

**Planning Committee****13 December 2011****2011/270/PPF: To Extend Dwellinghouse, Islesburgh, Sullom by Mr and Mrs A Doull****PL-23-11-F****Report Presented by Planning Officer –
Development Management , Planning****Development Services Department**

1.0 Summary

- 1.1 This report concerns a planning application to extend an existing dwellinghouse at Islesburgh, Sullom which is being applied for by a local Councillor.
- 1.2 This proposal is to erect a single storey extension on the east elevation of an existing dwellinghouse at Islesburgh, Sullom to accommodate a new entrance area to the property.

2.0 Decision Required

- 2.1 The Planning Committee is asked to determine the application. It is recommended that the application be approved.

3.0 Determination

- 3.1 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.

There are statutory development plan policies against which this application has to be assessed against. Those policies of significance are listed below. Unless material considerations indicate otherwise, the determining issues to be considered is whether the proposal complies with development plan policies.

Statutory Development Plan Policies:

Shetland Islands Council Structure Plan (2000) Policies

GDS4 - Natural and Built Environment

SPNE1 - Design

SPBE1 - Built Environment

Shetland Islands Council Local Plan (2004) (As Amended) Policies

LPNE10 - Development and the Environment

LPBE13 - Design

Safeguarding

Housing Zone 2

4.0 Report

- 4.1 It is considered that the proposed development will have no adverse impact upon the natural and built environment. The proposed extension is appropriate in terms of scale, design and form. All external material finishes proposed shall match the visual appearance of the existing dwellinghouse. There are no neighbours that will be affected by the proposed development. As such, the proposal complies with the policies outlined at paragraph 3 above.
- 4.2 Having considered the safeguarding on site, there was no need to undertake any internal or external consultations on the proposed development. Details of the representations are outlined at paragraph 5.2 below and a copy of the correspondence is appended to this report.

5.0 Implications (of Decision)

Strategic

- 5.1 Delivery On Corporate Priorities – A decision made on the planning application that accords with the development plan will contribute directly to the Single Outcome Agreement through the 'Greener' priority outcome.
- 5.2 Community/Stakeholder Issues – No objections were received to the proposed development. Shetland Archaeologist contacted the Planning Authority via email on 20 October 2011. Shetland Archaeologist requested that an archaeological watching brief be carried out during all ground breaking works. This is because the existing dwellinghouse and proposed extension has been constructed on what appears to be a broch. As such, any decision notice for approval should be conditioned to take account of this request.
- 5.3 Policy And/Or Delegated Authority – The application is for a development falling within the category of Local Development. A Councillor has an interest in the proposal. The decision to determine the application is therefore delegated to the Planning Committee under the Planning Scheme of Delegations that has been approved by the Scottish Ministers.

- 5.4 Risk Management – If Members are minded to refuse the application, 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. This is in order to comply with Regulation 28 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008. Furthermore, it provides clarity in the case of a subsequent planning appeal or judicial review against the Planning Committee's decision. Failure to give clear planning reasons for the decision could lead to the decision being overturned or quashed. In addition, an award of costs could be made against the Council. This could be on the basis that it is not possible to mount a reasonable defence of the Council's decision.

6.0 Conclusions

- 6.1 There are no safeguarding issues arising and no objections have been received to the proposed development.
- 6.2 The proposed development has been assessed against the policies outlined in paragraph 3 above, and taking Shetland Archaeologist's comments into account, it is recommended that this planning application be approved because:
- (a) the proposed development is appropriate in terms of its location, scale, design and form and will have no adverse impact upon the natural and built environment;
 - (b) all external material finishes and colours proposed shall match the appearance of the existing dwellinghouse thereby maintaining the visual amenity and quality of the area; and
 - (c) there are no neighbours that will be adversely affected by the construction of the proposed extension.
- 6.3 As such, it is recommended that the proposal be granted subject to conditions (the schedule for which is appended to the report) in compliance with Shetland Structure Plan (2000) Policies GDS4 and SPNE1 and Shetland Local Plan (2004) Policies LPNE10 and LPBE13.

For further information please contact:

Dawn Stewart, Planning Officer – Development Management

Tel: 01595 744817 Email: dawn.stewart@shetland.gov.uk

30 November 2011

List of Appendices

- Copy of email from Shetland Archaeologist, dated 20/10/11
- Location Plan – Drawing No. 672.11, received on 29/08/11
- Site Plan – Drawing No. 672.10, received on 29/08/11
- Existing Elevations and Floor Plan – Drawing No. 672/01, received on 29/08/11
- Proposed Elevations – Drawing No. 672.03, received on 29/08/11
- Proposed Floor Plan – Drawing No. 672.02, received on 29/08/11
- Schedule of recommended conditions

Background documents:

- [Shetland Structure Plan \(2000\)](#)
- [Shetland Local Plan \(2004\) \(as amended\)](#)
- [National Planning Policy Guidance – NPPG5](#) (Archaeology and Planning)
- [Planning Advice Note 2/2011 – Planning & Archaeology](#)

Holden John@Infrastructure Services

From: Val Turner [val@shetlandamenity.org]
Sent: 20 October 2011 18:01
To: Davidson Inga@Infrastructure Services; Linton Claire@Infrastructure Svs; Holden John@Infrastructure Services
Cc: Chris Dyer
Subject: Islesburgh Sullom 2011/270

Islesburgh Sullom 2011/270

Apologies for not getting back to you sooner. This house is built on what appears to be a broch. It is clear that a lot of landscaping has gone on within the house plot and garden ground in the past. I would therefore request that you include a condition for a watching brief AS FOLLOWS:

An archaeological watching brief will be carried out during all ground breaking works, by an appropriately experienced archaeologist, agreed with the Regional Archaeologist on behalf of the Local Planning Authority. If archaeology is encountered time will be made available for the appropriate level of investigation and recording which will be agreed between the contracting archaeologist and the Regional Archaeologist on behalf of the Local Authority.

Thank you
Best wishes
Val

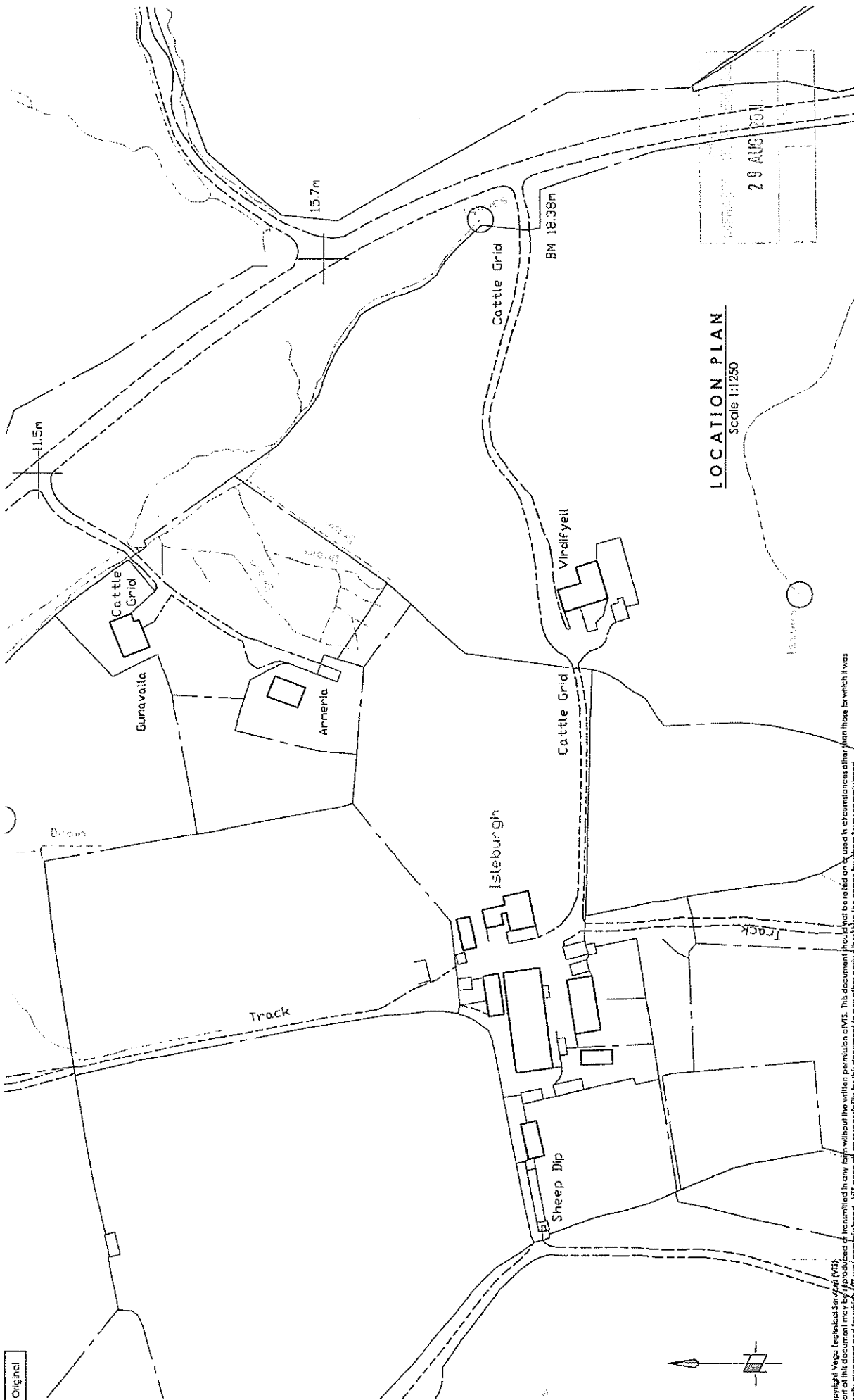
Val Turner
Shetland Archaeologist
Shetland Amenity Trust, Garthspool,
Lerwick, Shetland, ZE1 0NY
Tel: (01595) 694688



