

**Planning Committee****06 March 2012**

2011/206/PPF: To extend cemetery, improve access and provide additional parking; Voe Cemetery, by Shetland Islands Council, Environment and Building Services

PL-08-12-F

**Report Presented by Planning Officer –
Development Management, Planning**

Development Services Department

1.0 Summary

- 1.1 This application concerns the extension of the existing Voe cemetery, and was presented to Members at the 10 January 2012 Planning Committee (Min Ref: 02/12). The application was presented to the Planning Committee as the Delting Community Council had objected to the proposal and that two letters of objection had been received in response to the development; also a 34-signature petition accompanied one of the objection letters.

2.0 Decision Required

- 2.1 The Planning Committee is asked to agree to the applicant's request that the application is sisted/put on hold, or otherwise proceed to determine the application, that continues to be recommended for approval.

3.0 Determination

- 3.1 Section 25 of the Town and Country Planning (Scotland) Act (as amended) 1997 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 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 Development
- SP NE1 Standard of Design, Scale & Materials

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

- LP NE10 Development and the Environment
- LP NE11 Local Protection Areas (LPAs)
- LP NE14 Agricultural Land
- LP BE13 Design
- LP WD11 Surface Water Drainage Standards
- LP COM14 Bad Neighbour Developments
- LP TP12 Car Parking Standards and Guidelines
- LP CFS4 Community Facilities
- LP CFS6 Burial Grounds
- Interim Planning Policy Towards Sustainable Construction Better Design In Shetland (2009) – LDP 1 All Development: General
- Interim Planning Policy Towards Sustainable Construction Better Design In Shetland (2009) – LDP 2 All Development: Layout and Design
- Interim Planning Policy Towards Sustainable Construction Better Design In Shetland (2009) – LDP 3 All Development: Location
- Interim Planning Policy Towards Sustainable Construction Better Design In Shetland (2009) – SPG 1 Layout and Design
- Interim Planning Policy Towards Sustainable Construction Better Design In Shetland (2009) – SPG 12 All Development: Access/Visibility Splay/Car Parking

Safeguarding

- Within a Local Protected Area
- Within Good Agricultural Land Class 4.2

4.0 Report

- 4.1 As outlined in paragraph 1.1, the application to extend the Voe cemetery was presented to Members at 10 January 2012 meeting of the Planning Committee. Members moved that the application be deferred to allow the Community Council to come forward with alternative burial ground proposals for consideration, to be presented at the last Planning Committee of this Council.
- 4.2 Environment & Transport Operations have confirmed that a site a Berry Knowe, off the C406 Collafirth Road, has been brought forward for assessment by a member of the community. However, they state that this proposal will need to be assessed for its suitability and development costs, and that a report will be submitted to the Environment and Transport Committee seeking approval on the site prior to the preparation and subsequent submission of a planning application. It is advised that these site suitability checks need to be

undertaken before approaching the Planning Service for pre-application advice and has requested that the application be sisted/put on hold pending results of his assessment.

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 – Two letters of objection and a petition were received in response to this application. Delting Community Council also objected to the development.
- 5.3 Policy And/Or Delegated Authority – The application is for a development falling within the category of Local Development. As the Shetland Islands Council is the applicant and that the Community Council has objected to the development, 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 At the time of writing this report, the site at Berry Knowe has not been presented to the Planning Service for assessment, and neither formal nor informal advice has been given on the suitability in planning terms, for this site or any alternative cemetery site. The applicant has requested that the determination of the application is put on hold until assessments of suitability and development costs of an alternative site has taken place.
- 6.2 The proposal that is the subject of the application continues to be recommended for approval for the reasons that are set out in the Report of Handling that was presented to the Planning Committee on 10 January 2012 (attached as Appendix 1), subject to conditions as are contained in the schedule that is appended to the same report

For further information please contact:

Jonny Wiseman, Planning Officer – Development Management

Tel: 01595 744830 Email: jonny.wiseman@shetland.gov.uk

22 February 2012

List of Appendices

1. Report of Handling and Schedule of Recommended Conditions presented to the Planning Committee on 10 January 2012
2. Plan Showing Area of Development
3. Objections Received in Response to the Application from Delting Community Council
4. Objection from Mr M. Jamieson, Venndal, Voe
5. Objection from Mr P. Jamieson, Tagon Farm, Voe
6. 34 signature petition objecting to the proposal

Background documents:

- [Shetland Structure Plan \(2000\)](#)
- [Shetland Local Plan \(2004\) \(as amended\)](#)



Shetland Islands Council

Planning Committee

10 January 2012

2011/206/PPF: To extend cemetery, improve access and provide additional parking; Voe Cemetery, by Shetland Islands Council, Environment and Building Services

**Report Presented by Planning Officer –
Development Management, Planning**

Development Services Department

1.0 Summary

- 1.1 This report concerns a full (detailed) planning application for works to the Voe Cemetery. The works proposed include the extension of the existing burial plot area to the east of the existing cemetery, and the upgrading of the existing access road and car parking area.
- 1.2 This application is being presented to Members as the Shetland Islands Council is the applicant and has a financial interest in the project. Also, representations have been received from the Community Council and two letters and a 34-signature petition have been received objecting to the proposal.

2.0 Decision Required

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

3.0 Determination

- 3.1 Section 25 of the Town and Country Planning (Scotland) Act (as amended) 1997 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 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 Development
- SP NE1 Standard of Design, Scale & Materials

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

- LP NE10 - Development and the Environment
- LP NE11 - Local Protection Areas (LPAs)
- LP NE14 - Agricultural Land
- LP BE13 - Design
- LP WD11 - Surface Water Drainage Standards
- LP COM14 - Bad Neighbour Developments
- LP TP12 - Car Parking Standards and Guidelines
- LP CFS4 - Community Facilities
- LP CFS6 - Burial Grounds
- Interim Planning Policy Towards Sustainable Construction Better Design In Shetland (2009) – LDP 1 All Development: General
- Interim Planning Policy Towards Sustainable Construction Better Design In Shetland (2009) – LDP 2 All Development: Layout and Design
- Interim Planning Policy Towards Sustainable Construction Better Design In Shetland (2009) – LDP 3 All Development: Location
- Interim Planning Policy Towards Sustainable Construction Better Design In Shetland (2009) – SPG 1 Layout and Design
- Interim Planning Policy Towards Sustainable Construction Better Design In Shetland (2009) – SPG 12 All Development: Access/Visibility Splay/Car Parking

Safeguarding

- Within a Local Protected Area
- Within Good Agricultural Land Class 4.2

4.0 Report

4.1 Site Location

The existing cemetery area at Voe is a well-established and historical burial site for the area; sited down at the shore at Olnafirth Voe, the cemetery is a visible landmark in a relatively undeveloped area. The existing cemetery sits adjacent to the old B listed Olnafirth Kirk (Circa 1700) and associated old kirkyard.

- 4.2 The access serving the existing cemetery is an established road off the main public highway that serves the Voe area; the road gives access to the Voe Kirk, several sheds, a residential property and nearer the shore – Scottish Water's sewage works.

4.3 Proposed Works

This is a detailed application for various improvement works to the existing cemetery. The works are primarily to provide further burial space, however, improvement works to the part of the access road that travels along Olnafirth shore are also proposed to be undertaken, which

will include new passing places and structural repair works. An extension to the existing car parking area is also proposed.

- 4.4 The extension of the burial space will be sited to the east of the existing cemetery, and with a continuation of the walling a dry stone dyke will surround the new burial ground area. The car parking will also be extended to the east side of the existing parking area to provide eight spaces and associated manoeuvring space.
- 4.5 Current Council Policies
The main policies against which this application has to be assessed, are firstly the overarching environmental policies that seek to ensure that all new development does not detract from the setting of, or damage, the surrounding natural and built environment. Also relevant are the policies that seek to ensure a high quality and good standard of design. These policies are Shetland Structure Plan (2000) policies SP NE1 Standard of Design, Scale & Materials and GDS4 Natural and Built Environment and also Shetland Islands Council Local Plan (2004) Policies LP NE10 Development and the Environment and LP BE13 Design.
- 4.6 In response to the points of objection that are set out in paragraphs 5.2.6 below, the correspondence from which they came is appended to this report; the land on which the cemetery extension is to be sited, is classed as Good Agricultural Land under the Macaulay land capability for agriculture. An assessment has been made and it is felt that this is the most suitable location for the extension of the cemetery.
- 4.7 The site lies within an area identified as a Local Protected Area (LPA). Delting Community Council Area Statement states that the LPA at Lower Voe is to protect important landscapes and public amenity from harmful development. Shetland Local Plan (2004) policy LP NE11 states that, only applications for the development of facilities, which benefit the community as a whole, will be considered. This is a community facility and therefore is an acceptable development within an LPA; also the aforementioned Area Statement highlights the proposed future extension to the Voe cemetery.
- 4.8 In response to the objectors points relating to the development detracting from the existing unspoilt scenic surroundings. Firstly the visual impact of using new tarmac and white parking space lines on the road was investigated due to the site being visible from many angles around the Voe area. It was subsequently agreed with the applicant that the road would be spray-tarred and chipped with a lighter and more natural looking surface, and that no white lining will be used. Good use of high quality dry stone walling will be used and all galvanised gating etc will be painted black. With that in mind, it is felt that this development will not have a detrimental impact on the natural or surrounding environment.
- 4.9 No objections were received from Road Services in response to the application and in particular, the safety of the existing junction and the road users accessing the cemetery.

- 4.10 Shetland Local Plan (2004) policy CFS6 states that there are many rural burial grounds around Shetland which are still in use, and several will require to be extended in the near future. Extending existing burial grounds is seen as the best option to expand provision to meet the needs of the community. This is the most sustainable way to provide further burial ground areas, as the infrastructure serving the cemetery is already in place and that visually, the site is already an established development within the countryside.

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 – Standard consultations were sent during the processing of the application.
- 5.2.1 SEPA had no objections as the proposal in terms of waste and surface water disposal, follows accepted practices, in line with SEPA's Policy 19 Groundwater Protection for Scotland. Drainage will be via a sea-outfall.
- 5.2.2 Shetland Islands Council's Roads Drainage had no objections to the development; standard advice regarding surface water attenuation flows was received.
- 5.2.3 A pre-application ground evaluation was carried out as requested by Shetland Regional Archaeologists, due to evidence of possible unrecorded remains within the area. The ground survey suggests that there are no archaeological issues with this development, however a precautionary condition has been recommended by Shetland Regional Archaeologists, should any artefact or structure be encountered which is not part of the present pattern of landuse.
- 5.2.4 Delting Community Council objected to the proposal; its concerns included limited space to extend, limited parking and road deterioration. Delting Community Council also invited Mr Grant of the Council's Environment and Building Services (the applicant) to attend a public meeting to give members of the community a chance to voice their concerns. Mr Grant has confirmed that a public meeting was held but was poorly attended, and that none of those who objected to the development were present at the meeting. Members of the Community Council who attended the meeting, confirmed that they would not support the development, but would come forward with proposals for alternative sites within the parish of Voe. Mr Grant has advised that it was explained to those present at the public meeting that he would continue with the application, however, he confirmed that the applicant would consider another site for a cemetery if that site provided a

cheaper and more suitable alternative. At the time of writing this report, Mr Grant acting for the applicant advised that the Community Council has not subsequently contacted him.

5.2.5 Road Services were consulted at the outset of the application's processing, as the proposal includes structural repair, realignment of the road's vertical alignment and the inclusion of passing places. Road Services considered the works would enhance the safety and convenience of users, therefore Road Services did not object to the proposed development.

5.2.6 Two letters of objection were received in response to the application; attached to the objection letters was a 34-signature petition against the extending of the cemetery. A summary of the main points of objection is as follows:

- Loss of good agricultural land
- Within a protected non-development area
- Will detract from the untouched, unspoiled, scenic surroundings of Voe
- Area along the beach is eroding and will need to be armoured with the new development
- Road safety at the junction of the main road has serious health and safety concerns

5.3 Policy And/Or Delegated Authority – The application is for a development falling within the category of Local Development. As the Shetland Islands Council is the applicant, and the Community Council has objected to the development, 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 This proposal is compliant with the aims of Shetland Structure Plan (2000) and Local Plan (2004) policies as listed in paragraph 3.1. This proposal is the extension of an existing well-established cemetery and will not have a detrimental impact on the visual amenity of the surrounding area and will not have a detrimental impact on the setting of the B listed Kirk. The proposal will use well-chosen materials for the

construction of the gate and stone boundary wall and will match the existing cemetery.

- 6.2 Taking the comments and objections received into account, having assessed the proposed development, against Shetland Structure Plan (2000) and Local Plan (2004) policies listed in paragraph 3.1, it is found to be compliant with their aims.
- 6.3 The proposed development complies with the aims of Local Plan (2004) policy LP CFS6, where the Council encourages the extension of existing cemeteries. This is the most sustainable approach to the provision of further burial grounds.
- 6.4 Therefore, the proposal is recommended for approval subject to the conditions (the schedule for which is appended to the report).

For further information please contact:

Jonny Wiseman, Planning Officer – Development Management

Tel: 01595 744830 Email: jonny.wiseman@shetland.gov.uk

30 November 2011

List of Appendices

- Location Plan
- Site Plan
- Objection letter from Mr Mathew Jamieson, Venndal, Voe
- Objection letter from Mr Peter Jamieson, Tagon Farm, Voe
- Petition signed by 34 persons
- Schedule of recommended conditions

Background documents:

- Shetland Structure Plan (2000)
- Shetland Local Plan (2004) (as amended)
- Interim Planning Policy Towards Sustainable Construction and Better Design in Shetland

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

- Location Plan (Drw No 1. Rev C)
- Site Survey (Drw No 2)
- Site Layout as Proposed (Drw No 3. Rev A)
- Drainage Layout (Drw No 5. Rev C)
- Sections Sheet 1 (Drw No 6. Rev A)
- Sections Sheet 2 (Drw No 7. Rev A)
- Drawings Refs & Section Lines (Drw No 8. Rev A)
- Car Park as Proposed (Drw No 9. Rev C)
- Standard Lair Arrangement (Drw No 101)
- Standard Cill Types (Drw No 102)
- Double Gate Detail (Drw No 104)
- Double Gate Pillars (Drw No 105)
- Gate Latch & Hinge Details (Drw No 106)
- Headstone Beam Details (Drw No 107)
- Manhole and Paving Details (Drw No 108)
- Stone Wall Details (Drw No 109)
- Access Road Site Survey & Location Plan (Drw No 1205/01 Rev T(1))
- Access Road – Horizontal & Vertical Alignment (Drw No 1205/02 Rev T(1))
- Access Road – X Sections (0-100) (Drw No 1205/03 Rev T(1))
- Access Road – X Sections (120 – 160) (Drw No 1205/04 Rev T(1))
- Access Road – Typical Details (Drw No 1205/05 Rev T(1))
- Existing Services (Drw No 1205/06 Rev T(1))
- Access Road – X Sections (120 – 160) (Drw No 1205/06 Rev T(1))
- Land Interest Plan Access Road (Drw No 1205/07 Rev D)

received by the Planning Authority on 03 December 2010.

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) Should any artefact or structure be found during excavation works which is not part of the present pattern of landuse, all works shall cease and the Regional Archaeologist shall be notified immediately in order that appropriate action can be taken. Notification of any finds shall also be made in writing to the Planning Authority within two weeks of any find.

Reason: To protect any any archaeological interests in or around the development site and in compliance with Shetland Structure Plan (2000) policy GSD4 and SP BE1 and also Shetland Local Plan (2004) policy LP NE10.

(4) Lair drainage shall be designed and installed as per the approved plan (Drw No. 5 Rev C).

Reason: To prevent any surface water entering the burial lair and to avoid pollution of the surrounding ground water, and in compliance with Shetland Structure Plan (2000) policies GDS4 and SP NE1 and also Shetland Local Plan (2004) policies LP NE10, LP WD11 and LP WD12.

(5) In so far as this consent shall relate to the surface water drainage to be constructed in association with the development it shall relate only to provision of:

- a connection to a surface water sea outfall as detailed on Drw No. 5 Rev C. received on 03 June 2011.

No part of the development shall be brought into use until the surface water drainage is fully operational.

Reason: For the avoidance of doubt as to what is being authorised and to ensure the provision of adequate means of drainage in the interests of public health and the control of pollution in compliance with Shetland Structure Plan (2000) Policy GDS4 and Shetland Local Plan (2004) Policy LPWD6.

(6) Construction works shall not commence on the boundary wall, until a sample of the stone work has been submitted and approved in writing by the Planning Authority.

Reason: To match the existing stone wall boundary, to protect the surrounding visual environment and the setting of the B Listed Olnafirth Kirk. In compliance with Shetland Structure Plan (2000) policies GDS4, SP BE1 and Shetland Local Plan (2004) policies LP NE10, LP BE13 and LP BE6.

(7) Development shall not commence until a risk assessment for the B listed Olnafirth Kirk has been carried out, and subsequently a method statement shall be submitted to and approved in writing by the Planning Authority, within a minimum of 2 months before the approved development commences. The risk assessment shall assess the risks to the structural integrity of the B Listed Olnafirth Kirk from the construction operations, and its results shall inform the preparation of the method statement. The method statement shall outline how operations are to be undertaken in a manner that mitigates and safeguards the structural integrity of the the B Listed Olnafirth Kirk.

Reason: To protect the structural integrity of the B Listed Olnafirth Kirk from any groundworks and/or construction works, and in compliance with Shetland Structure Plan (2000) policies GDS4, SP BE1 and Shetland Local Plan (2004) policies LP NE10, LP BE13 and LP BE6.

