in the interests of visual amenity and to provide a safe access for vehicles, with a clear view, in the interests of public and road safety in compliance with Shetland Structure Plan (2000) Policy GDS4, and Shetland Local Plan (2004) Policy LPNE10.

(5) The site shall be secured by a boundary fence as detailed in the supporting statement received by the Planning Authority on 24 March 2011. No machinery plant or equipment shall be located outwith the fenced area.

Reason: To ensure that site is developed in an acceptable manner, to minimise environmental and impact and impact on adjacent land uses in compliance with Shetland Structure Plan (2000) Policy GDS4, and Shetland Local Plan (2004) Policy LPNE10.

### **Note to the Applicant**

Scatsta Airport Notification:



The operators of Scatsta Airport require to be notified of the proposed use of any cranes during the construction of the development as these may have the potential to cause a hazard for the operation of the airport. Please contact the Airport Manager, Scatsta Airport, Brae Tel: 01806 244 901.

Notification of Completion of Development:

As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.

Building Warrant:

You are advised to contact the Building Standards Service on 01595 744800 to discuss any building warrant requirements for your development.

Public Road Improvements:

The Shetland Islands Council Roads Service has advised that the works to the public road as required by condition no 4 of this permission will require Construction Consent from the Council's Roads Service prior to any works to the public road being undertaken. You are advised to contact them prior to the commencement of any development: Roads Services, SIC Department of Infrastructure Services, Gremista, Lerwick, Shetland ZE1 0NT (Tel:01595 744688).

**10. Further Notifications Required**

10.1 None.

**11. Attachments**

- 11.1 E-mail from Shetland Biological Records Centre dated 5 May 2011.
- 11.2 Location Map.
- 11.3 Site Plan.

2011/93/PCDReport\_of\_Handling.doc  
Planning Officer: JGBS

**Barclay Janet@Infrastructure Svcs**

---

**From:** Paul Harvey [paul@shetlandamenity.org]  
**Sent:** 05 May 2011 11:43  
**To:** Barclay Janet@Infrastructure Svcs  
**Cc:** Holden John@Infrastructure Services  
**Subject:** Planning Application 2011/93/PCD

Hello Janet

I would just like to comment on the above planning application to change use of land to class 6 and class 5 on land adjacent to Scatsta Airport Brae.

The area to the south-west of this supports a wide range of breeding birds including several pairs of Whimbrel (Schedule 1 of the Wildlife & Countryside Act, 1981 as amended) and the area to the north usually supports at least one pair of Red-throated Divers (also Schedule 1 of the W&C Act and Annex 1 of the E C Birds Directive) and a small population of the Common Blue Damselfly (*Enallagma cyathigerum*), a species with a very localised distribution in Shetland.

These important bird species are clearly habituated to a degree of noise given their presence next to Scatsta airport so any welding work etc. at the proposed site is unlikely to disturb them. It is important, however, that i) the work area is fenced off and that under no circumstances machinery, equipment or similar are stored outwith this fence and ii) the access route as described is the only access route to the site.

many thanks

Paul

**Paul Harvey**  
**Project Manager - Natural Heritage**  
Shetland Amenity Trust, Garthspool,  
Lerwick, Shetland, ZE1 0NY  
Tel: (01595) 694688



The Shetland Amenity Trust is a registered  
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05/05/2011