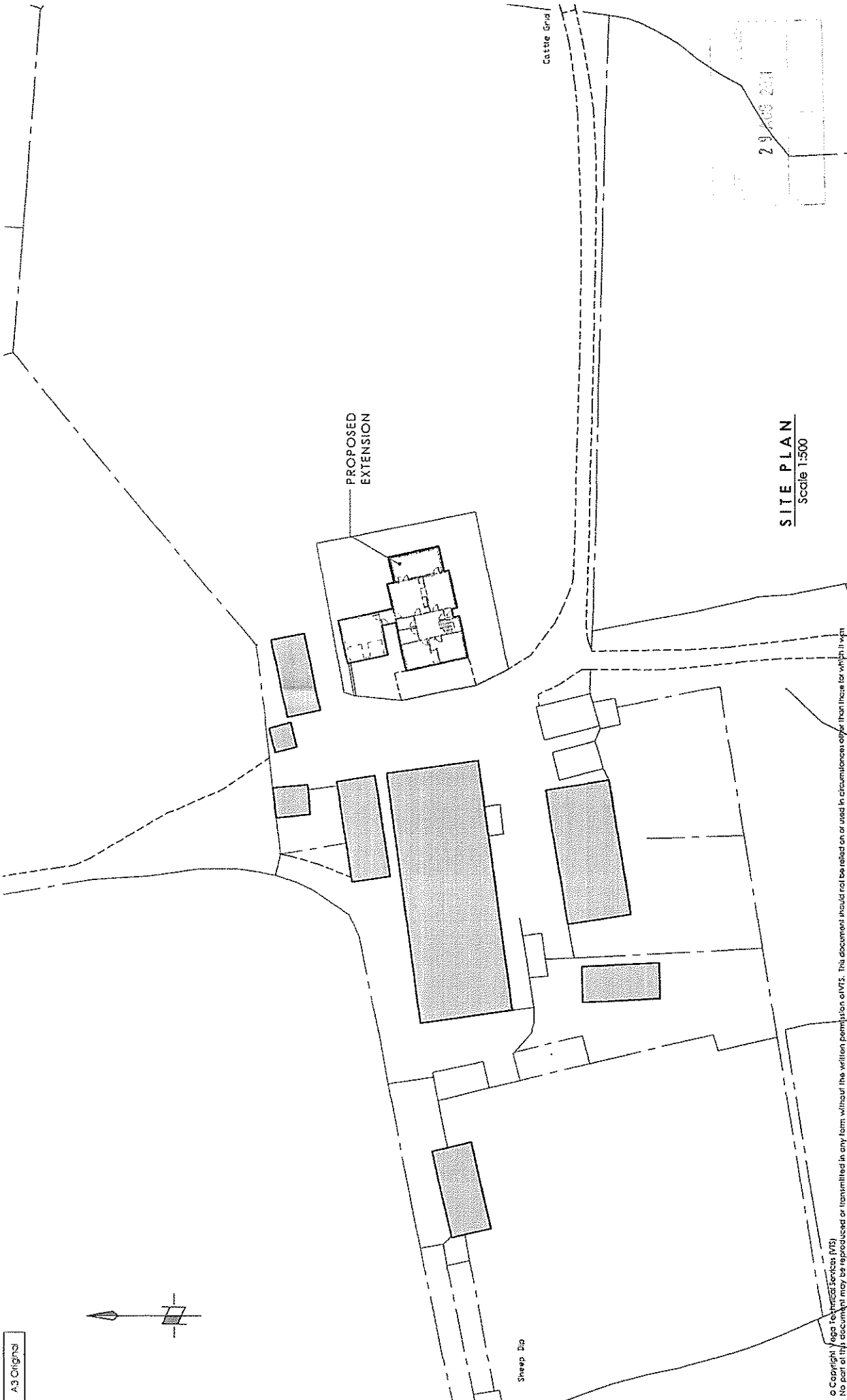
The Shetland Amenity Trust is a registered
Scottish charity, No: SC017505

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26/10/2011



Project PROPOSED EXTENSION HOUSE AT ISLESBURGH, SULLOM, SHETLAND.		Date Drawn 25.7.11
Drawing Title Location plan		Scale (to A3) 1:1250
Drawing Status PLANNING		Revision -
VEGA TECHNICAL SERVICES Architectural, Land Surveying and Civil Engineering & CAD Drafting 100 WICK VIOLET CIRCLE 44MPRICK RHILAND 107 WIL T: 01534 431122/79 M: 07759 884 878 E: info@vegats.co.uk		
Notes ALL LAND WITHIN 20m OF THE DEVELOPMENT AREA IS OWNED BY THE APPLICANT AND THERE IS NO TENANTS		
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Rev	Date	Description



PROPOSED
EXTENSION

SITE PLAN
Scale 1:500

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Notes

ALL LAND WITHIN 20m OF THE
DEVELOPMENT AREA IS OWNED BY
THE APPLICANT AND THERE ARE NO
TENANTS

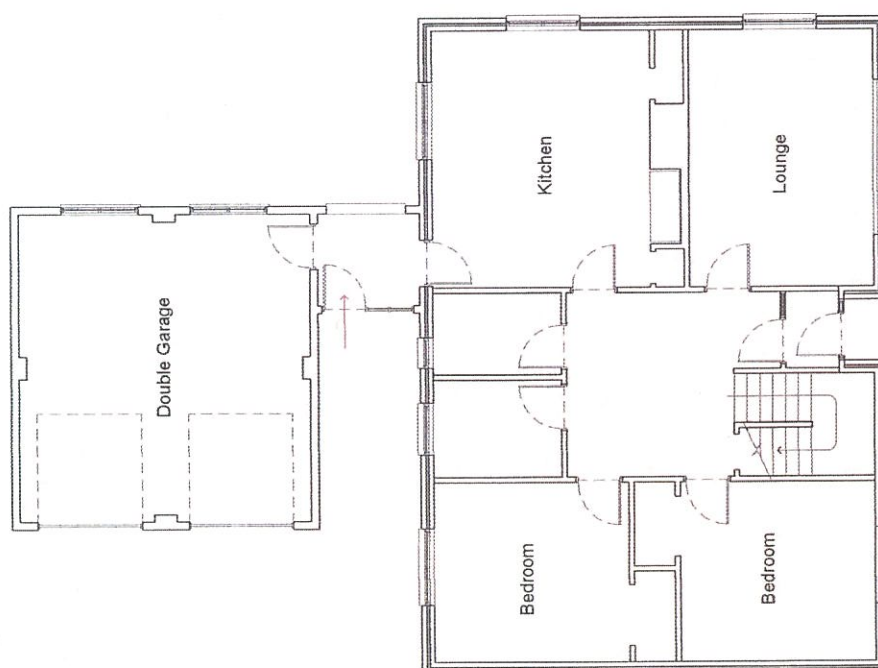


VEGA TECHNICAL SERVICES
Architectural, Land Surveying and Civil Engineering CAD Drafting

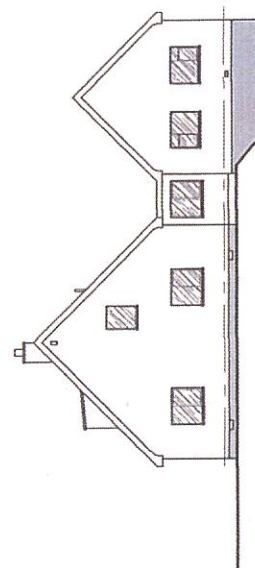
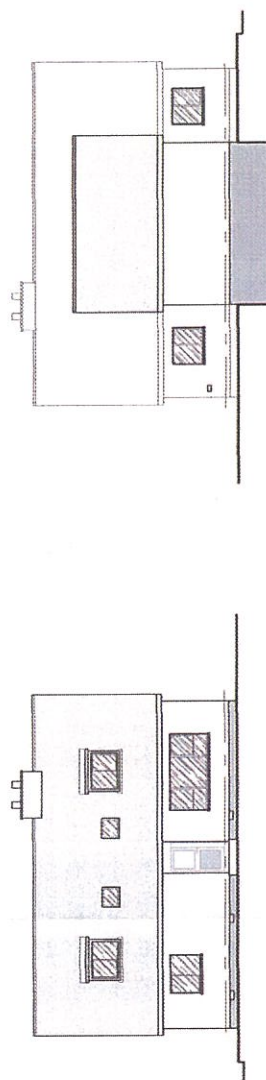
HOWICK VULCAN CENTRE SANDWICH - SHETLAND - ZE1 9NL
Tel: 01695 471 600/471 601
Fax: 01695 471 602
Email: info@vegats.co.uk

Project	PROPOSED EXTENSION HOUSE AT ISLESBURGH, SULLOM, SHETLAND.			Date Drawn	25.7.11
Drawing Title	Site plan			Scale(s) (S.A.)	1:500
Drawing Status	PLANNING			Revision	-
Drawing Number	672.10				

Rev	Date	Description
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FLOOR PLAN
Scale 1:100



EXISTING ELEVATIONS

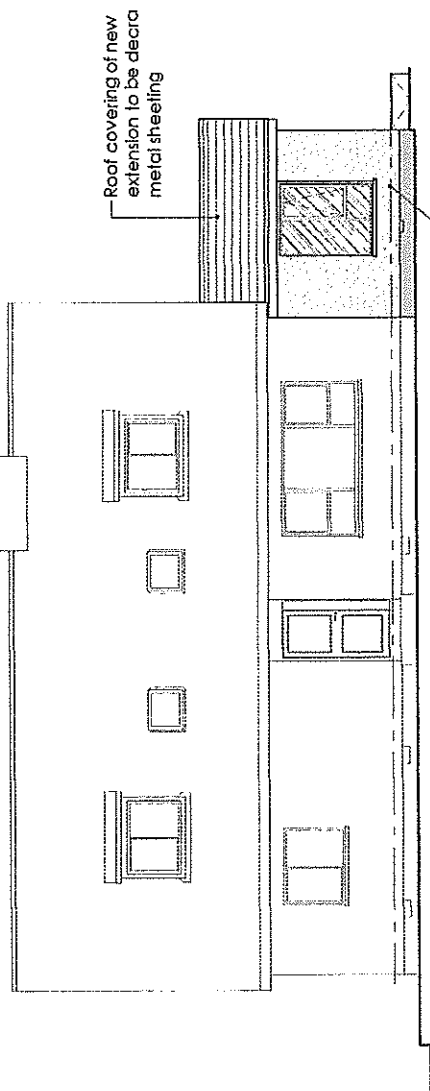
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INFRASTRUCTURE SERVICES		

