

**Planning Committee****3 July 2012**

2011/361/PPF: To erect 15.5 metre wind turbine with 9 metre diameter blades, Leagarth House, Fetlar

Report Number : PL-18-12-F

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

**Development Services Department
Planning Service**

1.0 Summary

- 1.1 This report concerns a full (detailed) planning application for the erection of a 3 blade wind turbine. The turbine is located south east of Leagarth House, which in itself is a prominent and substantial private dwelling located in Houbie, Fetlar. The site is in a coastal location South of the B9088 and located on open land in the ownership of Leagarth Estates.
- 1.2 The application documents include specifications for a C&F Energy CF11 (11kW) Turbine. The proposed turbine nacelle would be mounted on a galvanised monopole with a height of 15500mm to hub, and a blade diameter of 9000mm, giving an overall height of 19998mm from base to blade tip. The turbine is intended for electricity generation to serve Leagarth House in Fetlar. The turbine would be connected to the house via a 180m (approx) underground trenched cable.
- 1.3 This application is presented to Members as an objection has been raised by the Fetlar Community Council in response to this proposed development. A further objection has been received from residents at Peerie Leegarth, a private dwelling located approx 250m north west of the proposed turbine site and therefore the proposal is to be considered by Members as a Hearing. The content of each objection is discussed under paragraph 4.

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 issue to be considered is whether the proposal complies with development plan policies.

Statutory Development Plan Policies:

Shetland Islands Council Structure Plan (2000) Policies

GDS4	Natural and Built Environment
SP NE1	Design
SP ENG3	Renewable Energy
SP ENG4	Shetland Energy Plan
SP ENG5	Minimise Energy Consumption

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

LP NE14	Agricultural Land (4.2)
LP NE10	Development and the Environment
LP BE6	Listed Buildings
LP BE13	Design
LP ENG6	Energy Proposals
LP ENG7	Control of potential nuisance from Energy Generators
LP ENG9	Domestic Scale Aerogenerators
LP COM14	“Bad Neighbour” Developments

Material Considerations

Shetland Islands Council Interim Planning Policy “Towards Sustainable Construction and Better Design in Shetland” SPG6 (2009)

Scottish Planning Policy – Renewable Energy and Rural Development subject areas

Safeguarding

Land Capable of Agriculture (4.2)
Scatsta 30km consultation zone

4.0 Report

- 4.1 Location & Site: The proposed turbine is located south east of Leagarth House, Fetlar. Leagarth House is a substantial Listed Building currently undergoing refurbishment and improvement works. Leagarth House is one of the buildings forming the settlement of Houbie. Houbie is centrally located within Fetlar midway along the main B9088 road. There are other properties nearby including the Fetlar Hall and residential dwellings. The landscape character is coastal with crofting

being the main land use. The turbine is located within a field sloping south west towards the coastline. The land use appears to be as rough grazing. There are two other small scale wind turbines within the area. One turbine is located to the rear of the Fetlar Hall, with a second turbine located near to the Fetlar Interpretation Centre. There is also a notable presence of electricity poles and overhead wires within the local area.

- 4.2 Community Council and Neighbour Objection: Two objections have been received in response to this application, one from the Fetlar Community Council and one from a nearby resident. The objections have been fully considered during the course of the assessment, the content of which was taken account of when formulating a recommendation.
- 4.3 Current Council Policies: The Council Policies listed under paragraph 3 are intended to ensure that new development conserves and, where possible, improves the quality of life and the environment by controlling the location, scale and design of new development to respect, protect and conserve the natural and built environment; minimise water, air and land pollution and waste generation; and avoid hazards to health and safety. Council Policies generally encourage proposals for the generation of electricity from renewable energy sources subject to other development plan policies.
- 4.4 When assessing development proposals, several general considerations are taken into account, namely: the effects on nearby residents and the buildings they occupy; any likely impacts, including cumulative impacts, on amenity and the environment as a whole; any impacts upon landscape character and visual amenity; issues around biodiversity, archaeology and other land uses in the area; and other current government guidance, other policies in the Shetland Structure and Local Plan and particularly those relating to the proposed type of development. Furthermore, planning policy states that proposals for small, less than 20kW domestic scale aero-generators not connected to the electricity grid, will normally be permitted provided that the proposal: does not have an unacceptable adverse effect on local residents or occupiers of neighbouring land; is appropriately designed and located, and is not sited in the skyline if other suitable locations are available; is located close to the associated dwellinghouse as is safely and technically possible; and does not conflict with other Structure Plan or Local Plan Policy.
- 4.5 Landscape and Visual Impact: The size of the hub height and blade diameter as well as the design and colour of the turbine is typical of those being received for domestic electricity generation. The type and location of the turbine is of a 'domestic' scale and proportionate to the landscape in which it is to be sited. Furthermore, given the location and scale of buildings nearby, the presence of two other turbines, and the large number of 'Hydro' poles and cables, the proposed turbine does not unnecessarily dominate nearby buildings or landscape features. In terms of proportionality, Leagarth House is a substantial building, and therefore the proposed wind turbine is well related to the energy requirements of the dwellinghouse.

- 4.6 Amenity Impact: The proposal is assessed to ensure that the development does not have a demonstrable adverse effect upon local residents or occupiers of neighbouring land by reason of visual impact, noise, shadow flicker or safety. In this instance noise data has been provided to indicate that noise levels would be less than 35dB(A) between cut in and 8m/s at the nearest sensitive receptor at 170m distance. The property at which the objectors live is located approximately 250m from the proposed turbine location. Therefore it is considered that there would be no unacceptable noise impacts upon neighbours. Furthermore, the Council's Environmental Health Officer does not object to the development. The proposal is also considered compatible with the existing land use for grazing, as the land take for the foundation is limited and so the turbine would not notably restrict the existing use. The proposed turbine is also a sufficient distance from the nearest other properties so as not to have a detrimental impact upon their outlook, or to cast shadow on their property, garden, or amenity grounds. The turbine is located in excess of 10 blade diameters from the nearest property and therefore shadow flicker is not a concern.
- 4.7 Electromagnetic Interference: Should electromagnetic disturbance occur to any existing transmitting or receiving systems as a result of the development, a proposed condition could ensure that the developer remedies, or satisfactorily mitigates, any disturbance.
- 4.8 Road Safety: It is considered that the development would not increase the risk of driver distraction and the turbine would be located a sufficient distance to avoid any obstruction to the highway should topple over occur.
- 4.9 Designated Sites: The proposal is intended to service a private dwelling which is also a Listed Building. The turbine is proposed to be sited approx 190m from the building and is of a small scale (domestic). There is considered sufficient separation to ensure that the integrity and character of the Listed Building is maintained. There are no other designated sites, or known archaeological interests within close proximity.

5.0 Implications (of Decision)

Strategic

- 5.1 Delivery On Corporate Priorities – A decision made on the planning application that accords with the Shetland Islands Council Development Plan will contribute directly to the Single Outcome Agreement through the outcome that we live in well designed sustainable places.
- 5.2 Community/Stakeholder Issues - Standard consultations were sent during the processing of the application.
- 5.2.1 Fetlar Community Council – The Community Council object citing noise and visual intrusion as concerns. They recognise that aero-generators must be sited sensitively to minimize visual impact and noise pollution. They consider that noise pollution is

an issue from the existing turbine at the Interpretation Centre and they consider that the proposed turbine would likely cause further problems to residents. They state that they cannot support a development that might prove intolerable to any group of its residents. Furthermore they consider that the proposed location of the turbine would be visually intrusive as it is not tucked away like the two existing turbines in the area.

5.2.2 The Environmental Health Officer – Has no objection to this application as the noise levels between cut in and 8m/s are indicated to be less than 35 dB(A) at the nearest sensitive receptor.

5.2.3 Serco – Scatsta Airport have no objection to this project.

5.2.4 Resident – An objection was received from residents at Peerie Leagarth citing noise as an issue. The residents consider that they already experience excessive noise from an existing turbine located at the visitor centre. They consider that a second turbine to the rear of their property is not acceptable. Their concerns over the existing turbine at the Interpretation Centre have been passed to Environmental Health for investigation.

5.3 Policy And/Or Delegated Authority – The application is for a development falling within the category of Local Development. As the Fetlar Community Council has objected to the development and the recommendation is for approval, 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 Conclusion

6.1 This development complies with Council policies listed in paragraph 3.1 and is therefore recommended for approval, subject to conditions the schedule of which is appended to the report.

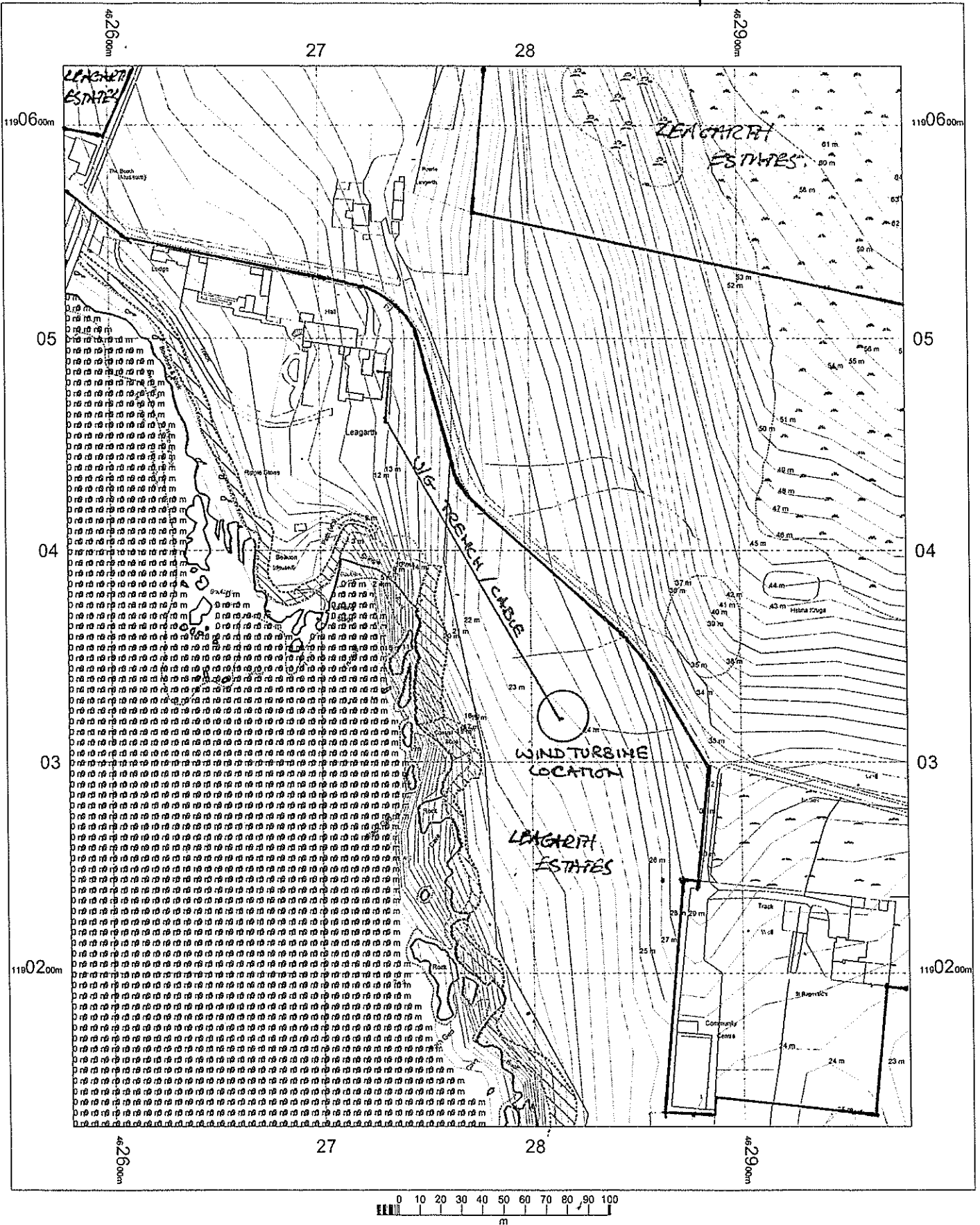
For further information please contact:
Matthew Taylor – Planning Officer – Development Management
Tel: 01595 743963 Email: matthew.taylor@shetland.gov.uk
18 June 2012

List of Appendices

- Site Plan
- Elevation Drawing
- Specification and Noise Data
- Objection Community Council
- Objection Mr & Mrs Bell
- Schedule of recommended conditions

Background documents:

- [Shetland Structure Plan \(2000\)](#)
- [Shetland Local Plan \(2004\) \(as amended\)](#)
- [Interim Planning Policy Toward Sustainable Construction \(2009\)](#)



OS Mastermap + NEXTMap 5m DTM Contours
03 August 2011, ID: CM-00086619
www.centremapslive.co.uk

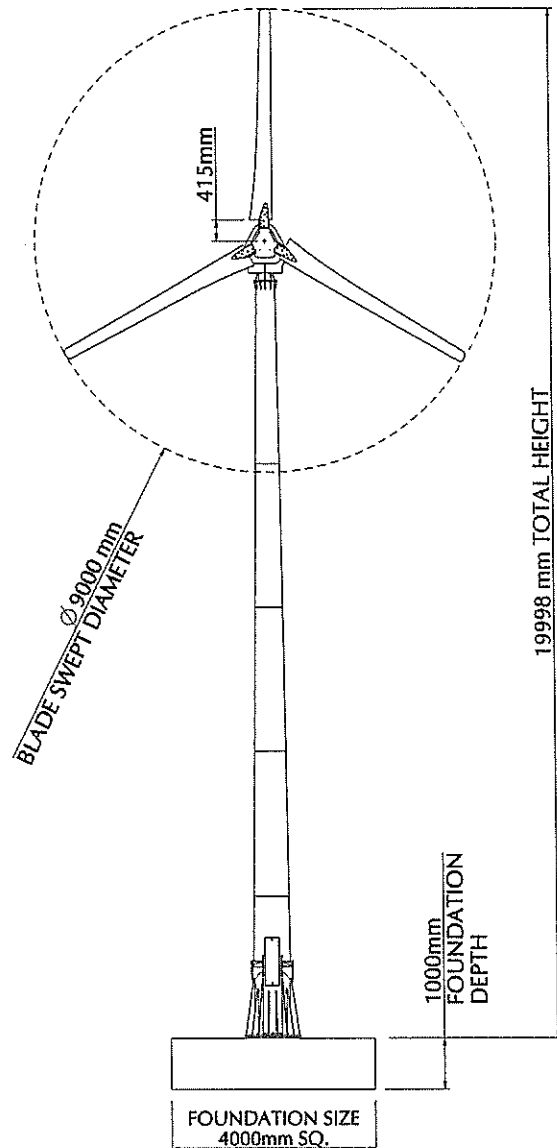
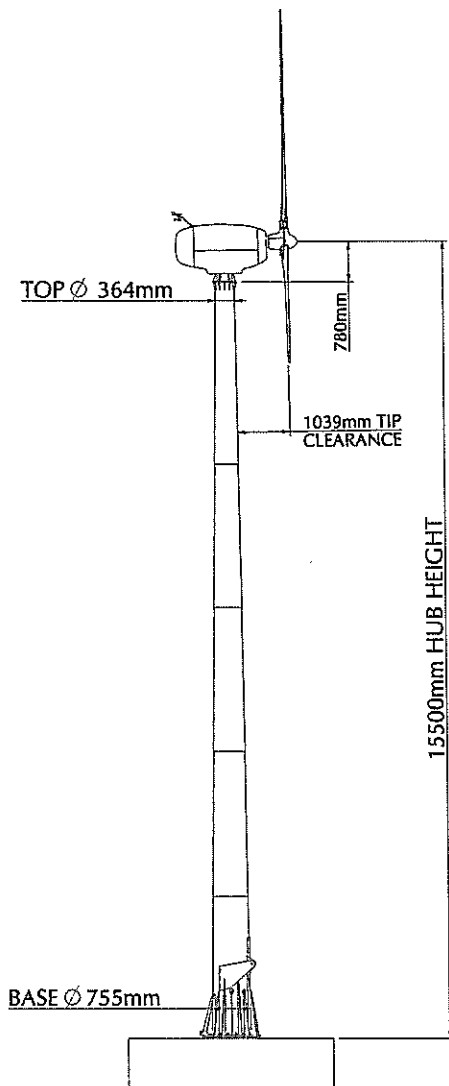
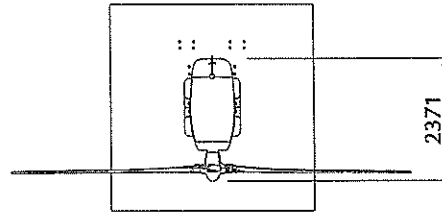
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Shetland
Islands
Council

**OVERALL DIMENSIONS FOR CF11 TURBINE:
11kW GENERATOR / 15m MAST / 9m ROTOR**



C&F Green-Energy			CF11	
DESCRIPTION: OVERALLS / PLANNING			All Dimensions in mm	
MATERIAL: Mast: S275 Galv			QTY PER UNIT:	-
DRAWN: C O'Neill			SCALE	1:100
CHECKED: -			DWG SIZE: A3	
DATE: 15-Feb-11			SHEET: 1 OF 1	



Acoustic Report

Full enclosure testing
Envelope design review
Acoustics

Air sealing
Thermographic surveying
Equipment supply

Summary of Acoustic Measurements

CF11-15m mast

C&F Facility, Co. Galway

29th August 2010
Report Version 1.0

Prepared for:
C&F Green Energy

Assessed by:
Martyn Bailey MSc MIOA



Introduction

The following report is based upon measurements taken by C&F Green Energy. The measurements have been assessed by Stroma technology Ltd and comply with the requirements of BS EN 61400 – 11: 2003.

Test Details

Wind Turbine Model: CF11
Max Output: 11KW
Rotor Diameter: 8m
Mast Height: 15m
Location: C&F Facility, Athenry, Co. Galway
Date of tests: 18th, 29th August
SLM: Larson Davis 824 with narrow band module

Test Setup

All acoustic measurements were conducted in accordance with IEC 61400-11:2002. The BWEA have also published a standard that addresses wind turbine noise assessment and the acoustic measurement technique is largely based on the IEC standard. The output data are presented in the format requested by the BWEA standard since this is typically most appropriate for planning purposes in the UK.

The microphone is located downwind at ground level facing the turbine at a distance of 19m which is the mast height plus the rotor radius. The microphone is placed on a piece of plywood and covered with a hemispherical wind shield. Acoustic and wind data are recorded while the wind turbine is active and also when shut down so that background noise can be assessed.

Acoustic measurements were taken as 1 minute Leq A-weighted readings. All measurements were recorded with 1/3 octave definition.

Wind velocity was measured using an anemometer on a 15m pole. Presented data are scaled to the height of the rotor axis.

Results

As specified in the BWEA standard, the 1/3 octave acoustic levels for all measurements were analysed to identify any tonal contribution. In this respect, no tonal content was present.

Several key metrics are required by the BWEA standard.

These are:

Key BWEA Metrics	
Sound Power at 8m/s	88.2 dBA
Sound Power vs Velocity slope	1.42 dBA / (m/s)
Sound Pressure at 8m/s	
Distance 25m	52.3 dBA
Distance 60m	44.7 dBA

In Figure 1, the acoustic data is presented as a function of nacelle height wind speed. Data are presented for both the background noise and the combined turbine & background noise cases. A linear regression is performed on both sets of data.

In Figure 2, the A-weighted sound pressure level of the wind turbine is adjusted to account for background noise and presented as a function of velocity.

In Figure 3, the A-weighted sound power level is presented as a function of wind speed.

In Figure 4, a contour plot shows the relationship of sound pressure to wind speed and distance. The distance here is measured from the centre of the mast. The data for this plot is derived from an interpolation where spherical propagation is assumed.

