



REPORT

To: Planning Committee

23 October 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 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. 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 both applications is appended to this report.

Planning Application Ref.	Development Proposed	Applicant	Officer Recommendation	Type of Exception
2012/290/VCON	To vary condition No.1 of permission 2010/380/PCD, Shetland College, North Gremista Industrial Estate, Lerwick, Shetland, ZE1 0PX	Shetland Islands Council	Approve, with conditions	Planning authority is applicant and landowner
2012/302/PPF	Installation of Biomass Heat Cabin and associated district heating underground pipework, All Weather Pitch Car Park, Brae, Shetland, ZE2 9QJ	Northfish (Shetland) Ltd.	Approve, with conditions	Planning authority is landowner of part of the site

- 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 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 both applications.

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 both applications, for the reasons that are set out in the related Report of Handling.

Appendix

2012//290/VCON - To vary condition No.1 of permission 2010/380/PCD, Shetland College, North Gremista Industrial Estate, Lerwick, Shetland, ZE1 0PX by 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.) A minimum of 95 car parking spaces shall be provided in association with the development. The development shall not be brought into use until these have been constructed, permanently marked and surfaced as shown on the approved plan Drawing No SIC 01 Roads. Thereafter the parking shall be maintained and available at all times and shall be used for no other purpose.

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

(3.) 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 submitted plans and/or details received on 8 October 2010. No part of the development shall be brought into use until foul drainage works are fully operational.

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

(4.) If any top soil, spoil or waste materials arising from the excavation of the site and the construction of the development are to be disposed of or stored outwith the site, details of the method of disposal of any such materials, including details of the location of any disposal and storage 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.

2012/302/PPF - Installation of Biomass Heat Cabin and associated district heating underground pipework, All Weather Pitch Car Park, Brae, Shetland, ZE2 9QJ by Northfish (Shetland) Ltd.

Recommended Conditions

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

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

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

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

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

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

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

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

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

a connection to the existing surface water manhole as indicated on Drw No. 12/007/02 Rev B.

as specified in the location plan received on 06 September 2012. No part of the development shall be brought into use until the surface water drainage is fully operational.

Reason: For the avoidance of doubt as to what is being authorised and to ensure the provision of adequate means of drainage in the interests of public health and the control of pollution in compliance with Shetland Structure Plan (2000) Policy SPGDS4 and Shetland Local Plan (2004) Policy LPWD6.

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

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

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

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

Notes to Applicant:

Commencement of Development

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

Notice of Completion of Development

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

Building Warrant

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

Report of Handling

Development: To vary condition No. 1 of permission 2010/380/PCD

Location: Shetland College, North Gremista Industrial Estate, Lerwick, Shetland, ZE1 0PX

By: Shetland Islands Council

Application Ref: 2012/290/VCON

1. Introduction

This is an application by Shetland Islands Council to vary condition No.1 attached to planning permission 2010/380/PCD, to extend the Further Education College at Gremista, Lerwick, a development on which work has already commenced.

The development proposed is to make changes to the design of the extension which was previously approved. The main changes to the design are to the link (middle) building which will change from a mono pitch roof to a 30 degree peaked roof and full height glazing. The walls will now have larch vertical cladding. A welcome and information feature is incorporated into the design on the front elevation.

Minor changes to window detail and door details are proposed on the upper and lower building extensions.

The cycle store has also been re-designed and relocated close to the entrance.

Under the Hierarchy of Developments the application is considered to be a Local Development.

2. Statutory Development Plan Policies

Shetland Islands Council Structure Plan (2000) Policies

GDS3 - General Development Policy Existing Settlements

GDS4 - General Development Policy Natural and Built Environment

GDS5 - General Development Policy Social Inclusion

SPNE1 - Design

SPTP3 - Transport Links

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

LPIND7 - Industrial Uses in Lerwick

LPNE10 - Development and the Environment

Shetland Islands Council Interim Planning Policy Guidance

SPG1 - All development Layout and Design

3. **Safeguarding**

Zone 1 Modified - Zone 1 Modified: Housing Zone 1

4. **Consultations**

No consultations undertaken.

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.

The extensions approved under the previous planning permission (2010/380/PCD) allowed extensions to the two existing college buildings and the erection of a link or middle building to create a larger and more efficient educational facility.

This proposal is to change the shape and form of the link (middle) building, from that approved under the original permission.

The new proposals have been considered in the context of the previous approval and the surrounding industrial area where the site is located. The previous link or middle building, while an acceptable solution to the accommodation issues at the college, did not create a building which appeared particularly welcoming to the visitor.

The current proposal under consideration is more traditional in shape and employs the use of a glazed frontage to provide lighting for the main entrance. This proposal seeks to promote a sense of place and provide an easily identifiable entrance and focal point for the visitor and college users.

The external wall materials are proposed to be larch which will provide a softer and attractive juxtaposition to the larger metal clad buildings forming the main part of the college.

The proposed changes have no implications for or impact upon other matters previously considered within the assessment of the previous planning permission and present no conflicts with Development Plan policy.

8. Policy and Delegated Authority

A decision to approve this application complies with Council planning policy. As the application is for a proposed development falling within the category of Local Development and the Council has an interest in the proposal, the decision to determine the application is delegated to the Planning Committee under the Scheme of Delegations that has been approved by the Scottish Ministers.

If members are minded to refuse the application as a departure from the Shetland Islands Council Development Plan Policy, it is imperative that clear reasons for proposing the refusal of planning permission contrary to the development plan policy and the officer's recommendation be given and minuted in order to comply with Regulation 28 of the Town and Country Planning (Development Management Procedure)(Scotland) Regulations 2008 and for the avoidance of doubt in the case of a subsequent planning appeal or judicial review. Failure to give clear planning reasons for the decision could lead to the decision being overturned or quashed, and an award of costs being made against the Council, on the basis that it is not possible to mount a reasonable defence of the Council's decision

9. Recommendation

Grant subject to conditions

Reasons for Council's decision:

(1.) The application to vary the condition by way of amendments to the original design approved under planning permission 2012/380/PCD are considered to be of an appropriate scale and design for the existing building and the surrounding area. It has previously been demonstrated that the revised site layout can be safely accessed. Sufficient car parking spaces for cars have been identified. The proposal therefore complies with Shetland Structure Plan (2000)

10. List of approved plans:

- Floor Plan P103 31.08.2012
- Floor Plan PL102 31.08.2012
- Elevations PL300A 09.10.2012
- Elevations PL302A 09.10.2012
- Long Section PL200A 09.10.2012
- Roof Plan PL104A 09.10.2012
- Elevations PL301A 09.10.2012
- Location Plan PL100B 15.10.2012
- Elevations PL400 15.10.2012

11. Conditions:

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

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

(2.) A minimum of 95 car parking spaces shall be provided in association with the development. The development shall not be brought into use until these have been constructed, permanently marked and surfaced as shown on the approved plan Drawing No SIC 01 Roads. Thereafter the parking shall be maintained and available at all times and shall be used for no other purpose.

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

(3.) 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

submitted plans and/or details received on 8 October 2010. No part of the development shall be brought into use until foul drainage works are fully operational.

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

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

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

Notes to Applicant:

Building Warrant

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

Notification of Completion

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.