(8) The access road and parking area shall be spray tarred and chipped with a suitable natural coloured chip. A photograph or sample of the chips shall be supplied and approved in writing by the Planning Authority before the tarring and chipping takes place. There shall be no white markings on the road or car parking area.

Reason: To protect the surrounding visual environment and the setting of the B Listed Olnafirth Kirk. In compliance with Shetland Structure Plan (2000) policies GDS4, SP BE1 and Shetland Local Plan (2004) policies LP NE10, LP BE13 and LP BE6.

(9) The proposed double gates shall be painted black.

Reason: To protect the surrounding visual environment and the setting of the B Listed Olnafirth Kirk. In compliance with Shetland Structure Plan (2000) policies GDS4, SP BE1 and Shetland Local Plan (2004) policies LP NE10, LP BE13 and LP BE6.

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

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

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

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

Note to Applicant:

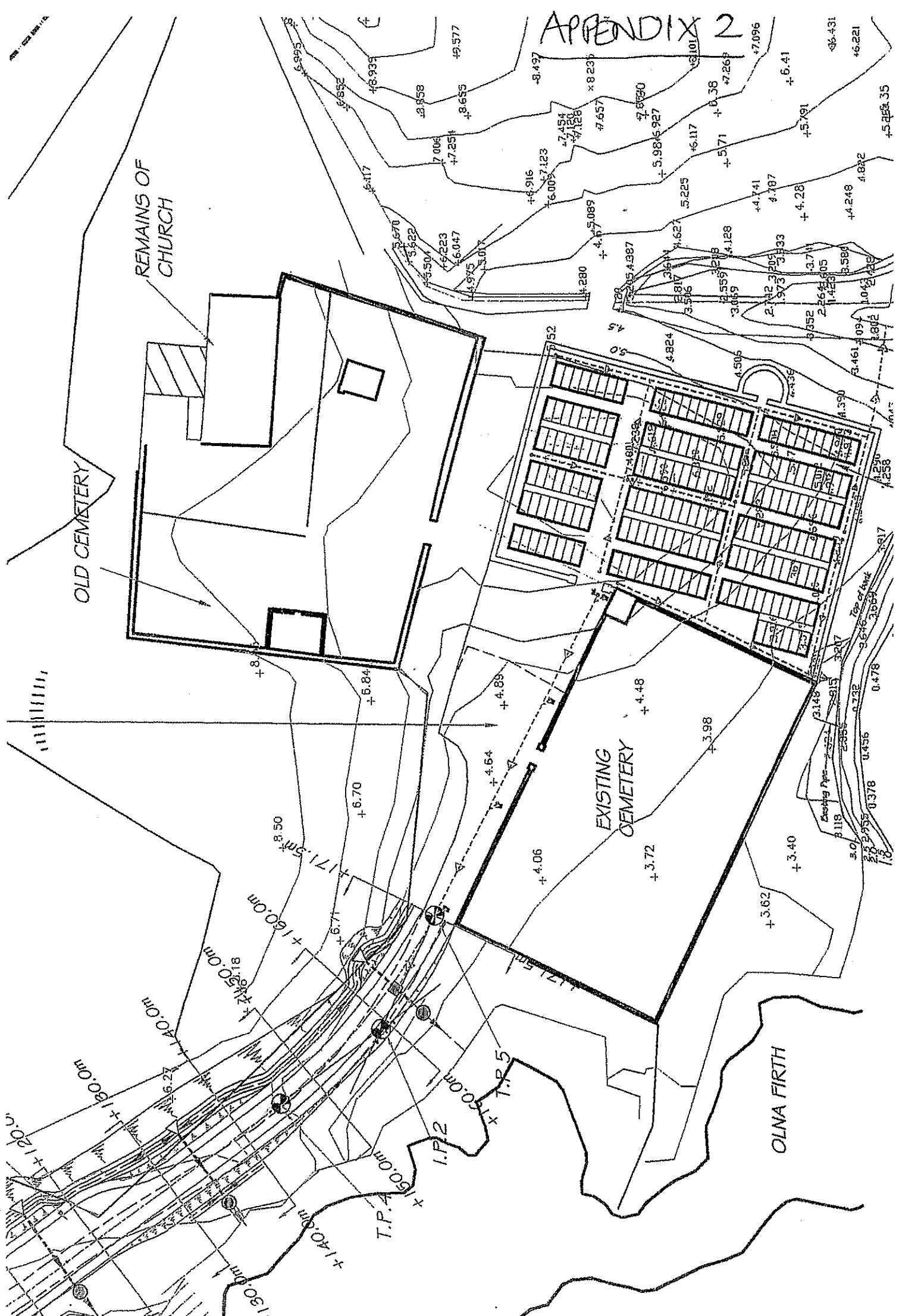
To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 20 of the Planning etc. (Scotland) Act 2006, the development hereby permitted must be commenced within three years of the date of this permission.

Notice of Completion of Development:

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

Building Warrant:

You are advised to contact the Building Standards Service on 01595 744800 as a building warrant is required for your development.



APPENDIX 2



Shetland Islands Council

Infrastructure Services Department Planning Application Consultation

For further information on this application contact:

Inga Davidson Tel: 01595 744840

Delting Community Council Clerk
Alison Foyle
Grace Dieu
Skellister
South Nesting
ZE2 9PP

SIC INFRASTRUCTURE SERVICES	
09 SEP 2011	
PASS TO ID LS3 423	ACTION

Application:

2011/206/PCD	Extend cemetery, improve access and provide additional parking, Voe Cemetery, Lower Voe, Voe by Shetland Islands Council
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Date of Consultation: 20 July 2011

Applicable Policies and Guidance:

Structure Plan -
Local Plan -
Other -

Do you believe the proposal complies with Development Plan policy? (Please circle as appropriate)

YES

NO

Comments:

(NOTE: If you recommend we approve something contrary to the Development Plan, then material planning considerations must be given.)

(Cont'd overleaf)

Comments continued:

Response: (Please circle as appropriate)

No objection

Further information required

Objection

(Note: If further information is required on this planning application, please use this space to note what other details you are requesting. Alternatively if the Community Council intends to object, please detail your reasons for objection in this space.)

Delting Community Council have alot of concerns with this application, including limited space to extend, limited parking and the road deteriorating.

Delting Community Council are inviting Mr Jim Grant, Burial Ground Service Manager of S.I.C. to attend a public meeting to give the community a chance to voice their concerns.

Signed Date 02/02/2011

ALISON J FOLKE

Please reply to this consultation on this sheet within 14 days of receipt. If you wish to retain a copy of your comments please photocopy them. Continue or attach your comments on a separate sheet if necessary. Please return them together with the application and plans.

Infrastructure Services Department, Shetland Islands Council, Grantfield, Lerwick, Shetland, ZE1 0NT. Tel: 01595 744800

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SIC INFRASTRUCTURE SERVICES	
10 AUG 2011	
PASS TO JH 153016	ACTION

Matthew Jamieson
Venndal
Voe
Shetland
ZE2 9PT
09/08/11

Ref: 2011/206/PCD

Dear Sir/Madam

I object to the proposal to extend the Voe Cemetery. I have listed reasons to support my feelings and have enclosed names and signatures of people who also have the same views.

- As heir to Tagon Farm, this development will take good agricultural land from current and future livestock. If this development is to go ahead, we will be forced to cut livestock numbers because of loss in prime grazing land. The only way we could sustain current numbers is to use other areas year round. This would unfortunately affect the future of 'The Voe Show'. A family event that is enjoyed by many locals and visitors to Shetland. This would have a devastating blow to the community.
- This precious land has been in the family for two generations. My family has worked very hard on this land and is irreplaceable. If the council is to steal this land, it would be an absolute moral crime.
- This is, for many years, been a protected, non-development area. In recent years, a number of family members of Tagon Farm have applied to build dwelling houses and the council has refused because this has been a non-development area and because the area is of good agricultural value. Why can the council have complete disregard for the rules and develop on this land and at the same time refuse the development of family homes on family ground? Surely the council must abide by rules placed by the council? Or is the council exempt from all rules and are a law to themselves?
- This development will detract from the untouched, unspoiled, scenic surroundings of Voe. This area is one of the last remaining locations that has not been raped and destroyed by modern development. We have many visitors, local and abroad that enjoy the picturesque views that Voe has to offer. The extension will be visible from almost all view points and most shore facing dwelling houses.
- The area along the beach is eroding and will need to be armoured with this new development. The cost of the aggregate needed should be reason enough to use and alternative site.
- The total cost of this development will run into the millions. Has anybody investigated cost estimates? Contractors costs for excavation of very uneven, poor building grounds, landscaping, new roads, tar, aggregate and rock armour, construction of new grave yard, drainage, labour costs, architects fees, lawyers fees, etc, etc. There are other financially attractive and sustainable sites available,

for example, a site at the Vidlin junction would be perfect for many reasons. The land is of poor agricultural value, easy access, flat ground, easily extended in the future, could be incorporated with Vidlin, Gonfirth, North Nesting, Laxo, Aith etc, etc.

- The junction at the main road in Voe has serious health and safety concerns. Currently it is a fast bend with a very poor view of north oncoming traffic. If the development were to be accepted, there will be potential for a fatal incident with increased usage.
- Current access and roads is unsuitable for heavy construction equipment. Considerable sums of money would need to be invested before the council could even get to the proposed site.

I hope you will consider other suitable locations for the Cemetery. I understand everybody needs to bury their loved ones but at what cost? This proposal is a lazy, thoughtless solution to a sensitive subject.

Regards

Matthew Jamieson

28 JUL 2011

JH

152854

Shetland Islands Council,
Development Management
Infrastructure Services Department.
Grantfield,
Lerwick.
ZE1 ONT.

Tagon Farm,
Voe,
ZE2 9PT
27-07-11

Ref: 2011/206/PCD

Dear Sir/Madam, I **object** to the proposal to extend Voe cemetery.

My reasons are : 1. This area is a valuable part of my agricultural operation and I can not afford to loose it, in-by agricultural land is not infinite and is irreplaceable.

2. I think this area is unsuitable as this area along the beach erodes and has nearly reached the corner of the existing cemetery.

3. Access to this area is very poor and unsuitable for heavy construction equipment.

4. I believe that this area is designated a non development area and any development would detract from the amenity of the area. The area below the road in Voe has remained more or less unchanged and I know that there are not many places in Shetland left with its original view and it would be great loss to everyone , local and visitor, for Voe to loose its original appearance.

5. There are more suitable areas for a cemetery at the Vidlin junction for instance, with easy access , large areas for parking and future extensions, easier and cheaper I would think to develop .

I hope you will consider the above and look for a more suitable place for a cemetery.

Yours,

Peter Jamieson.

APPENDIX 6.

I OBJECT TO THE PROPOSAL TO EXTEND VOE CEMETERY

[illegible]

I OBJECT TO THE PROPOSAL TO EXTEND VOE CEMETERY

[illegible]

I OBJECT TO THE PROPOSAL TO EXTEND VOE CEMETERY

[illegible]



REPORT

To: Planning Committee

6 March 2012

**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
2011/367/PPF	Proposed development comprising 100no. bedroom hotel with restaurant, bar, meeting rooms, fitness room and associated support accommodation set in grounds containing hard and soft landscaped areas and 106no. car parking spaces, Land To East Of B9076 And Immediately North Of Moorfield Ring Road, Brae	BDL Management Ltd	Approve, with conditions	Planning authority is landowner
2011/370/PPF	To form bus turning area, Sullom Voe Terminal, Callackness, Mossbank	Total E&P UK Ltd	Approve, with conditions	Planning authority has financial interest
2011/386/PPF	To construct building for boarding kennels and associated car parking and access; Brunthamarsland, Girlsta	Mr Andrew J. Hughson	Approve, with conditions	Applicant is a member of the Planning Authority
2012/013/PPF	To site 2 containers to be used as a bait freezer and store; North Collafirth Pier, Collafirth	Mr Karl Dalziel	Approve, with conditions	Planning authority is landowner
2012/030/PPF	Erect garage, 7 Braefield, Lerwick	Mairi Burgess	Approve, with conditions	Planning authority

				is landowner
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- 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: 6/3/2012

Appendix

2011/367/PPF - Proposed development comprising 100no. bedroom hotel with restaurant, bar, meeting rooms, fitness room and associated support accommodation set in grounds containing hard and soft landscaped areas and 106no. car parking spaces by BDL Management 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 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 hotel hereby approved shall not be brought into use until such time as the following works have been undertaken, the details of which shall be submitted to and approved in writing beforehand by the Planning Authority following consultation with the Roads Authority;

- * The 20mph gateway to Moorfield Estate shall be moved to the northwest of the proposed junction of the hotel with the Moorfield Estate ring road
- * The 30mph gateway on the B9076 road shall be moved to the north of the junction with the hotel along with the associated signage.
- * Street lighting shall be provided along the extended 30mph limit.
- * The radius of the access of the junction into Moorfield from the B9076 shall be widened to a 9 metre radius with a road width of a least 6 metres to the junction leading to the development.

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.

(4.) No development shall take place until the following visibility splays are provided; thereafter the visibility splays shall be maintained throughout the lifetime of the development.

a) A visibility splay of 2.5 metres by 120 metres shall be provided to the north of the junction of the access with the B9076 public road.

b) A visibility splay of 2.5 metres by 90 metres shall be provided to the south of the junction of the access with the B9076 public road.

c) A visibility splay of 2.5 metres by 90 metres shall be provided to the north of the junction of the public road with Moorfield and the B9076 public road.

d) A visibility splay of 2.5 metres by 33 metres shall be provided to the north of the junction of the access of the site with the Moorfield public road.

These visibility splays are 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 Shetland Local Plan (2004) Policy LPNE10.

(5.) Works to construct the hotel hereby permitted shall not take place until the access roads serving the development from the public roads have been completed with bitmac for at least the first 10 metres from the edge of the public road.

Reason: To provide a safe access to enable drivers of vehicles to enter and leave the site and 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

(6.) At the junctions of the accesses to the development hereby approved with the public roads;

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 5 metres of the edge of the public road.

The access shall be a minimum of 6 metres wide for the first 10 metres from the edge of the public road.

The accesses where required shall be piped with a 300 mm diameter pipe with headwalls constructed at either end and set to a self-cleansing gradient.

Reason: To provide a safe access to enable drivers of vehicles to enter and leave the site and 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

(7.) No later than 3 months of the roofing to the hotel building being completed the SuDS attenuation design shall be completed in accordance with the report prepared by Arch Henderson LLP dated December 2011. The person carrying out the development shall provide the Planning Authority with a written notice of completion of that phase of the development.

Prior to the commencement of development construction details of the SuDS system shall be submitted to and approved of in writing by the Planning Authority.

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.

(8.) No part of the development shall commence until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which shall be submitted to the Planning Authority for written approval prior to any works commencing. The programme will consist of a suitably staged scheme to preserve or record archaeological deposits on and within the vicinity of the site. The applicant will need to engage a suitably experienced archaeologist, approved by the Regional Archaeologist on behalf of the Planning Authority. The work will commence with a walkover survey and rapid deskbased assessment of the proposed development area in order to determine as far as possible, the nature, extent, quality of survival and importance of any remains. The results of this preliminary stage should be presented in a form which enables the impact of the proposed development on any archaeological deposits to be fully assessed and shall be submitted to the Planning Authority for written approval prior to any further works (either in connection with the preservation of the archaeology or the development) commencing on the site.

In the event that the preliminary conclusions indicate that the site contains significant archaeological features, mitigation measures should in the first instance be explored to achieve physical or in situ preservation of the remains. Where preservation in situ cannot be achieved (eg: the track crossing linear earthworks) a programme of evaluation excavation and/or a watching brief will be required. If destruction is unavoidable, then detailed excavation of selected areas followed by post-excavation analysis and publication of the results, shall be undertaken in order to achieve preservation by record before the development of the site commences for the use hereby approved. The results of these secondary, and if required tertiary, stages of investigation/recording, together with a justification as to why physical or in situ preservation is not possible, shall be submitted to the Planning Authority for written approval prior to any further works commencing on the site.

Reason: In order to establish, protect and /or record any known and/or unknown archaeological and historical features within, or adjacent to, the area of development which are of significant historical importance and in compliance with the Shetland Structure Plan (2000) Policy SPBE2; Shetland Local Plan (2004) Policy LPNE 10; Historic Environment (amendment) (Scotland) Act 2011; Planning and Archaeology PAN 2/2011.

(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.) 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.

(11.) Unless otherwise agreed in writing by the Planning Authority, the hours of construction work on the development hereby approved shall be restricted to 0730hrs to 1900hrs Monday to Friday. 0800hrs to 1700hrs on Saturdays. There shall be no Sunday working.

Reason: To protect the existing residential amenity of the occupiers of neighbouring properties by reducing disturbance and to comply with Shetland Local Plan 2004 Policy LPNE10

(12.) Development shall not commence until a scheme for the landscaping of the site, which shall have regard to the phasing of provision of car parking spaces required under condition No 17 of this permission, has first been submitted to and approved in writing by the Planning Authority. The approved landscaping scheme shall be implemented in full, the first phase of which shall be;

Completed not later than the end of the first planting season following the bringing into use of the hotel (which runs from 1st May to 15th August for the sowing of grass seeds mixtures, and runs 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) The final phase shall be completed not later than the end of the first planting season after the full parking provision of 106 car parking spaces has been met.

