

**Planning Committee****5 February 2013****2012/348/PPF: Erect Garage with Link to Existing Dwellinghouse, The Final Frontier, Noness, Sandwick, Shetland, ZE2 9HW****PL-01-13-F****Report Presented by Planning Officer –
Development Management****Development Services Department /
Planning Service**

1.0 Summary

- 1.1 This report concerns a full (detailed) planning application to construct a storey and a half garage and a single storey link extension on the east elevation of an existing dwellinghouse known as The Final Frontier in Noness, Sandwick.
- 1.2 External material colours and finishes proposed comprise of dry dash render for the walls and decra roof tiles, both to match the existing dwellinghouse.
- 1.3 The application is presented to Members as it involves the direct interests of a member of the Planning Service, Development Management section, that has been involved in assessing the merits of the application.

2.0 Decision Required

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

3.0 Determination

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

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

There are statutory development plan policies against which this application has to be assessed against. Those policies of significance are listed below. Unless material considerations indicate otherwise, the determining issue to be considered is whether the proposal complies with development plan policies.

Statutory Development Plan Policies:

Shetland Islands Council Structure Plan (2000) Policies

GDS4 - 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

SPG20 - Housing Extensions/Garages/Outbuildings

Safeguarding

30km Radius Scatsta - 30km Sumburgh Scatsta: 1

Civil Aviation Authority - CAA: Bird Strike Hazard 13km consultation zone around aerodrome

Civil Aviation Authority - CAA: All Applications involving tree planting, mineral extraction, quarrying, refuse tips, reservoirs, sewage disposal, bird sanctuaries, all applications connected with aviation use.

Land Capability Agriculture - code: 5.2

4.0 Report

- 4.1 This proposal is to construct a garage with link extension on the east elevation of an existing dwellinghouse known as The Final Frontier in Noness, Sandwick.
- 4.2 External material colours and finishes proposed comprise of dry dash render for the walls and decra roof tiles, both to match the existing dwellinghouse.
- 4.3 No objections have been received and there are no safeguarding issues arising.
- 4.4 It is considered that the proposed development will have no adverse impact upon the natural and built environment, or upon the visual amenity of the surrounding area given that all external material colours and finishes proposed are to match that of the existing dwellinghouse and as the proposed garage and link extension are appropriate in terms of scale, form and design. The proposed garage and link extension will cause no obstruction to daylight or sunlight and there are no privacy issues arising and as such the amenities of neighbouring properties will not be adversely affected.

5.0 Implications (of Decision)

Strategic

- 5.1 Delivery on Corporate Priorities – A decision made on the planning application that accords with the Shetland Islands Council Development Plan will contribute directly to the Single Outcome Agreement through the outcome that we live in well designed sustainable places.
- 5.2 Community/Stakeholder Issues - No consultations were required to be sent during the processing of the application, and no representations were received in response to the neighbour notifications undertaken.
- 5.3 Policy And/Or Delegated Authority – The application is for a development falling within the category of Local Development. As a member of the Planning Service, Development Management section that has been involved in assessing the merits of the application has a direct interest in the application, the decision to determine the application is delegated to the Planning Committee under the Council's Planning Scheme of Delegations that has been approved by the Scottish Ministers.
- 5.4 Risk Management – If Members are minded to refuse the application, it is imperative that clear reasons for proposing the refusal of planning permission contrary to the development plan policy and the officer's recommendation be given and minuted. This is in order to comply with Regulation 28 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008. Furthermore, it provides clarity in the case of a subsequent planning appeal or judicial review against the Planning Committee's decision. Failure to give clear planning reasons for the decision could lead to the decision being overturned or quashed. In addition, an award of costs could be made against the Council. This could be on the basis that it is not possible to mount a reasonable defence of the Council's decision.

6.0 Conclusions

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

For further information please contact:

Amy Maclean – Planning Officer – Development Management

Tel: 01595 744762 Email: amy.maclean@shetland.gov.uk

22 January 2013

List of Appendices

1. Site & Location Plan 805.10
2. Floor Plan 805.01
3. Elevations 805.02

Background documents:

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

2012/348/PPF: Erect garage with link to existing dwellhouse, The Final Frontier, Noness, Sandwick, Shetland, ZE2 9HW

List of Conditions

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

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

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

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

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

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

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

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

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

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

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

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

Notes to Applicant:

Commencement of Development

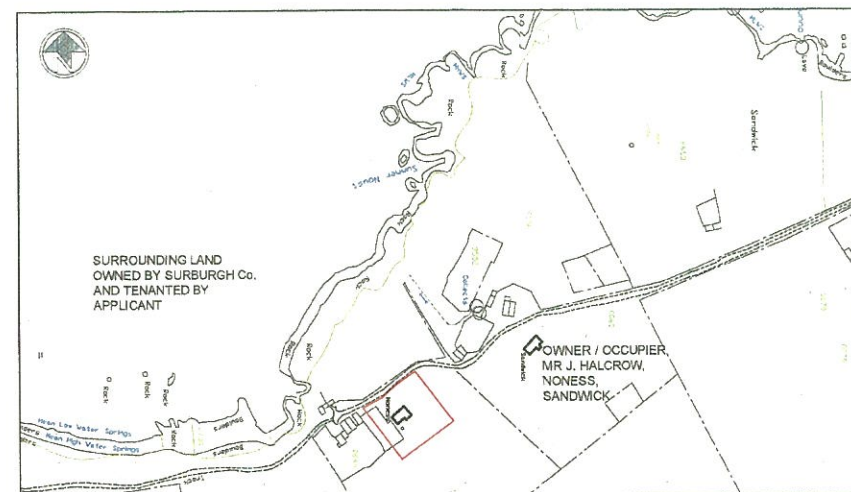
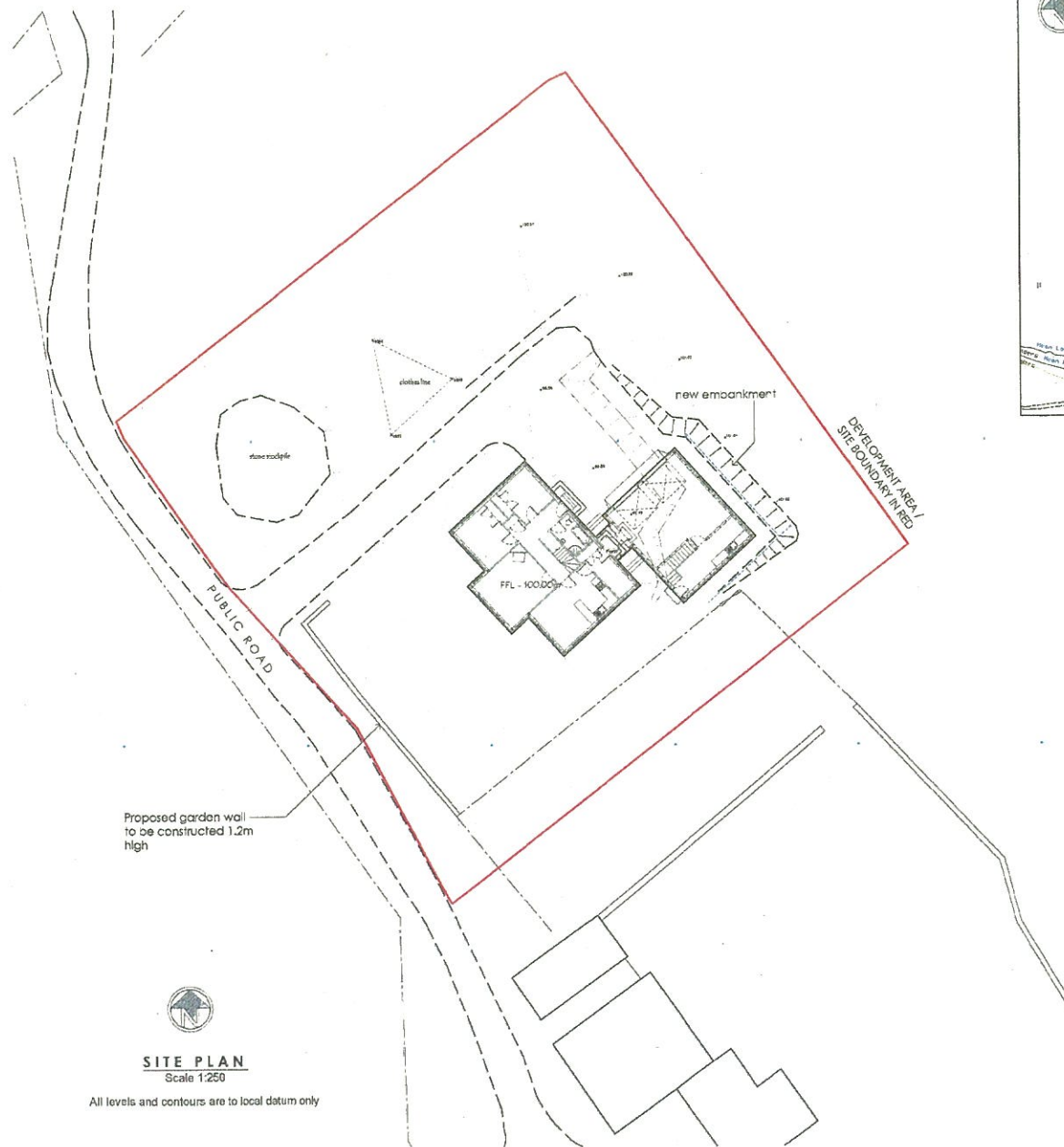
The development hereby permitted must be commenced within 3 years of the date of this permission in order to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 20 of the Planning etc (Scotland) Act 2006.

Building Warrant

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

Notice of completion of development

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



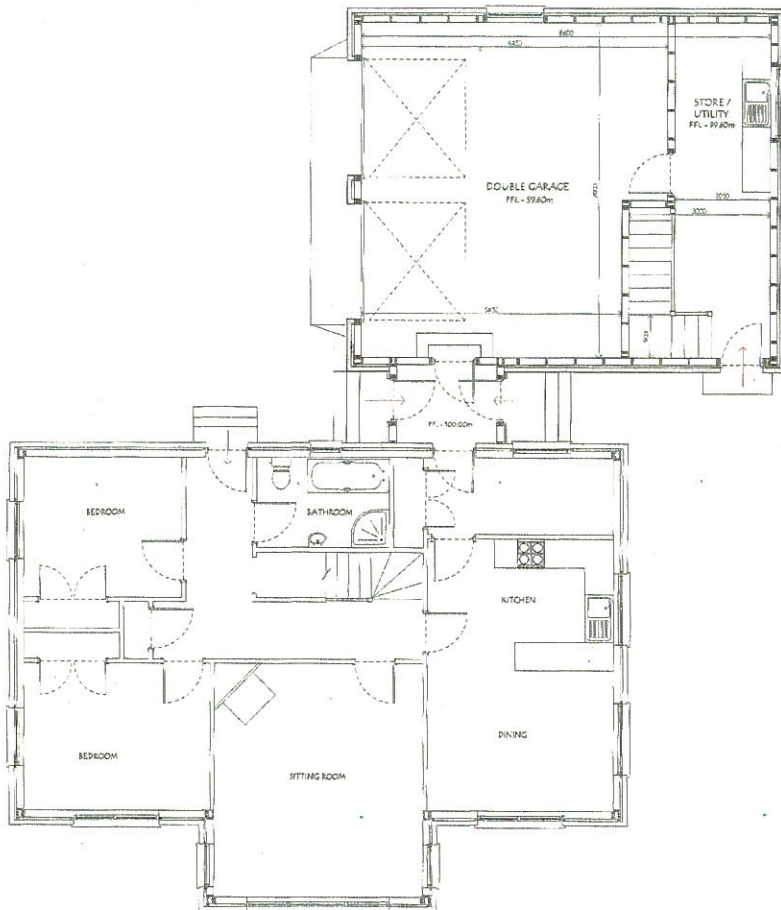
LOCATION PLAN
Scale 1:2500

SIC	
INFRASTRUCTURE SERVICES	
24 OCT 2012	
PREP TO	ACTION

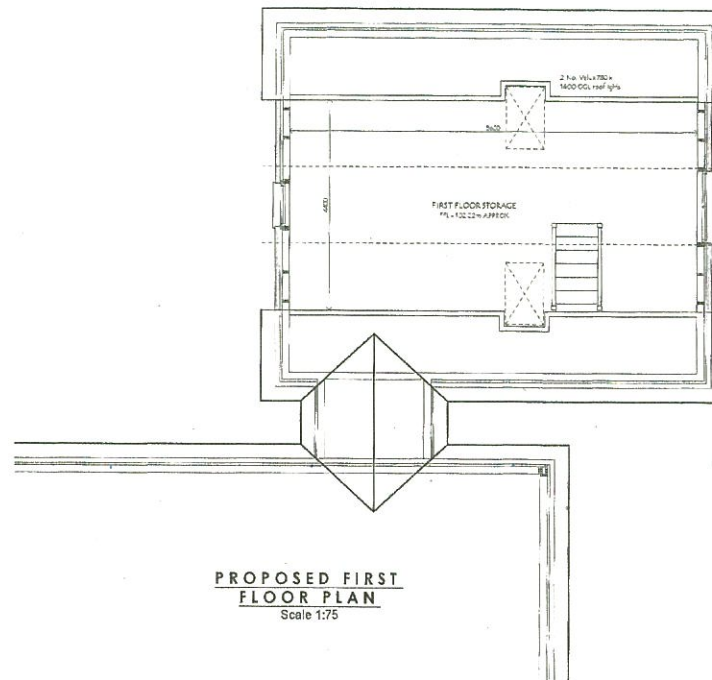
PLANNING ISSUE

Key		Date	Description
VEGA TECHNICAL SERVICES Architecture, Land Surveying and Civil Engineering CAD Drafting HOSWICK VISION CENTRE • SANDWICK • SHETLAND • ZE12 9PL Tel: 01959 431 582/779 Mob: 07770 854 576 E-mail: michael@vegatock.plus.com			
Project			Date Drawn
PROPOSED EXTENSION TO 'FINAL FRONTIER', NONESS, SANDWICK, SHETLAND			28.9.12
Drawing Title			Issue(s) & A2
Site and location plan			1:250 1:2500
Drawing Status		Drawing Number	Revision
Planning		805.10	-