Signage

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

12. Further Notifications Required

None

13. Background Information Considered

Previous planning application 2012/380/PCD

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Report of Handling

Development: Installation of Biomass Heat Cabin and associated district heating underground pipework

Location: All Weather Pitch Car Park
Brae
Shetland
ZE2 9QJ

By: Northfish (Shetland) Ltd

Application Ref: 2012/302/PPF

1. Introduction

This is a detailed planning application for the installation of a wooden clad cabin containing plant to provide heating produced by biomass to Brae Leisure Centre and sports ground pavillion and also Brae Health Centre.

This application is presented to the Planning Committee, as the works cross over land in ownership of the Shetland Islands Council.

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

SPENG3 - Renewable Energy Sources

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

LPNE10 - Development and the Environment

LPBE13 - Design

LPIND8 - Buildings and Plant

Shetland Islands Council Interim Planning Policy Guidance

LDP1 - All development General

LDP2 - All development Layout and design

LDP3 - All development Location

SPG1 - All development Layout and Design

3. Safeguarding

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

30km Radius Scatsta - 30km Sumburgh Scatsta: 2

Scatsta Safeguard - Height: 90m

Scatsta Safeguard - Height: 45m

4. Consultations

Environmental Health were consulted on the 11 September 2012. Their comments dated 12 September 2012 can be summarised as follows:

- No objections.

Roads Traffic were consulted on the 11 September 2012. Their comments dated 28 September 2012 can be summarised as follows:

- No objections.

5. Statutory Advertisements

None

6. Representations

None in response to this development

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.

Location & Site

This proposal is for the siting of a small unmanned biomass heating cabin to be run using suitable imported fuel sources from the mainland, or in association with the provision of locally processed wood pellets via a drying and processing facility currently under construction at Gremista in Lerwick. The biomass cabin will be the same specification as one sited at the rear of the Mid Yell Leisure Centre that provides heat for the Leisure Centre and new Mid Yell Primary School. Similarly to the Mid Yell biomass cabin, the proposed biomass cabin at Brae will

be unmanned with one monthly delivery of wood chips or suitable fuel sources.

In terms of location, the proposed biomass cabin will be sited adjacent to the turning area used in associating with the Brae football pitch. The cabin will be sited on a piece of ground at the turning head area of the car park and will only be viewable at a limited point off the public road. The proposed Brae biomass cabin, at this time, will serve the football pitch pavilion, Health Centre and Leisure Centre.

Building Design

The cabin is to be 12 metres by 3.5 metre vertical wooden clad structure, with a vent pipe that stands 6 metres high from ground level. The building will be clad in Siberian Larch and will be left to naturally weather.

In terms of emissions from the biomass cabin, the unit is required to pass all relevant environmental legislation. Environmental Health was consulted and had no objections based on the submitted emissions data.

Current Council Policies

The main policies, against which this application has been assessed, are firstly the overarching policies that seek to protect the natural and built environment and ensure that developers submit designs of a high standard. These policies are Shetland Structure Plan (2000) policies GDS4 Natural and Built Development and SP NE1 Standard of Design, Scale & Materials and also Shetland Local Plan (2004) policies LP NE10 Development and the Environment and LP BE13 Design.

As this development is a company selling a heat source to Shetland Recreational Trust buildings and an NHS owned building, Structure Plan (2000) policy GDS2 is also applicable to the consideration of this development. GDS2 seeks to encourage the expansion of existing and new industry, by ensuring that there is sufficient land and premises for business and industry to meet local needs in existing settlements throughout Shetland. This development will not erode the residential character of the area, nor will it adversely affect local residents through an increase in traffic levels, noise, fumes or hours of operation as there are no residential dwellings within the immediate area.

This type of heat source complies with the Council's policy on promotion and support of sustainable development; the fuel for this type of heating system is to be sourced through sustainable forest management and re-planting programmes. Fuel used in the heating process will be sourced from managed forests for processing locally, or supplied in pellet form from certified producers on the mainland. This type of heating should lessen the reliance on fuel sources such as diesel, currently used to heat the Leisure Centre. The proposed development is therefore compliant with Shetland Structure Plan (2000)

policy GDS1 Sustainable Development and SP ENG3 Renewable Energy Sources.

The proposed development will not have an adverse visual impact on the surrounding area, nor will it have a detrimental impact on the surrounding natural and built environment of the Brae area. Therefore the proposal complies with Shetland Structure Plan (2000) and Local Plan (2004) policies listed in part two of this report.

8. Policy and Delegated Authority

A decision to approve this application complies with Council planning policy. As the application is for a proposed development falling within the category of Local Development and the Council has an interest in the proposal, the decision to determine the application is delegated to the Planning Committee under the Scheme of Delegations that has been approved by the Scottish Ministers.

If members are minded to refuse the application as a departure from the Shetland Islands Council Development Plan Policy, it is imperative that clear reasons for proposing the refusal of planning permission contrary to the development plan policy and the officer's recommendation be given and minuted in order to comply with Regulation 28 of the Town and Country Planning (Development Management Procedure)(Scotland) Regulations 2008 and for the avoidance of doubt in the case of a subsequent planning appeal or judicial review. Failure to give clear planning reasons for the decision could lead to the decision being overturned or quashed, and an award of costs being made against the Council, on the basis that it is not possible to mount a reasonable defence of the Council's decision.

Notification to Scottish Ministers

None

9. Recommendation

Grant subject to conditions

Reasons for Council's decision:

The proposed biomass cabin will not have a detrimental impact on the surrounding natural and built environment and is compliant with the aims of Shetland Structure Plan (2000) policies GDS1, GDS2, GDS4, SP NE1, SP ENG3 and Shetland Islands Council Local Plan (2004) (As Amended) Policies LP NE10, LP BE13 and LP IND8 and also Interim Planning Policy Towards Sustainable Construction Better Design In Shetland (2009) policies LDP 1, LDP 2, LDP 3, SPG 1 and SPG 12

10. List of approved plans:

- Cabin Site Plan 12/007/04 A 10.09.2012

- Neighbour Notification 12/007/NN A 06.09.2012
- Location Plan 12/007/01 A 06.09.2012
- Site Plan 12/007/02 B 06.09.2012
- Floor & Elevation Plan 12/007/03 06.09.2012
- Flue Height Initial Assessment 2012/302/PPF-01
06.09.2012
- Trench Widths 2012/302/PPF-02 06.09.2012
- Specifications 2012/302/PPF-03 06.09.2012

11. Conditions:

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

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

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

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

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

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

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

Reason: To ensure that the developer has complied with the pre-commencement conditions applying to the consent, and that the development is carried out in accordance with the approved

documents, in compliance with Section 27A of The Town and Country Planning (Scotland) Act 1997 (as amended).

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

a connection to the existing surface water manhole as indicated on Drw No. 12/007/02 Rev B.

as specified in the location plan received on 06 September 2012. No part of the development shall be brought into use until the surface water drainage is fully operational.

Reason: For the avoidance of doubt as to what is being authorised and to ensure the provision of adequate means of drainage in the interests of public health and the control of pollution in compliance with Shetland Structure Plan (2000) Policy SPGDS4 and Shetland Local Plan (2004) Policy LPWD6.