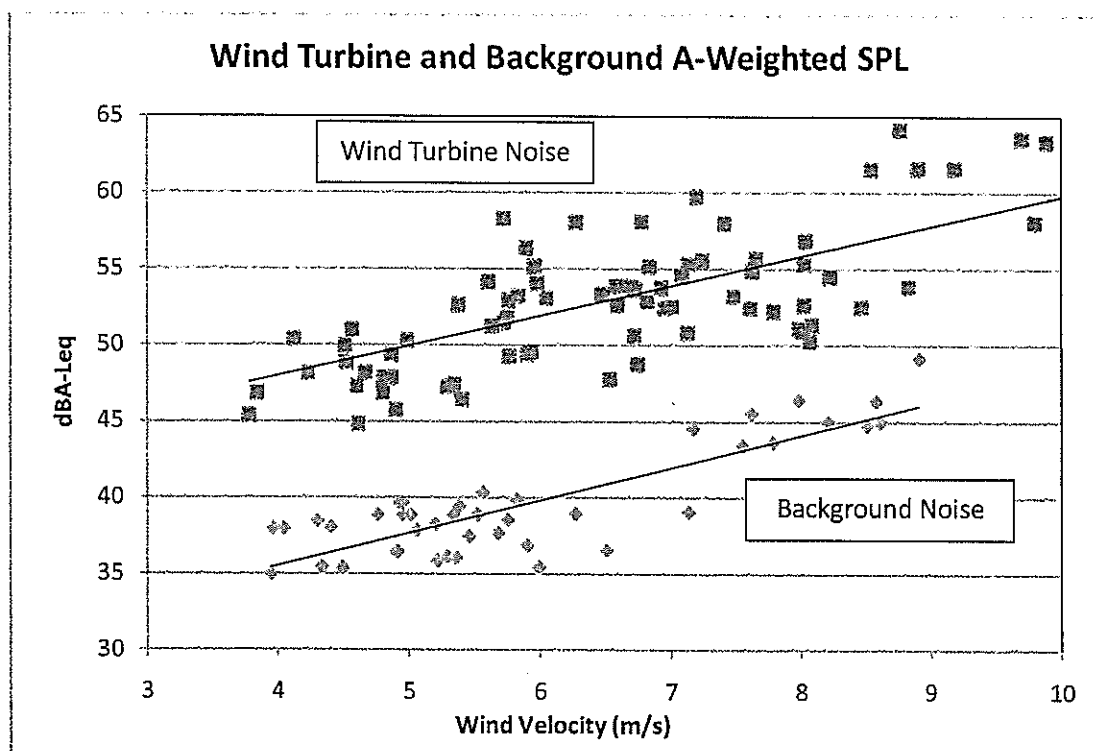


Figure 1: Wind turbine and background noise data as a function of nacelle height wind velocity.

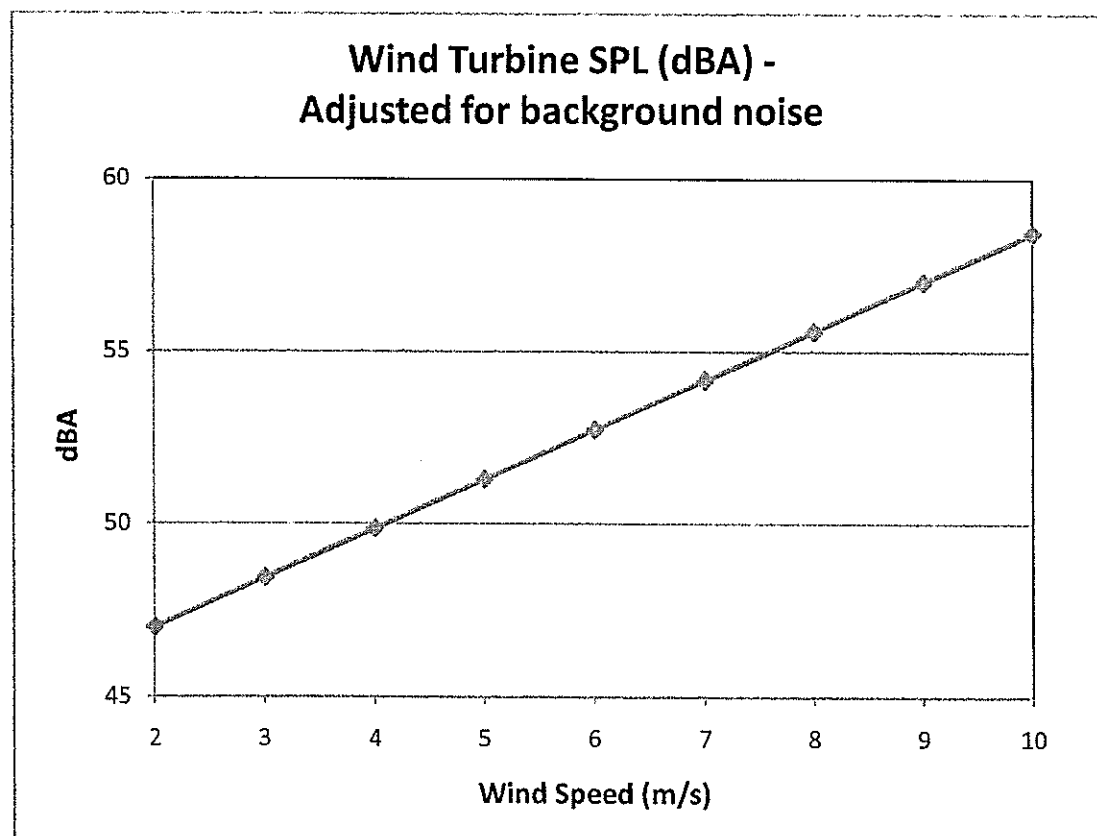


Figure 2: A-Weighted Sound Power Level as a function of nacelle height wind velocity.

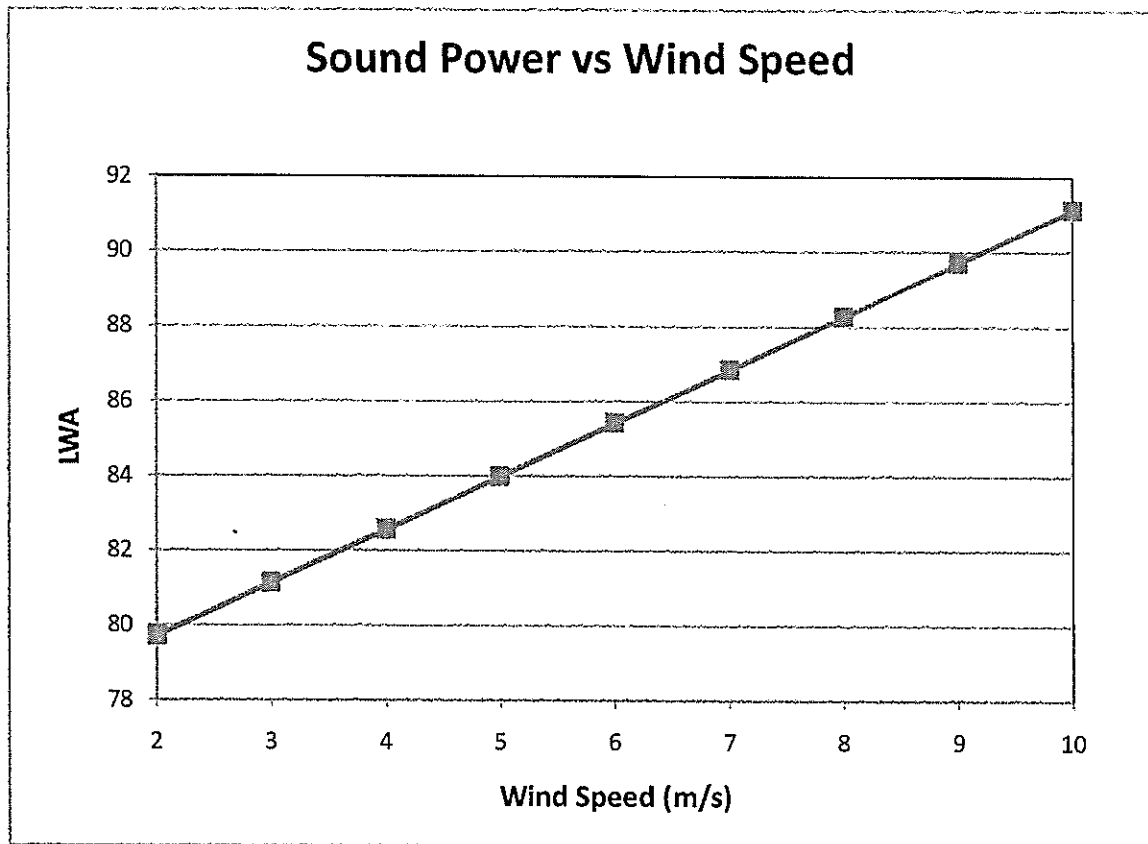


Figure 3: A-Weighted Sound Power Level as a function of nacelle height wind velocity.

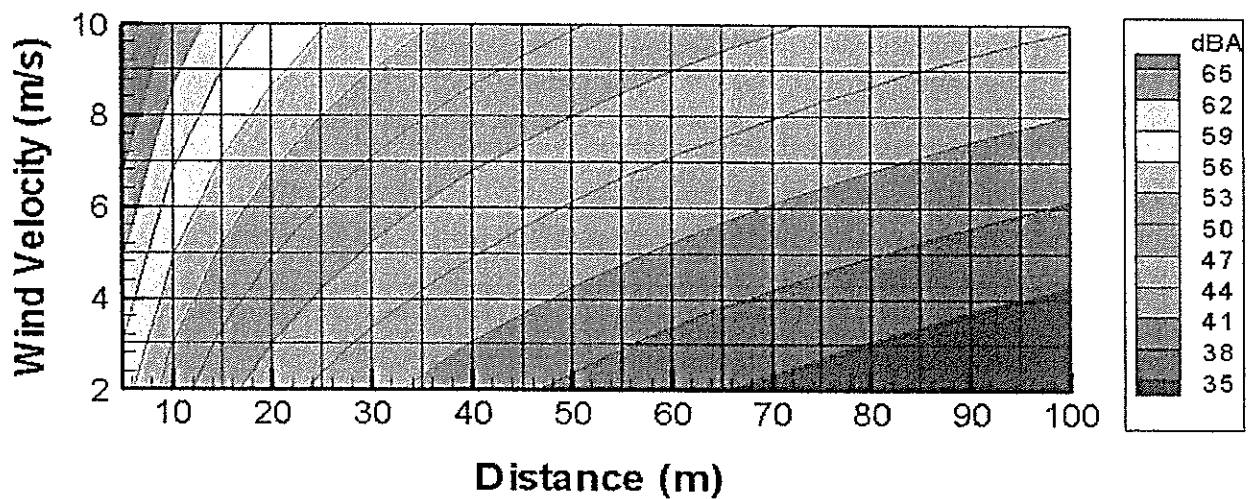
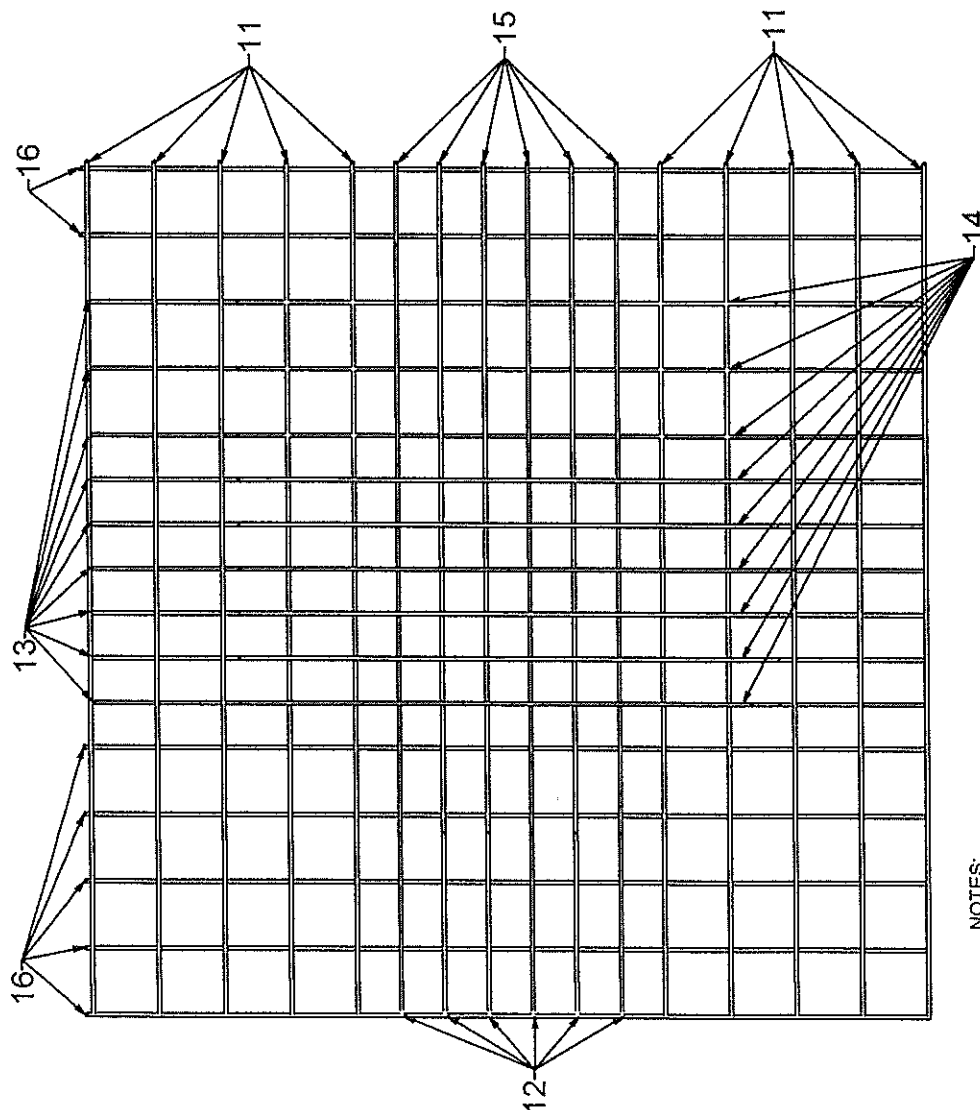


Figure 4: A-Weighted Sound Pressure Level as a function of wind velocity and distance from turbine.

REV	NPI #	SUMMARY OF CHANGES	DATE	BY	CHKD
A	-	INITIAL RELEASE	28-Apr-10	CON	-
B	-	INCREASE FOUNDATION TO 4.0 SQ. M.	21-Jan-11	CON	-
C	-	ADD DETAIL VIEW	15-Apr-11	CON	-

P/N	Bar Mark	Type & Size	Total No.	Length	Shape Code	A	B	C	D	E
K-1240-1	11	T16	10	9500	51	3800	700	325	325	
K-1240-2	12	T16	6	6825	41	1225	700	3800	700	525
K-1240-3	13	T16	9	7225	41	1125	675	3800	675	1125
K-1240-4	14	T16	9	2450	20	2450				
K-1240-5	15	T16	6	3300	11	325	3000			
K-1240-6	16	T16	7	9450	51	3800	675	325	325	



11 (OUTER) / K-1240-1

12 (OUTER) / K-1240-2

13 (INNER) / K-1240-3

14 (OUTER) / K-1240-4

15 (OUTER) / K-1240-5

16 (INNER) / K-1240-6



PART NUMBER

A-0220

DESCRIPTION: 4.0m REBAR SCHEDULE

QTY PER UNIT: 1

SCALE:

MATERIAL: -

DRAWN: C O'Neill

PAINT: -

CHECKED: -

FINISH: -

DATE: 28-Apr-10

SHEET: 1 OF 1

NOTES:

1. REINFORCEMENT TO BS4449
2. BENDING TO BS 4466.
3. REBAR TO BE HIGH YIELD STEEL GRADE 460N/sq.mm
4. TOTAL REBAR WEIGHT = APPROX 485kg



Ref: G.4/12/11

Shetland Islands Council

MT

Development Services Department Planning Application Consultation

For further information on this application contact:

Mr John Holden
Tel 01595 743898

Matthew Taylor

Fetlar Community Council
Fetlar Community Council Clerk
Martha Devine
New House
Mid Brake
Cullivoe
Yell
ZE2 9DD

SIC INFRASTRUCTURE SERVICES	
16 JAN 2012	
PASS TO MT 154816	ACTION

Application:

2011/361/PPF	erect 15.5m wind turbine with 9m diameter blades Leagarth House, Fetlar by Leagarth Estates Ltd
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Date of Consultation: 14 December 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.)

Fetlar Community Council believes, with community interests in mind, aerogenerators must be sited sensitively to minimise visual impact and noise pollution. It is known that noise pollution from an existing turbine at Hovbie causes considerable problems to nearby residents. The proposed turbine at Leagarth would be likely to cause further problems to the same residents. Fetlar Community Council cannot support a development that might prove intolerable to any of its residents. Furthermore, Fetlar Community Council considers that compared to the two existing turbines at Hovbie which are relatively 'tucked in' beside buildings, the proposed siting of the Leagarth turbine would be visually intrusive. It is an open, elevated site in a scenic but populated area of Fetlar.

Signed Neil I Date 10-07-2012

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.

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

TEL 01957 733213

Mr & Mrs L. BELL
PEBBIE LEAGARTH

SIC	
INFRASTRUCTURE SERVICES	
10 AUG 2011	
PASS TO JH	LOCATION
153026	2011/190/PCD

FETLAR

SITETLAND

ZE2 9DJ

8th AUG 2011

Dear Sir,

I am writing in connection to the enclosed "notice to owners and agricultural tenant form and map". We wish to object to the proposed wind turbine installation at this site.

We already experience excessive noise from the turbine which has been installed at the Interpretive Centre. This noise makes it impossible to sleep at the front bedrooms of ourcroft during high winds. A second turbine placed at the rear of our property is not acceptable.

Yours faithfully

L. Bell

J. Bell.

Planning Application 2011/361/PPF

To erect a 15.5 metre wind turbine with 9 metre diameter blades. Leagarth House, Fetlar.

Schedule of 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.) This permission shall relate solely to the erection of a C and F Energy CF11 (11kW) wind turbine on a monopole no greater than the following dimensions:

- Height to Hub of 15500mm
- Blade Diameter 9000mm

Notwithstanding the provisions of the Town and Country (General Permitted Development (Scotland) Order 1992 or any subsequent replacement or amendment Order, no other type or larger wind turbine shall be erected on the

site hereby approved without planning permission being granted on an application made to the Planning Authority.

Reason: To protect the existing residential amenity of the occupiers of the adjacent properties as the impact of a different wind turbine has not been assessed, in compliance with Shetland Islands Council's Local Plan Interim Planning Policy (December 2009) SPG 6 Domestic Wind Turbines.

(4.) In the event that the wind turbine affects radio, television and/or telephone devices and/or reception of these devices in the vicinity of the development site, the wind turbine shall be disconnected until the problem has been investigated and resolved.

Reason: For the avoidance of doubt and in order to protect the existing residential amenity of the occupiers of the neighbouring properties as the impact of the development on telecommunications equipment has not been formally assessed and in compliance with Shetland Local Plan (2004) Policy LPNE10.

(5.) Notwithstanding the submitted plans, the exterior finish of the wind turbine hereby approved (including the blades) shall be of a light colour (light grey or white) and must not contain any product or other advertisement. Unless otherwise agreed in writing by the Planning Authority.

Reason: In the interests of visual amenity and to ensure compliance with Shetland Islands Council's Local Plan Interim Planning Policy (December 2009) SPG 6 Domestic Wind Turbines.

(6.) Within six months of the wind turbine ceasing to be operational, the turbine and all associated plant and equipment shall be removed from the site and the site reinstated to its pre-development condition. Unless otherwise agreed in writing by the Planning Authority.

Reason: In order to ensure that when the turbine ceases to be operational the site is restored to its pre-development condition in the interests of visual amenity and in compliance with Shetland Islands Council's Local Plan Interim Planning Policy (December 2009) SPG6 Domestic Wind Turbines.

