**Guidance on Local Review under Section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended) to be considered by the Planning Board sitting as Local Review Body: 2012/205/PPF - LR13: Erect dwellinghouse and coastal protection: Westerhouse, Whiteness, Shetland, ZE2 9LJ**

## 1 Introduction

1.1 The Planning Scheme of Delegations that has been approved by the Council, as well as that which has been approved by the Scottish Ministers, identifies the appropriate level of decision making to ensure compliance with the 1997 Planning Act.

1.2 The Scheme of Delegations, following the hierarchy of development introduced by the Planning etc. (Scotland) Act 2006 which is at the heart of the modernised planning system, provides that where a decision on an application for planning permission for a local development (as defined in the Hierarchy of Development) is to be taken it may, subject to certain exceptions, be so by officers as have been appointed by the planning authority.

1.3 A decision on an application for planning permission for a local development that is taken by an officer (the appointed person) under the Scheme of Delegations has the same status as other decisions taken by the planning authority other than arrangements for reviewing the decision. Sections 43A(8) to (16) of the 1997 Act remove the right of appeal to the Scottish Ministers, and put in place arrangements for the planning authority reviewing these decisions instead.

1.4 The Full Council resolved on 12 May 2011 (Minute Ref: 57/11) that the remit of the Planning Committee be extended to include the functions of the Local Review Body, who would review the decision taken.

## 2 Process

2.1 The procedures for requiring a review and the process that should then be followed are set out in regulations, and these have been followed in the administrative arrangements that have been carried out for support of this review in accordance with its being the intention that decision making by the Local Review Body will follow a public hearing. This however should be confirmed by the Review Body in each case before proceeding.

2.2 The Review Body is, where a decision has been taken that the review is to follow the public hearing procedure, required to follow Hearing Session Rules under Schedule 1 of The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008. In

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

2.3 It has been the intention that such hearing sessions will be held in a similar manner to the current Planning Committee, with the Planning Service Case Officer presenting on the matters to be considered, followed by those persons entitled to appear other than the applicant, followed by the applicant, with its being the case that Members of the Review Body can ask questions throughout the process. The hearing session can similarly proceed in the absence of any person entitled to appear at it. The Review Body should confirm this order and confirm the time each person entitled to appear is to be afforded beforehand.

2.4 The Hearing Session Rules prescribe that the hearing shall take the form of a discussion led by the local review body and cross-examination shall not be permitted unless the local review body consider that this is required to ensure a thorough examination of the issues. Persons entitled to appear are entitled to call evidence unless the local review body consider it to be irrelevant or repetitious. The local review body may also refuse to permit the cross-examination of persons giving evidence, or the presentation of any matter where they similarly consider them to be irrelevant or repetitious.

2.5 The matters that are attached for the purposes of consideration by the Review Body in this case comprise: the decision in respect of the application to which the review relates, the Report on Handling and any documents referred to in that Report (including: the planning application form, and any supporting statement and additional information submitted, and consultation responses received prior to the consent by the appointed person being issued); the notice of review given in accordance with Regulation 9; all documents accompanying the notice of review in accordance with Regulation 9(4); any representations or comments made under Regulation 10(4) or (6); and any 'hearing statement' served in relation to the review.

2.6 In order to be able to give notice of their decision in accordance with the regulations, the local review body must be clear on the details of the development plan and any other material considerations to which it had regard in determining the application, and, where relevant, specify any conditions to which the decision is to be subject.

planning committee.doc
J R Holden
Planning Board: 5/3/2013

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

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

Regarding Planning Application reference: 2012/205/PPF
To
Erect dwellinghouse and coastal protection

By
Mr A J M Tulloch

Tuesday 5th March 2013

## Contents Page

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Section 3. Report of Handling

Section 4. Decision Notice

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Section 6. Representations

Section 7. Hearing Statement

Tuesday 5th March 2013

# Section 1. Planning Submission – 2012/205/PPF



Tuesday 5th March 2013

Infrastructure Services Department
Shetland Islands Council

# Planning Application

| FOR OFFICIAL USE ONLY |
|---|
| Reference No: |
| Associated Application No: |
| Registration Date: |

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

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

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

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

**Full Planning Permission (FPP)** ☑ **Renewal of Temporary Permission** ☐

**Planning Permission in principle (PPP)** ☐ **Variation of a planning condition(s)** ☐

**Approval of matters specified in conditions (AMC)** ☐

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

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

**Have there been any pre-application discussions with planning? YES** ☑ **NO** ☐
If yes, what type:
Telephone Letter Meeting:
Pre-application officer's name: JONNY WISEMAN.

