

Development: To erect detached dwellinghouse with new access, surface water drainage system and connection to the public sewer, land adjacent to Ourhaven, Greenwell, Gott

By: Mr G Elphinstone

Application Ref: 2011/042/PCD

1. Introduction

- 1.1 This is an application for full planning permission to erect a new dwellinghouse and access road, with a SUDs system and public sewer connection adjacent to the property known as Ourhaven at Greenwell in Gott.
- 1.2 Proposed external material colours and finishes are a Redland Landmark slate roof coloured Anthracite with horizontal timber shiplap cladding painted in an opaque cream/off-white colour.

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)
- SPBE1 (Built Environment)
- SPHOU2 (Viability and Vitality of Existing Settlements)

2.2 Shetland Local Plan (2000) Policies

- LPNE10 (Development and the Environment)
- LPHOU4 (General Requirements for All Dwellings)
- LPBE13 (Design)
- LPWD6 (Private Septic Tanks and Wastewater (i.e. drainage) Systems)
- LPWD11 (Sustainable Urban Drainage (SUDs))
- LPWD12 (Surface Water Drainage Standards)

3. Safeguarding

- 3.1 Waste Water Drainage Hotspot

4. Consultations

- 4.1 Shetland Islands Council:

Road Traffic: Consulted on 21 February 2011 and responded on 9 March 2011 with no objections to the proposed development and recommended standard road safety conditions.

A secondary consultation response was submitted to the Planning Authority on 21 April 2011 in response to a letter the applicant forwarded, that related to road safety concerns raised by the local community. This confirmed that the proposed dwellinghouse and the site is situated outwith the required visibility splay and that any increase in traffic arising as a result of this development is not significant enough to warrant a refusal.

4.2 Roads Drainage: Consulted on 21 February 2011 and responded on 11 March 2011, stating that a suitable SUDs soakaway would provide sufficient attenuation and would not present a flood risk upon the site, provided that this device is situated at least 5 metres away from any house or site boundary. The landscaping/ground levels on site should also be designed to ensure that the potential overland flow of water does not cause a flooding problem to the proposed dwellinghouse or to neighbouring properties. As such, site levels should guide water flowing over the ground away from properties and towards a suitable place for them to re-enter a drainage system.

4.3 Scottish Water: Consulted on 21 February 2011 and responded on 3 March 2011 with no objections to the proposed development, but advised that the applicant should apply to Scottish Water directly for connection to its infrastructure.

4.4 SEPA: Consulted initially on 21 February 2011 and responded on 11 April 2011 objecting to the proposed development on grounds of lack of information on flood risk and watercourse engineering works. Although the proposed development lies outwith the indicative River and Coastal Flood Map (Scotland), a small watercourse runs through the middle of the site and as a consequence, a risk of flooding may occur.

SEPA was re-consulted on 18 March 2011 on account of the submission of a flood risk assessment from the applicant and responded on 24 May 2011 removing its initial objection to the proposed development on flood risk grounds.

4.5 Tingwall, Whiteness & Weisdale Community Council: Consulted on 21 February 2011 and responded on 24 March 2011 objecting to the proposed development on the grounds of road safety and expressed concern about the capacity of the sewage system and the drainage of surface water in the vicinity. The Community Council's letter and the plan that accompanied it is also appended to this report as part of the background papers

5. Statutory Advertisements

5.1 None.

6. Representations

6.1 Three letters of objection have been received, and are appended to this report as part of the background papers. The points raised by those objecting to the proposal can be summarised as follows:

- the proposal will reduce visibility.
- the proposal will endanger road and pedestrian safety.
- the proposal will contribute to an increase in the volume of traffic.
- there is a lack of capacity in the public sewer.
- the proposal will increase surface water run-off into an existing burn.

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.

Site History

7.3 In terms of site history, part of the proposed site lies within an area of Greenwell, Gott which previously received consent for the construction of 13 dwellinghouses.

Planning Application 2006/331/PCD – To erect 13 dwellinghouses and associated access road and services, Greenwell, Gott by E&H Building Contractors. Approved at Planning Board on 10 January 2007 and the planning consent was issued on 16 January 2007.

Proposal

7.4 As stated previously in the introductory paragraphs, the proposal is to erect a new single storey dwellinghouse incorporating a new access road into the site, with a SUDs system and connection to the public sewer adjacent to, and northeast of, the

residential property known as Ourhaven, Greenwell, Gott. The proposed site is situated within a Zone 1 area of Tingwall where applications for individual new dwellinghouses will normally be granted, provided that all of the general requirements contained within Shetland Local Plan (2004) Policy LPHOU4, are met.

Design

- 7.5 Although details of the colours of the proposed dwellinghouse were provided on the application form, information about the external material finishes were not included. As such, the applicant was contacted to confirm these details and responded on 8 June 2011 via email stating that the roof would comprise Redland Landmark Slate, coloured Anthracite, whilst the walls would comprise horizontal timber shiplap cladding in a cream/off-white opaque paint finish.

Road Safety

- 7.6 Included in the grounds of objection that have been made to the proposal are ones that concern road safety. In response to concerns raised about road and pedestrian safety and increased volumes of traffic, Roads Services on 21 April 2011 advised the Planning Authority that:

"The forward visibility splay for the existing public road has already been marked on Mr Elphinstone's submission. This is a 90 metre forward visibility splay for the existing 30 miles per hour speed limit in the area." A plan indicating the splay was enclosed with the memo which "clearly shows the house and the site as being outwith the splay.