A2 Original



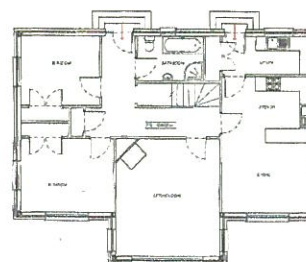
PROPOSED GROUND FLOOR PLAN
Scale 1:75



PROPOSED FIRST FLOOR PLAN
Scale 1:75

SIC INFRASTRUCTURE SERVICES	
24 OCT 2012	
PASS TO	ACTION

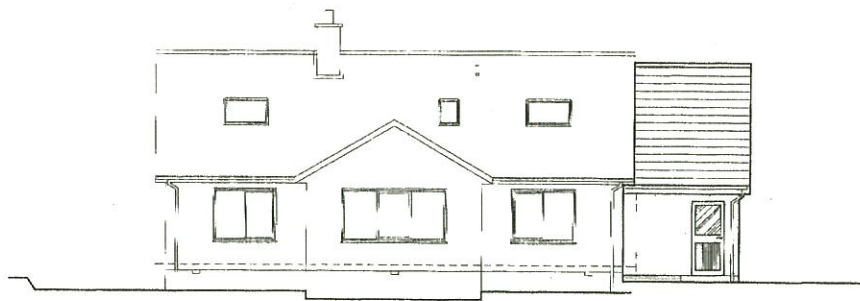
PLANNING ISSUE



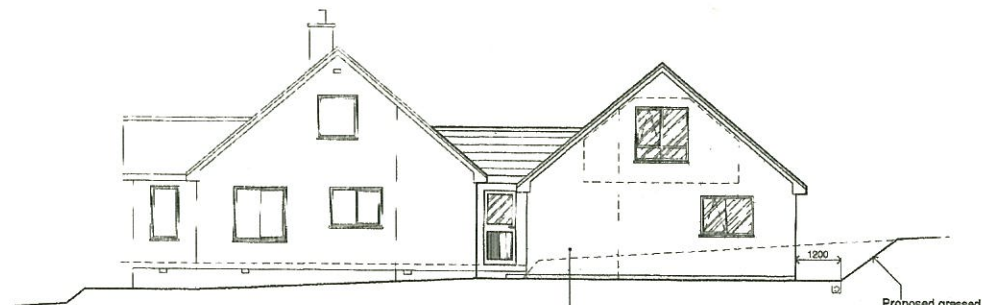
EXISTING FLOOR PLAN

Rev	Date	Description
VEGA TECHNICAL SERVICES Architectural, Land Surveying and Civil Engineering CAD Drafting HOZWICK VISITOR CENTRE - SANDWICK - SHETLAND - ZE2 9HL Tel: 01463 451 162/279 Mobile: 07770 554 178 Email: info@vegatech.co.uk		
Project: PROPOSED EXTENSION TO 'FINAL FRONTIER', NONNESS, SANDWICK, SHETLAND		Date Drawn: 26.9.12
Drawing Title: Existing and proposed floor plans		Scale(s): 1:75
Drawing Status: Planning		Drawing Number: 805.01

A2 Original



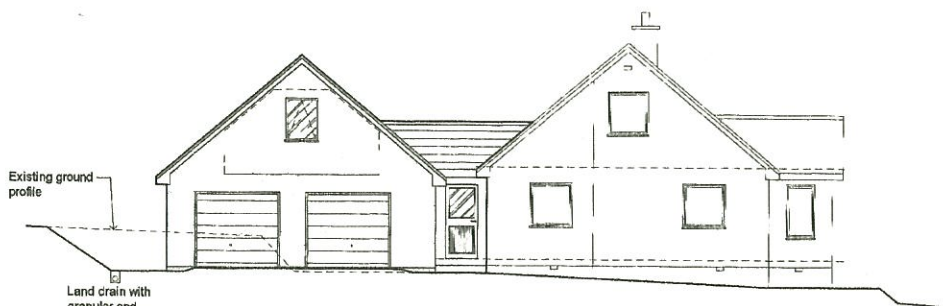
WEST ELEVATION
Scale 1:100



SOUTH ELEVATION
Scale 1:100

Walls of new garage to have dry dash render to match existing house

Proposed grassed embankment

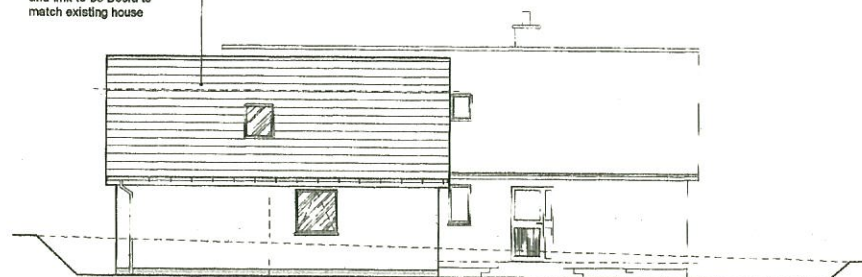


NORTH ELEVATION
Scale 1:100

Existing ground profile

Land drain with granular end geotextile surround

Roof covering of new garage and link to be Decra to match existing house



EAST ELEVATION
Scale 1:100

SIC INFRASTRUCTURE SERVICES	
24 OCT 2012	
PASS TO	ACTION

PLANNING ISSUE

Rev		Date	Drawn/Rev
VEGA TECHNICAL SERVICES Architectural, Land Surveying and Civil Engineering CAD drawing HOSWICK VISITOR CENTRE - SANDWICH - SHETLAND - ZE2 9HL Tel: (01850) 431 503/279 Mob: 07770 024 578 E-mail: mickael@vegatech.plus.com			
Project PROPOSED EXTENSION TO 'FINAL FRONTIER', NONESS, SANDWICH, SHETLAND			Date Drawn 17.10.12
Drawing Title Elevations			Scale(s) 1:100
Drawing Status Planning		Drawing Number 805.02	Revision -



REPORT

To: Planning Committee

5 February 2013

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

Applications for Planning Permission for Local Developments where Determination cannot be taken by Appointed Person under Approved Scheme of Delegation

1 Purpose of Report

- 1.1 The Planning Scheme of Delegations that has been approved by the Council, as well as the Scottish Ministers, identifies the appropriate level of decision making to ensure compliance with the 1997 Planning Act.
- 1.2 Applications for planning permission that fall within the category of Local Development under the hierarchy of development introduced by the Planning etc. (Scotland) Act 2006, which is at the heart of the modernised planning system, are expected to mainly be determined by officers as have been appointed by the planning authority. The approved Scheme of Delegations does however provide exceptions, both specified and statutory, where the determination of an application where the proposal is for a Local Development instead falls to be determined by the Planning Committee.
- 1.3 The exceptions that apply include applications where: a) the Council has an interest (and stands to benefit in some way from the development proceeding) and where there are objections (a specified exception); b) the planning authority or a member of the planning authority is the applicant; and c) the land to which the application relates is either in the ownership of the planning authority or the planning authority has a financial interest in it. In relation to interpretation of the latter two exceptions any part of the Council is regarded as being the planning authority.
- 1.4 With the agreement of the Chairperson and Vice-Chairperson of the Planning Committee of the last Council, applications for Local Development, where the exceptions that are set out in paragraph 1.3 above apply and so therefore the decision falls to be made by the Planning Committee, are set out in a table that includes the related officer recommendation. To meet with the Planning Committee's instruction of 20 September 2011 the table details the reason why the proposal falls to be determined by the Planning Committee.
- 1.5 The applications for Local Development that are set out in the table below, where exceptions apply, have each had a Report of Handling prepared by the officer detailing: the proposal; the assessment carried out; and

recommended conditions or refusal reasons (as appropriate), as well as the reasons for such a decision, and this is available in the Member's Room at the Town Hall. To meet with the Planning Committee's instruction of 26 July 2011 (Item Minute 10/11), the list of conditions or refusal reasons (as appropriate) relating to each application is appended to this report.

Planning Application Ref.	Development Proposed	Applicant	Officer Recommendation	Type of Exception
2012/084/PPF	To import material for land raising at units 7 and 8, Unit 7 and 8, Cunningsburgh Industrial Estate, Cunningsburgh, Shetland, ZE2 9HB (Retrospective Application)	Shetland Construction and Developments Ltd.	Approve, with conditions	Planning authority is landowner
2012/379/PPF	To create new quay and pontoon system; widen existing slipway; create 4 caravan pitches; create canoe storage area including reclamation and foreshore; create toilet and shower building and bitmac surface to roadways, The Holms, Bridge-End, Burra, Shetland, ZE2 9LE	Bridge-End Outdoor Centre Trust.	Approve, with conditions	Planning authority is landowner
2012/395/PPF	Extension to provide new main entrance, school secretary office, Head Teacher's office, library and visiting tutor room, Happyhansel Primary School, Walls, Shetland, ZE2 9PG	Shetland Islands Council	Approve, with conditions	Planning Authority is the applicant

- 1.6 In respect of each application a decision that accepts the officer's recommendation will, in the opinion of the Executive Manager - Planning, comply with Council planning policy. If Members are minded to determine an application contrary to the officer's recommendation, as a departure from the Shetland Islands Council Development Plan Policy, it is imperative that clear reasons for proposing to do so, contrary to the development plan policy and the officer's recommendation, be given and minuted in order to comply with Regulation 28 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 and for the avoidance of doubt in the case of a subsequent planning appeal or judicial review. Failure to give clear planning reasons for the decision could lead to the decision being overturned or quashed, and an award of costs being made against the Council, on the basis that it is not possible to mount a reasonable defence of the Council's decision. Notification to the Scottish Ministers is not required in the case of each application.

2. Recommendation

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

planning committee.doc J R Holden
Planning Committee: 5/2/2013

Appendix

2012/084/PPF - To import material for land raising at units 7 and 8, Unit 7 and 8, Cunningsburgh Industrial Estate, Cunningsburgh, Shetland, ZE2 9HB (Retrospective Application) by Shetland Construction and Developments Ltd.

Recommended Conditions

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

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

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

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

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

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

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

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

(3.) The following visibility splays shall be provided prior to any further landscaping or engineering works being undertaken on site and shall be maintained throughout the lifetime of the development:

- o A visibility splay of 9 metres by 160 metres shall be provided to the south of the junction of the industrial estate road with the A970 public road; and

- o A visibility splay of 2.5 metres by 33 metres shall be provided at the junction of the access to the development site with the industrial estate road.

Reason: In the interests of road safety and to ensure a satisfactory standard of development in compliance with Policy LP HOU4 of the Shetland Local Plan (June 2004).

