

**Planning Committee****31 July 2012****2012/156/PPF: To erect dwellinghouse with integral garage, Shalders Ayre, 2 Fogralea, Lerwick****PL-19-12-F****Report Presented by Planning Officer –  
Development Management, Planning****Development Services Department**

## **1.0 Summary**

- 1.1 This report concerns a full (detailed) planning application for the erection of a detached dwellinghouse in the garden grounds of number 2 Fogralea, Lerwick. The dwellinghouse would provide 4/5 bedrooms being 1.5 storey in 'L' plan, the house would be finished in white wet harl with timber detailing and dark grey tile to the roof.
- 1.2 This application is presented to Members as a statutory exception under the approved Scheme of Delegations due to part of the development site being land in the ownership of the Council. The application is to be considered under the hearing process as objections have been received from two nearby residents. 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**

|        |                               |
|--------|-------------------------------|
| GDS3   | Existing Settlements          |
| GDS4   | Natural and Built Environment |
| SP NE1 | Design                        |
| SP TP7 | General Car Parking Standards |

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

|         |   |
|---------|---|
| LP NE10 | Development and the Environment                 |
| LP BE13 | Design  |
| LPWD11  | Surface Water Drainage Standards                |
| LPTP12  | Car Parking Standards and Guidelines            |
| LPHOU4  | General and Zone Requirements for All Dwellings |

#### **Material Considerations**

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

#### **Safeguarding**

Zone 1 for Housing

## **4.0 Report**

- 4.1 Location & Site: The site is located within the Sound Area of Lerwick. Fogralea is accessed via Westerloch Drive. The site forms part of the garden grounds to an existing residential property (No 2 Fogralea). The area is a well established residential part of Lerwick, accommodating a variety of properties of various sizes and types, including terraced, semi detached, and substantial detached properties with each benefiting from small to substantial garden grounds. There is a fairly eclectic mix of property styles within the area. The garden ground subject to the proposal is laid to grass.
- 4.2 Neighbour Objection (Fogralea): A resident of number 1 Fogralea (north of the site entrance) identified that whilst there are three existing parking spaces on the public road that are to be altered forming part of the development site, the application form had not shown this in the land ownership certificate and the access and parking section of the application form was incorrectly completed. They also considered that the lay-by parking spaces are extensively used by the public and they would not wish to see them lost.
- 4.3 In response to the objection, the agent corrected the application declarations and an advert was placed in the newspaper to ensure that all those with an interest in the development were aware of the proposal, this was as it was not clear who owned a small part of the land where drainage connections are proposed. The Roads Authority were consulted on the application and the applicant has discussed with the Council opportunities for the purchase of the lay-by parking. There are no parking restrictions in the area with extensive on street

parking being available surrounding both the development and the objector's property. The Roads Authority has no objection to the proposal. It is considered that the loss of a small number of lay-by parking spaces would not compromise the available level of public parking provision. Furthermore the proposal includes the provision of an additional lay-by parking space to compensate.

- 4.4 A condition is proposed to ensure that the developer evidence ownership or control over the land which provides the existing parking and would provide the site parking for the proposal prior to the development commencing.
- 4.5 Neighbour Objection (Murrayston): An objection was received from the owner of 4 Murrayston (to the rear of the site), stating that they would lose daylight and privacy to the rear extension of their property, privacy to their garden, and loss of views, daylight and privacy to the upstairs bedroom. It should be noted that the proposal is north of the objector's property and so there would be no loss of sunlight. Daylight (indirect light) would be maintained, particularly as the proposal is to be finished in a light wall colour, this is unlikely to reduce indirect light to a notable level from the existing grassed garden area.
- 4.6 There are no windows within 18m of the objector's property, with none at all provided to the gable of the proposal that is indirectly adjacent to the objector's property. There are no first floor habitable room windows facing the objector's property.
- 4.7 The garden grounds of the proposal would be partly screened from the garden grounds of the dwellings to the south by the existing boundary treatments, being a fence, garage, trees and planting. The relationship of the proposed garden areas with the objector's garden grounds is no different than the relationship that exists at this time, in that the existing dwelling may utilise the garden area as they see fit for recreational and ancillary purposes. Views are not material to the planning assessment.
- 4.8 A condition is proposed to remove the permitted development rights that would allow for additional window insertions to be placed on the south gable of the proposed house.
- 4.9 Current Council Policies: The Council Policies pertinent to this development proposal are listed under paragraph 3.
- 4.10 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 visual amenity; the compatibility of the proposal with the 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.
- 4.11 Zone Policies Relating to Housing Development: Planning consent for individual new dwellinghouses in Zone 1 areas will normally be granted if the proposed development is sited to reflect the character, style, pattern and density of the surrounding area and all the general

requirements are met. It is considered that the design of the proposed property is of a high standard that would compliment and enhance the residential character and general amenity of this area. The style of the property, being 1.5 storeys with dormers, white wet harl and timber finish, and dark grey slates, is consistent in scale with many of the surrounding properties, yet positively reflects some of the vernacular elements of Shetland thus retaining a sense of Shetland identity and sense of place, visually this is considered to be to the benefit of the existing architectural environment. The house is also located and arranged to be consistent with the pattern and density of the surrounding developments.

- 4.12 General Policies Relating to Housing Development: In consideration of the development against the provisions of the General Housing Policy requirements, the application demonstrates that the proposed development can be served by a suitable and sufficient water supply; a public sewer connection can provide suitable waste water disposal facilities; as discussed in paragraph 4.11 the development would reflect the style, pattern and density of the surrounding area; in respect of access and parking standards the Councils Roads Service do not object to the proposal, and subject to the applicant acquiring control of the 3 bay parking area from the Council, the parking standards can be provided on site; the proposal would provide for more than 100sqm of amenity space in the form of garden grounds; and the development complies with the relevant provisions and intent of the Siting and Design Guidance and Principles contained in Appendix F of the Shetland Local Plan (June 2004); in relation to surface water drainage connection direct to the public surface water drain, it is proposed that acceptance of this arrangement from Scottish Water be evidenced before development starts. Should a separate SUDs be required then acceptable details must be provided for written acceptance, control of which is proposed via condition.
- 4.13 Neighbour 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. Planning Policies are intended to ensure that the amenity of neighbouring properties is safeguarded avoiding undue overlooking and loss of privacy, and loss of daylight and sunlight.
- 4.14 In order to maintain an acceptable level of privacy, a minimum distance of 18 metres (direct) between the windows of the existing and proposed house should be provided. The architect for the proposal has ensured that the house does not contain any windows to the southern elevation, with the only habitable room window being one part of the dining room bay which is in excess of the 18m minimum separation required and at the ground floor. The existing boundary treatments to neighbouring properties include a garage, low level timber fencing and garden planting, all serving to further avoid any encroachment on privacy. There are no upper floor habitable room windows facing the properties to the south. In respect of daylight and sunlight, it should be recognised that the proposal is located north of the neighbouring property where a concern was raised via objection, therefore the direction of shadow would in fact be from the neighbouring property to the south, with the proposal having no impact upon the level of sunlight

currently benefiting the existing properties. Daylight (indirect light) is also unlikely to be impacted upon particularly as the proposal has a light wall finish that would reflect light. Loss of a view is not material to the planning consideration.

## **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 Lerwick Community Council – No objection.
  - 5.2.2 The Roads Authority– No objection with a number of standard conditions recommended.
  - 5.2.3 Scottish Water – Does not object to this planning application.
  - 5.2.4 Residents – Two representations have been received, one objection wishing to see the 3 public parking spaces retained, and one objecting citing concerns over loss of privacy and daylight.
- 5.3 Policy And/Or Delegated Authority – The application is for a development falling within the category of Local Development. As the Council has an interest in the land which is subject to the development proposal, the decision to determine the application is therefore delegated to the Planning Committee under the Planning Scheme of Delegations that has been approved by the Scottish Ministers.
- 5.4 Risk Management – If Members are minded to refuse the application, it is imperative that clear reasons for proposing the refusal of planning permission contrary to the development plan policy and the officer's recommendation be given and minuted. This is in order to comply with Regulation 28 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008. Furthermore, it provides clarity in the case of a subsequent planning appeal or judicial review against the Planning Committee's decision. Failure to give clear planning reasons for the decision could lead to the decision being overturned or quashed. In addition, an award of costs could be made against the Council. This could be on the basis that it is not possible to mount a reasonable defence of the Council's decision.

## 6.0 Conclusions

- 6.1 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](mailto:matthew.taylor@shetland.gov.uk)*

*20 July 2012*

### List of Appendices

- Location Plan
- Site Plan
- Ground Floor Plan
- Upper Floor Plan
- North and South Elevations
- East and West Elevations
- Objection from 1 Fogralea
- Objection from 4 Murrayston
- List of Conditions

### Background documents:

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

**2012/156/PPF. To erect dwellinghouse with integral garage, Shalders Ayre, 2 Fogralea, Lerwick.**

**List 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.) Notwithstanding the details on the approved plans, development shall not commence until written verification of ownership or control of the 4 parking spaces to be provided to serve the new house and, has been submitted to and approved in writing by the Planning Authority. Thereafter the development shall commence in accordance with these approved details. Unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure a suitable parking standard can be provided to serve the development, in compliance with Shetland Islands Council Local Plan (2004) Policy LPTP12.

(4.) Notwithstanding the details on the approved plans, development shall not commence until written verification of Scottish Waters acceptance of the proposed SUDs connection to the public surface water drain, has been submitted to and approved in writing by the Planning Authority. Should a separate SUDs be required within the site then no development shall commence until details have been submitted to and approved by the Planning Authority. Thereafter the development shall commence in accordance with

these approved details. Unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure that a suitable SUDs arrangement is in place to avoid any flooding to the proposed or neighbouring properties, in compliance with Shetland Islands Council Local Plan (2004) Policy LPWD11.

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

A visibility splay of 2.5 metres by 90 metres shall be provided to the south of the junction of the access to Fogralea with the Westerloch road;

A visibility splay of 2.5 metres by 33 metres shall be provided to the east of the junction of the access with the Fogralea 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.