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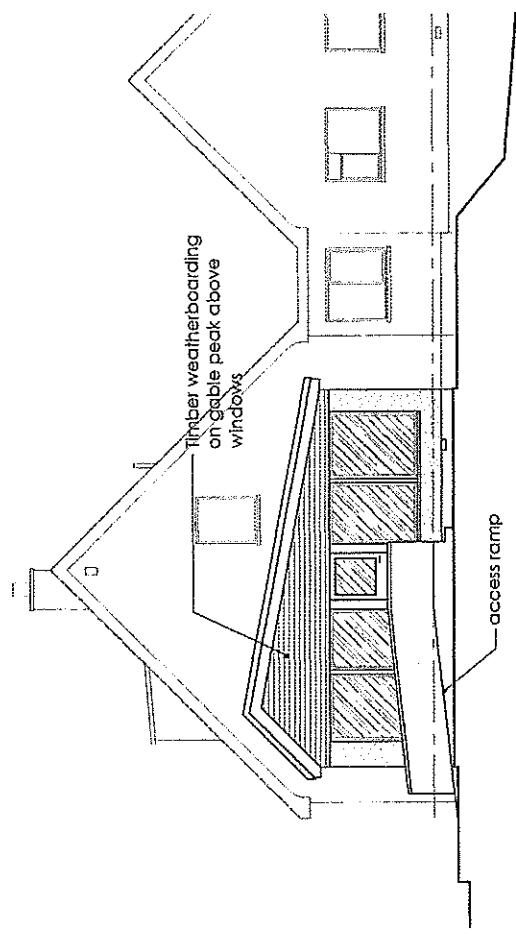
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<p>VEGA TECHNICAL SERVICES Architectural, Land Surveying and Civil Engineering CAD drawing</p>		<p>Drawing Title</p> <p>Existing floor plan and elevations</p>		<p>Scale(s) @ A3 1:100 1:200</p>
<p>HOSWICK VISITOR CENTRE - SANDWICK - SHETLAND IE5 9HL</p> <p>Tel: (01950) 431 502/279 Mob: 07770 854 578 E-mail: michael@vegatech.plus.com</p>		<p>Drawing Number</p> <p>672.01</p>		<p>Revised -</p>

A3 Original

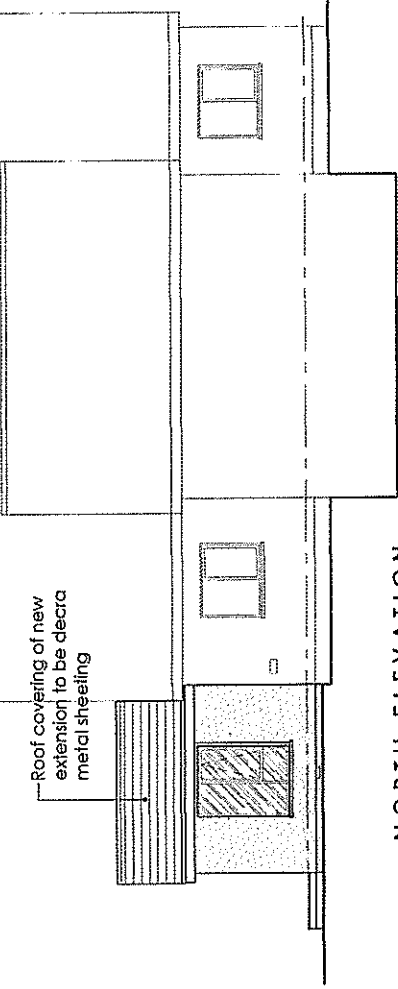
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SOUTH ELEVATION
Scale 1:100




EAST ELEVATION
Scale 1:100

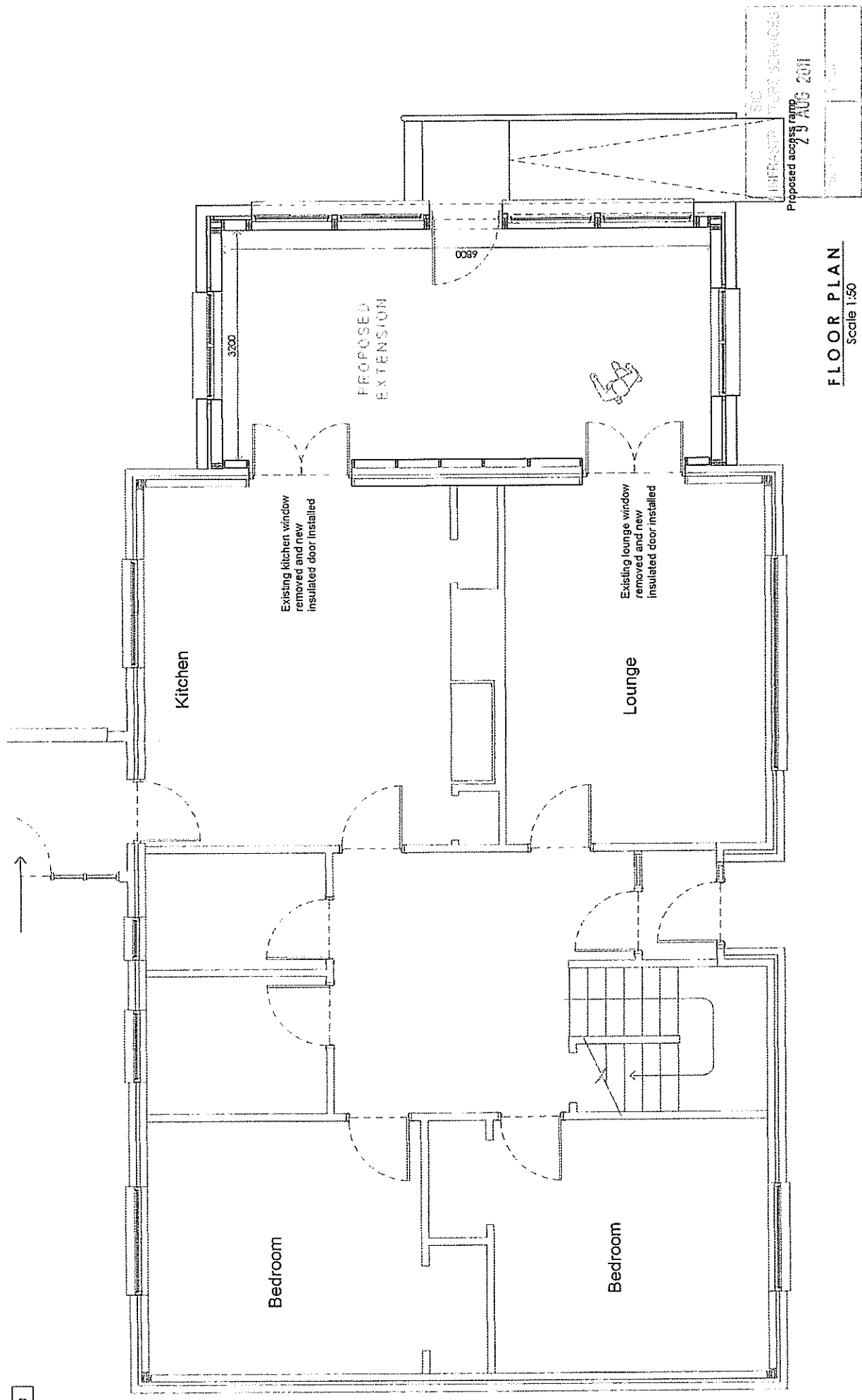


NORTH ELEVATION
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VEGA TECHNICAL SERVICES
29 AUG 2011


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						PROPOSED EXTENSION HOUSE AT ISLESBURGH, SULLOM, SHETLAND. <td>25.7.11</td>	25.7.11
					Drawing Title Proposed elevations	Scale(s) 1:100	
					Drawing Status PLANNING	Drawing Number 672.03	
					Revision -		

A3 Original



FLOOR PLAN
Scale 1:50

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Rev		Date	Description	
Notes				
 VEGA TECHNICAL SERVICES Architectural, land surveying and civil engineering CAD drafting			Project PROPOSED EXTENSION HOUSE AT ISLESBURGH, SULLOM, SHETLAND.	
HOUNICE WILSON CIVIL - HANOVER - SHETLAND - 01274 Tel: 01274 471 22279 Fax: 01274 471 22279 Email: hounice@vega-ts.com			Drawing Title Proposed floor plan	
			Drawing Status PLANNING	
			Drawing Number 672.02	
			Revision 	
			Date Drawn 25.7.11	Scale(s) @ A3 1:50

SCHEDULE OF RECOMMENDED CONDITIONS

Conditions:

(1) The development hereby permitted shall not be carried out other than wholly in accordance with the approved 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.

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) 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 seasons following the completion of the development, which run from 1st May to 15th August for the sowing of grass seeds mixtures, and between 1st March and 15th May or before new leaf growth takes place (whichever is the soonest) for the planting of bare root stock trees, shrubs and hedges, and between 1st March and 15th August for potted and cell grown stock trees, shrubs and hedges) . 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.

(5) If any top soil, spoil or waste materials arising from any excavation of the site carried out as part of the development hereby permitted, 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 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.

(6) The developer shall afford access during all ground breaking works to any archaeological organisation acceptable to the planning authority, and shall allow them to observe work in progress and record items of interest and finds. If archaeology is encountered, time will be made available for the appropriate level of investigation. Notification of the commencement date, information as to who is undertaking the archaeological investigation, and who to contact on site shall be provided in writing to the planning authority at least 14 days prior to commencement of development works on site.

Reason: To protect any archaeological remains within the site and in compliance with Shetland Structure Plan (2000) Policies GDS4 and SPBE1 and National Planning Policy Guidance - NPPG5 (Archaeology and Planning), and Planning Advice Note - PAN 2/2011 (Planning and Archaeology).

Notes to Applicant:

Building Standards

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

Notice 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.

270_Scheme_of_Recommended_Conditions.doc



REPORT

To: Planning Committee

13 December 2011

**From: Development Management
Planning
Development 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 Planning Scheme of Delegations 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 Committee, applications for Local Development, where the exceptions that are set out in paragraph 1.3 above apply and so therefore the decision falls to be made by the Planning Committee, are set out in a table that includes the related officer recommendation. To meet with the Planning Committee's instruction of 20 September 2011 the table details the reason why the proposal falls to be determined by the Planning Committee.
- 1.5 The applications for Local Development that are set out in the table below, where exceptions apply, have each 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. To meet with the Planning Committee's instruction of 26 July 2011 (Item Minute 10/11), the list of conditions or refusal reasons (as appropriate) relating to each application is appended to this report.