(4.) The access road shall be constructed to a minimum of 6 metres in width for at least the first 6 metres from the edge of the industrial estate road and shall be completed in bitmac for at least the first 12 metres from the edge of the public road within 6 months of the date of this permission.

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

(5.) At the junction of the development site with the industrial estate road and public road:

- o No fence, wall, bushes or other potential obstruction to visibility shall be permitted within 2 metres from the edge of the industrial estate road or within 3 metres of the A970 public road;

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

o Any 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.

Reason: To ensure that the infrastructure serving the development site is completed, both in the interests of visual amenity and to provide a safe access for vehicles, with a clear view, in the interests of public and road safety in compliance with Shetland Structure Plan (2000) Policy GDS4 and SPHOU2 and Shetland Local Plan (2004) Policy LPNE10.

(6.) Parking provision shall be made within the site for a minimum of 2 cars and 1 lorry and turning provision shall also be constructed within the site in the form of a standard hammer head or a manoeuvring space at least 7.6m x 7.6m.

Reason: To allow adequate space for vehicles to turn and exit the site in forward gear in the interests of traffic safety and in order to comply with Shetland Structure Plan (2000) Policy GDS4 and Shetland Local Plan (2004) Policy LPNE10.

(7.) Finished ground levels for the hereby approved development site shall be no higher than 750mm higher than the pre-development site levels, and in any case shall be no higher than the existing levels of the adjacent A970 and industrial estate roads. The edge to the site shall be battered back at the perimeter to no less than 45 degrees, as per the approved plan Ref: PL/04 received by the Planning Authority on 21/12/2012.

Reason: To ensure that any top soil or waste material arising from the development is finished off on site in a visually and environmentally acceptable manner in compliance with Shetland Structure Plan (2000) Policies GDS4, SPNE1 and Shetland Local Plan (2004) Policies LPBE13 and LPNE10.

(8.) There shall be no open storage of excavated aggregate without prior approval in writing from the Planning Authority within the hereby approved development site, other than materials to be used solely for land raising to levels agreed and the subject of condition 7 of this permission.

Reason: For visual and environmental reasons and in compliance with Shetland Structure Plan (2000) Policies GDS4, SPNE1 and Shetland Local Plan (2004) Policies LPBE13 and LPNE10.

(9.) Any land disturbed by the excavation of the site shall be graded and reinstated with topsoil and seeded or turfed with grass or otherwise landscaped - this shall include landscaping to the perimeter of the infill on the site. All planting, seeding or turfing shall be carried out by the end of the first planting and seeding seasons following the completion of the development, which run from 1st May to 15th August for the sowing of grass seeds mixtures, and between 1st March and 15th May or before new leaf growth takes place (whichever is the soonest) for the planting of bare root stock trees, shrubs and hedges, and between 1st March and 15th

August for potted and cell grown stock trees, shrubs and hedges) . If the site is to be reinstated other than by seeding or turfing with grass a scheme for the landscaping of the site shall first be submitted to and approved in writing by the Planning Authority before the commencement of any landscaping works. All landscaping works shall be completed within 12 months from the date of this permission.

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

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

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

Notes to Applicant:

Commencement of Development

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

Notice of Completion of Development

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

Road Opening Permit

The Shetland Islands Council Roads Service have advised that the length of access that crosses the public road verge shall be constructed to their satisfaction. A Road Opening Permit must be obtained from the Roads Service prior to carrying out any works to form an access onto the public road. You are advised to contact them prior to the commencement of any development: Roads Services, SIC Department of Infrastructure Services, Gremista, Lerwick, Shetland ZE1 0PY.

Building Warrant

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

Flood Risk

Although your site is within the identified area zoned as Cunningsburgh Industrial Estate and that your site has no history of flooding; having taken advice from Shetland Islands Council's Coastal Engineer with regard to the location of the site in relation the adjacent burn, you should make yourself aware of the history of flooding both upstream and downstream from your site and the potential for flooding this may have for your site.

2012/379/PPF - To create new quay and pontoon system; widen existing slipway; create 4 caravan pitches; create canoe storage area including reclamation and foreshore; create toilet and shower building and bitmac surface to roadways, The Holms, Bridge-End, Burra, Shetland, ZE2 9LE by Bridge-End Outdoor Centre Trust.

Recommended Conditions

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

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

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

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

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

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

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

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

(3.) In so far as this consent shall relate to the foul drainage to be constructed in association with the proposed toilet/shower block, it shall relate only to provision of:

o a connection to the public sewer via the existing foul drainage system as per Drw No. 112032-23

as specified in the plans and details received on 26 November 2012. No part of the development shall be brought into use until foul drainage works are fully operational.

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

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

o a connection to the existing outfall system as per Drw No. 112032-23

as specified in the amended plans and details received on 26 November 2012. No part of the development shall be brought into use until the surface water drainage is fully operational.

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

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

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

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

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

Notes to Applicant:

Commencement of Development

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

Notice of Completion of Development

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

Environmental Health

Please note that you will be required to apply for a Caravan Site Licence. Please contact Environmental Health on 01595 744 800 for further information or go to http://www.shetland.gov.uk/eu-formalities/caravan_and_camping_site_licence.asp

Scottish Water

In terms of planning consent, Scottish Water does not object to this planning application. However, please note that any planning approval granted by the Local Authority, does not guarantee a connection to their infrastructure. Scottish Water state that there is limited capacity to serve this new demand and that the developer should discuss their development directly with Scottish Water. Please also note that in some circumstances, it may be necessary for the Developer to fund works on existing infrastructure to enable their development to connect. Approval for connections can only be given by Scottish Water when the appropriate application and technical details have been received.

Building Warrant

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

Works Licence

Any works below MHWS (including sea outfalls) will require a Works Licence under the Zetland County Council Act 1974. Any queries regarding Works Licences or requests for application forms should be directed to the Marine Planning Service, Shetland Islands Council, Infrastructure Services Department, Grantfield, Lerwick, Shetland, ZE1 0NT.

Flood Risk

Please note the South elevation of the proposed toilet/shower building will be unprotected and there is a possibility that this might be susceptible to sea spray during the heaviest of future anticipated storms. The floor and wall construction methods of the store should be designed with this increased risk of water damage in mind.

2012/395/PPF - Extension to provide new main entrance, school secretary office, Head Teacher's office, library and visiting tutor room, Happyhansel Primary School, Walls, Shetland, ZE2 9PG by Shetland Islands Council

Recommended Conditions

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

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

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

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

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

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

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

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

(3.) Any land disturbed by the construction of the development shall be graded and reinstated with topsoil and seeded or turfed with grass or otherwise landscaped. All planting, seeding or turfing shall be carried out by the end of the first planting and seeding seasons following the completion of the development, which run from 1st May to 15th August for the sowing of grass seeds mixtures, and between 1st March and 15th May or before new leaf growth takes place (whichever is the soonest) for the

planting of bare root stock trees, shrubs and hedges, and between 1st March and 15th August for potted and cell grown stock trees, shrubs and hedges). If the site is to be reinstated other than by seeding or turfing with grass a scheme for the landscaping of the site shall first be submitted to and approved in writing by the Planning Authority before the commencement of any landscaping works.

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

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

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

Notes to Applicant:

Commencement of Development

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

Building Warrant

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

Notice of completion of development

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

Report of Handling

Development: To import material for landraising at units 7 and 8 (Retrospective Application)

Location: Unit 7 And 8, Cunningsburgh Industrial Estate, Cunningsburgh, Shetland, ZE2 9HB,

By: Shetland Construction & Developments Ltd

Application Ref: 2012/084/PPF

1. Introduction

This is an application for full planning permission concerning the temporary storage of excavated aggregates for land raising at sites 7 and 8 Cunningsburgh Industrial Estate. As the infill works have already been undertaken on site, this application is mostly retrospective with further landscaping and tidying up still to be undertaken.

2. Statutory Development Plan Policies

Shetland Islands Council Structure Plan (2000) Policies

GDS4 - General Development Policy Natural and Built Environment

SPNE1 - Design

SPIND1 - Development of the Economy

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

LPNE10 - Development and the Environment

LPBE13 - Design

LPIND4 - Business and Industry in Existing Rural Settlements

Shetland Islands Council Interim Planning Policy Guidance

LDP1 - All development General

LDP3 - All development Location

GDS2 - General Development Policy Economic Competitiveness

3. Safeguarding

30km Radius Scatsta - 30km Sumburgh Scatsta: 1

Waste Water Drainage Hotspots - Waste Water Drainage Hotspots:
Cunningsburgh

4. Consultations

Roads Traffic was consulted on the 28 March 2012. Their comments dated 12 April 2012 can be summarised as follows:

- The existing industrial estate road is only 4.8 to 5 metres wide. Therefore the site boundary fence shall be required to be set back from the existing road edge 3.2 metres, in order that the road could be widened in future to 6 metres, while retaining a 2 metre verge. In light of the recent site plan PL/01 Rev 3 showing the required distances etc (received 21 December 2012), Road Services have no objections to the proposal.

Environmental Health was consulted on the 28 March 2012. There was no response from this consultee at the time of report preparation.

SEPA Dingwall was consulted on the 28 March 2012. Their comments dated 11 April 2012 can be summarised as follows:

- SEPA initially objected in light of possible flood risk in relation to the proximity of the works to the adjacent burn; however in light of further information being submitted, SEPA withdrew their objection.

Gulberwick, Quarff And Cunningsburgh Community Council was consulted on the 28 March 2012. Their comments dated 19 April 2012 can be summarised as follows:

- No objections

The Coastal Engineer was consulted on the 11 April 2012. Their comments dated 30 April 2012 can be summarised as follows:

- No objections, however, the applicant should be made aware of the risk of flooding both upstream and downstream from this location

5. **Statutory Advertisements**

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

A site notice was not required to be posted.

6. **Representations**

Representations were received from the following properties:

None

7. **Report**

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

Where, in making any determination under the Planning Acts, regard is to be had to the development plan, the determination is, unless

material considerations indicate otherwise to be made in accordance with that plan.

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

As briefly outlined in the introduction to this report, this application is for the land raising of sites 7 and 8 Cunningsburgh Industrial Estate, using excavated aggregates from another construction site.

Cunningsburgh Industrial Estate originally gained planning approval in the early 80's, with various businesses developing and using the units.

The industrial estate lies close to the A970 public road and is a very visible site as you travel using this main arterial roadway and only route north and south.

Coupled with the visual nature of the industrial estate, is the proximity of the sites to the existing burn - this burn has experienced historical flooding upstream and downstream of the site. The proposal initially raised an objection from SEPA. However these concerns were addressed by the applicant and SEPA subsequently withdrew their objection.

Road Services also raised issues with the proximity of the boundary of the site to the access serving the industrial estate. It was deemed that any boundary fence or perimeter of the site should be kept back to allow future upgrading of the industrial estate road.

The site is part of the Cunningsburgh Industrial Estate - a well-established area for light industrial business use. The proposal is for the raising of the site to form a level ground area, suitable for the possible future development of a workshop and yard that the applicant has indicated is the intention. This will need a further application for permission. Fencing or site boundary treatment will form part of the consideration of any application for such a proposed workshop and yard that is submitted.

The proposal complies with policy in terms of LPIND4 Business and Industry in Existing Rural Settlements, where the Council seeks to ensure that adequate brownfield land is available for business use, and pertinent to this application is that when planning, any developer should consider the need to minimise waste through, for example, the use of secondary aggregates and retention and re-use of demolition materials on site.

Also applicable to the assessment of this application is Structure Plan (2000) and Local Plan (2004) policies that seek to protect the natural and built environment. It will be appropriate for conditions to be attached to any approval, to ensure that any aggregate introduced into the site does not raise the land past the approved finished ground level, and that no aggregate or waste materials are stored on site without the prior approval of the Planning Authority.

Also relevant to this assessment is a need to ensure that the raised ground level is adequately finished off at the site extremities or outer edges; this will ensure site stability and that no run-off enters the existing burn. Landscaping should also be conditioned, as should a completion time for the landscaping - this will ensure that the works are done and the site is left in a neat and tidy condition and is not a detriment to the natural and visual environment.

It is considered that this proposal complies with the aims of Shetland Structure Plan (2000) and Local Plan (2004) policies listed in paragraph 2 of this report of handling.

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 Delegation that has been approved by the Scottish Ministers.

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

9. Notification to Scottish Ministers

None.