(6.) Notwithstanding the details on the approved plans, and unless otherwise stated at the junction of the access with the public road:

The gradient of the access shall not exceed 5% (slope of 1 in 20) for the first six metres from the road edge;

No fence, wall, bushes or other potential obstruction to visibility shall be permitted within the required junction visibility splay;

Reason: To ensure that the infrastructure serving the development site is completed, both in the interests of visual amenity and to provide a safe access for vehicles, with a clear view, in the interests of public and road safety in compliance with Shetland Structure Plan (2000) Policy GDS4 and Shetland Local Plan (2004) Policy LPHOU4.

(7.) The development shall not be brought into use until the parking provision for 3 cars has been constructed and completed as shown on the approved plans. Thereafter this provision shall be maintained and available at all times and shall be used for no other purpose.

Reason: To ensure the provision of adequate space for vehicles to park and the satisfactory completion of the development in compliance with Shetland Structure Plan (2000) Policy GDS4 and Shetland Local Plan (2004) Policy LPHOU4.

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

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



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

a connection to the local sewer main as specified in the plans and/or details approved under condition no. 1 of this permission. No part of the development shall be occupied until foul drainage works have been completed in accordance with the approved plans and/or details and are fully operational.

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

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

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

(11.) 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.

(12.) Notwithstanding the provisions of the Town and Country (General Permitted Development) (Scotland) Order 1992 or any subsequent, replacement or amendment Order, no windows shall be inserted on the south gable elevation of the dwellinghouse which is the subject of this application. The insertion of any new window openings cannot be carried out 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 neighbouring properties, in accordance with the provisions of Shetland Local Plan (2004) Policy LPHOU4.

**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.

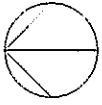
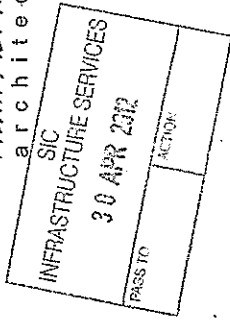
Road Opening Permit –The Shetland Islands Council Roads Service have advised that the length of access that crosses the public road verge shall be constructed to their satisfaction. A Road Opening Permit must be obtained from the Roads Service prior to carrying out any works to form an access onto the 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.

Principal Elevation –The north elevation of the dwellinghouse hereby approved shall be considered to be the principal elevation in terms of The Town and Country Planning (General Permitted Development) (Scotland) Order 2011 as shown on drawing number SK04/1.



Alan McKay  
architect



NORTH

### Neighbours:

1. No. 1 Fogralea, George & Senga Leslie (owner / occupier)

2. No. 2 Fogralea, George Tail. (owner / occupier)

3. Field opposite site:

Owner: Raymond Slater, Burnbank, Whiteness, Shetland.

Tenant: The Equestrian Association, c/o Lisa Chapman, The Willows, 38 South Road, Lerwick.

4. No's 2,4,6 & 8 Murrayston:

No. 2 Murrayston:

Owner: Mrs Margaret Gwyther, 2 Murrayston, Lerwick.  
Tenant: Spiritual Assembly of the Baha'is of Lerwick, c/o Mrs A. Bennet, 44 West Balla, Lerwick.

No. 4 Murrayston: Mr M Goodhand (owner / occupier)

No. 6 Murrayston: Thelma Irvine (owner / occupier)

No. 8 Murrayston: R. Sandison (owner / occupier)

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Page title

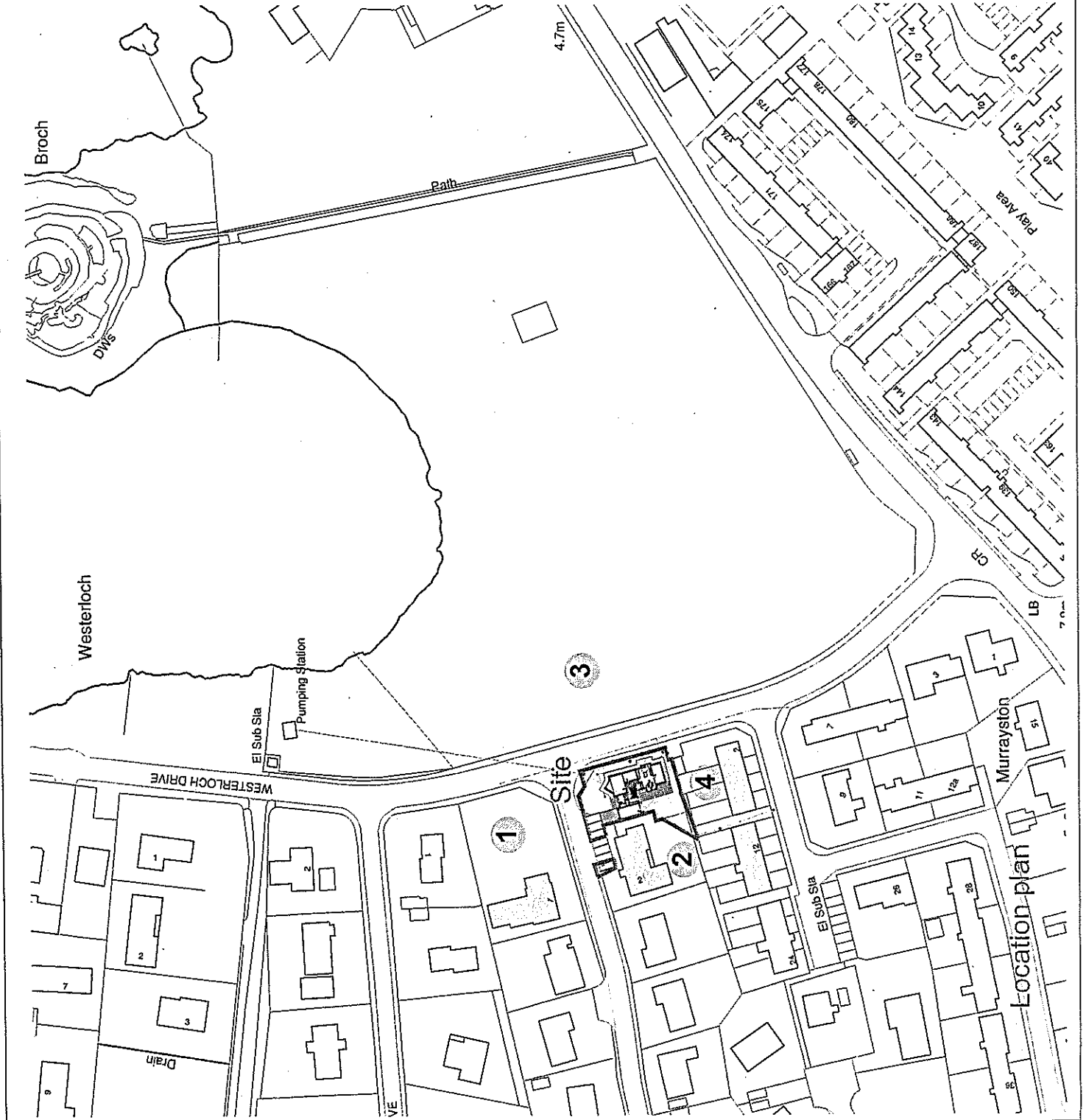
Proposed new house  
at Fogralea, Lerwick

Drawing title

Location plan

Scale: 1:1250  
Date: April 12  
Drawn: ALM

REF: 156AT NO: SK00



# Notes:

Access to site is via the existing lay-by parking area as shown on the plans.  
Existing layby is finished in tarmac.

External steps to have 170mm max. rise, 250 min. going.  
Foul drainage from house to connect to diverted public sewer with disconnecting manhole at curtilage of site. Drainage falls generally to be 1 : 60 min.  
Bedding to be granular material to BS 882 (10mm nominal size for 110 & 150 diam drains, 900 min. cover to drains under vehicular areas, 600 min. cover to drains under footpaths, grassed areas, etc.)

Where cover depths are less than specified, drains to be protected by 100 min. concrete encasement. Rodding access required at the head of all drains and waste pipes and at all changes in direction and gradient. 110mm diam upvc surface water drains.

Surface water to connect to public surface-water drain with disconnecting manhole at curtilage of site. Drainage falls generally to be 1 : 60 min.

The landscaping / ground levels on the site should ensure that potential overland flows of water will not cause a flooding problem to the proposed house (or to any other existing houses) during extreme rainfall conditions. - The site levels should guide water flowing over the ground away from the property, and discharge flows to a suitable point to re-enter the drainage system.

The Contractor is to ensure that:

- The site access point is protected using appropriate protective barriers / gate.
- At the close of each working day and at weekends/ holiday periods, the site is closed off to members of the public and made secure.