The increase in traffic due to this development may amount to some 7 to 10 trips a day. Which, given the current levels of traffic on this road, is not significant enough to warrant a refusal."

Drainage

- 7.7 In relation to the objections received which state there is a lack of capacity on the public sewer, Scottish Water has advised that there is limited capacity at the Tronafirth Septic Tank at present, but that the water and waste water networks that serve the proposed development may be able to accommodate the new demand. As such, it has requested that the applicant applies to Scottish Water directly in relation to connection to its infrastructure.
- 7.8 SEPA objected to the planning application as originally submitted on the grounds that a lack of information had been provided on flood risk and watercourse engineering works, as despite the proposed site being outwith the Indicative River and

Coastal Flood Map (Scotland), a small watercourse ran through the middle of the site thereby creating the potential for flooding to occur.

- 7.9 On 14 April 2011, the applicant was contacted and provided a copy of SEPA's comments to inform about potential issues on site prior to the subsequent undertaking and submission of a flood risk assessment.
- 7.10 On 19 April 2011, the applicant contacted SEPA directly by email and attached an amended site plan that effectively altered the position of the proposed dwellinghouse to ensure that the existing burn through the site was not affected by the development.
- 7.11 The applicant then submitted a flood risk assessment undertaken by Arch Henderson to SEPA on 27 April 2011 and to the Planning Authority on 29 April 2011 via email, which concluded the following:

"The proposed house floor level (2.65m AOD) is higher than the predicted highest flood level (2.65m AOD), so coastal flooding is not a risk.

Should the watercourse which runs through the site overtop, or should the downstream culvert block, the topography of the site will ensure that the floodwater does not put the proposed house at risk. You should note however that the level of the house foundations at the nearest corner of the proposed house to the watercourse will be close to the invert level of the watercourse, and protective measures may be necessary to prevent ingress of water into the foundation excavations."

- 7.12 On 2 May 2011, the Planning Authority contacted SEPA by email to attach a copy of the flood risk assessment received and to request its comments in this respect. On 10 May 2011 SEPA responded saying that it intended to maintain its objection to the proposed development on the grounds of a lack of information on flood risk, given that a second watercourse to the west of the wall which cuts across the site would be affected by the proposed development. SEPA stated in this response that it is generally against the culverting of watercourses for land gain and as such suggested that the applicant considered revising the layout of the plot to avoid interference with the watercourses on site. If no alternative position was available, then more detailed information had it said to be provided to demonstrate how flood risk from the watercourse passing through the site would be managed.
- 7.13 Thus, SEPA requested clarification on the following points before it would consider removing its objection to the proposed development:

- an updated site plan clearly showing the position of the stone wall and all watercourses on the development site, and a plan showing the proposed development and the post-development layout of all watercourses;
 - if the proposed development required the diversion or culverting of any watercourse within the site, then a Flood Risk Assessment would be needed which included the information described above and demonstrated that the development would not be at significant risk of flooding or would increase the probability of flooding elsewhere and complied with Scottish Planning Policy.
- 7.14 On 24 May 2011, the Planning Authority received its last and therefore its most relevant consultation response from SEPA on the application which states that it is now satisfied that sufficient information has been provided in relation to the flood risk and watercourse issues raised. SEPA welcomes the proposal to manage the small ditch that currently runs across the site and by diverting, rather than culverting the ditch, which is considered to be a reasonable proposal. SEPA also recommends that the conclusions provided in the flood risk assessment are adhered to and adopted in the development design to ensure that the minimum finished floor level of the property should be 2.65 metres AOD, and that protective measures to prevent the ingress of water into the foundation excavations may be required. As such, SEPA has removed its original objection to the proposed development on flood risk grounds.
- 7.15 On 26 May 2011, the applicant submitted final revised site plan to the Planning Authority in compliance with SEPA's drainage requirements and demonstrating the 90m forward visibility splay as agreed with Roads Services.

Recommendations

- 7.16 It has been demonstrated that the proposed site lies outwith the required 90m forward visibility splay; and is considered that a safe access into the property can be achieved and that any increase in the volume of traffic arising as a result of this proposed development will not be significant. As there will be no obstruction to visibility for road users, a safe access can be achieved and sufficient car parking and a turning area can be accommodated within the development site, it is considered that the proposed development will have no adverse impact in terms of road or public safety.
- 7.17 In terms of the drainage issues, the proposed dwellinghouse has been re-positioned on site so as to avoid any risk of flooding or major disruption to existing watercourses in compliance with SEPA's drainage requirements, which has since withdrawn its objection to the proposed development as originally submitted.

7.18 Scottish Water has indicated that despite there being limited capacity at the Tronafirth Septic Tank at present, the water and wastewater networks that serves the proposed development may still be able to supply and accommodate the new demand. In terms of the objection raised that surface water run off would exacerbate pressures upon the existing burn, Scottish Water has stated that an appropriate SUDs system is required, as applied for by the applicant. The applicant will be advised to contact Scottish Water to apply for connection to its infrastructure, should planning permission be granted for this proposal. As such, it is anticipated that the construction of an additional dwellinghouse in this particular location, will have no significant impact upon the existing water networks in this area.

