



Guidance on Local Review under Section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended) to be considered by the Planning Board sitting as Local Review Body: 2012/058/PPP – LR12: Erect dwellinghouse and develop existing track: New House, Toab, Virkie, Shetland, ZE3 9JL

1 Introduction

- 1.1 The Planning Scheme of Delegations that has been approved by the Council, as well as that which has been approved by the Scottish Ministers, identifies the appropriate level of decision making to ensure compliance with the 1997 Planning Act.
- 1.2 The Scheme of Delegations, following the hierarchy of development introduced by the Planning etc. (Scotland) Act 2006 which is at the heart of the modernised planning system, provides that where a decision on an application for planning permission for a local development (as defined in the Hierarchy of Development) is to be taken it may, subject to certain exceptions, be so by officers as have been appointed by the planning authority.
- 1.3 A decision on an application for planning permission for a local development that is taken by an officer (the appointed person) under the Scheme of Delegations has the same status as other decisions taken by the planning authority other than arrangements for reviewing the decision. Sections 43A(8) to (16) of the 1997 Act remove the right of appeal to the Scottish Ministers, and put in place arrangements for the planning authority reviewing these decisions instead.
- 1.4 The Full Council resolved on 12 May 2011 (Minute Ref: 57/11) that the remit of the Planning Committee be extended to include the functions of the Local Review Body, who would review the decision taken.

2 Process

- 2.1 The procedures for requiring a review and the process that should then be followed are set out in regulations, and these have been followed in the administrative arrangements that have been carried out for support of this review in accordance with its being the intention that decision making by the Local Review Body will follow a public hearing. This however should be confirmed by the Review Body in each case before proceeding.
- 2.2 The Review Body is, where a decision has been taken that the review is to follow the public hearing procedure, required to follow Hearing Session Rules under Schedule 1 of The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008. In

doing so they are to confirm the matters to be considered and the order in which persons entitled to appear are to be heard.

- 2.3 It has been the intention that such hearing sessions will be held in a similar manner to the current Planning Committee, with the Planning Service Case Officer presenting on the matters to be considered, followed by those persons entitled to appear other than the applicant, followed by the applicant, with its being the case that Members of the Review Body can ask questions throughout the process. The hearing session can similarly proceed in the absence of any person entitled to appear at it. The Review Body should confirm this order and confirm the time each person entitled to appear is to be afforded beforehand.
- 2.4 The Hearing Session Rules prescribe that the hearing shall take the form of a discussion led by the local review body and cross-examination shall not be permitted unless the local review body consider that this is required to ensure a thorough examination of the issues. Persons entitled to appear are entitled to call evidence unless the local review body consider it to be irrelevant or repetitious. The local review body may also refuse to permit the cross-examination of persons giving evidence, or the presentation of any matter where they similarly consider them to be irrelevant or repetitious.
- 2.5 The matters that are attached for the purposes of consideration by the Review Body in this case comprise: the decision in respect of the application to which the review relates, the Report on Handling and any documents referred to in that Report (including: the planning application form, and any supporting statement and additional information submitted, and consultation responses received prior to the refusal by an appointed officer of permission; the refused plans); the notice of review given in accordance with Regulation 9; all documents accompanying the notice of review in accordance with Regulation 9(4); any representations or comments made under Regulation 10(4) or (6); and any 'hearing statement' served in relation to the review.
- 2.6 In order to be able to give notice of their decision in accordance with the regulations, the local review body must be clear on the details of the development plan and any other material considerations to which it had regard in determining the application, and, where relevant, specify any conditions to which the decision is to be subject.

planning committee.doc
J R Holden
Planning Board: 20/11/2012

Town and Country Planning (Scheme of Delegation and Local Review Procedure) (Scotland) Regulations 2008

Local Review Under Section 43A(8) of the Town and Country Planning (Scotland) Act 1997 (As Amended)

Regarding Planning Application reference: 2012/058/PPP

To

Erect dwellinghouse: Toab, Virkie, Shetland

By

Mr and Mrs W Reid

Tuesday 20 November 2012

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Tuesday 20 November 2012

Section 1. Planning Submission – 2012/058/PPP

Tuesday 20 November 2012

Infrastructure Services Department
Shetland Islands Council
Planning Application

FOR OFFICIAL USE ONLY

Reference No:

Associated Application No:

Registration Date:

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997, AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006. TOWN & COUNTRY PLANNING (HAZARDOUS SUBSTANCES) (SCOTLAND) ACT 1997.

(PLEASE READ THE NOTES FOR GUIDANCE BEFORE COMPLETING THIS FORM. IT IS IMPORTANT THAT THIS FORM IS COMPLETED CORRECTLY TO AVOID DELAYS IN PROCESSING).

Separate forms must be completed for applications for House Alterations and Extensions, Listed Building Consent, Conservation Area Consent, Advertisement Consent and other categories of application.

1

I/We Apply To The Council For: Please tick relevant box

Full Planning Permission (FPP) ☐

Renewal of Temporary Permission ☐

Planning Permission in principle (PPP) ☒

Variation of a planning condition(s) ☐

Approval of matters specified in conditions (AMC) ☐

Reference number(s) of previous planning application(s)/permission(s) (if known) _____

Reference number(s) of proposal of Application Notice(s) (if applicable) _____

Have there been any pre-application discussions with planning? YES ☐ NO ☒

If yes, what type:

Telephone Letter Meeting:

Pre-application officer's name:

2

The Application is considered to be a:

National Development ☐

Major Development ☐

Local Development ☒

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INFRASTRUCTURE SERVICES

22 FEB 2012

3

Applicant's Name only:

MR & MRS W. REID

PASS TO ID

155283

ACTION

4

Address or Location of Proposed Development please include postcode

TOAB, VIRKIE, SHETLAND

POSTCODE ZE3 9JL

5

Existing Use of Land and/or Buildings please give details

STOCK GRAZING

6

Description of Proposed Development please specify what is being proposed

TO CONSTRUCT NEW DWELLING HOUSE AND
DEVELOP EXISTING TRACK ACCESS

V11 07/09

7**Residential Development**

Number of dwelling houses proposed _____

Site Area (hectares) 0.14 Ha**8****Commercial/Industrial Development**

	Existing	Proposed
(a) Site Area (gross)	_____ hectares	_____ hectares
(b) Manufacturing/Production area	_____ sq m	_____ sq m
(c) Storage Area	_____ sq m	_____ sq m
(d) Office/Ancillary Area	_____ sq m	_____ sq m
(e) Retail (Net Floor Area)	_____ sq m	_____ sq m
(f) Intended hours of Operation	_____ hrs	_____ days
(g) Types of vehicles and number of movements	No: _____	Type: _____
(h) Present and proposed staff numbers	Present: _____	Proposed: _____

N/A

9**Proposed Access Arrangements** Please tick relevant boxes and note that such details are required for PPP applications

Do you intend to:

use an existing access



improve an existing access



form a new access

**10****Parking**Number of existing parking spaces on site 0Number of additional parking spaces proposed 3**11****Proposed Drainage Connections** Please tick relevant boxes

Drawings indicating whether disposal method proposals are new or as existing should be submitted including location of outfalls, connections etc.

(a) **Foul Drainage**to public sewer ☒

to existing septic tank

to new septic tank with soakaway ☐

to new septic tank with sea outfall

(b) **Surface Water** - Please give full details and drawings

Public Sewer



Sustainable drainage system



Other



12**Proposed External Building Materials And Colour Finishes**

Outside walls and roof covering

UNKNOWN AT THIS TIME

Parking areas/Driveway surface

Landscaping

Windows / Doors

Boundary treatment (fences, walls etc.)

13**Hazardous Materials**Does the proposal involve the use, storage or manufacture of hazardous materials? Yes ☐ No ☒

If the proposal involves the use, storage or manufacture of any "hazardous materials" (such as liquified Petroleum Gas, Hydrogen, Liquid Oxygen, or any explosive) please give details and the quantities in a covering letter.

14**Any other particulars to which the applicant wishes to draw attention**

15 LAND OWNERSHIP CERTIFICATE

(Article 8(8), Town & Country Planning (General Development Procedure)(Scotland) Order 1992)

You must fill in an appropriate certificate of land ownership.

If you do not own all of the land or property to which this application relates, you must notify all the owners and agricultural tenants at the same time as submitting this form.

If you are unable to identify relevant parties then please contact the Development Management Service within the Planning Service by using the details at the end of this form.

A I hereby certify that: Please tick **one** box

1. 21 days before the date of this planning application, the applicant owned **all** the land to which this application relates. ☒

or

2. The applicant has given notice to all persons who, 21 days before the date of this planning application, owned any part of the land to which it relates. They are: ☐

NAME OF OWNER	ADDRESS	DATE NOTIFIED

B I further certify that: Please tick **one** box

1. 21 days before the date of this planning application, none of the land formed part of an agricultural holding ☒

or

2. The applicant has given notice to every person who, 21 days before the date of this application, was a tenant of an agricultural holding, any part of which formed part of the application site. These persons are: ☐

NAME OF TENANT	ADDRESS	DATE NOTIFIED

or

3. The land forms part of an agricultural holding, but there are no tenants. ☐

16 CHECKLIST

Checklist *Please tick all relevant boxes*

- I enclose 4 copies of this form
- I enclose 4 sets of the necessary plans and drawings
- I have completed and enclosed the landownership certificates
- I enclose the necessary fee of £ 319.00
- I enclose 4 copies of a pre-application consultation report (if necessary)
- I enclose 4 copies of a design statement (if necessary)
- I enclose 4 copies of a design and access statement (if necessary)

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Your application cannot be registered until all these documents and fee are received.
Failure to submit a PAC report when necessary will result in the application being returned.

Receipt No.

17 Applicant's Details

NAME MR & MRS W. REID
ADDRESS

8 HILLSIDE GROVE,
BARRHEAD, GLASGOW.

POSTCODE G78 1HB

TELEPHONE

FAX

EMAIL

Please tick the box if the applicant is an Elected
Member of Shetland Islands Council ☐

18 Agent's Details

NAME VEGA TECHNICAL SERVICES
ADDRESS

HOSWICK VISITOR CENTRE
SANDWICK

POSTCODE ZE2 9HL

TELEPHONE

FAX

EMAIL

Please tick the box if the agent is an Elected
Member of Shetland Islands Council ☐

19 Contact Details

NAME
ADDRESS

MICHAEL ADAMSON

'As Agent'

POSTCODE
TELEPHONE
FAX
EMAIL

V11 07/0

20 Declaration


You should check that you have completed questions 1-13 and the Land Ownership Certificates correctly.

You should now sign the declaration below.

I HEREBY CERTIFY THAT THE INFORMATION GIVEN BY ME IN THIS FORM IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

Signature of ~~applicant~~ agent (delete where inappropriate)

Date


20/2/12

IMPORTANT: ANYONE WHO KNOWINGLY OR RECKLESSLY MAKES A FALSE DECLARATION IS LIABLE, ON CONVICTION, TO A FINE OF CURRENTLY UP TO £2000.

Completed applications should be sent to:

Shetland Islands Council
Planning
Infrastructure Services Department
Grantfield
Lerwick
Shetland
ZE1 0NT

Telephone: 01595 744800

e-mail: planningcontrol@shetland.gov.uk

Visit: www.shetland.gov.uk

NEIGHBOUR NOTIFICATION

It is the responsibility of the Council to notify those with an interest in neighbouring land of the submission of a valid planning application. Neighbouring land is that which is within 20 metres of the boundary of the application site. An advert will be placed in the local paper if the Planning Service is unable to notify neighbouring land on which there are no premises, in which case the applicant is required to pay for this advert within 21 days; the decision cannot be issued until this is paid. Therefore, if you know of any person(s) who has any interest in the land neighbouring the site of the proposed development, whether this is the owner or occupier in relation to domestic property, or owner, lessee or occupier in relation to non-domestic property, this could help avoid delay in processing your application. Please use the Neighbour Information Notice.