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Project file

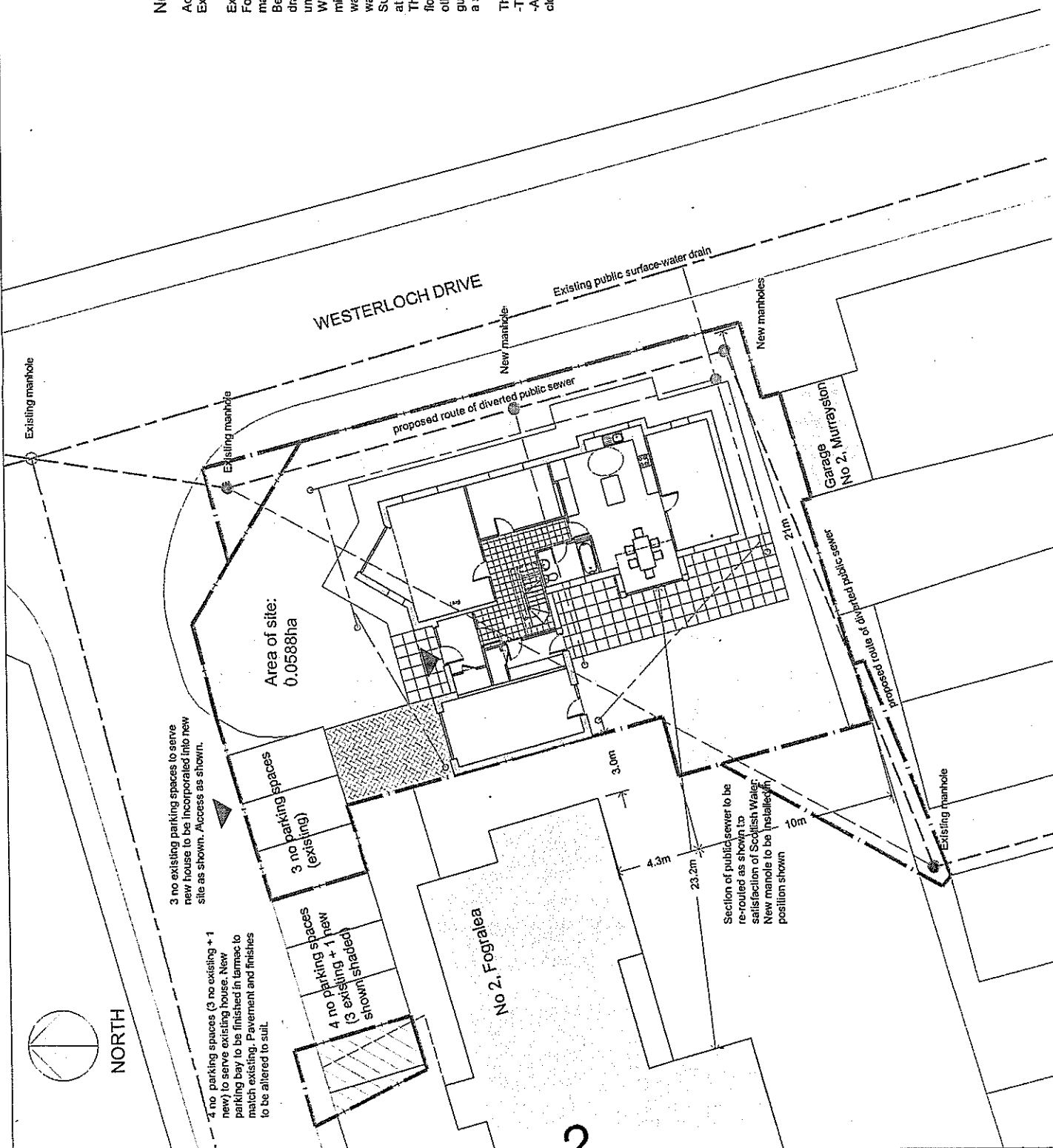
Proposed new house  
at Fogralea, Lerwick

Drawing title  
Site plan

Scale 1:200  
Date April 12  
Drawn AMc

REF: 156AT NO: SK01

Site plan



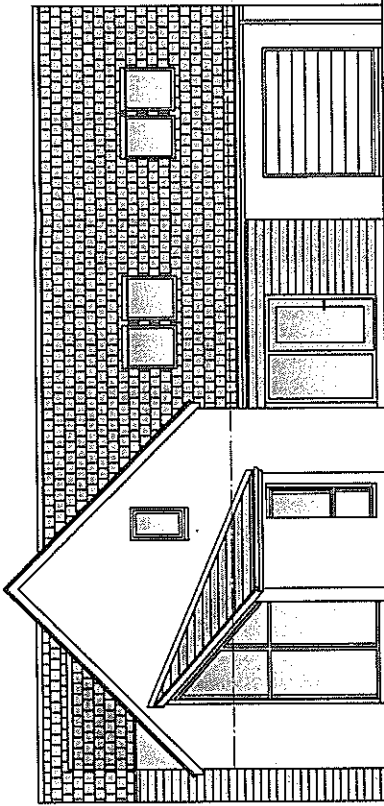
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30 APR 2012  
PASSED  
ACTION

**NOTES**

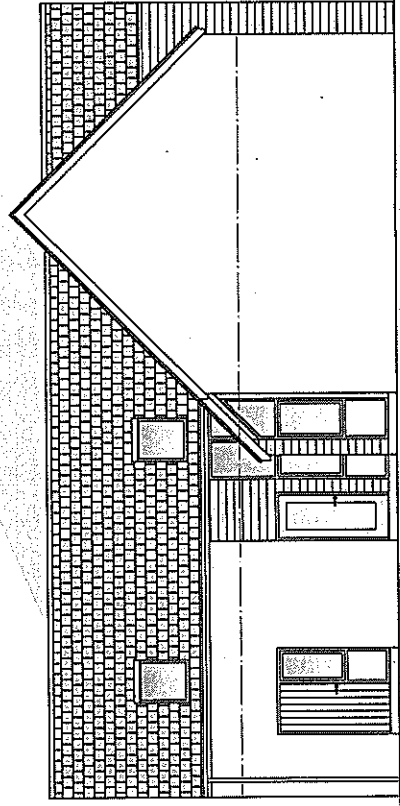
**Finishes:**

Roof: Redland landmark  
concrete slates.  
Colour - dark grey.

Walls: Blockwork finished with  
white wet-hair,  
timber cladding finished with  
blue/gray microporous paint.



North elevation



South elevation

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Project 106

Proposed new house  
at Fogralea, Lerwick

Drawing 106

Elevations

Scale 1:100  
Date April 12  
Drawn AMc

REF: 156AT NO: SK04/1



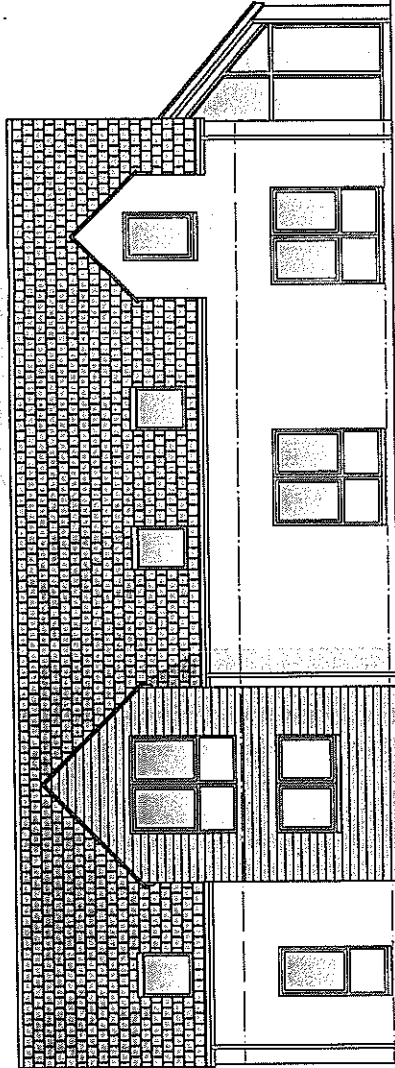
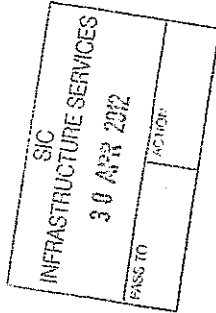
Alan McKay  
architect

# NOTES

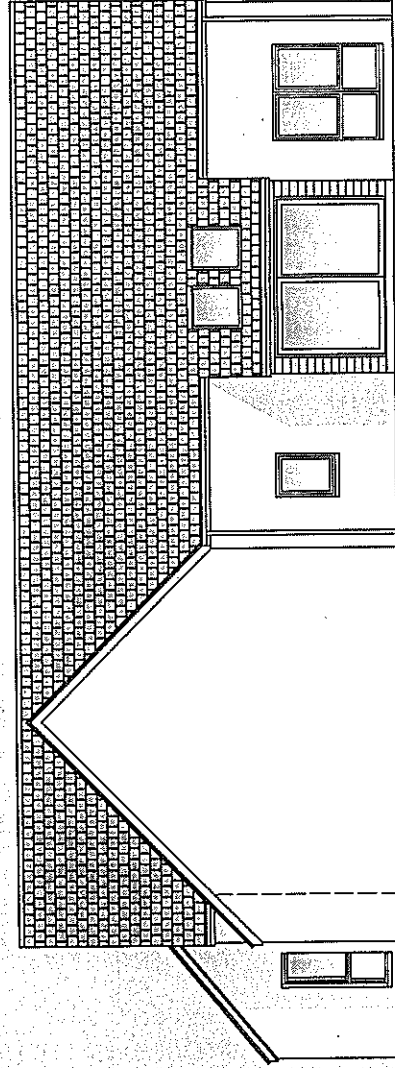
## Finishes:

Roof: Redland landmark  
concrete slates.  
Colour - dark grey.

Walls: Blockwork finished with  
white wet-hair.  
Inner cladding finished with  
blue/grey microporous paint.