Planning Application Ref.	Development Proposed	Applicant	Officer Recommendation	Type of Exception
2011/255/PPF	Part retrospective application to provide hardstanding and fenced compound to store mussel farming equipment, Wethersta Industrial Estate, Wethersta, Brae	Blueshell Mussels Ltd.	Approve, with conditions	Planning authority is landowner
2011/262/PPF	Erection of garden shed, 27 Kalliness, Weisdale	Ms Christine Mitchell	Approve, with conditions	Planning authority is landowner
2011/285/PPF	To site garden shed, 17 Knab Road, Lerwick	David White	Approve, with conditions	Planning authority is landowner
2011/318/PPF	To erect garden shed, 1 Rudda Park, Lerwick	John Clark and Eileen Williamson	Approve, with conditions	Planning authority is landowner
2011/325/PPF	Demolish existing dwellinghouse and erect single storey dwellinghouse with integral garage, Fairlea, Bridge End, Burra	Mr and Mrs Andrew Brown	Approve with conditions	Planning authority is landowner of part of application site

- 1.6 In respect of each application a decision that accepts the officer's recommendation will, in the opinion of the Executive Manager - Planning, comply with Council planning policy. If Members are minded to determine an 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 each application.

2. Recommendation

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

planning committee.doc J R Holden
Planning Committee: 13/12/2011

Appendix

2011/255/PPF - Part retrospective application to provide hardstanding and fenced compound to store mussel farming equipment Weathersta Industrial Estate, Wethersta, Brae, Shetland, ZE2 9QL by Blueshell Mussels Ltd

Recommended Conditions

(1.) The development hereby permitted shall not be carried out other than wholly in accordance with the approved 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.

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

(2.) The construction of the perimeter fencing hereby permitted shall not commence until the following visibility splays are provided; thereafter the visibility splays shall be maintained throughout the lifetime of the development.

- A visibility splay of 2.5 metres by 60 metres shall be provided at the junction of the access with the public road.

Reason: To provide a safe access to drivers of vehicles to enter and leave the development site, and to provide a clear view over a length of road in the interests of public and road safety in compliance with Shetland Structure Plan (2000) Policy GDS4 and Shetland Local Plan (2004) Policy LPNE10.

(3.) Notwithstanding the details on the approved plans, and unless otherwise stated at the junction of the access with the public 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 should be permitted within 2 metres of the edge of the public road;

- no fence, wall, bushes or other potential obstruction to visibility over 900mm in height above road surface level shall be permitted within the identified visibility splay;
- any gate erected across the access to the development site shall be set back a minimum of 6 metres from the edge of the public road. If the gate erected is outward opening then the distance shall be increased to 10 metres to allow a vehicle to stand clear of the public 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, 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.

(4.) Within four months of the date of this permission, the access road serving the development shall be constructed to a minimum of 5.5 metres in width for at least the first 6 metres from the edge of the public road and shall be surfaced in bitmac for at least the first 6 metres from the edge of the public road.

Reason: For the avoidance of doubt as to what is being permitted by this consent and in the interests of road and vehicular safety in accordance with Shetland Local Plan (2004) Policy LPNE10.

(5.) Prior to the commencement of the construction of the perimeter fencing, details of the material colours and finishes to be used shall be submitted to the Planning Authority for written approval.

Reason: For the avoidance of doubt as to what is being authorised by this consent and to protect the visual amenity of the area.

Notes to Applicant:

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, Shetland ZE1 0PY.

Roads Drainage

Landscaping/ground levels on site should be designed to ensure that potential overland flows of water does not cause a flooding problem to other properties. Site and access levels should guide water flowing over the ground away from properties and towards a suitable place for them to re-enter a drainage system.

Notice 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.

2011/262/PPF - Erection of garden shed, 27 Kalliness, Weisdale, Shetland, ZE2 9LR by Ms Christine Mitchell

Recommended Conditions

(1.) The development hereby permitted shall not be carried out other than wholly in accordance with the approved 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.

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

(2.) 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).

Notes to Applicant:

Commencement of Development

The development hereby permitted shall be commenced within three years of the date of this permission. In order 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.

Notice 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.

2011/285/PPF - To site garden shed, 17 Knab Road, Lerwick, Shetland, ZE1 0AR by Mr David White

Recommended Conditions

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(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.) 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 seasons following the completion of the development, which run from 1st May to 15th August for the sowing of grass seeds mixtures, and between 1st March and 15th May or before new leaf growth takes place (whichever is the soonest) for the planting of bare root stock trees, shrubs and hedges, and between 1st March and 15th August for potted and cell grown stock trees, shrubs and hedges) . 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.

(5.) If any top soil, spoil or waste materials arising from any excavation of the site carried out as part of the development hereby permitted, 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 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:

Notice 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.

2011/318/PPF - To erect garden shed, 1 Rudda Park, Lerwick, Shetland, ZE1 0EF by John Clark & Eileen Williamson

Recommended Conditions

(1.) The development hereby permitted shall not be carried out other than wholly in accordance with the approved 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.

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.) If any top soil, spoil or waste materials arising from any excavation of the site carried out as part of the development hereby permitted, 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 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.

(5.) Within four months of the completion of the erection of the proposed shed, a scheme detailing the colour finishes of the shed hereby approved shall be submitted to and 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 upon the amenities of neighbouring properties in compliance with Shetland Local Plan (2004) Policy LPBE13.

Notes to Applicant:

Notice 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.

2011/325/PPF - Demolish existing dwellinghouse and erect single storey dwellinghouse with integral garage, Fairlea, Bridge End, Burra, Shetland ZE2 9LD by Mr & Mrs Andrew Brown

Recommended Conditions

(1.) The development hereby permitted shall not be carried out other than wholly in accordance with the approved 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.

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

(2.) 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).

(3.) The development hereby permitted shall not commence until the following visibility splays are provided; thereafter the visibility splays shall be maintained throughout the lifetime of the development.

A visibility splay of 2.5; metres by 90; metres shall be provided at the junction of the access with the public road; this is available at present.

Reason: To provide a safe access to drivers of vehicles to enter and leave the development site, and to provide a clear view over a length of road in the interests of public and road safety in compliance with Shetland Structure Plan (2000) Policy GDS4 and SPHOU2 and Shetland Local Plan (2004) Policy LPHOU4.

(4.) The dwellinghouse/building hereby permitted shall not be constructed until the access road serving the development from the public road, has been constructed to a minimum of 5.5 metres in width for at least the first 6 metres from the edge of the public and has been completed in bitmac for at least the first 6 metres from 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 GDS4 and Shetland Local Plan (2004) Policy LPHOU4.

(5.) Notwithstanding the details on the approved plans, and unless otherwise stated at the junction of the access with the public 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 2.5; metres of the edge of the public road;

Any gate erected across the access to the development site shall be set back a minimum of 6 metres from the edge of the public road. If the gate erected is outward opening then the distance shall be increased to 10 metres to allow a vehicle to stand clear of the public 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, 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 LPHOU4.

(6.) As well as 3 car parking spaces, 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. All spaces adjacent to any walls or fences should be increased by 0.5 metres.

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.

(7.) 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 plans and/or details approved under condition no. 1; of this permission. No part of the development shall be occupied; until foul drainage works have been completed in accordance with the approved plans and/or details and 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.

(8.) 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 effects 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.

(9.) 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 seasons following the completion of the development, which run from 1st May to 15th August for the sowing of grass seeds mixtures, and between 1st March and 15th May or before new leaf growth takes place (whichever is the soonest) for the planting of bare root stock trees, shrubs and hedges, and between 1st March and 15th August for potted and cell grown stock trees, shrubs and hedges) . 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.

(10.) The dwellinghouse 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: 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.

(11.) There shall be no burning of materials on the site.

Reason: To protect the existing residential amenity of the occupiers of the neighbouring properties and to prevent pollution in compliance with Shetland Local Plan (2004) policy LP NE10.

(12.) If any top soil, spoil or waste materials arising from any excavation of the site carried out as part of the development hereby permitted, 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 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:

Commencement of Development

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

Building Warrant

You are advised to contact the Building Standards Service on 01595 744800 to discuss any building warrant requirements for your 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, Shetland ZE1 0PY.

Scottish Water

You are advised to contact Scottish Water in order to discuss connectivity to their infrastructure. Contact: Scottish Water, Shetland Islands Area Office, PO Box 11660, Lerwick, Shetland, ZE1 0ZF Tel: 0345 437437.

Notice 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.

Report of Handling

Development: Part retrospective application to provide hardstanding and fenced compound to store mussel farming equipment

Location: Weathersta Industrial Estate, Wethersta, Brae, Shetland, ZE2 9QL,

By: Blueshell Mussels Ltd

Application Ref: 2011/255/PPF

1. Introduction

This proposal is to provide a hardstanding area and fenced compound to store mussel farming equipment upon a site at Weathersta Industrial Estate in Brae for Blueshell Mussels Ltd. The site was originally hardcore, but this has since been overgrown with grass. The applicant has already stripped the grass away and reinstated the hardcore surface, hence this part of the application is retrospective.

According to the planning application submission, the existing fencing on site is in a dilapidated and unsightly condition and as such, the applicant intends to erect a new timber or steel fence of approximately 2 metres in height to improve the visual appearance of the proposed storage compound.

2. Statutory Development Plan Policies

Shetland Islands Council Structure Plan (2000) Policies

GDS4 - General Development Policy Natural and Built Environment

Shetland Islands Council Local Plan (2004) (As Amended) Policies

LPNE10 - Development and the Environment

LPIND8 - Buildings and Plant

3. Safeguarding

Scatsta 13km Zone - Scatsta 13km Zone: 13km Consultation Zone Bird Strike Zone

30km Radius Scatsta - 30km Sumburgh Scatsta: 2

Land Capability Agriculture - code: 5.2

Scatsta Safeguard - Height: 90m

Zone 3 Modified - Zone 3: Housing Zone 3

4. **Consultations**

Roads Traffic was consulted on the 13 September 2011. Their comments dated 6 October 2011 can be summarised as follows:

No objections to the proposed development and advised that standard road safety conditions be applied to the decision notice. Also noted that although permanent parking spaces are not being requested, clear access must be maintained onto and within the site to ensure that vehicles loading and unloading stored materials do not encroach onto the public road. (Comment: This request has been added as an informative to the decision notice that is recommended).