10. Recommendation

Grant subject to conditions

Reasons for Council's decision:

This proposal is for the development of two sites within the Cunningsburgh Industrial Estate for future light industrial use; this development complies with the aims of Shetland Structure Plan (2000) policies GDS4, SPNE1 and SPIND1 and also Shetland Local Plan (2004) policies LPNE10, LPBE13 and LPIND4.

11. List of approved plans:

- Location Plan PL/02 12.03.2012
- Site Plan PL/01 03 21.12.2012
- Section Plan PL/04 21.12.2012

12. Conditions:

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

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

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

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

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

(3.) The following visibility splays shall be provided prior to any further landscaping or engineering works being undertaken on site and shall be maintained throughout the lifetime of the development:

- o A visibility splay of 9 metres by 160 metres shall be provided to the south of the junction of the industrial estate road with the A970 public road; and
- o A visibility splay of 2.5 metres by 33 metres shall be provided at the junction of the access to the development site with the industrial estate road.

Reason: In the interests of road safety and to ensure a satisfactory standard of development in compliance with Policy LP HOU4 of the Shetland Local Plan (June 2004).

(4.) The access road shall be constructed to a minimum of 6 metres in width for at least the first 6 metres from the edge of the industrial estate road and shall be completed in bitmac for at least the first 12 metres from the edge of the public road within 6 months of the date of this permission.

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

(5.) At the junction of the development site with the industrial estate road and public road:

- o No fence, wall, bushes or other potential obstruction to visibility shall be permitted within 2 metres from the edge of the industrial estate road or within 3 metres of the A970 public road;
- o The gradient of the access shall not exceed 5% (slope of 1 in 20) for the first six metres from the road edge; and
- o Any 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.

Reason: To ensure that the infrastructure serving the development site is completed, both in the interests of visual amenity and to provide a safe access for vehicles, with a clear view, in the interests of public and road safety in compliance with Shetland Structure Plan (2000) Policy GDS4 and SPHOU2 and Shetland Local Plan (2004) Policy LPNE10.

(6.) Parking provision shall be made within the site for a minimum of 2 cars and 1 lorry and turning provision shall also be constructed within the site in the form of a standard hammer head or a manoeuvring space at least 7.6m x 7.6m.

Reason: To allow adequate space for vehicles to turn and exit the site in forward gear in the interests of traffic safety and in order to comply with Shetland Structure Plan (2000) Policy GDS4 and Shetland Local Plan (2004) Policy LPNE10.

(7.) Finished ground levels for the hereby approved development site shall be no higher than 750mm higher than the pre-development site levels, and in any case shall be no higher than the existing levels of the adjacent A970 and industrial estate roads. The edge to the site shall be battered back at the perimeter to no less than 45 degrees, as per the approved plan Ref: PL/04 received by the Planning Authority on 21/12/2012.

Reason: To ensure that any top soil or waste material arising from the development is finished off on site in a visually and environmentally acceptable manner in compliance with Shetland Structure Plan (2000) Policies GDS4, SPNE1 and Shetland Local Plan (2004) Policies LPBE13 and LPNE10.

(8.) There shall be no open storage of excavated aggregate without prior approval in writing from the Planning Authority within the hereby approved development site, other than materials to be used solely for land raising to levels agreed and the subject of condition 7 of this permission.

Reason: For visual and environmental reasons and in compliance with Shetland Structure Plan (2000) Policies GDS4, SPNE1 and Shetland Local Plan (2004) Policies LPBE13 and LPNE10.

(9.) Any land disturbed by the excavation of the site shall be graded and reinstated with topsoil and seeded or turfed with grass or otherwise landscaped - this shall include landscaping to the perimeter of the infill on the site. All planting, seeding or turfing shall be carried out by the end of the first planting and seeding seasons following the completion of the development, which run from 1st May to 15th August for the sowing of grass seeds mixtures, and between 1st March and 15th May or before new leaf growth takes place (whichever is the soonest) for the planting of bare root stock trees, shrubs and hedges, and between 1st March and 15th August for potted and cell grown stock trees, shrubs and hedges). If the site is to be reinstated other than by seeding or turfing with grass a scheme for the landscaping of the site shall first be submitted to and approved in writing by the Planning Authority before the commencement of any landscaping works. All landscaping works shall be completed within 12 months from the date of this permission.

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

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

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

Notes to Applicant:

Commencement of Development

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

Notice of Completion of Development

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

Road Opening Permit

The Shetland Islands Council Roads Service have advised that the length of access that crosses the public road verge shall be constructed to their satisfaction. A Road Opening Permit must be obtained from the Roads Service prior to carrying out any works to form an access onto the public road. You are advised to contact them prior to the commencement of any development: Roads Services, SIC Department of Infrastructure Services, Gremista, Lerwick, Shetland ZE1 0PY.

Building Warrant

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

Flood Risk

Although your site is within the identified area zoned as Cunningsburgh Industrial Estate and that your site has no history of flooding; having taken advice from Shetland Islands Council's Coastal Engineer with regard to the location of the site in relation the adjacent burn, you should make yourself aware of the history of flooding both upstream and downstream from your site and the potential for flooding this may have for your site.

13. **Further Notifications Required**

None

14. **Background Information Considered**

Cunningsburgh Industrial Estate paper map and GIS mapping showing plots and extent of industrial estate

15. **Attachments**

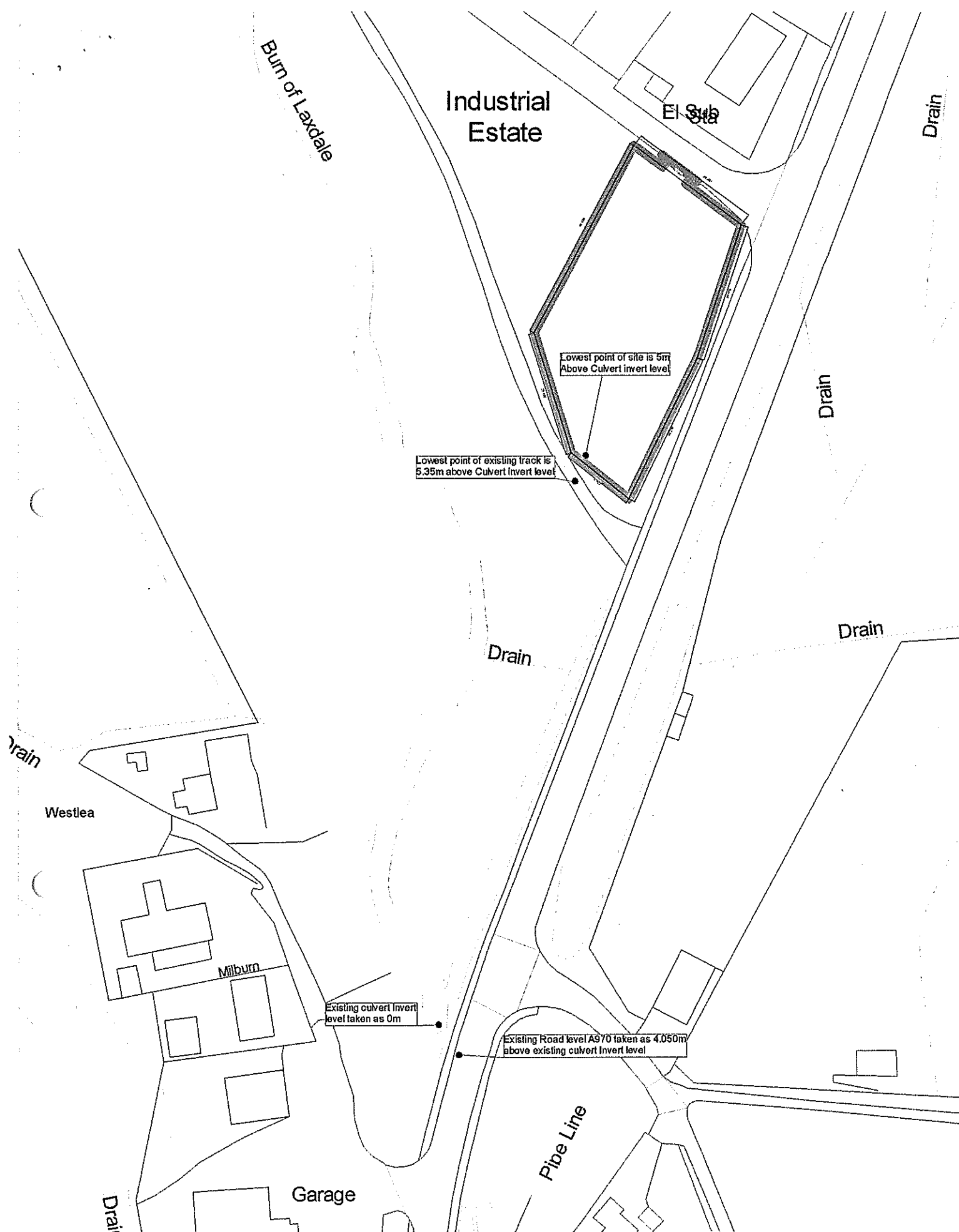
- o Location Plan

084_Report_of_Handling.doc

Officer: Mr Jonny Wiseman

Date: 4th January 2013

Planning Committee Date: 05 February 2013



Report of Handling

Development: To create new quay and pontoon system; widen existing slipway; create 4 caravan pitches; create canoe storage area including reclamation and foreshore; create toilet and shower building and bitmac surface to roadways

Location: The Holms, Bridge-End, Burra, Shetland, ZE2 9LE,

By: Bridge-End Outdoor Centre Trust

Application Ref: 2012/379/PPF

1. Introduction

This is a detailed planning application for various improvement works to the Bridge End Outdoor Centre in Burra. The works include reclamation of the foreshore and the creation of a new quay and pontoon system with a new widened slipway. The application also includes the creation of 4 caravan pitches with a new canoe storage area and toilet and shower block.

2. Statutory Development Plan Policies

Shetland Islands Council Structure Plan (2000) Policies

GDS4 - General Development Policy Natural and Built Environment

GDS2 - General Development Policy Economic Competitiveness

GDS3 - General Development Policy Existing Settlements

SPNE1 - Design

SPNE2 - National Scenic Areas

SPCST1 - Development at Coastal Sites

SPCOM1 - Commercial Development

SPCSF3 - Social and Economic Services

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

LPNE10 - Development and the Environment

LPBE13 - Design

LPWD10 - Flooding

LPIND4 - Business and Industry in Existing Rural Settlements

LPCFS4 - Community Facilities

Shetland Islands Council Interim Planning Policy Guidance

LDP1 - All development General

LDP2 - All development Layout and design

LDP3 - All development Location

3. Safeguarding

Within a National Scenic Area

Within a Flooding Area

4. Consultations

Environmental Health was consulted on the 17 December 2012. Their comments dated 8 January 2013 can be summarised as follows:

- No objections however a Caravan Site Licence will be required.

Marine Planning was consulted on the 17 December 2012. Their comments dated 24 December 2012 can be summarised as follows:

- No objections as the developer is aware of the need for a Works Licence.

Roads Traffic was consulted on the 17 December 2012. Their comments dated 20 December 2012 can be summarised as follows:

- No objections.

Roads Drainage was consulted on the 17 December 2012. Their comments dated 19 December 2012 can be summarised as follows:

- No objections given the location of the proposed development adjacent to the sea - there will be no flood risk to any other buildings from the development.

Scottish Water Customer Connections was consulted on the 17 December 2012. Their comments dated 27 December 2012 can be summarised as follows:

- No objections. At present there is limited capacity to serve this new demand. The Developer should discuss their development directly with Scottish Water.

SNH was consulted on the 17 December 2012. Their comments dated 24 December 2012 can be summarised as follows:

- No objections. The proposed development lies within Shetland National Scenic Area (NSA). The proposal is in keeping with existing development at the site, and will not have an adverse effect on the integrity of the NSA or the qualities for which it has been designated. There are no other natural heritage interests of significant importance that will be affected by the proposal.

Burra And Trondra Community Council was consulted on the 17 December 2012. Their comments dated 14 January 2013 can be summarised as follows:

- No objections

The Coastal Engineer was consulted on the 17 December 2012. Their comments dated 11 January 2013 can be summarised as follows:

- No objections. As the only 'fixed' element of the development is the toilet/shower block with a finished floor level of 3.60 AOD the floor level would be lower than the required 4.003 AOD (Lerwick). However, the application includes a parapet wall to entrance, which is approximately 1.3m high and offers a satisfactory degree of protection. I feel therefore that it would be appropriate to consider this wall as mitigating the 0.5m allowance which is made in the FRA guidance for 'wave action/freeboard',
- With this 0.5m reduction in the required level, a flood level of 3.503m AOD would be appropriate minimum for this development, and as the proposed floor level of the toilet/shower block of 3.60m AOD exceeds this requirement, it could be considered acceptable.
- It is worth noting on the South elevation of the proposed toilet/shower building that there is an unprotected store door and there is a possibility that this might be susceptible to sea spray during the heaviest of future anticipated storms. The floor and wall construction methods of the store should be designed with this increased risk of water damage in mind.