East elevation



West elevation

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Project title

Proposed new house  
at Fogralea, Lewick

Drawing title

Elevations

Scale: 1:100  
Date: April 12  
Drawn: AMC

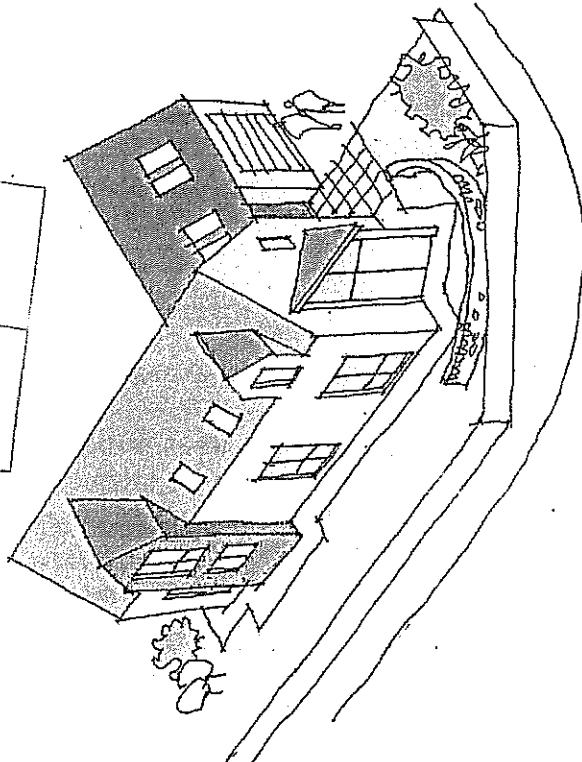
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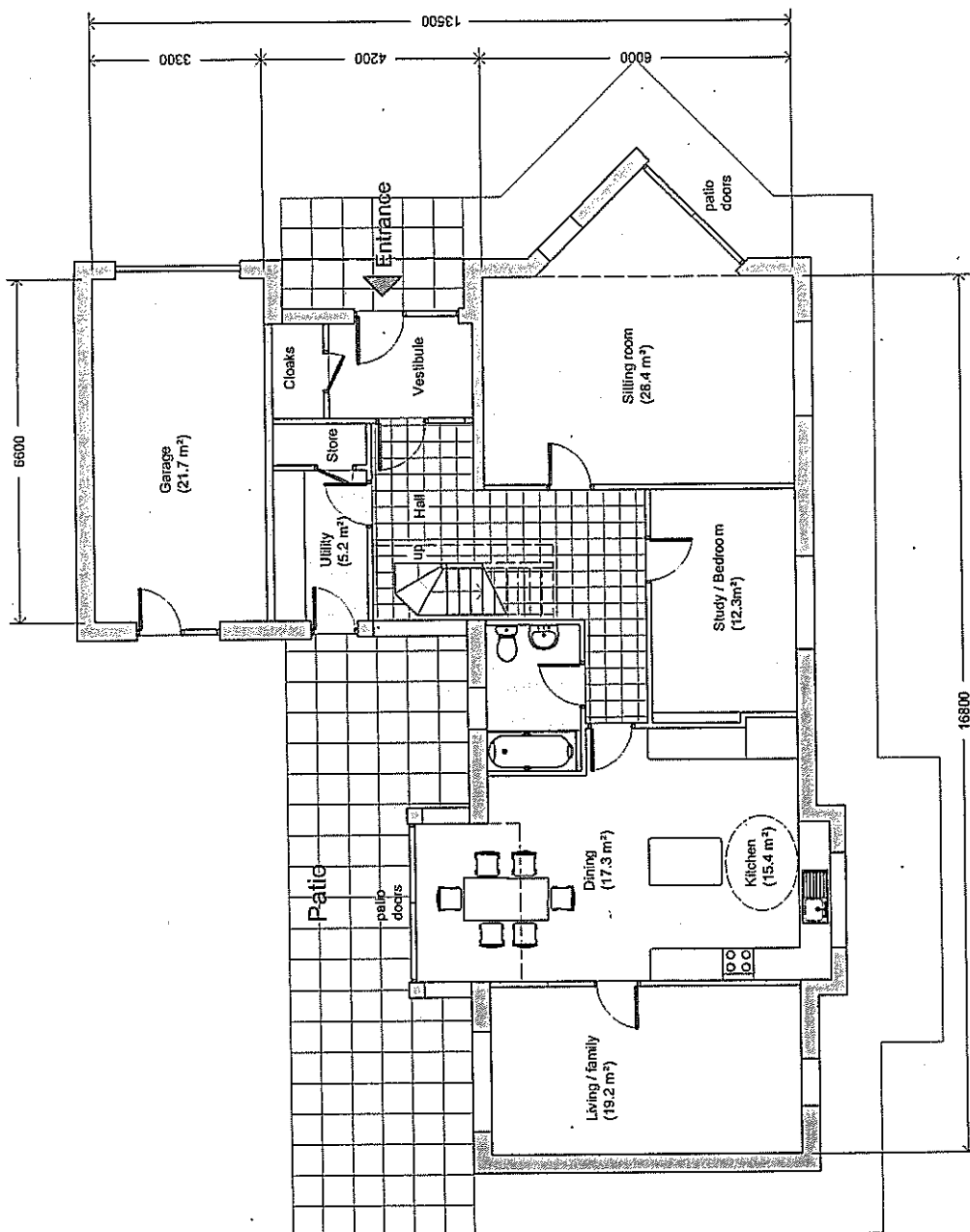


Alan McKay  
architect

|                         |        |
|-------------------------|--------|
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| 30 APR 2012             |        |
| PASS TO                 | ACTION |



Sketch view of frontage



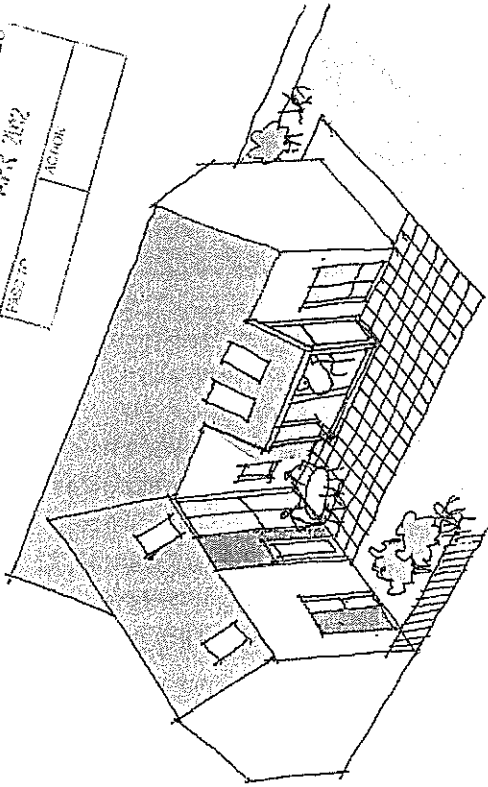
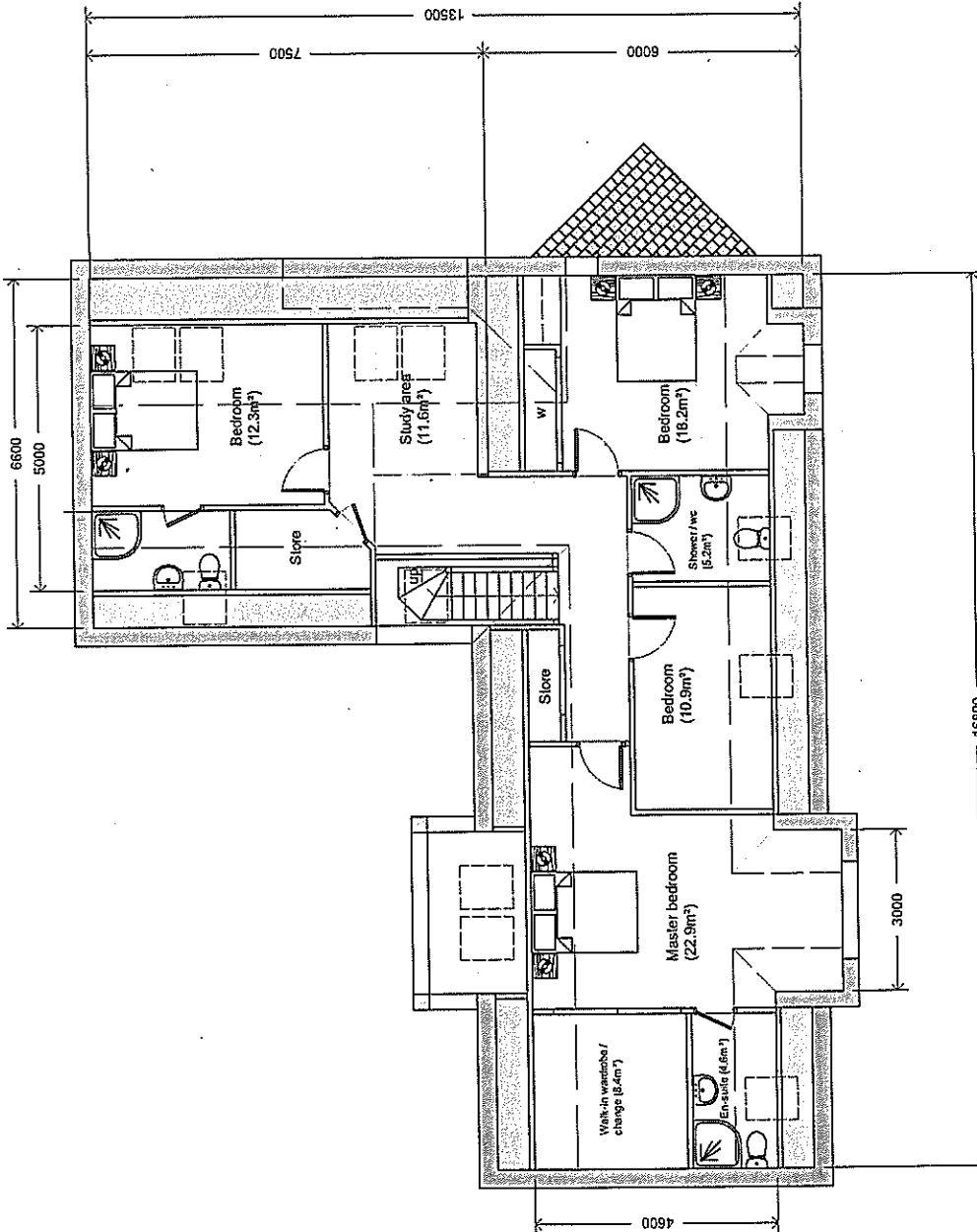
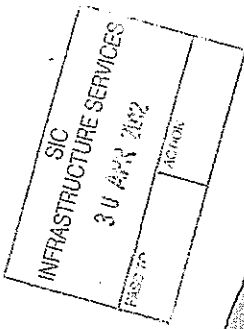
Ground floor (132m²)

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|   |  |
|---|--|
| Project title                             | Proposed new house<br>at Fogralea, Lerwick |
| Drawing title                             | Ground floor plan                          |
| Scale 1:100<br>Date April 12<br>Drawn AMc |  |
| Ref: 156AT                                | No: SK02                                   |



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Sketch view of rear patio

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Project title

Proposed new house  
at Fogralea, Lewick

Drawing title  
Upper floor plan

Scale 1:100  
Date April 12  
Drawn AMC

REF: 156AT MC SK03



|                                |        |
|--------------------------------|--------|
| SIC<br>INFRASTRUCTURE SERVICES |        |
| 11 MAY 2012                    |        |
| PASS TO <u>JW</u><br>156276    | ACTION |

I Fogralea  
Lerwick  
Shetland  
ZE1 0SE  
9<sup>th</sup> May, 2012.