The hard and soft landscaping carried out under the approved landscaping scheme shall, from its completion, be maintained for a period of five years. The maintenance to be carried out shall include, as appropriate; weeding early in each growing season, and as necessary thereafter; to prevent the growth of plants being retarded; maintaining any fences around planted areas in a stock and rabbit proof condition; and the replacement with others of similar size and species of any tree, shrub or hedge that dies, becomes

diseased or is removed, unless the Planning Authority gives its written consent to any variation.

Reason: To ensure the provision of an appropriate level of landscaping which will make a positive contribution to the development and its surroundings in compliance with Shetland Structure Plan (2000) Policy GDS4 and Shetland Local Plan (2004) Policy LPBE13.

(13.) Development shall not commence until a schedule of exterior materials, including wall and roof colours and material finishes to be used, has been submitted to and approved in writing by the Planning Authority. No materials other than those approved in accordance with this condition shall be used.

Reason: To ensure that the development matches the appearance of the buildings in the area and maintains the visual quality and/or architectural amenity of the area in compliance with Shetland Local Plan (2004) Policy LPBE13.

(14.) All operational vehicles leaving the site shall be cleansed of mud and other debris to ensure that there is no nuisance dust and no mud or debris is deposited on the public highway.

Reason: To ensure satisfactory means of access to the highway, safeguard the interest of users of the public highway and highway safety, in compliance with Shetland Structure Plan (2000) Policies GDS1 and GDS4 and Shetland Local Plan (2004) Policy LPNE10.

(15.) Details of all external lighting proposed in association with the development shall be submitted for the written approval of the Planning Authority prior to being installed on the site.

Reason: As insufficient information has been submitted with the application, and to ensure that any lighting proposed does not have an adverse impact on: the visual amenity of the area; any neighbouring properties and the public road in terms of road safety, in compliance with Shetland Structure Plan (2000) Policies GDS1 and GDS4 and Shetland Local Plan (2004) Policy LPNE10.

(16.) Prior to the commencement of development details of any contractors working area and set down areas shall be submitted to and approved in writing by the Planning Authority. This shall include details of access into the site, site security, any lighting proposed and any buildings, plant and machinery proposed.

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

(17.) Development shall not commence until a plan showing provision for 106 car parking spaces within the site has been submitted to and approved in writing by the Planning Authority. This plan shall include details of which 51 spaces are to be provided for the initial 7 years of operation of the hotel

following opening. The development shall not be brought into use until 51 car parking spaces have been constructed, permanently marked and surfaced. Within 7 years of the date of this permission, and in any case prior to the occupancy of the hotel by the general public exceeding 20 bed spaces, the remaining 55 spaces shall be constructed, permanently marked out and surfaced, unless otherwise agreed in writing by the Planning Authority.

The parking provided shall be maintained and available at all times and shall be used for no other purpose.

Reason: To ensure the provision of adequate space for vehicles to park and the satisfactory completion of the development in compliance with Shetland Structure Plan (2000) Policy GDS4 and Shetland Local Plan (20004) Policy LPTP12.

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.

Building Warrant:

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.

Refuse and Waste

The applicant should contact the Environmental Health Service with regard to the design of the refuse store which should take into account the control of bird activity around the site.

Scottish Water

A Development Impact Assessment form should be submitted directly to Scottish Water.

Signage

Any signage proposed as part of this development may require Advertisement Consent under the Advertisement Regulations 1984. Please contact the Council's Development Management Service for further information (Tel 01595 744800).

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.) 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.

(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.

Notes to Applicant:

Commencement of Development

The development hereby permitted must be commenced within 3 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.

Roads Drainage

An overflow for more extreme events should be placed at around 1.1 metres above the trench invert with surrounding ground levels, designed in order to prevent overflows back onto the public road.

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.

2011/386/PPF - Construct a building for boarding kennels and associated car parking and access, Brunthamarsland, Girsta by Mr Andrew J. Hughson

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.) Development shall not commence until the following visibility splay is provided; thereafter the visibility splay shall be maintained throughout the lifetime of the development.

- A visibility splay of 2.5 metres by 60 metres shall be provided to the southeast of the junction of the access with the public road
- A visibility splay of 2.5 metres by 2.5 metres shall be provided to the northwest of the junction of the access with the public road

Reason: In the interests of road safety and to ensure a satisfactory standard of development in compliance with Policy LP NE10 of the Shetland Local Plan (June 2004).

(4.) The building hereby approved 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 road; and the access road 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 SPGDS4 and Shetland Local Plan (2004) Policy LP NE10.

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

- No fence, wall, bushes or other potential obstruction to visibility shall be permitted within 2.5 metres from the edge of the access road;
- The gradient of the access shall not exceed 5% (slope of 1 in 20) for the first six metres from the road edge; and
- The access shall be piped with at least a 250mm diameter culvert that shall have concrete headwalls provided at either end of the pipe. The pipe shall be set to a self-cleaning gradient. The existing roadside ditch shall be set back from the edge of the road and deepened in order to accommodate the pipe.

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 LP NE10.

(6.) As well as 8 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 building 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 LP TP12.

(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 a septic tank system as detailed on plan Drw No. 724.10

as specified in the plans and details received on 20 December 2011. No part of the development shall be brought into use until foul drainage works are fully operational.

Reason: For the avoidance of doubt as to what is being authorised and to ensure the provision of adequate means of drainage in the interests of public health and the control of pollution in compliance with Shetland Structure Plan (2000) Policy GDS4 and Shetland Local Plan (2004) Policy LPWD6.

(8.) In so far as this consent shall relate to the surface water drainage to be constructed in association with the development it shall relate only to provision of:

- a connection to a SuDS system as detailed on Drw No. 724.10

as specified in the amended plans and details received on 20 December 2011. No part of the development shall be brought into use until the surface water drainage is fully operational.

Reason: For the avoidance of doubt as to what is being authorised and to ensure the provision of adequate means of drainage in the interests of public health and the control of pollution in compliance with Shetland Structure Plan (2000) Policy GDS4 and Shetland Local Plan (2004) Policy LPWD6

(9.) Details of all external lighting shall be provided and shall be approved in writing by the Planning Authority prior to the building being brought into use.

Reason: To ensure that all external lighting is designed and positioned as to not cause environmental nuisance to adjacent residential properties, and in compliance with Shetland Structure Plan (2000) policy GDS4 and Shetland Local Plan (2004) policy LP NE10.

(10.) 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.

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

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

Notes to Applicant:

Commencement of Development

To ensure compliance with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 20 of the Planning etc. (Scotland) Act 2006, the development hereby permitted shall be commenced within three years of the date of this permission.

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.

Building Warrant

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

Advertisement

Any advertisement, signage or directional signage either attached to the building, within the site or out-with the site, may require Advertisement Consent. You are advised to contact Development Management on 01595 744 800.

Appropriate Operating Licences

Please contact Environmental Health to ensure that all appropriate licences are obtained in association with the operation of your kennel business. You can contact Environmental Health on 01595 744 800.

**2012/013/PPF - To site 2 containers to be used as a bait freezer and store;
North Collafirth Pier, Collafirth by Mr Karl Dalziel**

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 siting of two steel containers authorised by the permission hereby granted shall (unless a subsequent application for Full Planning Permission has been granted) be removed, or the use of the site shall be discontinued by 06 March 2017. Following the removal of the development or the discontinuance of the use the land the subject of the development shall be restored to its pre-development condition.

Reason: As the development is temporary in nature and to ensure the satisfactory reinstatement of the site when the use ceases in order to comply with Shetland Local Plan (2004) Policy LPNE10.

(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) The steel containers shall be re-painted blue to match the existing colour within three months from commencement of development. The steel containers shall be kept in a clean and tidy condition during the lifetime of the hereby-approved permission.

Reason: to protect the visual amenity of the surrounding area and in compliance with Shetland Structure Plan (2000) policies GDS4 and LP NE1 and also Shetland Local Plan (2004) policy LP NE10.

(5.) Any land disturbed by siting of the containers 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.

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

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

Notes to Applicant:

Commencement of Development

To ensure compliance with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 20 of the Planning etc. (Scotland) Act 2006, the development hereby permitted shall be commenced within three years of the date of this permission.

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.

Building Warrant

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

2012/030/PPF - Erect garage, 7 Braefield, Lerwick by Mairi Burgess

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.) Notwithstanding the details on the approved plan 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 1.5 metres of the edge of 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 LPNE10.

(4.) The garage hereby permitted shall not be constructed until the hardstanding access serving the development from the public road shown on approved plan 2012/030/PPF – SIC/003 has been completed in bitmac.

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

(5.) Two parking spaces shall be constructed within the development site. All spaces adjacent to any walls or fences should be increased by 0.5 metres.

Reason: In the interests of traffic safety and in order to comply with Shetland Structure Plan (2000) Policy GDS4 and Shetland Local Plan (2004) Policy LPNE10.

(6.) 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.

(7.) 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 must be commenced within 3 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.

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.

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: Proposed development comprising 100no. bedroom hotel with restaurant, bar, meeting rooms, fitness room and associated support accommodation set in grounds containing hard and soft landscaped areas and 106no. car parking spaces.

Location: Land To East Of B9076 And Immediately North Of Moorfield Ring Road, Brae,

By: BDL Management Ltd

Application Ref: 2011/367/PPF

1. Introduction

This is an application to erect a hotel development on the north east edge of Brae and adjacent to the existing group of dwellinghouses at Moorfield.

The proposal is to erect a building comprising a central area, which is fully 3 storey in height, flanked by 2 wings which are to be 2 storey with loft accommodation. It will house 100 bedrooms with an associated bar, restaurant area and meeting rooms.

The hotel will firstly be used as a base for workers associated with the Total gas plant at Sullom Voe when 80 beds will be for Total employees and the remaining 20 beds being available for use by the general public.

Parking provision for the site will be therefore provided on a phased basis with 51 car parking spaces provided during what is expected to be the first 7 years of operation, with the remainder provided when the hotel becomes open in its entirety to the general public.

Two new accesses are proposed to serve the development. One is to lead from the main B9076 public road and there will also be an access, which leads off the road serving the housing development.

In terms of the Hierarchy of Developments the proposal is considered to be a local development. The application is required to be reported to the Planning Committee as a Statutory Exception as the Council owns the land, which is the subject of the proposal.

2. Statutory Development Plan Policies

Shetland Islands Council Structure Plan (2000) Policies

GDS2 - General Development Policy Economic Competitiveness

GDS3 - General Development Policy Existing Settlements

GDS4 - General Development Policy Natural and Built Environment

SPNE1 - Design

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

LPBE13 - Design

LPNE10 - Development and the Environment

LPTP12 - Car Parking Standards and Guidelines

LPIND4 - Business and Industry in Existing Rural Settlements

LPTOU2 - Visitor Accommodation

Shetland Islands Council Interim Planning Policy Guidance

SPG26 - General Requirements for All New Dev

3. Safeguarding

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

Land Capability Agriculture - code: 4.2

Scatsta Safeguard - Height: 45m

Scatsta Safeguard - Height: All

Scatsta Safeguard - Height: 15m

4. Consultations

Development Planning was consulted on the 20 December 2011. Their comments dated 17 January 2012 can be summarised as follows:

No objections

Environmental Health was consulted on the 20 December 2011. Their comments dated 5 January 2012 can be summarised as follows:

No objections

Roads Drainage was consulted on the 20 December 2011. Their comments dated 4 January 2012 can be summarised as follows:

No objections subject to the submission of the full details in relation to the proposed SuDS system.

Roads Traffic was consulted on the 20 December 2011. Their comments dated 8 February 2012 can be summarised as follows:

No objections subject to conditions being imposed to visibility improvements and an extension of the 30mph speed limits which will involve the re-positioning of signage.

Airport Manager - Scatsta was consulted on the 20 December 2011. Their comments dated 5 January 2012 can be summarised as follows:

No objections subject to any waste being covered so as to not pose bird hazard.

Scottish Water Customer Connections was consulted on the 20 December 2011. Their comments dated 28 December 2011 can be summarised as follows:

No objections subject to the developer submitting a Development Impact Assessment form directly to Scottish Water.

SEPA Dingwall was consulted on the 20 December 2011. Their comments dated 5 January 2012 can be summarised as follows:

No objection subject to a condition relating to sustainable urban drainage being applied to the site.

Delting Community Council was consulted on the 20 December 2011. Their comments dated 2 February 2012 can be summarised as follows:

No objections

The Archaeology Service was consulted on the 20 December 2011. Their comments dated 13 January 2012 can be summarised as follows:

No objections subject to a condition regarding the implementation of a programme of archaeological works

The Coastal Engineer was consulted on the 16 January 2012. Their comments dated 17 January 2012 can be summarised as follows:

No objections as the development is above the 5 metre contour. Suitable landscaping within the development should ensure that surface water flows are minimised and directed away from the building into a suitable drainage system.

5. Statutory Advertisements

The application was advertised in the Shetland Times on 23.12.2011

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 (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.

The main policy context under which this proposal has to be considered is Policy LP IND4 Business and Industry in Existing Rural Settlements. Proposals for Hotels and Hostels will generally be allowed under this policy. In residential locations the proposed development should not erode the residential character or adversely affect local residents through an increase in traffic levels, noise, fumes or hours of operation.

The technical standards for access and parking should be met. The design, scale and siting of the new development should respect the character and appearance of the surrounding area, in terms of policy LPNE10.

The Local Plan also encourages development proposals to provide hotels but seeks to ensure that in meeting the demand for bed spaces, adjacent occupiers are not adversely affected and no harm is caused to the unique and irreplaceable features that attract visitors to Shetland in the first place.

The proposed hotel will consist of a building comprising a central area which is fully 3 storey in height flanked by 2 wings which are to be 2 storey with loft accommodation with dormer windows. The materials to be used are white render walls, dark roofing material and stained larch timber cladding. The architect has drawn inspiration for the design from Shetland vernacular buildings such as farmhouses and townhouses, the use of timber in modern buildings and the glazing which fronts the Shetland Museum. It is considered to be bold in appearance, especially the gable design; somewhat traditional in material and chimney detailing, with a modern approach to the front reception area.

The site lies on the edge of the settlement of Brae adjacent to the housing development. The orientation of the hotel within the site means

that the south west gable elevation will face towards the north most houses of the estate. The principle elevation will face north west onto the main public road and towards the sea. As such it not considered that the hotel with be perceived as dominating or imposing in terms of its impact on the housing estate. At the entrance point to the settlement the design, and presence of the hotel may be perceived in a positive light.

The site can be safely accessed and all visibility requirements exist at present. The Roads Service has sought to seek improvements to road safety surrounding the site by requiring that 30mph zones and streetlight be extended to accommodate the new proposal and these are addressed by means of recommended conditions. This is considered reasonable and well related to the potential impact of the development.

It has been agreed that the parking provision which would equate to 106 spaces for a fully operational hotel open to the general public, be reduced in terms of immediate usage, but not land provision, for the first 7 years of operation. A condition requiring a plan showing details of this provision is recommended.

Although generally happy with the proposed methods in regard to SuDS provisions Roads Drainage have asked that full construction details be provided.

In conclusion it is considered that subject to conditions, the development can be constructed and operated without adverse impact on the natural environment and the occupants of the adjacent housing.

8. **Recommendation**

Grant subject to conditions

Reasons for Council's decision:

(1.) The proposal is considered to comply with Shetland Local Plan (2004) Local Plan Policies LPIND5 and LPTOUR2 as by virtue of the location and design there are no adverse impacts on the character of the area, and tourist accommodation will be provided. The site can be safely accessed, and subject to controlling conditions parking and surface water issues can be met in compliance with Shetland Local Plan (2004) LPNE10.

9. **List of approved plans:**

- Site Layout 389/PL202 A 15.12.2011
- Location Plan 389/PL100 02.12.2011

- Elevations & Sections 389/PL400 02.12.2011
- Elevations & Sections 389/PL401 02.12.2011
- Elevations & Sections 389/PL402 02.12.2011
- Proposed Floor Plan 389/PL300 02.12.2011
- Roof Plan 389/PL301 02.12.2011
- Site & Section Plan 389/PL404 02.12.2011
- Elevations 389/PL500 02.12.2011
- Elevations 389/PL501 02.12.2011

10. 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 hotel hereby approved shall not be brought into use until such time as the following works have been undertaken, the details of which shall be submitted to and approved in writing beforehand by the Planning Authority following consultation with the Roads Authority;

- * The 20mph gateway to Moorfield Estate shall be moved to the northwest of the proposed junction of the hotel with the Moorfield Estate ring road
- * The 30mph gateway on the B9076 road shall be moved to the north of the junction with the hotel along with the associated signage.
- * Street lighting shall be provided along the extended 30mph limit.
- * The radius of the access of the junction into Moorfield from the B9076 shall be widened to a 9 metre radius with a road width of a least 6 metres to the junction leading to the development.

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.

(4.) No development shall take place until the following visibility splays are provided; thereafter the visibility splays shall be maintained throughout the lifetime of the development.

- a) A visibility splay of 2.5 metres by 120 metres shall be provided to the north of the junction of the access with the B9076 public road.
- b) A visibility splay of 2.5 metres by 90 metres shall be provided to the south of the junction of the access with the B9076 public road.
- c) A visibility splay of 2.5 metres by 90 metres shall be provided to the north of the junction of the public road with Moorfield and the B9076 public road.
- d) A visibility splay of 2.5 metres by 33 metres shall be provided to the north of the junction of the access of the site with the Moorfield public road.