5. **Statutory Advertisements**

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

A site notice was not required to be posted.

6. **Representations**

Representations were received from the following properties:

None

7. **Report**

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

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

There are statutory Development Plan Policies against which this application has to be assessed and these are listed at paragraph 2 above. The determining issues to be considered are whether the

proposal complies with Development Plan Policy, or there are any other material considerations which would warrant the setting aside of Development Plan Policy.

As detailed in the introduction to this Report of Handling, this application includes various additions and improvements to the existing facilities at the Bridge End Outdoor Centre and its associated quay and pontoon area.

The works include a small area of reclamation that will allow room for caravan pitches with a larger quay area and a hinged pontoon area. The existing slipway will be widened and the hardstanding area including the car parking area will be completely bitmaced from the access road into the site to the existing larger marina and marina pontoons.

Adjacent to the Outdoor Centre will be the addition of a new toilet and shower block building for users of the marina and associated facilities.

No consultees objected to the development. There are no flood risk issues other than the possibility of seaspray and adverse weather affecting the south elevation of the toilet/shower block.

The works are improvements and additional facilities at the Outdoor Centre area, and will be of benefit to locals and visitors alike.

The works are to be welcomed in terms of the provision of community and wider community facilities; the proposed development will not have a negative effect on the surrounding natural and built environment of the Bridge End area.

The proposal complies with the aims of Shetland Structure Plan (2000) policies and Shetland Local Plan (2004) policies listed in part two of this Report of Handling.

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 Delegation that has been approved by the Scottish Ministers.

If members are minded to refuse the application as a departure from the Shetland Islands Council Development Plan Policy, it is imperative that clear reasons for proposing the refusal of planning permission contrary to the development plan policy and the officer's recommendation be given and minuted in order to comply with Regulation 28 of the Town and Country Planning (Development Management Procedure)(Scotland) Regulations 2008 and for the

avoidance of doubt in the case of a subsequent planning appeal or judicial review. Failure to give clear planning reasons for the decision could lead to the decision being overturned or quashed, and an award of costs being made against the Council, on the basis that it is not possible to mount a reasonable defence of the Council's decision.

9. Notification to Scottish Ministers

None.

10. Recommendation

Grant subject to conditions

Reasons for Council's decision:

This proposal is an improvement of existing facilities at the Outdoor Centre and subject to the conditions listed below, will not have a detrimental impact on the surrounding natural and built environment and is therefore compliant with the aims of Shetland Structure Plan (2000) policies GDS4, GDS3, GDS2, SPNE1, SPNE2, SPCST1, SPCOM1 and SPCSF3 and also Shetland Local Plan (2004) policies LPNE10, LPBE13, LPWD10, LPIND4 and LPCFS4.

11. List of approved plans:

- Design Statement 05.12.2012
- Location Plan 112032-20 26.11.2012
- Neighbour Notification 112032-21 26.11.2012
- Existing Site Survey and Layout Plan 112032-22
26.11.2012
- General Arrangement 112032-23 26.11.2012
- Cross Section 112032-24 26.11.2012
- Detail 112032-25 26.11.2012
- General Arrangement and Cross Sections 112032-30
26.11.2012
- Concept Layout and Details 112032-35 26.11.2012
- Site and Elevations 112032-50 26.11.2012

12. Conditions:

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

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

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

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

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

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

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

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

(3.) In so far as this consent shall relate to the foul drainage to be constructed in association with the proposed toilet/shower block, it shall relate only to provision of:

o a connection to the public sewer via the existing foul drainage system as per Drw No. 112032-23

as specified in the plans and details received on 26 November 2012. No part of the development shall be brought into use until foul drainage works are fully operational.

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

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

o a connection to the existing outfall system as per Drw No. 112032-23

as specified in the amended plans and details received on 26 November 2012. No part of the development shall be brought into use until the surface water drainage is fully operational.

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

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

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

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

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

Notes to Applicant:

Commencement of Development

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

Notice of Completion of Development

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

Environmental Health

Please note that you will be required to apply for a Caravan Site Licence. Please contact Environmental Health on 01595 744 800 for further information or go to http://www.shetland.gov.uk/eu-formalities/caravan_and_camping_site_licence.asp

Scottish Water

In terms of planning consent, Scottish Water does not object to this planning application. However, please note that any planning approval granted by the Local Authority, does not guarantee a connection to their infrastructure. Scottish Water state that there is limited capacity to serve this new demand and that the developer should discuss their development directly with Scottish Water. Please also note that in some circumstances, it may be necessary for the Developer to fund works on existing infrastructure to enable their development to connect. Approval for connections can only be given by Scottish Water when the appropriate application and technical details have been received.

Building Warrant

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

Works Licence

Any works below MHWS (including sea outfalls) will require a Works Licence under the Zetland County Council Act 1974. Any queries regarding Works Licences or requests for application forms should be directed to the Marine Planning Service, Shetland Islands Council, Infrastructure Services Department, Grantfield, Lerwick, Shetland, ZE1 0NT.

Flood Risk

Please note the South elevation of the proposed toilet/shower building will be unprotected and there is a possibility that this might be susceptible to sea spray during the heaviest of future anticipated

storms. The floor and wall construction methods of the store should be designed with this increased risk of water damage in mind.

13. Further Notifications Required

None

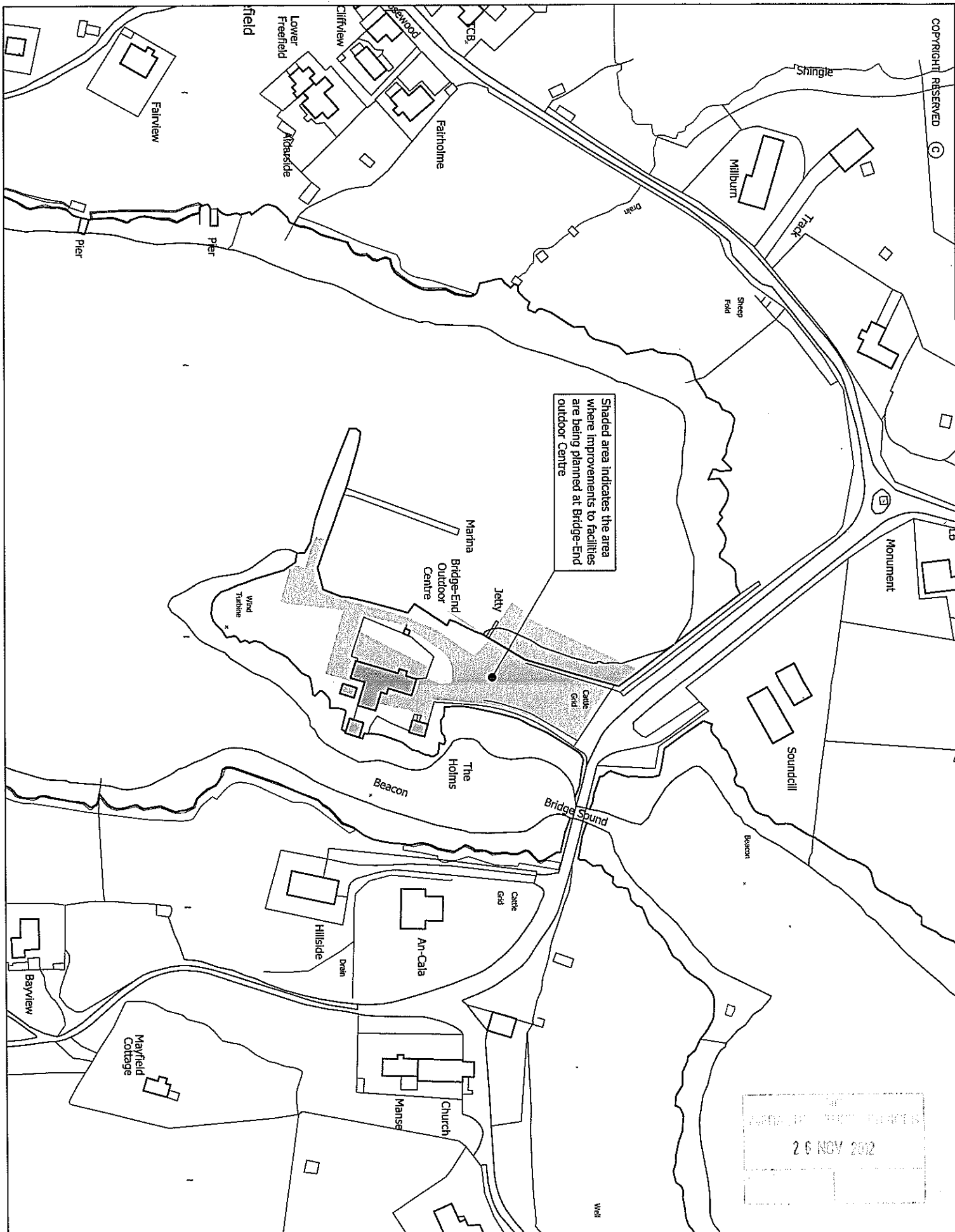
14. Background Information Considered

None

15. Attachments

Location Plan – Drw No. 112032-20
Site Plan – Drw No. 112032-23

379 Delegated_Report_of_Handling.doc
Officer: Mr Jonny Wiseman
Date: 15th January 2013
Date of Committee: 5 February 2013



26 NOV 2012

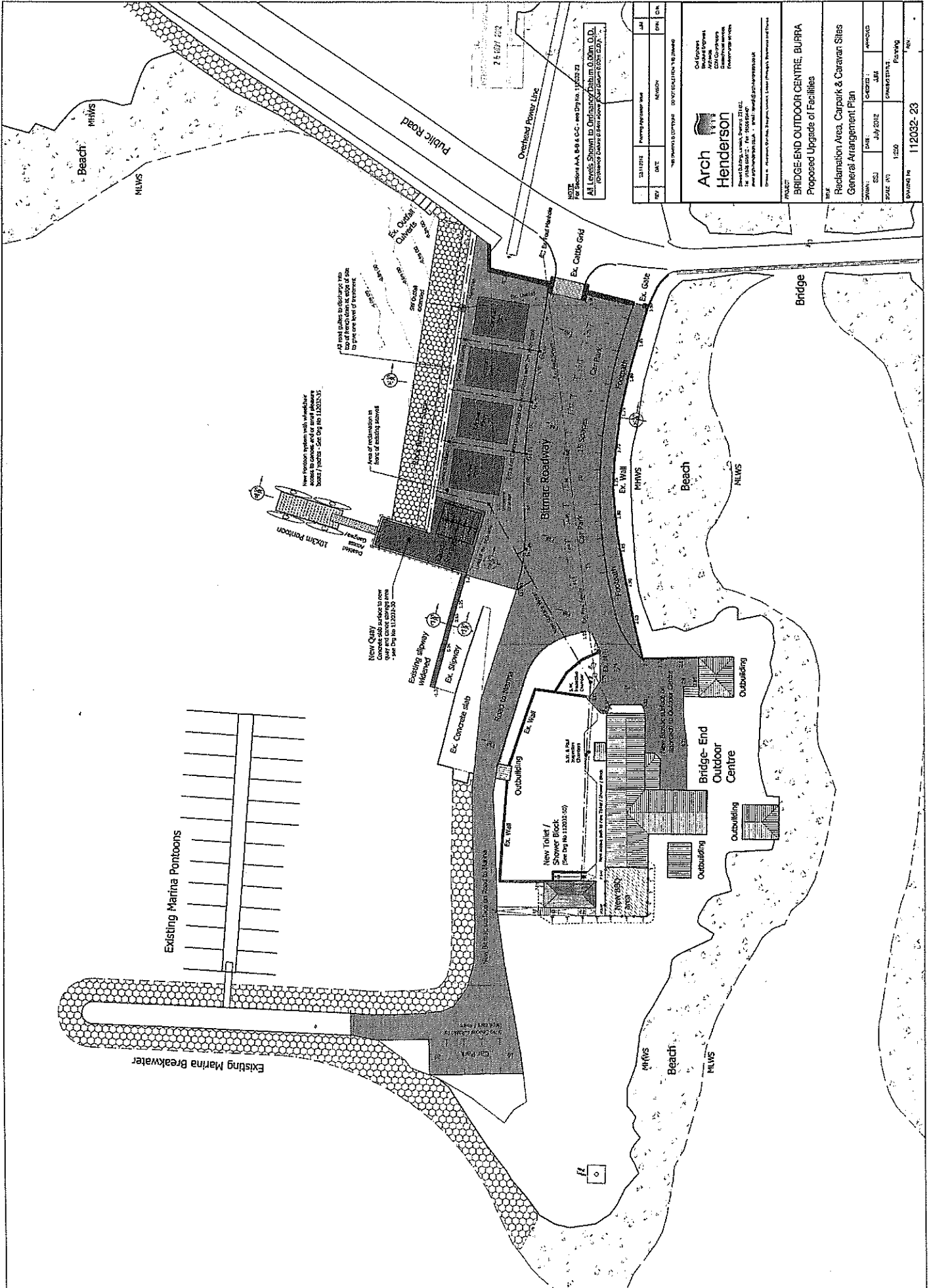
Arch Henderson
1919

Civil Engineers
Structural Engineers
Architects
CDM Co-ordinators
Geotechnical Services
Environmental services