(7.) The power cable shall be laid underground, and measures shall be taken to safeguard turfs removed for the power cable laying; these shall be replaced during site re-instatement works or the site shall be reinstated by a means otherwise agreed in writing by the Planning Authority. Should the cable route breach the boundary wall of the Listed Building (Leagarth House) then a method statement shall be provided detailing the means of protection of the Leagarth House boundary wall prior to the undertaking of this part of the works. Any works shall proceed in accordance with these approved details.

Reason: To ensure the reinstatement of land disturbed by the construction of the development in compliance with Shetland Structure Plan (2000) Policy SPGDS4 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.

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.

**Planning Committee****03 July 2012****2012/060/PPP: Erect dwellinghouse, Nesbister (application for planning permission in principle) by Mr C Eunson****Report Number : PL-16-12-F****Report Presented by : Planning Officer –
Development Management, Planning****Development Services Department
Planning Service**

1.0 Summary

- 1.1 This report concerns an application for planning permission in principle to erect a dwelling house on land classified as a Zone 3 area in the Shetland Local Plan (2004) that forms part of the Development Plan.
- 1.2 This application is being presented to Members as an objection has been received from the Community Council. Furthermore, as a letter of objection has been received the proposal is to be considered by Members as a Hearing.
- 1.3 A further application for planning permission in principle to erect a dwelling house on land approximately 120 metres to the north of this site is also being presented to the Planning Committee for consideration (2012/059/PPP).

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. Those policies of significance are

listed below. Unless material considerations indicate otherwise, the determining issue to be considered is whether the proposal complies with development plan policies.

Statutory Development Plan Policies:

Shetland Islands Council Structure Plan (2000) Policies

GDS1 – Sustainable Development
GDS4 - General Development Policy Natural and Built Environment
GDS3 - General Development Policy Existing Settlements
SPNE2 - National Scenic Areas
SPHOU2 - Existing Settlements
SPWD2 - Drainage Schemes

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

LPNE10 - Development and the Environment
LPHOU4 - General Requirements for all Dwellings
LPWD12 - Sustainable Drainage Systems (SUDS)

Shetland Islands Council Interim Planning Policy Guidance

LDP1 - All development General
LDP2 - All development Layout and design
LDP3 - All development Location
LDP4 - All Housing Development Location
SPG1 - All development Layout and Design
SPG12 - Access/Visibility Splay/Car Parking
SPG13 - Water Supply/Waste Water Disposal and Su
SPG14 - General Requirements Dwellingshouses
SPG25 - Housing Development Road Design
SPG26 - General Requirements for All New Dev

Safeguarding

Land Capability Agriculture - code: 6.3
National Scenic Area - National Scenic Area: 53
Zone 3 Modified - Zone 3: Housing Zone 3

4.0 Report

- 4.1 The application site is located in Nesbister as shown on the location map and site plan appended to this report. The site lies between an existing house to the south (shown as Kalna on the site plan), and an approved but undeveloped site for 3 houses and an access to the north (Ref 2010/152/PCO and 2011/207/PPF). The site is therefore classed as a gap site. The access is directly from the unclassified public road at Nesbister.
- 4.2 This is an application to consider only the principle of a dwelling house in this location and as such no design issues are addressed within this report.
- 4.3 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. The site lies within an area identified as Zone 3 Housing land. Shetland Local Plan

(2004) policy LP HOU 4 indicates that Zone 3 is settled countryside close to existing settlements where new housing will generally be favourably considered where it strengthens and reinforces existing settlements and building groups.

- 4.4 Being a gap site, it is considered that the proposed site relates well to the recognised development pattern that has become established relatively recently in this area, and is one of linear development along both sides of the public road.
- 4.5 Roads Services have indicated that the proposed point of access into the site from the public road is acceptable and achievable. The site can be connected to the public sewer and water supply in the area.
- 4.6 The local Community Council have indicated that in their opinion the site is being 'shoehorned' in between existing and proposed sites and, as the house may be sited at the rear of the site, it would not be in-keeping with the existing building line in the area. It can be presumed that given the topography any house on this site is likely to be positioned to the rear of the site but it is considered that this would not necessarily be out of keeping with the building line that has become established to the south of the site where the houses are set back from the road. As the development of a gap site is proposed the site would not exacerbate ribbon development in the area but positively reinforce the existing pattern of development. The final position of any house on the site would require to be the subject of a further planning application for approval of matters specified in conditions, and would be considered in detail at this time.
- 4.7 The points raised by the objectors (outlined at paragraph 5.2.5) would mainly be issues for consideration in relation to a detailed application for a specific house on the site i.e. impacts on light, privacy, overlooking and potential damage to garden area, as no details of the design or location on the site are known at this stage. There is potential for a house on this site to be designed so as to avoid overlooking of the habitable rooms in the neighbouring property and given the site size and the fact that it is to the north of the objectors, blocking of light will be less of an issue. Any future application submitted will require to include cross sections through the site to show how it is to be developed and will require to demonstrate that it will not have a detrimental impact on any existing adjacent or proposed sites.
- 4.8 The objectors have raised concerns about the potential to use the access point shown on this application to access the 3 sites approved to the north of the development. This is not the proposal being considered by this application and any proposal to change the access to the sites to the north would require a separate planning application to be made.

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 would contribute

directly to the Single Outcome Agreement through the outcome that we live in well designed, sustainable places.

5.2 Community/Stakeholder Issues – Standard consultations were sent during the processing of the application.

5.2.1 Tingwall, Whiteness and Weisdale Community Council have objected to the application on the following grounds:

- It appears to be a case of ‘shoehorning’ a site between an existing dwelling and a site with outline planning permission.
- The sloping nature of the site and the site layout plan would suggest that any dwelling would be positioned at the rear of the site. This would not be in-keeping with the existing building line and would further exacerbate an already poorly planned ribbon development.
- The Community Council would like to support the objections submitted by the objectors.

5.2.2 Scottish Water has no objections but pointed out that any approval granted by the Local Authority does not guarantee a connection to its infrastructure. Scottish Water will only give approval for connection when the appropriate application and technical details have been received.

5.2.3 Shetland Islands Council – Roads Traffic raised no objections to the proposal subject to standard conditions controlling the design of the junction of the access with the public road, the visibility splay required and the gradient of the access.

5.2.4 Shetland Islands Council – Roads Drainage raised no objections to the proposal indicating that in order to comply with the Water Framework Directive the drainage design for the development should include sufficient attenuation to at least reduce flows during 1 in 10 year rainfall events to the level that would have occurred before the development. A SUDs attenuation device providing 2 cubic metres of water storage would provide this level of attenuation and could be designed so as not to present a flood risk on the site.

During extreme rainfall events surface water flows may exceed the capacity of the drainage system and back up or flow over the ground. Flows from higher ground may also exceed the capacity of any cut off ditches or drains which may be proposed to protect the site. The landscaping/ground levels on the site should therefore be designed to ensure that these potential overland flows of water would not cause a flooding problem to the proposed or surrounding houses. Site levels should guide water flowing over the ground away from properties and towards a sustainable place for them to re-enter a drainage system.

5.2.5 One objection has been received and the points raised can be summarised as follows:

- The proposed development wraps around the front of our property and there are worries about potential loss of amenity in respect of light, privacy, overlooking and potential damage to our garden.
- Light could be blocked if a house is built to the west of the adjacent house;
- Overlooking and subsequent loss of privacy from a higher positioning of a house, depending on design and positioning on the site is a concern.
- There is a particular concern about potential damage and undermining of the existing garden due to the close proximity and necessary 'undercut' of the approach road.
- There are wider concerns that the access to the public road for this property and that recently granted for the 3 sites to the north of this site will be amalgamated in the future meaning that traffic from 5 properties would have to use the access in front of our property. This would cause a significant impact in terms of noise, pollution and disturbance from light from car headlights. Concerns were expressed about the application for the road for the sites to the north as it appeared to be positioned in order to open up the possibility of two-tier development in the area.

5.3 Policy And/Or Delegated Authority – The application is for a development falling within the category of Local Development. As the Community Council has objected to the development and the recommendation is for approval, 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 Taking the comments and objection received into account, and having assessed the proposed development against the Shetland Structure Plan (2000) and Shetland Local Plan (2004) policies listed in paragraph 3.1, the proposal is found to be compliant with their aims.

6.2 The proposal to develop a gap site in an area where linear development has become the established development pattern complies with the aims of Shetland Local Plan (2004) policy LP HOU 4,

as the Council allows housing development in Zone 3 areas where it strengthens and reinforces existing building groups. The proposal is also compliant with the Development Plan policies listed at paragraph 3 above as the site fits with the pattern of development in the area, it has been demonstrated that a safe access can be provided, and the site can be connected to the sewage system in the area. Issues relating to site layout and design will be addressed on the submission of a detailed application for approval of matters specified by condition.

- 6.3 Therefore, subject to the conditions listed in the schedule appended to the report this application is recommended for approval.

For further information please contact:

Janet Barclay Smith, Planning Officer – Development Management

Tel: 01595 744829 Email: janet.barclay@shetland.gov.uk

20 June 2012

List of Appendices

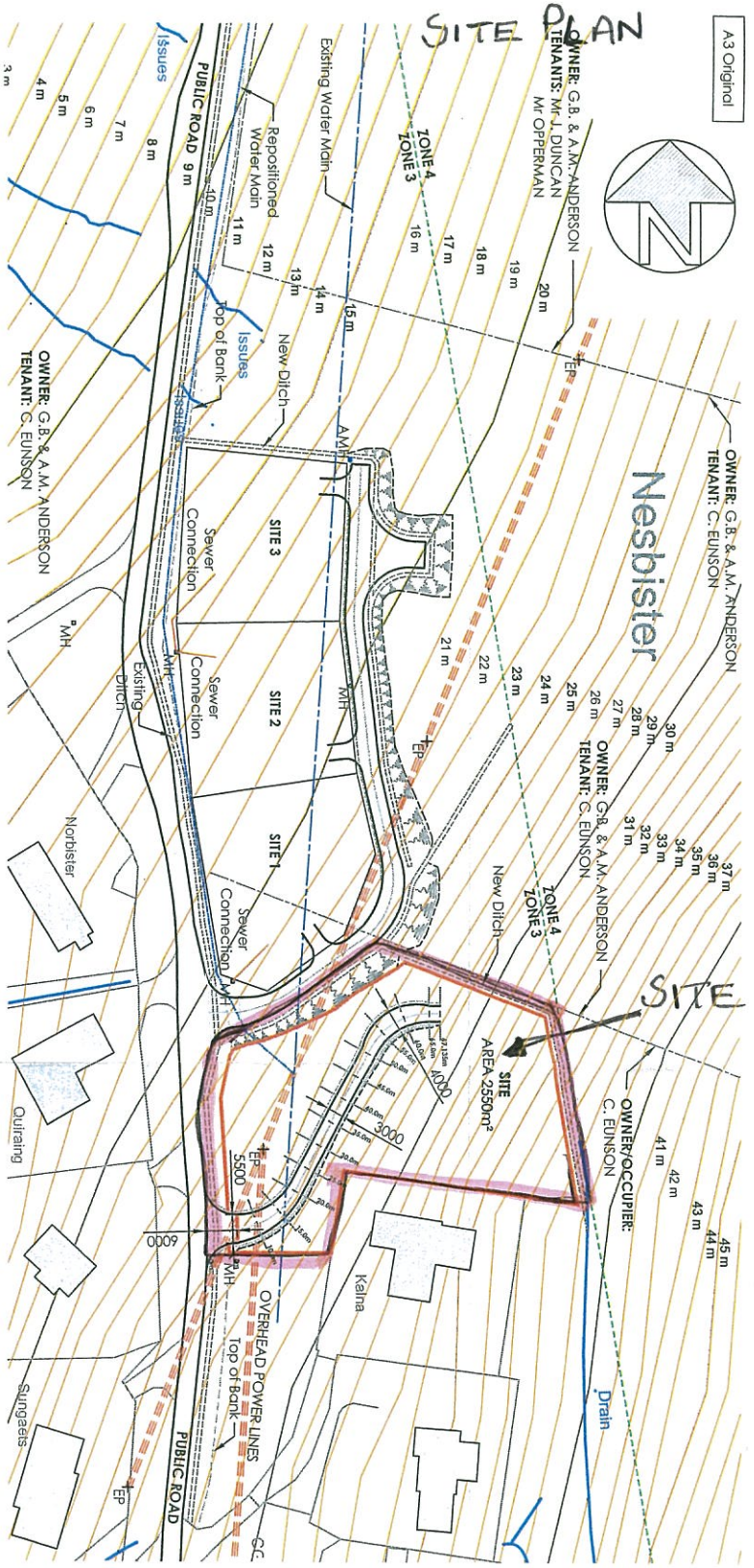
1. Location Plan and Site Plan
2. Objection from Mr and Mrs Crook, Kalna, Nesbister, Whiteness
3. Objection from Tingwall, Whiteness and Weisdale Community Council
4. Schedule of recommended conditions

Background documents:

- [Shetland Structure Plan \(2000\)](#)
- [Shetland Local Plan \(2004\) \(as amended\)](#)
- [Interim Planning Policy on Sustainable Construction \(2009\)](#)

[illegible]

DATE 22 2 12
DRWG No 01



20,000m Datum					Existing Level		Proposed Level	
Chainage								
Existing Level					24.236	24.236	0.000	
Proposed Level					24.486	24.768	5.000	
Vertical Alignment					24.736	25.101	10.000	
					24.986	25.282	5.000	
					25.236	25.462	20.000	
					25.486	25.642	25.000	
					25.736	25.822	30.000	
					25.986	26.002	35.000	
					26.236	26.179	40.000	
					26.486	26.356	45.000	
					26.736	26.533	50.000	
					26.986	26.710	55.000	
					27.236	26.887	60.000	
					27.486	27.333	65.000	
					27.736	27.228	67.135	

Longitudinal Section Through Access Road

Scale 1:200

INDICATIVE SITE LAYOUT ONLY

General Notes

- The drawing is to be read in conjunction with all other Architectural and Engineering drawings and all other relevant drawings and Specifications.
- DO NOT SCALE FROM THIS DRAWING. Use figured dimensions only.

Site Specific Notes

- Site to connect into existing foul sewer, manhole located adjacent to new junction.
- The site is to be incorporated into a local SUDS system with an attenuation of 2.0m³.
- Access road to be 3.0m wide with 0.6m verges. Curve widening of 1.0m to be applied at the bends.
- Under the new access road.
- Under the new access road.
- The site is to be provided with a minimum of three parking spaces and a turning area of 7.6m x 7.6m.

Key

- Delimited house plot boundary
- Overhead power cables
- Boundary line between Zone 3 and Zone 4 land
- Existing water main
- Repositioned water main
- Electricity pole

Site Layout Plan

Scale 1:1000

SIC
INFRASTRUCTURE SERVICES
22 FEB 2012
ISS TO
ACTION

Notes

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Rev	Date	Drawn By	Appr. By	Description
A	22/02/12	EJA	RGJ	Key Added for Clarity
-	12/01/12	EJA	RGJ	First Issue



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Drawing Status		Drawing Number		Revision	
Project		09080/10		A	
Proposed House Site					
Nesbister, Whiteness					
Drawing Title					
Site Layout Plan & Longitudinal Section					
Through the Access Road					
Drawn By					
EJA					
Checked By					
RGJ					
Project No					
09080					
Scale(s) @ A3					
1:1000, 1:200					

Barclay Janet@Infrastructure Svs

From: Bill and Silvija [billandsilvija@hotmail.com]
Sent: 30 March 2012 13:49
To: Planning Control@Infrastructure Svs; Barclay Janet@Infrastructure Svs; Smith, Margaret
Subject: Planning Application 2012/060/PPP

We wish to submit an objection to the above application, lodged by Mr. Cecil Eunson for permission to erect a dwellinghouse at Nesbister, Whiteness.

The proposed development 'wraps' round the front and side of our property and we are worried about potential loss of amenity in respect of light, privacy and overlooking and potential damage to our garden. We appreciate that some of these matters might be of more significance at the detailed planning stage but we find it difficult to see how they could be avoided on this challenging, steep site.

We are concerned about blocking of light should a house be erected in front of us (although the sketch plan indicates that this area would be used for a road this might not be the case once the application goes to detailed.

Overlooking and subsequent loss of privacy from a higher positioning of a house (depending on design and positioning) would also worry us

From the sketch plans provided we are particularly concerned about potential damage and undermining of our garden due to the close proximity and necessary 'undercut' of the approach road

We have wider concerns that the access to the public road for this property and that recently granted for the 3 /4 properties further along the road should, at a future stage be amalgamated, meaning that traffic from five properties would have to cut down in front of our house. This would mean a significant impact in terms of noise, pollution, and disturbance due to headlights shining directly into windows. Looking at the plans, the two roads are very near to one another and the developer might at a future stage deem that only one is required. We did submit a concern about the application for this road in that it appeared to be positioned in order to open up two-tier development.

Thank you

Bill and Silvija Crook
Kalna,
Nesbister,
Whiteness
ZE2 9LJ
01595 840838

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30/03/2012

TINGWALL, WHITENESS AND WEISDALE COMMUNITY COUNCIL

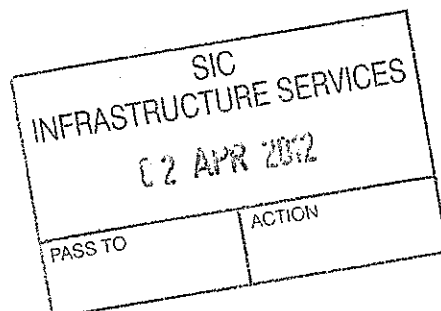
Clerk:
Mrs Margaret Smith
Stenaquoy
Wormadale
Whiteness
Shetland
ZE2 9LJ
◆
Phone 01595 840480
Email
twcommunitycouncil@googlemail.com

2012/060/PPP: Erect dwellinghouse, Nesbister, Whiteness by Mr Cecil Eunson

Comments:

The members wish to object to this application because it appears to be a case of 'shoehorning' a site between an existing dwelling and a site with outline planning permission. The sloping nature of the site and the site layout plan would suggest that any dwelling would be positioned at the rear of the site. This would not be in keeping with the existing building line and would further exacerbate an already poorly planned ribbon development.

The CC would like to support the objections submitted by Mr & Mrs Crook.



Signed: Margaret Smith

Date: 29 March 2012

2012/060/PPP Schedule of Proposed Conditions

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

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

(2.) The development hereby permitted shall be commenced within five years from the date of this permission, or within two years from the date of the approval of the Planning Authority of the last of the matters specified in conditions, which ever is the later.

Reason: To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 21 of the Planning etc (Scotland) Act 2006.

(3.) An application for Approval of Matters Specified in Conditions shall be made to the Planning Authority within three years from the date of this permission.

Reason: To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 21 of the Planning etc (Scotland) Act 2006.

(4.) The development shall not commence until an application for Approval of Matters Specified in Conditions for the following matter(s) has been submitted to and approved by the Planning Authority:

1. A site layout plan at a scale of 1:500 showing the position of all buildings, access roads, vehicle circulation and parking areas, external storage facilities, fencing, any proposed landscaping and any surface water drainage proposals, including details of any flow attenuation measures required, within the area of the development site;

2. plans and elevations of the proposed building and any other proposed structures, indicating their dimensions and type and colour of external materials;

3. a plan identifying the vehicular access to the development site from the main public road;

4. a plan identifying the route of the connection to the public sewer; and

5. site levels and section(s) through the development site and the access into the site showing the extent of any proposed underbuilding or excavation.

Reason: To comply with the provisions of Part 3 Section 12 of The Town and Country Planning (Development Management Procedure)(Scotland) Regulations 2008.

(5.) In so far as this consent shall relate to the foul drainage to be constructed in association with the development it shall relate only to provision of a connection to the public sewer. 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.

Notes to Applicant:

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.

Road Access and Parking:

The following Roads Service requirements are to be detailed and submitted for consideration as part of the planning application for approval of matters specified in conditions:

- A visibility splay of 2.5 metres by 90 metres must be provided at the junction of the access with the public road. This is available at present.
- No fence, wall, bushes or other potential obstruction to visibility shall be permitted within 3 metres of the edge of 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.
- The access shall be completed with bitmac for at least the first six metres behind the road edge.
- Site and access drainage shall be designed in order that it does not shed surface water from the site onto the public road.