These visibility splays are 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 Shetland Local Plan (2004) Policy LPNE10.

(5.) Works to construct the hotel hereby permitted shall not take place until the access roads serving the development from the public

roads have been completed with bitmac for at least the first 10 metres from the edge of the public road.

Reason: To provide a safe access to enable drivers of vehicles to enter and leave the site and 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

(6.) At the junctions of the accesses to the development hereby approved with the public roads;

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 5 metres of the edge of the public road.

The access shall be a minimum of 6 metres wide for the first 10 metres from the edge of the public road.

The accesses where required shall be piped with a 300 mm diameter pipe with headwalls constructed at either end and set to a self-cleansing gradient.

Reason: To provide a safe access to enable drivers of vehicles to enter and leave the site and 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

(7.) No later than 3 months of the roofing to the hotel building being completed the SuDS attenuation design shall be completed in accordance with the report prepared by Arch Henderson LLP dated December 2011. The person carrying out the development shall provide the Planning Authority with a written notice of completion of that phase of the development.

Prior to the commencement of development construction details of the SuDS system shall be submitted to and approved of in writing by the Planning Authority.

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.

(8.) No part of the development shall commence until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which shall be submitted to the Planning Authority for written approval prior to any works commencing. The programme will consist of a suitably staged scheme to preserve or record archaeological deposits on and within the

vicinity of the site. The applicant will need to engage a suitably experienced archaeologist, approved by the Regional Archaeologist on behalf of the Planning Authority. The work will commence with a walkover survey and rapid deskbased assessment of the proposed development area in order to determine as far as possible, the nature, extent, quality of survival and importance of any remains. The results of this preliminary stage should be presented in a form which enables the impact of the proposed development on any archaeological deposits to be fully assessed and shall be submitted to the Planning Authority for written approval prior to any further works (either in connection with the preservation of the archaeology or the development) commencing on the site.

In the event that the preliminary conclusions indicate that the site contains significant archaeological features, mitigation measures should in the first instance be explored to achieve physical or in situ preservation of the remains. Where preservation in situ cannot be achieved (eg: the track crossing linear earthworks) a programme of evaluation excavation and/or a watching brief will be required. If destruction is unavoidable, then detailed excavation of selected areas followed by post-excavation analysis and publication of the results, shall be undertaken in order to achieve preservation by record before the development of the site commences for the use hereby approved. The results of these secondary, and if required tertiary, stages of investigation/recording, together with a justification as to why physical or in situ preservation is not possible, shall be submitted to the Planning Authority for written approval prior to any further works commencing on the site.

Reason: In order to establish, protect and /or record any known and/or unknown archaeological and historical features within, or adjacent to, the area of development which are of significant historical importance and in compliance with the Shetland Structure Plan (2000) Policy SPBE2; Shetland Local Plan (2004) Policy LPNE 10; Historic Environment (amendment) (Scotland) Act 2011; Planning and Archaeology PAN 2/2011.

(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.) 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.

(11.) Unless otherwise agreed in writing by the Planning Authority, the hours of construction work on the development hereby approved shall be restricted to 0730hrs to 1900hrs Monday to Friday. 0800hrs to 1700hrs on Saturdays. There shall be no Sunday working.

Reason: To protect the existing residential amenity of the occupiers of neighbouring properties by reducing disturbance and to comply with Shetland Local Plan 2004 Policy LPNE10

(12.) Development shall not commence until a scheme for the landscaping of the site, which shall have regard to the phasing of provision of car parking spaces required under condition No 17 of this permission, has first been submitted to and approved in writing by the Planning Authority. The approved landscaping scheme shall be implemented in full, the first phase of which shall be;

Completed not later than the end of the first planting season following the bringing into use of the hotel (which runs from 1st May to 15th August for the sowing of grass seeds mixtures, and runs 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) The final phase shall be completed not later than the end of the first planting season after the full parking provision of 106 car parking spaces has been met.

The hard and soft landscaping carried out under the approved landscaping scheme shall, from its completion, be maintained for a period of five years. The maintenance to be carried out shall include, as appropriate; weeding early in each growing season, and as necessary thereafter; to prevent the growth of plants being retarded; maintaining

any fences around planted areas in a stock and rabbit proof condition; and the replacement with others of similar size and species of any tree, shrub or hedge that dies, becomes diseased or is removed, unless the Planning Authority gives its written consent to any variation.

Reason: To ensure the provision of an appropriate level of landscaping which will make a positive contribution to the development and its surroundings in compliance with Shetland Structure Plan (2000) Policy GDS4 and Shetland Local Plan (2004) Policy LPBE13.

(13.) Development shall not commence until a schedule of exterior materials, including wall and roof colours and material finishes to be used, has been submitted to and approved in writing by the Planning Authority. No materials other than those approved in accordance with this condition shall be used.

Reason: To ensure that the development matches the appearance of the buildings in the area and maintains the visual quality and/or architectural amenity of the area in compliance with Shetland Local Plan (2004) Policy LPBE13.

(14.) All operational vehicles leaving the site shall be cleansed of mud and other debris to ensure that there is no nuisance dust and no mud or debris is deposited on the public highway.

Reason: To ensure satisfactory means of access to the highway, safeguard the interest of users of the public highway and highway safety, in compliance with Shetland Structure Plan (2000) Policies GDS1 and GDS4 and Shetland Local Plan (2004) Policy LPNE10.

(15.) Details of all external lighting proposed in association with the development shall be submitted for the written approval of the Planning Authority prior to being installed on the site.

Reason: As insufficient information has been submitted with the application, and to ensure that any lighting proposed does not have an adverse impact on: the visual amenity of the area; any neighbouring properties and the public road in terms of road safety, in compliance with Shetland Structure Plan (2000) Policies GDS1 and GDS4 and Shetland Local Plan (2004) Policy LPNE10.

(16.) Prior to the commencement of development details of any contractors working area and set down areas shall be submitted to and approved in writing by the Planning Authority. This shall include details of access into the site, site security, any lighting proposed and any buildings, plant and machinery proposed.

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

(17.) Development shall not commence until a plan showing provision for 106 car parking spaces within the site has been submitted to and approved in writing by the Planning Authority. This plan shall include details of which 51 spaces are to be provided for the initial 7 years of operation of the hotel following opening. The development shall not be brought into use until 51 car parking spaces have been constructed, permanently marked and surfaced. Within 7 years of the date of this permission, and in any case prior to the occupancy of the hotel by the general public exceeding 20 bed spaces, the remaining 55 spaces shall be constructed, permanently marked out and surfaced, unless otherwise agreed in writing by the Planning Authority.

The parking provided shall be maintained and available at all times and shall be used for no other purpose.

Reason: To ensure the provision of adequate space for vehicles to park and the satisfactory completion of the development in compliance with Shetland Structure Plan (2000) Policy GDS4 and Shetland Local Plan (20004) Policy LPTP12.

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.

Building Warrant:

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.

Refuse and Waste

The applicant should contact the Environmental Health Service with regard to the design of the refuse store which should take into account the control of bird activity around the site.

Scottish Water

A Development Impact Assessment form should be submitted directly to Scottish Water.

Signage

Any signage proposed as part of this development may require Advertisement Consent under the Advertisement Regulations 1984. Please contact the Council's Development Management Service for further information (Tel 01595 744800).

11. **Further Notifications Required**

None

12. **Background Information Considered**

None

2011/367/PPF Report_of_Handling.doc

Officer: Mr Richard MacNeill

Date: 6th March 2012

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SIC INFRASTRUCTURE SERVICES	
02 DEC 2011	
PASS TO	NO. 100042438



Location Plan
 0 20 40 60 80 100m



This document is a technical drawing.
 It is made up of several sheets.
 The sheets are numbered 1 to 10.
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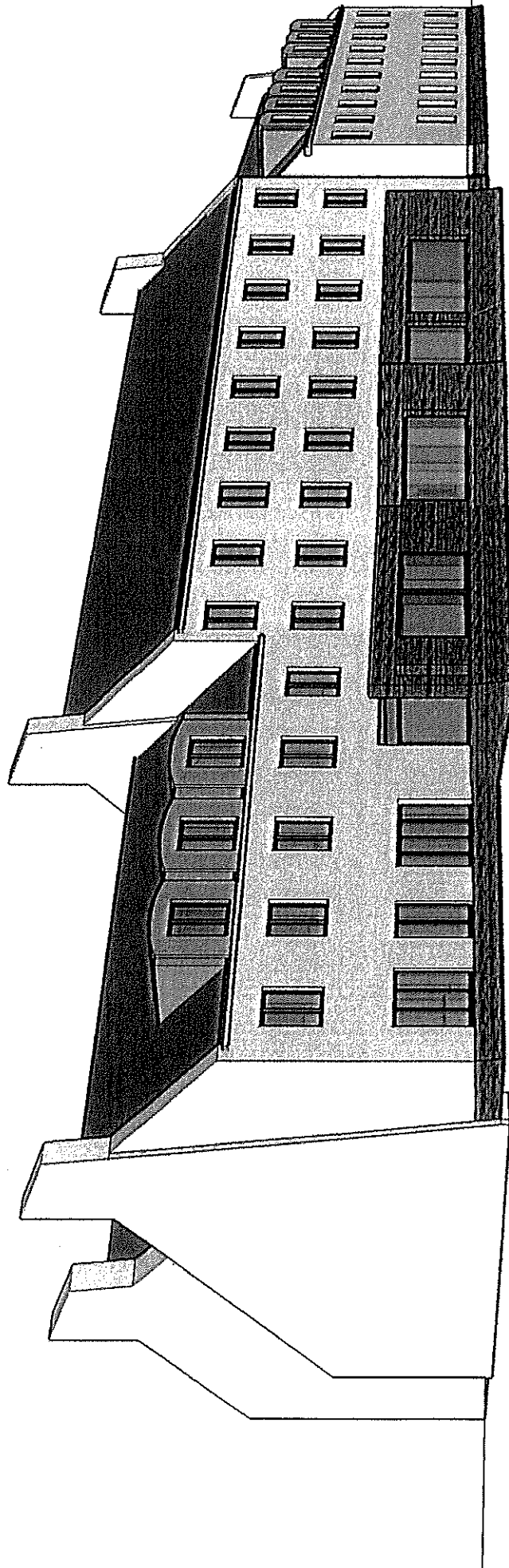
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Large picture windows framing views across
the landscape

Public areas and base in stone
To ground the building into landscape



Report of Handling

Development: To form bus turning area

Location: Sullom Voe Terminal, Callackness, Mossbank, Shetland, ZE2 9TU,

By: Total E & P UK Ltd

Application Ref: 2011/370/PPF

1. Introduction

This proposal is to form a bus turning area on land at Sullom Voe Oil Terminal in Mossbank

2. Statutory Development Plan Policies

Shetland Islands Council Structure Plan (2000) Policies

GDS1 - General Development Policy Sustainable Development

GDS2 - General Development Policy Economic Competitiveness

GDS3 - General Development Policy Existing Settlements

GDS4 - General Development Policy Natural and Built Environment

SPENG1 - Sullom Voe and Oil Related Developments

SPIND1 - Development of the Economy

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

LPNE10 - Development and the Environment

LPCST5 - Coastal Development at Lerwick and Sullom Voe

LPIND4 - Business and Industry in Existing Rural Settlements

3. Safeguarding

Health and Safety Executive - Code: HSE080

Site Name: Sullom Voe

Type: Hazardous Substances Consent

HSE Ref: H0620

Health and Safety Executive - Code: HSE082

Site Name: Sullom Voe

Type: Hazardous Substances Consent

HSE Ref: H0620

Health and Safety Executive - Code: HSE081

Site Name: Sullom Voe

Type: Hazardous Substances Consent

HSE Ref: H0620

4. Consultations

Roads Drainage was consulted on the 9 January 2012. Their comments dated 9 February 2012 can be summarised as follows:

The calculations for the soakaway volume required appear to be correct for the intended rainfall event, assuming that the infiltration value used is correct. The applicant should ensure that a proper infiltration rate is used as a larger trench may be required.

Roads Traffic was consulted on the 9 January 2012. Their comments dated 24 January 2012 can be summarised as follows:

Given that the direction of flow for surface water drainage off both the road and the bus turning area meets at the west edge of the road, proposals for intercepting the water will be required along the frontage of the section to be surfaced. An open channel would suffice in this instance. Details of the proposed levels and rainfall arrangements are required for written approval

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 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.

The proposed development is to construct a bus turning area upon a parcel of land at Sullom Voe Terminal in Mossbank, in order to facilitate a park and ride service between Sellaness Industrial Estate and Sullom Voe Terminal to be utilised by BP staff. The proposal also incorporates

the erection of a post and wire fence at the southern boundary of the site.

The supporting statement identifies that an area for a shuttle bus to turn safely and efficiently near Sullom Voe Terminal is required in order for the shuttle bus to loop back to serve the 'park and ride facility' which achieved temporary planning consent on 1 March 2011. Due to security constraints and a lack of space, a turning area cannot be provided within the confines of Sullom Voe Terminal itself and as such, the application site adjacent to the terminal and forming part of the harbour area provides a suitable space adjacent to the main road which is close in proximity to operations at Sullom Voe. The area of land proposed for development already has planning permission to form a hardstanding area (2010/326/PCD) which was granted consent on 8 December 2010 and is currently being used as a laydown area for offloading equipment and materials.

In terms of the bus service, it is intended that the turning area would be used regularly at peak times which is expected to from 7.00 am to 9.00 am and from 4.00 pm to 6.00 pm, but may operate intermittently outwith these time periods.

An initial consultation response to the proposed development was received from the Roads and Transport Network on 25 January 2012 which stated:

"Given that the direction of flow for surface water drainage off both the road and the bus turning area meets at the west edge of the road, proposals for intercepting the water will be required along the frontage of the section to be surfaced. An open channel drain would suffice in this instance. Details of the proposed levels and outfall arrangements are required for written approval."

These comments were passed to the applicant on 26 January 2012, who responded on 1 February 2012 with additional drawings to answer Roads query in relation to surface water drainage. Roads Drainage confirmed in an email on 9 February 2012 that this information had been received and that a joint response containing both Roads Traffic and Roads Drainage comments had been prepared in relation to the proposed development. A final joint consultation response was received via email on 14 February 2012 which states:

"The calculations for the soakaway volume required appear correct for the intended rainfall event, assuming that the infiltration value used is correct. As such, the applicant is advised to ensure that proper infiltration rate is used as a larger trench may actually be required. The invert of the stone filled soakaway trench requires to be at least 0.87 metres below the lowest inlet pipe invert, in order to provide the storage volume identified from the calculations submitted. An overflow for more extreme events should be placed at around 1.1 metres above the

trench invert with surrounding ground levels designed in order to prevent overflows back onto the public road."

As neither Roads Traffic nor Roads Drainage have any objections to the proposed development, with the above comments having been made on the drainage with regard to the separate Construction Consent it is considered appropriate to attach them as an informative to any future planning consent.

No objections to the proposed development have been received and there are no other safeguarding issues arising.

It is considered that the proposed development is an appropriate and sustainable use of the site as it is situated within an existing industrial zone and is close in proximity to existing operations at Sullom Voe Terminal. The proposed bus turning area is also compatible with the present use of the site as a hardstanding area and the installation of minor boundary fencing and drainage works will have no adverse impact upon the natural and built environment, nor upon the visual amenity of the area. As such, 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 Delegations 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. Notification to Scottish Ministers

None.

10. Recommendation

Grant subject to conditions

Reasons for Council's decision:

It is considered that the proposed development is an appropriate and sustainable use of the site as it is situated within an existing industrial zone and is close in proximity to existing operations at Sullom Voe Terminal. The proposed bus turning area is also compatible with the present use of the site as a hardstanding area and the installation of minor boundary fencing and drainage works will have no adverse impact upon the natural and built environment, nor upon the visual amenity of the area. As such, the proposal complies with Shetland Structure Plan (2000) Policies GDS1, GDS2, GDS3, GDS4, SPENG1 and SPIND1 and Shetland Local Plan (2004) Policies LPNE10, LPCSF5 and LPIND4.

11. List of approved plans:

- Layout - SGP-SNA-82-C-LY-173624-001 Rev R01 - 02.12.2011
- Site Layout - SGP-GEN-00-C-LY-173626-001 Rev R01 - 02.12.2011
- Cross Section - SGP-GEN-00-C-DT-173627-001 Rev R01 - 02.12.2011
- Detail - SGP-GEN-00-C-DT-173625-001 Rev R01 - 02.12.2011
- Bus Route Details - SGP-GEN-00-C-GA-173803-001 Rev R01 - 02.12.2011
- Supporting Statement - 02.12.2011

12. 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.) 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.

(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.

Notes to Applicant:

Commencement of Development

The development hereby permitted must be commenced within 3 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.

Roads Drainage

An overflow for more extreme events should be placed at around 1.1 metres above the trench invert with surrounding ground levels, designed in order to prevent overflows back onto the public road.

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.

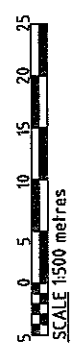
14. Background Information Considered

None.