## 2 The Application is considered to be a:

National Development ☐ Major Development ☐ Local Development ☑

## 3 Applicant's Name only:

ALISTAIR JAMES MACKENZIE TULLOCH

## 4 Address or Location of Proposed Development *please include postcode*

WESTERHOUSE, OLLIGARTH, WHITENESS

POSTCODE _____

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156643

## 5 Existing Use of Land and/or Buildings *please give details*

GARDEN / VEGETABLE AREA - GENERALLY OVER GROWN & AT PRESENT UNUSED.

## 6 Description of Proposed Development *please specify what is being proposed*

TO BUILD A TRADITIONAL BLOCK / SLATE ROOF DWELLING HOUSE AND SHORE-LINE ROCK ARMOUR PROTECTION.

V11 07/09

## 7 Residential Development

Number of dwelling houses proposed 1 Site Area (hectares) 0.2630

## 8 Commercial/Industrial Development

| | Existing | Proposed |
|---|---|---|
| (a) Site Area (gross) | ~~0.2630~~ hectares | _____ hectares |
| (b) Manufacturing/Production area | _____ sq m | _____ sq m |
| (c) Storage Area | _____ sq m | _____ sq m |
| (d) Office/Ancillary Area | _____ sq m | _____ sq m |
| (e) Retail (Net Floor Area) | _____ sq m | _____ sq m |
| (f) Intended hours of Operation | _____ hrs | _____ days |
| (g) Types of vehicles and number of movements | No: _____ | Type: _____ |
| (h) Present and proposed staff numbers | Present: _____ | Proposed: _____ |

## 9 Proposed Access Arrangements

Please tick relevant boxes and note that such details are required for PPP applications

**Do you intend to:**

- improve an existing access ☐
- use an existing access ☑
- form a new access ☐

## 10 Parking

Number of existing parking spaces on site 6-8

Number of additional parking spaces proposed 2

## 11 Proposed Drainage Connections

Please tick relevant boxes

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

(a) **Foul Drainage**

- to public sewer ☐
- to existing septic tank ☐
- to new septic tank with soakaway ☐
- to ~~new~~ EXISTING septic tank with sea outfall ☑

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

- Public Sewer ☐
- Sustainable drainage system ☐
- Other ☑

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## 12 Proposed External Building Materials And Colour Finishes

Outside walls and roof covering WALLS – MASONRY – WHITE RENDER FINISH
ROOF – BLUE / GREY SLATE.

Parking areas/Driveway surface STONE CHIP – AS EXISTING.

Landscaping GRASS – TOPSOIL – ROCK ARMOUR SHORELINE.

Windows / Doors ALUMINIUM / TIMBER – COLOUR – ?

Boundary treatment (fences, walls etc.) AS EXISTING – BLOCK / HARL.

## 13 Hazardous Materials

Does the proposal involve the use, storage or manufacture of hazardous materials? Yes ☐ No ☑

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

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

SEE LETTER ENCLOSED.

-8-

V11 07/09

## 15 LAND OWNERSHIP CERTIFICATE

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

You must fill in an appropriate certificate of land ownership.

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

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

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

1. 21 days before the date of this planning application, the applicant owned **all** the land to which this application relates. ☑
   **or**
2. The applicant has given notice to all persons who, 21 days before the date of this planning application, owned any part of the land to which it relates. They are: ☐

| NAME OF OWNER | ADDRESS | DATE NOTIFIED |
|---|---|---|
| | | |

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

1. 21 days before the date of this planning application, none of the land formed part of an agricultural holding ☑
   *or*
2. The applicant has given notice to every person who, 21 days before the date of this application, was a tenant of an agricultural holding, any part of which formed part of the application site. These persons are: ☐

| NAME OF TENANT | ADDRESS | DATE NOTIFIED |
|---|---|---|
| | | |

*or*

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

V11 07/09

## 16 CHECKLIST

**Checklist** *Please tick all relevant boxes*

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

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

Receipt No.

## 17 Applicant's Details

NAME ALISTAIR TULLOCH
ADDRESS
GARDIE WIGSDALE
SHETLAND.
POSTCODE ZE2 9LW
TELEPHONE [redacted]
FAX
EMAIL [redacted]

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

* PLEASE CONTACT BY EMAIL ONLY *

## 18 Agent's Details

NAME
ADDRESS

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

POSTCODE
TELEPHONE
FAX
EMAIL

## 19 Contact Details

NAME
ADDRESS

POSTCODE
TELEPHONE
FAX
EMAIL

V11 07/09

## 20 Declaration

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

You should now sign the declaration below.