- The access shall be piped with at least a 300mm diameter culvert that shall have concrete headwalls provided at either end of the pipe. This will require the existing ditch to be re-graded to accommodate the required pipe diameter.

Car Parking:

Car parking spaces shall be provided within the site as detailed below. Turning provision for cars shall also be provided within the development site in the form of a standard hammer head or a manoeuvring space at least 7.6m x 7.6m.

- 2-3 bedroomed dwellinghouse : 2 car parking spaces.
- 4 bedrooms or more : 3 spaces.

Scottish Water:

In terms of planning consent, Scottish Water does not object to this planning application. However, please note that any planning approval granted by the Local Authority, does not guarantee a connection to Scottish Water's infrastructure. Approval for connections can only be given by Scottish Water when the appropriate application and technical details have been received. The developer should contact Scottish Water directly to discuss connection. (www.scottishwater.co.uk Tel: 0845 601 8855)

Surface Water Drainage:

In order for there to be compliance with Shetland Structure Plan (2000) Policies GDS1 and GDS4 and Shetland Local Plan (2004) Policies LPNE10 and LPWD11 the Planning Authority will need to be satisfied that the surface water drainage proposals that are required to be submitted for consideration prior to commencement of the development will ensure that the development will not result in flooding, or be liable to flooding, or have an adverse impact on any neighbouring properties or landownership (including public roads and footways).

Building Design:

In order for the Planning Authority to be satisfied that the development will not have an adverse impact on the visual amenity of the area or the amenity of any neighbouring properties, and to ensure compliance with Shetland Local Plan (2004) Policy LPBE13, the details of the building and other structures that are required to be submitted prior to commencement of the development should not incorporate any substantive underbuilding, including underbuilding for the purposes of the provision of a garage, workshop, other habitable room or useable space. In order to protect privacy and amenity, there should not be any direct overlooking of the windows of habitable rooms in adjacent properties at a distance of less than 25 metres.

Notification of Completion of Development:

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

**Planning Committee****03 July 2012**

2012/059/PPP: Erect dwellinghouse, Site 4, Nesbister (application for planning permission in principle) by Mr C Eunson

Report Number : PL-17-12-F

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

**Development Services Department
Planning Service**

1.0 Summary

- 1.1 This report concerns an application for planning permission in principle to erect a dwelling house on land classified as a Zone 3 area in the Shetland Local Plan (2004) that forms part of the Development Plan.
- 1.2 This application is being presented to Members as an objection has been received from the Community Council.
- 1.3 A further application for planning permission in principle to erect a dwelling house on land approximately 120 metres to the south of this site is also being presented to the Planning Committee for consideration (2012/060/PPP).

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 issue to be considered is whether the proposal complies with development plan policies.

Statutory Development Plan Policies:

Shetland Islands Council Structure Plan (2000) Policies

GDS1 - Sustainable Development
GDS4 - General Development Policy Natural and Built Environment
GDS3 - General Development Policy Existing Settlements
SPNE2 - National Scenic Areas
SPHOU2 - Existing Settlements
SPWD2 - Drainage Schemes

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

LPNE10 - Development and the Environment
LPHOU4 - General Requirements for all Dwellings
LPWD12 - Sustainable Drainage Systems (SUDS)

Shetland Islands Council Interim Planning Policy Guidance

LDP1 - All development General
LDP2 - All development Layout and design
LDP3 - All development Location
LDP4 - All Housing Development Location
SPG1 - All development Layout and Design
SPG12 - Access/Visibility Splay/Car Parking
SPG13 - Water Supply/Waste Water Disposal and Su
SPG14 - General Requirements Dwellinghouses
SPG25 - Housing Development Road Design
SPG26 - General Requirements for All New Dev

Safeguarding

Land Capability Agriculture - code: 6.3
National Scenic Area - National Scenic Area: 53
Zone 3 Modified - Zone 3: Housing Zone 3

4.0 Report

- 4.1 The application site is located in Nesbister as shown on the location map and site plan appended to this report. The site lies adjacent to the north boundary of 3 as yet undeveloped house sites approved in 2010 (Ref: 2010/152/PCO) and will take access from the associated access road approved under planning permission 2011/207/PPF.
- 4.2 This is an application to consider only the principle of a dwelling house in this location and as such no design issues are addressed within this report.
- 4.3 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. The site lies within an area identified as Zone 3 Housing land. Shetland Local Plan (2004) policy LP HOU 4 indicates that Zone 3 is settled countryside close to existing settlements where new housing will generally be

favourably considered where it strengthens and reinforces existing settlements and building groups.

- 4.4 The existing pattern of development is delineated with a ribbon of houses along both the east and west of the road, and the proposal is immediately adjoining and across from existing development, as well as being further south than recently consented development to the west.
- 4.5 In relation to the gap between the linear development in south Nesbister and the cluster development north of this, the Community Council wish to see this protected as there is a clear gap of undeveloped land separating the two, however, this will reduce by approximately half following an appeal decision in 2007 approving two house sites to the west of the roadway (P/PPA/360/41) when the reporter considered that the separation would still be retained. The proposed site would not extend the linear development further north than these approved sites, and would not close the gap further than exists on the west side. In respect of the potential for additional developments, it should be noted that a further tier of development up-slope of the existing and consented roadside development was refused planning consent and subsequently dismissed at Appeal. The reporter in the case considered the settlement pattern to be linear ribbon development and not a broader cluster arrangement extending up the hill. The site would not sterilise future development opportunities which would be considered on their own merits, and there are no road safety issues apparent. In respect of planning policy to control development in zone 3, the proposal is fully compliant with the requirements.
- 4.6 Roads Services have indicated that the proposed point of access into the site from the public road is acceptable and achievable. The site can be connected to the public sewer and water supply in the area.

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 would contribute directly to the Single Outcome Agreement through the outcome that we live in well designed, sustainable places.
- 5.2 Community/Stakeholder Issues – Standard consultations were sent during the processing of the application.
- 5.2.1 Tingwall, Whiteness and Weisdale Community Council have objected to the application on the following grounds:
- over-development of the area;
 - a desire to keep a distance between the existing settlements, and this application will reduce the gap;
 - the need for more sites is questionable;
 - the area contains as yet undeveloped approved sites and so visual impact is not yet apparent; and
 - residents wish to keep a rural feel to the area.

5.2.2 Scottish Water has no objections but pointed out that any approval granted by the Local Authority does not guarantee a connection to its infrastructure. Scottish Water will only give approval for connection when the appropriate application and technical details have been received.

5.2.3 Shetland Islands Council – Roads Traffic raised no objections to the proposal subject to standard conditions controlling the design of the junction of the access with the public road, the visibility splay required and the gradient of the access. Roads Services indicated that a development corridor will be required along this section of the Nesbister Road meaning that any proposed house on this site will require to be set back a minimum of 10 metres from the edge of the public road. This is to allow space for any future upgrading of the road or verges.

5.2.4 Shetland Islands Council – Roads Drainage raised no objections to the proposal indicating that in order to comply with the Water framework Directive the drainage design for the development should include sufficient attenuation to at least reduce flows during 1 in 10 year rainfall events to the level that would have occurred before the development. A SUDs attenuation device providing 2 cubic metres of water storage would provide this level of attenuation and could be designed so as not to present a flood risk on the site.

During extreme rainfall events surface water flows may exceed the capacity of the drainage system and back up or flow over the ground. Flows from higher ground may also exceed the capacity of any cut off ditches or drains which may be proposed to protect the site. The landscaping/ground levels on the site should therefore be designed to ensure that these potential overland flows of water would not cause a flooding problem to the proposed or surrounding houses. Site levels should guide water flowing over the ground away from properties and towards a sustainable place for them to re-enter a drainage system.

5.3 Policy And/Or Delegated Authority – The application is for a development falling within the category of Local Development. As the Community Council has objected to the development and the recommendation is for approval, 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 Taking the comments received into account and having assessed the proposed development, against Shetland Structure Plan (2000) and Shetland Local Plan (2004) policies listed in paragraph 3.1, the proposal is found to be compliant with their aims.
- 6.2 For the reasons set out in section 4 above the proposal complies with development plan policy and is recommended for approval as by virtue of location and relationship with the existing settlement pattern, the proposed development and access would have no detrimental impact upon the environment or visual amenity of the immediate and wider area. Furthermore residential amenity remains protected and a safe and satisfactory access can be achieved. Therefore the proposal accords with the relevant provisions of the Shetland Islands Council Local Plan Policies LPNE10; LPHOU4 general and zone 3; and Shetland Structure Plan Policies GDS3; GDS4; SPNE1; SPHOU2; SPNE2.
- 6.3 Therefore, subject to the conditions listed in the schedule appended to the report this application is recommended for approval.

For further information please contact:

Janet Barclay Smith, Planning Officer – Development Management

Tel: 01595 744829 Email: janet.barclay@shetland.gov.uk

20 June 2012

List of Appendices

1. Location Plan and Site Plan
2. Objection from Tingwall, Whiteness and Weisdale Community Council
3. Schedule of recommended conditions

Background documents:

- [Shetland Structure Plan \(2000\)](#)
- [Shetland Local Plan \(2004\) \(as amended\)](#)
- [Interim Planning Policy on Sustainable Construction \(2009\)](#)

WHITENESS VOE

WHITENESS

De Borden

Hooker

Hooker

Budegarth

New House

Site (No 4)

Site 1

Site 2

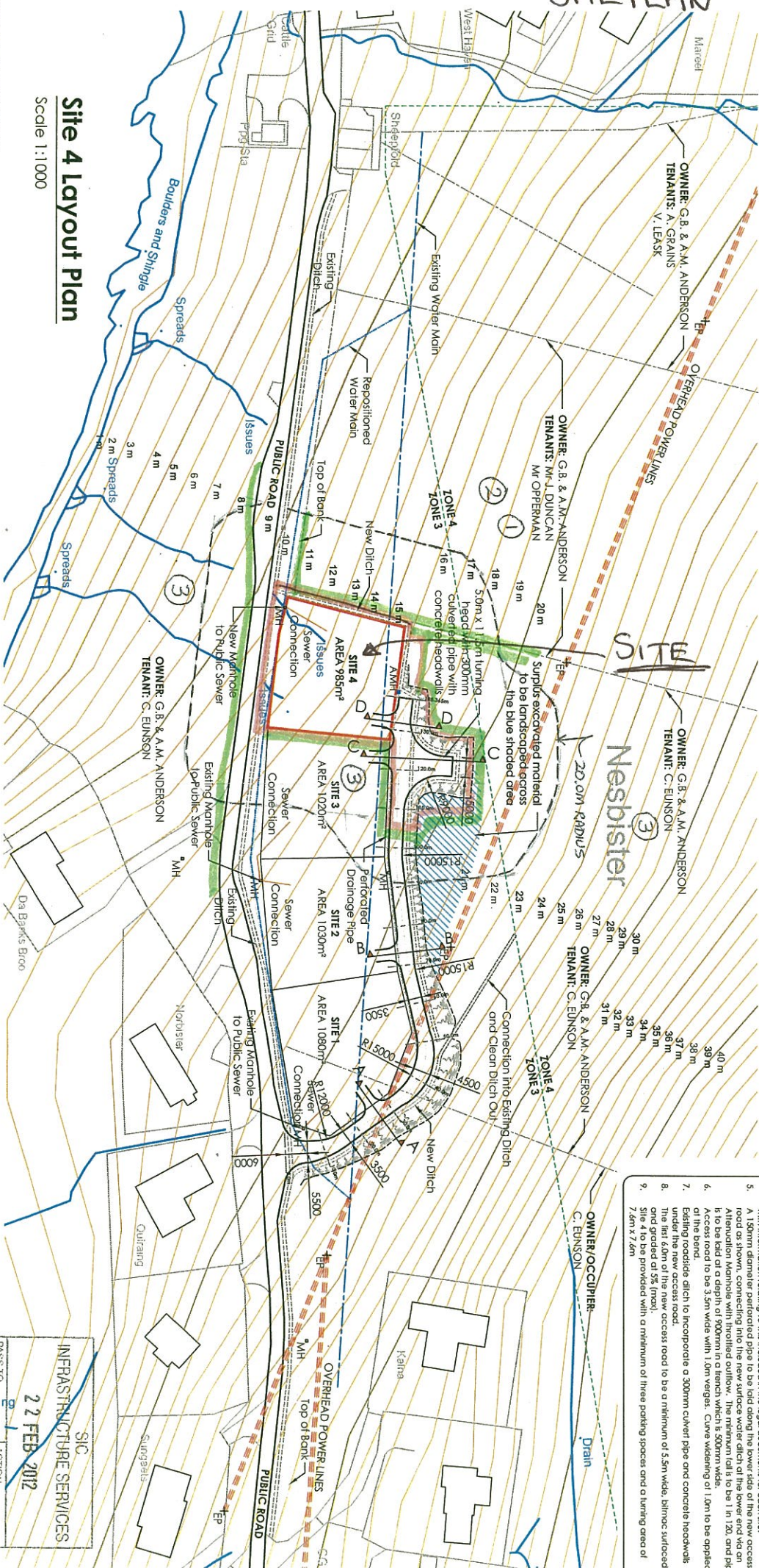
Site 3

Stamp: SIC INFRASTRUCTURE SERVICES 29 FEB 2012

DATE 22 2 12
DRWG No 01



SITE PLAN



Site 4 Layout Plan

Scale 1:1000

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Notes

INDICATIVE SITE LAYOUT ONLY

Rev	Date	Drawn By	Appr. By	Description
A	22/02/12	EJA	RGJ	Attenuation Monitors with Throated Outflow Added
-	13/01/12	EJA	RGJ	First Issue

Key

- Delimited house plot boundary
- Overhead power cables
- Boundary line between Zone 3 and Zone 4 land
- Existing water main
- Repositioned water main
- Denotes area of land over which surplus excavated material will be landscaped
- Attenuation monolith with throated outflow
- Bectichy pole

General Notes

- This drawing to be read in conjunction with Drawing No. 09080/21 and all other relevant Architect drawings and Specifications.
- DO NOT SCALE FROM THIS DRAWING. Use figured dimensions only.

Site 4 Specific Notes

- Site 4 to connect into existing foul sewer as per information provided by the Architect.
- Surface water from Site 4 to be incorporated into a local SUDS system with an attenuation of 20m³.
- Open ditches to be formed around the site to discharge into existing road side ditch.
- Ongoing maintenance of the open ditches will be the responsibility of the householder, with information relating to this included in the legal documents for each site.
- A 150mm diameter perforated pipe to be laid along the lower side of the new access road as shown, connecting into the new surface water ditch at the lower end and an Attenuation Monolith with throated outflow. The minimum fall is to be 1 in 120, and pipe is to be bed at a depth of 100mm in a trench which is 300mm wide.
- Site 4 to be 3.5m wide with 1.0m verges. Core widening of 1.0m to be applied of the bed.
- Existing roadside ditch to incorporate a 300mm culvert pipe and concrete headwalls under the new access road.
- The first 6.0m of the new access road to be a minimum of 5.5m wide, bitmac surfaced and graded at 5% (max).
- Site 4 to be provided with a minimum of three parking spaces and a turning area of 7.6m x 7.6m.

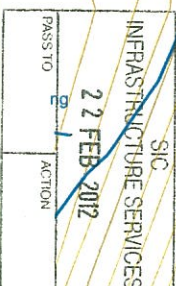


R.G. JAMIESON
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Project	Proposed House Site No. 4	Proposer, Whithers
Drawing Title	Site layout Plan Showing Proposed New Access Road	
Drawing Status	PLANNING	
Drawing Number	09080/20	
Revision	A	
Drawn By	EJA	Date Drawn Jan '12
Checked By	RGJ	Project No. 09080
Scale(s)	@ A3	



TINGWALL, WHITENESS AND WEISDALE COMMUNITY COUNCIL

Clerk:
Mrs Margaret Smith
Stenaquoy
Wormadale
Whiteness
Shetland
ZE2 9LJ
◆
Phone 01595 840480
Email
twv.communitycouncil@googlemail.com

2012/059/PPP: Erect dwellinghouse (permission in principle) Site 4 Nesbister, Whiteness by Mr Brian Brand

Comments:

The members wish to object to this application because it is over-development of the area. There has been a recognised desire to keep a distance between the existing settlements of Wormadale and Nesbister and this application will further reduce the current gap. There are already several sites (at least 6) with planning permission in the immediate vicinity which have not yet been developed and their visual impact is not yet apparent. The residents of the area chose to live in a rural setting and would like the area to remain rural in feel.

SIC INFRASTRUCTURE SERVICES	
30 MAR 2012	
PASS TO	ACTION

Signed: Margaret Smith

Date: 28 March 2012

Chairman: Mrs June Johnson, Eraclett, Whiteness, Shetland, ZE2 9LJ

2012/059/PPP Schedule of Conditions

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

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

(2.) The development hereby permitted shall be commenced within five years from the date of this permission, or within two years from the date of the approval of the Planning Authority of the last of the matters specified in conditions, which ever is the later.

Reason: To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 21 of the Planning etc (Scotland) Act 2006.

(3.) An application for Approval of Matters Specified in Conditions shall be made to the Planning Authority within three years from the date of this permission.

Reason: To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 21 of the Planning etc (Scotland) Act 2006.

(4.) The development shall not commence until an application for Approval of Matters Specified in Conditions for the following matter(s) has been submitted to and approved by the Planning Authority:

1. A site layout plan at a scale of 1:500 showing the position of all buildings, access roads, vehicle circulation and parking areas, external storage facilities, fencing, any proposed landscaping and any surface water drainage proposals, including details of any flow attenuation measures required, within the area of the development site.
2. Plans and elevations of the proposed building and any other proposed structures, indicating their dimensions and type and colour of external materials.
3. A plan identifying the vehicular access to the development site from the main public road.
4. A plan identifying the route of the connection to the public sewer.
5. Site levels and section(s) through the development site and the access into the site showing the extent of any proposed underbuilding or excavation.

Reason: To comply with the provisions of Part 3 Section 12 of The Town and Country Planning (Development Management Procedure)(Scotland) Regulations 2008.

(5.) In so far as this consent shall relate to the foul drainage to be constructed in association with the development it shall relate only to provision of a connection to the public sewer. 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.

Notes to Applicant:

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.

Road Access and Parking:

The following Roads Service requirements are to be detailed and submitted for consideration as part of the planning application for approval of matters specified in conditions:

- Roads Services indicated that a development corridor will be required along this section of the Nesbister Road meaning that any proposed house on this site will require to be set back a minimum of 10 metres from the edge of the public road. This is to allow space for any future upgrading of the road or verges.
- A visibility splay of 2.5 metres by 90 metres must be provided at the junction of the access with the public road. This is available at present. A visibility splay of 2.5 metres by 33 metres must be provided at the junction of the site access with the new access road. This is available at present.
- No fence, wall, bushes or other potential obstruction to visibility shall be permitted within 3 metres of the edge of public road and within 2 metres of the edge of the new access road.
- The gradient of the site access shall not exceed 5% (slope of 1 in 20) for the first six metres from the road edge.
- The access shall be completed with bitmac for at least the first six metres behind the road edge.

- Site and access drainage shall be designed in order that it does not shed surface water from the site onto the public road.
- The access shall be piped with at least a 300mm diameter culvert that shall have concrete headwalls provided at either end of the pipe.

Car Parking:

Car parking spaces shall be provided within the site as detailed below. Turning provision for cars shall be also be provided within the development site in the form of a standard hammer head or a manoeuvring space at least 7.6m x 7.6m.

2-3 bedroomed dwellinghouse : 2 car parking spaces.

4 bedrooms or more : 3 spaces.