Mr J Wiseman  
Planning Officer  
Development Services  
Grantfield  
Lerwick  
ZE1 0NT

Dear Mr Wiseman

Town and Country Planning (Scotland) Acts  
Development: erect dwellinghouse with integral garage  
Location: Shalders Ayre, 2 Fogralea, Lerwick, Shetland ZE1 0SE  
Application No: 2012/156/PPF

I refer to my telephone conversation with you this afternoon. I have now downloaded from your website the application form etc completed by Mr Alan McKay on behalf of Miss Andrea Tait regarding her house planning application, and wish to comment as follows:

1. The site plan includes THREE parking spaces belonging to the SHETLAND ISLANDS COUNCIL ROADS DEPARTMENT!! These three parking spaces are extensively used by the public.

I enclose a photocopy of the site plan, and have shaded the area concerned in blue ink. I certainly would not wish to see these very essential parking spaces being lost.

2. I also enclose a photocopy of page 4 of the application form, regarding access and parking – “are you proposing any changes to public paths, rights of way or affecting any public rights of access?” Box NO has been ticked. Because of my comments at 1 above, this should certainly have been YES.

Yours truly,



George Leslie

Copy to: Head of Legal Services – Shetland Island Council  
Legal Services Department  
4 Market Street  
Lerwick  
Shetland.

## Existing Use

Please describe the current or most recent use: (Max 500 characters)

Residential (garden ground to existing house adjacent site)

## Access and Parking

Are you proposing a new or altered vehicle access to or from a public road? \*

☒ Yes ☐ No

If Yes please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any changes to public paths, public rights of way or affecting any public rights of access? \*

☐ Yes ☒ No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application site? \*

3

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the total of existing and any new spaces or a reduced number of spaces)? \*

3

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycle spaces).

## Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? \*

☒ Yes ☐ No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? \*

- ☒ Yes – connecting to public drainage network  
☐ No – proposing to make private drainage arrangements  
☐ Not Applicable – only arrangements for water supply required

Do your proposals make provision for sustainable drainage of surface water? (e.g. SUDS arrangements) \*

☐ Yes ☒ No

Note: -

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? \*

- ☒ Yes  
☐ No, using a private water supply  
☐ No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

30  
ARCHITECTURAL SERVICES  
33 472 282

**Notes:**

- Access to site is via the existing lay-by parking area as shown on the plans. Existing layby is finished in tarmac.
- External steps to have 170mm max. rise, 250 min. going.
- Foul drainage from house to connect to diverted public sewer with disconnecting manhole at curtilage of site. Drainage falls generally to be 1:60 min.
- Bedding to be granular material to BS 882 (10mm nominal size for 110 & 150 diam drains, 300 min. cover to drains under vehicular areas, 600 min. cover to drains under footpaths, grassed areas, etc.
- Where cover depths are less than specified, drains to be protected by 100 min. concrete encasement. Rodding access required at the head of all drains and waste pipes and at all changes in direction and gradient. 110mm diam upvc surface water drains.
- Surface water to connect to public surface-water drain with disconnecting manhole at curtilage of site. Drainage falls generally to be 1:60 min.
- The landscaping / ground levels on the site should ensure that potential overland flows of water will not cause a flooding problem to the proposed house (or to any other existing houses) during extreme rainfall conditions. - The site levels should guide water flowing over the ground away from the property, and discharge flows to a suitable point to re-enter the drainage system.
- The Contractor is to ensure that:
  - The site access point is protected using appropriate protective barriers / gate.
  - At the close of each working day and at week end / holiday periods, the site is closed off to members of the public and made secure.

ALL STRUCTURAL WORKS  
1 MAY 2022  
PAGE 20

9 Millipoll, Lennick, Shetland  
ZE1 0HG Tel: 01595 697505  
alan@alanmckayarchitect.co.uk

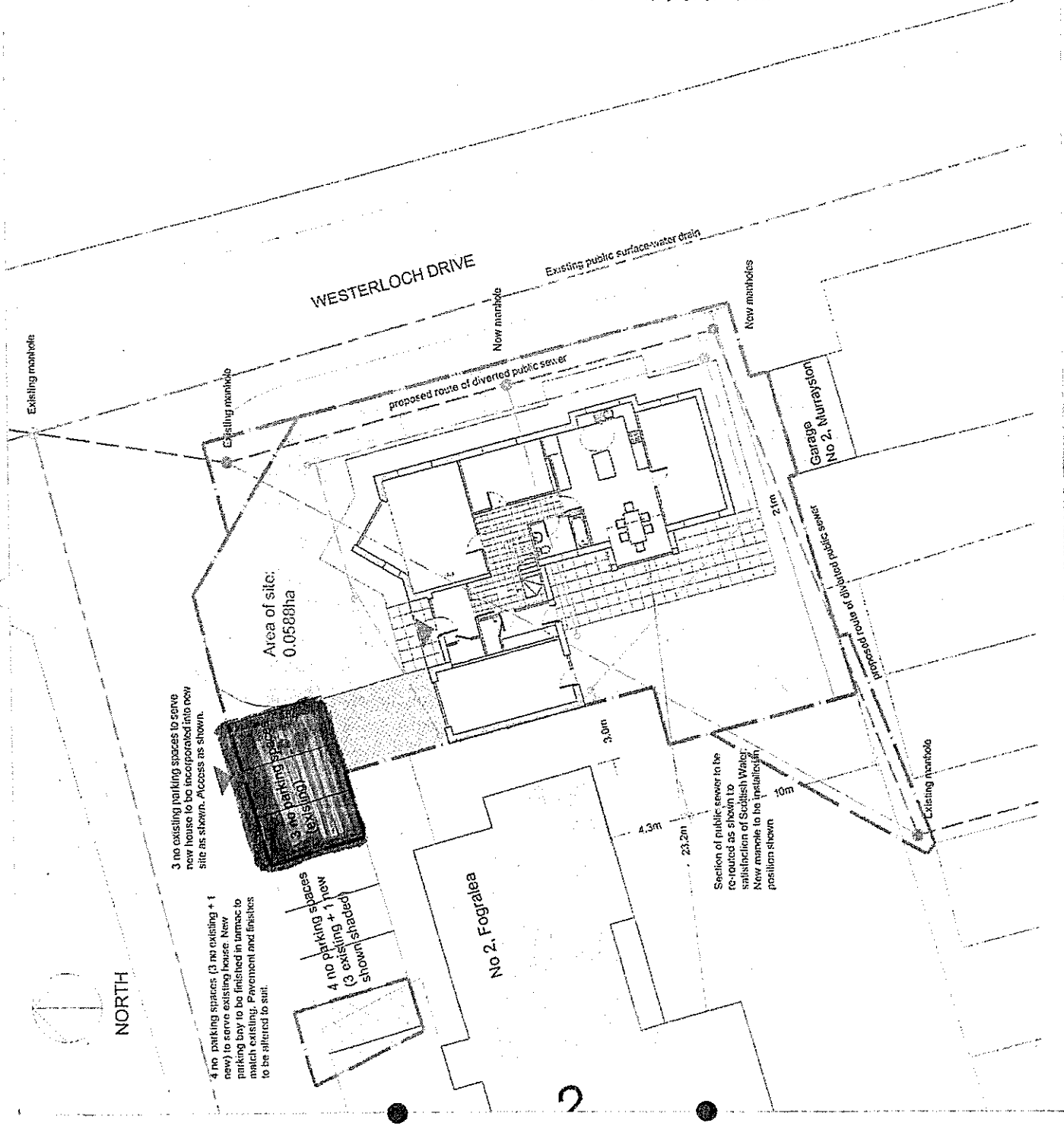
Project File  
Proposed new house  
at Fogdale, Lerwick

Site plan

Scale 1:200  
Date April 22  
Drawn AMK

REF: 156AT MP-SK01

**Site plan**



37

Davidson Inga@Infrastructure Services

From: Goodhand Mark [NHS SHETLAND] mark.goodhand@nhs.net  
Sent: 18 May 2012 11:43  
To: Davidson Inga@Infrastructure Services  
Subject: Reference 2012/156/PPF

Hi Inga

I would like to lodge a complaint about the development of application number 2012/156/PPF

I live at 4 Murrayston and this house will be extremely close to my back garden. I have an extension to my property which will lose daylight and privacy.

I will also lose out with the privacy of my garden which will result in me having to erect a higher fence. The doors to the new property from the kitchen will open very close to the main garden area of my property.

My upstairs bedroom will definitely lose the views and also daylight and privacy.

I purchased 4 Murrayston in January 2012 and a couple of the reasons were for the views and the privacy, both of which I will lose.

Kind regards

Mark Goodhand

\*\*\*\*\*  
\*\*\*\*\*

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## **REPORT**

**To: Planning Committee**

**31 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               |
|---------------------------|---|------------------------------------|--------------------------|---------------------------------|
| 2012/199/PPF              | Re-roof and re-clad shed, Shed No. 2 Garthspool Road Lerwick  | Mr Neil Fraser                     | Approve, with conditions | Planning Authority is landowner |
| 2012/225/PPF              | create temporary lay down and storage area for pipes and fittings (Class 6 Storage and distribution) and fabrication yard (Class 5 General industrial) including construction of two 1000 m <sup>2</sup> buildings an office and welfare facilities, and associated fences and drainage | Petrofac Facilities Management Ltd | Approve, with conditions | Planning Authority is landowner |

- 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 31/07/2012.doc

### Appendix

#### **2012/199/PPF - To re-roof and reclad shed, Shed No. 2, Garthspool Road, Lerwick, ZE1 0NP**

#### 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.) 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.

##### **Building Warrant:**

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

**2012/225/PPF – To create temporary lay down and storage area for pipes and fittings (Class 6 Storage and Distribution) and fabrication yard (Class 5 General Industrial) including construction of two 1000 m2 buildings, an office and welfare facilities, and associated fences and drainage. Scatsta Airport, Scatsta, Brae, Shetland, ZE2 9QP**

#### **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.) That in so far as this consent shall relate to the change of use of land to Class 6 Storage and Distribution and Class 5 General Industrial within the area bounded in red on Drawing no 122029-01 Rev A received by the Planning Authority on 10 July 2012, it is granted for a limited period only commencing on the date of this decision and expiring on 31 December 2016 at or before which time unless an extension of permission has previously been granted the use of the land shall cease operation and all structures, machinery, plant, and equipment employed on site in association with the development shall be removed from the site and the site shall be reinstated to its pre-development condition unless otherwise approved in writing by the Planning Authority.