Roads Drainage was consulted on the 13 September 2011. Their comments dated 6 October 2011 can be summarised as follows:

No objections to the proposed development but requested that standard drainage issues be address in relation to surface water run-off. (Comment: An informative has been added to the decision notice that is recommended in this respect).

5. **Statutory Advertisements**

A notice was not required to be published in the local newspaper.

A site notice was not required to be posted.

6. **Representations**

None.

7. **Report**

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.

There are statutory Development Plan Policies against which this application has to be assessed and these are listed at paragraph 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.

The proposal incorporates the retrospective provision of a hardstanding area and the construction of a new perimeter fence which shall be used for the storage of mussel farming equipment. According to the

planning application submission, the existing fencing on site is in a dilapidated and unsightly condition and as such, the applicant intends to erect a new timber or steel fence of approximately 2 metres in height to improve the visual appearance of the proposed storage compound, which lies within a Zone 3 area of Brae at Weathersta Industrial Estate.

The planning application form states that the proposed new fence will be constructed of timber or steel, however the actual material type will need to be established prior to the construction of the fence. In this respect it will be appropriate for a decision notice on an approval to have a condition attached requiring details of the perimeter fencing material to be submitted and approved prior to its construction on site.

In a consultation response, Roads Traffic stated that whilst there is no request for permanent parking spaces to be provided on site, clear access must be maintained onto and within the site to ensure that vehicles loading and unloading stored materials do not encroach onto the public road. As such, the decision notice that is recommended has been conditioned to ensure that no materials or waste products are stored outwith this storage compound for the purposes of road and vehicular safety and to protect the visual amenity of the surrounding area.

It is considered that the proposed site for this retrospective hardstanding area and proposed storage compound is appropriate for this industrial location and that as the compound is being created for the purposes of storing mussel farming materials combined with the new replacement fencing, this will contribute to an improvement in the general visual appearance and amenity of the area and therefore the proposed development will have no adverse impact upon the natural and built environment. Subject to controlling conditions therefore, the proposal complies with the policies outlined at paragraph 2 above.

8. Policy and Delegated Authority

As the application is for a proposed development falling within the category of Local Development and the Council has an interest in the proposal, 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.

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.

Notification to Scottish Ministers

Not required.

9. Recommendation

Grant subject to conditions.

Reasons for Council's decision:

It is considered that the proposed site for this retrospective hardstanding area and proposed storage compound is appropriate for this industrial location and that as the compound is being created for the purposes of storing mussel farming materials combined with the new replacement fencing, this will contribute to an improvement in the general visual appearance and amenity of the area and therefore the proposed development will have no adverse impact upon the natural and built environment. Subject to controlling conditions therefore, the proposal complies with Shetland Structure Plan (2000) Policy GDS4 and Shetland Local Plan (2004) Policies LPNE10 and LPIND8.

10. List of approved plans:

- Location Plan 16.08.2011
- Site Plan 16.08.2011

11. Conditions:

(1.) The development hereby permitted shall not be carried out other than wholly in accordance with the approved 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.

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

(2.) The construction of the perimeter fencing hereby permitted shall not commence until the following visibility splays are provided; thereafter the visibility splays shall be maintained throughout the lifetime of the development.

- A visibility splay of 2.5 metres by 60 metres shall be provided at the junction of the access with the public road.

Reason: To provide a safe access to drivers of vehicles to enter and leave the development site, and to provide a clear view over a length of

road in the interests of public and road safety in compliance with Shetland Structure Plan (2000) Policy GDS4 and Shetland Local Plan (2004) Policy LPNE10.

(3.) Notwithstanding the details on the approved plans, and unless otherwise stated at the junction of the access with the public 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 should be permitted within 2 metres of the edge of the public road;
- no fence, wall, bushes or other potential obstruction to visibility over 900mm in height above road surface level shall be permitted within the identified visibility splay;
- any gate erected across the access to the development site shall be set back a minimum of 6 metres from the edge of the public road. If the gate erected is outward opening then the distance shall be increased to 10 metres to allow a vehicle to stand clear of the public 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, 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.

(4.) Within four months of the date of this permission, the access road serving the development shall be constructed to a minimum of 5.5 metres in width for at least the first 6 metres from the edge of the public road and shall be surfaced in bitmac for at least the first 6 metres from the edge of the public road.

Reason: For the avoidance of doubt as to what is being permitted by this consent and in the interests of road and vehicular safety in accordance with Shetland Local Plan (2004) Policy LPNE10.

(5.) Prior to the commencement of the construction of the perimeter fencing, details of the material colours and finishes to be used shall be submitted to the Planning Authority for written approval.

Reason: For the avoidance of doubt as to what is being authorised by this consent and to protect the visual amenity of the area.

Notes to Applicant:

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, Shetland ZE1 0PY.

Roads Drainage

Landscaping/ground levels on site should be designed to ensure that potential overland flows of water does not cause a flooding problem to other properties. Site and access levels should guide water flowing over the ground away from properties and towards a suitable place for them to re-enter a drainage system.

Notice 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.

12. Further Notifications Required

None.

13. Background Information Considered

None.

14. Attachments

None.

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Officer: Dawn Stewart
Date: 2nd December 2011



Report of Handling

Development: Erection of garden shed

Location: 27 Kalliness, Weisdale, Shetland, ZE2 9LR,

By: Ms Christine Mitchell

Application Ref: 2011/262/PPF

1. Introduction

This application is for a brown treated wooden, grey felt roofed shed measuring 1.83 metres wide by 2.44 metres long by 2.13 metres high to the roof ridge in a residential garden. The application site is a semi detached property along the southwest boundary, the remaining boundary of the site is encircled by a road and footpath. There was therefore no suitable location for the shed in terms of benefitting from permitted development rights under the Town and Country Planning (General Permitted Development)(Scotland) Order 1992.

The site is owned by the Council and therefore under the approved Scheme of Delegation the application for planning permission for this local development cannot be determined by the Appointed Person.

2. Statutory Development Plan Policies

Shetland Islands Council Structure Plan (2000) Policies

GDS4 - General Development Policy Natural and Built Environment

Shetland Islands Council Local Plan (2004) (As Amended) Policies

LPNE10 - Development and the Environment

Shetland Islands Council Interim Planning Policy Guidance

3. Safeguarding

Zone 1 Modified - Zone 1 Modified: Housing Zone 1

4. Consultations

Roads Traffic was consulted on the 28 September 2011. Their comments dated 23 November 2011 can be summarised as follows:

No objection.

5. Statutory Advertisements

The application was advertised in the Shetland Times on 30.09.2011

A site notice was not required to be posted.

6. Representations

Representations were received from the following properties:

None.

7. Report

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.

There are statutory Development Plan Policies against which this application has to be assessed and these are listed at paragraph 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.

The proposed development due to its proximity to the road which encircles three quarters of the site, required planning consent as it did not benefit from permitted development rights. Since the application required planning permission, consultation with the Council's Roads Service was deemed appropriate. The submitted proposal gave rise to no other issues other than consideration of the visibility splay for the surrounding road.

The Council's Roads Service assessed the application and raised no objection to the proposal. The proposal complies with Shetland Structure Plan (2000) Policy GDS4 and Shetland Local Plan (2004) Policy LPNE10.

8. Policy and Delegated Authority

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 the Council has an interest in the proposal, 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.

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. **Recommendation**

Grant subject to conditions

Reasons for Council's decision:

(1.) The proposed design and location of the shed will have no adverse effect on the natural or built environment. The proposal has been assessed in terms of the proximity to the road and no issues have been raised. The proposed development accords with Shetland Structure Plan (2000) Policy GDS4 and Shetland Local Plan (2004) Policy LPNE10.

10. **List of approved plans:**

- Location Plan 2011/262/PPFSIC1 24.08.2011
- Site Plan 2011/262/PPFSIC2 24.08.2011
- Floor & Elevation Plan 2011/262/PPFSIC3
26.09.2011

11. **Conditions:**

(1.) The development hereby permitted shall not be carried out other than wholly in accordance with the approved 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.

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

(2.) 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).

Notes to Applicant:

Commencement of Development

The development hereby permitted shall be commenced within three years of the date of this permission. In order 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.

Notice 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. Further Notifications Required

None.

12. Background Information Considered

None.

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Officer: Steven Pattie

Date: 2nd December 2011



x - porches were added to these houses about 25 yrs ago.

DWG: 2011/262/PFF SIC2

OS Mastermap
12 July 2011, ID: CM-00082446
www.centremaps.co.uk

1:500 scale print at A4, Centre:
438658 E, 1149866 N

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Report of Handling

Development: To site garden shed

Location: 17 Knab Road, Lerwick, Shetland, ZE1 0AR,

By: Mr David White

Application Ref: 2011/285/PPF

1. Introduction

This proposal is to construct a shed in the garden grounds of an existing property at 17 Knab Road, Lerwick.

External material finishes and colours proposed comprise brown wooden clad walls and a burnt on mineral felt roof.

2. Statutory Development Plan Policies

Shetland Islands Council Structure Plan (2000) Policies

GDS4 - General Development Policy Natural and Built Environment

SPNE1 - Design

Shetland Islands Council Local Plan (2004) (As Amended) Policies

LPNE10 - Development and the Environment

LPBE13 - Design

3. Safeguarding

Zone 1 Modified - Zone 1 Modified: Housing Zone 1

4. Consultations

None.

5. Statutory Advertisements

A notice was not required to be published in the local newspaper.

A site notice was not required to be posted.

6. Representations

None.

7. Report

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.

There are statutory Development Plan Policies against which this application has to be assessed and these are listed at paragraph 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.

The proposal is to situate an L-shaped shed measuring 6 metres in length by 3.6 metres in breadth and 3.4 metres in height to the top of the roof pitch, in the existing garden grounds and to the north of the residential property at 17 Knab Road, Lerwick.

It is considered that the proposed shed will have no adverse impact upon the natural and built environment given that it can easily be accommodated in the garden grounds of this property and is appropriate in terms of scale, form, material colours and finishes. Furthermore, the proposed development will cause no obstruction to daylight or sunlight of neighbouring properties and therefore will have no adverse impact upon the amenities of surrounding properties. As such, the proposal complies with the policies outlined at paragraph 2 above.