1. Domestic Property	Address
1. The Owner: The Occupier:	ALAN SIMMONDS OLD SCHOOL HOUSE, VIRKIE
2. The Owner: The Occupier:	
3. The Owner: The Occupier:	
4. The Owner: The Occupier:	
5. The Owner: The Occupier:	
2. Non-Domestic Property	
1. The Owner: The Lessee: The Occupier:	MRS PEGGIE FLAWS NON 6 HESTINGOTT, VIRKIE
2. The Owner: The Lessee: The Occupier:	MR ANDREW SMITH MR TONY JOHNSON WEST-BY, TOAB, VIRKIE. NOLECREST, VIRKIE.
3. The Owner: The Lessee: The Occupier:	LAURENCE JAMIESON NON WARD HILL, VIRKIE.
4. The Owner: The Lessee: The Occupier:	LAURENCE LESLIE NON CORALYNN, NORTH HOUSE, VIRKIE

Please continue on another sheet as necessary and attach it to the application form.

NEIGHBOUR NOTIFICATION

It is the responsibility of the Council to notify those with an interest in neighbouring land of the submission of a valid planning application. Neighbouring land is that which is within 20 metres of the boundary of the application site. An advert will be placed in the local paper if the Planning Service is unable to notify neighbouring land on which there are no premises, in which case the applicant is required to pay for this advert within 21 days; the decision cannot be issued until this is paid. Therefore, if you know of any person(s) who has any interest in the land neighbouring the site of the proposed development, whether this is the owner or occupier in relation to domestic property, or owner, lessee or occupier in relation to non-domestic property, this could help avoid delay in processing your application. Please use the Neighbour Information Notice.

1. Domestic Property	Address
1. The Owner: The Occupier:	
2. The Owner: The Occupier:	
3. The Owner: The Occupier:	
4. The Owner: The Occupier:	
5. The Owner: The Occupier:	
2. Non-Domestic Property	
1. The Owner: The Lessee: The Occupier:	RONNIE LESLIE SCHOLLAND, VIRKIE K O N H
2. The Owner: The Lessee: The Occupier:	
3. The Owner: The Lessee: The Occupier:	
4. The Owner: The Lessee: The Occupier:	

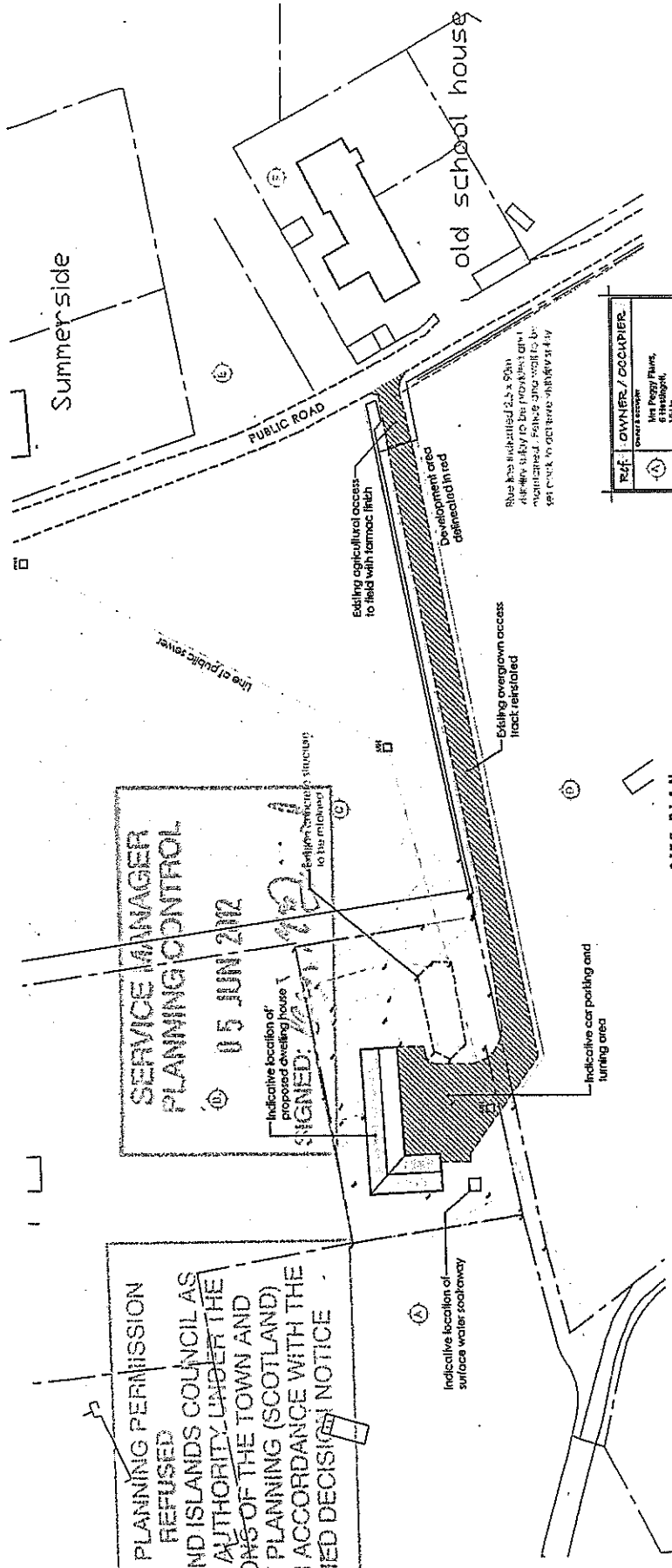
Please continue on another sheet as necessary and attach it to the application form.

A2 Original

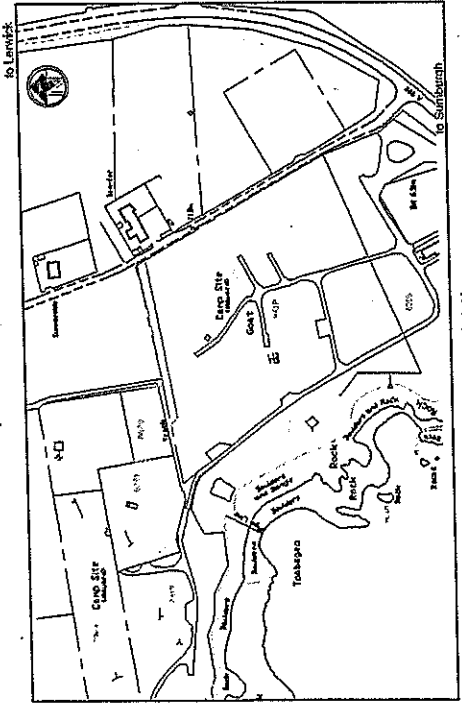


GRANT OF PLANNING PERMISSION
REFUSED
BY SHETLAND ISLANDS COUNCIL AS
PLANNING AUTHORITY UNDER THE
PROVISIONS OF THE TOWN AND
COUNTRY PLANNING (SCOTLAND)
ACT 1997 IN ACCORDANCE WITH THE
ATTACHED DECISION NOTICE

SERVICE MANAGER
PLANNING CONTROL
05 JUN 2012
Indicative location of
proposed dwelling house
SIGNED: [Signature]



Blue line indicates 2.5 x 50m
ditch which is to be maintained
and ditched. Fences and gates to be
set back to determine driveway at 1m



SITE PLAN
Scale 1:2500

SITE PLAN
Scale 1:500

SCHEDULE OF NEIGHBOURS
TO BE NOTIFIED

Ref	Owner / Occupier
(A)	Mr & Mrs Peggy Flinn, 6 Headgill, Vikie, Shetland ZE3
(B)	Mr Andrew Smith Westly, Vikie, Shetland
(C)	Mr Tony Johnson Westly, Vikie, Shetland
(D)	Mr & Mrs Lorraine Jamieson Westly, Vikie, Shetland
(E)	Mr & Mrs Lorraine Leith, Corry, Vikie, Shetland
(F)	Mr & Mrs Ronnie Leith, Shetland, Vikie, Shetland
(G)	Mr & Mrs Alan Simmonds, Old School House, Shetland

NOTES

1. Topographic survey carried out on 11th February 2012.
2. Base information taken from Ordnance Survey data.
3. All levels and contours are relative to local datum only.

SIC
INFRASTRUCTURE SERVICES
17 APR 2012

PASS TO

ACTION

Ref	Date	Drawn by	Checked by
A	02/04/12		

Working in accordance with SPS Roads and Architectural Conventions

V VEGA TECHNICAL SERVICES
ARCHITECTURAL, CIVIL, LANDSCAPE AND CHARTERED SURVEYING
HOPKINS VICTOR CURRIE & SANDWICH • SHETLAND • ZE10 1AL
01493 41 40 019
01493 41 40 019
01493 41 40 019

Project: PROPOSED DWELLING HOUSE AT SITE AT TOAR, VIKIE, SHETLAND
Drawing No: 748.01
Drawing Date: 02/04/12
Drawing Scale: 1:500

Outline Planning 748.01

HOUSE POSITION, CAR PARKING LAYOUT
ETC. ARE SHOWN INDICATIVELY ONLY.
FULL DETAILS ARE TO BE PROVIDED IN
FUTURE FULL PLANNING APPLICATION

Section 2. Statutory Advert

Tuesday 20 November 2012

Public Notices

NOTICE OF DECISION Viking Energy Partnership

**ELECTRICITY ACT 1989
TOWN AND COUNTRY PLANNING
(SCOTLAND) ACT 1997
THE ELECTRICITY WORKS
(ENVIRONMENTAL IMPACT ASSESSMENT)
(SCOTLAND) REGULATIONS 2000**

Further to the notice of an application for consent to construct and operate a wind farm in Central Mainland, Shetland, of 457 MW comprising of 127 turbines with a ground to blade tip height of 145 metres.

Notice is hereby given that The Viking Energy Partnership ("the Partnership") has been granted consent by Scottish Ministers to construct and operate a wind generated power station (Viking Wind Farm), of 457 MW comprising of 103 turbines with a ground to blade tip height of 145 metres, together with planning permission under section 57(2) of the Town & Country Planning Act (Scotland) 1997.

Copies of the decision statement and consent documentation can be obtained from:

**Energy Consents Unit
Scottish Government
4th Floor
5 Atlantic Quay
150 Broomielaw
Glasgow
G2 8LU**

Or by email to
econsentsadmin@scotland.gsi.gov.uk

Or on the Energy Consents website:
www.scotland.gov.uk/topics/business-industry/energy/energy-consents

Copies of the decision statement and consent documentation have been made available to Shetland Islands Council planning authority to be made available for public inspection by being placed on the planning register.

Shetland Islands Council

These applications, associated plans and documents can be examined, 09.00-17.00, Mon-Fri, at: Shetland Islands Council, Development Services Department, Grantfield, Lerwick, ZE1 0NT. Please call 744800 to make an appointment if you wish to discuss any application.

Town and County Planning (Development Management Procedure) (Scotland) Regulations 2008

Format: Ref No; Proposal & Address

2012/009/MAR To modify an existing mussel farm by changing growing equipment from sixteen 500m smartfarm units to twelve 220m double-headrope longlines, Head of Aith Voe (West), Aith.

2012/010/MAR To develop a new mussel farm, Grunna Voe, Dury.

2012/058/PPP Erect dwellinghouse and develop existing track, Toab, Virkie.

2012/147/PPF Install 11.5kw turbine on 15m tower with 8.6m diameter blades, Brunthamarsland, Grista.

2012/148/VCON Vary condition No 3 of 201/309/PPF to increase height from 30m to 45m, North Hoo Fields, Gremista, Lerwick.

Town and County Planning (Scotland) Act 1987 and Town and Country Planning (Listed Buildings and Buildings in Conservation Areas)(Scotland) Regulations 1987

Format: Ref No; Proposal & Address

2012/104/LBC Take down and re-build boundary wall including introducing mass concrete retaining structure below ground level, St Rinnan's Church Library, Lower Hill Head, Lerwick.

Written comments may be made to Iain McDiarmid, Executive Manager, at the above address, email planning.control@shetland.gov.uk by 18/05/2012.

SHETLAND ISLANDS COUNCIL PUBLIC NOTICE

The Accounts Commission met in December 2011 to consider Audit Scotland's follow up report on progress the Council has made since 2010. Their findings were published on the 18th January, 2012. The Commission welcomed the prompt action and progress made by the Council but emphasised the need for this positive direction and change to be sustained and consolidated.

The Council considered this follow up report on the 28th March, 2012. The Council was also clear that while a very considerable amount has been achieved in a short space of time, there is still some way to go. We are determined to take just as effective action on the outstanding areas of the improvement plan; and ensure that the changes already put in place are sustained.

24 of the 29 work streams on the original improvement plan have been fully or substantially implemented. They will continue to be monitored regularly to assure they are fully embedded.