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

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

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

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

Notes to Applicant:

Commencement of Development

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

Notice of Completion of Development

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

Building Warrant

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

12. Further Notifications Required

None

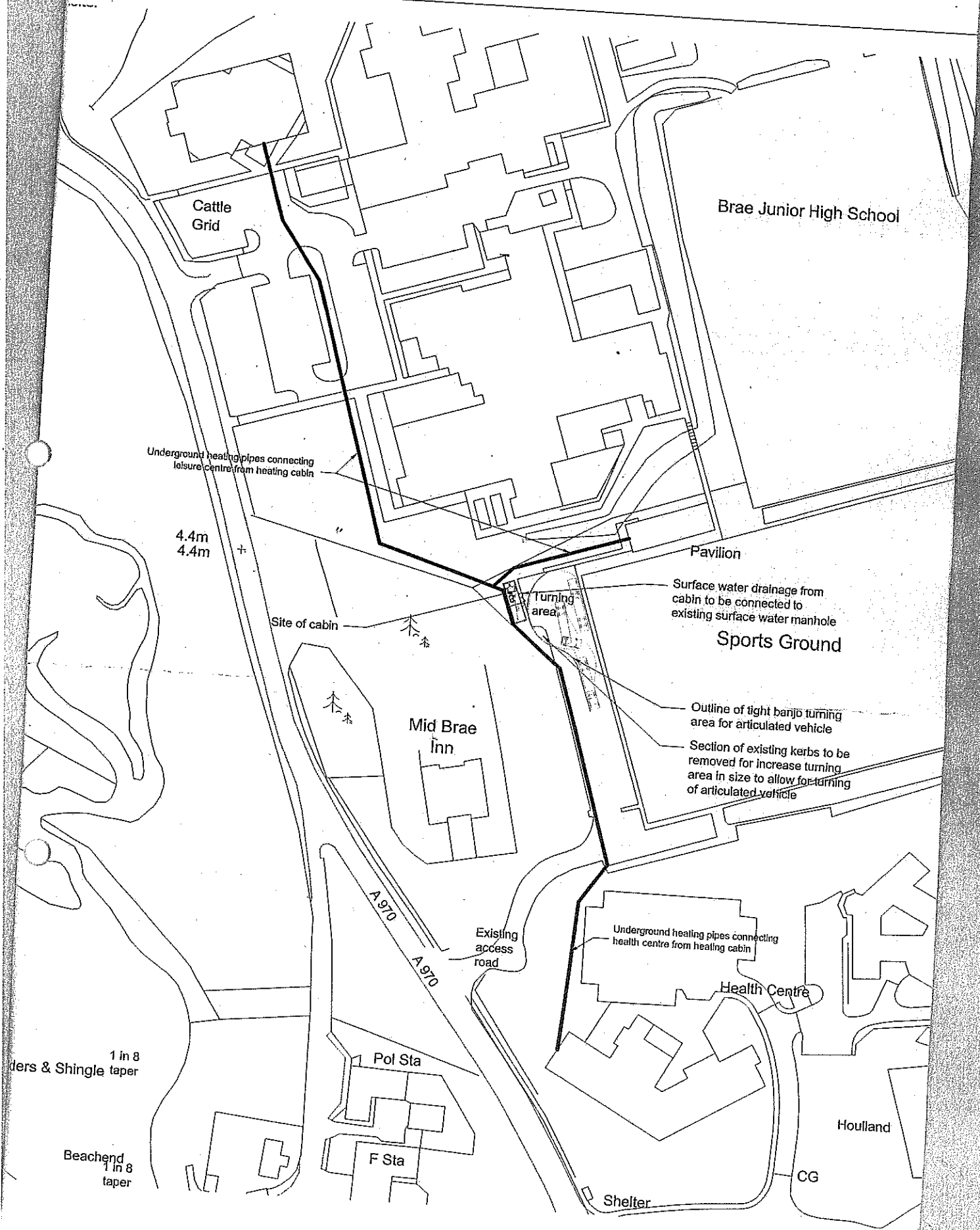
13. Background Information Considered

Application Reference 2011/305/PCD for siting of similar biomass cabin at Mid Yell.