Reason: In order to retain control over the development and as permission is sought for a temporary period only and in order to secure appropriate reinstatement of the site when quarry operations cease in compliance with Shetland Structure Plan (2000) GDS4 and Shetland Local Plan (2004) LPNE10.

( 4.) The site shall not become operational, and no works on the construction of the buildings hereby approved shall commence until the two bends on the public road around the north end of the Scatsta Airport runway have been widened to allow two Heavy Goods Vehicles to meet without obstruction. A scheme showing how the improvements to the public road shall be achieved shall be submitted to and approved in writing by the Planning Authority and thereafter the works to the public road shall only be carried out in accordance with the approved scheme.

Reason: To ensure that the infrastructure serving the development site is completed, both in the interests of visual amenity and to provide a safe

access for vehicles, with a clear view, in the interests of public and road safety in compliance with Shetland Structure Plan (2000) Policy GDS4 and SPMIN3 and Shetland Local Plan (2004) Policy LPNE10.

( 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.

( 6.) 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.

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.

Scatsta Airport Notification:

In compliance with the BSI Code of Practice on the Safe Use of Cranes, the operators of Scatsta Airport require to be appropriately notified of the

proposed use of any cranes during the construction, operation and reinstatement of the site as these may have the potential to cause a hazard for the operation of the airport. Please contact the Airport Manager, Scatsta Airport, Brae Tel: 01806 244 901.

**Building Warrant:**

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

**Road Access:**

The access road from the B9076 that leads to the site and passes down the south side of the site along the edge of the old runway to the shore must be kept free from any development or operations that would impede vehicular or pedestrian access.

**Military Remains:**

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



## **Report of Handling**

**Development:** Re-roof and reclad shed.

**Location:** Shed No. 2, Garthspool Road, Lerwick, ZE1 0NP,

**By:** Mr Neil Fraser

**Application Ref:** 2012/199/PPF

### **1. Introduction**

This application is for the proposed re-roof and reclad the property known as Shed 2 on Garthspool Road, Lerwick.

In terms of external material finishes and colours, the roof will be profile sheeting dark grey in colour and the cladding will be timber shiplap painted dark brown for the cladding.

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

#### **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

Land Capability Agriculture - code: 888

### **4. Consultations**

No consultation required.

### **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.

This proposal is to re-roof and reclad an existing shed known as Shed 2 on Garthspool Road in Lerwick.

External material finishes and colours comprise of profile sheeting dark grey in colour for the roof and timber shiplap painted dark brown for the cladding.

It is considered that the proposed development will have no adverse impact upon the natural and built environment given that the scale, design and form of the proposed re-roof and reclad of this existing shed will vary the shed in a minimal way. The shed is existing and therefore this will not affect scale and form in this case. The design of the shed itself is not changing, the roof currently has fibre cement tiles on it which will be replaced with profile sheeting which is grey in colour and the walls will be reclad in timber shiplap painted dark brown to match the existing having minimal impact to the overall appearance of the building. This proposed development to the shed will have no detrimental impact upon the amenities of neighbouring properties as it will not obstruct daylight or sunlight to these properties. As such, the proposal complies with the policies outlined at paragraph two above.

## **8. Recommendation**

Grant subject to conditions

### **Reasons for Council's decision:**

( 1.) It is considered that the proposed development will have no adverse impact upon the natural and built environment given that the scale, design and form of the proposed reroof and reclad of this existing shed will vary the existing shed in a minimal way. This proposed development to the shed will have no detrimental impact upon the amenities of neighbouring properties, as it will not obstruct daylight or sunlight to these properties. As such, the proposal complies with Shetland Structure Plan (2000) policy GDS4 and SPNE1 and Shetland Local Plan (2004) policy LPNE10 and LPBE13.

#### **9. List of approved plans:**

- Location Plan 2012/199/PPF-01  
08.06.2012
- Floor & Elevation Plan 2012/199/PPF-02  
08.06.2012

#### **10. Conditions:**

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

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

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

(a) Include the full name and address of the person intending to carry out the development;

(b) State if that person is the owner of the land to which the development relates and if that person is not the owner provide the full name and address of the owner;

(c) Where a person is, or is to be, appointed to oversee the carrying out of the development on site, include the name of that person and details of how that person may be contacted; and

(d) Include the date of issue and reference number of the notice of the decision to grant planning permission for such development.

Reason: To ensure that the developer has complied with the pre-commencement conditions applying to the consent, and that the

development is carried out in accordance with the approved documents, in compliance with Section 27A of The Town and Country Planning (Scotland) Act 1997 (as amended).

(3.) 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.

**Building Warrant:**

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

**11. Further Notifications Required**

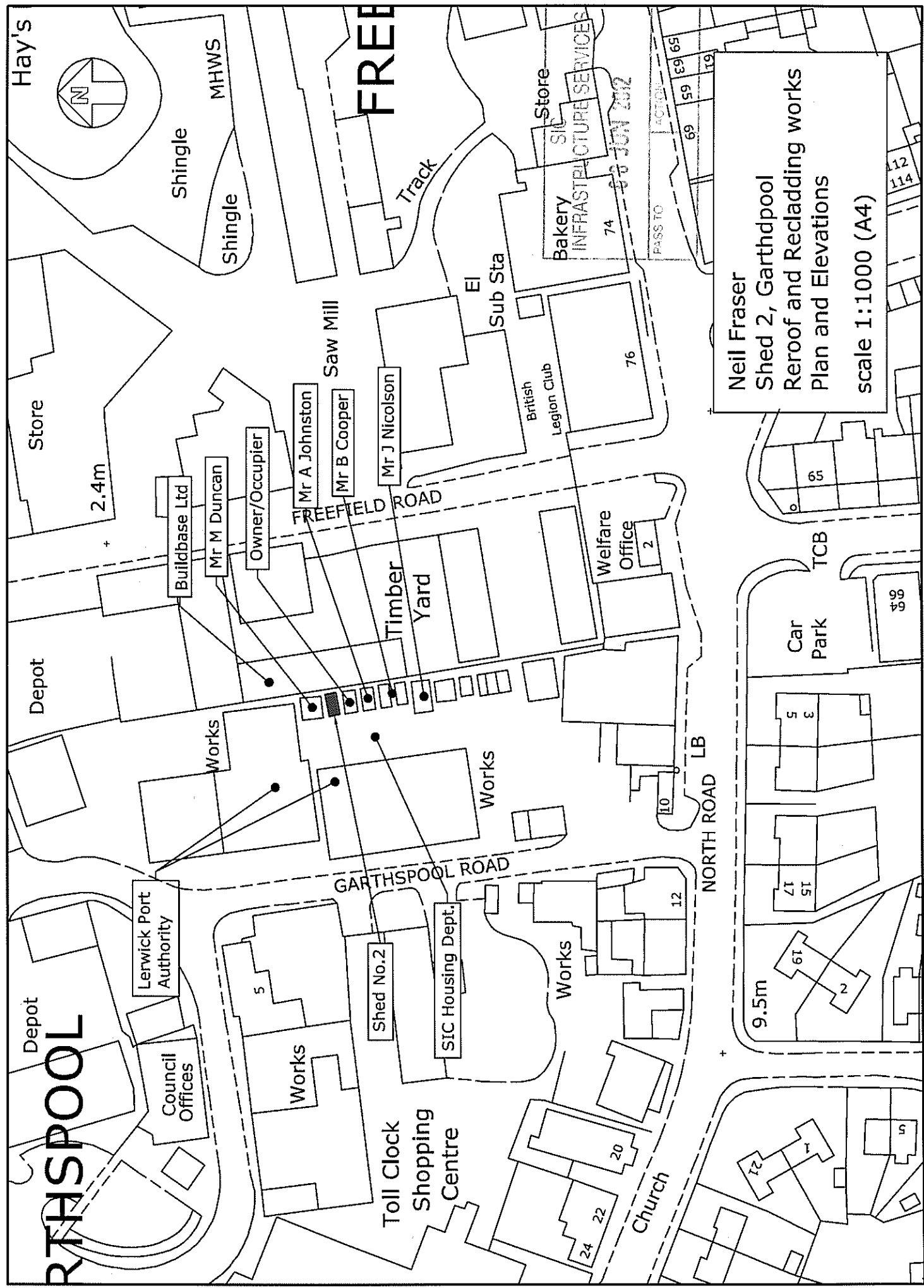
None.

**12. Background Information Considered**

None.

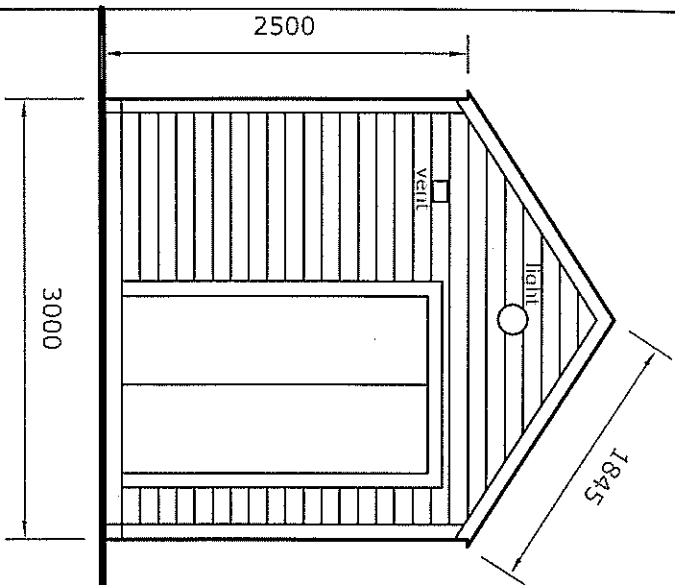
2012/199/PPF\_Delegated\_Report\_of\_Handling.doc  
Officer: Amy Maclean  
Date: 31st July 2012