Stewart Building, Lerwick, Shetland, ZE1 0LL.
Tel: 01595 695612 • Fax: 01595 694401.
www.arch-henderson.co.uk • email: lerwick@arch-henderson.co.uk

Offices in: Aberdeen, Dundee, Glasgow, Lerwick, Lisboa (Portugal), Stromness and Thurso

SCALE: (A3) 1: 1250		PROJECT: BRIDGE-END OUTDOOR CENTRE, BURRA	
DATE: July 2012		Proposed Upgrade of Facilities	
DRAWN: JJM		DRAWING TITLE: Reclamation, Car Park and Caravan Sites	
CHKD: APPD:		Location Plan	
REV	DATE	STATUS P/T/C/R	REVISION / ISSUE / PURPOSE
-	22:11:2012		Planning Application Issue
BY	CHKD	DRAWING STATUS:	DRAWING No: 112032- 20
		Planning	REV: -



Report of Handling

Development: Extension to provide new main entrance, school secretary office, Head Teacher's office, library and visiting tutor room

Location: Happyhansel Primary School

Walls

Shetland

ZE2 9PG

By: Shetland Islands Council

Application Ref: 2012/395/PPF

1. Introduction

This is an application for full planning permission to erect an extension to an existing school, at Happyhansel Primary School, Walls.

The footprint of the new extension which is to be located on the east elevation of the school, where the existing entrance is located, will contain new rooms in addition to a new covered entrance lobby.

In addition landscaping which will involve replacing the existing rendered walls of the school playground with drystone dykes will take place.

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

SPCSF1 - Education

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

LPCFS4 - Community Facilities

LPNE10 - Development and the Environment

Shetland Islands Council Interim Planning Policy Guidance

SPG1 - All development Layout and Design

3. Safeguarding

30km Radius Scatsta - 30km Sumburgh Scatsta: 2

Burn Buffer - Name: No Name

Coastal 100 V0 - Coastal 100 V0: 1

Coastal 200 V1 - Coastal 200: 21

Decrofted - Decrofted: 1290
Land Capability Agriculture - code: 5.2

SSSI - SSSI: 1

Zone 1 Modified - Zone 1 Modified: Housing Zone 1

4. **Consultations**

None.

5. **Statutory Advertisements**

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

A site notice was not required to be posted.

6. **Representations**

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 school requires an extension, of some 113 square metres, to improve the teaching facilities and provide a modern efficient Primary School.

The new extension will provide offices for the school secretary, Head Teacher, a library and also a teaching space for a visiting tutor.

Theses spaces are built around a new covered entrance lobby under a pitched corrugated metal roof into which glazing will be inserted to allow natural light into the building.

It is considered that the design fits in well with the existing school with good use of materials and colour. As such the new extension will not detract from the appearance of the building, or the general amenity of the area.

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 Delegation that has been approved by the Scottish Ministers.

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

Notification to Scottish Ministers

None

9. Recommendation

Grant subject to conditions

Reasons for Council's decision:

(1.) The proposed development will have no adverse impact upon the natural and built environment, or upon the amenities of neighbouring properties due to the design of the extension which is required to provide safe and suitable educational facilities. As such, the proposal complies with Shetland Structure Plan (2000) Policies GDS4 and SPNE1 and Shetland Local Plan (2004) Policies LPBE13 and LPNE10.

10. List of approved plans:

- Location Plan 342/P/001 06.12.2012

- Existing Building 342/P/004 06.12.2012
- Proposed Plan 342/P/002 06.12.2012
- Elevations & Sections 342/P/003 06.12.2012
- Drainage Details 342/P/005 06.12.2012

Conditions:

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

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

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

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

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

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

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

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

(3.) Any land disturbed by the construction of the development shall be graded and reinstated with topsoil and seeded or turfed with grass or otherwise landscaped. All planting, seeding or turfing shall be carried out by the end of the first planting and seeding seasons following the completion of the development, which run from 1st May to 15th August for the sowing of grass seeds mixtures, and between 1st

March and 15th May or before new leaf growth takes place (whichever is the soonest) for the planting of bare root stock trees, shrubs and hedges, and between 1st March and 15th August for potted and cell grown stock trees, shrubs and hedges). If the site is to be reinstated other than by seeding or turfing with grass a scheme for the landscaping of the site shall first be submitted to and approved in writing by the Planning Authority before the commencement of any landscaping works.

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

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

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

Notes to Applicant:

Commencement of Development

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

Building Warrant

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

Notice of completion of development

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

11. Further Notifications Required

None

12. **Background Information Considered**

None

13. **Attachments**

Location Plan
Elevations

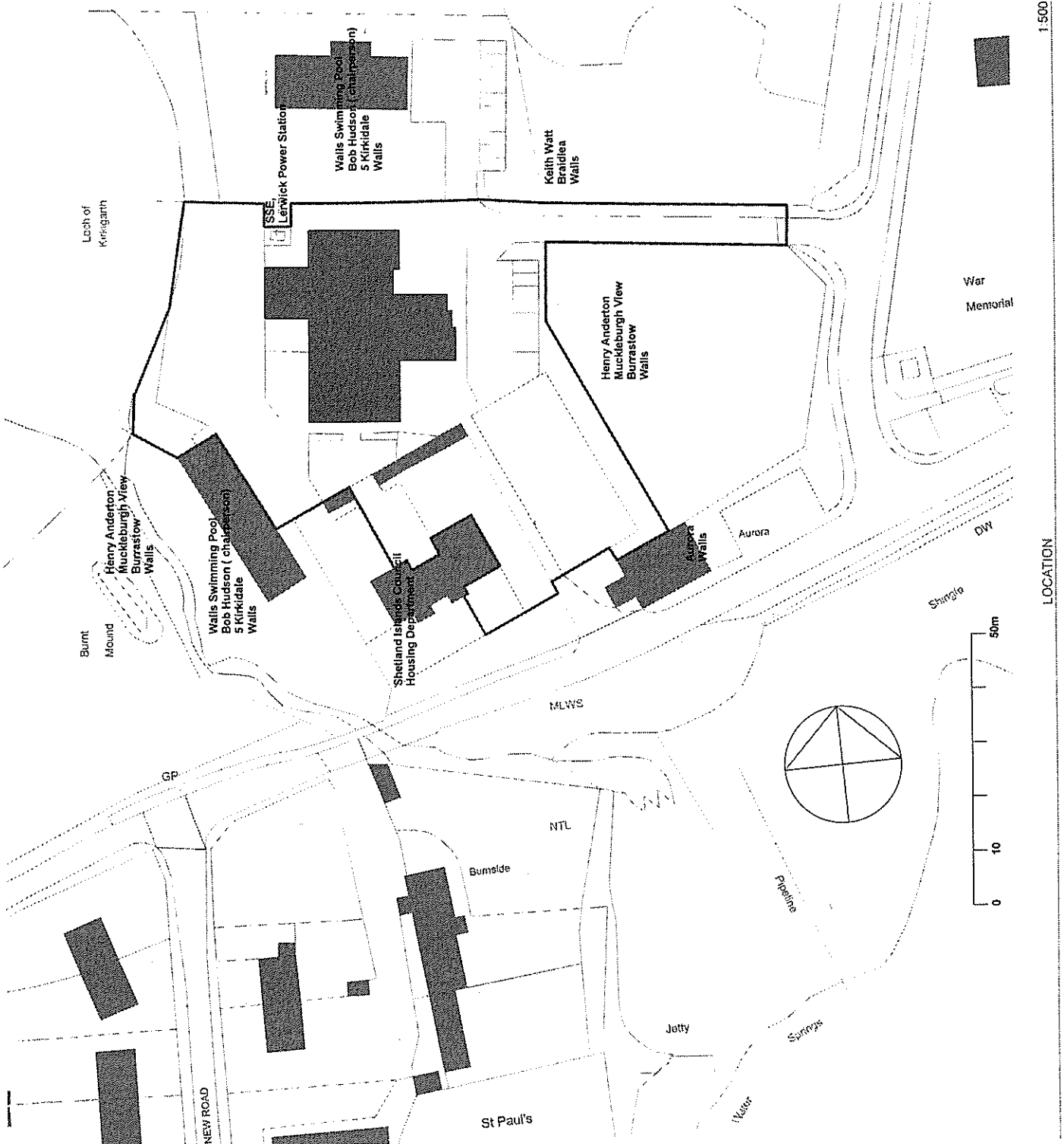
2012/395/PPF Planning Committee Report.doc

Officer: Mr Richard MacNeill

Date: 5th February 2013



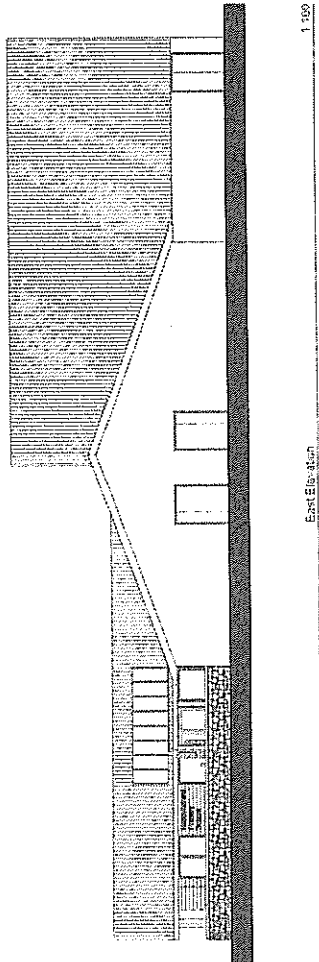
areal location



1:500

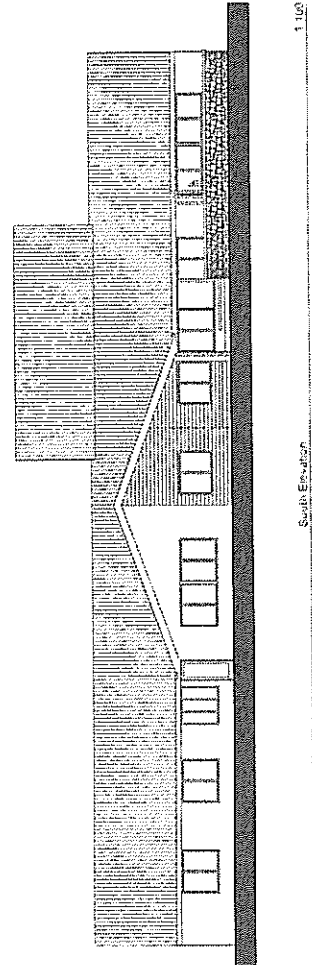
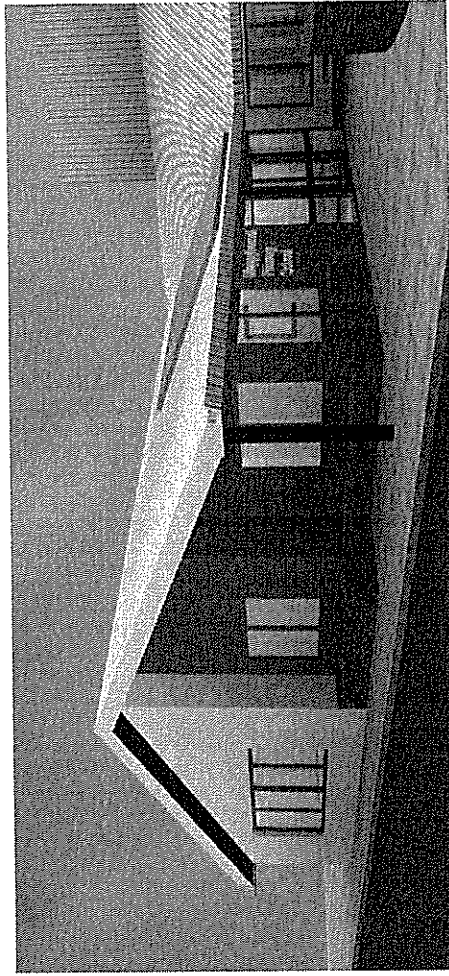
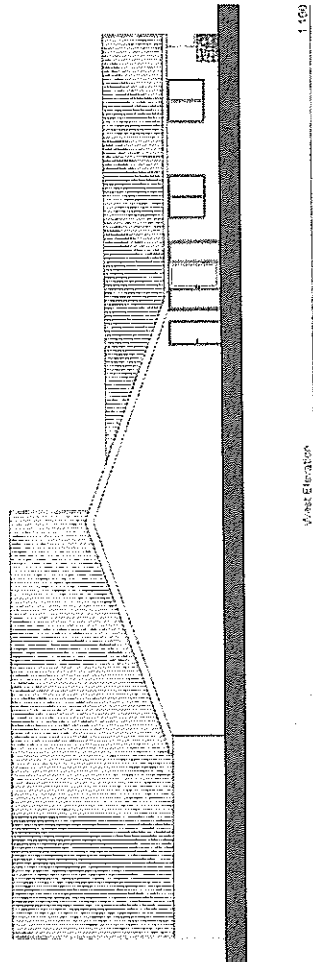
LOCATION