These include:

- New political governance arrangements
- Improved support services to members
- Revised management structure
- Communications strategy and new Community Engagement approach
- New Community plan and Single Outcome Agreement and governance for these
- Revised and extended Planning and Performance Management Arrangements
- 2012/13 and 13/14 budgets approved targeting significant savings
- Restructured Finance function and updated financial regulations
- Updated budget strategy, reserves policy and investment plan
- New asset management strategy

There are 5 main areas to be concluded;

- Delivering a comprehensive training, development and learning programme for members and managers (May / June for member induction and thereafter for follow up training programmes for both managers and members)
- Implement a new complaints procedure and supporting processes (awaiting national guidance)

SHETLAND ISLANDS COUNCIL

The Council has made the SHETLAND ISLANDS COUNCIL (Various Roads, Lerwick) (Temporary Waiting Restriction) Temporary Traffic Regulation Order T07/2012 under the Road Traffic Regulation Act 1984 as amended, to allow the Olympic Torch practice convoy clear passage. From 09.00 to noon on Tuesday, 8th May, 2012, no-one will be allowed to park any vehicle/pedal cycle on the following sections of road: from Breilwick Road (Lighthouse Buildings) between Knab Road to Lovers Loan, from Lovers Loan between Breilwick Road (Lighthouse Buildings) and Midgarth Crescent, the East side of Twageos Road between Lovers Loan and Gressy Loan, the South side of Gressy Loan from Twageos Road to AHS multi-use area, the North side of Breilwick Road from Knab Road to Ronald Street, the South side of Breilwick Road from Ronald Street to A969 South Road, the North side of Breilwick Road from King Harald Street to A969 South Road.

Situations Vac

Part-time A

The Shetland Times Ltd. has
join our admin. team at Gremist

The main responsibility of this p
successful applicant will also be
required by the business under l
asked to assist with other gener

The business operates a Sage a
would be an advantage. The hc
and there is a degree of flexibil

The full employment package in
flexible holidays.

For informal enquiries please

Please apply a

Shetland Islands Council



Section 3. Consultation Responses

Tuesday 20 November 2012

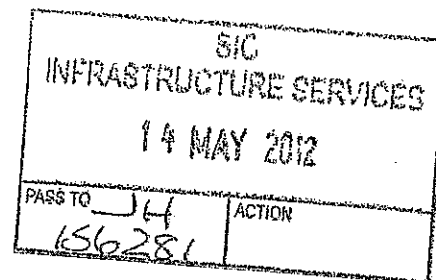


Shetland Islands Council

Development Services Department Planning Application Consultation

For further information on this application contact:

Mr John Holden
Tel 01595 743898



Dunrossness Community Council
Dunrossness Community Council Clerk
Mrs Shirley Leslie
Ringesta
Quendale
ZE2 9JD

~~01595 743898~~

Application:

2012/058/PPP	erect dwellinghouse and develop existing track, Toab, Virkie (permission in principle) by Mr & Mrs W Reid
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Date of Consultation: 27 February 2012

Applicable Policies and Guidance:

Structure Plan -
Local Plan -
Other -

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

YES

NO

Comments:

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

(Cont'd overleaf)

Comments continued:

Response: (Please circle as appropriate)

No objection

Further information required

Objection

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

~~WE~~ PLEASE SEE ATTACHED FOR REASONS WHY WE
ARE OBJECTING

Signed ~~██████████~~ (CLERK) Date 13/5/12

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

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

DUNROSSNESS COMMUNITY COUNCIL

Chairman:
Donald Robertson
7 Toabsgeo
VIRKIE
Shetland ZE3 9JJ
[REDACTED]

Clerk:
Shirley Leslie
Ringesta, Quendale
DUNROSSNESS
Shetland ZE2 9JD
Tel: 01850 100922
[REDACTED]
[REDACTED]

Shetland Islands Council
Development Services Department
Grantfield
Lerwick
Shetland
ZE1 0NT

13 May 2012

Dear Sir/Madam

**PLANNING APPLICATION 2012/058/PPP
ERECT DWELLINGHOUSE AND DEVELOP EXISTING TRACK, TOAB, VIRKIE (IN
PRINCIPLE) BY MR & MRS W REID**

Having consulted the neighbours and noted the objections received for this application on your website, Dunrossness Community Council have agreed that we must object due to

- i) Roads comment dated 25 April 2012 regarding the poor visibility at the end of the proposed access to the site
- ii) The Archaeology Service comment dated 26 April 2012 regarding the fact that the site is within Goat Camp which is considered to have the greatest density of World War II remains in Shetland
- iii) Environmental Health comment dated 20 March 2012 regarding the fact that the area has been assessed as containing unclassified military remains.
- iv) The Access Track is a public Right of Way used daily by people walking and by people exercising their dogs. It is also used for moving farm animals when necessary between holdings. The access track also cuts across the main public sewer for Toab and Scholland and if the site were to be moved further to the east, as suggested by The Archaeology Service, this would impact further on the existing sewer and place the site on good agricultural land.

Finally, we consider the neighbouring householders should also be consulted prior to any development. For a variety of reasons, they are not in favour of this development.

Yours faithfully

Shirley Leslie
Clerk

REM

Davidson Inga@Infrastructure Services

From: Val Turner [REDACTED]
Sent: 22 March 2012 12:03
To: [REDACTED]
Cc: Davidson Inga@Infrastructure Services; Chris Dyer; ~~Monica.Flinn@ShetlandAmenityTrust~~
Subject: 2012/058 Goat Camp, Toab Virkie

Dear John

Thank you for the consultation on this application.

The house plot is situated within Goat Camp, which is the World War II infrastructure base which supported Sumburgh Airport. This is the greatest density of WWII remains in Shetland and Historic Scotland are considering scheduling the site as it is unquestionably of National Importance. (Historic Scotland do not carry out scheduling while there is a live planning application in progress, but that does not diminish the importance of the site) The "bunker" which the applicant says will be demolished is an extremely well preserved Air raid shelter and should certainly never have been included within the boundary of a house plot.

(Therefore I am afraid that I have no option but to RECOMMEND REFUSAL of this outline planning application

I note that if the applicant were to relocate the house plot immediately to the east, in the adjacent field, he would be clear of the camp remains.

Best wishes
Val

Val Turner
Shetland Archaeologist
Shetland Amenity Trust, Garthspool,
Lerwick, Shetland, ZE1 0NY
[REDACTED]



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

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

Davidson Inga@Infrastructure Services

From: Val Turner [mailto:val@shetlandamenity.org]
Sent: 17 April 2012 17:02
To: Holden John@Infrastructure Services
Cc: Davidson Inga@Infrastructure Services; Chris Dyer
Subject: New House, Toab 2012/058

Dear John

Thanks for the revised plans, however, our objection is to the total house plot not the micro siting of the house. The best option would be to move to the east of the track which would take the application out of the area of the former Goat Camp which Historic Scotland have indicated is of schedulable quality.

Best wishes

Val

Val Turner
Shetland Archaeologist
Shetland Amenity Trust, Garthspool,
erwick, Shetland, ZE1 0NY
T: 01463 811111



The Shetland Amenity Trust is a registered
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MacNeill Richard@Infrastructure Services

From: Val Turner [REDACTED]
Sent: 24 April 2012 15:51
To: MacNeill Richard@Infrastructure Services
Subject: RE: House at Toab, 2012/058

Hi Richard

No, it is one of a series of letters coming through at the moment but doesn't have any bearing on the matter at all

Sorry

All best

val

Val Turner
Shetland Archaeologist
Shetland Amenity Trust, Garthspool,
Lerwick, Shetland, ZE1 0NY
[REDACTED]



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Scottish charity, No: SC017505

From: richard.macneill@shetland.gov.uk [mailto:richard.macneill@shetland.gov.uk]
Sent: 24 April 2012 15:25
To: Val Turner
Subject: FW: House at Toab, 2012/058

Hello Val,

I wonder if you could have a look at the response from Mr Adamson, and the attachment he sent me, insofar as he refers to the Scheduling and whether this may have any bearing on your recommendation.
Thank you,

Richard.

Richard MacNeill
Planning Officer - Development Management
Planning Service
Grantfield
Lerwick
ZE1 0NT
01595 744803

From: Michael Adamson [REDACTED]
Sent: 23 April 2012 13:37
To: MacNeill Richard@Infrastructure Services
Cc: Helen
Subject: Re: House at Toab, 2012/058

Hello Richard,

After consideration of Archeologist comments regarding the above Planning application, and discussion with my client and applicant, we have very strongly decided to progress with the application as is. We feel we have done all we can to take into account of Archeologist's concerns, as the land to the east referred to is not owned by the applicant, and therefore not a viable solution for them.

25/04/2012

2012/05/04 PPP

From: Val Turner [mailto:valturner@shetlandamenitytrust.co.uk]
Sent: 04 May 2012 12:04
To: MacNeill Richard@Infrastructure Services
Subject: Goat Camp Toab

Hi Richard

Historic Scotland have sent me a copy of their decision letter re. the Goat Camp area which includes the proposed house site. Please note the third paragraph which draws attention to the need for careful stewardship of the site.

Best wishes

Val

Val Turner
Shetland Archaeologist
Shetland Amenity Trust, Garthspool,
Lerwick, Shetland, ZE1 0NY
~~Mobile: 01463 709 4838~~

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Scottish charity, No: SC017505

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Mr Leslie
Scholland
Virkie
Shetland
ZE3 9JL

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Direct Line: 0161 666 0741
Switchboard: 0161 666 0000
~~andrew.fulton@historic-scotland.gov.uk~~

Our ref: 201662
16 August 2011

Dear Mr Leslie,

**Ancient Monuments and Archaeological Areas Act, 1979.
Goat, military camp (HU 3895 1113).**

We wrote to you on 07 April this year to arrange access to the above ancient monument but unfortunately, we did not receive your reply. As we indicated in that letter, Historic Scotland has been reviewing the significance of the surviving archaeology in West Mainland, South Mainland and Unst, Shetland.

Our desk-based analysis of many thousands of archaeological sites and monuments identified this as one of around 170 sites that should be assessed for scheduling as monuments of national importance.

I am writing now to let you know the outcome of our visit. While we recognise the high archaeological and historical interest of the site, we have decided not to recommend it for scheduling because there are insufficient field remains from the overall complex, to indicate a site of national importance. We do however consider that it is highly worthy of preservation and would encourage careful stewardship. I enclose a booklet which gives guidance and advice on how to look after archaeological sites.

If you would like any more information about this site, please contact Val Turner, Shetland Archaeologist, Shetland Amenity Trust, who may be able to assist (Tel 01595 694688; email val@shetlandamenity.org). Alternatively you may find it helpful to consult the online heritage database www.rcahms.gov.uk where the site goes by the CANMORE number of 201662.

Once again thank you for your time and fascinating information. If you have any queries about this letter I would be happy to speak by telephone.

Yours sincerely,

Andrew K FULTON, Senior Designations Officer.



MEMO

To: Development Control

From: Roads

INFRASTRUCTURE SERVICES

16 MAR 2012

If calling please ask for

Brian Halcrow

Direct Dial: 4883

ISS 608

Medium: Paper

Our Ref: BH/SMG/R/G2/GSD

Your Ref:

Date: 15 March 2012

Application: 2012/058/PCD

Proposal: Erect dwellinghouse and develop existing track, New House, Toab, Virkie, ZE3 9JL

Date of Consultation: 27th February 2012

Comments:

RECOMMEND REFUSAL

1. The required visibility splays must be provided before any building works start on site and must be maintained during the course of the works.
 - a. A visibility splay of 2.5 metres by 90 metres must be provided to the north of the junction of the access with the public road. This is available at present.
 - b. A visibility splay of 2.5 metres by 90 metres must be provided to the south of the junction of the access with the public road. This is not available at present. The current visibility is only 10 metres due to an adjacent a stone built boundary wall and wooden fence.
 - c. While the required visibility splays can be achieved from the present access location the works required to provide them are out with the indicated site boundaries. I enclose a plan indicating the extent of the wall and fence blocking the visibility. This application uses an access point consented under application 2005/55. That application indicated that the visibility obstructing stone build wall was to be lowered to no greater than 900mm high. We had suggested setting it back but lowering was a suitable solution, all be it with stock proofing issues. Since then the wooden fencing has been erected.
2. No fence, wall, bushes or other potential obstruction to visibility should be permitted within 2 metres of the edge of the public road.