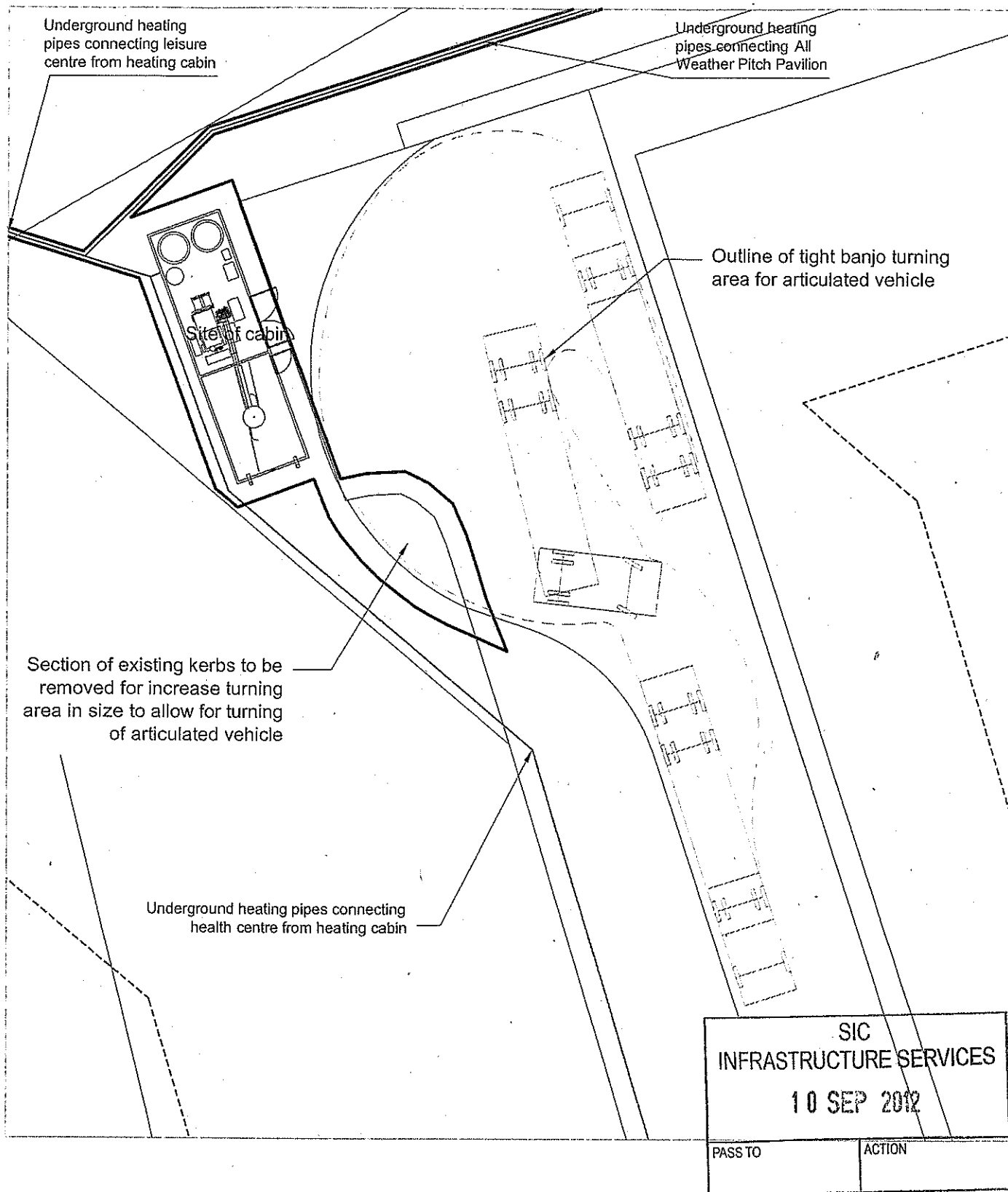
14. Attachments

- 13.1 Location Plan
- 13.2 Site Plan
- 13.3 Elevation Drawings

Planning Committee Report.doc
Officer: Mr Jonny Wiseman
Date: 1st October 2012



Site Plan Scale 1:1,000



Cabin Site Plan Scale 1:250

Planning issue



**Design
Services**

Building Design & Consultancy Services

Greg Burgess BSc (Hons) MBEng
55 Burgh Road, Lerwick, Shetland, ZE1 0HJ
Tel/Fax: 01595 694382 e-mail: enquiries@gbdesignservices.co.uk



Project: Proposed Bio-Mass Heating Unit
Brae
Shetland

Description: Cabin Site Plan

Client: Northfish (Shetland) Ltd
Gronnack
South Whiteness
Shetland

Drawing No:
12/007/04

Scale:
1:250

Date:
Sept 2012

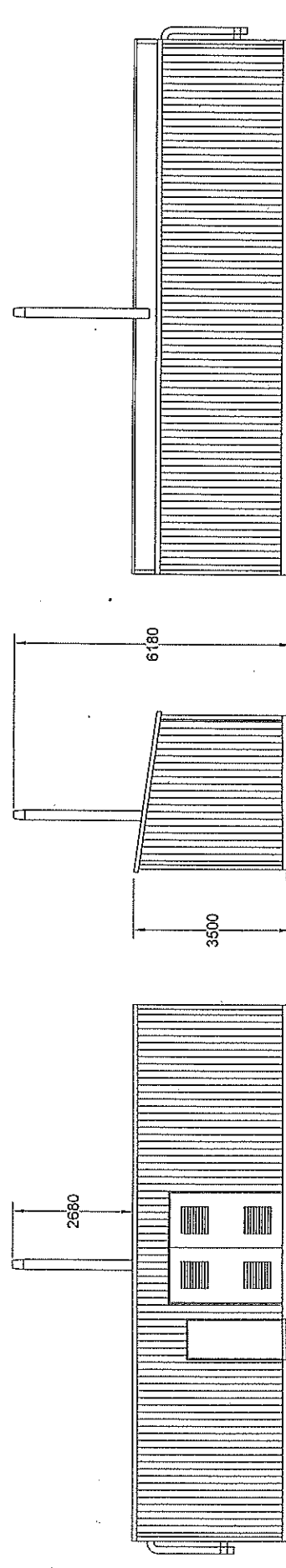
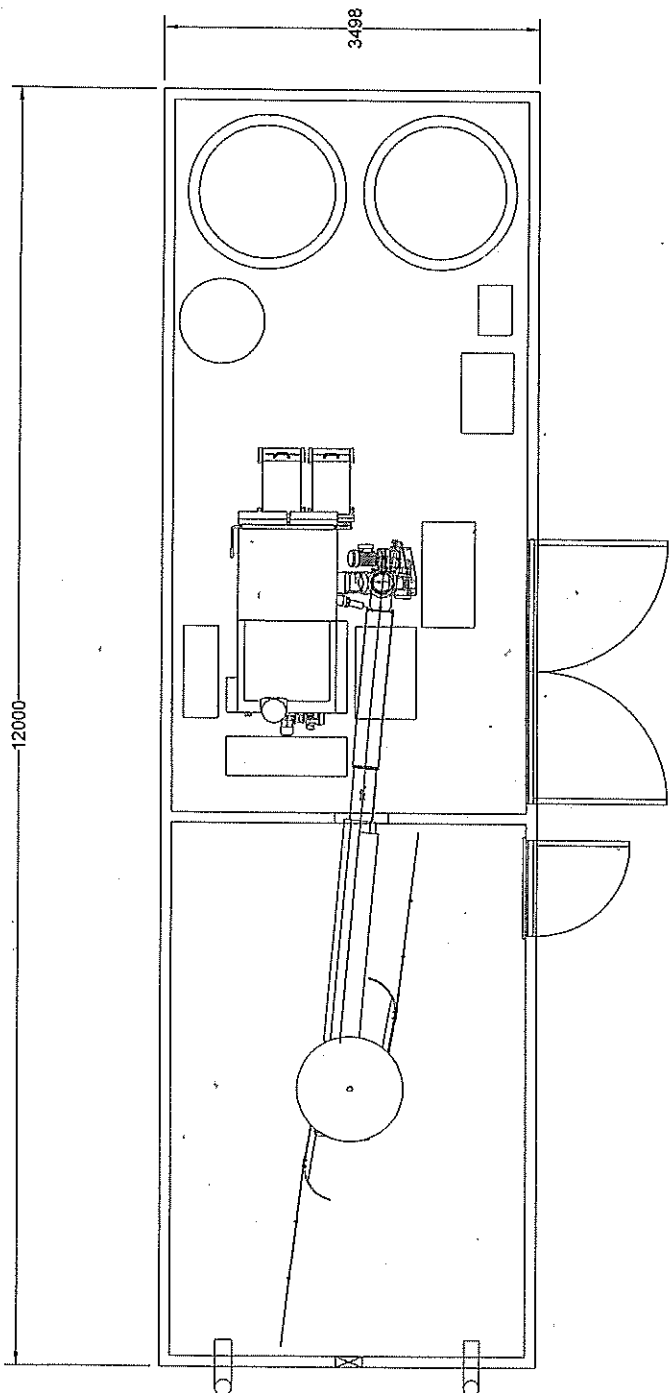
Revision:
A

Drawn:
GB

Checked:

Approved:

Paper Size:
A3



SIC
INFRASTRUCTURE SERVICES
- 6 SEP 2012

PASS TO ACTION

Planning Issue

Design Services
The Association of Building Engineers

Building Design & Consultancy Services
Greg Burgess BSc (Hons) MBE Eng
55 Burgh Road, Lerwick, Shetland, ZE1 0HJ
Tel/Fax: 01595 664382 e-mail: enquiries@gbdesignservices.co.uk

Client: Northfish (Shetland) Ltd
Gronnack
South Whiteness
Shetland

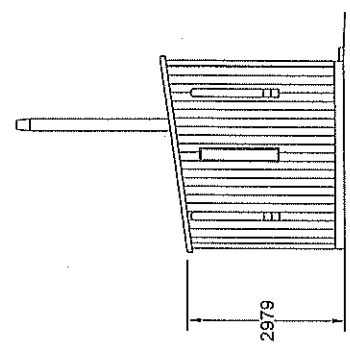
Project: Proposed Bio-Mass Heating Unit
Brae
Shetland

Description: Cabin Details

Drawing No: 12007/03
Scale: 1:50/1:100
Date: Sept 2012
Revision:

Drawn: GB
Checked:
Approved:
Paper Size: A3

- External Finishes
- Roof - Profile Sheeting - colour dark grey
- Walls - Timber Cladding - Siberial Larch
- Windows - Timber
- Doors - Aluminum
- Rainwater goods - Black UPVC
- Chimney - Stainless steel





REPORT

To: Planning Committee

23 October 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 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. The list of conditions relating to each application is appended to this report.