7.19 It is considered that the proposed development is appropriate in terms of its scale, form and design; is reflective of the existing settlement pattern in this part of Gott and as such, will have no adverse impact upon the natural and built environment. There will be no obstruction to daylight/sunlight or privacy issues arising as a result of this development and therefore, the amenities of neighbouring properties will not be adversely affected. As such, the proposal complies with Shetland Structure Plan (2000) Policies GDS3, GDS4, SPNE1, SPHOU2 and SPBE1 and Shetland Local Plan (2004) Policies LPNE10, LPHOU4, LPBE13, LPWD6, LPWD11 and LPWD12.

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.

For the reasons set out in paragraphs 7.16 to 7.18 above the proposal complies with development plan policy and is recommended for approval.

9. Policy and Delegated Authority

9.1 A decision to approve this application complies with Council planning policy. As the application is for a proposed development falling within the category of Local Development and a statutory consultee (Tingwall, Whiteness and Weisdale Community Council) has objected to the proposal, the decision to determine the application is delegated to the Planning Board 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:

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:

- Site Plan – Drawing No. 2011/042/PCD_SIC/001 received by the Planning Authority on 26 May 2011.

- Floor Plan – Drawing No. 01
- Elevations – Drawing No. 02

received by the Planning Authority on 11 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) Development shall not commence until the following visibility splay is provided:

- a visibility splay of 2.5 metres by 90 metres shall be provided at the junction of the access with the public road;
- no fence, wall, bushes or other potential obstruction to visibility over 900mm high above road surface level shall be permitted within the identified forward visibility splay as indicated on the submitted site plan (Drawing No. 2011/042/PCD_SIC/001).

The visibility splay shall be maintained throughout the lifetime of the development.

Reason: In the interests of road safety and to ensure a satisfactory standard of development in compliance with Policy LPHOU4 of Shetland Local Plan (2004).

(5) The dwellinghouse hereby approved shall not be constructed until the access road serving the development from the public road has been surfaced in bitmac for at least the first 6 metres from the public road.

Reason: To provide a safe access for vehicles and to ensure that the infrastructure serving the development site is completed in the interests of visual amenity and public and road safety in

compliance with Shetland Structure Plan (2000) Policy GDS4 and Shetland Local Plan (2004) Policy LPHOU4.

(6) At the junction of the development site with the access road:

- the gradient of the access shall not exceed 5% (slope of 1 in 20) for the first six metres from the road edge;
- no fence, wall, bushes or other potential obstruction to visibility shall be permitted within 3.3 metres of the edge of the public road;
- any gate should be set back a minimum of 6 metres from the edge of the public road. If the gate is forward opening, then this distance should be increased to 10 metres to allow a vehicle to stand clear of the road while the gate is being opened.

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 in the interests of public and road safety in compliance with Shetland Structure Plan (2000) Policy GDS4 and Shetland Local Plan (2004) Policy LPHOU4.

(7) As well as 3 car parking spaces within the site, turning provision for cars shall be constructed within the development site in the form of a standard hammer head or a manoeuvring space at least 7.6m x 7.6m. These shall be completed before the dwellinghouse is occupied.

Reason: To allow adequate space for vehicles to turn and exit the site in forward gear in the interests of traffic safety and in order to comply with Shetland Structure Plan (2000) Policy GDS4 and Shetland Local Plan (2004) Policy LPHOU4.

(8) 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 public sewer as specified on Drawing No 625.10 Rev B received by the Planning Authority on 2 June 2011. No part of the development shall be brought into use 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 GDS4 and Shetland Local Plan (2004) Policy LPNE10.

(9) 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 the provision of:

- a connection to the local sewer main

as specified in the submitted details received on 11 February 2011. No part of the development shall be brought into use until foul drainage works are fully operational.

Reason: For the avoidance of doubt as to what is being authorised by this permission 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 (2004) Policy GDS4 and Shetland Local Plan (2004) Policy LPWD6.

- (10) No later than 3 months of the roofing to the dwellinghouse being completed a surface water drainage system for a rainwater soakaway with sufficient attenuation to reduce flows to at least those during 1 in 10 year rainfall event to a level which would have occurred before the development; shall be constructed in accordance with BRE Digest 365, a minimum of 5 metres from any building or boundary. The person carrying out the development should provide the Planning Authority with a written notice of completion of that phase of the development.

Reason: To reduce the potential adverse or hazards though flooding by reducing the rate which rainwater can travel across the site and onto neighbouring land or buildings in accordance with Structure Plan (2000) Policy GDS4 and Shetland Local Plan (2004) Policy LPNE10, LPWD11 and LPWD12.

- (11) The development hereby approved shall not incorporate any underbuilding, in excess of that shown on the approved plan, unless otherwise approved in writing by the Planning Authority.

Reason: To ensure that the development does not have an adverse impact on the visual amenity of the area or the amenity of any neighbouring properties in compliance with Shetland Local Plan (2004) Policy LPBE13.

- (12) 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.

- (13) 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 disposal of any such materials, including details of the location of any storage or 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.

Notes to Applicant:

Building Warrant:

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

Road Opening Permit:

The Shetland Islands Council Roads Service have advised that the length of access that crosses the public road verge shall be constructed to their satisfaction. A Road Opening Permit must be obtained from the Roads Service prior to carrying out any works to form an access onto the public road. You are advised to contact them prior to the commencement of any development: Roads Services, SIC Department of Infrastructure Services, Gremista, Lerwick, ZE1 0PX

Scottish Water:

Scottish Water has advised that any planning approval granted by the Local Authority does not guarantee a connection to their infrastructure, which is dependant upon capacity being available at the time of an application being made to them. Approval for a connection will only be given by Scottish Water upon receipt of an appropriate application and technical details. The developer must contact Scottish Water directly to discuss connection (www.scottishwater.co.uk Tel: 0141 355 5511).