3. No fence, wall, bushes or other potential obstruction to visibility over 900mm high above road surface level shall be permitted within the identified junction visibility splay as indicated on the attached plan.
4. The gradient of the access should not exceed 5% (slope of 1 in 20) for at least the first 6 metres from the edge of the public road.
5. The access should be surfaced in bitmac for at least the first 6 metres from the edge of the public road.
6. The access should be designed in order that it does not shed surface water from the site onto the public road.
7. Site drainage should be designed, provided and maintained such that no surface water from the site shall be permitted to drain or run onto the public road or footway.
8. Parking provision should be made within the site for a minimum of 2 cars for up to three bedrooms and 3 cars for four or more bedrooms.
9. Turning provision for cars should be made within the site in the form of a standard hammer head or a manoeuvring space at least 7.6 metres by 7.6 metres in size.
10. That length of the access that crosses the public road verge must be constructed to the satisfaction of The Shetland Islands Council Roads Service. A Road Opening Permit must be obtained from The Shetland Islands Council Roads Service prior to carrying out any works to form an access onto the public road.
11. The gate should be set back a minimum of 6 metres from the edge of the public road. If the gate is outward opening then this distance should be increased to 10 metres. This is to allow a vehicle to stand clear of the road while the gate is being opened.

Signed

Date

15/3/12

Enc.

Copy

MEMO

To: Development Management

From: Roads

Attn: Richard MacNeill

If calling please ask for
Brian Halcrow
Direct Dial: 4883

Medium: paper

Our Ref: BH/SMG/R/G2/GSD

Your Ref: 2012/058/PPP

Date: 12 April 2012

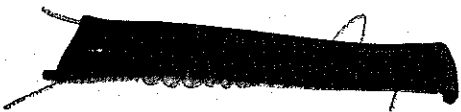
SIC	
INFRASTRUCTURE SERVICES	
13 APR 2012	
PASS TO RMC	ACTION
LSS 898	

Planning Application 2012/058/PPP New dwellinghouse, Toab, Shetland

I refer to your email of 4th April 2012 referring to the email to Planning of the 2nd April regarding the setting back of the wall and fence to provide the visibility splay for the above application.

I note the agents comments that "there is no problem either practically and legally to do this".

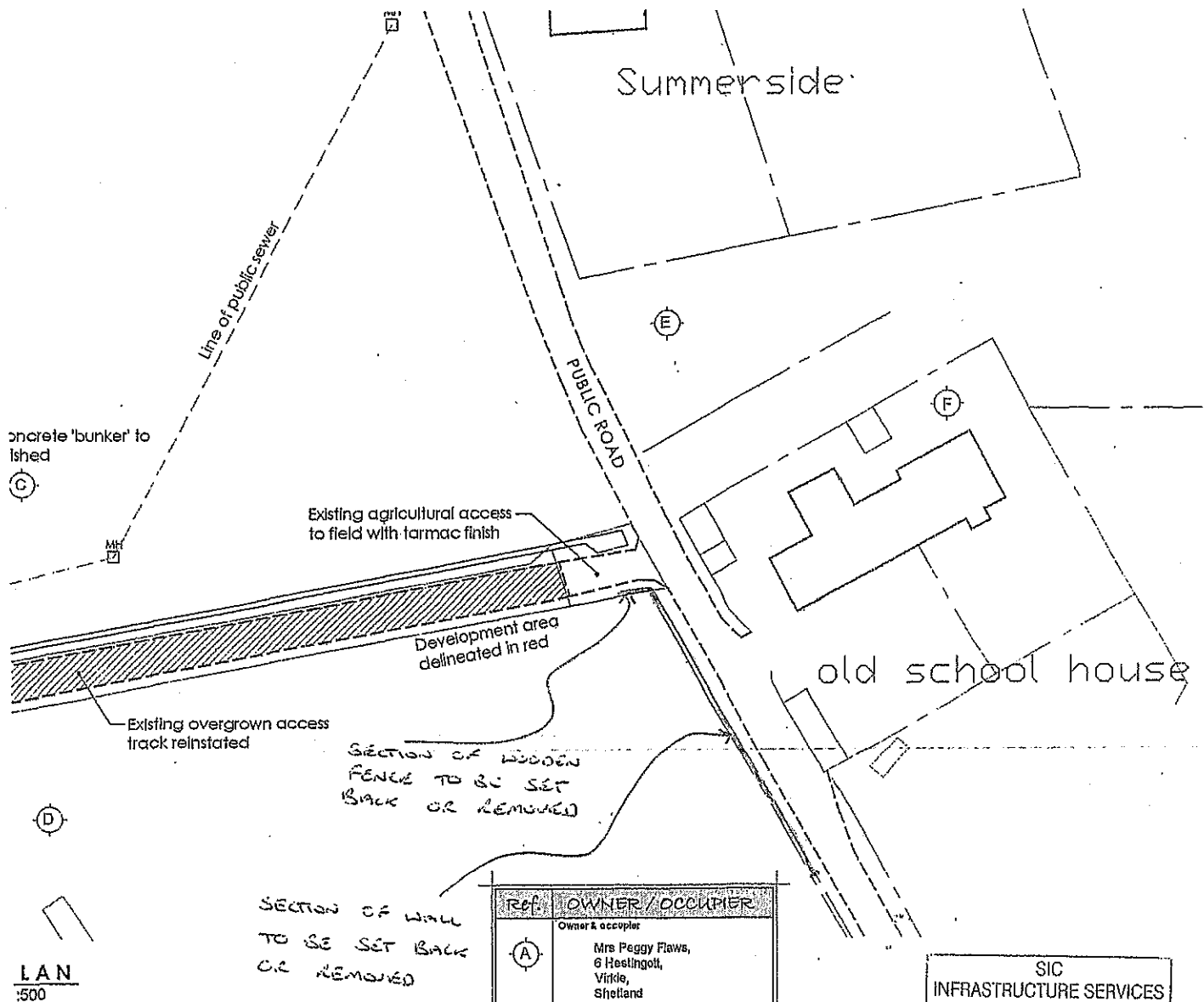
Given that the land appears to be outwith the control of the applicant I would like to ensure that if the application is permitted that the provision of the splay is conditioned such that it must be provided before any excavation or building works commence on site. In practise this would mean that the wall and fence would need to be set back before the new access point is formed to the site.



Executive Manager, Roads

[HM04111201.doc]

HOUSE POSITION, CAR PARKING LAYOUT
ETC. ARE SHOWN INDICATIVELY ONLY.
FULL DETAILS ARE TO BE PROVIDED IN
FUTURE FULL PLANNING APPLICATION



**SCHEDULE OF NEIGHBOURS
TO BE NOTIFIED**

Ref	OWNER / OCCUPIER
(A)	Owner & occupier Mrs Peggy Flaws, 6 Hestlingott, Virkie, Shetland ZE3
(B)	Owner Mr Andrew Smith West-By, Toab, Virkie, Shetland
	Tenant Mr Tony Johnson Noleforest Virkie, Shetland
(C)	Owner & occupier Laurence Jamieson Ward Hill, Virkie, Shetland
(D)	Owner & occupier Laurence Leslie, Coralynn, North House, Virkie, Shetland
(E)	Owner & occupier Ronnie Leslie, Scholland, Virkie, Shetland
(F)	Owner & occupier Alan Simmonds Old School House, Virkie, Shetland

SIC INFRASTRUCTURE SERVICES	
22 FEB 2012	
PASS TO	ACTION

VEGA TECHNICAL SERVICES Architectural, Land Surveying and Civil Engineering CAD drawing 1105WICK VISITOR CENTRE • SANDWICK • SHETLAND • ZE2 9JL Tel: (01950) 431 502/279 Mob: 07770 854 578 E-mail: michael@vegaatech.plus.com		
Project: PROPOSED DWELLING HOUSE AT SITE AT TOAB, VIRKIE, SHETLAND WILLIAM AND HELEN REID	Date Drawn: 13.2.12	
Drawing Title: INDICATIVE Site plan	Scale(s) @ A2: 1:500 1:2500	
Drawing Status: OUTLINE PLANNING	Drawing Number: 748.01	

Davidson Inga@Infrastructure Services

From: McQuade Elaine@Infrastructure Services on behalf of Postroom@Infrastructure Svs
Sent: 07 March 2012 08:59
To: Davidson Inga@Infrastructure Services
Subject: FW: Plan App 2012/058/PPP - Erect House Toab Virkie

From: Anne Phillips [mailto:anne.phillips@hial.co.uk]
Sent: 06 March 2012 16:24
To: Postroom@Infrastructure Svs
Subject: Plan App 2012/058/PPP - Erect House Toab Virkie

Your Ref: 2012/058/PPP
HIAL Ref: 2012/0059/LSI

Dear Sir/Madam,

PROPOSAL: Erect New dwellinghouse and develop existing track
LOCATION: Toab Virkie

With reference to the above proposed development, it is confirmed that our calculations show that, at the given position and height, this development would not infringe the safeguarding surfaces for **Sumburgh Airport**.

Therefore, Highlands and Islands Airports Limited would have no objections to the proposal.

Anne Phillips
Operations Manager
Highlands and Islands Airports Limited
Head Office, Inverness Airport, Inverness IV2 7JB
☎ 01832 464121 (DIRECT DIAL)
✉ anne.phillips@hial.co.uk 🌐 www.hial.co.uk

Section 4. Representations

Tuesday 20 November 2012

Section 5. Report of Handling

Tuesday 20 November 2012

Delegated Report of Handling

Development: Erect dwellinghouse and develop existing track

Location: New House, Toab, Virkie, Shetland, ZE3 9JL,

By: Mr & Mrs W Reid

Application Ref: 2012/058/PPP

1. Introduction

This is a planning application to gain permission in principle to erect a single dwelling house.

The site is located on land to the west side of the public road serving Toab, Virkie, with the proposed access being taken from an existing track, opposite the Old School House, which is to be upgraded.

Drainage is to the public sewer and a SuDS system is to be installed.

Consultation with the Regional Archaeologist has identified that the site lies on the former World War II Goat Camp. This site contains the greatest density of World War II remains in Shetland.

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

SPBE1 - Built Heritage

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

LPNE10 - Development and the Environment

LPHOU4 - General Requirements for all Dwellings

Shetland Islands Council Interim Planning Policy Guidance

SPG1 - All development Layout and Design

3. Safeguarding

30km Radius Scatsta - 30km Sumburgh Scatsta: 1

Good Agricultural Land - Info: 91

Land Capability Agriculture - code: 5.2

Military Unclassified - Military Unclassified info:: camp rubbish

Combined NATS layers -

Waste Water Drainage Hotspots - Waste Water Drainage Hotspots:
Wardhill

Zone 1 Modified - Zone 1 Modified: Housing Zone 1

4. Consultations

The Archaeology Service was consulted on the 2 March 2012. Their comments dated 22 March 2012 can be summarised as follows:

Recommend refusal. The plot is within Goat camp, which is the World War II infrastructure base which supported Sumburgh Airport. This is the greatest density of World War II remains in Shetland. If the plot was relocated to the east, in the adjacent field, it would be clear of the camp remains

Environmental Health was consulted on the 27 February 2012. Their comments dated 12 March 2012 can be summarised as follows:

This area has been assessed as containing unclassified military remains. A method statement detailing how the applicant plans to manage the groundworks on the site will be necessary as part of any full planning application.

Roads Traffic was consulted on the 27 February 2012. Their comments dated 16 March 2012 can be summarised as follows:

Recommend refusal due to the current visibility splays to the south of the access with the public road. The current visibility is only 10 metres due to an adjacent stone built boundary wall and wooden fence.

Scottish Water Customer Connections was consulted on the 27 February 2012. There was no response from this consultee at the time of report preparation.

Dunrossness Community Council was consulted on the 27 February 2012. Their comments dated 13 May 2012 can be summarised as follows:

Having consulted the neighbours and noted the objections received for this application on the Council's website, the Community Council have agreed that we must object due to

- Roads comment dated 25 April 2012 regarding the poor visibility at the end of the proposed access to the site.
- The Archaeology Service comment dated 26 April 2012 regarding the fact that the site is within Goat Camp which is considered to have the greatest density of World War II remains in Shetland.