Planning Application Ref.	Development Proposed	Applicant	Officer Recommendation	Type of Exception
2012/293/ADV	Erect signboard, Bressay Lighthouse, Kirkabister, Bressay, Shetland, ZE2 9ER	Bressay Primary School	Approve, with conditions	Planning authority is applicant
2012/294/ADV	Erect signboard, Cruester, Bressay, Shetland, ZE2 9EW	Bressay Primary School	Approve, with conditions	Planning authority is applicant
2012/296/ADV	Erect 2 no. signboards, Ward Hill, Bressay, Shetland, ZE2 9ER	Bressay Primary School	Approve, with conditions	Planning authority is applicant

- 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 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 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: 23/10/2012

Appendix

2012/293/ADV - Erect signboard, Bressay Lighthouse, Kirkabister, Bressay, Shetland, ZE2 9ER by Bressay Primary School

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.) Notwithstanding the approved plans and details the sign board shall measure 1200mm by 550mm and shall be mounted upon 2 posts giving a maximum height at the highest part of the sign of 1253.5mm. Unless otherwise agreed in writing by the Planning Authority.

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

(3.) This Consent is 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.

(4.) All advertisements displayed, and any land used for the display of advertisements, shall be maintained in a clean and tidy 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.

(5.) Any hoarding, plinth or similar structure, or any sign, placard, board or device erected or used principally for the purpose of displaying advertisements/information 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.

(6.) 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.

(7.) 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.

**2012/294/ADV - Erect signboard, Cruester, Bressay, Shetland, ZE2 9EW
Bressay Primary School**

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.) Notwithstanding the approved plans and details the sign board shall measure 1200mm by 550mm and shall be mounted upon 2 posts giving a maximum height at the highest part of the sign of 1253.5mm. Unless otherwise agreed in writing by the Planning Authority.

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

(3.) This Consent is 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.

(4.) All advertisements displayed, and any land used for the display of advertisements, shall be maintained in a clean and tidy 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.

(5.) 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.

(6.) 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.

(7.) 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.

2012/296/ADV - Erect 2 no. signboards, Ward Hill, Bressay, Shetland, ZE2 9ER by Bressay Primary School

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.) Notwithstanding the approved plans and details the sign boards shall measure 600mm by 550mm and be mounted upon 1 post and 1200mm by 550mm and be mounted upon 2 posts. Both signs shall be a maximum height of 1253.5mm at the highest part of the sign. Unless otherwise agreed in writing by the Planning Authority.

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

(3.) This Consent is 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.

(4.) All advertisements displayed, and any land used for the display of advertisements, shall be maintained in a clean and tidy 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.

(5.) 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.

(6.) 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.

(7.) 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: Erect signboard.

Location: Bressay Lighthouse
Kirkabister
Bressay
Shetland
ZE2 9ER

By: Bressay Primary School

Application Ref: 2012/293/ADV

1. Introduction

This application concerns the siting of an interpretive board on a site at Bressay Lighthouse, Bressay. The site of the proposed board overlooks a site on which either a rescue or shipwreck has occurred and its purpose is to give more details of the rescue or shipwreck.

2. Statutory Development Plan Policies

Shetland Islands Council Structure Plan (2000) Policies

SPNE1 - Design

SPTOUR1 - Tourism Development

GDS4 - General Development Policy Natural and Built Environment

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

LPNE10 - Development and the Environment

LPBE11 - Advertisements and Signs

LPBE13 - Design

LPNE11 - Local Protection Areas

Shetland Islands Council Interim Planning Policy Guidance

LDP1 - All development General

LDP2 - All development Layout and design

3. Safeguarding

30km Radius Scatsta - 30km Sumburgh Scatsta: 1

Land Capability Agriculture - code: 5.2

LPA Modified - Local Protection Area: Local Protection Area

4. Consultations

Roads Traffic was consulted on the 18 September 2012. Their comments dated 1 October 2012 can be summarised as follows:

The application form as submitted does not indicate the size of the proposed sign, or the number of posts it is to be mounted onto.

However, as the proposed location is sufficiently far away from the public road I have no objections to this proposal..

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 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 interpretive board is to be mounted upon two aluminium square posts which are to be powder coated white. The main colours of the board are to be white and lime green. The location of the panel will not have an adverse impact on the surrounding environment in any respect.

Roads Traffic was consulted regarding the position of this board and has no objections to the location as the board is sufficiently far away from the public road.

This board forms part of a "Rescues and Shipwrecks" trail which has been produced by the school children at Bressay Primary School. The boards are to be of high quality and to form a new tourism product and

therefore this compiles with Shetland Islands Council Structure Plan (2000) policy SPTOUR1.

The site lies within an area which has been designated as a Local Protection Area for the viewpoint. Only applications for the development of facilities which benefit the community as a whole are to be considered in this area. This board is for the community and for tourists alike and therefore will bring benefit to the community. The position in which the board is placed will not detract from the view and will give information therefore enhancing the experience and complying with policy LPNE11.

It is therefore considered that the proposed interpretive board is appropriate in terms of its design, colour, materials, scale and location on site and as such will not compromise the visual amenity of the surrounding area and will have no adverse impact upon the character of the area or upon the natural environment. As such, the proposal complies 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:

(1.) It is considered that the proposed interpretive board is appropriate in terms of its design, colour, materials, scale and location on site and as such will not compromise the visual amenity of the surrounding area and will have no adverse impact upon the character of the area or upon the natural environment. As such, the proposal complies with: Shetland Islands Council Structure Plan (2000) policies SPNE1, SPTOUR1 and GDS4; Shetland Islands Council Local Plan (2004) (As Amended) policies LPNE10, LPBE11 and LPBE13; and Shetland Islands Council Interim Planning Policy Guidance policies LDP1 and LDP2.

10. List of approved plans:

- | | | |
|---|--------------------------------------|------------|
| • | Advertisement Sign 2012/293/ADV-01 | 31.08.2012 |
| • | Site & Location Plan 2012/293/ADV-02 | 31.08.2012 |
| • | Supporting Document 2012/293/ADV-03 | 31.08.2012 |
| • | Advertisement Sign 2012/293/ADV-04 | 10.10.2012 |

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.) Notwithstanding the approved plans and details the sign board shall measure 1200mm by 550mm and shall be mounted upon 2 posts giving a maximum height at the highest part of the sign of 1253.5mm. Unless otherwise agreed in writing by the Planning Authority.

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

(3.) This Consent is 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.

(4.) All advertisements displayed, and any land used for the display of advertisements, shall be maintained in a clean and tidy 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.

(5.) Any hoarding, plinth or similar structure, or any sign, placard, board or device erected or used principally for the purpose of displaying advertisements/information 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.

(6.) 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.

(7.) 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.

11. Further Notifications Required

None.

12. Background Information Considered

None.