Notice of Completion of Development:

To ensure both that the development is carried out in accordance with the approved documents, and compliance with Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended). Upon the completion of the development hereby permitted, and as soon as practicable, the person

carrying out the development shall provide the Planning Authority with a written notice of that completion.

11. Attachments

- 11.1 Site Plan
- 11.2 Elevations
- 11.3 Floor Plan

12. Background Papers

12.1 Letters of objection have been received from the following:

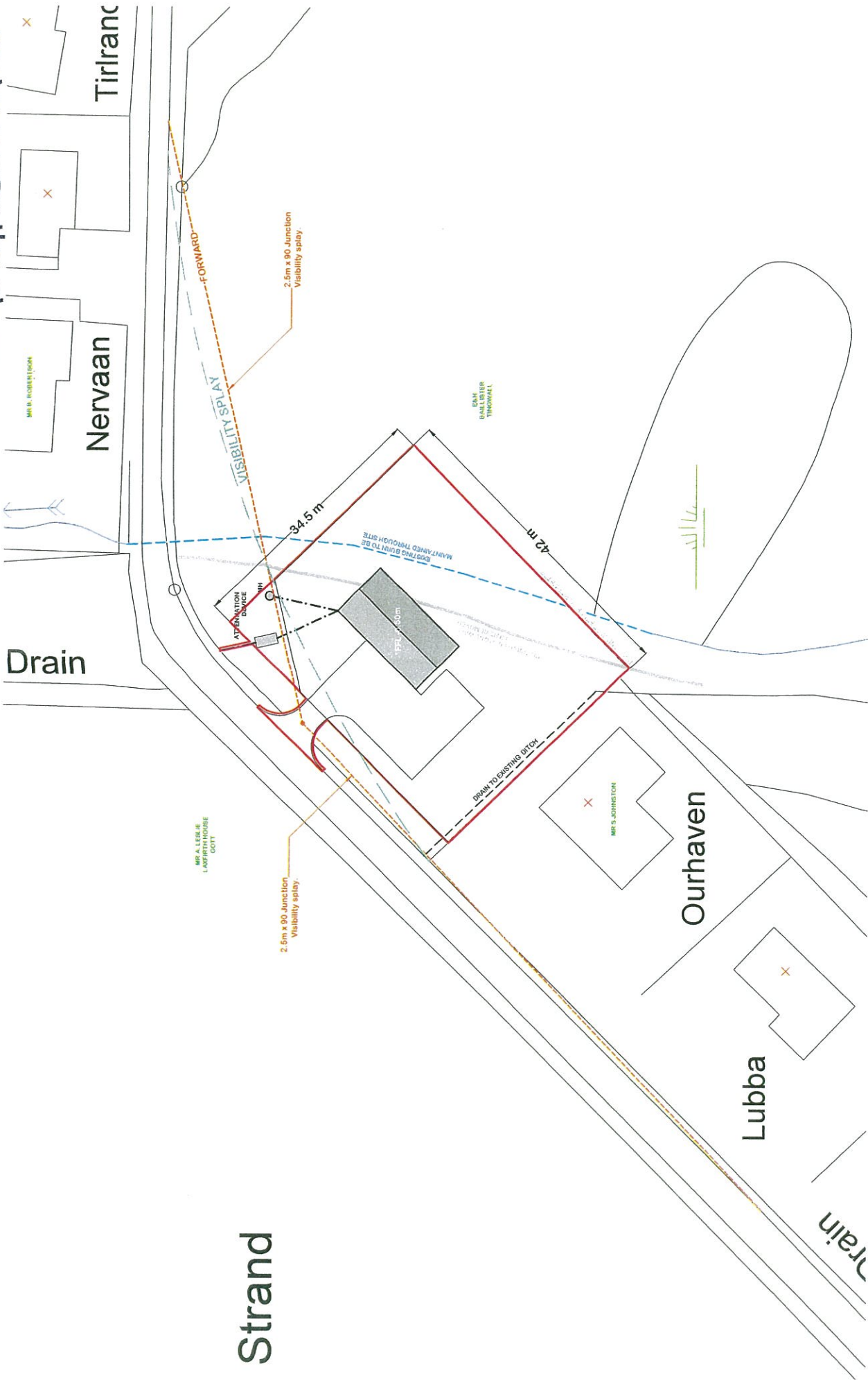
- Ms Rhoda Anderson, Houser, Tingwall on 14 March 2011 by email;
- Mr David R Anderson, Houser, Tingwall on 16 March 2011 by letter; and
- Mr and Mrs Andrew Leask, Cirdina, Gott on 18 March 2011 by email.