8. Policy and Delegated Authority

As the application is for a proposed development falling within the category of Local Development and the Council has an interest in the proposal, 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.

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.

Notification to Scottish Ministers

Not required.

9. **Recommendation**

Grant subject to conditions.

Reasons for Council's decision:

It is considered that the proposed development will have no adverse impact upon the natural and built environment as it is appropriate in terms of scale, form, material colours and finishes and can easily be accommodated in the garden grounds of this residential property. The proposal will have no adverse affect upon the amenities of surrounding properties as no obstruction to daylight or sunlight will arise as a result of this construction. Therefore, the proposal complies with Shetland Structure Plan (2000) Policies GDS4 and SPNE1 and Shetland Local Plan (2004) Policies LPBE13 and LPNE10.

10. **List of approved plans:**

- Location Plan 2011/285/PPF_SIC/001 08.09.2011
- Site Plan 2011/285/PPF_SIC/002 08.09.2011
- Elevations 2011/285/PPF_SIC/003 08.09.2011
- Floor Plan 2011/285/PPF_SIC/004 08.09.2011

11. **Conditions:**

(1.) The development hereby permitted shall not be carried out other than wholly in accordance with the approved 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.

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.) 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 seasons following the completion of the development, which run from 1st May to 15th August for the sowing of grass seeds mixtures, and between 1st March and 15th May or before new leaf growth takes place (whichever is the soonest) for the planting of bare root stock trees, shrubs and hedges, and between 1st March and 15th August for potted and cell grown stock trees, shrubs and hedges) . 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.

(5.) If any top soil, spoil or waste materials arising from any excavation of the site carried out as part of the development hereby permitted, 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 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:

Notice 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.

12. Further Notifications Required

None.

13. Background Information Considered

None.

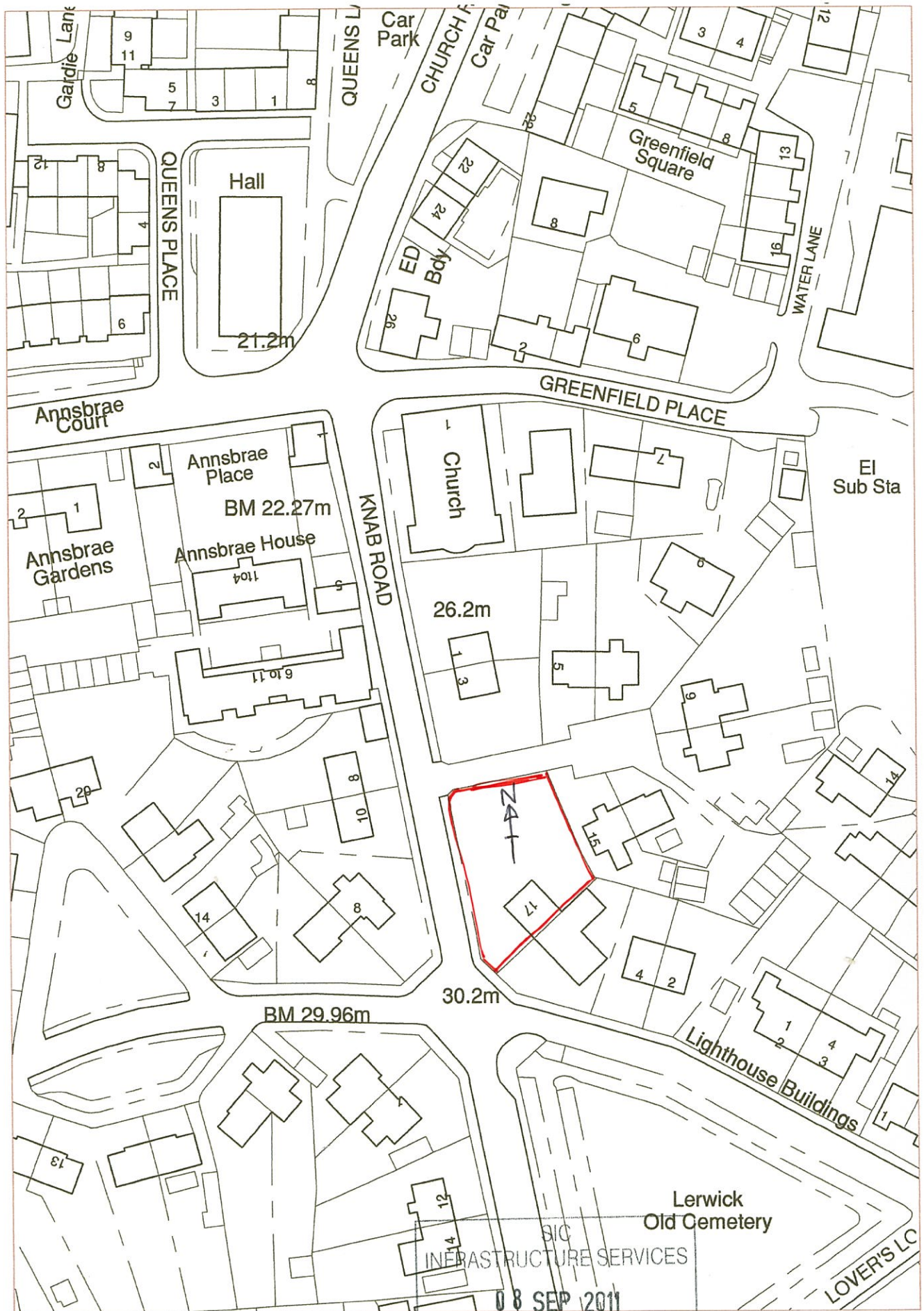
14. Attachments

None.

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Officer: Dawn Stewart
Date: 2nd December 2011

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LOCATION PLAN



SIC
INFRASTRUCTURE SERVICES

08 SEP 2011

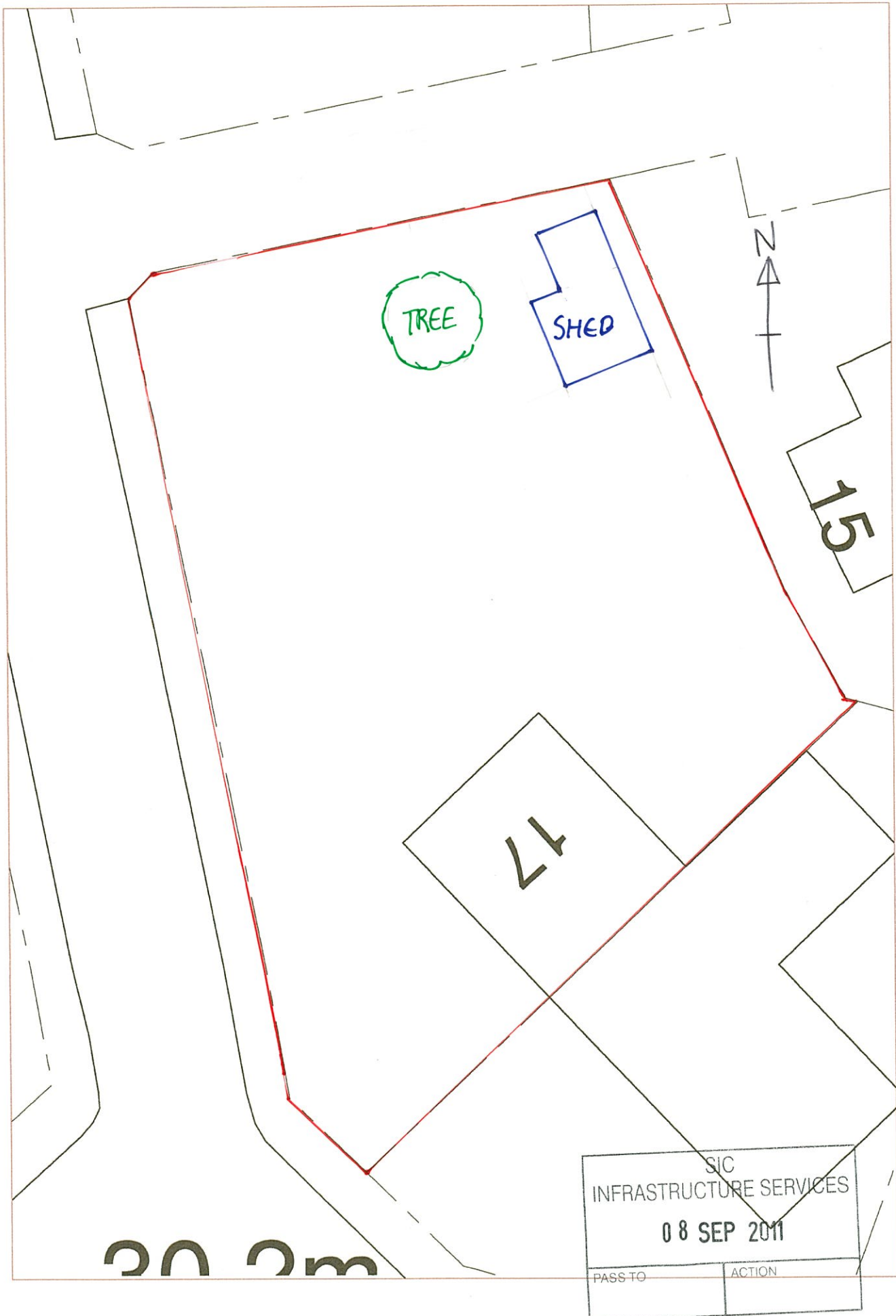
PASS TO

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SITE PLAN

2011/285/PPF-SIC/002



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08 SEP 2011	
PASS TO	ACTION

Report of Handling

Development: To erect garden shed

Location: 1 Rudda Park
Lerwick
Shetland
ZE1 0EF

By: John Clark & Eileen Williamson

Application Ref: 2011/318/PPF

1. Introduction

This proposal is to erect a shed in the garden grounds of a property at 1 Rudda Park, Lerwick.

External material finishes comprise timber clad walls and a felt roof.