- Environmental Health comment dated 20 March 2012 regarding the fact that the area has been assessed as containing unclassified military remains.
- The Access Track is a Public Right of Way used daily by people walking and by people exercising their dogs. It is also used for moving farm animals when necessary between holdings. The access track also cuts across the main public sewer for Toab and Scholland and if the site were to be moved further to the east, as suggested by the Archaeology Service, this would impact further on the existing sewer and place the site on good agricultural land.

Finally, we consider the neighbouring householders should also be consulted prior to any development. For a variety of reasons, they are not in favour of this development.

Operations Dept Highland & Islands Airport Ltd was consulted on the 27 February 2012. Their comments dated 7 March 2012 can be summarised as follows:

No objections

Roads Traffic was consulted on the 4 April 2012. Their comments dated 13 April 2012 can be summarised as follows:

It is noted that the agent comments that there is no problem either practically or legally with setting back the wall and fence. Given the land appears to be out with the control of the applicant the provision of the splay should be conditioned such that no excavation or building works commence on site.

The Archaeology Service was consulted on the 12 April 2012. Their comments dated 17 April 2012 can be summarised as follows:

Our objection is to the total house plot not the micro siting of the house. The best option would be to move to the east of the track which would take the application out of the area of the former Goat Camp which Historic Scotland have indicated is of schedulable quality.

In providing a copy of Historic Scotland's decision letter of 16 August 2011 regarding the putting forward of the site for scheduling, the Archaeology Service points to Historic Scotland's recommendation that the site is highly worthy of preservation and its encouragement to careful stewardship of the site.

5. Statutory Advertisements

The application was advertised in the Shetland Times on 04.05.2012.

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 site lies within an area identified within Shetland Local Plan (2004) as housing zone 1, where proposals for new dwelling houses are generally encouraged. This is subject to the proposal following the principles set out in the aforementioned General Requirements for All Dwellinghouses.

It has been demonstrated that the site can be serviced by connection to the public sewer and that surface water will be disposed off on site using a SuDS system.

The road access can also be achieved following works to improve the visibility to the south and the agent has affirmed that "there is no problem either practically and legally to do this" As such a condition could be applied requiring the works to be undertaken before any works commence on the site.

The main issue of concern with regard to this proposal is the presence of World War II archaeology within the site, a former military camp, known as Goat Camp. In particular there is an extremely well preserved Air Raid shelter on the site.

The initial site plan indicated that the Air Raid shelter be demolished. The Regional Archaeologist was consulted and recommended that the proposal be refused due to the potential impact on the archaeological heritage. It was suggested to the agent that the site be moved to the east of the track to take the application site out with the former Goat Camp.

The agent advised that the applicant does not own the land to the east of the proposed site. Therefore an amended plan placing the house within the original site plot to avoid the shelter was subsequently submitted. Further consultation with the Regional Archaeologist confirmed that the objection to the proposal remained, the objection being to the principle of a house on the plot, in its entirety.

Council policy states that there will be a presumption against any development proposal that would destroy or have any adverse effect on archaeological sites and their settings. It is considered that the erection of a dwelling house on this site would impact adversely on the setting of the Air Raid shelter. Further, any construction works to erect a dwelling house may have the potential to disturb or destroy the existing historic structure and any further artefacts as yet undiscovered.

8. Recommendation

Application Refused

Reasons for Council's decision:

(1.) The erection of a dwelling house on this site would impact adversely on the setting of the Air Raid shelter and any construction works may have the potential to disturb or destroy the existing historic structure and any further artefacts as yet undiscovered. The proposal is contrary to Shetland Structure Plan 2000 Policy SPBE1 and Shetland Local Plan (2004) Policy LPNE10.

9. List of refused plans:

- Site & Location Plan 748.01 Rev A 02.04.2012

10. Further Notifications Required

None

11. Background Information Considered

None

058_Delegated_Report_of_Handling.doc
Officer: Mr Richard MacNeill
Date:19/5/2012

Section 6. Decision Notice

Tuesday 20 November 2012



SHETLAND ISLANDS COUNCIL

Town and Country Planning (Scotland) Acts

With reference to the application for **Planning Permission** (described below) under the above Acts, the Shetland Islands Council in exercise of these powers hereby **REFUSE Planning Permission** for the development in accordance with the particulars given in, and the plans accompanying the application as are identified subject to the reasons specified below.

Applicant Name and Address

Mr & Mrs W Reid
8 Hillside Grove
Barrhead
Glasgow
G78 1HB

Agent Name and Address

Vega Technical Services
Hoswick Visitor Centre
Hoswick
Sandwick
ZE2 9HL

Reference Number: 2012/058/PPP

Erect dwellinghouse and develop existing track: New House, Toab, Virkie,
Shetland, ZE3 9JL

Details of Refused Plans and Drawings:

- Site & Location Plan Drawing No. 748.01

Reasons for Council's decision:

The erection of a dwelling house on this site would impact adversely on the setting of the Air Raid shelter and any construction works may have the potential to disturb or destroy the existing historic structure and any further artefacts as yet undiscovered. The proposal is contrary to Shetland Structure Plan 2000 Policy SPBE1 and Shetland Local Plan (2004) Policy LPNE10.

5 June 2012

Executive Manager

IMPORTANT INFORMATION

If you are aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, you may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within 3 months from the date of this notice. The notice of review should be addressed to: Shetland Islands Council, Planning, Infrastructure Services Department, Grantfield, Lerwick, Shetland. ZE1 0NT. The necessary form can be obtained upon request from the same address.

If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

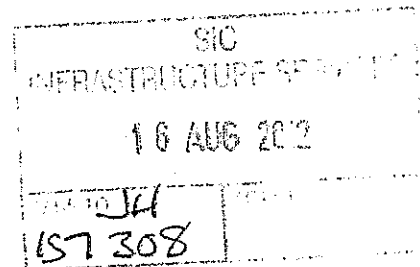
Section 7. Notice of Review

Tuesday 20 November 2012

8 Hillside Grove
Barrhead
Glasgow
G78 1HB

14th August 2012

Development Management
Planning Services
Development Services
Grantfield
Lerwick
ZE1 0NT



Dear Mr Holden,

Reference: 2012 / 058 / PPP

I refer to your letter of 13th June 2012 relating to the refusal of the above planning application. I should be grateful if you would consider an appeal against the refusal decision. The completed form to appeal the refusal and supporting documentation are enclosed.

I understand that there is a scheduled planning meeting set for 27th October 2012 and should be grateful if you would not schedule our appeal for this meeting, since our advocate, Councillor George Smith, will be on holiday on that date. I understand that either the 27th September 2012 or 20th November 2012 would be suitable for Councillor Smith, assuming that either of these dates is suitable for the Planning Committee.

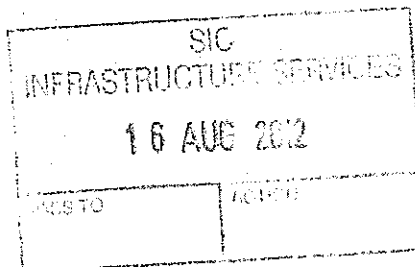
Yours sincerely,

A black rectangular redaction mark covering the signature area.

Helen Reid



Development Services Department
Shetland Islands Council



FOR OFFICIAL USE ONLY

Ref No:

Date of Receipt:

NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)
IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE)
(SCOTLAND) REGULATIONS 2008

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

IMPORTANT: Please read and follow the guidance notes provided when completing this form.
This form is only to be used in respect of decisions on proposals in the local development
category. Failure to supply all the relevant information could invalidate your notice of review.

Use BLOCK CAPITALS if completing in manuscript

1. Applicant(s)

Name WILLIAM REID & HELEN REID

Address 8 HILLSIDE GROVE
BARRHEAD
GLASGOW

Postcode G78 14B

Contact Telephone 1 [REDACTED]

Contact Telephone 2 [REDACTED]

Fax No [REDACTED]

E-mail* [REDACTED]

2. Agent (if any) ADVOCATE

Name COUNCILLOR GEORGE SMITH

Address BREASCLETE
SANDWICK

Postcode

Contact Telephone 1 [REDACTED]

Contact Telephone 2

Fax No

E-mail* [REDACTED]

Mark this box to confirm all contact should be
through this representative: ☐

* Do you agree to correspondence regarding your review being sent by e-mail?

Yes ☒ No ☐

3. Application Details

Planning authority's application reference number

2012/058/PPP

Site address

TOAB, VIRKIE

Description of proposed development

ERECT & WELSHING HOUSE & DEVELOP EXISTING TRACK

Date of application

22/2/12

Date of decision (if any)

5/06/12

Note. This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

4. Nature of application

1. Application for planning permission (including householder application) ☐
2. Application for planning permission in principle ☒
3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition) ☐
4. Application for approval of matters specified in conditions ☐

5. Reasons for seeking review

1. Refusal of application by appointed officer ☒
2. Failure by appointed officer to determine the application within the period allowed for determination of the application ☐
3. Conditions imposed on consent by appointed officer ☐

6. Review procedure

The Shetland Islands Council Planning Local Review Body will determine your review by the holding of one or more public hearing sessions.

In the event that the Local Review Body decides to inspect the review site during the determination of your review, in your opinion:

- | | Yes | No |
|--|-------------------------------------|--------------------------|
| 1. Can the site be viewed entirely from public land? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

7. Statement of Grounds of Review

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Shetland Islands Council Planning Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

Please see attached doc no 5

8. New Matters

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes ☒ No ☐

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

WE WERE NOT AWARE THAT THE PROJECT WOULD BE REFUSED ON THE GROUNDS THAT THE PROPOSED HOUSE WAS TO BE CLOSE TO AN AIR RAID SHELTER. HOWEVER, A WALK THROUGH SCATNESS SHOWS PRECEDENT FOR THIS. THE OLD AND THE NEW BLEND WELL. WE DON'T UNDERSTAND WHY WE HAVE BEEN REFUSED PERMISSION, WHEN OTHERS HAVE BEEN GIVEN APPROVAL

9. List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

1. VIEW OF INSIDE OF OUR AIR RAID SHELTER
2. VIEW OF AIR RAID SHELTER IN HARMONY WITH HOUSES AT COLONIAL PLACE
3. VIEW OF ANOTHER AIR RAID SHELTER IN HARMONY WITH HOUSES AT COLONIAL PLACE, SCATNESS
4. VIEW OF NEW HOUSE BEING BUILT WITH GUN EMPLACEMENT & NISSAN HUT IN GARDEN (MACAMBER, SCATNESS)
5. DETAILED RESPONSE TO QUESTION 7.

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

10. Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:


- ☒ Full completion of all parts of this form
- ☒ Statement of your reasons for requiring a review
- ☒ All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.
DRAWINGS PREVIOUSLY PROVIDED BY H. ADAMSON

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed



Date

14 / 8 / 12

Please send this completed form to:

Shetland Islands Council Planning Local Review Body, c/o Planning, Development Services Department
Grantfield, Lerwick, Shetland ZE1 0NT

Telephone: 01595 744800

e-mail: planningcontrol@shetland.gov.uk

Visit: www.shetland.gov.uk

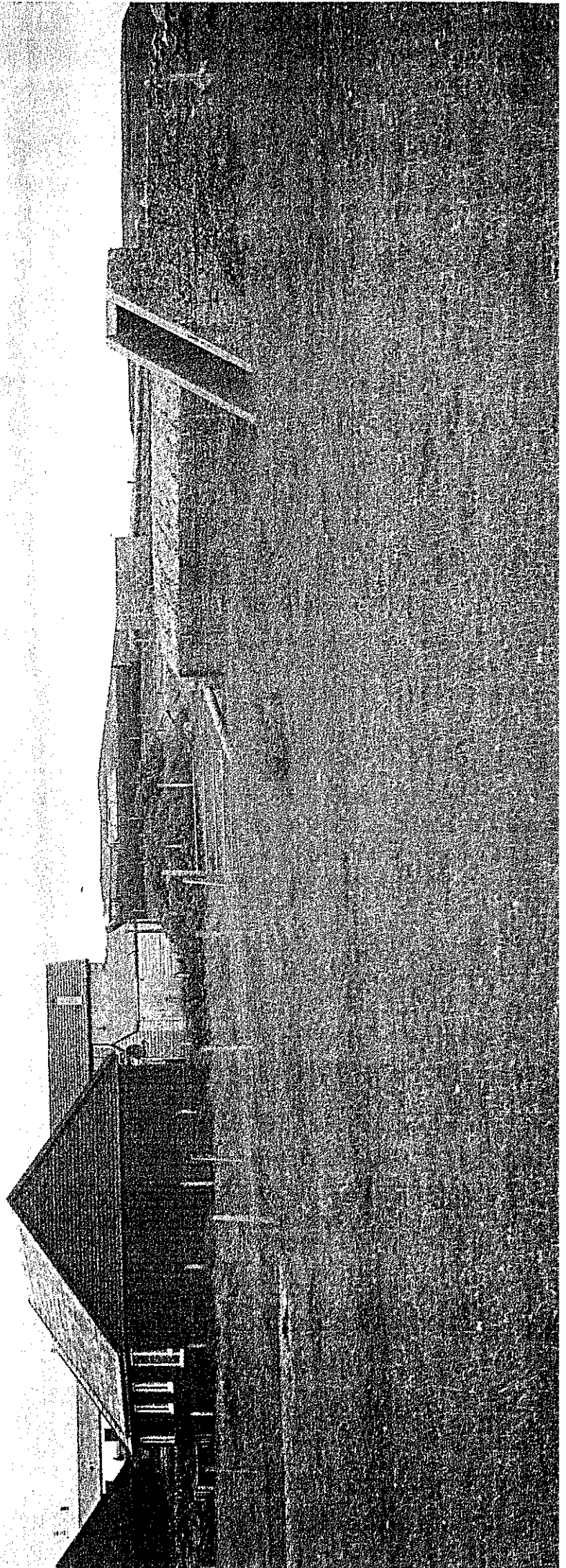
VIEW OF INSIDE OF "OVR" AIR RAID
SHELTER ENTRANCE.