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

Signature of applicant/agent (delete where inappropriate) [redacted]

Date 12-06-2012

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

**Completed applications should be sent to:**

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

**Telephone:** 01595 744800
**e-mail:** planningcontrol@shetland.gov.uk
**Visit:** www.shetland.gov.uk

## NEIGHBOUR NOTIFICATION

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

### 1. Domestic Property

Address

1. The Owner: SUSIE NICOLSON - OLLIGARTH, WHITENESS.
   The Occupier:

2. The Owner: MR & MRS L. FRASER - OLLIGARTH HOUSE WHITENESS.
   The Occupier:

3. The Owner:
   The Occupier:

4. The Owner:
   The Occupier:

5. The Owner:
   The Occupier:

### 2. Non-Domestic Property

1. The Owner:
   The Lessee:
   The Occupier

2. The Owner:
   The Lessee:
   The Occupier:

3. The Owner:
   The Lessee:
   The Occupier:

4. The Owner:
   The Lessee:
   The Occupier:

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

# Notice To Owners & Agricultural Tenants

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008.

To:

Name (if known):
Address:

As either: (i) owner (or tenant under a lease with at least 7 years to run) ; or
(ii) tenant of any agricultural holding

to any of the land to which this application relates, this notice is to inform you that I/we:

Name (of applicant): ALISTAIR TULLOCH.
Address: GARDIE, WIESDALE, ZE2 9LW.

have made an application to the council for permission/consent to carry out the following development:

Description: TO ERECT A DWELLING HOUSE.

At: WESTERHOUSE, WHITENESS, OLLIGARTH,

You may inspect the application:

For a minimum **21 days** as an owner or agricultural tenant. Following the date of this notice, you can inspect the application form, plans, and other documents submitted at Infrastructure Services Department, Grantfield, Lerwick. The Department is open from 9.00am to 5.00pm, Monday to Thursday and 9.00 am to 4.00pm on Friday. Details are also available on the Council's website (www.shetland.gov.uk).

You may receive this notice before the Council receives the application. You are therefore advised to telephone the Development Management Service within the Planning Service first and check that the application has been received. Telephone(01595 744800)

Representations:

If you wish to make representations or comments, you have a minimum of **21 days** as an owner or agricultural tenant from the date of this notice.
You should make your representation(s) **in writing** to the Executive Director, Infrastructure Services Department at the address above or e-mail: planning.control@shetland.gov.uk

Applicants/Agents Signature [redacted]

Date 10-06-2012

V11 04/08/09

## What is this notice for?

This notice and the information attached to it has been served on you by the person making an application to the Council for planning permission. This because you are either:

an owner (or tenance under a lease which has at least 7 years to run); or an agricultural tenant.

As an owner, or tenant under a lease which has at least 7 years to run, the grant of planning permission will not affect your rights to retain or dispose of your property unless there is some provision otherwise in place, for example in a lease or other agreement.

As an agricultural tenant, you may wish to contact your solicitor to find out how a grant of planning permission may affect your security of tenure.

## What should I do now?

Firstly, you will want to find out how the proposal may affect you, therefore it is advisable that you see the plans. These will be available at Infrastructure Services Department which is open from 9.00 am to 5.00 pm, Monday to Thursday and 9.00 am to 5.00 pm on Fridays. Details are also available on the Council's website (www.shetland.gov.uk). If you wish to discuss an application with a planning officer, please phone for an appointment.

As the applicant sends this notice, you may have received the notice before the Council actually receives the application. It is therefore advisable that your telephone Development Management (01595) 744800, before coming in to see the plans.

## How do I make representations?

If there is something about the proposal to which you object, then you should make your representations in writing to: The Head of Planning, Infrastructure Services Department, Grantfield, Lerwick, Shetland, ZE1 0NT or email: planning.control@sic.shetland.gov.uk.

The Council can only consider representations made on valid planning grounds. These are called "material considerations" and some examples are listed below (this list is not exhaustive):

| | |
|---|---|
| Contrary to the Local Plan/Structure Plan | Residential amenity e.g. noise, overshadowing |
| Appearance (design, materials etc) | Drainage/Infrastructure problems |
| Traffic, parking or access problems | Impact on natural or built environment |