2. Statutory Development Plan Policies

Shetland Islands Council Structure Plan (2000) Policies

GDS4 - General Development Policy Natural and Built Environment

SPNE1 - Design

Shetland Islands Council Local Plan (2004) (As Amended) Policies

LPNE10 - Development and the Environment

LPBE13 - Design

3. Safeguarding

Zone 1 Modified - Zone 1 Modified: Housing Zone 1

Ministry Of Defence - MOD Area: Meteorological Station Lerwick
Details: Any new construction or extensions >150ft in height (45.7m) above ground level

4. Consultations

None.

5. Statutory Advertisements

A notice was not required to be published in the local newspaper.

A site notice was not required to be posted.

6. Representations

None.

7. Report

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.

There are statutory Development Plan Policies against which this application has to be assessed and these are listed at paragraph 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.

The proposal is to erect a small shed within the garden grounds of, and to the south of an existing residential property at 1 Rudda Park, Lerwick.

Although external material finishes have been specified as comprising a timber clad construction with a felt roof, no details of the colour finishes of the proposed shed have been provided on the planning application form or drawings submitted. As such, it will be appropriate for a decision notice on an approval to be conditioned to ensure that the external material colours of the proposed development are submitted to and approved in writing by the Planning Authority within 4 months of the completion of the erection of the proposed shed, in order to safeguard the visual amenity of the area in compliance with Shetland Local Plan (2004) Policy LPBE13 (Design).

It is considered that the scale, design and form of the proposed shed are appropriate in this particular location and provided that details of the colour finishes are submitted to the Planning Authority for written approval, the proposal will have no adverse impact upon the natural and built environment and visual quality of the area. The amenities of neighbouring properties will not be adversely affected given that the proposed shed will cause no obstruction to daylight or sunlight. Subject to a controlling condition therefore, the proposal complies with the policies outlined at paragraph 2 above.

8. Policy and Delegated Authority

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 the Council has an interest in the proposal, 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.

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.

Notification to Scottish Ministers

None.

9. Recommendation

Grant subject to conditions

Reasons for Council's decision:

It is considered that the scale, design and form of the proposed shed are appropriate in this particular location and provided that details of the colour finishes are submitted to the Planning Authority for written approval, the proposal will have no adverse impact upon the natural and built environment and visual quality of the area. The amenities of neighbouring properties will not be adversely affected given that the proposed shed will cause no obstruction to daylight or sunlight. Subject to a controlling condition therefore, the proposal complies with Shetland Structure Plan (2000) Policies GDS4 and SPNE1 and Shetland Local Plan (2004) Policies LPBE10 and LPBE13.

10. List of approved plans:

- Location Plan 2011/318/PPF_SIC/001 05.10.2011
- Site Plan 2011/318/PPF_SIC/002 05.10.2011
- Specifications 2011/318/PPF_SIC/003 05.10.2011

Conditions:

(1.) The development hereby permitted shall not be carried out other than wholly in accordance with the approved 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.

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.) If any top soil, spoil or waste materials arising from any excavation of the site carried out as part of the development hereby permitted, 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 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.

(5.) Within four months of the completion of the erection of the proposed shed, a scheme detailing the colour finishes of the shed hereby approved shall be submitted to and 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 upon the amenities of neighbouring properties in compliance with Shetland Local Plan (2004) Policy LPBE13.

Notes to Applicant:

Notice 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. Further Notifications Required

None.

12. Background Information Considered

Planning application 2009/292/PCD - to erect garden shed, 2 Rudda Park, Lerwick by Shetland Islands Council's Education & Social Care Department. Approved on 22 January 2010.

13. Attachments

Location Plan – Drawing No. 2011/318/PPF_SIC/001

Site Plan – Drawing No. 2011/318/PPF_SIC/002

Specifications – Drawing No. 2011/318/PPF_SIC/003

318_Report_of_Handling.doc

Officer: Dawn Stewart

Date: 2nd December 2011



SIC
INFRASTRUCTURE SERVICES
05 OCT 2011
PASS TO  ACTION

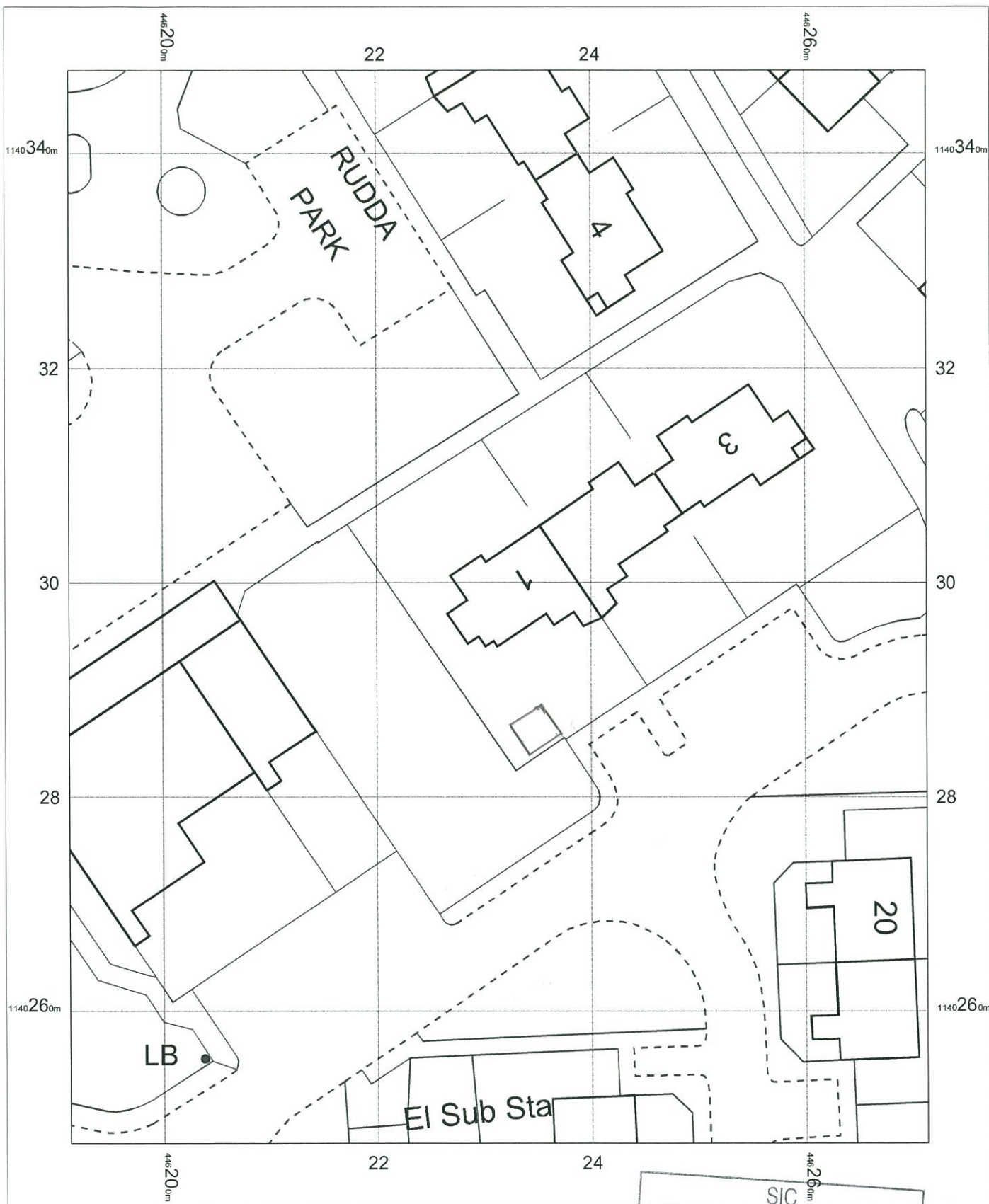
OS Mastermap
22 September 2011, ID: CM-00096748
www.centremapslive.co.uk

1:1250 scale print at A4, Centre: 446229 E, 1140272 N

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Shetland
Islands
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www.centremapslive.co.uk

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**Shetland
Islands
Council**

Report of Handling

Development: Demolish existing dwellinghouse and erect single storey dwellinghouse with integral garage

Location: Fairlea, Bridge End, Burra, Shetland, ZE2 9LD,

By: Mr & Mrs Andrew Brown

Application Ref: 2011/325/PPF

1. Introduction

The proposed development includes the removal of a derelict dwellinghouse and a detached derelict garage. The application was submitted with supporting information regarding the condition of the derelict dwellinghouse, and in regard to the fact that the dwellinghouse was previously permitted to be demolished as part of planning application 2007/036/PCD.

The proposal is for a four bedroomed dwellinghouse with a garage, three external parking spaces, a turning head, private amenity space and surface water drainage. In terms of foul drainage, the proposal is to connect to the public sewer. The proposed design and layout are discussed in the main report.

The proposal is for a larger site than the 2007 application for a similar proposal. The proposed site includes land to the north of the existing dwellinghouse boundary, which is Council owned land, hence the Council interest and reason for this application to be determined by the Council's Planning Committee given the approved Scheme of Delegation set out in section 8 of this report.

2. Statutory Development Plan Policies

Shetland Islands Council Structure Plan (2000) Policies

GDS3 - General Development Policy Existing Settlements

GDS4 - General Development Policy Natural and Built Environment

SPNE1 - Design

SPNE2 - National Scenic Areas

SPHOU2 - Existing Settlements

Shetland Islands Council Local Plan (2004) (As Amended) Policies

LPNE10 - Development and the Environment

LPBE13 - Design

LPWD11 - Surface Water Drainage Standards

LPWD12 - Sustainable Drainage Systems (SUDS)

LPHOU4 - General Requirements for all Dwellings

LPTP12 - Car Parking Standards and Guidelines

Appendix D - Parking Standards

Appendix E - Residential Access Requirements

3. **Safeguarding**

National Scenic Area - National Scenic Area: 53

4. **Consultations**

Roads Traffic was consulted on the 18 October 2011. Their comments dated 29 November 2011 can be summarised as follows:

Standard Conditions.

Roads Drainage was consulted on the 18 October 2011. There was no response from this consultee at the time of report preparation.

Scottish Water Customer Connections was consulted on the 18 October 2011. Their comments dated 20 October 2011 can be summarised as follows:

No objection. Applicant to contact Scottish Water regarding connections.

Burra And Trondra Community Council was consulted on the 18 October 2011. Their comments dated 10 November 2011 can be summarised as follows:

No objection.