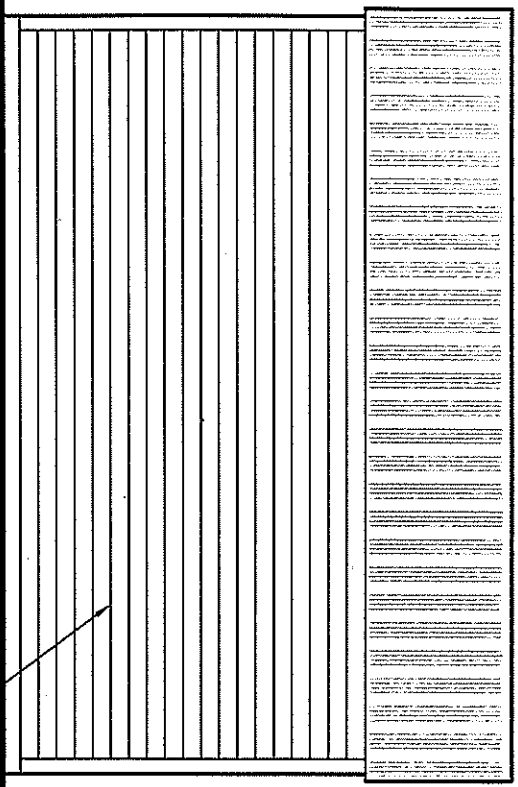


Neil Fraser  
Shed 2, Garthspool  
Reroof and Recladding works  
Plan and Elevations  
scale 1:1000 (A4)

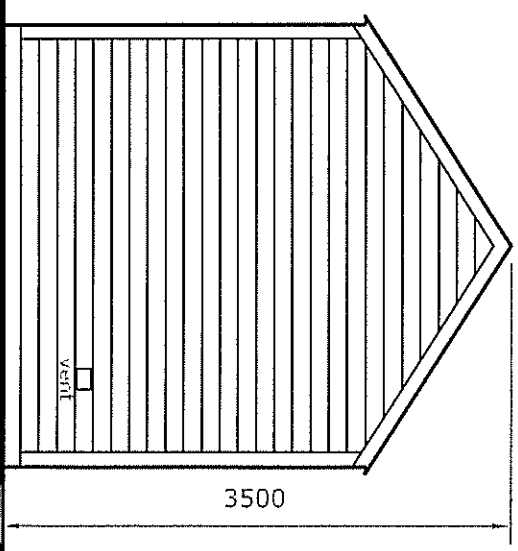
Existing roof clad with fibre cement tiles.  
Proposed cladding to be profile sheeting, dark grey  
in colour.



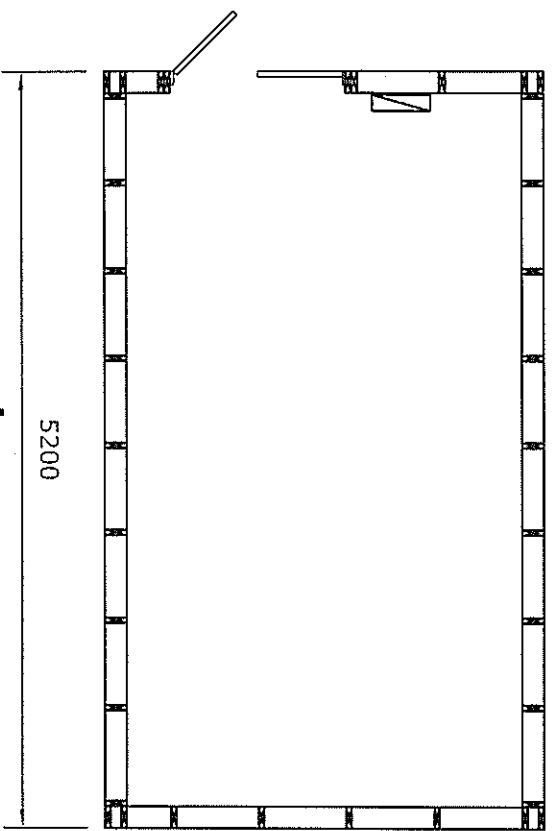
front  
elevation



side elevation



rear  
elevation



plan

Walls to be reclad with timber  
shiplap cladding painted dark  
brown, all as existing cladding.

INFRASTRUCTURE SERVICES

03 JUN 2012

|             |            |
|-------------|------------|
| DESIGNED BY | CHECKED BY |
| PROJECT NO. | DATE       |

Neil Fraser  
Shed 2, Garthdpool  
Reroof and Recladding works  
Plan and Elevations

scale 1:50 (A4)

## **Report of Handling**

**Development:** create temporary lay down and storage area for pipes and fittings (Class 6 Storage and Distribution) and fabrication yard (Class 5 General Industrial) including construction of two 1000 m<sup>2</sup> buildings, an office and welfare facilities, and associated fences and drainage.

**Location:** Scatsta Airport, Scatsta, Brae, Shetland, ZE2 9QP.

**By:** Petrofac Facilities Management Ltd

**Application Ref:** 2012/225/PPF

### **1. Introduction**

Planning permission was previously granted for lay down and storage area with a small fabrication facility on part of this site in May 2011 (2011/93/PCD). The applicant has indicated that this original proposed site is not large enough for the potential work levels involved and therefore this application has been submitted for an extended area.

This application is to create a forward transit yard for laydown and storage, and fabrication of pipe spools associated with the construction of the gas processing plant being constructed by Total E&P UK Ltd. The site is located on the old World War 2 runway to the west of the existing Scatsta airport. The storage area extends to an area of 333m by 30 m, in which a mobile all terrain crane and fork-lift trucks will be used for materials handling. An area of 156m by 30m will be used for fabrication and storage in 2 sheds each with a floor area of approximately 1000sq metres. These will be used for the fabrication and storage of small fittings and fabrication equipment. Two portacabin type structures will be provided for staff welfare and drying areas and a chemical toilet will be provided. The south, west and east sides of the site will be fenced with a 2.5 metre high chain link mesh security fence. the north side of the site will be fenced with a standard post and wire fence.

Access to the site is to be taken via the public road from the B9076 past Scatsta Airport then via the existing roadway running past the site.

It is stated that the proposed facility will be required until 2016 at the latest.

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**

GDS1 - General Development Policy Sustainable Development

GDS2 - General Development Policy Economic Competitiveness  
GDS4 - General Development Policy Natural and Built Environment  
SPIND1 - Development of the Economy  
SPENG1 - Sullom Voe and Oil Related Developments

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

LPNE10 - Development and the Environment  
LPIND4 - Business and Industry in Existing Rural Settlements

**3. Safeguarding**

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

Land Capability Agriculture - code: 6.3

Scatsta Safeguard - Height: 45m

Scatsta Safeguard - Height: 15m

**4. Consultations**

Roads Traffic was consulted on the 2 July 2012. Their comments dated 9 July 2012 can be summarised as follows:

The public road leading to the site from the B9076 will require some minor improvements to widen the two bends around the north end of the runway to allow HGV's to meet without obstruction. The existing poor camber of the corners shall require to be assessed. A suitable design for these improvements has already been completed by the Council's Roads Service Engineers.

The road leading to the development site beyond the cattle grid at the airport is a private road and is currently in a poor state of repair. This private road is mainly narrow single track with some localised widening that can be used for passing vehicles. However, these are generally un-surfaced. Given that there is some public usage along this road, the onus is on the developer to maintain the private road to a suitable standard between the cattle grid and the site.

Parking provision based on 3 spaces per 100 sqm would require a minimum of 60 car parking spaces to be provided within the site. It is considered that this level of provision is not required given the nature of the operation proposed and would recommend that at least 20 spaces are provided. However it should be demonstrated that 60 spaces can be accommodated within the site should future permitted uses require that level of provision.

Airport Manager - Scatsta was consulted on the 2 July 2012. Their comments dated 10 July 2012 can be summarised as follows:

The operator is required to comply with the crane permit to work system, and any bins used on site are closed bins to prevent increased wildlife activity.

**5. Statutory Advertisements**

The application was advertised in the Shetland Times on 06.07.2012.

**6. Representations**

Representations were received from the following properties:

None.

**7. Report**

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

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

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

The proposed site is classed as a brownfield site as it is on the site of the disused runway to the west of Scatsta Airport. The site comprises a concreted strip of land measuring 499 metres by 40 metres. The area has previously been used for drying peat in association with commercial peat cutting activities in the area in the late 1980's.

The site will be mainly used as a lay-down, storage, and fabrication area and any permission will be for a temporary period only with all fencing, structures and other equipment on site being removed on expiry of any permission unless a further period of permission has been approved following the submission of an application to the Planning Authority.

The proposed area is already concreted and the development will not significantly change the surface water run-off from the site from the existing situation. It is proposed that a linear rubble filled soakaway will be installed on the north side of the site to accommodate the surface water discharged from the roofs of the storage and fabrication sheds and other structures on site. A chemical toilet is proposed so there will be no need for a septic tank and soakaway. Therefore the

environmental impact of the development is minimised which is important in this location close to the Sullom Voe Special Area of Conservation (SAC).

The main issue in relation to this application concerns the need to improve the road access to the development site in accordance with the requirements of the Roads Service outlined in section 4 above. Similar works to the public road were required in association with the approved quarry at Scatsta (2010/94/PCD) and the earlier permission for part of this site (2011/093/PCD) and it is intended to attach a condition requiring the improvement works to the public road to be carried out as detailed in the conditions list below.

The Development Plan policies that apply to this proposal, as listed in paragraphs 2.1 and 2.2 above, are largely supportive of this type of development. The use of a brownfield site for the lay-down area, close to the site of the gas processing plant is more sustainable than using a green field site elsewhere. The site is in an area where industrial type development already exists or has been approved (airport and quarry).

SPENG1 encourages the continued use of the Sullom Voe area for oil related developments and SPIND1 promotes an integrated and sustainable approach to the development of the Shetland economy that, amongst other things, ensures that an adequate supply of land is available for business and industrial use, pursues opportunities with the oil industry and prioritises the use of brownfield sites such as this for appropriate economic activity whilst recognising the interdependence between the local economy and the environment. The development of this site as proposed would fit well with this policy.

GDS4 is designed to ensure that any development respects the natural and built environment and LPNE10 sets out various parameters against which all developments require to be assessed to ensure that developments do not have an unacceptably significant adverse effect on the natural or built environment. Given the location and nature of the development, and the fact that it is required for a temporary period, it will have minimal environmental impact and therefore complies with the requirements of GDS4 and LPNE10.