13. Attachments

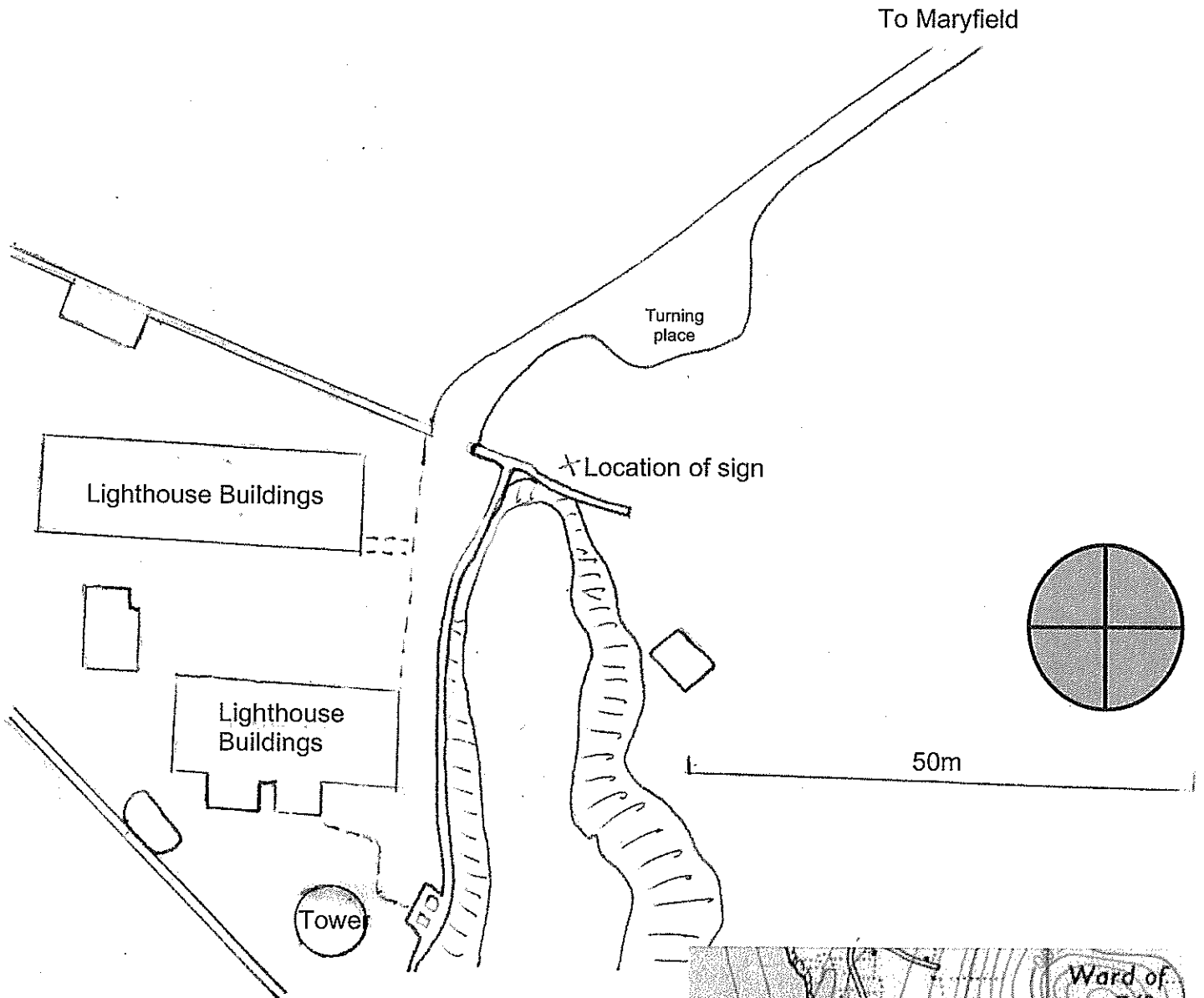
Sign at Bressay Lighthouse

2012/293/ADV Planning Committee Report.doc

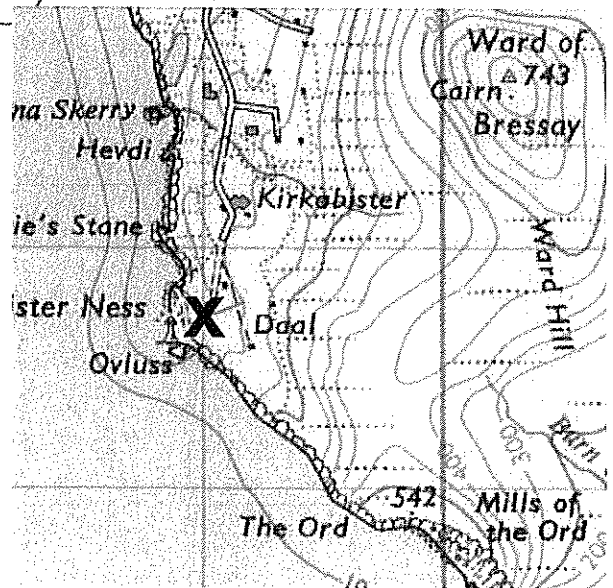
Officer: Amy Maclean

Date: 12/10/12

Sign at Bressay Lighthouse



SIC INFRASTRUCTURE SERVICES	
31 AUG 2012	
PASS TO	ACTION



Ordnance Survey 1961 edition public domain

Report of Handling

Development: Erect signboard.

Location: Cruester
Bressay
Shetland
ZE2 9EW

By: Bressay Primary School

Application Ref: 2012/294/ADV

1. Introduction

This application concerns the siting of an interpretive board on a site at Cruester, Bressay. The site of the proposed board overlooks a site on which either a rescue or shipwreck has occurred and its purpose is to give more details of the rescue or shipwreck.

2. Statutory Development Plan Policies

Shetland Islands Council Structure Plan (2000) Policies

GDS4 - General Development Policy Natural and Built Environment

SPNE1 - Design

SPTOUR1 - Tourism Development

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

LPNE10 - Development and the Environment

LPBE11 - Advertisements and Signs

LPBE13 - Design

Shetland Islands Council Interim Planning Policy Guidance

LDP1 - All development General

LDP2 - All development Layout and design

3. Safeguarding

Land Capability Agriculture - code: 5.2

Military Unclassified - Military Unclassified info:: camp no contam

Zone 3 Modified - Zone 3: Housing Zone 3

Zone 3 Modified - Zone 3: Housing Zone 3

4. Consultations

Roads Traffic was consulted on the 18 September 2012. Their comments dated 1 October 2012 can be summarised as follows:

While the application form does not indicate the size of the proposed sign, or the number of posts it is to be mounted onto, the proposed location is sufficiently far away from the public road that I have no objections to the proposal.

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 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 interpretive board is to be mounted upon two aluminium square posts which are to be powder coated white. The main colours of the board are to be white and lime green. The location of the panel will not have an adverse impact on the surrounding environment in any respect.

Roads Traffic was consulted regarding the position of this board and has no objections to the location as the board is sufficiently far away from the public road.

This board forms part of a "Rescues and Shipwrecks" trail which has been produced by the school children at Bressay Primary School. The boards are to be of high quality and to form a new tourism product and therefore this compiles with Shetland Islands Council Structure Plan (2000) policy SPTOUR1.