## What happens if I make representations?

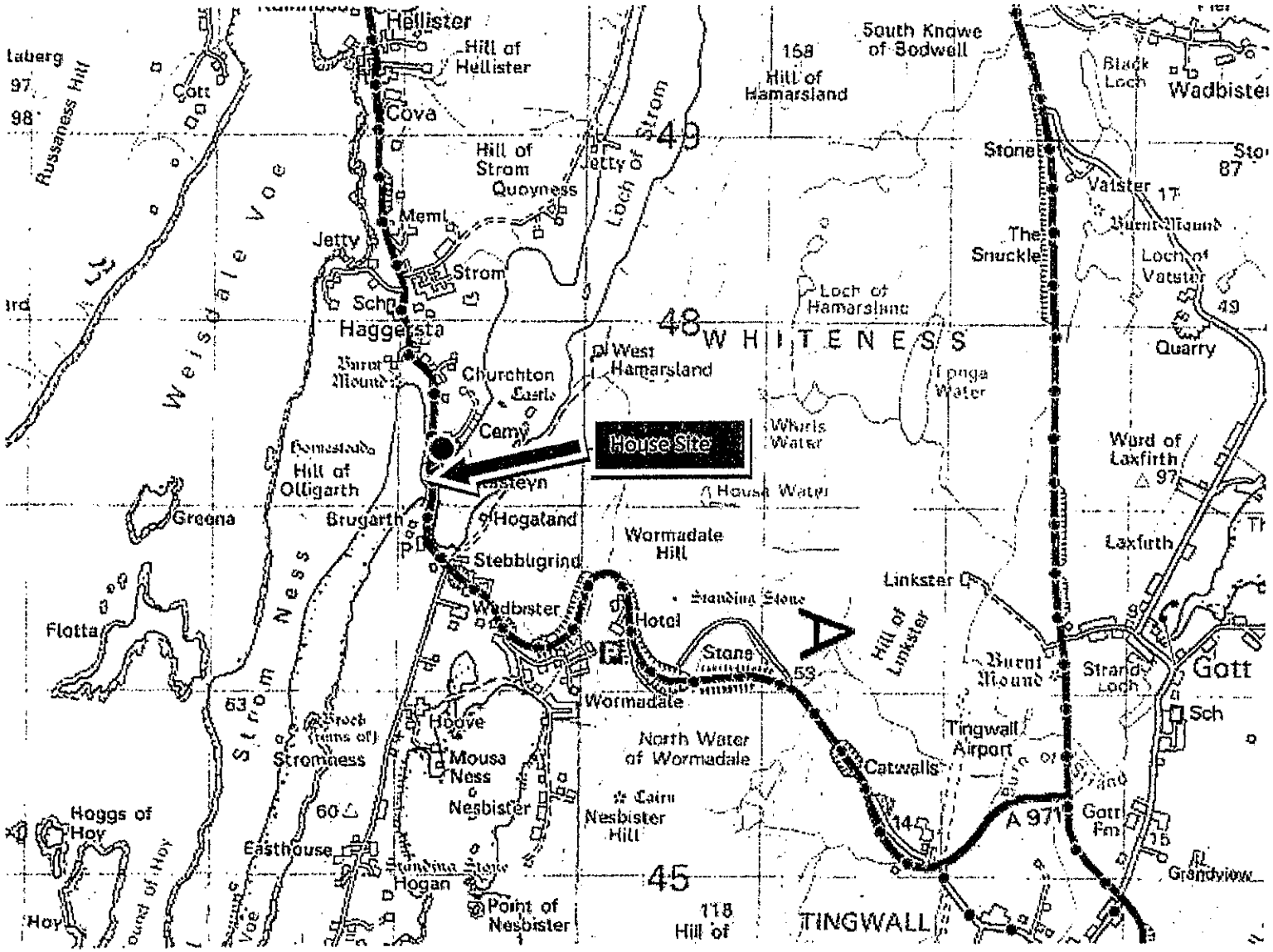
Any representations made will be open to public view in whole and will be taken into account by the Council's Planning Board when making their decision.

You will be advised in writing of the Council's decision. You **do not** have a right of appeal against this decision.

V11 04/08/09

Site location for proposed new house at Westerhouse, Oll

Neighbours – North – Susie Nicolson, East – Mr and Mrs Fraser

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2012/205/PPF - 01

**Shetland Islands Council**

**Planning Services**

**Grantfield**

**Lerwick.**

**12th June 2012**

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**Development.**

**To erect a dwelling house, Westerhouse, Olligarth, Whiteness. ZE2 9LJ**

**Ref. 2012/078/PREAPP**

Dear Sirs,

Following the reply (3rd. May 2012) from your department regarding the pre-application I had made, I have decided to proceed with a full planning application.

I can advise on most of the points raised in the letter.

a/ The proposed house will be within an existing group, quite obviously yes.

b/ The proposed house will use the existing access which appears to be quite safe.

c/ The site is not classed as agricultural land.