15. Attachments

- Layout SGP-SNA-82-C-LY-173624-001 Rev R01
- Site Layout SGP-GEN-00-C-LY-173626-001 Rev R01
- Cross Section SGP-GEN-00-C-DT-173627-001 Rev R01
- Detail SGP-GEN-00-C-DT-173625-001 Rev R01
- Bus Route Details SGP-GEN-00-C-GA-173803-001 Rev R01
- Supporting Statement

370_Report_of_Handling.doc
Officer: Dawn Stewart
Date: 27th February 2012
Date of Committee: 6th March 2012



- 70 -

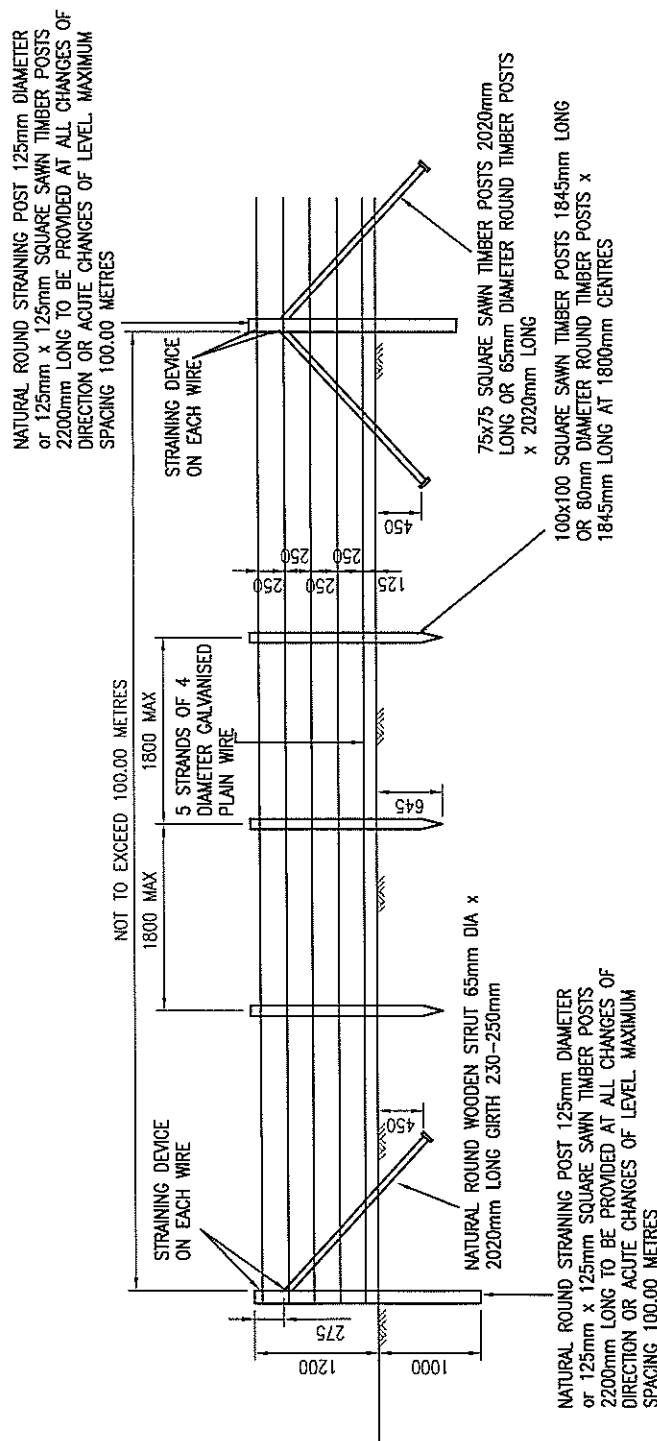


FENCE NOTES

FENCE NOTES
1. MATERIALS FOR POST AND WIRE FENCING TO COMPLY WITH B.S. 1722-2
2. STRAINER POSTS TO BE USED AT ALL CHANGES IN DIRECTION.
3. STRUTS SHALL BE FIXED TO POSTS WITH ONE 100 x 4 GALVANISED ROUND STEEL WIRE NAIL.
4. STRUTS SHALL HAVE WOODEN BASE PLATES 150mm x 150mm x 25mm THICK FIXED TO STRUT BY 4No GALVANISED ROUND WIRE NAILS.
5. IF POSTS ARE TO BE DRIVEN THE BUTT END SHALL BE POINTED FOR 225mm. IF POSTS ARE NOT DRIVEN THE POST HOLES SHALL BE CAREFULLY BACKFILLED AND RAMMED AS FILLING PROCEEDS.

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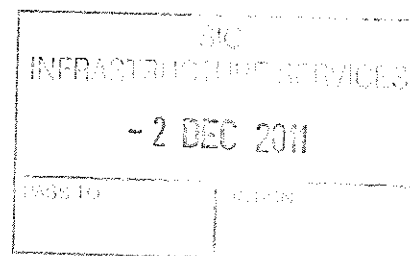
Job No. 77777777777777777777	TOTAL	Commitment No. 4200044441
Drawn: RAIW Date: 26/11/11 Checked: ASK Date: 26/11/11	TOTAL E&P UK FAIRHURST	
Engineering Approval Company: TOTAL Contractor:	Title: SHETLAND GAS PLANT POST & WIRE FENCE DETAIL	
Scale: 1:50 Dwg. No: SGP-GEN-00-C-DT-173625-001 Rev: R01		



DETAILS OF POST AND WIRE FENCE



TOTAL



SUPPORTING STATEMENT

in relation to

Proposed Bus Turning Area

at land at Sullom Voe Terminal, Mossbank, Shetland

Paull & Williamson LLP

Solicitors

Union Plaza, 1 Union Wynd, Aberdeen AB10 1DQ DXAB35

T: +44 (0) 1224 621621 F: +44 (0) 1224 627437

www.paull-williamsons.co.uk



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2	DESCRIPTION OF THE APPLICATION SITE.....	2
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4	DEVELOPMENT PLAN POLICIES	4
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1 BACKGROUND TO THE PROPOSAL

1.1 Context of the Application

- 1.1.1 Total E&P UK Limited (Total) operate the Laggan and Tormore gas fields which are situated some 140km North-West of the Shetland Islands in approximately 600 metres water depth. The Laggan-Tormore Project represents a major investment by Total and will bring huge economic benefit to the Islands.
- 1.1.2 As part of the project, Shetland Islands Council granted planning permission on 8 March 2010 for the “*Erection of a Gas Processing Plant, together with Import and Export pipes, Isolation Valve, associated roads and Hardstanding*” on Land at Sullom Voe, Orka Voe and Firths Voe (Reference Number PL2009/271). The new Gas Processing Plant will sit alongside the existing BP Sullom Voe Terminal.
- 1.1.3 The engineering works for construction of the Plant commenced in April 2010 and following the grant of consent by the Council on 21 January 2011 (Reference Number PL2010/395/PCD) for rerouting the import pipe and effluent outfall, works on the pipeline commenced in May 2011. Shetland Islands Council also granted permission “*to reroute the onshore gas export pipeline from the gas processing plant to Firths Voe*” on 1 September 2011 (Reference Number PL2011/160/PCD).
- 1.1.4 Total have also been granted planning permission (Reference Number PL2010/256) to erect temporary residential accommodation (424 bedrooms) with ancillary amenity accommodation including reception, dining room, recreation area, reading/quiet room, gymnasium, computer room, convenience shop, laundry, prayer room, bar and external football pitch on a site at Sella Ness. These facilities will provide accommodation for the workers involved in constructing and operating the development.
- 1.1.5 Temporary planning permission was also granted to Total on 1 March 2011 to “form a park and ride facility” at the Sella Ness Industrial Estate. This consent provided for a replacement area for car parking required as a result of road widening works. 160 park and ride car parking spaces are to be provided. The park and ride facility will be used by BP staff to access the Terminal. A bus will run between Sellaness and Sullom Voe Terminal. Drawing Number SGP-GEN-00-C-GA-173803-001 shows the route of the park and ride service.

- 1.1.6 Copies of this consent with consented drawings are included as Appendix 1 to this Supporting Statement. The key benefit of the park and ride facility is to provide alternative parking to parking on the access roads in and around the Sullom Voe Terminal during the transportation of abnormally large loads.

1.2 The Need for a Turning Area

- 1.2.1 A park and ride shuttle bus service will operate from the park and ride facility at the Sella Ness Industrial Estate and transport staff to the Sullom Voe Terminal. It has become clear that an area for the shuttle bus to turn safely and efficiently near Sullom Voe Terminal is required in order for the shuttle bus to loop back to the park and ride facility.
- 1.2.2 It is intended that the park and ride service will be operational during the second half of 2012 and throughout 2013 when module deliveries require to be transported to the GPP site from the Sullom Voe Terminal Jetty.
- 1.2.3 A turning area cannot be provided within Sullom Voe Terminal due to security constraints and a lack of space. The application site, adjacent to the Sullom Voe Terminal and forming part of the Harbour area provides a suitable turning area adjacent to the main road and is in close proximity to the operations at Sullom Voe.
- 1.2.4 The application site already benefits from planning permission granted by Shetland Islands Council dated 8 December 2010 “to form” a “*hard standing area*” (Reference Number: PL2010/324/PCD) and is currently used as a laydown area for offloading equipment and materials.
- 1.2.5 Other applications have been granted planning permission for the purposes of widening the access road from the south east leading to the Sullom Voe Terminal (Reference Number: PL2010/326/PCD) and to form lay-by areas (Reference Number PL2011/18/PCD). This is the route to be used by the shuttle bus service.

2 **DESCRIPTION OF THE APPLICATION SITE**

- 2.1 The application site is shown delineated in red on the Location Plan on Drawing Number SGP-SNA-82-C-LY-173624-001 accompanying this application. The site extends to 0.13 hectares. As noted above, the application site already benefits from planning permission for formation of a hardstanding area.

- 2.2 The site is immediately adjacent to the existing public road network. The location of the turning point itself is beyond the intensive operations of Sullom Voe Terminal and minimal traffic accesses this area. Most traffic is restricted to construction traffic.

3 **DESCRIPTION OF THE PROPOSAL**

3.1 Use

3.1.1 The site is required as a bus turning area. A shuttle bus will transport staff from the park and ride facility at Sella Ness Industrial Estate to Sullom Voe Terminal. There are no safe turning places in close proximity to the Sullom Voe Terminal end of the shuttle service route. The site provides a safe turning point in close locality to the existing service route.

3.1.2 The proposed use is appropriate for an industrial area.

3.2 Engineering / Fencing Works

3.2.1 It is proposed that the application site will be surfaced to the same standard as the adjacent road. Drawing SGP-GEN-00-C-DT-173627-001 shows a typical cross section of the proposed make-up of the site in comparison to the existing carriageway and the existing consented lay-down surface area. The turning area has been designed in accordance with SIC Road Standards. It can be considered as a widening of the existing road.

3.2.3 Drawing SGP-GEN-00-C-DT-173625-001 shows the proposed post and wire fence to be erected on the southern boundary of the site.

3.3 Drainage

3.3.1 It is proposed that surface water will be drained in a similar manner to the adjacent road. Drawing Number SGP-GEN-00-C-LY-173626-001 shows that the surface water will shed to the coastal margin.

3.4 Access

3.4.1 Drawing SGP-GEN-00-C-LY-173626-001 shows the proposed direction which the shuttle bus will take through the site. The drawing shows the swept path of the shuttle bus and demonstrates that there is sufficient space for the shuttle bus to safely turn on and off the road network. The drawing also shows the visibility splays.

3.5 Movements

3.5.1 It is intended that the turning area would be used regularly at peak times, expected to be from 7.00am to 9.00 am and from 4.00pm to 6.00pm. The bus service will operate intermittently outwith these times.

4 **DEVELOPMENT PLAN POLICIES**

4.1 The Development Plan is supportive of oil related development, in recognition of its importance to the Shetland economy. The Council have already granted Total consent for the GPP, the accommodation block and the park and ride facility.

4.2 The site is in the port area immediately adjacent to the Sullom Voe Terminal and as such it is submitted that there is a presumption in the Development Plan in favour of the proposed use

4.3 Shetland Islands Council Structure Plan 2000

a) Policy SP GDS1 emphasises the need for sustainable development and states that “*All development must therefore protect environmental assets as defined in the Structure Plan and Local Plan, use and conserve resources wisely, and minimise environmental impacts*”. The present application respects this policy by utilising an area zoned for industrial use. The proximity of the site to the existing bus route means that the distance which the shuttle bus requires to travel to turn is minimised.

b) Aim 1 of the Structure Plan is to maximise the competitiveness of the Shetland economy. Policy SP GDS2 provides that the Structure Plan policies will encourage the expansion of existing and new industry by ensuring that there is sufficient land and premises for business and industry to meet local needs in existing settlements throughout Shetland. At paragraph 4.2, in relation to Coastal Development, the Structure Plan states that:

“In terms of the economy, the oil and fishing industries are the most important. Oil exploration and extraction in the seas to the east and the west have provided wealth and employment. In the short-term the continued operation of the oil terminal at Sullom Voe is central to the future prosperity of the Islands.”

It is clear that the new GPP and pipeline works at Sullom Voe, which this application supports will ensure that the oil industry makes a continuing and significant contribution to the Shetland economy in the future and will maximise the competitiveness of the Shetland economy. These proposals are a necessary part of delivery of the GPP to ensure the efficient operation of the park and ride facility.

- c) Policy SP GDS4 states that new development will conserve and, where possible, improve the quality of life and the environment by considering all opportunities for the reuse of land and buildings. The proposed operations represent an opportunity to use industrial land which is currently vacant.
- d) Policy SP ENG 1 provides that *“The Council will encourage the continued operation of Sullom Voe Oil Terminal and the retention of oil related employment by safeguarding the existing designated areas for the expansion of the terminal and oil related developments”*. The Council has already granted consent for the new GPP next to the existing Sullom Voe Terminal, the associated pipeline works and the park and ride facility. The park and ride facility will be used by BP employees who need access to the Terminal. This facility ensures that the operation of the Sullom Voe Terminal will not be disrupted by the construction of the GPP.
- e) Policy SP IND1 provides that Shetland Islands Council will *“promote an integrated and sustainable approach to the development of the Shetland economy that; ... ensures through the Local Plan that an adequate supply of land is made available for business and industrial use throughout Shetland; ... pursues further opportunities associated with the oil industry in Shetland; ... [and] prioritises the re-use of suitable existing buildings and brown field sites for appropriate economic activity”*. Total require the application site for industrial use and, given that it is currently vacant, the site is readily available for that use.
- f) The Structure Plan also aims *“to deliver an integrated transport system that meets the needs of Shetland people and seeks to minimise impact on the environment”*. This proposal is aimed at ensuring a reliable and efficient transport system for operations essential to the economy of Shetland. Importantly, the consented park and ride facility reduces reliance on private cars for the movement of staff. The use of the park and ride facility will lead to a significant reduction in private cars parking on the public road by existing BP staff.

4.4 Shetland Local Plan 2004

- a) The first aim of the adopted Shetland Local Plan is to maximise the competitiveness of the local economy. This has already been discussed above in relation to Aim 1 of the Structure Plan.
- b) The application site lies adjacent to the Sullom Voe Terminal. As such there is a presumption in favour of the development under Policy LP CST4. It is submitted that the

proposal is also in accordance with policy LP CST5 as it will provide economic benefits to the area and as it is within an area zoned for such uses, it respects the character of the surrounding area.

- c) Policy LP NE10 states that the council will assess applications for planning permission for their impact on the environment and will take into account a number of considerations in doing so. It sets out that “*transport considerations, including the type and volume of traffic... likely to be generated by the proposal*” will be taken into account. There will be no additional traffic arising out of the development since the shuttle bus already makes use of the adjacent road network. Moreover, as noted above, the park and ride facility will reduce parking in and around the Sullom Voe Terminal by BP staff. Operations pursuant to the present application would have little environmental impact and would not impact significantly on the landscape character, visual amenity or the environment given the site is intended for industrial use. There are no residents in close proximity to the site.
- d) The proposal is in accordance with Policy LP IND4 which provides that “*The development of new, or extensions to existing, industrial and business enterprises (Use Classes 4, 5, 6 and 7) within existing rural settlements will normally be permitted*”.

4.5 Delting Community Council Area Statement

- a) This statement provides the specific aims of the Local Plan for the Delting Area. These include the aim to diversify the local economy to tackle “*acute socio-economic problems*”. The GPP and the pipeline works will bring significant investment to the Delting area giving a boost to the local economy and generating jobs for years to come. The applications site falls within the area highlighted at paragraph 9.1 of the Area Statement as an industrial site.

5 **CONCLUSION**

- 5.1 The application seeks consent for a shuttle bus turning area adjacent to Sullom Voe Terminal. The proposals are supported by the Development Plan. As such there is a presumption in favour of the application.

APPENDIX 1

Park and Ride Planning Permission

Reference Number PL 2011/3/PCD

Report of Handling

Development: Construct a building for boarding kennels and associated car parking and access

Location: Brunthamarsland, Wadbister, Girlsta, Shetland, ZE2 9SQ,

By: Mr Andrew J. Hughson

Application Ref: 2011/386/PPF

1. Introduction

This application is required to be presented to the Planning Committee as the applicant is an elected Member of the Council.

The application concerns a proposal for full planning permission for the siting of a single storey building, for the kennelling of dogs. The building will incorporate 26 individual kennel, staff welfare facilities, store, grooming area and a reception area.

2. Statutory Development Plan Policies

Shetland Islands Council Structure Plan (2000) Policies

GDS4 - General Development Policy Natural and Built Environment

SPNE1 - Design

SPIND1 - Development of the Economy

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

LPNE10 - Development and the Environment

LPBE13 - Design

LPIND4 - Business and Industry in Existing Rural Settlements

LPIND5 - Business and Industry Proposals in the Open Countryside

Shetland Islands Council Interim Planning Policy Guidance

LDP1 - All development General

LDP2 - All development Layout and design

LDP3 - All development Location

SPG1 - All development Layout and Design

3. Safeguarding

None applicable to this development.