It is therefore considered that the proposed interpretive board is appropriate in terms of its design, colour, materials, scale and location on site and as such will not compromise the visual amenity of the surrounding area and will have no adverse impact upon the character of the area or upon the natural environment. As such, the proposal complies 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:

(1.) It is considered that the proposed interpretive board is appropriate in terms of its design, colour, materials, scale and location on site and as such will not compromise the visual amenity of the surrounding area and will have no adverse impact upon the character of the area or upon the natural environment. As such, the proposal complies with: Shetland Islands Council Structure Plan (2000) policies SPNE1, SPTOUR1 and GDS4; Shetland Islands Council Local Plan (2004) (As Amended) policies LPNE10, LPBE11 and LPBE13; and

10. **List of approved plans:**

- | | | |
|---|--------------------------------------|------------|
| • | Detail 2012/294/ADV-01 | 31.08.2012 |
| • | Site & Location Plan 2012/294/ADV-02 | 31.08.2012 |
| • | Supporting Document 2012/294/ADV-03 | 31.08.2012 |
| • | Detail 2012/294/ADV-04 | 10.10.2012 |

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.) Notwithstanding the approved plans and details the sign board shall measure 1200mm by 550mm and shall be mounted upon 2 posts giving a maximum height at the highest part of the sign of 1253.5mm. Unless otherwise agreed in writing by the Planning Authority.

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

(3.) This Consent is 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.

(4.) All advertisements displayed, and any land used for the display of advertisements, shall be maintained in a clean and tidy 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.

(5.) 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.

(6.) 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.

(7.) 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.

11. Further Notifications Required

None.

12. Background Information Considered

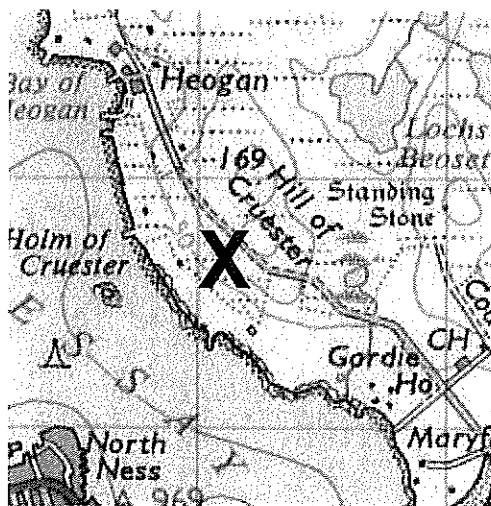
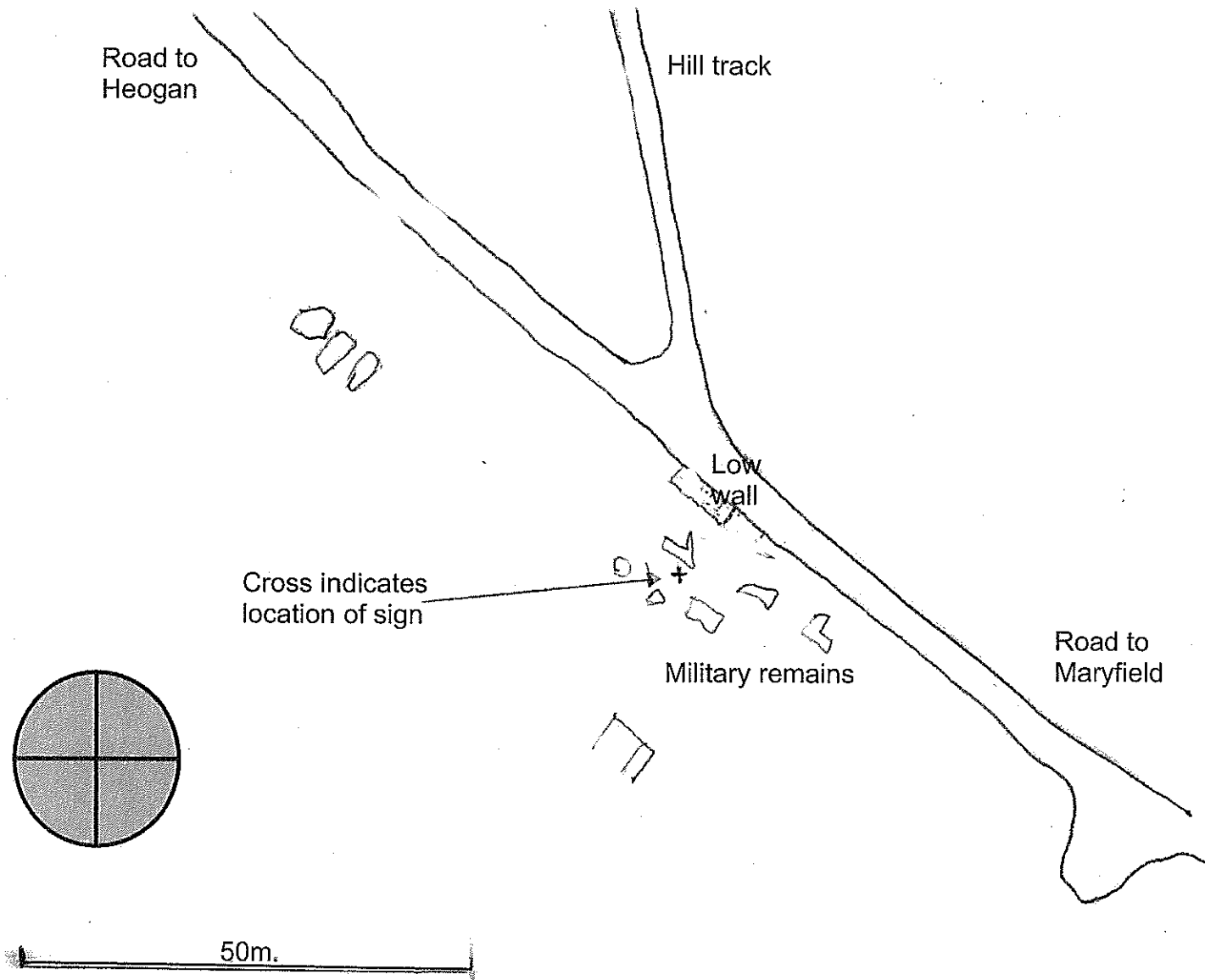
None.

13. Attachments

Sign at Cruester, Bressay

2012/294/ADV Planning Committee Report.doc
Officer: Amy Maclean
Date: 12/10/12

Sign at Cruester, Bressay



Ordnance Survey 1961 edition public domain

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Report of Handling

Development: Erect 2no. signboards.

Location: Ward Hill
Bressay
Shetland
ZE2 9ER

By: Bressay Primary School

Application Ref: 2012/296/ADV

1. Introduction

This application concerns the siting of two interpretive boards on a site at Ward Hill, Bressay. The sites of the proposed boards overlook sites on which either a rescue or shipwreck has occurred and its purpose is to give more details of the rescue or shipwreck.