REDMAN + SUTHERLAND ARCHITECTS	
Main Street :: Scalloway :: Shetland :: ZE1 0TR	
t: 01473 850922 www.shetlandarchitects.co.uk info@shetlandarchitects.co.uk	
Drawn by	Date
IM	NOVEMBER 2012
DRAWING SCALE(s)	
PRINT @A2	
CONTRACT NUMBER	Revision
342/P/001	
Shetland Islands Council	
Happyhansel Primary school	
LOCATION	



Section Through Elevation

1:100



Proposed materials

Roof: Sinusoidal profiled metal sheeting to match the existing building.
Proprietary grey powder coated rooflight

Walls: Brightly painted timber weatherboarding, White rendered blockwork

Windows: Factory painted laminated redwood (dark grey)

REDMAN + SUTHERLAND ARCHITECTS		Date	
Main Street	Shetland	Drawn by	NOVEMBER 2012
100 North Street, Shetland		Drawn by	SAUNDY SCOLLER
01753 544444		Printed at	PRINT @ A1
01753 544444		Project number	342P1003
01753 544444		Section / Elevation	



REPORT

To: Planning Committee

5 February 2013

**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
2012/396/ADV	To erect a sign board, Gremista Brae, Lerwick, Shetland, ZE1 0PX (Retrospective Application)	Irvine Enterprises Shetland Ltd.	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 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: 5/2/2013

Appendix

2012/396/ADV - To erect a sign board, Gremista Brae, Lerwick, Shetland, ZE1 0PX (Retrospective Application) Irvine Enterprises Shetland Ltd.

Recommended Conditions

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

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

(2.) 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.

(3.) 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.

(4.) 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.

(5.) 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.

Report of Handling

Development: To erect a sign board (Retrospective Application)

Location: Gremista Brae
Lerwick
Shetland
ZE1 0PX

By: Irvine Enterprises Shetland Ltd

Application Ref: 2012/396/ADV

1. Introduction

The proposed development is to apply for retrospective express consent to site an advertisement signboard on a parcel of land at Gremista Brae in Lerwick.

2. Statutory Development Plan Policies

Shetland Islands Council Structure Plan (2000) Policies

SPNE1 - Design

GDS4 - General Development Policy Natural and Built Environment

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

LPNE10 - Development and the Environment

LPBE11 - Advertisements and Signs

LPBE13 - Design

Shetland Islands Council Interim Planning Policy Guidance

LDP1 - All development General

LDP2 - All development Layout and design

3. Safeguarding

Land Capability Agriculture - code: 6.3

Zone 1 Modified - Zone 1 Modified: Housing Zone 1

4. Consultations

Roads Traffic were consulted on the 13 December 2012. Their comments dated 20 December 2012 can be summarised as follows:

No objections given that the signboard is situated within a location previously approved by planning application 2003/358/ADV.

5. Statutory Advertisements

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

A site notice was not required to be posted.

6. Representations

None.

7. Report

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

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

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

The proposed wooden signboard is attached to timber posts and is L-shaped, meaning that two individual signs are contained on the signboard each measuring approximately 3 metres in length, or 6 metres in total length.

In terms of the advertisements, the signboard contains white letters on a white background with green and blue logos.

An application for a signboard upon this site was previously granted express consent on 18 December 2003, which subsequently expired in 2008.

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

It is considered that the proposed signboard is appropriate in terms of its design, colour, materials, scale and location on site and as such will not compromise the visual amenity or character of the surrounding area and will have no adverse impact upon the natural or built environment. As such, the proposal complies with the policies outlined at paragraph 2 above.

8. Policy and Delegated Authority

A decision to approve this application complies with Council planning policy. As the application relates to land in the ownership of the planning authority, the decision to determine the application is delegated to the Planning Committee under the Planning Scheme of Delegations that has been approved by the Scottish Ministers.

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

Notification to Scottish Ministers

None.

9. Recommendation

Grant subject to conditions

Reasons for Council's decision:

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

10. List of approved plans:

- | | |
|-------------------------------|------------|
| • Location Plan GA 01 | 11.12.2012 |
| • Site & Elevation Plan GA 02 | 11.12.2012 |
| • Photograph | 11.12.2012 |
| • Photograph | 11.12.2012 |

- Photograph 11.12.2012
- Photograph 11.12.2012

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.) 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.

(3.) 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.

(4.) 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.

(5.) 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.

11. Further Notifications Required

None.

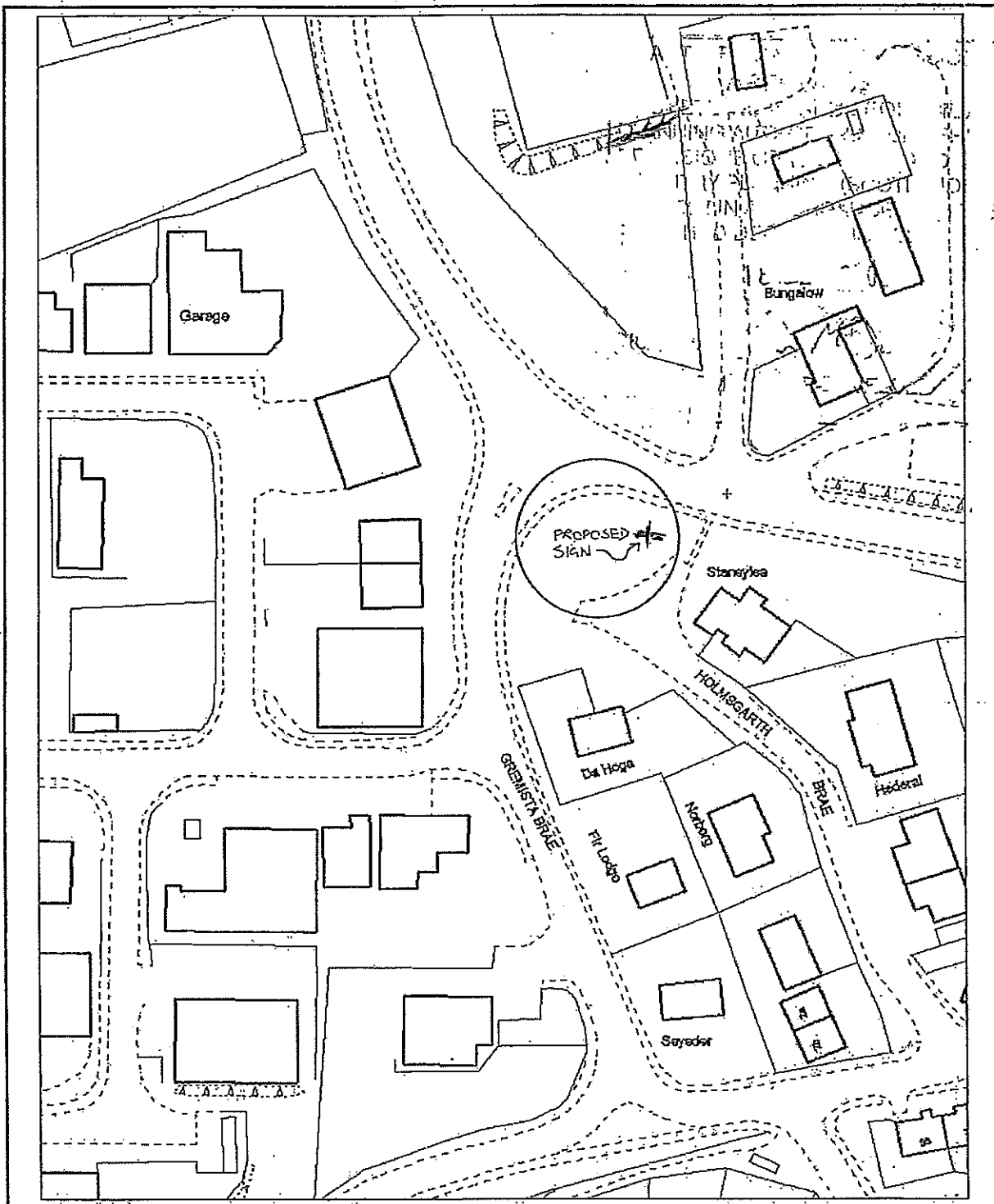
12. **Background Information Considered**

Application for Advertisement Consent 2003/358/ADV - To erect sign, Holmsgarth Brae, Lerwick by Irvine Contractors. Approved on 18 December 2003.

13. **Attachments**

- Location Plan – Ref: GA 01
- Site Plan – Ref: GA 02
- Photos

396_Planning Committee Report.doc
Officer: Dawn Stewart
Date: 3rd January 2013
Planning Committee: 5th February 2013



LOCATION PLAN 1:1250

11 DEC 2012

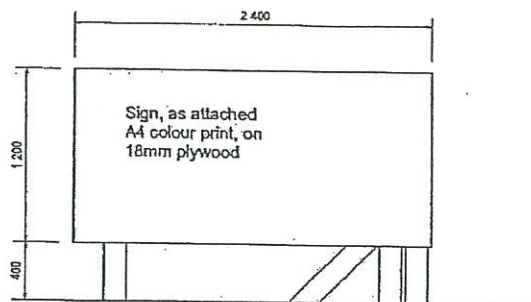
11 DEC 2012

Irvine Contractors Ltd

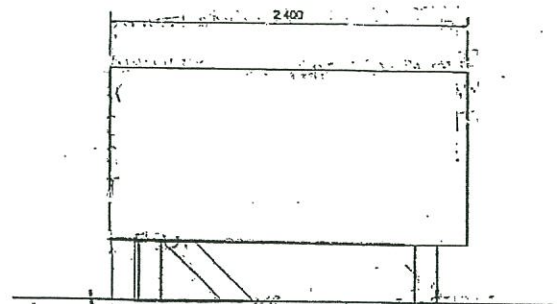
Greimista House
Greimista Industrial Estate
Lerwick
Shetland ZE1 6PX
Tel: 01595 692645
Fax: 01595 694923
Email: enquiries@irvinecontractors.co.uk

PROPOSED SIGN FOR LERWICK BUILDING CENTRE, GREIMISTA BRAE, LERWICK
PROPOSED LOCATION PLAN
DRAWING NO: GA 01. Scale 1:1250
DATE: DEC 2012