4. Consultations

Environmental Health was consulted on the 23 December 2011. Their comments dated 26 January 2012 can be summarised as follows:

- Environmental Health initially had concerns regarding the lack of information on the kennel sizes, specifications and waste management. However on receipt of further plans and a supporting statement, Environmental Health confirmed that they had no objections.

Roads Drainage was consulted on the 23 December 2011. Their comments dated 4 January 2012 can be summarised as follows:

- No objections; standard advice regarding surface water drainage and 1 in 10 year rainfall events. Also, advice given on surface water run-off from the proposed landscaping.

Roads Traffic was consulted on the 23 December 2011. Their comments dated 25 January 2012 can be summarised as follows:

- No objections

Scottish Water Customer Connections was consulted on the 23 December 2011. Their comments dated 30 December 2011 can be summarised as follows:

- Scottish Water have no objections, however they point out that due to the size of the proposed development, it is necessary for Scottish Water to assess the impact this new demand will have on existing infrastructure. Whilst Scottish Water doesn't object to this planning application, this does not guarantee a connection to their infrastructure. Approval for connection can only be given by Scottish Water when the appropriate application and technical details have been received.

Tingwall, Whiteness And Weisdale Community Council was consulted on the 23 December 2011. Their comments dated 25 January 2012 can be summarised as follows:

- No objections

SEPA Dingwall was consulted on the 23 December 2011. Their comments dated 6 January 2012 can be summarised as follows:

- SEPA Dingwall were consulted to provide advice on the appropriate disposal of dog waste. SEPA Dingwall advised the applicant to contact the SEPA Shetland office, to seek confirmation that the septic tank is capable in terms of capacity, of taking further connections. The applicant therefore contacted SEPA Shetland, who confirmed that the sizing of the septic tank was a building standards issue; however, the applicant was provided a calculation table that indicated that the existing septic tank including the proposed kennel building would run at 24% of capacity.

5. **Statutory Advertisements**

The application was advertised in the Shetland Times on 30.12.2011

6. **Representations**

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.

Location

As briefly outlined in the introduction to this report, this is a detailed planning application for the siting of a building for the boarding or kennelling of dogs.

The Brunthamarsland area is made up of a small loose building group of dwellinghouses of old and new, and a variety of agricultural buildings of varying sizes. The proposed building will sit adjacent to a garage/workshop building at the west side of the existing building group at the end of the Brunthamarsland Road.

Siting & Design

This is a single storey building scaling 27.5 metres by 12.3 metres, and will house 26 kennels and associated facilities. The design of the building follows an agricultural form in terms of external material use and overall design, and as there are large agricultural buildings of similar design within the existing building group, the proposed building will therefore sit well within the existing landscape.

An earth bund is also proposed at the north side of the site adjacent to the parking and turning area; this will help shield the building from certain views from the public road and will help aid noise reduction. The nearest residential dwellinghouse is approximately 140 metres away, so any adverse impact on the amenity of neighbouring residential properties will be minimal. Also, to aid sound dampening, the internal

divisions within the kennels are to be solid partitions, as are the external walls that are to be finished with coated steel sheeting.

Current Council Policy

The main policies against which this application has to be assessed, are firstly the overarching environmental policies that seek to ensure that all new development does not detract from the setting of, or damage the surrounding natural and built environment. Also relevant are the policies that seek to ensure a high quality and good standard of design. These policies are Shetland Structure Plan (2000) policies SP NE1 Standard of Design, Scale & Materials and GDS4 Natural and Built Development and also Shetland Islands Council Local Plan (2004) Policies LP NE10 Development and the Environment and LP BE13 Design.

The site in general, lends itself well to this type of development. The building will not look out of place within the Brunthamarsland area as outlined above, and the site is easily accessed from the public road. Therefore the proposal complies with the aforementioned policies that seek to ensure that development does not negatively effect the environment it sits within, nor have a negative effect on the amenity of neighbouring residential properties.

Also relevant to the assessment of this application, is Structure Plan (2000) policy SP IND1 that seeks to ensure that an adequate supply of land is made available for business and industrial uses within Shetland. SP IND1 also accepts the need for locally based employment generating initiatives that can diversify the economic base of the rural areas. Also, Local Plan (2004) policies LP IND4 and LP IND5, encourage this type of development, as long as it does not conflict with any other Structure and Local Plan policies - which this development does not. It is sited within an existing settlement, complies with the technical standards in terms of parking/vehicle access provision and the design and scale of the building as stated in this report, respects the character and appearance of the surrounding area and finally, the building is not sited on good agricultural land.

Therefore the proposal complies with the aims of Council policies listed in paragraph 2 of this report.

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 a Member of the Council has an interest in the proposal, the decision to determine the application is delegated to the Planning Committee under the Scheme of Delegations 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. Notification to Scottish Ministers

None.

10. **Recommendation**

Grant subject to conditions

Reasons for Council's decision:

By virtue of the design and appropriate siting of the proposed building, it is considered that the development will have no adverse impact on the surrounding natural or built environment nor will it have a detrimental impact on the amenity of adjacent neighbouring properties. The proposal is therefore compliant with the aims of Shetland Structure (2000) and Local Plan (2004) policies GDS4, SPNE1, SPIND1, LPNE10, LPBE13, LPIND4 and LPIND5 and also Interim Planning Policies (2009) LDP1, LDP2, LDP3 and SPG1.

11. **List of approved plans:**

- Location Plan 724.12 20.12.2011
- Site Plan 724.10 20.12.2011
- Section Plan 724.11 20.12.2011
- Elevations 20.12.2011
- Elevations 20.12.2011
- Elevations 20.12.2011
- Footings Plan 20.12.2011
- Elevations 20.12.2011
- Roof Plan 20.12.2011

- Cross Section 20.12.2011
- Floor Plan 20.01.2012
- Specifications 20.01.2012
- Supporting Statement 20.01.2012

12. 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.) Development shall not commence until the following visibility splay is provided; thereafter the visibility splay shall be maintained throughout the lifetime of the development.

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

- A visibility splay of 2.5 metres by 2.5 metres shall be provided to the northwest of the junction of the access with the public road

Reason: In the interests of road safety and to ensure a satisfactory standard of development in compliance with Policy LP NE10 of the Shetland Local Plan (June 2004).

(4.) The building hereby approved 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 road; and the access road 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 SPGDS4 and Shetland Local Plan (2004) Policy LP NE10.

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

- No fence, wall, bushes or other potential obstruction to visibility shall be permitted within 2.5 metres from the edge of the access road;
- The gradient of the access shall not exceed 5% (slope of 1 in 20) for the first six metres from the road edge; and
- The access shall be piped with at least a 250mm diameter culvert that shall have concrete headwalls provided at either end of the pipe. The pipe shall be set to a self-cleaning gradient. The existing roadside ditch shall be set back from the edge of the road and deepened in order to accommodate the pipe.

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 LP NE10.

(6.) As well as 8 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 building 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 LP TP12.

(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 a septic tank system as detailed on plan Drw No. 724.10

as specified in the plans and details received on 20 December 2011. No part of the development shall be brought into use until foul drainage works are fully operational.

Reason: For the avoidance of doubt as to what is being authorised and to ensure the provision of adequate means of drainage in the interests of public health and the control of pollution in compliance with Shetland Structure Plan (2000) Policy GDS4 and Shetland Local Plan (2004) Policy LPWD6.

(8.) In so far as this consent shall relate to the surface water drainage to be constructed in association with the development it shall relate only to provision of:

- a connection to a SuDS system as detailed on Drw No. 724.10

as specified in the amended plans and details received on 20 December 2011. No part of the development shall be brought into use until the surface water drainage is fully operational.

Reason: For the avoidance of doubt as to what is being authorised and to ensure the provision of adequate means of drainage in the interests of public health and the control of pollution in compliance with Shetland Structure Plan (2000) Policy GDS4 and Shetland Local Plan (2004) Policy LPWD6

(9.) Details of all external lighting shall be provided and shall be approved in writing by the Planning Authority prior to the building being brought into use.

Reason: To ensure that all external lighting is designed and positioned as to not cause environmental nuisance to adjacent residential properties, and in compliance with Shetland Structure Plan (2000) policy GDS4 and Shetland Local Plan (2004) policy LP NE10.

(10.) 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.

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

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

Notes to Applicant:

Commencement of Development

To ensure compliance with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 20 of the Planning etc. (Scotland) Act 2006, the development hereby permitted shall be commenced within three years of the date of this permission.

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.

Building Warrant

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

Advertisement

Any advertisement, signage or directional signage either attached to the building, within the site or out-with the site, may require Advertisement Consent. You are advised to contact Development Management on 01595 744 800.

Appropriate Operating Licences

Please contact Environmental Health to ensure that all appropriate licences are obtained in association with the operation of your kennel business. You can contact Environmental Health on 01595 744 800.

13. **Further Notifications Required**

None

14. **Background Information Considered**

None

15. **Attachments**

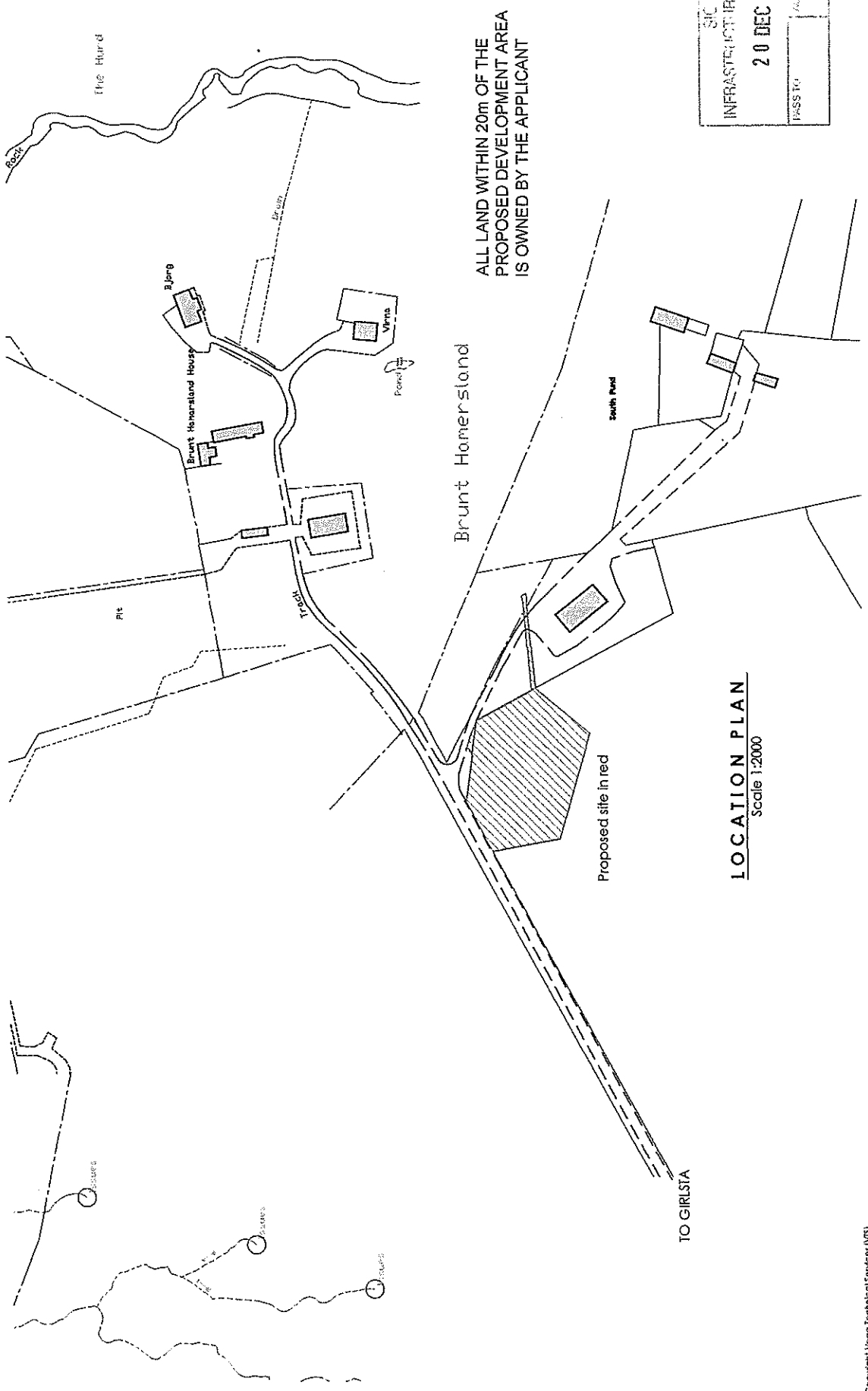
Location Plan – Drw No. 742.10

Site Plan – SIC Ref: 2011/386 00

Elevation Drawings – SIC Ref: 2011/386 01

Supporting Statement

386_Report_of_Handling.doc
Officer: Mr Jonny Wiseman
Date: 23rd February 2012
Date of Committee: 6th March 2012



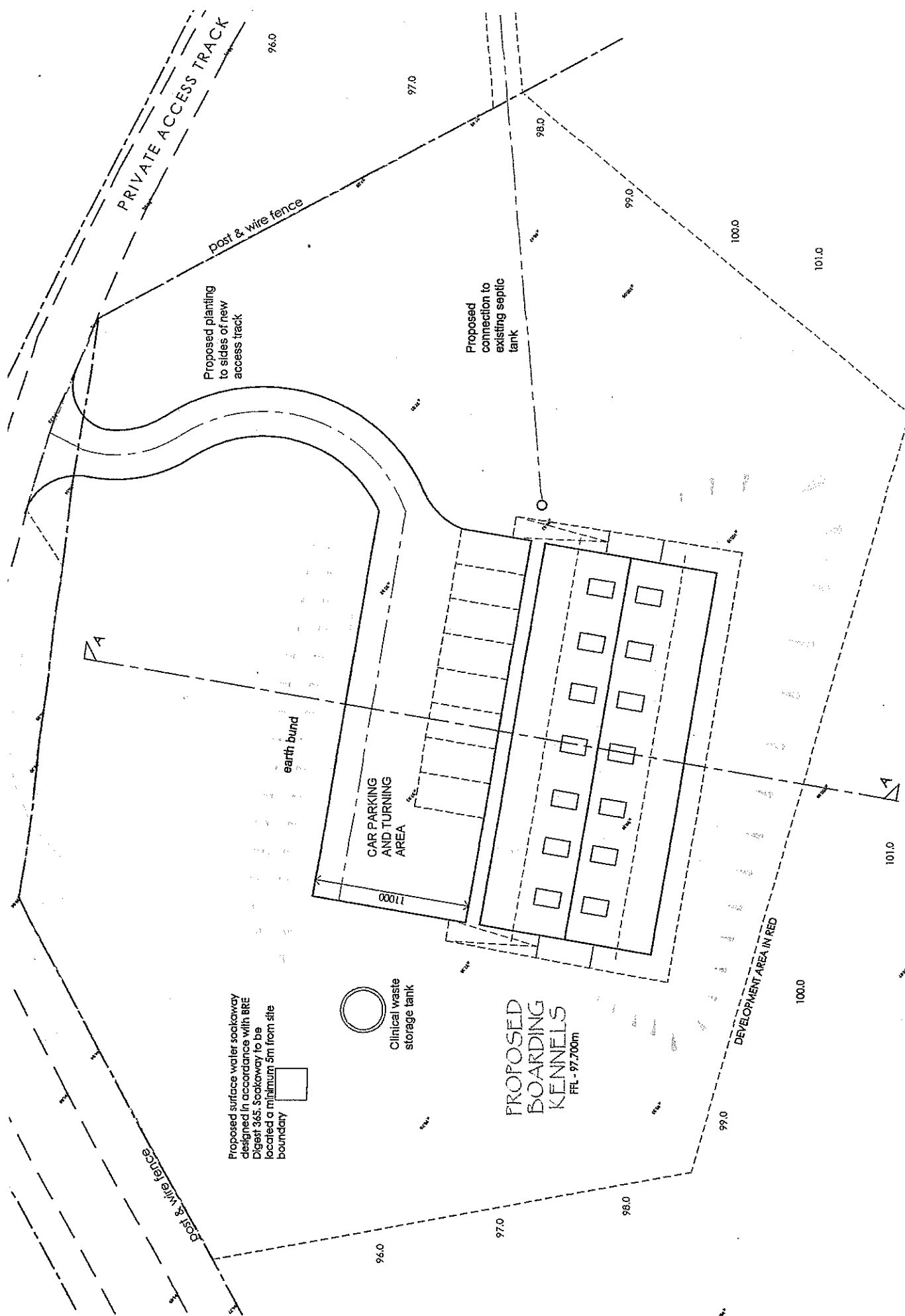
ALL LAND WITHIN 20m OF THE
PROPOSED DEVELOPMENT AREA
IS OWNED BY THE APPLICANT

SIC
INFRASTRUCTURE SERVICES
20 DEC 2011
PASS TO
ACTION

LOCATION PLAN
Scale 1:2000

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PROPOSED
BOARDING
KENNELS
FRL - 97.700m

Clinical waste
storage tank

CAR PARKING
AND TURNING
AREA

earth bund

Proposed planting
to sides of new
access track

Proposed
connection to
existing septic
tank

PRIVATE ACCESS TRACK

post & wire fence

post & wire fence

Proposed surface water soakaway
designed in accordance with BRE
Digest 365. Soakaway to be
located a minimum 5m from site
boundary