12.2 The Tingwall, Whiteness & Weisdale Community Council objected to the proposed development on 24 March 2011.

Report Ref: 042_Report_to_PB.doc
Officer: D Stewart

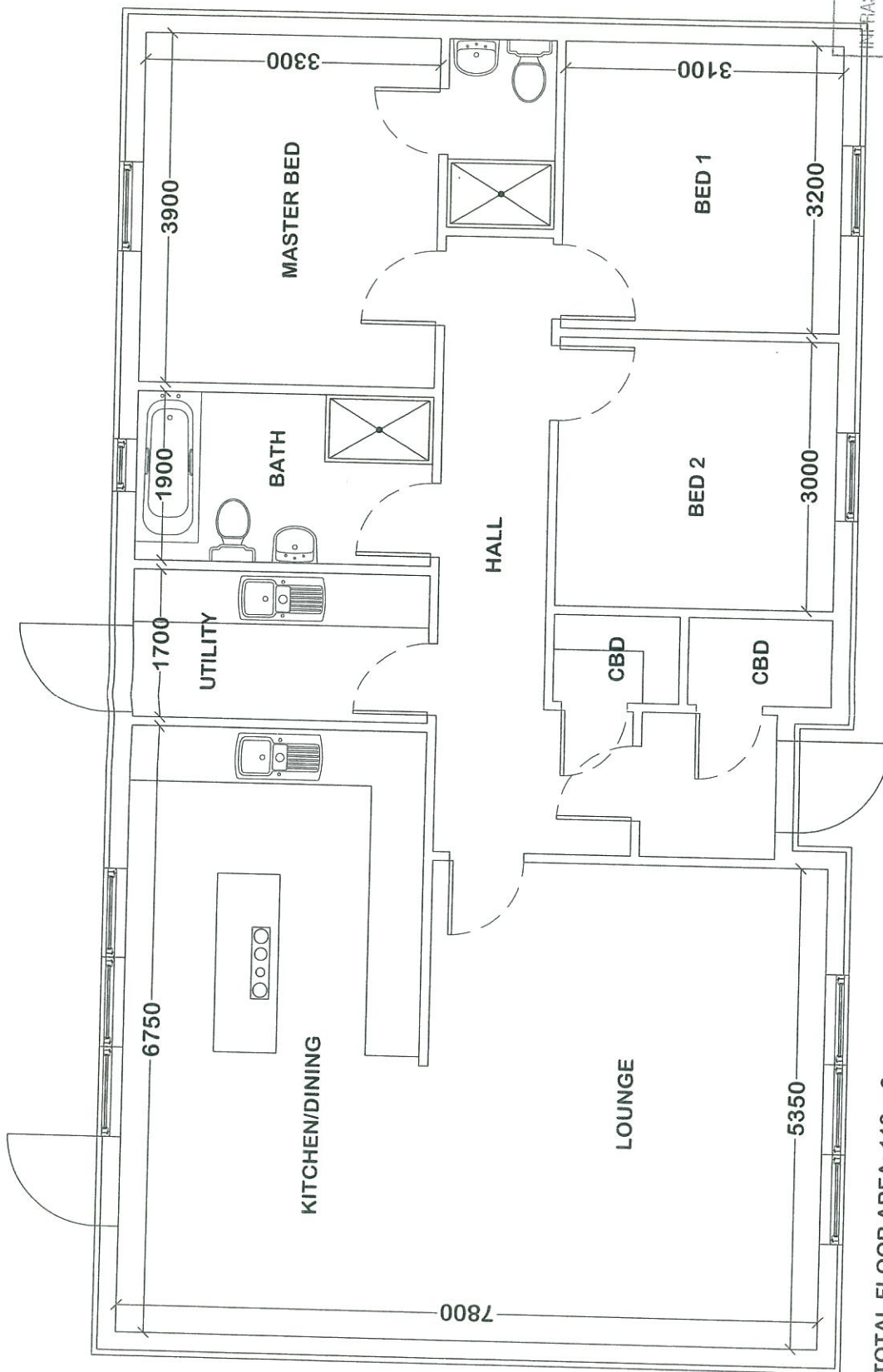
Planning Board Date: 24 June 2011

2011/042/PCD - S1C1001



Mr G R Elphinstone
PROPOSED SITE, GREENWELL, GOTT
Planning Ref: 2011/042/PCD

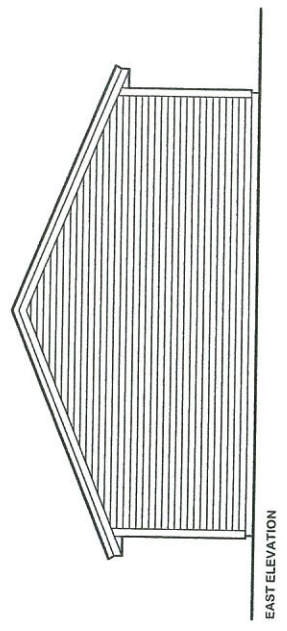
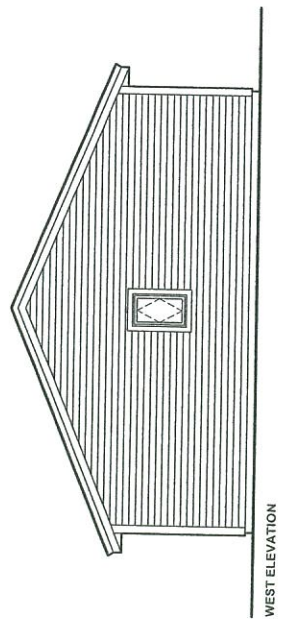
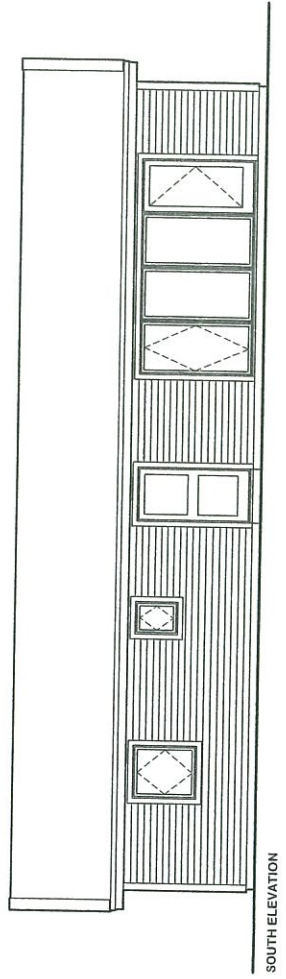
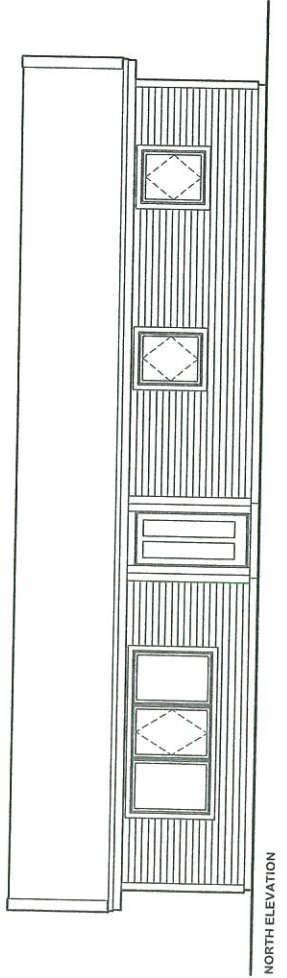
SITE PLAN
1:500