BOX NO 1

SIC	10 AUG 2012	DATE
INFRASTRUCTURE SERVICES		
POST ID		

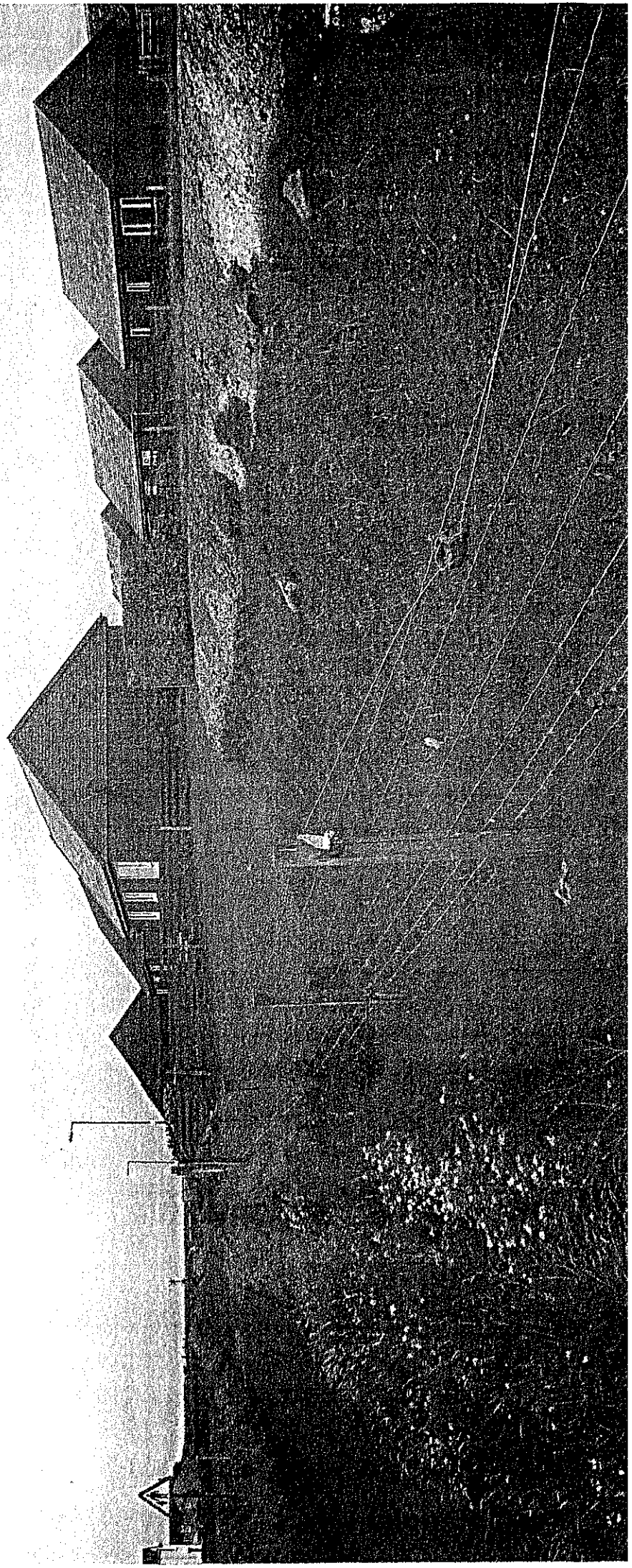
SCAT NOTES

SIC	
MANUFACTURING SERVICES	
16 AUG 2012	
DATE	TIME



VIEW 3 - 1100' FROM 1100' ELEVATION
COLONIAL PLACE, SEATTLE

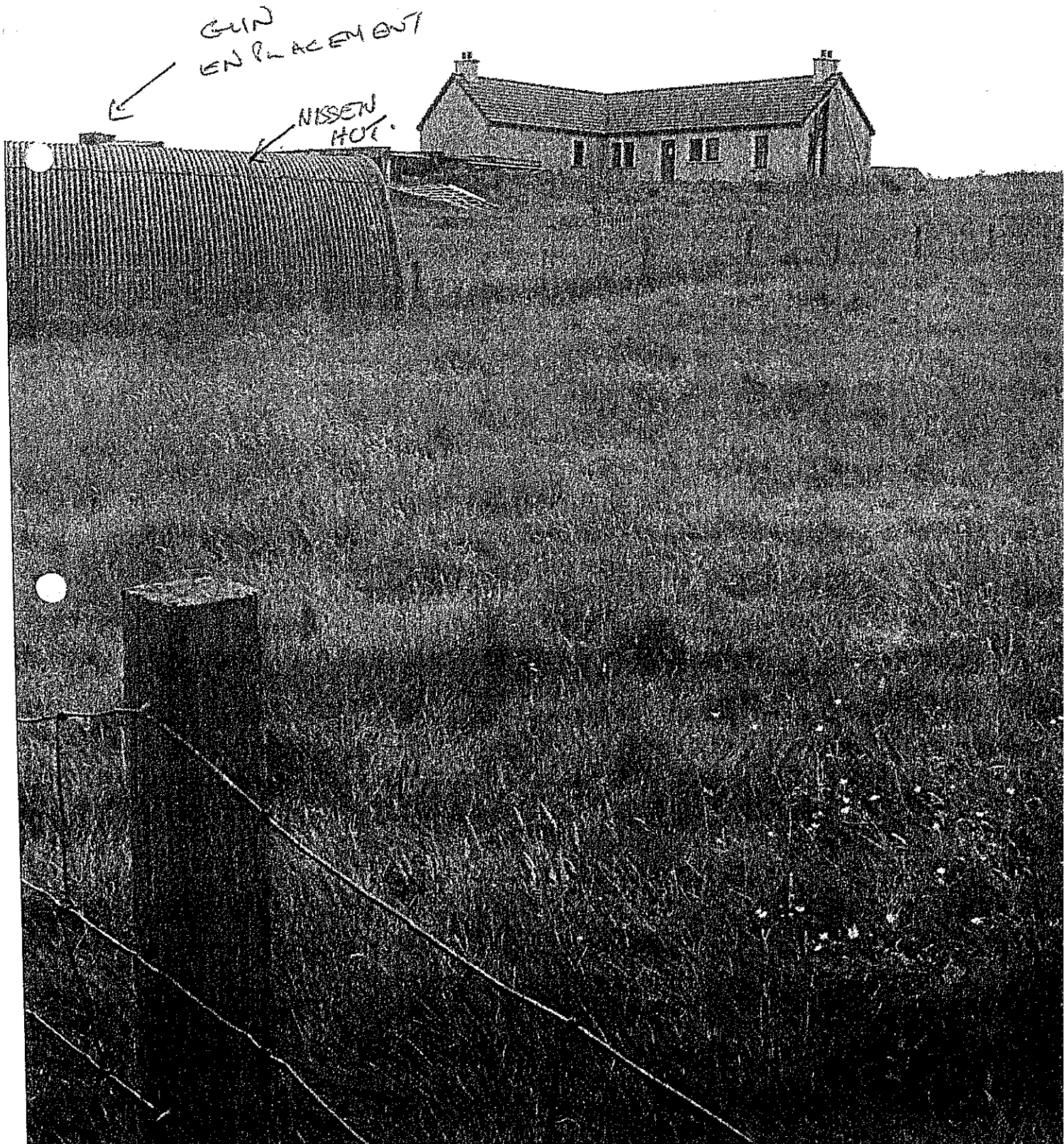
SIC	
INFRASTRUCTURE SERVICES	
16 AUG 2012	
ISSUED TO	LOCATION

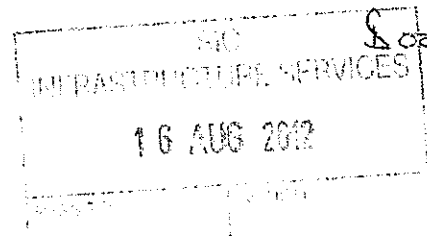


VIEW OF NEW HOUSE WITH GUN EMPLACEMENT &
NISSEN HUT IN GARDEN (MR CAMPBELL, SCATHES)

DOC N 7

SIO	
HISTORIC PHOTO SET FILES	
16 AUG 2012	
FILE NO	DATE





Appeal Ref 2012/058/PPP

I should be grateful if the Council would review its decision to refuse planning permission to erect a dwellinghouse and develop the existing track for a new house in Toab, Virkie, Shetland, ZE3 9JL.

The reasons for requesting a review are:

1. The land is zoned for housing (Zone 1)
2. Highlands and Islands Airports Limited has confirmed that it has no objection to the proposal.
3. There are no road traffic concerns and I will ensure that there is clear visibility at the junction of the track and the road from Toab to the A970.
4. I would provide a method statement for SIC Environmental Health. This is their only request and this is a normal procedure.
5. The relevant surrounding owners have no objections to the development. I have informally established that this is the case. There appear to be no relevant written objections.
6. The proposed house is not in the line of sight of any other properties.
7. The proposed development would incorporate the best of green technology, such as underfloor heating, ground source heat pump and solar.
8. The track would be upgraded and so would make it easier for people to walk on the track.
9. The Council's reason given for refusal of planning permission is that "the construction of a dwelling site would impact adversely on the setting of the Air Raid shelter and any construction works may have the potential to disturb or destroy the existing historic structure and any further artefacts as yet undiscovered".
 - a) This is inconsistent with other applications which have been granted planning permission. See photographs of two examples to this effect relating to 1) houses built at Colonial Place, Scatness, which are 20 metres from an Air Raid Shelter and 2) the house still under construction for Mr Campbell in Scatness, which site contains a rare Nissen hut and gun emplacement from World War II. There are far fewer Nissen Huts and Gun Emplacements in existence than Air Raid shelters, which suggests that they are as valuable or of more value than the shelters.
 - b) We are not aware of any plans from the Community Council or any other body to preserve any of the Air Raid shelters. See c) below for the attention and condition of Air Raid shelters.
 - c) The Air Raid shelters have not been scheduled. This has been confirmed to me by Historic Scotland as "unlikely to meet the criteria for scheduling". Historic Scotland does, however, say that the Air Raid shelters are interesting. We have inspected a few, including the one on our site, and find that the shelters have been used as dumping grounds for many years. Please see the photographs of the rubbish dumped in the shelter on our site by others. It would not be safe for anyone to enter the shelter in its current condition. We would be pleased to


completely clear and clean up the Air Raid shelter and provide access to the public or any public body that might be interested. In our plans for development, the shelter would be made a feature and the proposal is for the house to be constructed around twenty metres to the North West of the Air Raid shelter.