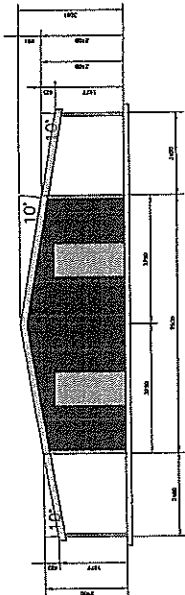
DEVELOPMENT AREA IN RED

SIC REF: 2011/386 00

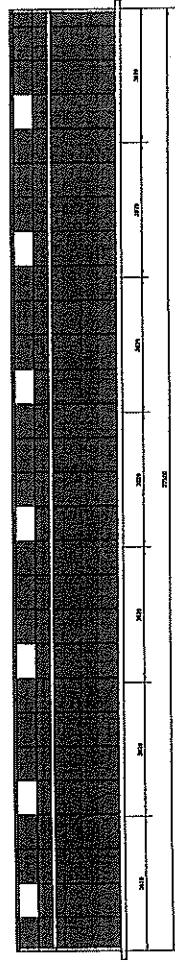
SITE PLAN

Scale 1:250

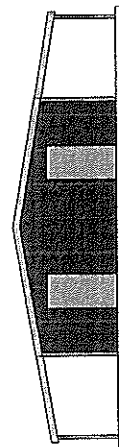
REFER TO CYCLONE DRAWINGS FOR DETAILS OF
THE PROPOSED BUILDING



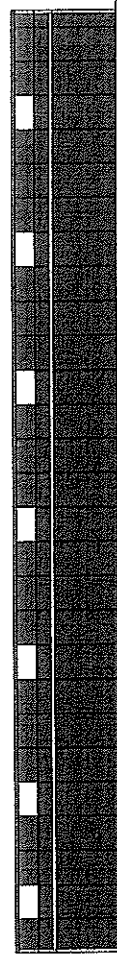
Front Elevation (Scale = 1:150)



Left Elevation (Scale = 1:150)



Back Elevation (Scale = 1:150)



Right Elevation (Scale = 1:150)

SIC	
INFRASTRUCTURE SERVICES	
20 DEC 2011	
PASS TO	ACTION

SIC Ref: 2011/386 01

PROPOSED BOADING KENNELS, BURNTHAMARSLAND, GIRLSTA

Supporting Statement

SIC INFRASTRUCTURE SERVICES	
20 JAN 2012	
PASS TO	ACTION

There will be 26 individual kennels within the building - 18 x 2m x 2.5m; 8 x 1.5m x 2.5m - each with access to individual covered runs through a sliding hatch in the external wall of the kennel. Each kennel will be constructed using bespoke manufactured panels (website pages included for reference) bolted together and secured to the external walls and floor. The building will be subdivided into four insulated kennelling blocks for better management of space/heating during low occupancy.

Internal divisions are solid and have a plastic 'wet wipe' type finish for added hygiene and improved sound damping.

External divisions are also solid but fabricated from coated steel sheets.

Internal front panels constructed using galvanised mesh with door and revolving stainless steel bowl water/feed system (website pages included for reference). Each kennel will include a raised platform bed.

External front panels constructed using 5 cm spacing galvanised bars with (lockable) access door for cleaning.

Individual kennels are of sufficient size that dogs from the same household (with owner's permission) can share a kennel. There is a possibility, at peak holiday periods, that the number of dogs at the boarding kennels will exceed the number of kennels.

To help reduce vehicular movement, particularly at peak school holiday periods, the kennels will offer a 'pick-up and return' service using a van (fitted out with travelling boxes) and bespoke dog trailer. The combined van and trailer capacity of 10 dogs means, in theory, the kennels could be stocked to full capacity with only three vehicular movements. This service will be promoted vigorously at busy times.

Realistically, for >60% of the year there will only be a handful of dogs resident at the boarding kennels and vehicular movements will simply mirror, or be less than, the present usage by the applicant in his role as a local councillor. From May 2012, he will no longer commute daily to Lerwick so it is not envisaged there will be any discernible increase in vehicular movement, compared to present usage, as a result of this application.

The applicant will have overall control of the running of the boarding kennels employing additional support at busy times. Until the kennels are up and running it is difficult to gauge exact numbers of staff required however a core number will undergo training in boarding kennel management. At full capacity the kennels will require 3-5 staff - some part time - depending on the kennelling packages taken up i.e. daily walks/grooming.

The kennels include an office/reception area with access to the kennels, a grooming/surgery room, food preparation and food/water-dish sterilisation room, toilet/wash room and general/feed store.

All wash down and liquid waste will drain through grated open drains (photo enclosed) feeding into a settlement tank and soak away compliant with SEPA guidelines.

Solid/clinical waste will be collected at regular intervals daily then double bagged each night and stored in a sealed skip. This will go to landfill at the Rova Head when the skip is full. Collection boxes will be erected along the route for dog walks and will be emptied regularly.

Since each kennel has its own external exercise area [covered] a fenced communal exercise area is not required and, in fact, shared exercise areas are actively discouraged to prevent spread of diseases and parasites.

End.

Report of Handling

Development: To site 2 containers to be used as a bait freezer and store

Location: Collafirth Pier, Collafirth, Ollaberry, Shetland, ZE2 9RX,

By: Mr Karl Dalziel

Application Ref: 2012/013/PPF

1. Introduction

This application is required to be presented to the Planning Committee for decision as the application site is on Council owned land.

The application concerns a detailed or full planning permission for the siting of two 6 x 4 metre steel containers adjacent to an existing building at the Collafirth Pier. The steel containers are to be used in conjunction with the operation of a fishing boat as a freezer and store.

2. Statutory Development Plan Policies

Shetland Islands Council Structure Plan (2000) Policies

SPNE1 - Design

GDS4 - General Development Policy Natural and Built Environment

SPIND1 - Development of the Economy

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

LPNE10 - Development and the Environment

LPBE13 - Design

LPIND4 - Business and Industry in Existing Rural Settlements

LPIND5 - Business and Industry Proposals in the Open Countryside

Shetland Islands Council Interim Planning Policy Guidance

LDP1 - All development General

LDP3 - All development Location

3. Safeguarding

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

4. Consultations

No consultations were undertaken during the assessment of this application. Scatsta were not consulted due to the proposed location of the steel containers being on a working pier already used by private and commercial fishing boats. The proposal, it was considered, would not introduce a new activity that would attract birds to the area.

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 (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.

As outlined in the introduction to this report, this is an application for the siting of two steel containers on the Collafirth Pier. The containers will be sited adjacent to an existing building on the pier and will be used in association with the running of a fishing boat.

Collafirth Pier has undergone vast improvements over the past few years to its basic infrastructure, parking and working areas, the boat marina and overall pier services. It enjoys local events such as the rowing regattas, and has attracted caravan users for a number of years. However, at its heart it is a working pier used by the local fishing community and owners of private and commercial boats; the pier has a large store building at the east side for that purpose, and large net mending areas.

When assessing developments such as this, the proposal is looked at in terms of its possible impact on the local natural and built environment, and also if the development poses any threat to local residential amenity. Current Council policies, which are there to ensure protection of the natural and built environment and local amenity, and are relevant are Shetland Structure Plan (2000) policies SP NE1 Standard of Design, Scale & Materials and GDS4 Natural and Built Development and also Shetland Islands Council Local Plan (2004) Policies LP NE10 Development and the Environment and LP BE13 Design.

These are two small steel containers to be used as a store and freezer in conjunction with the running of a fishing boat. The containers are to be sited on a well established light industrial area and working pier within the Collafirth area; it is considered that the containers are sited in an appropriate location, and will not have a detrimental effect on the surrounding natural and built environment.

Also relevant to the assessment of this application, is Structure Plan (2000) policy SP IND1 that seeks to ensure that an adequate supply of land is made available for business and industrial uses within Shetland. SP IND1 also accepts the need for locally based employment generating initiatives that can diversify the economic base of the rural areas. Also, Local Plan (2004) policies LP IND4 and LP IND5, encourage this type of development, as long as it does not conflict with any other Structure and Local Plan policies - which this development does not. The siting of the steel containers respects the character and appearance of the surrounding area.

Therefore the proposal complies with the aims of the Council policies listed in paragraph 2 of this report.

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 Delegations 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. Notification to Scottish Ministers

None.

10. Recommendation

Grant subject to conditions

Reasons for Council's decision:

By virtue of the location of the steel containers and that they are to be sited on an existing working pier, it is considered that the surrounding natural and built environment will not be detrimentally effected by this development. The proposal is therefore compliant with the aims of Shetland Structure (2000) and Local Plan (2004) policies GDS4, SPNE1, SPIND1, LPNE10, LPBE13, LPIND4 and LPIND5 and also Interim Planning Policies (2009) LDP1 and LDP3.

11. List of approved plans:

- Location Plan 13.01.2012
- Site Plan 13.01.2012
- Photograph 23.01.2012

12. 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 siting of two steel containers authorised by the permission hereby granted shall (unless a subsequent application for Full Planning Permission has been granted) be removed, or the use of the site shall be discontinued by 06 March 2017. Following the removal of the development or the discontinuance of the use the land the subject of the development shall be restored to its pre-development condition.

Reason: As the development is temporary in nature and to ensure the satisfactory reinstatement of the site when the use ceases in order to comply with Shetland Local Plan (2004) Policy LPNE10.

(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) The steel containers shall be re-painted blue to match the existing colour within three months from commencement of development. The steel containers shall be kept in a clean and tidy condition during the lifetime of the hereby-approved permission.

Reason: to protect the visual amenity of the surrounding area and in compliance with Shetland Structure Plan (2000) policies GDS4 and LP NE1 and also Shetland Local Plan (2004) policy LP NE10.

(5.) Any land disturbed by siting of the containers 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.

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

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

Notes to Applicant:

Commencement of Development

To ensure compliance with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 20 of the Planning etc. (Scotland) Act 2006, the development hereby permitted shall be commenced within three years of the date of this permission.

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.

Building Warrant

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

13. Further Notifications Required

None

14. Background Information Considered

None

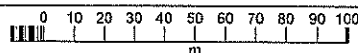
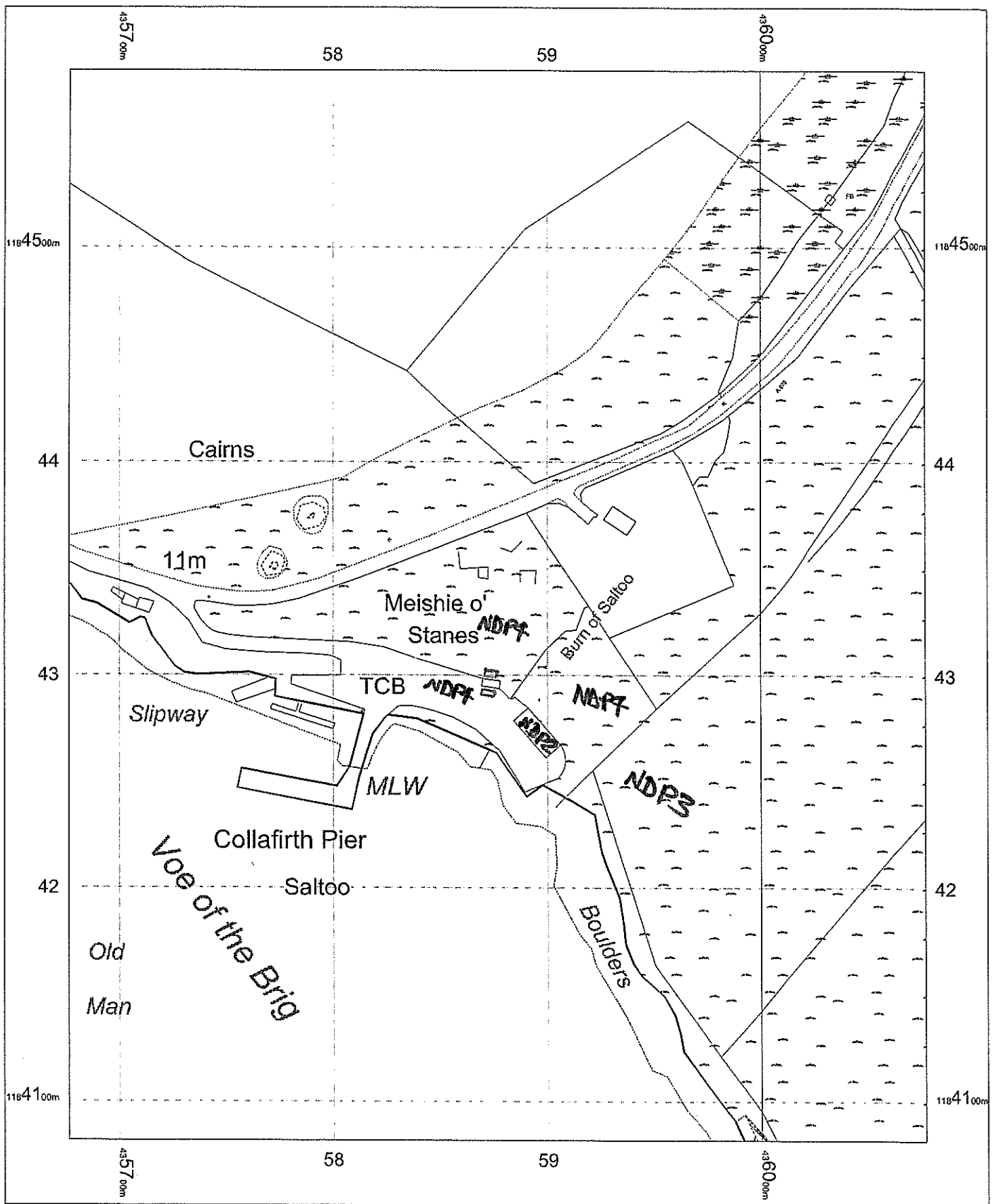
15. Attachments

Location Plan: SIC Ref: 2012/013 00

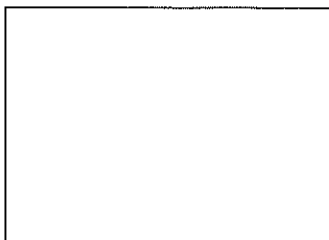
Site Plan: SIC Ref: 2012/013 01

Photographs: SIC Ref: 2012/013 02 & 03

013_Report_of_Handling.doc
Officer: Mr Jonny Wiseman
Date: 23 February 2012
Date of Committee: 6 March 2012