SIC
INFRASTRUCTURE SERVICES
11 FEB 2011
PASS TO: ACTION

PROJECT TITLE: Mr G R Elphinstone PROPOSED SITE, GREENWELL, GOTT		DATE: 10/02/11	
DRAWING TITLE: FLOOR PLAN		DRN BY: G.R.E.	CHKD BY:
APPD BY:		DATE: 10/02/11	

BUILDING CONTRACTORS
General Building Contractors. Heating & Ventilation Engineers. Design & Architectural services.



SIC	
INFRASTRUCTURE SERVICES	
11 FEB 2011	
PASS TO	ACTION

PROJECT TITLE:

Mr G R Elphinstone
PROPOSED SITE, GREENWELL, GOTT

DRAWING TITLE:



BUILDING CONTRACTORS

General Building Contractors. Heating & Ventilation Engineers. Design & Architectural services.

Davidson Inga@Infrastructure Services

From: Web Feedback Form [web-feedback-form@shetland.gov.uk]
Sent: 14 March 2011 12:44
To: Planning Control@Infrastructure Svs
Subject: SIC - Complaint submitted via Website - REF: PL2011/42

Page this user last visited:

[http://www.shetland.gov.uk/planningcontrol/apps/apps.asp?time=60&Orderby=DESC&parish=All&P
ref=&Address=&Applicant=&ApplicantBut=View&sortby=PlanRef&offset=20](http://www.shetland.gov.uk/planningcontrol/apps/apps.asp?time=60&Orderby=DESC&parish=All&Pref=&Address=&Applicant=&ApplicantBut=View&sortby=PlanRef&offset=20)

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REF: PL2011/42

Case Officer: Unallocated

Location: Greenwell, Gott, Tingwall, ZE2 9SF

Proposal: Erection of detached dwellinghouse with new access, surface water drainage system and connection to public sewer

I object to the above planning application on the following grounds:

Visibility being severely reduced due to the house being built so near the bend. Over the last 30 years or so I have watched more and more houses being built in this area resulting in more and more traffic. Although I have no doubt the visibility exiting the site will be fine, as a daily user of this road I know this house will make the road more dangerous, as it is quite blind already. A site visit must be carried out - planning officials and councillors unfamiliar with the area saying this is OK when the reality is quite different is unacceptable. Unless you live in an area you do not know - listen to the locals, even the local Community Council. They do know. Children, people with prams, dog walkers and other pedestrians use this road daily along with the high volume of traffic. Building a house here is endangering all of these - one accident would be one too many.

Rhoda Anderson
Houster

Tingwall
Shetland
ZE2 9SF

SIC INFRASTRUCTURE SERVICES	
14 MAR 2011	
PASS TO 150437	ACTION

[REDACTED]net.com

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

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Houster
Tingwall
Shetland ZE2 9SF

14th March 2010

SIC Planning Department
Grantfield
Lerwick
Shetland ZE1 0NT

Dear Sir

Planning Application PL2011/42
Erection of Dwellinghouse Greenwall, Tingwall ZE2 9SF

I am writing to object to the above planning application on the following issues:

- Excessive reduction of visibility will be caused by building a house so near the bend in the road. Traffic on this road is set to increase by the building of thirteen family homes adjacent to this site. As a daily user of this road, on many occasions I experience traffic coming past the corner with the result someone has to reverse to the nearest marked passing place. I enclose a map to illustrate this concern.
- Lack of capacity on the public sewer.
- This site will also increase surface water run off into an existing burn, which at certain times of year struggles to take the water at the moment. This burn passes through private ground at Nerva. The volume of water is also set to increase with the building of the aforementioned thirteen houses.

I would strongly recommend a site visit to clarify the above comments.