Roads Services has indicated that for a development providing this amount of floor space 60 parking spaces would normally be required. The supporting statement submitted with the application indicates a staffing level of no more than 20 operatives on site and states that they will be transported to the site in vehicles and works vans. Therefore, as agreed by Roads Services, an acceptable level of parking given the nature of the proposed operations on site would be 20 spaces. An amended plan has been submitted that shows that 20 spaces can be accommodated within the site.

The operators of Scatsta Airport have raised no objections to the proposal provided that the operator of the site complies with the crane

permit to work system. Under the BSI Code of Practice on the Safe Use of Cranes, companies and contractors who require to operate cranes and lifting equipment within 6 kilometres of the Aerodrome boundary and at heights of more than 10 metres above ground level or that of surrounding structures, if higher, must receive prior permission from the Aerodrome operator. Any work undertaken in the area must be with the appropriate clearances from Scatsta Airport, which must be obtained before work commences. The applicants have advised that they will be working in accordance with the relevant BSI, and an informative will be attached to the permission that highlights this requirement.

Given the nature and location of the development on a brownfield site, close to the site it will serve, in an area where industrial type development exists, and the fact that it is required for a temporary period, it will have minimal environmental impact and therefore complies with the requirements of Shetland Structure Plan (2000) GDS1, GDS2, GDS3 and SPIND1 and Shetland Local Plan (2004) LPNE10 and LPIND4.

**8. Recommendation**

Approved

**Reasons for Council's decision:**

( 1.) Given the nature and location of the development on a brownfield site, close to the site it will serve, in an area where industrial type development exists, and the fact that it is required for a temporary period, it will have minimal environmental impact and therefore complies with the requirements of Shetland Structure Plan (2000) GDS1, GDS2, GDS3 and SPIND1 and Shetland Local Plan (2004) LPNE10 and LPIND4.

**9. List of approved plans:**

- |                                       |            |
|---------------------------------------|------------|
| • Supporting Document                 | 28.06.2012 |
| • Full Plan 122029-03                 | 02.07.2012 |
| • General Arrangement 122029-01 Rev A | 10.07.2012 |
| • Layout 122029-02 Rev A              | 10.07.2012 |

**10. Conditions:**

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

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

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

(a) include the full name and address of the person intending to carry out the development;

(b) state if that person is the owner of the land to which the development relates and if that person is not the owner provide the full name and address of the owner;

(c) where a person is, or is to be, appointed to oversee the carrying out of the development on site, include the name of that person and details of how that person may be contacted; and

(d) include the date of issue and reference number of the notice of the decision to grant planning permission for such development.

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

( 3.) That in so far as this consent shall relate to the change of use of land to Class 6 Storage and Distribution and Class 5 General Industrial within the area bounded in red on Drawing no 122029-01 Rev A received by the Planning Authority on 10 July 2012, it is granted for a limited period only commencing on the date of this decision and expiring on 31 December 2016 at or before which time unless an extension of permission has previously been granted the use of the land shall cease operation and all structures, machinery, plant, and equipment employed on site in association with the development shall be removed from the site and the site shall be reinstated to its pre-development condition unless otherwise approved in writing by the Planning Authority.

Reason: In order to retain control over the development and as permission is sought for a temporary period only and in order to secure appropriate reinstatement of the site when quarry operations cease in compliance with Shetland Structure Plan (2000) GDS4 and Shetland Local Plan (2004) LPNE10.

( 4.) The site shall not become operational, and no works on the construction of the buildings hereby approved shall commence until the two bends on the public road around the north end of the Scatsta



Airport runway have been widened to allow two Heavy Goods Vehicles to meet without obstruction. A scheme showing how the improvements to the public road shall be achieved shall be submitted to and approved in writing by the Planning Authority and thereafter the works to the public road shall only be carried out in accordance with the approved scheme.

Reason: To ensure that the infrastructure serving the development site is completed, both in the interests of visual amenity and to provide a safe access for vehicles, with a clear view, in the interests of public and road safety in compliance with Shetland Structure Plan (2000) Policy GDS4 and SPMIN3 and Shetland Local Plan (2004) Policy LPNE10.

( 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.

( 6.) 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.

**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.

**Scatsta Airport Notification:**

In compliance with the BSI Code of Practice on the Safe Use of Cranes, the operators of Scatsta Airport require to be appropriately notified of the proposed use of any cranes during the construction, operation and reinstatement of the site as these may have the potential to cause a hazard for the operation of the airport. Please contact the Airport Manager, Scatsta Airport, Brae Tel: 01806 244 901.

**Building Warrant:**

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

**Road Access:**

The access road from the B9076 that leads to the site and passes down the south side of the site along the edge of the old runway to the shore must be kept free from any development or operations that would impede vehicular or pedestrian access.

**Military Remains:**

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

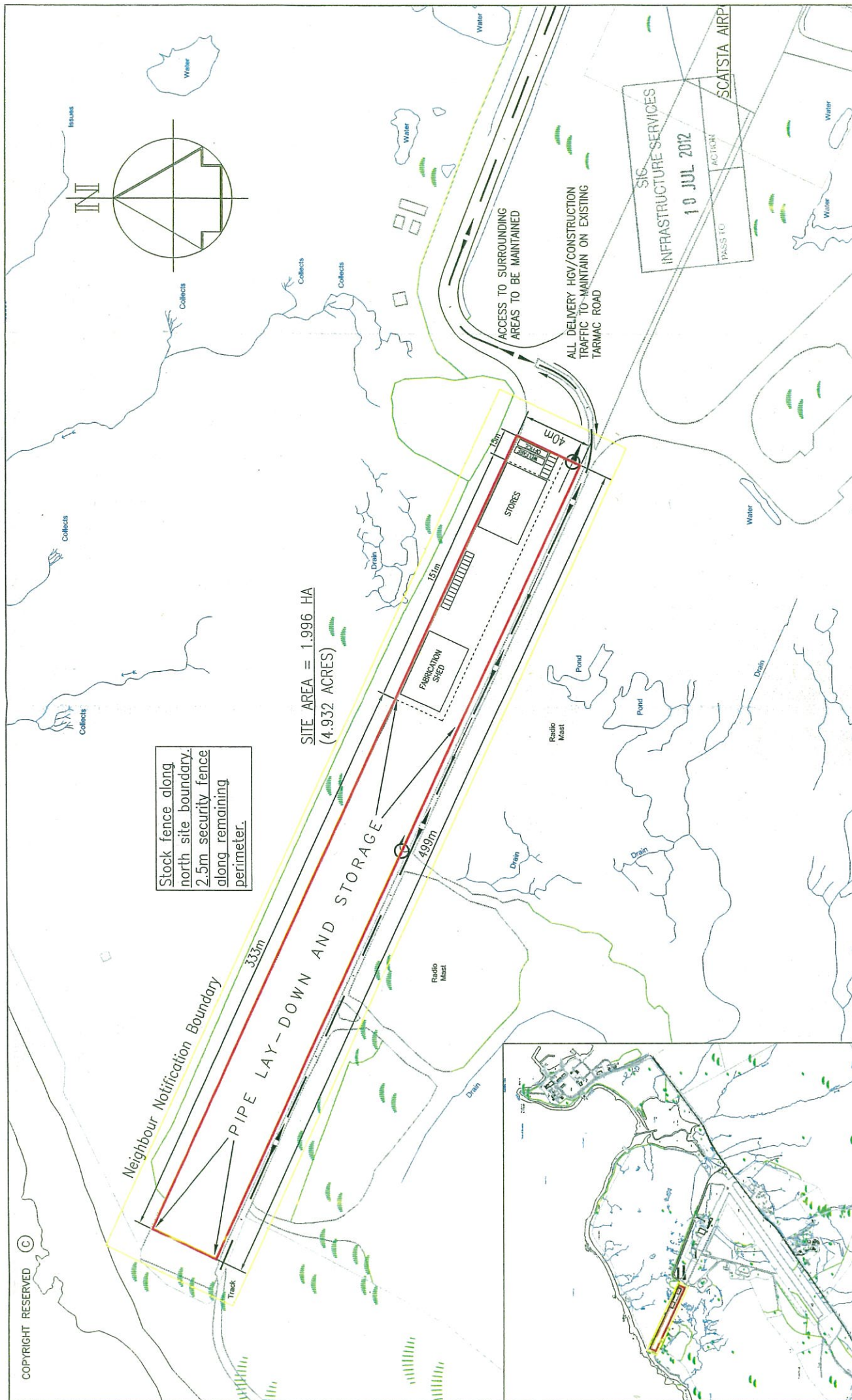
**11. Further Notifications Required**

None.

**12. Background Information Considered**

Planning Permission ref: 2011/93/PCD.

2012/225/PPF\_Delegated\_Report\_of\_Handling.doc  
Officer: Janet Barclay Smith  
Date: 31st July 2012



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| <div>ARCH HENDERSON<br/>Civil and Structural Engineers<br/>Architects and Planning Supervisors<br/>Geotechnical and Environmental Services<br/>Stewart Building, Lerrwick, Shetland, ZE1 0LL<br/>Tel : (01595 ) 695512 • Fax : (01595 ) 694401<br/>email : lerrwick@arch-henderson.co.uk</div> <div>ARCH HENDERSON<br/>ESTABLISHED 1919</div> |  |  |  |  |  |  |  |  |  | NOTES :    |  |  |  |  |  |  |  |  |  | PROJECT :<br>PETROFAC<br>LAYDOWN AREA ADJACENT TO SCATSTA AIRPORT |  |  |  |  |  |  |  |  |  |                                 |  |  |  |  |  |  |  |  |  |                              |  |  |  |  |  |  |  |  |  |                        |  |  |  |  |  |  |  |  |  |         |  |  |  |  |  |  |  |  |  |
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| A   |  |  |  |  |  |  |  |  |  | 10/07/2012 |  |  |  |  |  |  |  |  |  | P   |  |  |  |  |  |  |  |  |  | Additional Parking Spaces Added |  |  |  |  |  |  |  |  |  |                              |  |  |  |  |  |  |  |  |  |                        |  |  |  |  |  |  |  |  |  |         |  |  |  |  |  |  |  |  |  |
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