There is a mention about the danger of flooding of the site. We cannot really accept that there is any real chance of flooding, and certainly it would not be a danger.

Mr. L Jamieson has lived in the house since 1986 and previously Mr. Peterson since 1962 when the current Westerhouse was developed. There has been no instance in living memory of the water level even coming close to the level of the road bridge, far less the level of the proposed house, which at 4.0 OD ( Proposed 1st choice ) would be over 1.2m (4 feet ) higher than the main road over the bridge. In the event of the water level reaching a level higher than the bridge, then it should be noted that the entire west side of Shetland will have no road access, as the main road at Huxter and the Voehead of Wiesdale will also be flooded as will the head of the voe at East Burrafirth.



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I have questioned my father, 79 years old, and he has never been aware of water levels reaching the level of the main road at Olligarth.

We have also taken levels on the old stone piers and slipways on the Stromness Voe, and there is no evidence that there is any change in the sea level.

The whole point of my family and myself choosing this particular site is the fact that it is close to the sea and has a pier and slipway. We wish to have a "Lodberry" type house, and would in-fact build into the sea if we could. I believe that my proposal to include shore protection and a solid concrete structure will ensure that this house will have at least a 200 year potential life.

I am aware that the site is within a National Scenic Area, and I can assure you that we have taken great care to choose a building method which will be structurally sound, can withstand flooding up to 1m above floor level and utilizes traditional external finishes.

For your information, the foundations and floor will be solid concrete. The insulation used will be closed cell foam, i.e. non absorbent.

The walls will be cellular concrete block, again insulated with closed cell foam.

Electrical services will be kept 1.0m above floor level.

External wall finish will be white masonry/acrylic render, gable ends will be a slate grey masonry type board, the roof will be slate, ( eg.Redland Cambrian ), and windows / doors white/ light grey.

I have included a rock armour detail to the sloping shoreline, which is essential to prevent the topsoil from eventually disappearing into the sea. The slope height is no more than 2.0m and in some areas there is evidence that considerable erosion has taken place.

The rock armour would be from a local quarry, and will be similar to the rock armour used in the recent (October / Jan. 2011 – 2012 ) road works adjacent to the bridge and along the Strom loch, and also throughout Shetland.

As I do not intend to go below the low water mark, which I own up to, then I do not believe that I require a works license.

I have worked on many contracts where otters have lived / crossed the site on a daily basis, and I think that they are very adaptable animals. Indeed the contract which our company has just finished at the Green head in Lerwick had otters ( and a large seal ) crossing daily. We have seen over the years that otters are drawn to any rock armour structure, as it increases the feeding and shelter potential for the animal.

Parking. We believe that there is already ample parking within the existing site, but we will have an additional parking area in the car-port area.

Surface water drainage. We plan to route the surface water drains to a filter drain running behind the rock armour face, which will discharge through a geotextile screen into a rock filter layer.

There is an extsting septic tank, which we have been advised would be acceptable to connect into. This tank has a SEPA licence and a sea outfall.

I trust that the above information will be sufficient information to allow the application to be approved without hindrance.