Yours faithfully



SIC INFRASTRUCTURE SERVICES	
18 MAR 2011	
PASS TO	ACTION
ISO-574	DS

Davidson Inga@Infrastructure Services

From: Web Feedback Form [web-feedback-form@shetland.gov.uk]
Sent: 17 March 2011 11:34
To: Planning Control@Infrastructure Svs
Subject: SIC - Complaint submitted via Website - REF: PL2011/42

Page this user last visited: <http://www.shetland.gov.uk/planningcontrol/apps/apps.asp>
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REF: PL2011/42

Case Officer: Unallocated

Location: Greenwell, Gott, Tingwall, ZE2 9SF

Proposal: Erection of detached dwellinghouse with new access, surface water drainage system and connection to public sewer

The proposed house is going to make the road very dangerous as it is too near the corner.
This corner is very blind already.

Mr. & Mrs Andrew Leask
Cirdina
Gott

Shetland Isles
ZE2 9SF

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by the SIC web server.

Do not reply to it.

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Development: To erect non-illuminated advertisement board to the rear of The Camera Centre, 72 Commercial Street, Lerwick

By: The Camera Centre

Application Ref: 2011/095/ADV

1. Introduction

- 1.1 The proposal under this advertisement control application is to erect a non-illuminated advertisement board measuring 2 metres in breadth by 1.22 metres in height, which will be situated on the rear (northeast) elevation of The Camera Centre, 72 Commercial Street, Lerwick.
- 1.2 The background of the proposed advertising board will be yellow in colour and designed to reflect the 'Kodak' logo that is coloured red, white, blue and yellow, with red and white vinyl lettering. The sign will be constructed of 10mm thick 'foamex' plastic with vinyl graphics adhered to the front face. The sign will be fixed to the wall with hammer screws, and screwheads will be covered with vinyl dots in a colour to match the sign itself.

2. Statutory Development Plan Policies

2.1 Shetland Islands Council Structure Plan (2000) Policies

GDS4 (Natural and Built Environment)
SPNE1 (Natural and Built Environment)
SPBE1 (Built Environment)

2.2 Shetland Local Plan (2000) Policies

LPNE10 (Development and the Environment)
LPBE13 (Design)
LPBE8 (Development in Conservation Areas)
LPBE11 (Advertisements and Signs)

3. Safeguarding

- 3.1 Lerwick Lanes Conservation Area.

4. Consultations

4.1 Shetland Islands Council:

Road Services: Consulted on 7 April 2011 and responded on 12 April 2011 with no objections to the proposed development.

- 4.2 Lerwick Community Council: Consulted on 6 April 2011 and responded on 12 April 2011 with no objections or comments to the proposed development.

- 4.3 Heritage Officer: Consulted on 7 April 2011 and responded on 20 May 2011 expressing concern about the appropriateness of the proposed sign on the rear elevation of the commercial property given that two other advertisement boards are already in existence above the shop entrance and on the property's south elevation.

5. Statutory Advertisements

- 5.1 The application was advertised under regulation 65(2)a) - Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 in the Shetland Times on 8 April 2011. As such, there is no further requirement to advertise on the basis of the application being contrary to the approved Development Plan.

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 Site History

Planning Application 91/360/C – To erect a sign, 72 Commercial Street, Lerwick by The Camera Shop, approved on 6 November 1991.

Planning Application 1998/043/ADV - To erect an illuminated display cabinet, 72 Commercial Street, Lerwick by Michael Inkster & Co., approved on 30 March 1998.

Planning Application: 2004/095/ADV – To erect sign, South Gable of 72 Commercial Street, Lerwick by Tait and Peterson, approved on 26th May 2004.

Planning Application 2006/080/PCD - Install steel window shutters to shop front, 72 Commercial Street, Lerwick by The Camera Centre, approved on 28 April 2006.

Planning Application: 2010/104/PCD - Re-slate and re-cover main roof; repair rooflight & external renders with new access hatch to flat roof, 72 Commercial Street, Lerwick by Richard Gibson & Alexander Johnson, approved on 12th August 2010.

- 7.4 The Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 Section 4 (a) guides planning authorities in respect of their determination of the suitability of signage, and considers the amenity of the area in which it is to be displayed.
- 7.5 The applicant was informed in a previous pre-application response sent on 1 February 2011, that under Shetland Local Plan (2004) policies, "all adverts and signs on, or associated with the commercial use of buildings must be in sympathy with the character of the building and the area within which they are located. Within Conservation Areas, painted signboards and the use of individual letters attached to fascias will be permitted where they do not have an adverse impact on the character of the area."
- 7.6 As stated previously in the introductory paragraphs, the proposal is to erect an advertisement board on the rear of the building at 72 Commercial Street, Lerwick. The proposed signage will be of plastic construction with a bright yellow background containing red and white vinyl lettering and a multi-coloured 'Kodak' logo.
- 7.7 After consultation it is considered that by virtue of size, design, materials and location the proposed advertisement board is unsympathetic and will represent an inappropriate addition to the building, thereby having an adverse impact on the character and amenity of the building itself and a detrimental visual impact upon the Lerwick Conservation Area and surrounding area. The premises already exhibits two existing stock modern signs that are primarily 'product advertisements', which are located above the shop frontage (situated on Commercial Street) and on its southern elevation (situated on Irvine Place). Given that there are already two commercial adverts in place, there is considered to be no justification for the construction of a further advert on the rear of the building in terms of the operation of the applicant's business.
- 7.8 Taking the Shetland Structure Plan (2000) and Shetland Local Plan (2004) policies into account, there is considered to be no commercial need for an additional sign in this particular location, and the proposed signage is considered to be unsympathetic to the character and visual amenity of the building and surrounding

area, meaning that as a result it will have a detrimental impact on the visual quality and amenity of Lerwick's Conservation Area, particularly when viewed from Lerwick's harbour 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.