REF NO: 2011/093/SIC-01

Sullom Voe

Sullom Voe

Voe of Scatsta

Scatsta Ness

Scatsta Ness

Sand & Shingle

Houb of Scatsta Mud

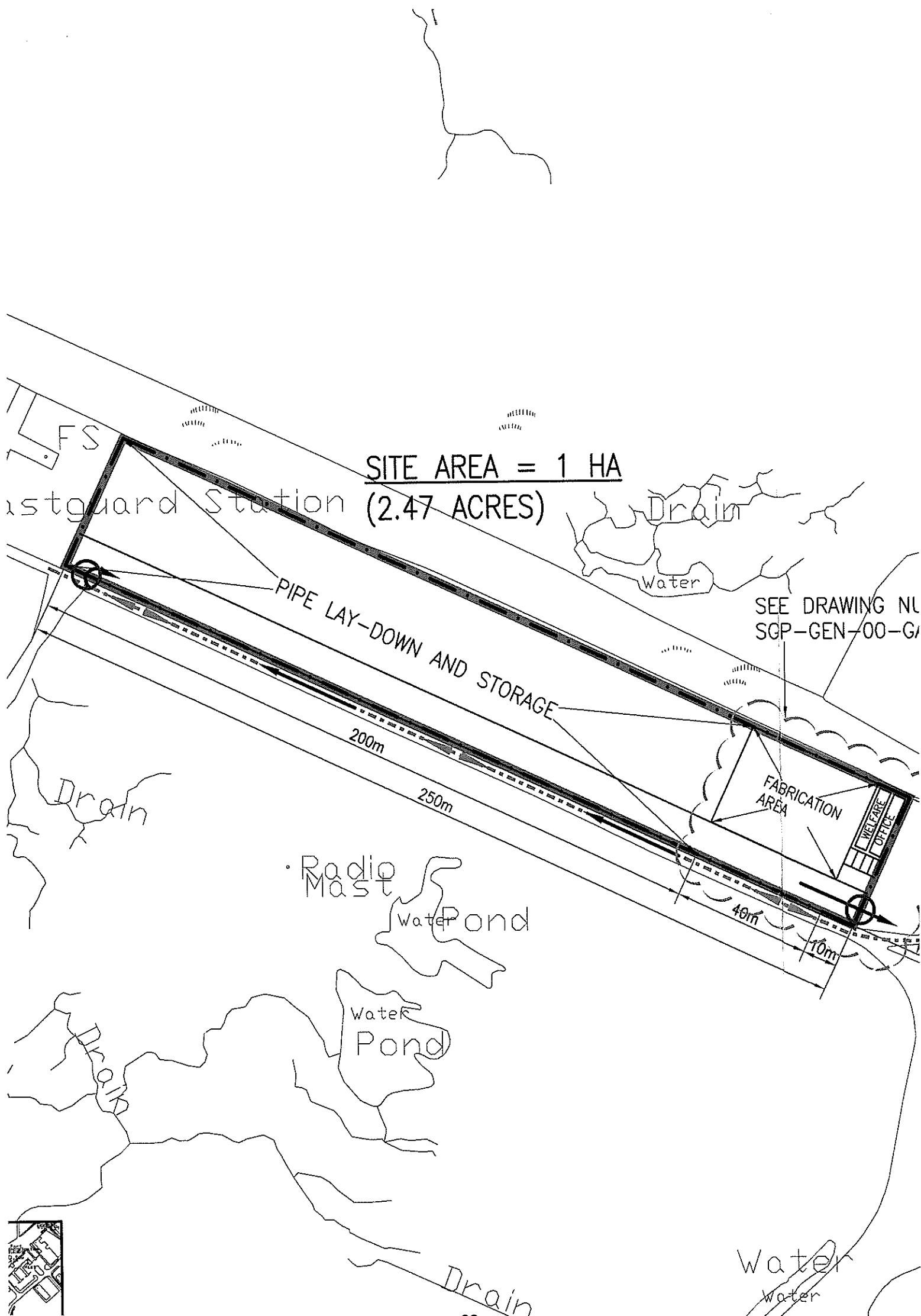
Mud Houb of Scatsta

LOCATION PLAN

SCALE 1:10,000

A

B





## **REPORT**

**To: Planning Committee**

**25 May 2011**

**From: Planning Officer (Conservation)**  
**Planning**  
**Infrastructure Services Department**

### **CONSERVATION GRANT** **99 Commercial Street, Lerwick**

#### **1. Introduction**

- 1.1 This report recommends that the Council offer a Conservation Grant in respect of re-roofing and other works to conserve 99 Commercial Street (J R White & Co.), Lerwick.

#### **2. Links to Council Priorities and Risk**

- 2.1 99 Commercial Street makes an important contribution to Shetland's built heritage, and its sympathetic repair will contribute to the Council's priority of protecting Shetland's renowned built environment (Corporate Plan 2010-2012).
- 2.2 If a conservation grant is not approved there is a risk that the special character of the building may be lost.

#### **3. Background**

- 3.1 The Council's Conservation Grant Scheme offers assistance towards the restoration and repair of buildings of architectural or historical interest. Eligible works include all works necessary to conserve the fabric or character of a building using traditional materials and methods. The Scheme can also assist with emergency works to listed buildings at risk, and the commissioning of specialist reports such as Conservation Plans.
- 3.2 Most Conservation Grant applications are dealt with under delegated authority. Applications are reported for a decision when they are outwith the Council's approved policy and criteria. This application is being reported to the Planning Committee because the proposed grant is greater than the maximum amount that can be offered under delegation.
- 3.3 99 Commercial Street is a 2½-storey tenement standing end-on to the street. The building dates from the early eighteenth century, with nineteenth century alterations including the conversion of the ground

floor into a shop. The historic and architectural importance of the building is recognised by its Category B listing.

3.4 The works involve re-covering the roof with Scotch slate, installing conservation-type rooflights; and replacing two sash and case windows.

3.5 The surviving Scotch slate roof laid in traditional diminishing courses contributes significantly to the quality and character of this building. The proposals will protect the special interest of the building through the re-use of the existing slates, with any shortfall made up of second hand Scotch slate to match.

3.6 The total cost of the works is estimated at £38,380 plus VAT.

#### **4. Conservation Grant Application 112/02: 99 Commercial Street, Lerwick**

4.1 I would ask Members to consider approving a grant of £10,000 towards the costs of the work. This amount represents the additional costs of re-covering the roof with Scotch slate compared with the use of a cheaper modern roofing material, namely manmade slate.

4.2 I feel that it would be appropriate to offer this level of grant because of the importance of the works to retaining the special character of the building.

#### **5. Financial Implications**

5.1 If approved, the grant offer can be met from within the existing Conservation Grant budget. A summary of the 2011/2012 budget is set out in paragraph 5.2 below.

##### **5.2 Reserve Fund RRY8486**

Budget 2011/2012	£100,000
Less	
Grants Paid Out	£0
Grants Offered but Outstanding	£73,695
Grants recommended in this report	£10,000
Total Awards	£83,695
 Budget Remaining	 £16,305

#### **6. Policy and Delegated Authority**

6.1 The Head of Planning has delegated authority to determine Conservation Grant applications that fall within approved policy guidelines and are within budget. However, although this application falls within the Conservation Grant Scheme the amount sought is not within the approved criteria for determination by officers. It therefore requires the approval of the Planning Committee (Paragraph 2.4.1 of the SIC's Scheme of Administration and Delegations).

## **7. Conclusion**

- 7.1 The proposed works to 99 Commercial Street will help safeguard the fabric and character of this important historic building. Whilst I have proposed a greater level of assistance than stated in the approved conservation grant policy I consider that it is appropriate given the significance of the works in protecting the special interests of the building.

## **8. Recommendation**

- 8.1 I recommend that the Planning Committee:

Approves a Conservation Grant of £10,000 for works to 99 Commercial Street, Lerwick, subject to standard grant conditions.

Report Number: PL-14-11-F