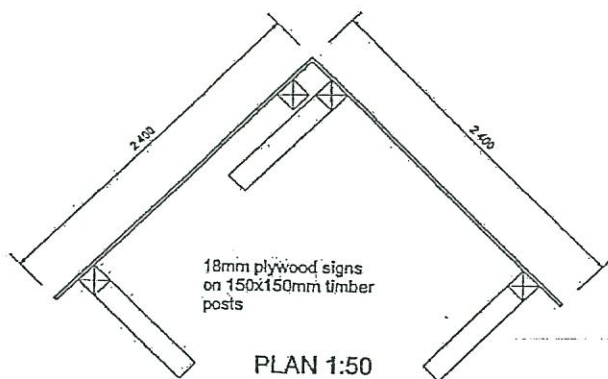
SIC INFRASTRUCTURE SERVICES	
11 DEC 2012	
PASS TO	ACTION



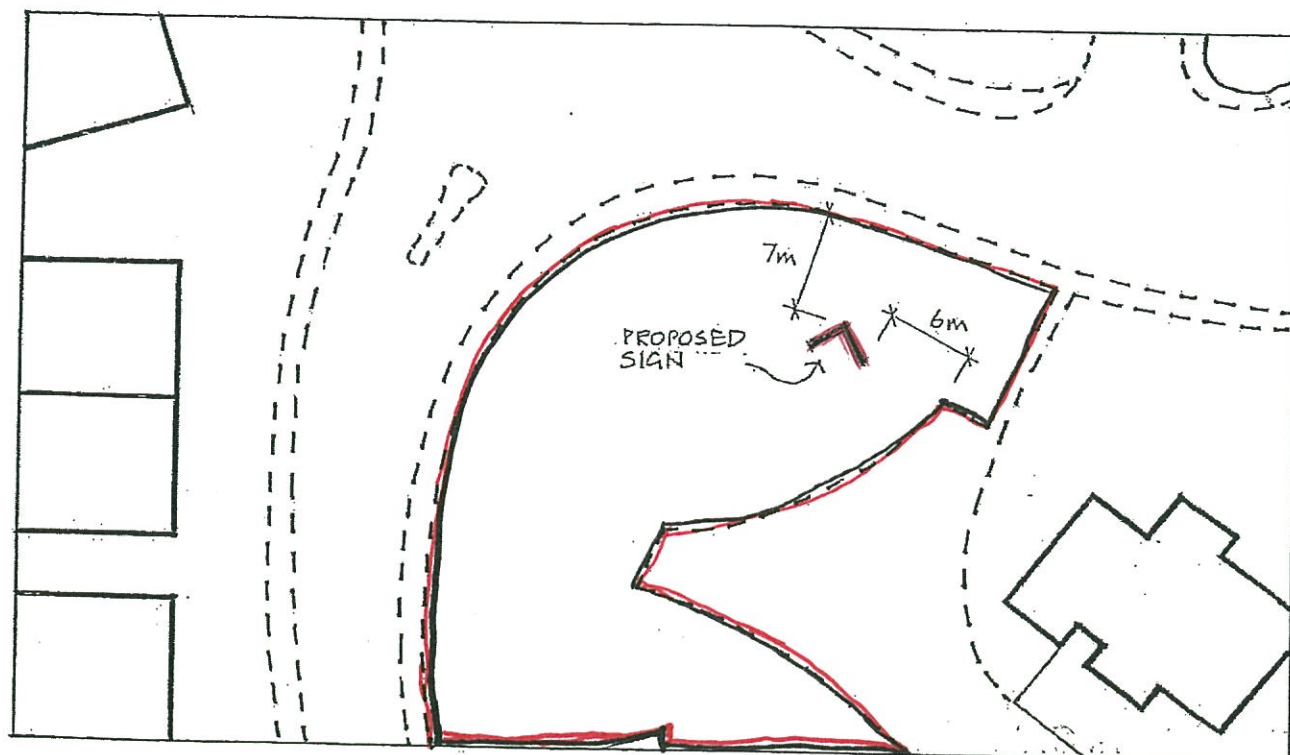
NORTH EAST ELEVATION 1:50



SOUTH EAST ELEVATION 1:50



PLAN 1:50

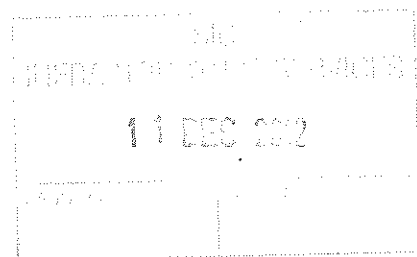


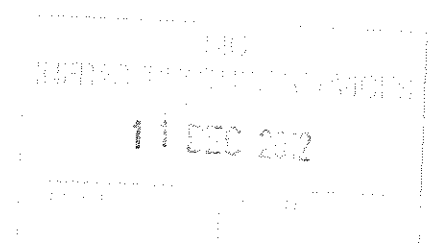
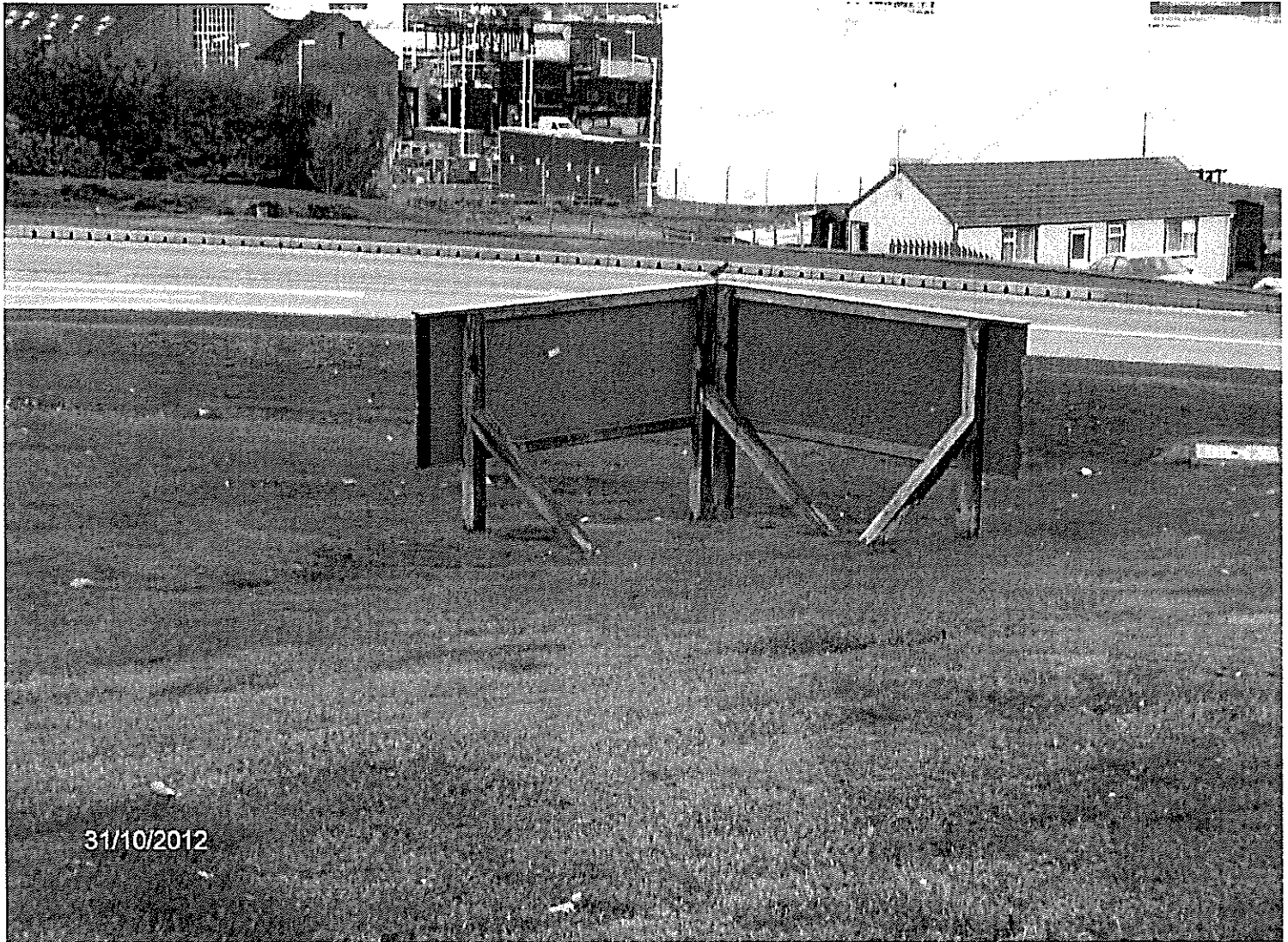
SITE PLAN 1:500

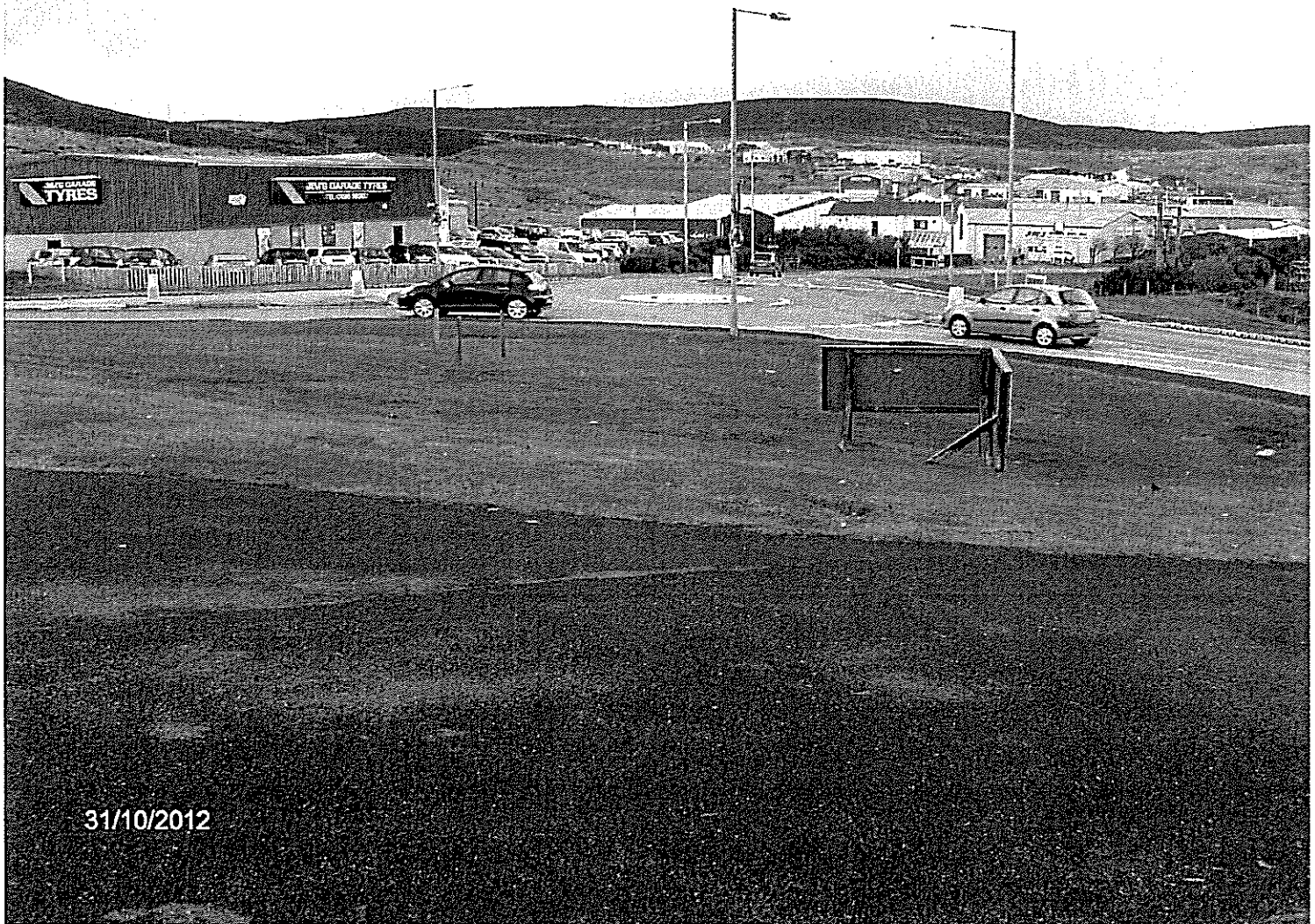
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PROPOSED SIGN FOR LERWICK BUILDING CENTRE, GREMISTA BRAE, LERWICK
PROPOSED SITE PLAN, PLAN & ELEVATIONS
DRAWING NO: GA 02. Scale 1:500 & 1:50
DATE: DEC 2012







31/10/2012

SIC	
EFFECTIVE DATE 31/10/2012	
11 DEC 2012	
DATE	
TIME	