Scottish Water:

In terms of planning consent, Scottish Water does not object to this planning application. However, please note that any planning approval granted by the Local Authority, does not guarantee a connection to Scottish Water's infrastructure. Approval for connections can only be given by Scottish Water when the appropriate application and technical details have been received. The developer should contact Scottish Water directly to discuss connection. (www.scottishwater.co.uk Tel: 0845 601 8855)

Surface Water Drainage:

In order for there to be compliance with Shetland Structure Plan (2000) Policies GDS1 and GDS4 and Shetland Local Plan (2004) Policies LPNE10 and LPWD11 the Planning Authority will need to be satisfied that the surface water drainage proposals that are required to be submitted for consideration prior to commencement of the development will ensure that the development will not result in flooding, or be liable to flooding, or have an adverse impact on any neighbouring properties or landownership (including public roads and footways) this includes any changes proposed to the existing pattern of hill drainage.

Building Design:

In order for the Planning Authority to be satisfied that the development will not have an adverse impact on the visual amenity of the area or the amenity of any neighbouring properties, and to ensure compliance with Shetland Local Plan (2004) Policy LPBE13, the details of the building and other structures that are required to be submitted prior to commencement of the development should not incorporate any substantive underbuilding, including underbuilding for the purposes of the provision of a garage, workshop, other habitable room or useable space. In order to protect privacy and amenity, there should not be any direct overlooking of the windows of habitable rooms in any adjacent properties at a distance of less than 25 metres.

Notification of Completion of Development:

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



REPORT

To: Planning Committee

3 July 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 of the last Council, 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
2012/049/PPF	Variation of Planning Permission 2010/326/PCD (to widen access road, form coastal protection works and expand car park, Sullom Voe Oil Terminal, Mossbank) by removing condition numbers 6 and 7	Total E&P UK Ltd	Approve, with conditions	Planning authority is landowner
2012/050/PPF	Change of use of agricultural land to garden ground and erect attached garage to north elevation, 15 Atlaness, Hamnavoe, Burra, Shetland, ZE2 9XW	Mr G W Laurensen	Approve, with conditions	Planning authority is landowner
2012/106/PPF	Create car parking area (retrospective planning application), Linkster, Tingwall, Shetland, ZE2 9SG	Roads Service Shetland Islands Council	Approve, with conditions	Planning authority is applicant
2012/159/PPF 2012/160/PPF 2012/161/PPF 2012/162/PPF	Erect Prysmian SC3000 street cabinet in verge at: B9076 Junction to Sellaness (2012/159/PPF); A970/B9076 Junction, Brae (2012/160/PPF); A970 Brig O' Fitch Junction	Shetland Telecom	Approve, with conditions	Planning authority is landowner

	(2012/161/PPF); and A970 Tagon Junction, Voe (2012/162/PPF)			
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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: 3/7/2012

Appendix

2012/049/PPF - Variation of Planning Permission 2010/326/PCD (to widen access road, form coastal protection works and expand car park, Sullom Voe Oil Terminal, Mossbank) by removing condition numbers 6 and 7 by Total E&P UK Ltd

Recommended Conditions

(1.) Permission is hereby granted to undertake the development previously approved under planning consent 2010/326/PCD without the requirement to comply with condition numbers 6 and 7 of the said consent. This permission shall be read and implemented in conjunction with the remainder of the conditions attached thereto, other than with the addition of the requirement that there shall be no future parking orders required to restrict existing roadside parking at Sullom Voe Terminal (SVT) implemented until the proposed park and ride system to be operated between Sella Ness and SVT (as permitted by planning consent refs: 2011/3/PCD and 2011/370/PPF granted by the Shetland Islands Council on 1st March 2011 and 6th March 2012 respectively) has been completed and is available for use.

Reason: For the avoidance of doubt as to what is being authorised by this permission, and ensure that there is provision of adequate space for vehicles to park in compliance with Shetland Structure Plan (2000) Policy GDS4 and Shetland Local Plan (2004) Policy LPTP12.

2012/050/PPF - Change of use of agricultural land to garden ground and erect attached garage to north elevation, 15 Atlaness, Hamnavoe, Burra, Shetland, ZE2 9XW by Mr G W Laurensen

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.) Prior to the commencement of development the existing street lighting column shown on Proposed plan ref: SBC/15AH/03 Rev.A shall be relocated to the opposite side of the road, from its current location. Details of the relocation are to be submitted and approved in writing by the Planning Authority beforehand.

Reason: In order to maintain street lighting levels in the area. in compliance with Shetland Structure Plan (2000) Policy GDS4 and Shetland Local Plan (2004) Policy LPNE10.

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

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

(5.) 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.

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.

2012/106/PPF - Create car parking area (retrospective planning application), Linkster, Tingwall, Shetland, ZE2 9SG by Roads Service Shetland Islands Council

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 following visibility splays shall be provided in connection with the development and shall be maintained throughout the lifetime of the development.

- A visibility splay of 4.5 metres by 215 metres shall be provided to the south of the junction of the access to Linkster with the A970 public road;
- A visibility splay of 2.5 metres by 33 metres shall be provided to the east of the junction of the access into the car park with the public road.

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

(3.) At the junction of the access into the site with the public road:

- No fence, wall, bushes or other potential obstruction to visibility should be permitted within 3m of the edge of the public road;
- The access shall be a minimum of 6 m wide for at least the first 6 metres from the edge of the public road;
- The gradient of the access shall not exceed 5% (slope of 1 in 20) for at least the first 6 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 SPHOU2 and Shetland Local Plan (2004) Policy LPHOU4.

(4.) Any land disturbed by the construction of the development shall be graded and reinstated with topsoil and seeded or turfed with grass or otherwise landscaped. All planting, seeding or turfing shall be carried out by the end of the first planting and seeding seasons following the completion of the development, which run from 1st May to 15th August for the sowing of grass seeds mixtures, and between 1st March and 15th May or before new leaf growth takes place (whichever is the soonest) for the planting of bare root stock trees, shrubs and hedges, and between 1st March and 15th August for potted and cell grown stock trees, shrubs and hedges) . If the site is to be reinstated other than by seeding or turfing with grass a scheme for the landscaping of the site shall first be submitted to and approved in writing by the Planning Authority before the commencement of any landscaping works.

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

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

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

Notes to Applicant:

Notice of completion of development

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

2012/159/PPF; 2012/160/PPF; 2012/161/PPF; 2012/162/PPF - Erect Prysmian SC3000 street cabinet in verge: B9076 Junction to Sellaness (2012/159/PPF); A970/B9076 Junction, Brae (2012/160/PPF); A970 Brig O' Fitch Junction (2012/161/PPF); and A970 Tagon Junction, Voe (2012/162/PPF) by Shetland Telecom

Recommended Conditions (in the case of each application):

(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.

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: Variation of planning permission 2010/326/PCD, to widen access road, form coastal protection works and expand car park, Sullom Voe Oil Terminal, Mossbank, by removing condition numbers 6 and 7

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

By: Total E & P UK Ltd

Application Ref: 2012/049/PPF

1. Introduction

This planning application seeks the removal of condition numbers 6 and 7 of planning consent 2010/326/PCD, granted in December 2010, for a proposal connected with the construction of the Laggan-Tormore gas processing plant (GPP) adjacent to Sullom Voe Terminal. Permission was granted to widen the terminal access road by 7m along its entire length between the lay-down area adjacent to the Ro-Ro slipway and the public road to the southeast of the existing Rangatira car park. Associated coastal protection works was also approved, as was an extension to the Rangatira car park to cater for the loss of existing roadside parking areas close to the terminal during the road widening works. The road widening is necessary to accommodate haulage of large and heavy loads to be used for construction of the GPP which will be offloaded at the Ro-Ro slipway. A number of pre-commencement conditions were attached to planning consent 2010/326/PCD, including those which are sought to be removed which are as follows:

(6) In so far as this consent shall relate to the construction phase of the road widening works, development shall not commence until: details of the overspill parking to be provided at the hardstanding area to be extended (as proposed under planning application 2010/324/PCD) have been submitted to and approved in writing by the Planning Authority; and the area to be provided is available for use. Upon completion of the road widening works, any future parking orders required to restrict existing roadside parking by Sullom Voe Terminal staff shall not be implemented until the Rangatira car park has been extended and the proposed overspill car park at Sella Ness has been approved and completed.

(7) Development shall not commence until details of the pedestrian access route to be provided, including provision of suitable lighting, from the extended Rangatira car park and back to the Terminal access gate, have been submitted to and approved in writing by the Planning Authority.

The proposed development has been subsequently revised such that it is now intended to only part-implement planning consent 2010/326/PCD by widening a smaller section of road adjacent to the lay-down area, along with the creation of a series of lay-bys as permitted by planning consent 2011/018/PCD. A letter accompanied by an amended plan showing the revised area of road widening was submitted as an amendment to planning permission 2010/326/PCD and was subsequently approved. A recent site visit confirmed that construction of the reduced area of road widening, and also the lay-bys, is complete meaning that the proposal to remove the two pre-commencement conditions is in effect an application for retrospective planning permission. Construction of the road widening and lay-bys was commenced by the applicant in March 2012 as there is a condition attached to the relevant planning consents requiring development to commence outwith the period 01 April-31 July inclusive so as to avoid disturbance to nesting birds. The application under consideration was submitted in February 2012 but due to the local government elections in May, a decision of the Planning Committee, as required by the Council's Planning Scheme of Delegations, has not been possible until now.

2. Statutory Development Plan Policies

Shetland Islands Council Structure Plan (2000) Policies

SPTP6 - Road Networks

GDS4 - General Development Policy Natural and Built Environment

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

LPTP12 - Car Parking Standards and Guidelines

3. Safeguarding

Scatsta Airport

Health and Safety Executive - Sullom Voe Hazardous Substances Consent

Special Areas of Conservation - SAC: Sullom Voe

4. Consultations

Health And Safety Executive was consulted on 21 February 2012. Their comments dated 21 February 2012 can be summarised as follows:

Do not advise against the granting of planning permission on safety grounds. However it is recommended that contact is made with the operator of the pipeline that is within the consultation distance of the road widening proposals.

Roads Traffic was consulted on 17 February 2012. Their comments dated 15 May 2012 can be summarised as follows:

While the works referred to under conditions 6 and 7 are no longer planned, it is recommended that the conditions are varied to ensure that the works permitted by planning consent 2011/3/PCD for the park and ride facility at Sella Ness are complete before the road widening works (consented under 2010/326/PCD) commence.

Airport Manager - Scatsta was consulted on 17 February 2012. Their comments dated 5 March 2012 can be summarised as follows:

No objections.

Delting Community Council was consulted on 17 February 2012. Their comments dated 29 February 2012 can be summarised as follows:

No objections.

5. Statutory Advertisements

The application was advertised in the Shetland Times on 17.02.2012

A site notice was not required to be posted.

6. Representations

Representations were received from the following properties:

BP Exploration Operating Company Ltd, current operator of Sullom Voe Terminal, submitted a letter requesting clarification of certain aspects of the proposal as follows:

- Confirmation required regarding where the 42 additional parking spaces will be located so it can be ascertained if further representation or comment is required.
- The submitted map no longer shows the designated parking bays but a total area of road widening, however it is understood that parking bays are still being put in at designated areas and not a total road widening. Clarification required.

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 covering letter submitted with the application sets out the justification for removal of the two pre-commencement conditions, the main points being:

- The lay-down area is no longer required for parking during construction since the smaller section of road to be widened will not result in the loss of any roadside parking.
- It is no longer proposed to extend the Rangatira car park and create a pedestrian access route from there to SVT. Instead the car park is to be used as a lay-by during transportation of loads to the GPP. To offset any loss of roadside parking near to the terminal during such periods of transportation, a park and ride system is to be operated between Sella Ness and SVT in accordance with planning permission 2011/3/PCD.
- There will be no loss of roadside parking during construction of the lay-bys permitted by planning permission 2011/018/PCD since they are to be constructed in sequence. A condition attached to this permission also requires the park and ride system to be fully operational prior to any load transportation commencing.

BP requested clarification on matters as outlined at section 6 above. The applicant submitted a response to this, which was forwarded to BP along with a request that any further comments should be submitted within a period of 14 days. No further representation has been received.

Roads Services has recommended that the relevant conditions be varied to ensure that the park and ride development at Sella Ness (planning permission 2011/3/PCD) is complete before the road widening works commence. Given that the road widening works have already commenced, any requirement to vary the conditions is no longer necessary. In respect of restriction to roadside parking during periods of load transportation to the GPP, a condition attached to planning permission 2011/018/PCD for the lay-bys (now constructed), requires the park and ride system to be complete and operational prior to implementation of any such parking restrictions.

Construction of the reduced area of road widening along with a series of lay-bys consented by planning permission 2011/018/PCD has already been completed. On the basis that proposals for transportation of loads to the GPP have been revised to include use of the Rangatira car park as a lay-by with a park and ride system in operation between Sella Ness and SVT during such periods of transportation, it is considered that condition numbers 6 and 7 of planning consent 2010/326/PCD are no longer necessary and can therefore be removed.

A condition preventing any future roadside parking restrictions being implemented until the park and ride system between Sella Ness and SVT is operational, similar to that attached to planning permission 2011/018/PCD, is considered appropriate for the avoidance of doubt. Approval of the application on this basis is compliant with the policies outlined at section 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.

Notification to Scottish Ministers

None.

9. Recommendation

Grant subject to conditions

Reasons for Council's decision:

Construction of the reduced area of road widening along with a series of lay-bys consented by planning permission 2011/018/PCD has already been completed. On the basis that proposals for transportation of loads to the GPP have been revised to include use of the Rangatira car park as a lay-by with a park and ride system in operation between Sella Ness and SVT during such periods of transportation, it is considered that condition numbers 6 and 7 of planning consent 2010/326/PCD are no longer necessary and can therefore be removed, subject to the imposition of a condition preventing any future roadside parking restrictions being implemented until the park and ride system between Sella Ness and SVT is operational. On this basis, subject to appropriate controlling conditions, the proposal therefore complies with

Shetland Structure Plan (2000) Policies SPTP6 and GDS4 and Shetland Local Plan (2004) Policies LPTP12.

10. List of approved plans:

- Location Plan 1010025_L(--)003 13.02.2012

Conditions:

(1.) Permission is hereby granted to undertake the development previously approved under planning consent 2010/326/PCD without the requirement to comply with condition numbers 6 and 7 of the said consent. This permission shall be read and implemented in conjunction with the remainder of the conditions attached thereto, other than with the addition of the requirement that there shall be no future parking orders required to restrict existing roadside parking at Sullom Voe Terminal (SVT) implemented until the proposed park and ride system to be operated between Sella Ness and SVT (as permitted by planning consent refs: 2011/3/PCD and 2011/370/PPF granted by the Shetland Islands Council on 1st March 2011 and 6th March 2012 respectively) has been completed and is available for use.

Reason: For the avoidance of doubt as to what is being authorised by this permission, and ensure that there is provision of adequate space for vehicles to park in compliance with Shetland Structure Plan (2000) Policy GDS4 and Shetland Local Plan (2004) Policy LPTP12.

11. Further Notifications Required

None.

12. Background Information Considered

None.

13. Attachments

- Location Plan 1010025_L(--)003

049_Report_of_Handling.doc
Officer: Mr John Rosie
Date: 21st June 2012
Date of Committee: 03rd July 2012

Report of Handling

Development: Change of use of agricultural land to garden ground and erect attached garage to north elevation

Location: 15 Atlanness, Hamnavoe, Burra, Shetland, ZE2 9XW,

By: Mr GW Laurenson

Application Ref: 2012/050/PPF

1. Introduction

This application is for change of use of agricultural land to garden ground and to erect an attached garage to the north gable of the existing dwellinghouse.

The development will involve the relocation of a street lamp in order to gain access to the proposed garage. These works are discussed in the main body of this report.

The development is on Shetland Islands Council land and therefore under the Scheme of Delegations that has been approved by the Scottish Ministers the decision to determine the application is delegated to the Planning Committee.

2. Statutory Development Plan Policies

Shetland Islands Council Structure Plan (2000) Policies

GDS4 - General Development Policy Natural and Built Environment

SPNE1 - Design

SPNE2 - National Scenic Areas

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

LPNE10 - Development and the Environment

LPBE13 - Design

Shetland Islands Council Interim Planning Policy Guidance

SPG20 - Housing Extensions/Garages/Outbuildings

3. Safeguarding

National Scenic Area - National Scenic Area: 53

4. Consultations

Roads Traffic was consulted on the 4 March 2012. Their comments dated 28 March 2012 can be summarised as follows:

Additional details required.

Roads Traffic was consulted on the 6 April 2012. Their comments dated 10 April 2012 can be summarised as follows:

Required gradient met with amended plan. Also note the details on the new plan Re relocation of street lamp, and recommend a condition relating to these works being agreed in writing and carried out prior to commencement on site.

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.

The proposed garage's white chip harl finish will match that of the existing dwellinghouse. With 'front' facing elevation (west) eaves lining up, and underbuilding at 'rear' (east) matching in with the existing dwellinghouse, the proposal seeks to maintain horizontal lines in views obtained. The attached garage does not break the building line at either the front or the rear of the building. The roof pitch has a shallow gradient of 3 degrees, sloping to the rear of the property. Although this is not in-keeping with the existing dwellinghouse, it is similar in design terms to the garage erected adjacent to No.12 Atlaness which appears to have no detrimental impact on the local vernacular.

Given that the proposed development is close to an existing access the Council's Roads Service were consulted. During the course of the application an amended drawing was submitted to reflect the access gradient of 5% to comply with standards, and the relocation of the

street light required to be carried out (at cost to the applicant, with works to be carried out by SIC Roads Service).

The proposed development will have no adverse effect on the National Scenic Area.

The proposed development is suitable in design terms and complies with the Development Plan Policies GDS4, SPNE1, SPNE2, LPNE10, LPBE13 and Interim Planning Policy SPG20.

8. Policy and Delegated Authority

A decision to approve this application with the relevant conditions ensures that the development complies with Council planning policy. As the application is for a proposed development falling within the category of Local Development 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.

Notification to Scottish Ministers

None

9. Recommendation

Grant subject to conditions

Reasons for Council's decision:

(1.) The proposed development is of a suitable design and has no detrimental impact on the natural or built environment. The proposal subject to conditions conforms with Shetland Development Plan Policies GDS4, SPNE1, SPNE2, LPNE10, LPBE13 and Interim Planning Policy SPG20.

10. List of approved plans:

- Plan and Elevations SBC/15AH/03 Rev A 06.04.2012
- Site & Location Plan SBC/15AH/01 22.02.2012
- Existing Elevations SBC/15AH/02 22.02.2012

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.) Prior to the commencement of development the existing street lighting column shown on Proposed plan ref: SBC/15AH/03 Rev.A shall be relocated to the opposite side of the road, from its current location. Details of the relocation are to be submitted and approved in writing by the Planning Authority beforehand.

Reason: In order to maintain street lighting levels in the area. in compliance with Shetland Structure Plan (2000) Policy GDS4 and Shetland Local Plan (2004) Policy LPNE10.

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

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

(5.) 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.

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.

11. Further Notifications Required

None.

12. Background Information Considered

None.

050_Delegated_Report_of_Handling.doc

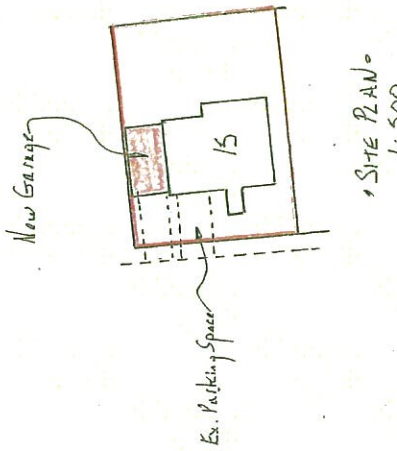
Officer: Steven Pattie

Date: 19th April 2012

Planning Committee: 3rd July 2012

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SHETLAND
BUILDING
CONSULTANCY



15 FEB 2012

B				
A				
Rev	Date	By	Revision	

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Scheme:

Proposed attached garage at
15, Atlanness, Hamanvoe, Burra.