SIC REF: 2012/013 00



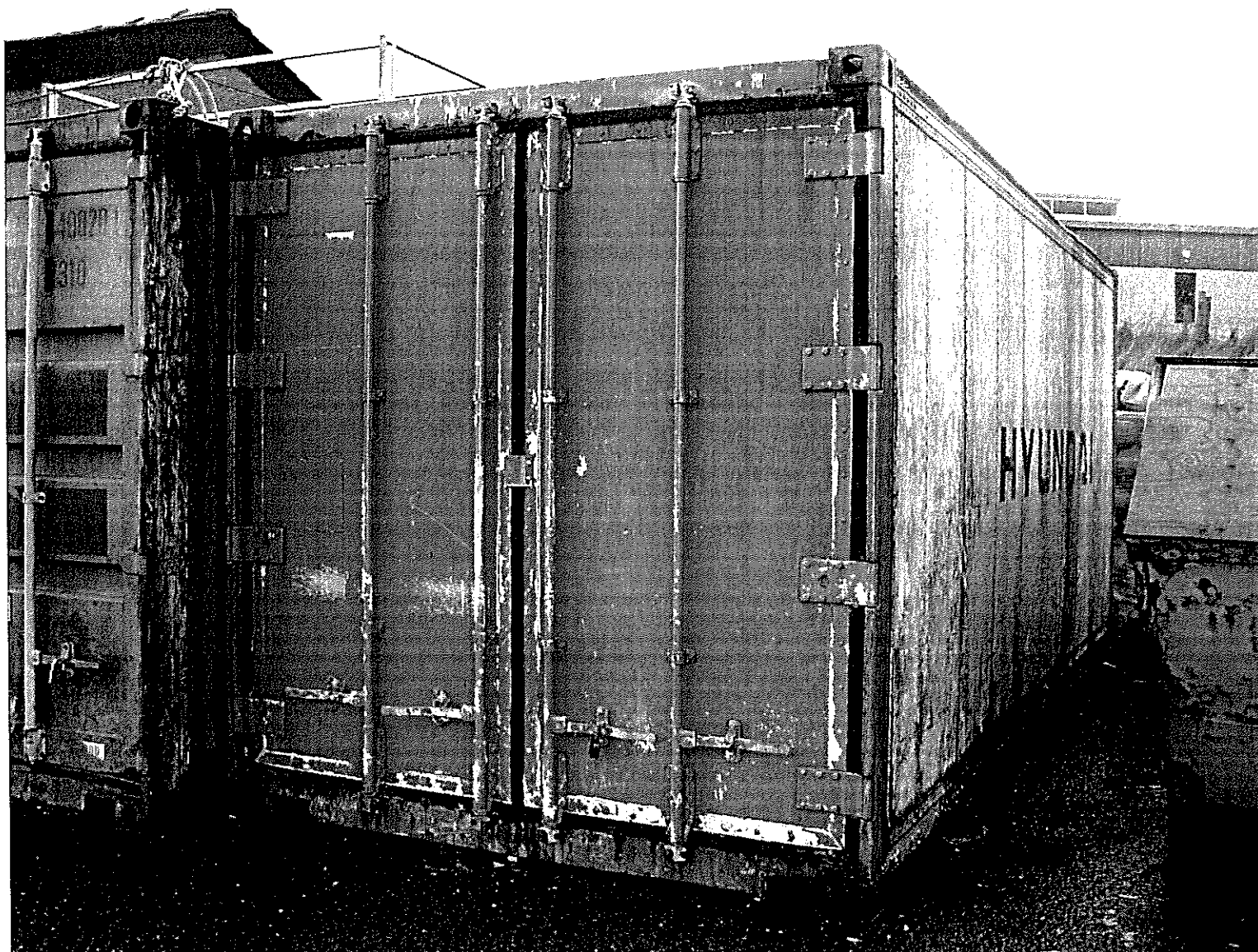
OS Mastermap
12 January 2012, ID: CM-00120164
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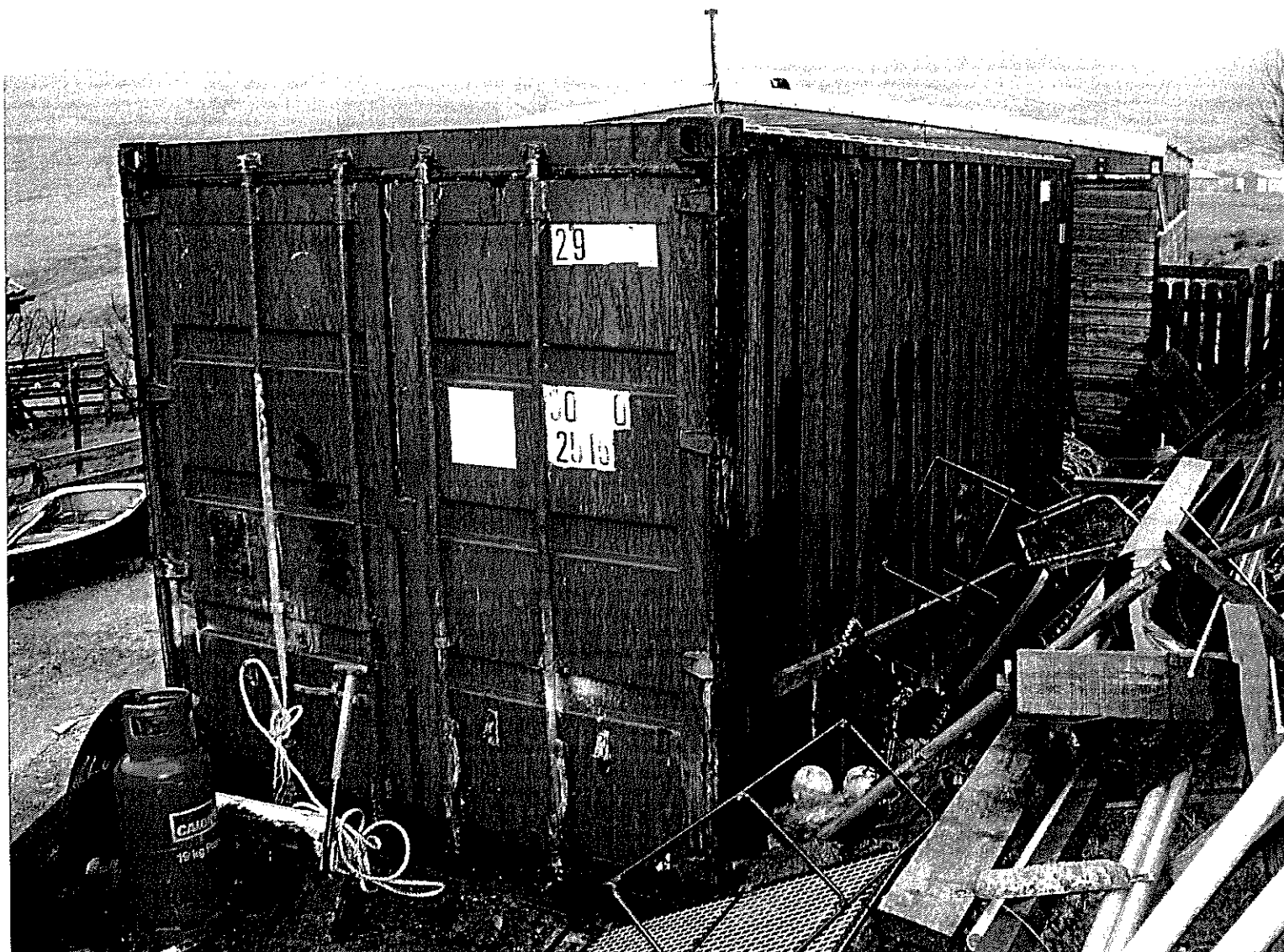
SIC INFRASTRUCTURE SERVICES	
N 13 JAN 2012	
PASS 1	ACTION





SIC INFRASTRUCTURE SERVICES 23 JAN 2012	
PASS TO	ACTION

SIC REF: 2012/013 02



SIC REF: 2012/013 03

SIC INFRASTRUCTURE SERVICES 23 JAN 2012	
PASS TO	ACTION

Report of Handling

Development: To erect garage

Location: 7 Braefield, Lerwick, Shetland, ZE1 0SS

By: Mairi Burgess

Application Ref: 2012/030/PPF

1. Introduction

This proposal is to erect a domestic garage in the rear garden grounds and to the northwest of an existing dwellinghouse at 7 Braefield, Lerwick.

In terms of external material finishes and colours proposed, the proposed garage will comprise buff coloured fibre cement boards and a grey decra 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

Roads Traffic was consulted on the .Their comments dated 16 February 2012 can be summarised as follows:

Due to the fact that existing parking on site is provided in spurs off the main through route and that these parking spurs and adjacent footways have been adopted as part of the public road, Roads Traffic are willing to accept the proposed development as a departure from its standard condition and therefore have no objections to the proposal. It is also recommended that other road safety conditions be applied to any future consent.

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 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.

This proposal is to construct a detached garage for domestic purposes in the rear garden grounds and to the northwest of an existing residential property at 7 Braefield, which lies within a Zone 1 area of Lerwick.

External material finishes and colours comprise a grey decra roof and buff coloured non-combustible fibre cement timber boarding.

A consultation response received from Roads Traffic states that the standard condition for any garage is to have a 6 metre parking space clear of the public road and footpath in front of the garage to enable a vehicle to park and manoeuvre in and out of the garage clear of the public road/footway. The parking for the housing in this particular location is provided in spurs off the main through route. The parking spurs and adjacent footways have been adopted as part of the public road meaning that the proposals as presented, do not comply with Roads Traffic's policy as outlined above. However, as the current situation enables parking for a stationary vehicle to stand clear of the footway and the through route whilst the garage door is being opened/closed, the proposed development is acceptable as a departure from the standard road safety condition. As such, Roads Traffic have no objections to the proposed development but recommend that other standard road safety conditions be applied to any future decision notice

It is considered that the proposed development will have no adverse impact upon the natural and built environment given that the scale, design and form of the proposed garage is appropriate in this location

and as a safe access can be achieved. The construction of a garage upon this site will have no detrimental impact upon the amenities of neighbouring properties as it will not obstruct daylight or sunlight to these properties. As such, 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 Delegations 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. Notification to Scottish Ministers

None.

10. 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 given that the scale, design and form of the proposed garage is appropriate in this location and as a safe access can be achieved. The construction of a garage upon this site will have no detrimental impact upon the amenities of neighbouring properties as it will not obstruct daylight or sunlight to these properties. As such, the proposal complies with Shetland Structure Plan (2000) Policies SPNE1 and GDS4 and Shetland Local Plan (2004) LPNE10 and LPBE13.

11. List of approved plans:

- Location Plan 2012/030/PPF_SIC/001 26.01.2012

- Site Plan 2012/030/PPF_SIC/002 26.01.2012
- Floor Plan 2012/030/PPF_SIC/003 26.01.2012
- Elevations 2012/030/PPF_SIC/004 26.01.2012

12. 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.) Notwithstanding the details on the approved plan 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 1.5 metres of the edge of 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 LPNE10.

(4.) The garage hereby permitted shall not be constructed until the hardstanding access serving the development from the public road shown on approved plan 2012/030/PPF – SIC/003 has been completed in bitmac.

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

(5.) Two parking spaces shall be constructed within the development site. All spaces adjacent to any walls or fences should be increased by 0.5 metres.

Reason: In the interests of traffic safety and in order to comply with Shetland Structure Plan (2000) Policy GDS4 and Shetland Local Plan (2004) Policy LPNE10.

(6.) 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.

(7.) 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 must be commenced within 3 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.

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.

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.

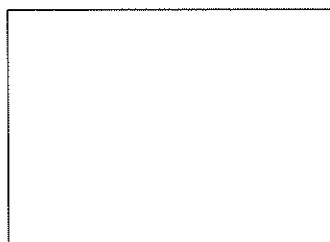
14. Background Information Considered

None.

15. **Attachments**

Location Plan – 2012/030/PPF_SIC/001	26.01.2012
Site Plan – 2012/030/PPF_SIC/002	26.01.2012
Floor Plan – 2012/030/PPF_SIC/003	26.01.2012
Elevations – 2012/030/PPF_SIC/004	26.01.2012

030_Report_of_Handling.doc
Officer: Dawn Stewart
Date: 27th February 2012
Date of Committee: 6th March 2012



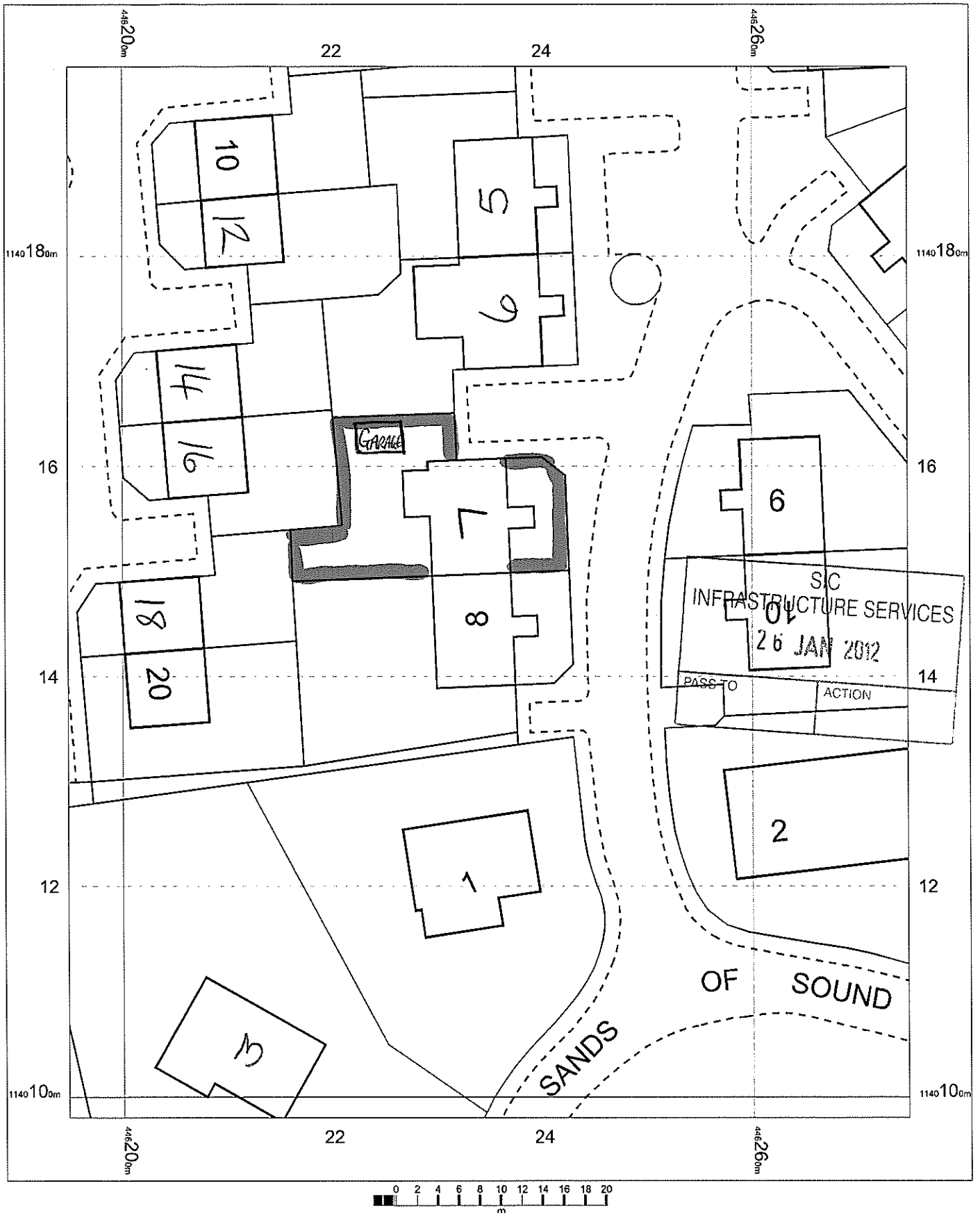
OS Mastermap
24 January 2012, ID: CM-00122905
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24 January 2012, ID: CM-00122907
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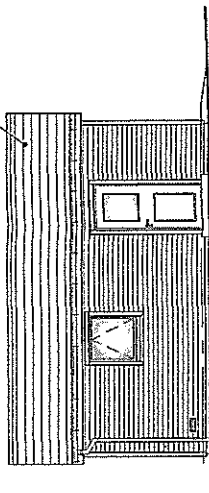
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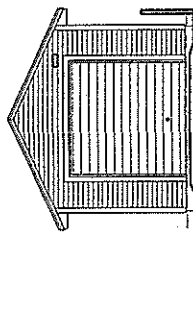


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Islands
Council

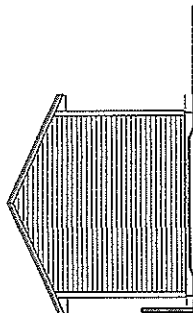
Roof covering to be grey
Decra metal sheeting



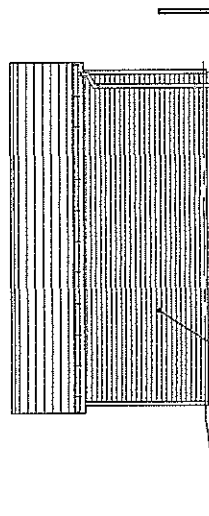
SOUTH ELEVATION
Scale 1:100



EAST ELEVATION
Scale 1:100

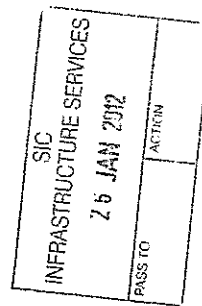


WEST ELEVATION
Scale 1:100



Wall covering to be non-combustible
fibre cement timber appearance
boarding such as Eternit Cedral
weatherboarding

NORTH ELEVATION
Scale 1:100



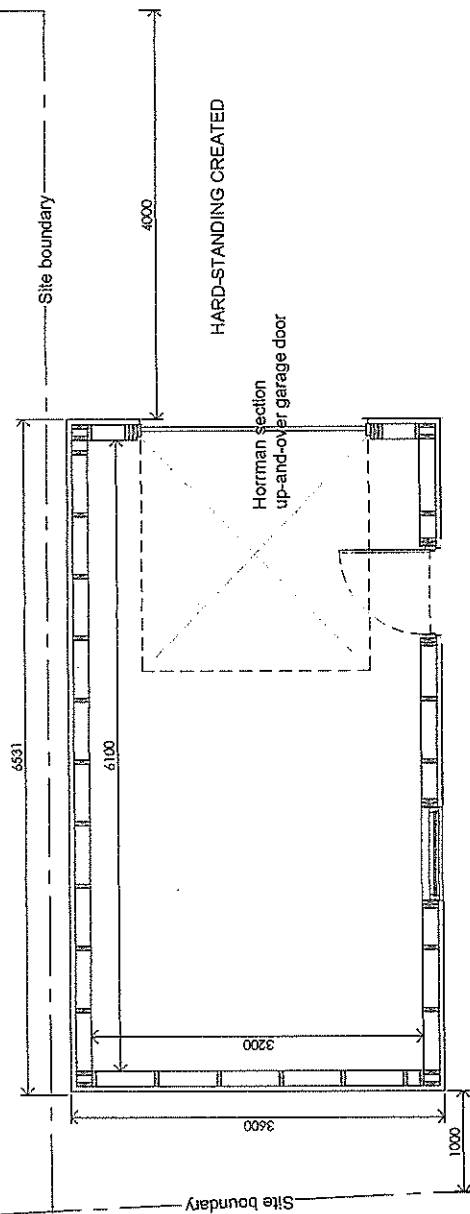
Project
PROPOSED DOMESTIC GARAGE AT 7
BRAEFIELD, LERWICK FOR MAIRI BURGESS
AND CLIVE SCOTT
Drawing Title
Elevations



A3 Original

20KJWJMT-0000

Existing road kerbs removed and
new drop kerbs installed



7 BRAEFIELD

FLOOR PLAN
Scale 1:50

SIC INFRASTRUCTURE SERVICES	
26 JAN 2012	
PASS TO	ACTION

Project
PROPOSED DOMESTIC GARAGE AT 7
BRAEFIELD, LERWICK FOR MAIRI BURGESS
AND CLIVE SCOTT

Drawing Title
Proposed floor plan