Yours Sincerely,

Alistair Tulloch, Gardie, Weisdale, Shetland. ZE2 9LW



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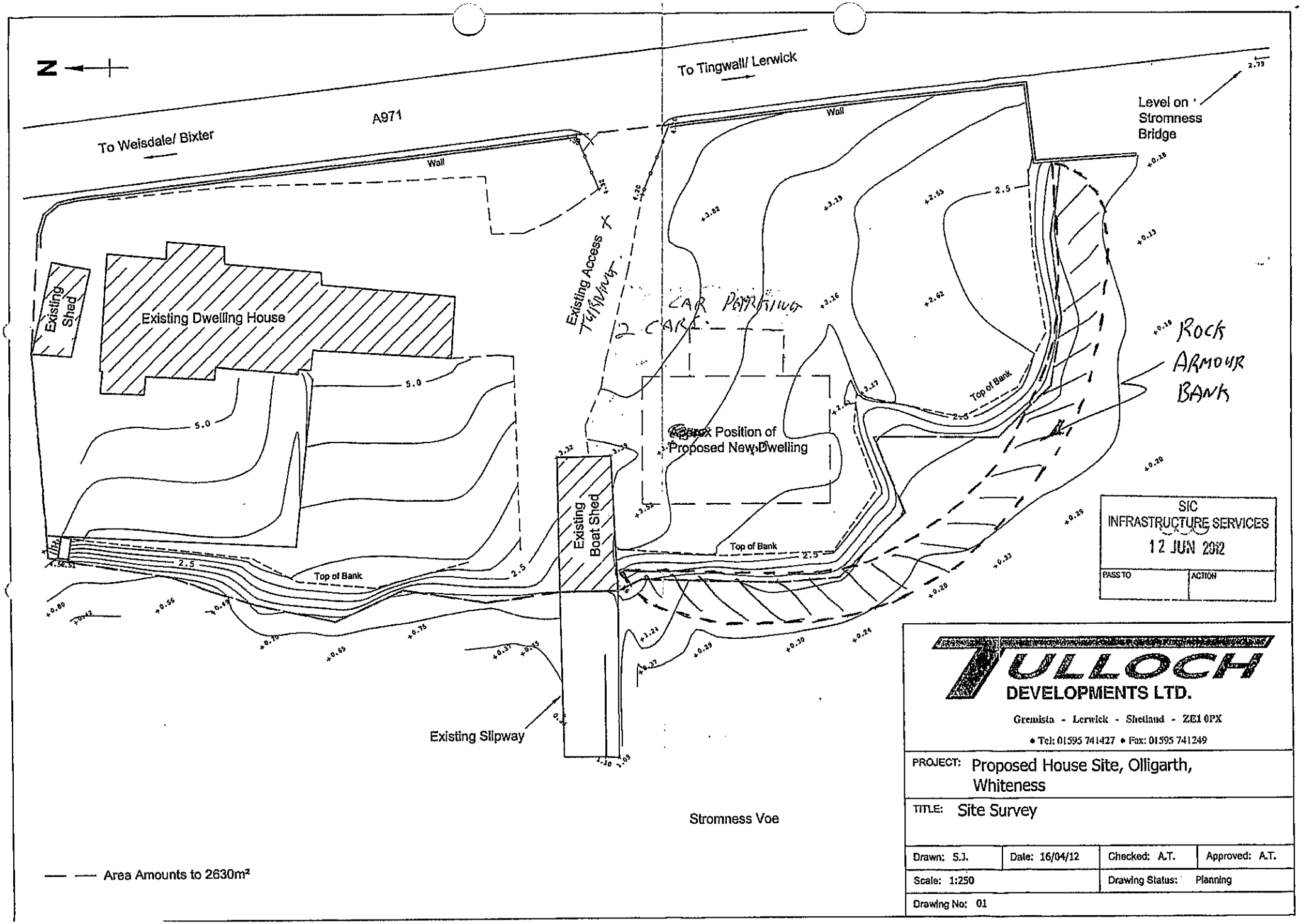
N
To Tingwall/ Lerwick
A971
To Weisdale/ Bixter
Wall
Wall
Level on Stromness Bridge
Existing Shed
Existing Dwelling House
Existing Access
2 CAR PARKING
Approx Position of Proposed New Dwelling
ROCK ARMOUR BANK
Top of Bank
Top of Bank
Top of Bank
Existing Boat Shed
Existing Slipway
Stromness Voe
5.0
5.0
2.5
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2.5
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ACTION
TULLOCH DEVELOPMENTS LTD.
Gremista - Lerwick - Shetland - ZE1 0PX
• Tel: 01595 741427 • Fax: 01595 741249
PROJECT: Proposed House Site, Olligarth, Whiteness
TITLE: Site Survey
Drawn: S.J.
Date: 16/04/12
Checked: A.T.
Approved: A.T.
Scale: 1:250
Drawing Status: Planning
Drawing No: 01
Area Amounts to 2630m²



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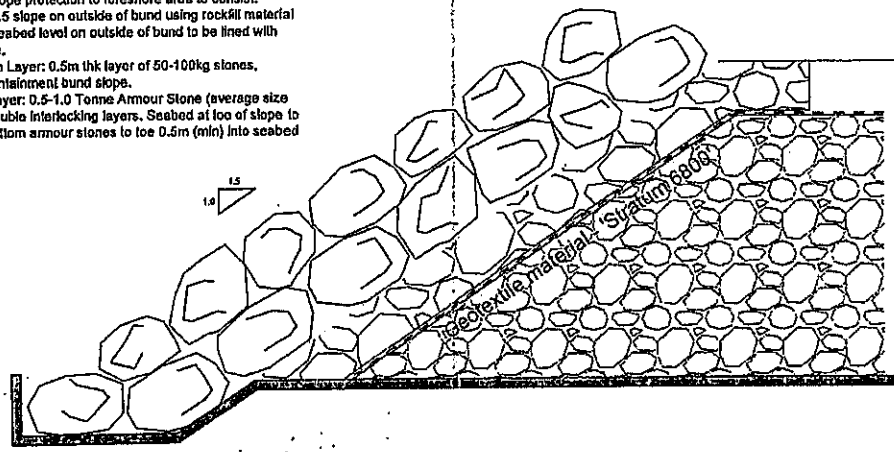
Reclamation bund and slope protection to foreshore area to consist:
Rock bund graded to 1:1.5 slope on outside of bund using rockfill material
Top of rock bund, from seabed level on outside of bund to be lined with 'Stratum 6800' Geotextile.
Slope protection - Bottom Layer: 0.5m thk layer of 50-100kg stones, randomly placed over containment bund slope.
Slope protection - Top Layer: 0.5-1.0 Tonne Armour Stone (average size 0.75 Tonne) placed in double interlocking layers. Seabed at toe of slope to be excavated to allow bottom armour stones to toe 0.5m (min) into seabed