2. Statutory Development Plan Policies

Shetland Islands Council Structure Plan (2000) Policies

GDS4 - General Development Policy Natural and Built Environment

SPNE1 - Design

SPTOUR1 - Tourism Development

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

LPNE10 - Development and the Environment

LPBE11 - Advertisements and Signs

LPBE13 - Design

Shetland Islands Council Interim Planning Policy Guidance

LDP1 - All development General

LDP2 - All development Layout and design

3. Safeguarding

30km Radius Scatsta - 30km Sumburgh Scatsta: 1

Land Capability Agriculture - code: 6.3

4. Consultations

Roads Traffic was consulted on the 18 September 2012. Their comments dated 1 October 2012 can be summarised as follows:

The signs are located near to a private access and should be kept at least 2m back from the edge of the access.

The application form does not indicate the size of the proposed sign, or the number of posts it is to be mounted onto, but as long as it is kept far enough away from the private access it should not pose any threat.

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 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 application concerns the siting of two interpretive boards. One of the proposed interpretive boards is to be mounted upon one aluminium square post and the other is to be mounted upon two aluminium square posts. All posts are to be powder coated white. The main colours of the board are to be white and lime green. The location of the panels will not have an adverse impact on the surrounding environment in any respect.

Roads Traffic was consulted regarding the position of these boards and has no objections but comments that the signs are located near to a private access and should be kept at least 2m back from the edge of the access.

These boards form part of a "Rescues and Shipwrecks" trail which has been produced by the school children at Bressay Primary School. The boards are to be of high quality and to form a new tourism product and

therefore this complies with Shetland Islands Council Structure Plan (2000) policy SPTOUR1.

It is therefore considered that the proposed interpretive boards are appropriate in terms of their design, colour, materials, scale and location on site and as such will not compromise the visual amenity of the surrounding area and will have no adverse impact upon the character of the area or upon the natural environment. As such, the proposal complies 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:

(1.) It is considered that the proposed interpretive boards are appropriate in terms of design, colour, materials, scale and locations on site and as such will not compromise the visual amenity of the surrounding area and will have no adverse impact upon the character of the area or upon the natural environment. As such, the proposal complies with: Shetland Islands Council Structure Plan (2000) policies

SPNE1, SPTOUR1 and GDS4; Shetland Islands Council Local Plan (2004) (As Amended) policies LPNE10, LPBE11 and LPBE13; and Shetland Islands Council Interim Planning Policy Guidance policies LDP1 and LDP2.

10. **List of approved plans:**

- | | | |
|---|-------------------------------------|------------|
| • | Location Plan 2012/296/ADV-01 | 31.08.2012 |
| • | Supporting Document 2012/296/ADV-02 | 31.08.2012 |
| • | Detail 2012/296/ADV-03 | 31.08.2012 |
| • | Detail 2012/296/ADV-04 | 10.10.2012 |

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.) Notwithstanding the approved plans and details the sign boards shall measure 600mm by 550mm and be mounted upon 1 post and 1200mm by 550mm and be mounted upon 2 posts. Both signs shall be a maximum height of 1253.5mm at the highest part of the sign. Unless otherwise agreed in writing by the Planning Authority.

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

(3.) This Consent is 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.

(4.) All advertisements displayed, and any land used for the display of advertisements, shall be maintained in a clean and tidy 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.

(5.) 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.

(6.) 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.

(7.) 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.

11. Further Notifications Required

None.

12. Background Information Considered

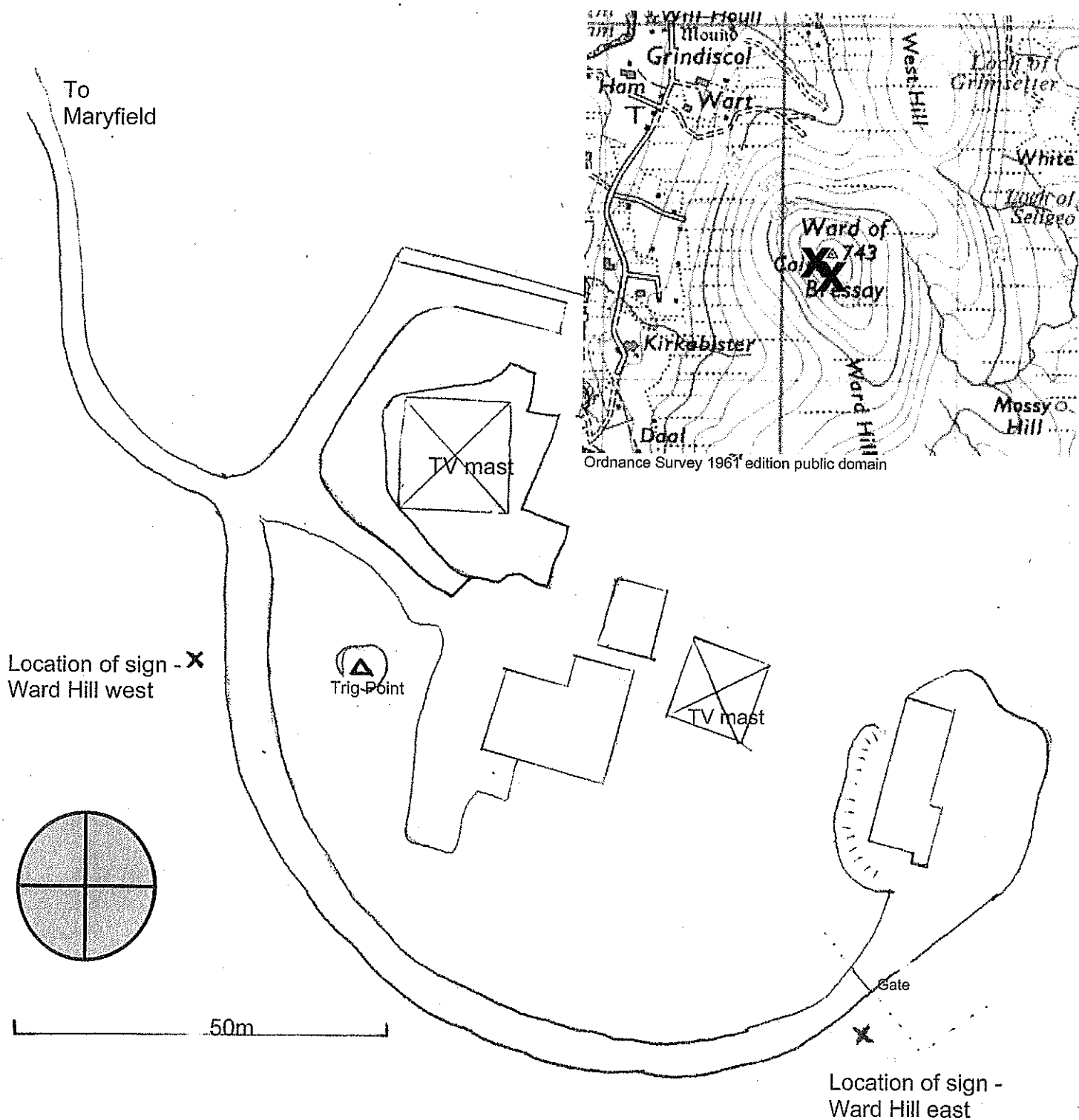
None.

13. Attachments

Signs at Ward Hill, Bressay

2012/296/ADV Planning Committee Report.doc
Officer: Amy Maclean
Date: 12/10/12

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