For the reasons set out in paragraphs 7.7 and 7.8 above the proposal does not comply with development plan policy and is recommended for refusal.

9. Policy and Delegated Authority

9.1 A decision to refuse this application complies with Council planning policy, and the decision to determine the application is delegated to the Planning Committee under the Planning Scheme of Delegations as an exception on the basis that the proposal by the Head of Planning is one of refusal of consent.

9.2 If Members are minded to approve the application as a departure from the Shetland Islands Council Development Plan Policy, it is imperative that clear reasons for proposing the granting of consent 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 refused for the following reason.

Reason:

1. The proposal is contrary to Shetland Structure Plan (2000) Policy SPBE1 and Shetland Local Plan (2004) Policies LPBE8, LPBE11

and LPBE13 as it is considered that the design, scale and location of the proposed signage does not preserve or enhance the character of the building or the visual amenity of the Lerwick Conservation Area, and therefore has an adverse impact on the surrounding area.

11. Attachments

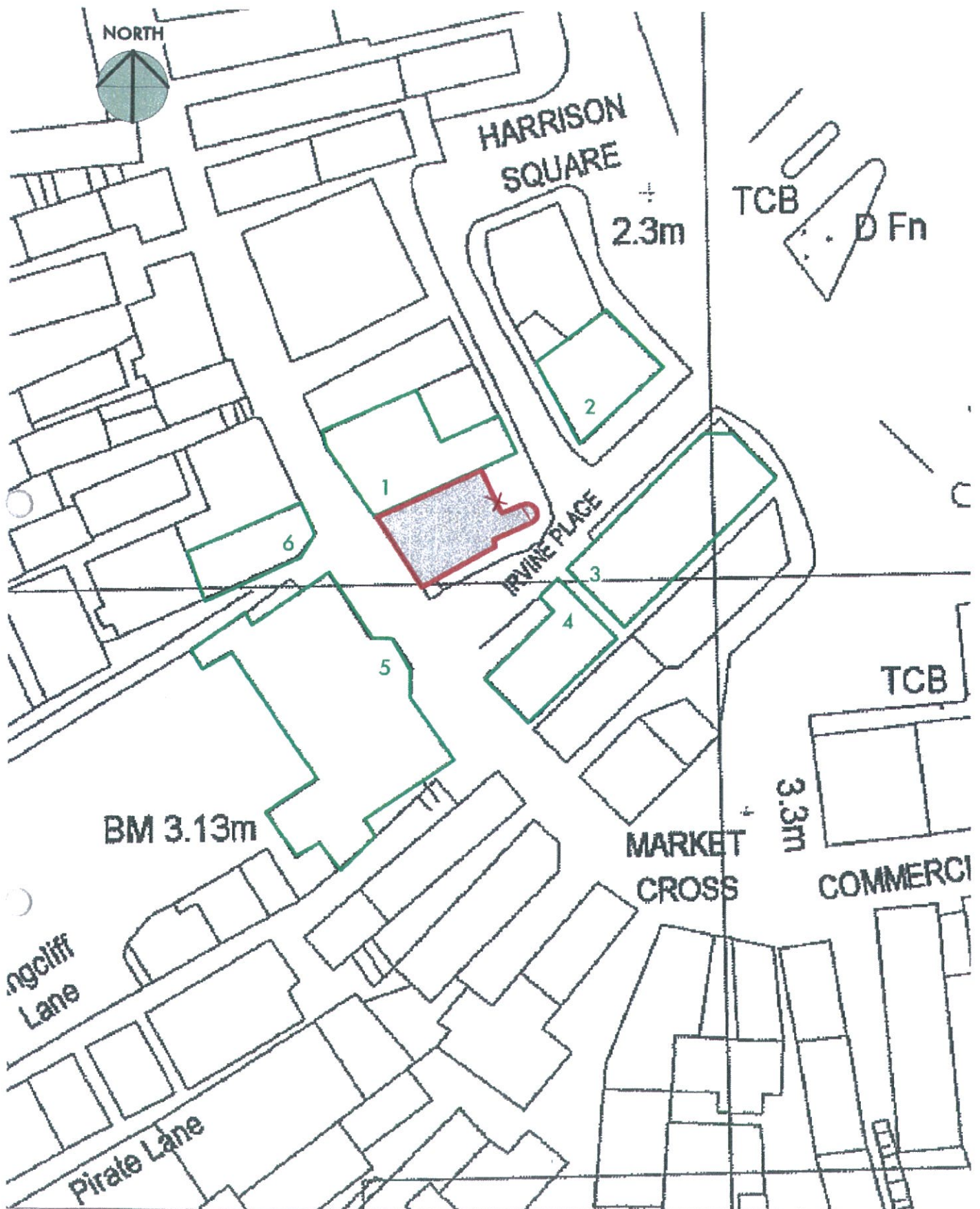
- 11.1 Location Map – Drawing No. 2011/095/ADV_SIC/002
- 11.2 Rear Elevation Drawing No. 2011/095/ADV_SIC/001

12. Background Papers

- 12.1 None.

Report Ref: 095_Report_to_PB.doc
Officer: D Stewart

Planning Board Date: 24 June 2011



PLEASE SEE ATTACHED LIST OF NEIGHBOURING PROPERTIES

SIC
INFRASTRUCTURE PROJECTS
21 FEB 2011



SCALE 100:1

SIC INFRASTRUCTURE SERVICES	
31 MAR 2011	
PASS 10	ACTION