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# Typical Cross Section through Shore Protection Works

Scale 1: 50

| SCALE: 1: 50 | DATE: June 2012 | DRAWN: JJM |
|---|---|---|
| DRG No: | | REV : |



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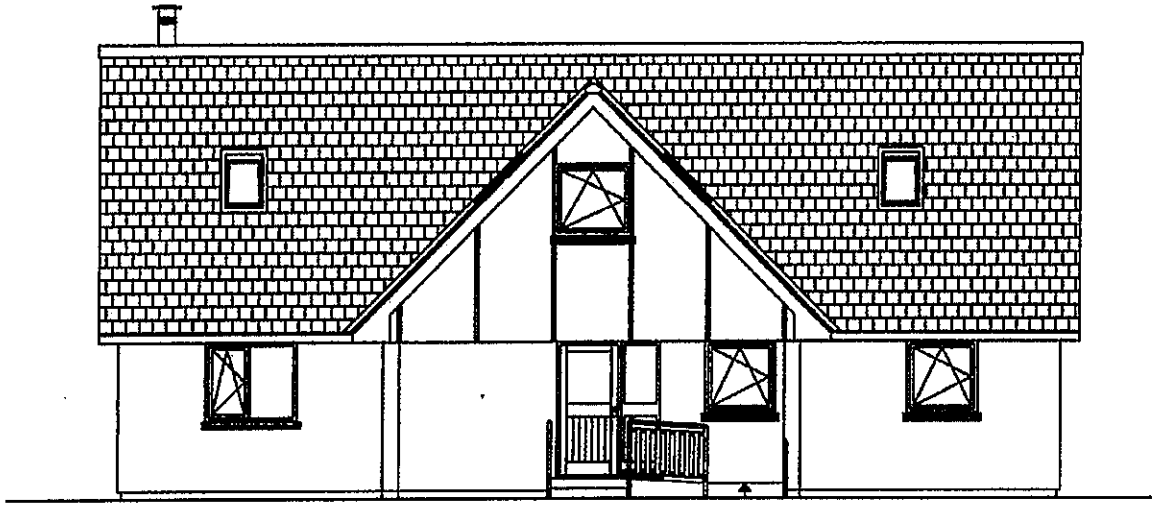
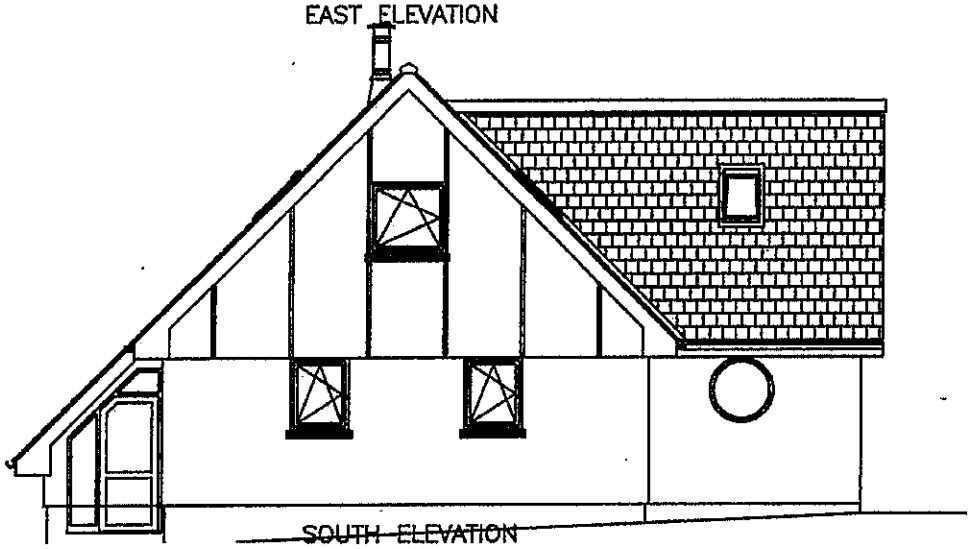