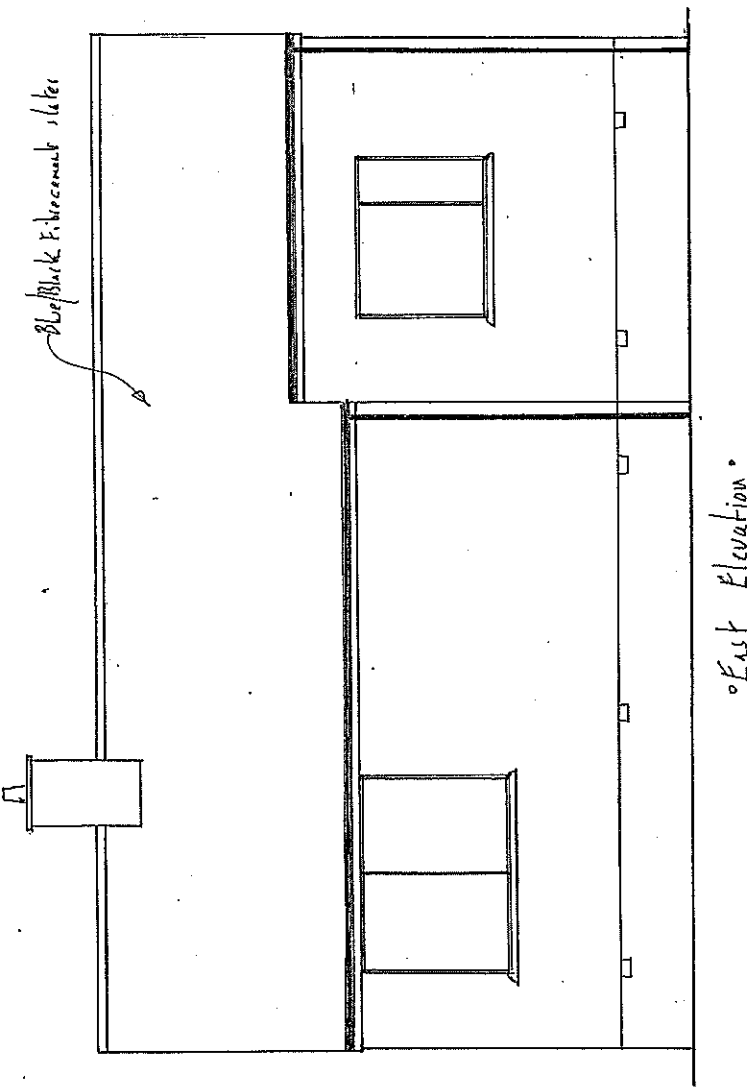
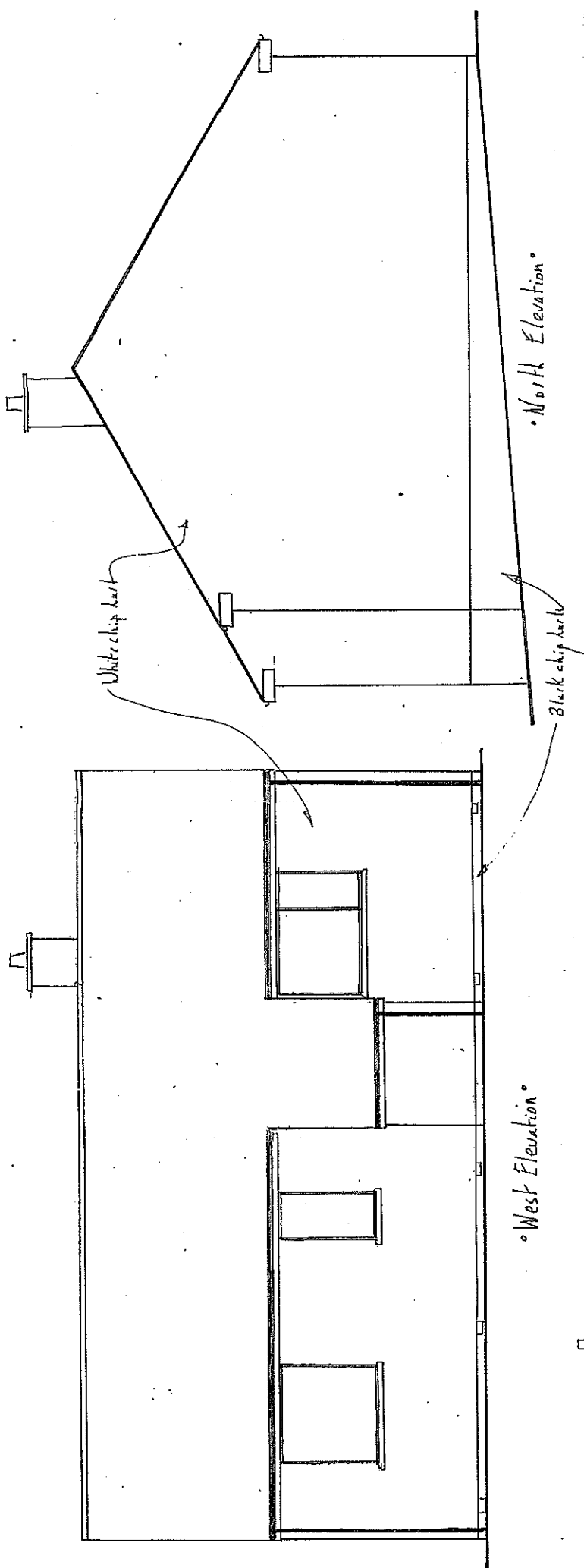
Title:

Site & Location Plans

Date: 13.02.12 Drawn: JRL Checked:

Scale: 1:500 & 1:1250

DRG No: SBC/16AH/01 Rev:



B				
A				
Rev	Date	By	Revision	

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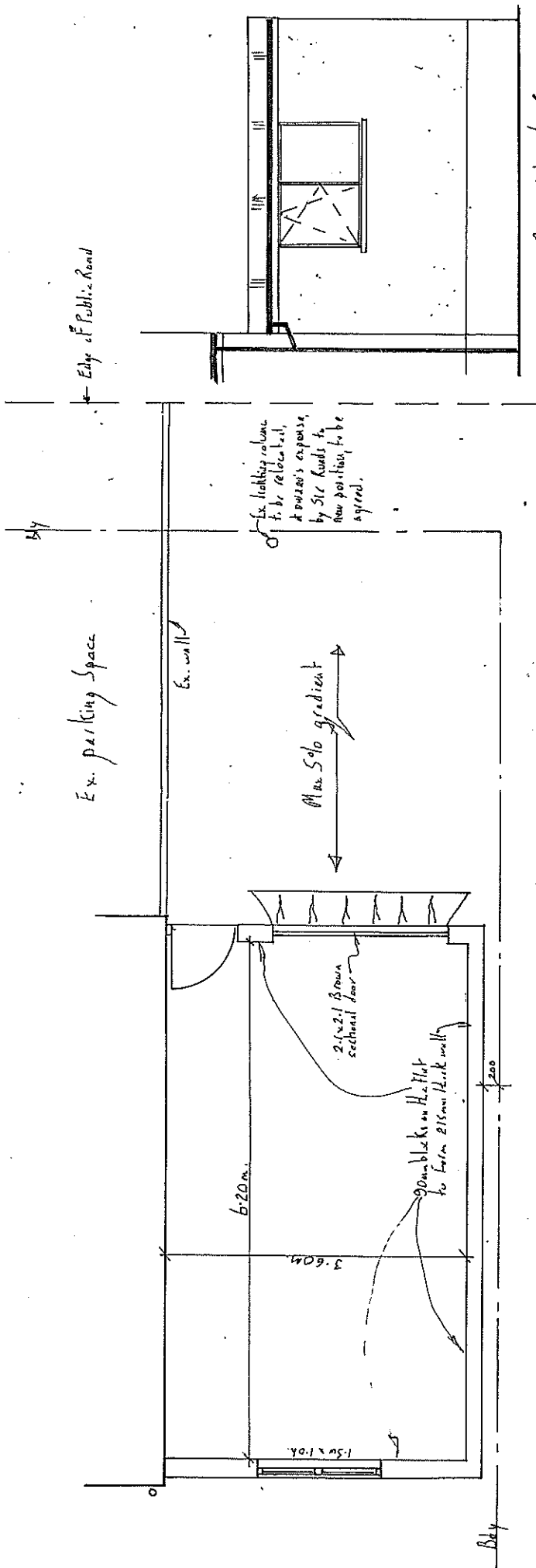
Scheme:
Proposed attached garage at
15, Atlases, Hamanvoe, Burra.

Title:
Existing Elevations

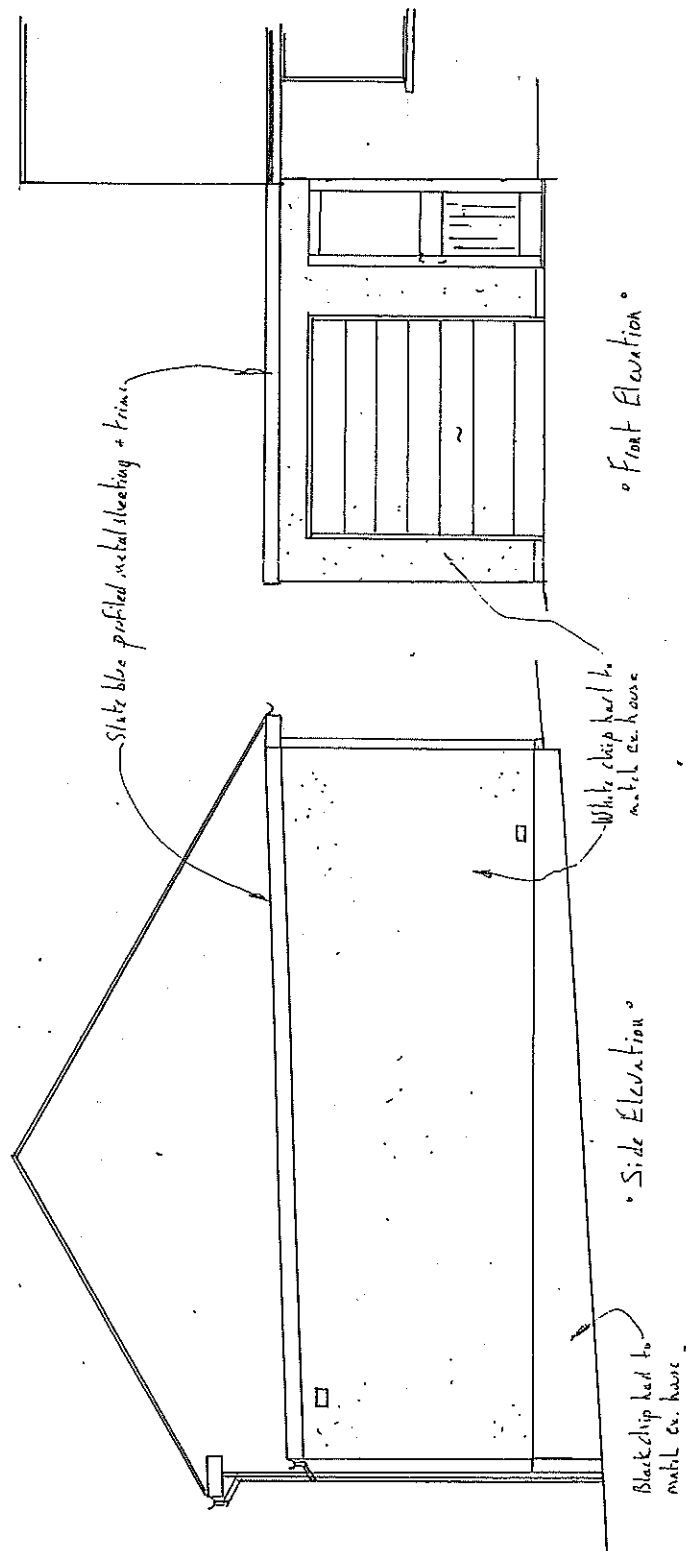
Date: 13.02.12 Drawn: JRL Checked:

Scale: 1:50

DRG No: SBC/15AH/02 Rev:



PLAN



SIC
INFRASTRUCTURE SERVICES
08 473 202
PASS TO: []
[]

Rev	Date	By	Revision
A	5.4.12	SP	First raised floor to comply with gradient for door. Not added

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Scheme:

Proposed attached garage at
15, Atlases, Hamanvoo, Burra.

Title:
Proposed Plan & Elevations.

Date: 13.02.12 Drawn: JRL Checked: -

Scale: 1:50

DRG No: SEC/15AH/03 Rev: A

Report of Handling

Development: Create car parking area (retrospective planning application)

Location: Linkster, Tingwall, Shetland, ZE2 9SG,

By: Roads Service Shetland Islands Council

Application Ref: 2012/106/PPF

1. Introduction

This application concerns the creation of a car park at the Linkster junction in Tingwall. The application is for retrospective planning permission as the development has commenced.

2. Statutory Development Plan Policies

Shetland Islands Council Structure Plan (2000) Policies

GDS4 - General Development Policy Natural and Built Environment

SPNE1 - Design

SPTP6 - Road Networks

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

LPNE10 - Development and the Environment

LPBE13 - Design

Shetland Islands Council Interim Planning Policy Guidance

LDP1 - All development General

SPG26 - General Requirements for All New Dev

3. Safeguarding

Land Capability Agriculture - code: 5.2

Waste Water Drainage Hotspots - Waste Water Drainage Hotspots:
Tingwall

4. Consultations

Roads Traffic was consulted on the 11 April 2012. Their comments dated 18 April 2012 can be summarised as follows:

No objections subject to standard conditions and site specific visibility splay requirements.

Roads Drainage was consulted on the 11 April 2012. Their comments dated 16 April 2012 can be summarised as follows:

Roads Drainage raised no objections to the proposal indicating that in order to comply with the Water Framework Directive the drainage design for the development should include sufficient attenuation to at least reduce flows during 1 in 10 year rainfall events to the level that would have occurred before the development.

During extreme rainfall events surface water flows may exceed the capacity of the drainage system and back up or flow over the ground. Flows from higher ground may also exceed the capacity of any cut off ditches or drains which may be proposed to protect the site. The landscaping/ ground levels on the site should be designed to ensure that these potential overland flows would not cause a flooding problem.

5. Statutory Advertisements

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

A site notice was not required to be posted.

6. Representations

Representations were received from the following properties:

None.

7. Report

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

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

There are statutory Development Plan Policies against which this application has to be assessed and these are listed at paragraph 2 above. The determining issues to be considered are whether the proposal complies with Development Plan Policy, or there are any other material considerations which would warrant the setting aside of Development Plan Policy.

A need for a parking and drop-off facility in this location has been identified to cater for the cars that currently clutter up the verge and obscure visibility for emerging vehicles at this junction.

The development proposed will provide parking for 12 cars, surrounded by a post and wire fence and including a new cut off ditch.

There are no issues arising and the development constitutes an environmental improvement in this area.

8. Policy and Delegated Authority

A decision to approve this application with the relevant conditions ensures that the development complies with Council planning policy. As the application is for a proposed development falling within the category of Local Development 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.

Notification to Scottish Ministers

None

9. Recommendation

Grant subject to conditions

Reasons for Council's decision:

(1.) By virtue of the location and design of the proposed car park, there will be no detrimental impact on the environment or the amenity of the area. The proposal will make a positive contribution to amenity and road safety in the area and therefore the development complies with Shetland Structure Plan (2000) Policy GDS4 and SPNE, and Shetland Local Plan (2004) Policy LPNE10 and LPBE13.

10. List of approved plans:

- Layout Plan, Drg No R/T/A18-01 Rev A

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 following visibility splays shall be provided in connection with the development and shall be maintained throughout the lifetime of the development.

- A visibility splay of 4.5 metres by 215 metres shall be provided to the south of the junction of the access to Linkster with the A970 public road;
- A visibility splay of 2.5 metres by 33 metres shall be provided to the east of the junction of the access into the car park with the public road.

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

(3.) At the junction of the access into the site with the public road:

- No fence, wall, bushes or other potential obstruction to visibility should be permitted within 3m of the edge of the public road;
- The access shall be a minimum of 6 m wide for at least the first 6 metres from the edge of the public road;
- The gradient of the access shall not exceed 5% (slope of 1 in 20) for at least the first 6 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 SPHOU2 and Shetland Local Plan (2004) Policy LPHOU4.

(4.) Any land disturbed by the construction of the development shall be graded and reinstated with topsoil and seeded or turfed with grass or otherwise landscaped. All planting, seeding or turfing shall be carried out by the end of the first planting and seeding seasons following the completion of the development, which run from 1st May to 15th August for the sowing of grass seeds mixtures, and between 1st March and 15th May or before new leaf growth takes place (whichever is the soonest) for the planting of bare root stock trees, shrubs and hedges, and between 1st March and 15th August for potted and cell grown stock trees, shrubs and hedges) . If the site is to be reinstated other than by seeding or turfing with grass a scheme for the landscaping of the site shall first be submitted to and approved in writing by the Planning Authority before the commencement of any landscaping works.

Reason: To ensure the reinstatement of land disturbed by the construction of the development in compliance with Shetland Structure

Plan (2000) Policy GDS4 and Shetland Local Plan (2004) Policy LPBE13.

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

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

Notes to Applicant:

Notice of completion of development

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

11. Further Notifications Required

None.

12. Background Information Considered

None.

2012/106/PPF_Report_of_Handling.doc

Officer: Janet Barclay Smith

Date: 25th April 2012

Planning Committee: 3rd July 2012



Whiteness

Jemima Leslie &
the Executor of
John S Anderson
Laxfirth House
Laxfirth

Jemima Leslie &
the Executor of
John S Anderson
Laxfirth House
Laxfirth

Jemima Leslie &
the Executor of
John S Anderson
Laxfirth House
Laxfirth

Jemima Leslie &
the Executor of
John S Anderson
Laxfirth House
Laxfirth

Whiteness

Strand
Loch

Report of Handling

Developments: Erect Prysmian SC3000 street cabinet in verge

Locations: B9076 Junction to Sellaness (**Application Ref:** 2012/159/PPF)
A970/B9076 Junction, Brae (**Application Ref:** 2012/160/PPF)
A970 Brig O' Fitch Junction (**Application Ref:** 2012/161/PPF)
A970 Tagon Junction, Voe (**Application Ref:** 2012/162/PPF)

By: Shetland Telecom

1. Introduction

This report covers the four planning applications listed above to erect a series of 4 small street cabinets as part of a project to provide a fixed link broadband service to Council properties throughout Shetland. The street cabinets are to be located at 4 road junctions between Lerwick and Sellaness.

The applications require to be reported to the Planning Committee for a decision as the sites are on land owned by the Council and are therefore applications in which the Council has an interest.

2. Statutory Development Plan Policies

Shetland Islands Council Structure Plan (2000) Policies

GDS1 - General Development Policy Sustainable Development
GDS2 - General Development Policy Economic Competitiveness
GDS4 - General Development Policy Natural and Built Environment
SPIND3 - Telecommunications Development

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

LPNE10 - Development and the Environment

Shetland Islands Council Interim Planning Policy Guidance

LDP1 - All development General
SPG26 - General Requirements for All New Dev

3. Safeguarding

None of relevance to the assessment of these applications.

4. Consultations

Roads Traffic was consulted on the 8 May 2012. Their comments dated 21 May 2012 can be summarised as follows:

No objections to any of the applications.

5. Statutory Advertisements

The applications were advertised in the Shetland Times on 11.05.2012

A site notice was not required to be posted in the case of any of the applications.

6. Representations

No representations were received in connection with any of the applications.

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 each of these applications has to be assessed and these are listed at paragraph 2 above. The determining issues to be considered are whether the each 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 street cabinets form part of a bigger project that is the Shetland Telecom Ph4, Northern Line, Brig o Fitch to Sellaness. The project is an extension to an existing network that provides a fixed link broadband service to Council properties throughout Shetland. The junction cabinets are required to enable future extensions to the network and are located at road junctions where there is existing infrastructure. Given the locations proposed and the relatively small scale of the cabinets (1200 mm wide, 330 mm deep and 1100 mm high) these developments will have no detrimental impact on the natural or built environment and no detrimental impact on existing services. The proposed developments therefore comply with the development plan policies outlined at section 2 above.