5. **Statutory Advertisements**

A notice was not required to be published in the local newspaper.

A site notice was not required to be posted.

6. **Representations**

Representations were received from the following properties:

None.

7. **Report**

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

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

There are statutory Development Plan Policies against which this application has to be assessed and these are listed at paragraph 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.

In regard to the demolition of the existing derelict dwellinghouse the applicant submitted an e-mail and photos that the building is an old army hut, with additions built on; that it is clad with concrete blocks with asbestos sheeting; very damp with no damp proof course; with rotten flooring. The agent for the application adds that the existing dwellinghouse was approved for demolition under planning application 2007/036/PCD. In regard to the case officer's site visit it was evident that the proposed dwellinghouse is of a poor state of repair and would require a great deal of refurbishment. The existing dwellinghouse does not represent a design which would warrant any protection, and the removal of the detached garage which is closer to the road than the existing dwellinghouse will improve the views across the area. The proposed demolition of the existing dwellinghouse / detached garage; and the erection of a new dwellinghouse will add value to the National Scenic Area in design terms and enhance the landscape in accordance with Shetland Structure Plan Policy SPNE2.

In regard to the design of the proposed dwellinghouse, the materials / colour of the walls (horizontal timber cladding with opaque light brown paint), and roof (interlocking concrete tiles finished dark grey) set out on Elevations Plan Ref: 693.02 are acceptable and accord with Shetland Structure Plan (2000) Policy SPNE1 and Shetland Local Plan (2004) Policy LPBE13.

Regarding waste water drainage the proposed connection to the public sewer accords with the Development Plan.

Surface water drainage is to connect to a suitable soakaway scheme in accordance with BRE Digest 365 as set out on the Site Plan Ref: 693.10, the proposed SuDS scheme shall be condition to be located no closer than 5 metres from any boundary or foundations, in accordance with Shetland Local Plan (2004) Policy LPWD11 and LPWD12.

In respect to access, parking and turning, the proposed development includes 6 metres laid with tarmac at a gradient no greater than 1 in 20; the layout includes the provision of a 7.6 by 7.6 metres turning area and 3 no. car parking spaces. These provisions will be subject to conditions and comply with Shetland Local Plan (2004) Policy LPTP12, Appendix D and Appendix E.

8. Policy and Delegated Authority:

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 the Council has an interest in the proposal, 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.

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. Recommendation

Grant subject to conditions

Reasons for Council's decision:

(1.) The proposed development to demolish an existing dwellinghouse / detached garage and erect a new dwellinghouse with integral garage has been assessed in terms of the development plan, in regard to: design; layout; setting of the National Scenic Area; standards regarding drainage, parking, turning and road safety. The proposed development subject to recommended conditions accords with Shetland Structure Plan (2000) Policy GDS3, GDS4, SPNE1, SPNE2, SPHOU2 and Shetland Local Plan (2004) Policy LPNE10, LPBE13, LPWD11, LPWD12, LPHOU4, LPTP12, Appendix D, Appendix E.

10. List of approved plans:

- Site & Location Plan 693.10 13.10.2011
- Elevations 693.02 13.10.2011
- Floor Plan 693.01 13.10.2011

11. Conditions:

(1.) The development hereby permitted shall not be carried out other than wholly in accordance with the approved 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.

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

(2.) 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).

(3.) The development hereby permitted shall not commence until the following visibility splays are provided; thereafter the visibility splays shall be maintained throughout the lifetime of the development.

A visibility splay of 2.5; metres by 90; metres shall be provided at the junction of the access with the public road; this is available at present.

Reason: To provide a safe access to drivers of vehicles to enter and leave the development site, and to provide a clear view over a length of road in the interests of public and road safety in compliance with Shetland Structure Plan (2000) Policy GDS4 and SPHOU2 and Shetland Local Plan (2004) Policy LPHOU4.

(4.) The dwellinghouse/building hereby permitted shall not be constructed until the access road serving the development from the public road, has been constructed to a minimum of 5.5 metres in width for at least the first 6 metres from the edge of the public and has been completed in bitmac for at least the first 6 metres from 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 GDS4 and Shetland Local Plan (2004) Policy LPHOU4.

(5.) Notwithstanding the details on the approved plans, and unless otherwise stated at the junction of the access with the public 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 2.5; metres of the edge of the public road;

Any gate erected across the access to the development site shall be set back a minimum of 6 metres from the edge of the public road. If the gate erected is outward opening then the distance shall be increased to 10 metres to allow a vehicle to stand clear of the public 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, 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 LPHOU4.

(6.) As well as 3 car parking spaces, 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. All spaces adjacent to any walls or fences should be increased by 0.5 metres.

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.

(7.) 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 plans and/or details approved under condition no. 1; of this permission. No part of the development shall be occupied; until foul drainage works have been completed in accordance with the approved plans and/or details and 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.

(8.) 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 effects 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.

(9.) 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 seasons following the completion of the development, which run from 1st May to 15th August for the sowing of grass seeds mixtures, and between 1st March and 15th May or before new leaf growth takes place (whichever is the soonest) for the planting of bare root stock trees, shrubs and hedges, and between 1st March and 15th August for potted and cell grown stock trees, shrubs and hedges) . 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.

(10.) The dwellinghouse 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: 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.

(11.) There shall be no burning of materials on the site.

Reason: To protect the existing residential amenity of the occupiers of the neighbouring properties and to prevent pollution in compliance with Shetland Local Plan (2004) policy LP NE10.

(12.) If any top soil, spoil or waste materials arising from any excavation of the site carried out as part of the development hereby permitted, 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 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.

12. Notes to Applicant:

Commencement of Development

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

Building Warrant

You are advised to contact the Building Standards Service on 01595 744800 to discuss any building warrant requirements for your 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, Shetland ZE1 0PY.

Scottish Water

You are advised to contact Scottish Water in order to discuss connectivity to their infrastructure. Contact: Scottish Water, Shetland Islands Area Office, PO Box 11660, Lerwick, Shetland, ZE1 0ZF Tel: 0345 437437.

Notice 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.

13. Further Notifications Required

None.

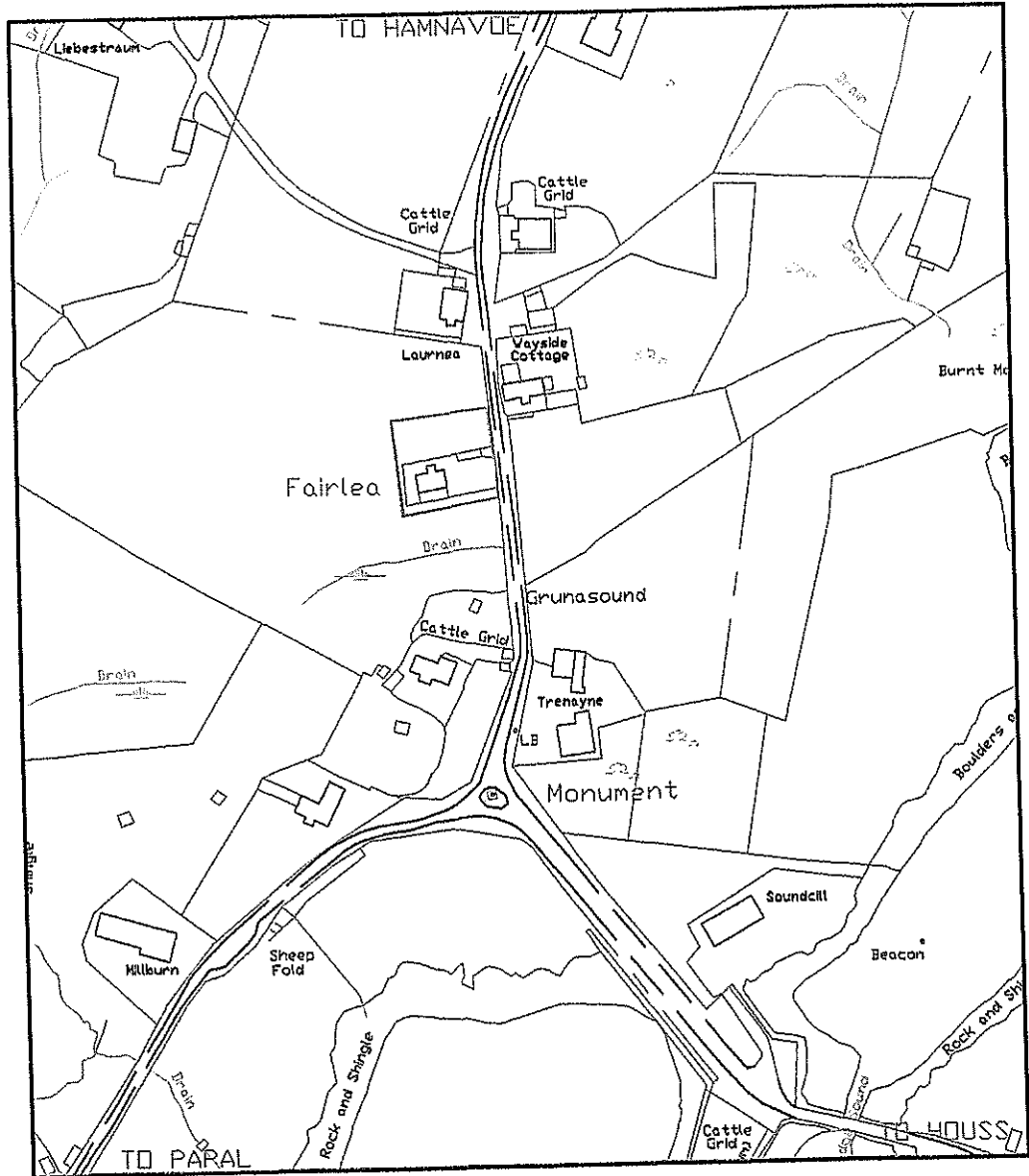
14. Background Information Considered

Planning application 2007/036/PCD - Demolish existing dwellinghouse and erect new dwellinghouse.

2011/325/PPF - Report of Handling.doc

Officer: Steven Pattie

Date: 5th December 2011



LOCATION PLAN

Scale 1:2500

PART OF ORDNANCE SURVEY SHEET HU 3733

SIC INFRASTRUCTURE SERVICES	
13 OCT 2011	
PASS TO	ACTION