- d) I feel that it should be possible to retain the old, whilst progressing with the new. We would be pleased to work at improving the condition of the shelter, whilst developing the site in harmony with the shelter.
- e) I was born 200 metres from this site, attended school 50 metres from the site and have a thorough knowledge of the site and the general area since I was born in 1947. Relatives, who lived through the War and still live in Dunrossness advise me that at the start of the War, the RAF cleared the site before constructing the camp. As a result, it is unlikely that historical artefacts of interest will be uncovered. However, if artefacts were uncovered, work would be stopped to allow the appropriate authorities access as required by law.
- f) The Air Raid shelters are made from reinforced concrete and it is considered very unlikely that construction traffic could impact on their structures. They were built to be bomb proof.

10. I also consider that the wider economic benefits of a new house in the area should be given more weighting by the Council. There would be benefits to the local economy from the building of a home for my retiral:

- a) The construction project benefits in terms of the employment of a local builder
- b) The increased expenditure in the local economy as a result of the addition of an extra household.

I should be grateful if the Council would reconsider its decision.


Helen Reid

Section 8. Representations

Tuesday 20 November 2012



REPORT

To: Planning Committee

20 November 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 application for Local Development that is set out in the table below, where exceptions apply, has had a Report of Handling prepared by the officer detailing: the proposal; the assessment carried out; and

recommended conditions 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 relating to the application is appended to this report.

Planning Application Ref.	Development Proposed	Applicant	Officer Recommendation	Type of Exception
2012/327/PPF	Installation of wigwag warning beacon to Fire Station access road, Leiraness, Bressay, Shetland, ZE2 9EL	Highlands and Islands Fire and Rescue Service	Approve, with conditions	Planning authority is landowner

- 1.6 In respect of the 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 the 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 the application concerned.

2. Recommendation

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

planning committee.doc J R Holden
Planning Committee: 20/11/2012

2011/327/PPF - Installation of wigwag warning beacon to Fire Station access road, Leiranness, Bressay, Shetland, ZE2 9EL by Highlands and Islands Fire and Rescue Service

Recommended Conditions

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

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

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

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

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

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

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

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

Notes to Applicant:

Commencement of development

The development hereby permitted must be commenced within 3 years of the date of this permission in order to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 20 of the Planning etc (Scotland) Act 2006.

Roads Service

A Section 109 permission must be obtained from the Shetland Islands Council Roads Service prior to the carrying out of any work to install services within the public road.

The proposed wig-wag sign should be accompanied by a STOP line marking on the road which shall be provided by the developer.

Notice of completion of development

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

Report of Handling

Development: Installation of wigwag warning beacon to Fire Station access road

Location: Leiraness , Bressay, Shetland, ZE2 9EL.

By: Highlands and Islands Fire and Rescue Service

Application Ref: 2012/327/PPF

1. Introduction

This is an application for full planning permission to install a "Wigwag" warning beacon on land owned by the Shetland Islands Council at Leiraness, Bressay.

The "Wigwag" is an emergency service traffic management system which involves the use of traffic signals installed in a particular location, usually a public road, and linked by a fixed wired connection to a push button system which is installed in either a fire or ambulance station.

The warning beacon which comprises three lights is proposed to be fitted to a black metal pole at the road verge. A field trench housing the signal linkage system and power supply will connect the cable beacon to the fire garage, a distance of approximately 95 metres.

This application has been submitted prior to the determination of an application for full planning permission to change the use of a general purpose store to a Fire Appliance Garage at Leiraness, Bressay. (2011/269/PPF)

2. Statutory Development Plan Policies

Shetland Islands Council Structure Plan (2000) Policies

GDS3 - General Development Policy Existing Settlements

GDS4 - General Development Policy Natural and Built Environment

SPNE1 - Design

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

LPNE10 - Development and the Environment

LPBE13 - Design

Shetland Islands Council Interim Planning Policy Guidance

SPG1 - All development Layout and Design

3. Safeguarding

Gardens and Designed Landscapes - Gardens and Designed Landscapes: GARDIE HOUSE

Land Capability Agriculture - code: 5.2

Waste Water Drainage Hotspots - Waste Water Drainage Hotspots:
Bressay

Zone 3 Modified - Zone 3: Housing Zone 3

4. Consultations

Roads Traffic was consulted on the 15 October 2012. Their comments dated 24 October 2012 can be summarised as follows:

No objections.

Bressay Community Council was consulted on the 15 October 2012. There was no response from this consultee at the time of report preparation.

5. Statutory Advertisements

The application was advertised in the Shetland Times on 19.10.2012

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 as yet to be determined application to change the use of a general purpose shed to a fire appliance garage was recommended for refusal by the Roads Service. This was due to the intensification of the use of

the existing access serving that proposed development and poor quality of road visibility at the junction with the public road.

The beacon is required to be installed, as a mechanism, by which the fire appliance is given priority on the public road (north of the fire garage), by initiation of a stop signal within the fire appliance garage.

Therefore the approval of the planning application for the proposed change of use to a fire appliance garage is dependent on the installation of this system which will allow a safe call out of the fire appliance and allow the Roads Service to withdraw their objection.

The road verge which comprises the site is uncluttered in terms of signage, therefore the beacon will be a new feature in the landscape. The design and scale are considered to be similar to that of road signage found elsewhere on Bressay.

It is considered therefore that the beacon will have no adverse impact on the character and landscape of the surrounding area, and any perceived loss of amenity is balanced by the benefits of it allowing the change of use of the general purpose shed to the fire appliance garage, for the good of the public.

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 proposed beacon will have no adverse impact on the character and landscape of the surrounding area, and any perceived loss of amenity is balanced by the benefits of it allowing the change of use of the general purpose shed to the fire appliance for the good of the public. The development is therefore compliant with policy LPNE10 of the Shetland Local Plan 2004.

10. List of approved plans:

- Specifications 15.10.2012
- Full Plan FBD0075 A 950 009 1 08.10.2012

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

- (a) include the full name and address of the person intending to carry out the development;
- (b) state if that person is the owner of the land to which the development relates and if that person is not the owner provide the full name and address of the owner;
- (c) where a person is, or is to be, appointed to oversee the carrying out of the development on site, include the name of that person and details of how that person may be contacted; and
- (d) include the date of issue and reference number of the notice of the decision to grant planning permission for such development.

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

Notes to Applicant:**Commencement of development**

The development hereby permitted must be commenced within 3 years of the date of this permission in order to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 20 of the Planning etc (Scotland) Act 2006.

Roads Service

A Section 109 permission must be obtained from the Shetland Islands Council Roads Service prior to the carrying out of any work to install services within the public road.

The proposed wig-wag sign should be accompanied by a STOP line marking on the road which shall be provided by the developer.

Notice of completion of development

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

12. Further Notifications Required

None

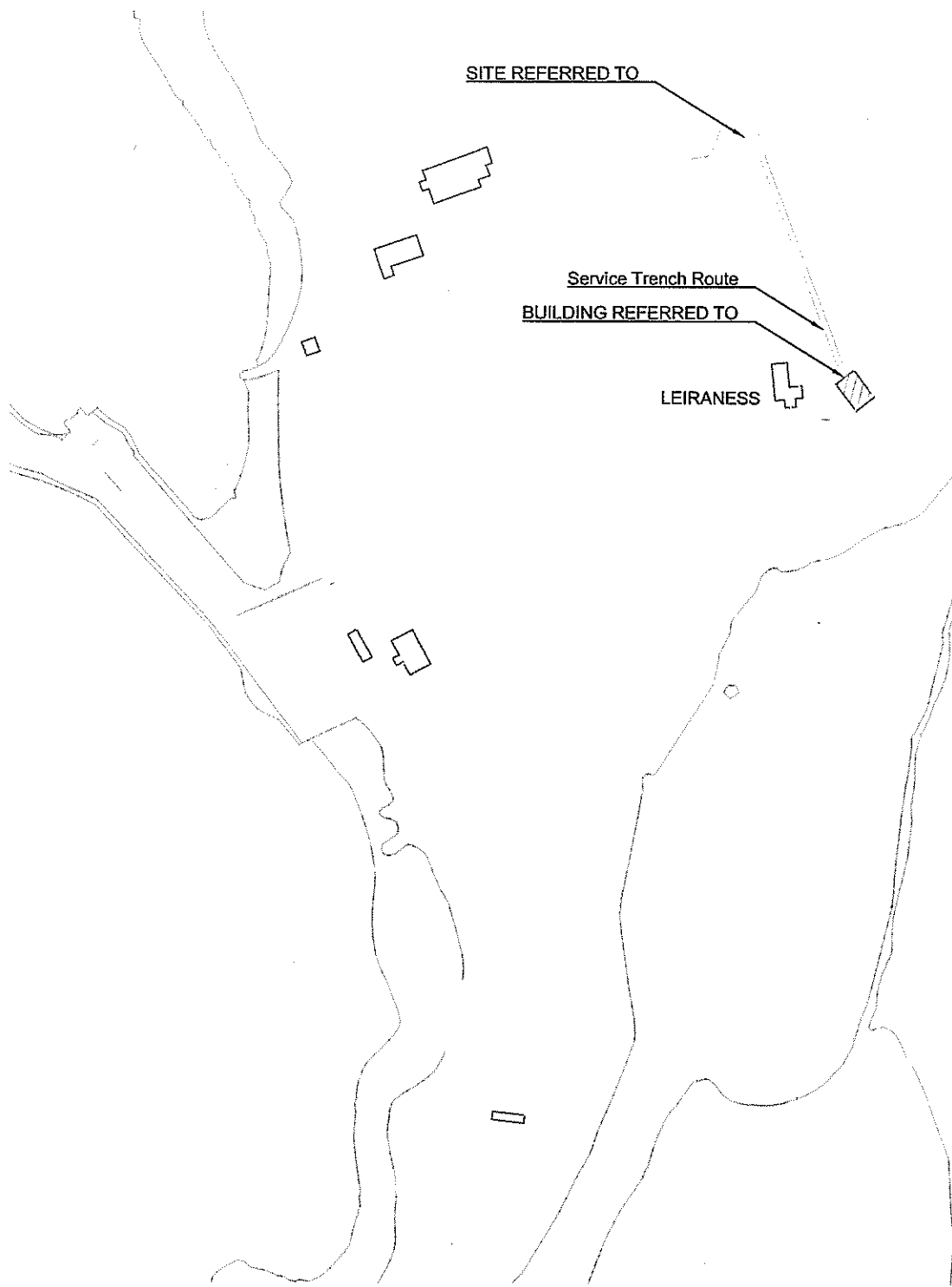
13. Background Information Considered

The pending application for a change of use of a general purpose garage to a fire appliance garage (2011/269/PPF)

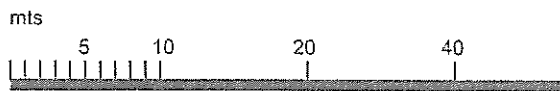
327_Report_of_Handling.doc

Officer: Mr Richard MacNeill

Date: 12th November 2012



LOCATION PLAN (1:2500)



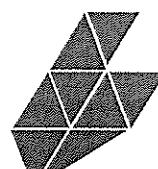
Scale 1=500

Notes;

1. All dimensions in millimeters unless noted otherwise.
2. All road works to be carried out in accordance with the current edition of Shetland Islands Council's "Road Guidelines for New Developments" (Table 7.1 - Carriageway Pavement Construction, Minor Residential).
3. All surfaces to be made good on completion of track/trench reinstatement to the satisfaction of the landowner and SIC Roads Dept.
4. Warning beacons to be Wig-wag type from the Helios range

Rev.	Purpose of issue	By	Checked	Date
1	Planning Appl.	RJL	CB	Sept 2012

Description
First Issue



**The
Highland
Council**
Comhairle na
Gaidhealtachd

The Siemens Wig-Wag system is a complete solution for the provision of priority signals at fire and ambulance stations. The signals may also be used in other locations such as bridge crossings where there is a need to stop ordinary traffic flow but where it may be difficult for a driver to forecast when he/she will be required to stop.

The system comprises an ST900 controller together with Wig-Wag signals that meet the requirements laid out in TSRGD (Diagram 3014). The signals may be activated by a simple push button or a more elaborate activation box if required.

Combined Wig-Wag and Intersection operation
The ST900 controller is approved to both TR2500 and TR2513 which allows it to be used in stand alone Wig-Wag applications and also for full intersections where Wig-Wags are required nearby.

Where Wig-Wags are required in combination with normal intersection operation the Siemens solution is particularly efficient and offers improved safety of the overall installation, as both the traffic signals and Wig-Wag signals are covered by a single controller safety system.