8. Policy and Delegated Authority

A decision to approve each of these applications with the relevant conditions ensures that each of the developments proposed complies with Council planning policy. As all the applications are for a proposed development falling within the category of Local Development and the Council has an interest in all the proposals, the decisions to determine the applications 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 any of the applications as a departure from the Shetland Islands Council Development Plan Policy, it is imperative that clear reasons for proposing the refusal of planning permission contrary to the development plan policy and the officer's recommendation be given and minuted in order to comply with Regulation 28 of the Town and Country Planning (Development Management Procedure)(Scotland) Regulations 2008 and for the avoidance of doubt in the case of a subsequent planning appeal or judicial review. Failure to give clear planning reasons for the decision could lead to the decision being overturned or quashed, and an award of costs being made against the Council, on the basis that it is not possible to mount a reasonable defence of the Council's decision.

Notification to Scottish Ministers

None

9. Recommendation

Approve all applications.

Reasons for Council's decision (in the case of each application):

(1.) By virtue of the location of the proposed street cabinet within the roadside verge close to existing infrastructure, and the relatively small scale of the proposed street cabinet, the development will have no detrimental impact on the natural or built environment or upon existing services. The proposal therefore accords with the aims of Shetland Structure Plan (2000) policies GDS1, GDS2, GDS4 and SPIND3 and Shetland Local Plan (2004) policy LP NE10.

10. Lists of approved plans:

Sellaness Junction - R/T/A19 _203 (Application Ref: 2012/159/PPF)
Brae – R/T/A19 _202 (Application Ref: 2012/160/PPF)
Brig O Fitch – R/T/A19 _200 (Application Ref: 2012/161/PPF)
Tagon Junction – R/T/A19 _201 (Application Ref: 2012/162/PPF)
SC3000 Streer Cabinet specification (all applications)

Conditions (in the case of each application):

(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.

Notice of Completion of Development:

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

11. Further Notifications Required

None.

12. Background Information Considered

None.

2012/159 to 161/PPF_Report_of_Handling.doc
Officer: Janet Barclay Smith
Date: 3 July 2012

APP KEE.

2012/159/PPF

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Scale 1:500
To Sullom Voe

To Sellaness

To Brae

SITE

To Brae

To Sullom Voe

Sellaness

SIC
INFRASTRUCTURE SERVICES
- 3 MAY 2012
DRAWN TO
7:10:00

Rev. | Date | By | Revision

Scheme

SHETLAND TELECOM DUCT
Northern Line
Brig o Fitch to Sellaness

Shetland Islands Council

Infrastructure Services
Roads Service
Grimstia, Lerwick, Shetland, ZE1 0PX
Telephone: Lerwick (01595) 744866
Fax: Lerwick (01595) 744869

Ch'kd

Title

Planning Application
Sellaness Junction

Date May 2012	Drawn M.L.P.	Ch'kd	Scale As Shown
File No. R/B175	Drg.No. R/T/A19-203	Rev.	

Scale 1: 5000

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App REF:
2012/160/PF



SITE

SIC
INFRASTRUCTURE SERVICES
- 3 MAY 2012
ISSUED TO
ACTING

To Lerwick

Rev.	Date	By	Revision

Scheme

SHETLAND TELECOM DUCT
Northern Line
Brig o Fitch to Sellaness

Shetland Islands Council

Infrastructure Services
Roads Service
Grimsta, Lerwick, Shetland, ZE1 0PX
Telephone: Lerwick (01595) 744866
Fax: Lerwick (01595) 744869

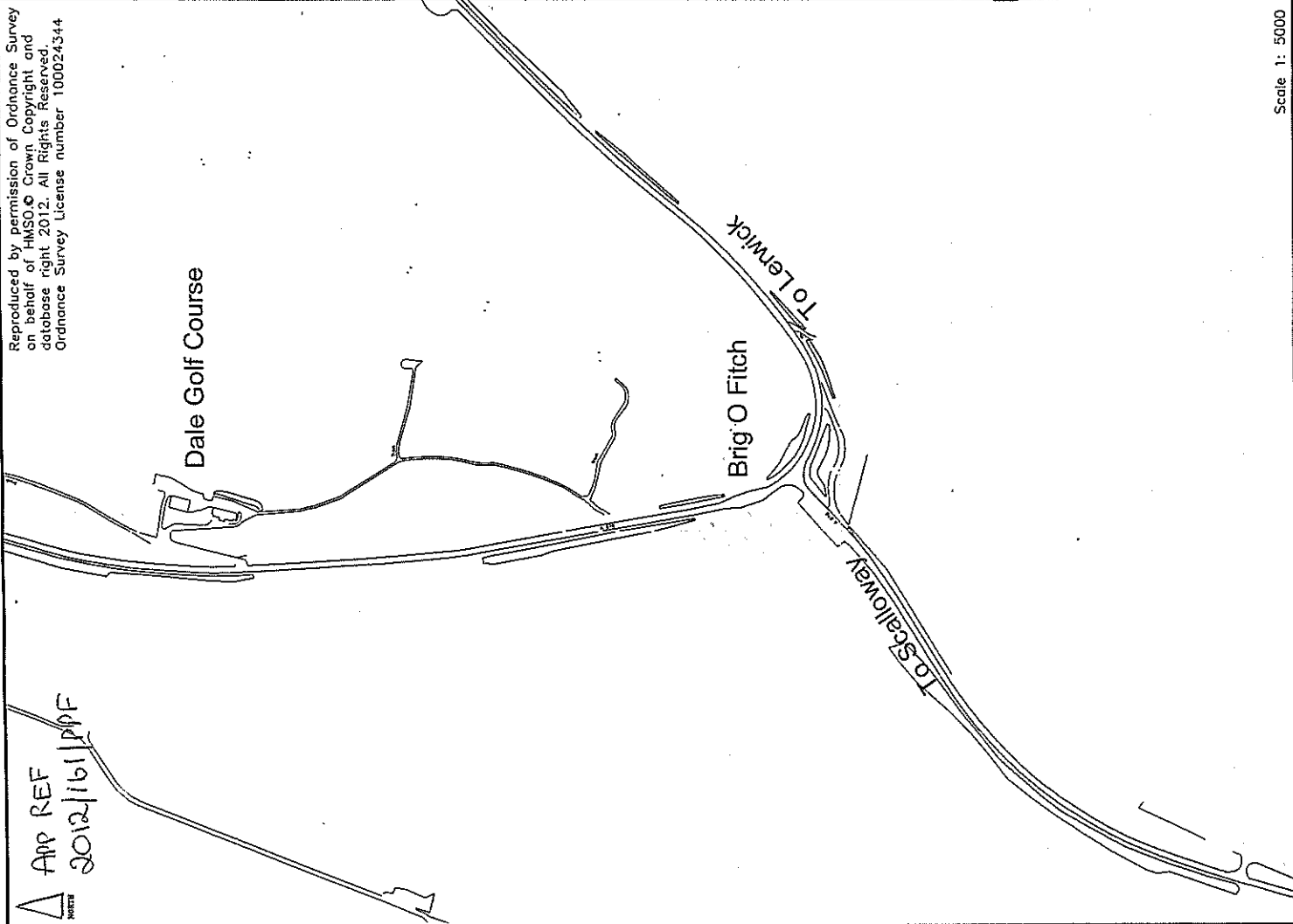
Title

Planning Application
Brae

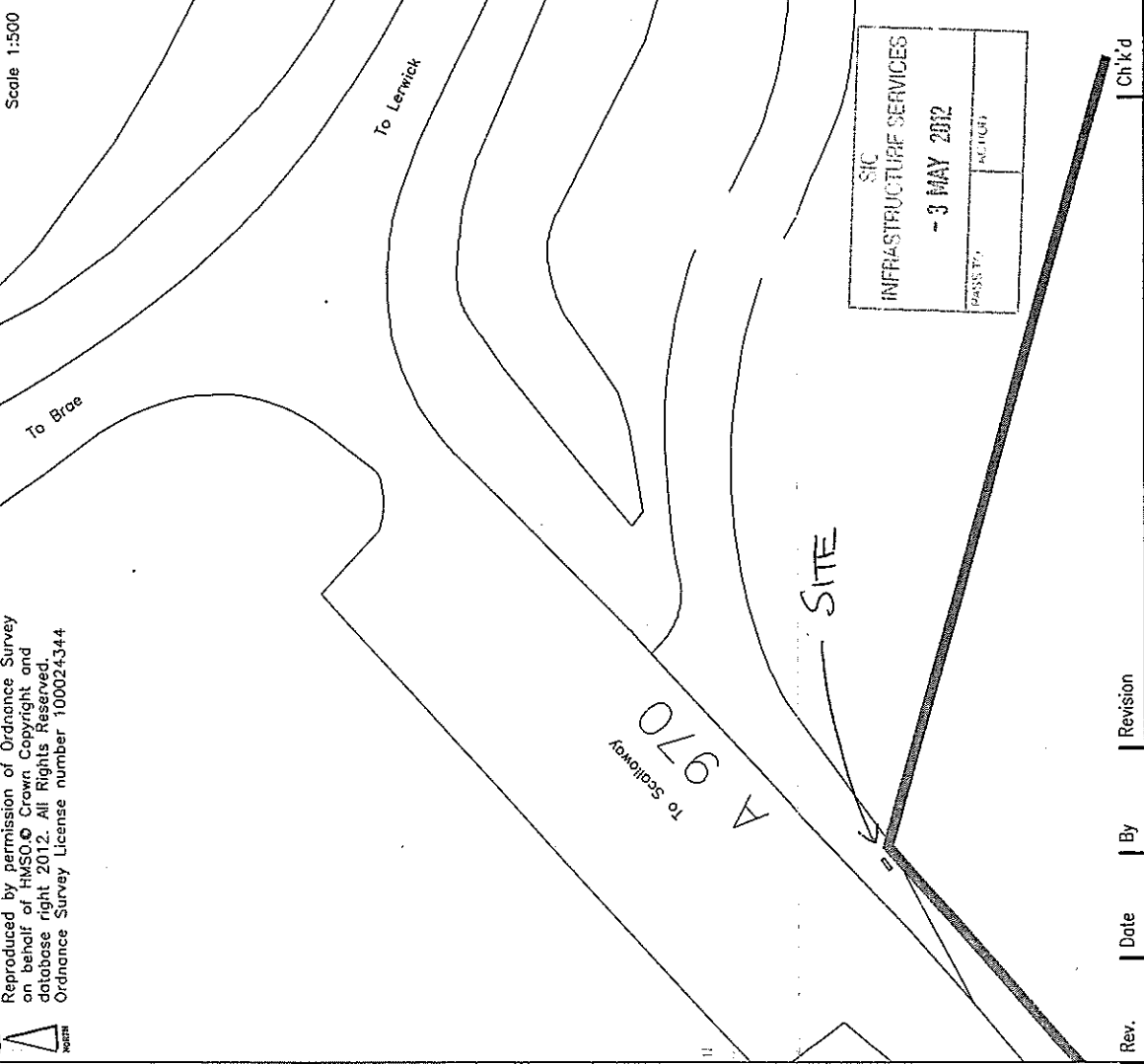
Date	Drawn	Chk'd	Scale
May 2012	M.L.P.		As Shown
File No.	Drq.No.		Rev.
R/B175		R/T/A19-202	

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App REF
2012/161/P/F



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SIC
INFRASTRUCTURE SERVICES
- 3 MAY 2012
PAGE 37
ACTION

Rev.		Date	By	Revision	Chk'd
Scheme					
SHETLAND TELECOM DUCT Northern Line Brig o Fitch to Sellaness					
Shetland Islands Council Infrastructure Services Roads Service Gremista, Lerwick, Shetland, ZE1 0PX Telephone: Lerwick (01595) 744866 Fax: Lerwick (01595) 744869					
Title		Date May 2012	Drawn M.I.P	Chk'd	Scale As Shown
Planning Application Brig O Fitch		File No. R/B175	Orig.No. R/7/A19-200	Rev.	

Scale 1: 5000

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APP REF
2012/162/PPE

Olnafirth School

To Toft

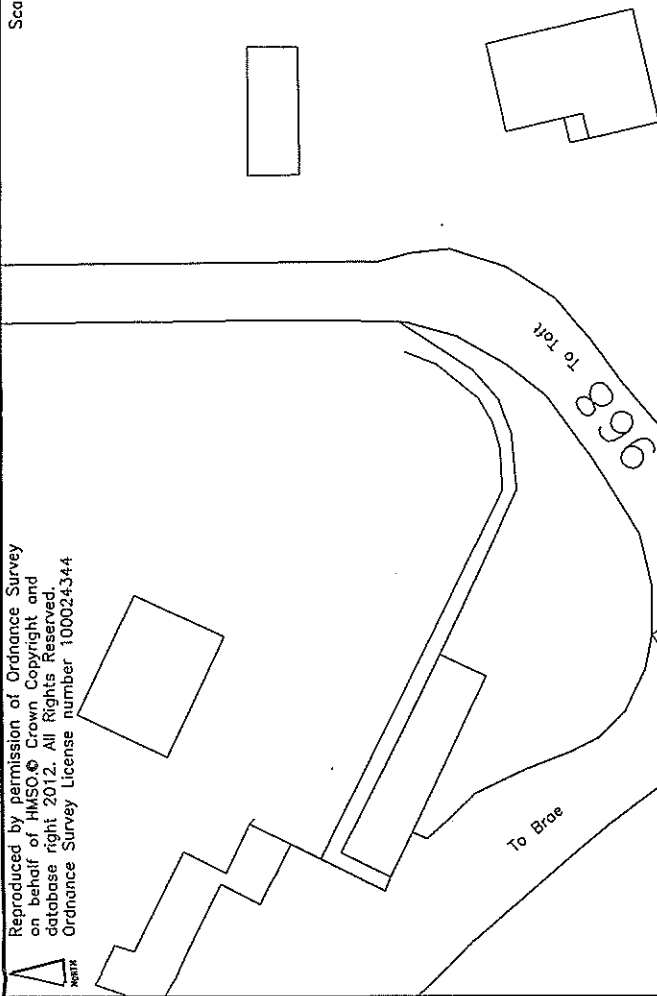
To Brae

Tagon Junction

To Lerwick

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Scale 1:500



SIC
INFRASTRUCTURE SERVICES
- 3 MAY 2012
PASS TO ACTION

Chk'd

Shetland Islands Council

Infrastructure Services
Roads Service
Grimsta, Lerwick, Shetland, ZE1 0PX
Telephone: Lerwick (01595) 744866
Fax: Lerwick (01595) 744869

Rev. Date By Revision

Scheme
SHETLAND TELECOM DUCT
Northern Line
Brig o Fitch to Sellaness

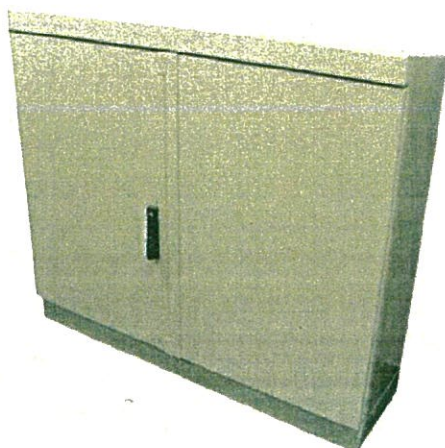
Title
Planning Application
Tagon Junction

Date May 2012	Drawn M.I.P	Chk'd	Scale As Shown
File No. R/B175	Drg.No. R/7/A19-201	Rev.	

Scale 1: 2500

SC3000 Street Cabinet

Prysmian Part Numbers: *XSCSC00003*



The SC3000 Street Cabinet is a standard cabinet with 19" mounting rails, used to accommodate a range of SRS3000 shelves and sub-racks or any other 19" rack mounted products. The cabinet is 1200mm wide by 330mm in depth and 1100mm in height. The cabinet is supplied with two hinged doors. Cable brackets are supplied in the left hand side of the cabinet to enable a range of cable anchor brackets to be installed. Mandrels are supplied in the right hand side of the cabinet to manage and store patchcords. The cabinet can accommodate up to 16 1U shelves and can accommodate standard optical cables and blown fibre tube cables.

Features and Benefits

- The cabinet can accommodate the range of SRS3000 shelves and sub-racks or any other 19" rack mounted products.
- SRS3000 shelves and sub-racks are available for Splicing Only, Patching Only, Splicing + Patching and Patchcord Storage. They can be supplied in 1U, 2U or 3U formats.
- Up to 16 single (1U) SRS3000 shelves can be accommodated in the cabinet providing a capacity of 768 fibres on a splice and patch basis.
- The cabinet is supplied fully configured with patchcord storage mandrels and cable anchor brackets.
- Fitted with cable gland plates in the left and right hand side of the cabinet. Cable entry glands available as required. See additional items.
- Cables are anchored and distributed in the left hand side of the cabinet using ARS and BEM cable anchors. See additional items for further information.
- Patchcord storage drums are supplied in the right hand side of the rack, for patchcord storage and bend management.
- The cabinet has a built in seal providing protection to IP54.
- Standard colour is RAL 7044. Other colours available on request.
- Fitted with a 300mm plinth with a front access panel to ease cable installation and routing.

Kit Contents

The SC3000 Cabinet is supplied fully assembled with doors, a rear panel, side panels, a sloped roof, a 300mm plinth with a front access door, a security handle fitted with a lock, mounting rails, cable anchor brackets and patchcord storage mandrels.

Additional Items Recommended

- SRS 3000 Splice and Patch Shelf
- SRS 3000 Patch Only Shelf
- SRS 3000 Splice Only Shelf
- SRS 3000 Patchcord Storage Shelf
- SRS 3000 Sub-Racks (2U and 3U)
- ARS Cable Anchor Bracket
- BEM Cable Anchor Bracket
- Cable Entry Glands



REPORT

To: Planning Committee

3 July 2012

**From: Development Management
Planning
Development Services Department**

Applications for Consent to Display Advertisements where Determination cannot be taken by Appointed Person under Approved Scheme of Delegations

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 The approved Scheme of Delegations identifies the circumstances under which an application for consent to display an advertisement falls to be determined by the Planning Committee ("the exceptions") as opposed to being determined by officers as have been appointed by the planning authority (defined as the Appointed Person).
- 1.3 The exceptions that apply include applications where: a) application is made by the planning authority or a member of the planning authority; b) the application relates to land in the ownership of the planning authority or to land in which the planning authority has a financial interest; c) a consultee (Scottish Natural Heritage, the Scottish Environment Protection Agency, Historic Scotland, the Health and Safety Executive, Scottish Water or the Community Council) has specifically objected to a proposal, and conditions cannot address those issues, and the recommendation is for approval; or d) the Appointed Person proposes to refuse an application. In relation to interpretation of the first 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 of the last Council, applications for consent to display advertisements, 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.
- 1.5 The applications for consent to display advertisements that are set out in the table below, where exceptions apply, have both 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. The list of conditions relating to the application is appended to this report.

Planning Application Ref.	Development Proposed	Applicant	Officer Recommendation	Type of Exception
2012/045/ADV	To erect advertising signboard, Skibhoul, Baltasound, Unst	SIC Infrastructure Services	Approve, with conditions	Planning authority is applicant
2012/046/ADV	To erect advertising signboard, Ulsta Ferry Terminal, Ulsta, Yell	SIC Infrastructure Services	Approve, with conditions	Planning authority is applicant and landowner

- 1.6 In respect of both applications 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 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 either application.

2. Recommendation

- 2.1 In compliance with Development Plan Policy it is recommended that both of the applications that have been received and which are set out in this report are determined in accordance with the officer's recommendation 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: 3/7/2012

Appendix

2012/045/ADV - To erect advertising signboard, Skibhoul, Baltasound, Unst by SIC Infrastructure Services

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. The

signboard shall be fixed to the existing post 1.8 m above the ground using a sign fix rail with stainless clips.

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

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

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

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

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

(4.) Where any advertisement is required under the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 to be removed the removal thereof shall be carried out to the reasonable satisfaction of the Planning Authority.