LV and ELV support

Both LV and ELV systems are available. The use of ELV ensures that the enhanced electrical safety currently possible for intersection and pedestrian sites can be extended to Wig-Wag installations.

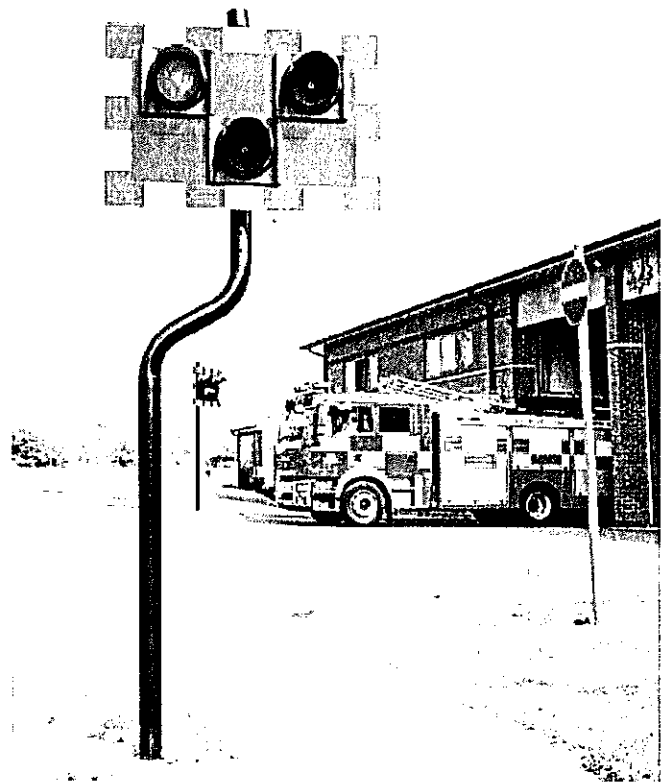
Pelicle LED signals

Both LV and ELV Wig-Wags utilise the latest generation of low power CLS LED signals. Lamp monitoring is undertaken directly by the controller on both LV and ELV signals, eliminating the need to fit lamp monitoring equipment within the Wig-Wag signals, ensuring power usage is kept to a minimum.

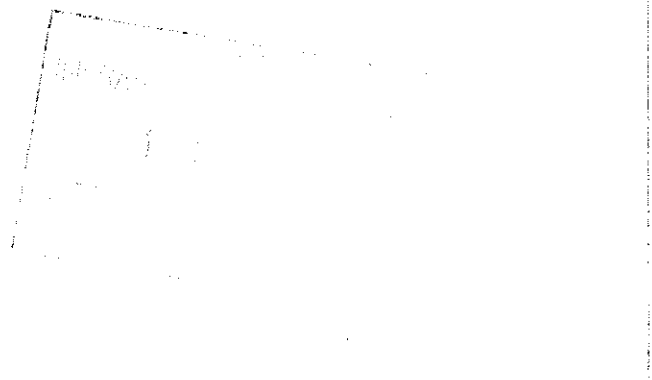
Flexible activation

Typically Wig-Wags are activated by a button within the fire or ambulance station. Where just a simple button activation is required this may be implemented with a Puffin Demand unit, using the demand indicator to signal back that the controller has registered the demand.

Where a more sophisticated control system is required a full activation box is available to meet the functional features implied in the Wig-Wag Traffic Advisory Leaflet.



- Complete LV and ELV systems
- LED CLS Wig-Wag compliant with TSRGD Diagram 3014
- Signal aspects conform to EN12368
- Controllers approved to TR2500 and TR2153
- Supports stand alone Wig-Wags and operation as part of intersection
- Full lamp monitoring of Wig-Wag aspects
- Range of activation box options



Wig - Wag controller and signals

Traffic Solutions

SIEMENS



REPORT

To: Planning Committee

20 November 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 application for consent to display advertisements that is set out in the table below, where an exception applies, has had a Report of Handling prepared by the officer detailing: the proposal; the assessment carried out; and recommended conditions, as well as the reasons for such a decision,

and this is available in the Member's Room at the Town Hall. The list of conditions relating to the application is appended to this report.

Planning Application Ref.	Development Proposed	Applicant	Officer Recommendation	Type of Exception
2012/298/ADV	Erect signboard, Ham, Bressay, Shetland, ZE2 9ER	Bressay Primary School	Approve, with conditions	Planning authority is applicant

- 1.6 In respect of the 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 the 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 the application concerned.

2. Recommendation

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

planning committee.doc J R Holden
Planning Committee: 20/11/2012

Appendix

2012/298/ADV - Erect signboard, Ham, 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. The sign 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: Ham
Bressay
Shetland
ZE2 9ER

By: Bressay Primary School

Application Ref: 2012/298/ADV

1. Introduction

This application concerns the siting of an interpretive board on a site at Ham, 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

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:

Recommend Refusal/ Revised Submission Required/ Additional Information Required

The proposed location for the signboard appears to be within the boundaries of the public road turning head, which are defined by the fenced off area around the turning head. In this location I would have to recommend refusal as the sign is within the boundaries of the public road and would obstruct the overhang space required for large vehicles turning.

I would recommend that the signboard is moved to a new location out with the fenced area adjacent to the turning head. I would suggest a location to the South West of the turning head where there is no boundary fence. The signboard should be set back 2m from the tarred road surface.

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. This information should be supplied..

Roads Traffic was consulted on the 16 October 2012. Their comments dated 25 October 2012 can be summarised as follows:

I refer to your email of 16th October referring to the additional information supplied by email on 10th October from the Bressay School.

I can confirm that, with the exception of application 2012/295, the proposed sign construction and foundations are acceptable for the locations proposed.

Unfortunately, the application 2012/295 places the sign within the proposed visibility splay due to the height of the sign. The applicant therefore still needs to provide a plan indicating an alternative sign location that is out with the splays already consented.

With respect to application 2012/298 the proposal to relocate the sign to the south west of the public road turning head and set back at least 2 metre from the road edge is acceptable.

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 initially responded with recommendation for refusal/ revised submission required/additional information required. The original location for the signboard was within the boundaries of the public road turning head and the Roads department would have had to recommend refusal of the sign in this location due to the sign obstructing the overhang space required for large vehicles turning. A recommendation was made that the signboard be moved out of the turning area to the South West.

The applicant submitted an amended location plan with the sign moved out with the turning head as per Roads recommendation. This was then reconsulted on with no objections from the Roads Department.

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 complies 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

Not required.

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:**

- Detail 2012/298/ADV-02 31.08.2012
- Supporting Information 2012/298/ADV-03 31.08.2012
- Location Plan 2012/298/ADV-04 10.10.2012
- Advertisement Sign 2012/298/ADV-05 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. The sign 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

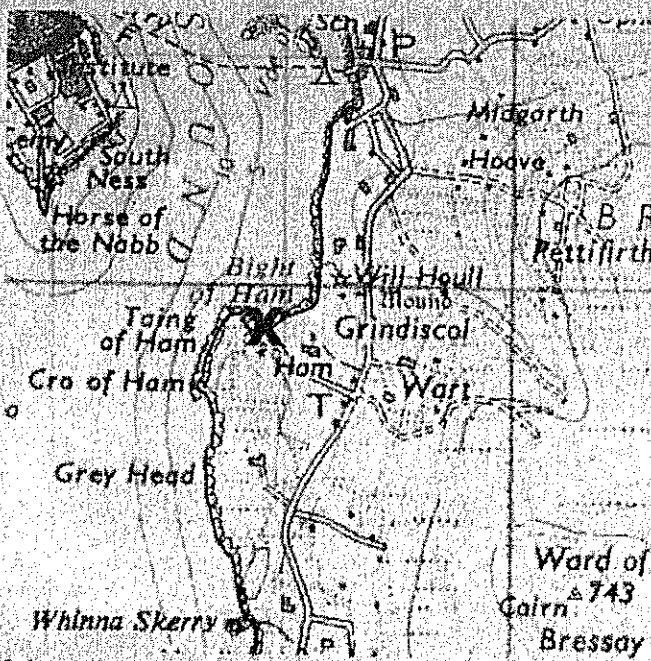
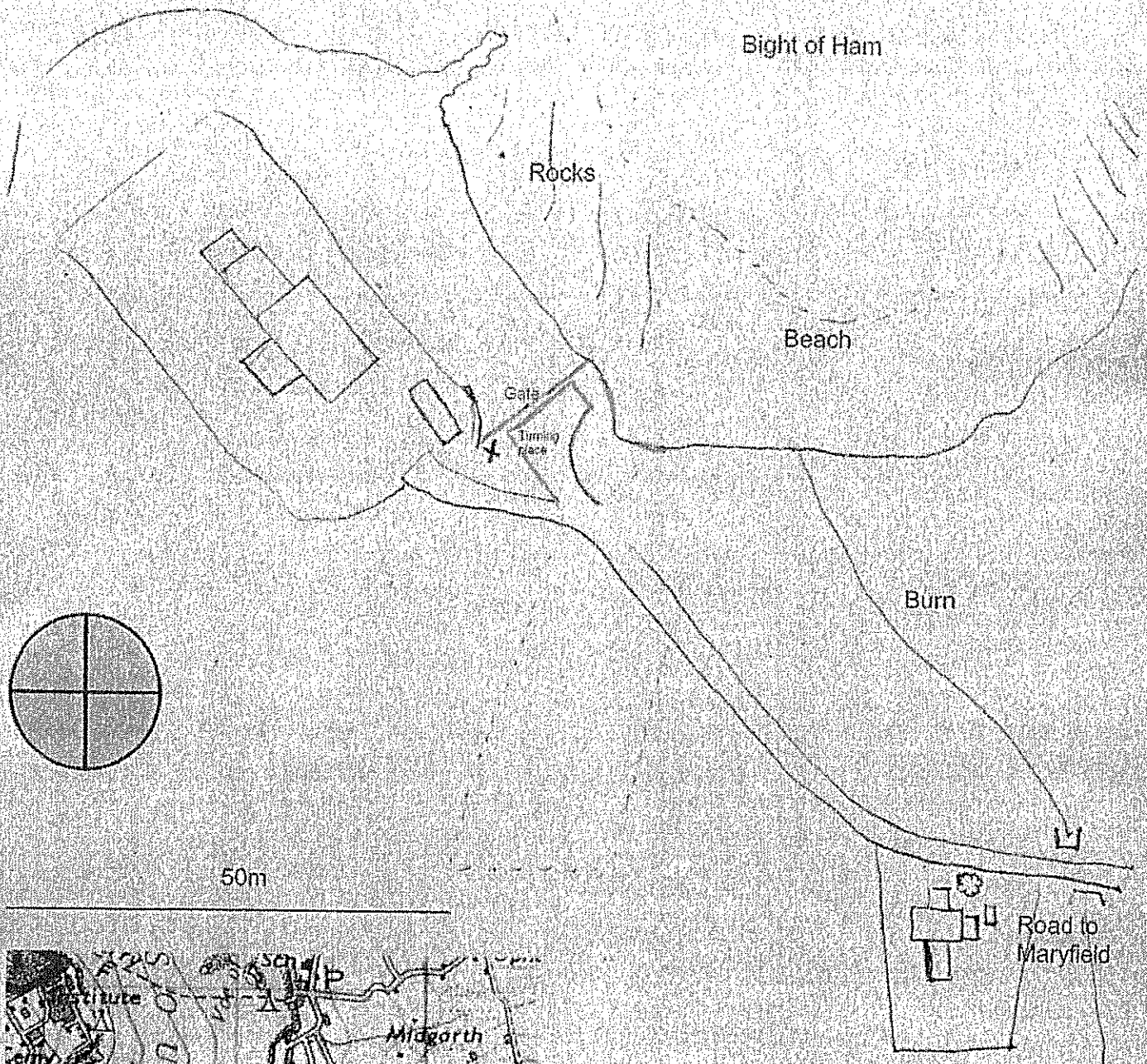
None.

13. Attachments

Sign at Ham, Bressay

2012/298/ADV Planning Committee Report.doc
Officer: Amy Maclean
Date: 09/11/12

Sign at Ham, Bressay



Ordnance Survey 1961 edition public domain

X = LOCATION OF SIGN

SIC INFRASTRUCTURE SERVICES	
10 OCT 2012	
PASS TO	ACTION

2012/298/ADV-04