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

(5.) Before any advertisement is displayed on land the permission of the owner of that land or other person entitled to grant permission shall be obtained.

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

2012/046/ADV - To erect advertising signboard, Ulsta Ferry Terminal, Ulsta, Yell by SIC Infrastructure Services

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. The signboard shall be fixed to the existing post 1.8 m above the ground using a sign fix rail with stainless clips.

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

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

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

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

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

(4.) Where any advertisement is required under the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 to be removed the removal thereof shall be carried out to the reasonable satisfaction of the Planning Authority.

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

(5.) Before any advertisement is displayed on land the permission of the owner of that land or other person entitled to grant permission shall be obtained.

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

Report of Handling

Development: To erect advertising signboard

Location: Skibhoul, Baltasound, Unst

By: SIC Infrastructure Services

Application Ref: 2012/045/ADV

1. Introduction

This proposal is to erect a signboard upon a site at Skibhoul in Baltasound, Unst to advertise a recycling point.

In terms of external material finishes and colours proposed, the signboard will be of metal construction fitted to an existing post and will contain white lettering, with green, grey and yellow logos upon a green background.

2. Statutory Development Plan Policies

Shetland Islands Council Structure Plan (2000) Policies

GDS4 - General Development Policy Natural and Built Environment
SPNE1 - Design

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

LPNE10 - Development and the Environment
LPBE13 - Design

3. Safeguarding

Zone 1 Modified - Zone 1 Modified: Housing Zone 1

4. Consultations

None.

5. Statutory Advertisements

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

A site notice was not required to be posted.

6. Representations

None.

7. **Report**

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

Where, in making any determination under the Planning Acts, regard is to be had to the development plan, the determination 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 non-illuminated metal signboard for the purposes of advertising a recycling point upon an existing post at a site in Skibhoul, Baltasound, Unst. The proposed signboard measures 0.256m² in area and is 53 cm in length and 50 cm in height and will be fixed 1.8 m above the ground using a sign fix rail with stainless clips. It will contain white lettering upon a green background with grey, green and yellow logos.

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

It is considered that the proposed development will have no adverse impact upon the natural and built environment, nor upon the visual quality of the area given that the signboard is appropriate in terms of scale, colour, materials, form and its location on site which is for the purposes of advertising a recycling point for the local community. 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 Council is the applicant for 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:

The proposed development will have no adverse impact upon the natural and built environment, nor upon the visual quality of the area given that the signboard is appropriate in terms of scale, colour, materials, form and its location on site which is for the purposes of advertising a recycling point for the local community. As such, the proposal complies with Shetland Structure Plan (2000) Policies SPNE1 and GDS4 and Shetland Local Plan (2004) Policies LPNE10 and LPBE13.

11. List of approved plans:

- | | | |
|---|------------------------------------|------------|
| • | Location Plan 2012/045/ADV_SIC/001 | 09.02.2012 |
| • | Site Plan 2012/045/ADV_SIC/002 | 09.02.2012 |
| • | Sign Details 2012/045/ADV_SIC/003 | 09.02.2012 |

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. The signboard shall be fixed to the existing post 1.8 m above the ground using a sign fix rail with stainless clips.

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

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

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

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

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

(4.) Where any advertisement is required under the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 to be removed the removal thereof shall be carried out to the reasonable satisfaction of the Planning Authority.

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

(5.) Before any advertisement is displayed on land the permission of the owner of that land or other person entitled to grant permission shall be obtained.

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

13. Further Notifications Required

None.

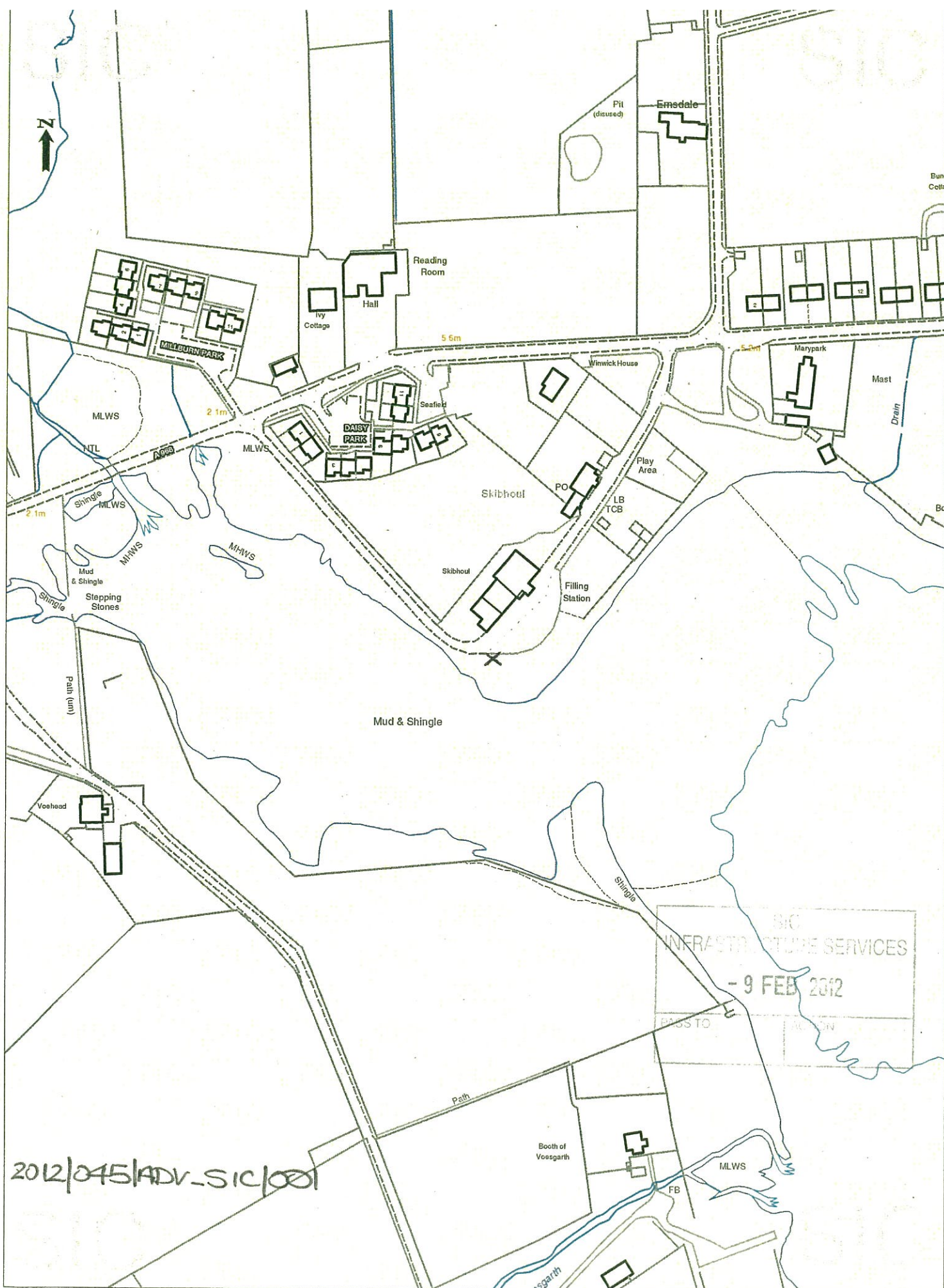
14. Background Information Considered

None.

15. Attachments

Location Plan – 2012/045/ADV_SIC/001	09.02.2012
Site Plan – 2012/045/ADV_SIC/002	09.02.2012
Sign Details – 2012/045/ADV_SIC/003	09.02.2012

045_Report_of_Handling.doc
Officer: Dawn Stewart
Report Date: 8th March 2012
Committee Date: 3rd July 2012



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Date 08/02/2012

PB:

2012/045/ADK SIC1000

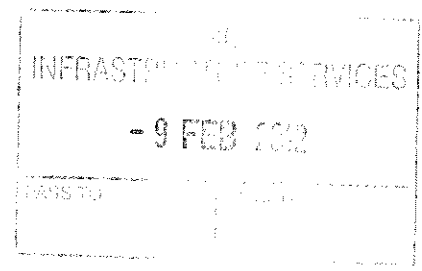


Skibhoul

F
St

X

ud & Shingle



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Date 08/02/2012

PB:

Actual Size:
53cm X 50cm
(0.265m²)

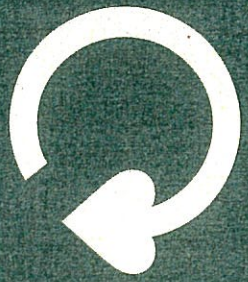
Recycling Point



mixed glass
bottles & jars



food tins &
drink cans



mixed textiles
& clothes



SIC INFRASTRUCTURE SERVICES	
- 9 FEB 2012	
PASS TO	ACTION

Report of Handling

Development: To erect advertising signboard

Location: Ulsta Ferry Terminal, Ulsta, Yell

By: SIC Infrastructure Services

Application Ref: 2012/046/ADV

1. Introduction

This proposal is to erect a signboard upon a site at the Ulsta Ferry Terminal in Yell to advertise a recycling point.

In terms of external material finishes and colours proposed, the signboard will be of metal construction fitted to an existing post and will contain white lettering, with green, grey and yellow logos upon a green background.

2. Statutory Development Plan Policies

Shetland Islands Council Structure Plan (2000) Policies

GDS4 - General Development Policy Natural and Built Environment

SPNE1 - Design

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

LPNE10 - Development and the Environment

LPBE13 - Design

3. Safeguarding

Zone 1 Modified - Zone 1 Modified: Housing Zone 1

4. Consultations

None.

5. Statutory Advertisements

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

A site notice was not required to be posted.

6. Representations

None.

7. **Report**

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

Where, in making any determination under the Planning Acts, regard is to be had to the development plan, the determination 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 non-illuminated metal signboard for the purposes of advertising a recycling point upon an existing post at the Ulsta Ferry Terminal in Yell. The proposed signboard measures 0.256m² in area and is 53 cm in length and 30 cm in height and will be fixed 1.8 m above the ground using a sign fix rail with stainless clips. It will contain white lettering upon a green background with grey, green and yellow logos.

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

It is considered that the proposed development will have no adverse impact upon the natural and built environment, nor upon the visual quality of the area given that the signboard is appropriate in terms of scale, colour, materials, form and its location on site which is for the purposes of advertising a recycling point for the local community. 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 Council is the applicant for 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:

The proposed development will have no adverse impact upon the natural and built environment, nor upon the visual quality of the area given that the signboard is appropriate in terms of scale, colour, materials, form and its location on site which is for the purposes of advertising a recycling point for the local community. As such, the proposal complies with Shetland Structure Plan (2000) Policies SPNE1 and GDS4 and Shetland Local Plan (2004) Policies LPNE10 and LPBE13.

11. List of approved plans:

- | | |
|--------------------------------------|------------|
| • Location Plan 2012/046/ADV_SIC/001 | 09.02.2012 |
| • Site Plan 2012/046/ADV_SIC/002 | 09.02.2012 |
| • Sign Details 2012/046/ADV_SIC/003 | 09.02.2012 |

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. The signboard shall be fixed to the existing post 1.8 m above the ground using a sign fix rail with stainless clips.

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

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

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

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

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

(4.) Where any advertisement is required under the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 to be removed the removal thereof shall be carried out to the reasonable satisfaction of the Planning Authority.

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

(5.) Before any advertisement is displayed on land the permission of the owner of that land or other person entitled to grant permission shall be obtained.

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

13. Further Notifications Required

None.

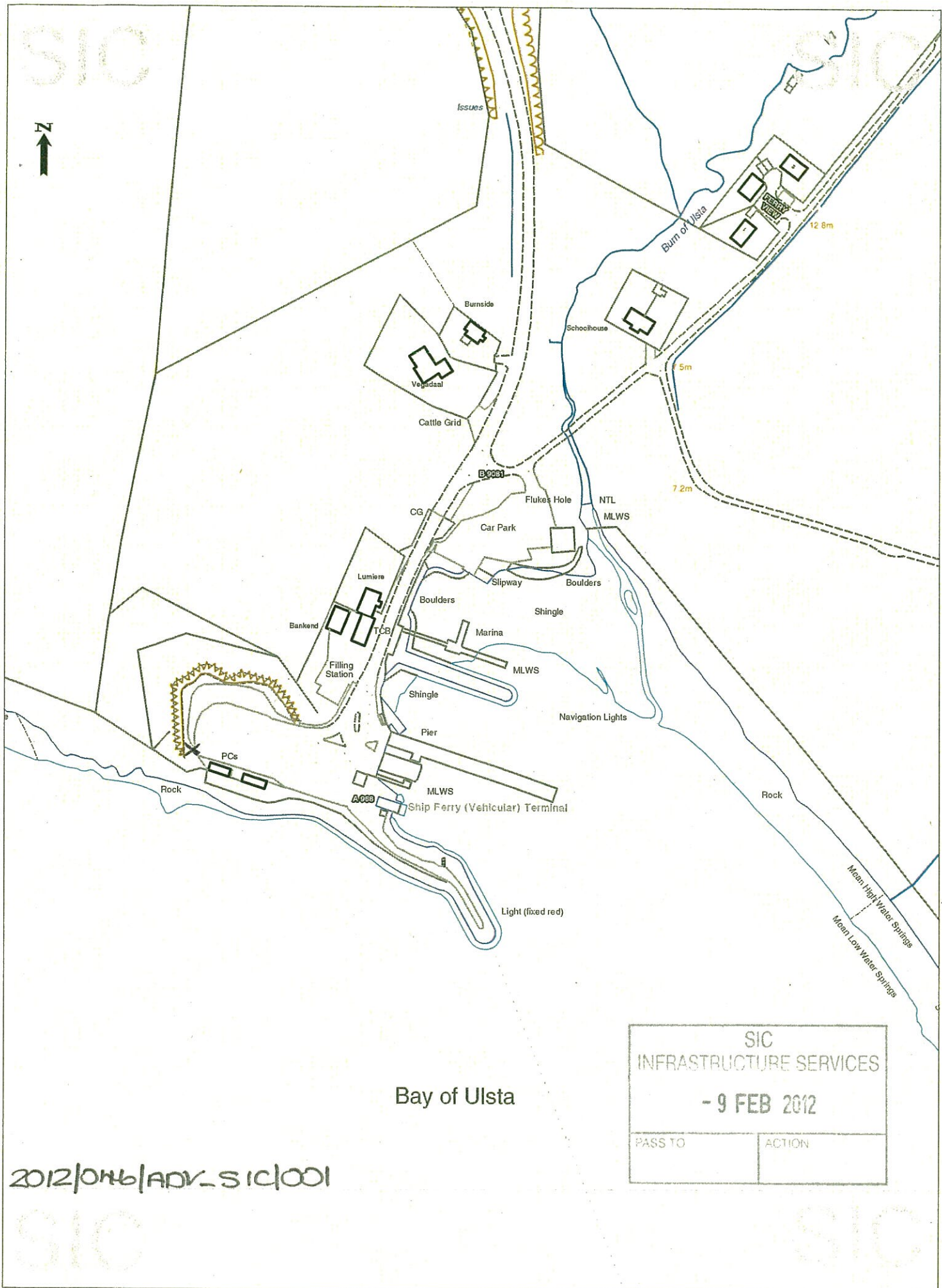
14. Background Information Considered

None.

15. Attachments

Location Plan – 2012/046/ADV_SIC/001	09.02.2012
Site Plan – 2012/046/ADV_SIC/002	09.02.2012
Sign Details – 2012/046/ADV_SIC/003	09.02.2012

046_Report_of_Handling.doc
Officer: Dawn Stewart
Report Date: 8th March 2012
Committee Date: 3rd July 2012

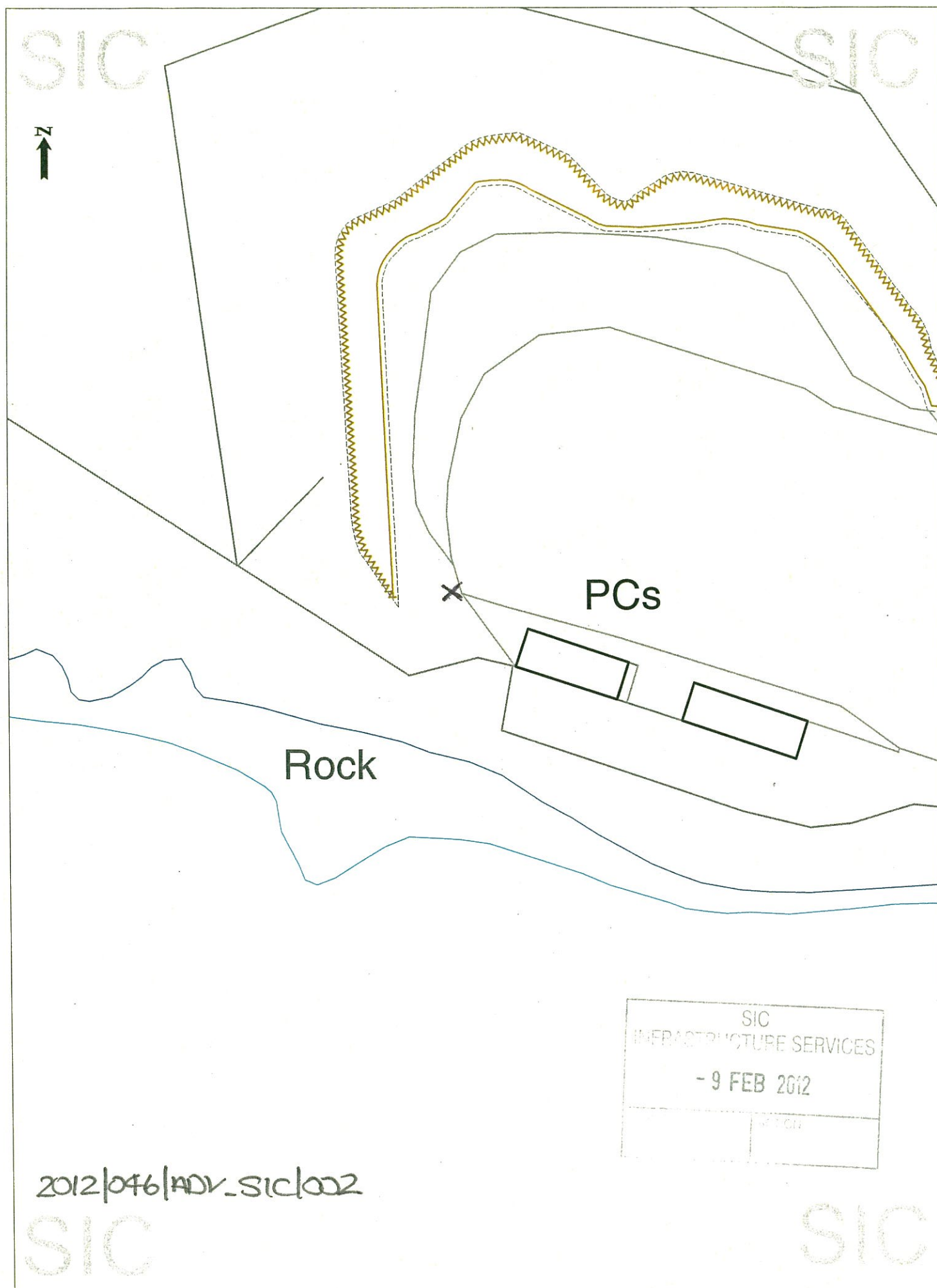


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Date 08/02/2012

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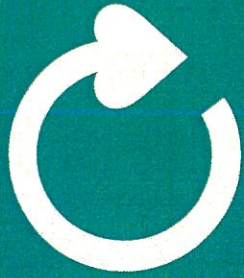


Actual Size:
53cm x 50cm
(0.265m²)

Recycling Point



mixed glass
bottles & jars



food tins &
drink cans



mixed textiles
& clothes



SIC INFRASTRUCTURE SERVICES	
- 9 FEB 2012	
PASS TO	ACTION

2012/046/ADV-SIC/003