EAST ELEVATION



SOUTH ELEVATION

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INFRASTRUCTURE SERVICES
12 JUN 2012

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Revision

Extra Information:

| Rev. | Rev. Date: | No. |
|---|---|---|
| Client: MR.A.TULLOCH | | Date: 15.04.2012 |
| Project: PROPOSED NEW HOUSE OLIGARTH, WIESDALE, | | Drg No.: AT-PH003 |
| | | Drawn by: FHB |
| | | Scale: 1:100. |
| Title: EAST & SOUTH ELEVATIONS. | | Paper size A4 |



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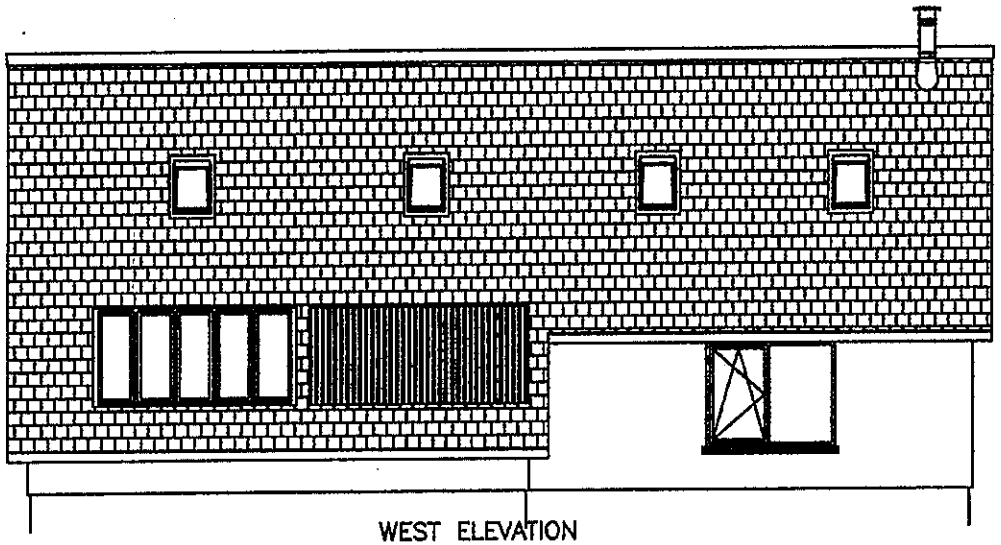
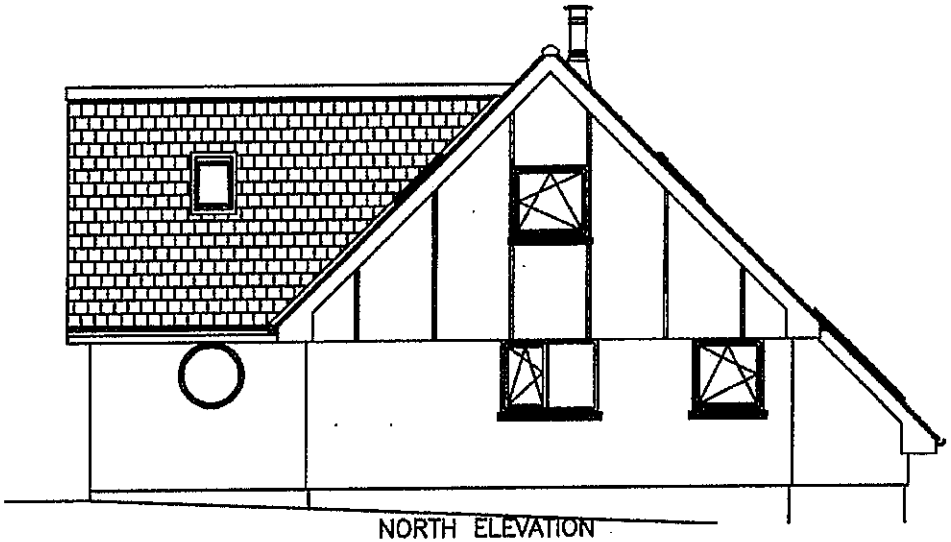


WEST ELEVATION



NORTH ELEVATION

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INFRASTRUCTURE SERVICES
12 JUN 2012

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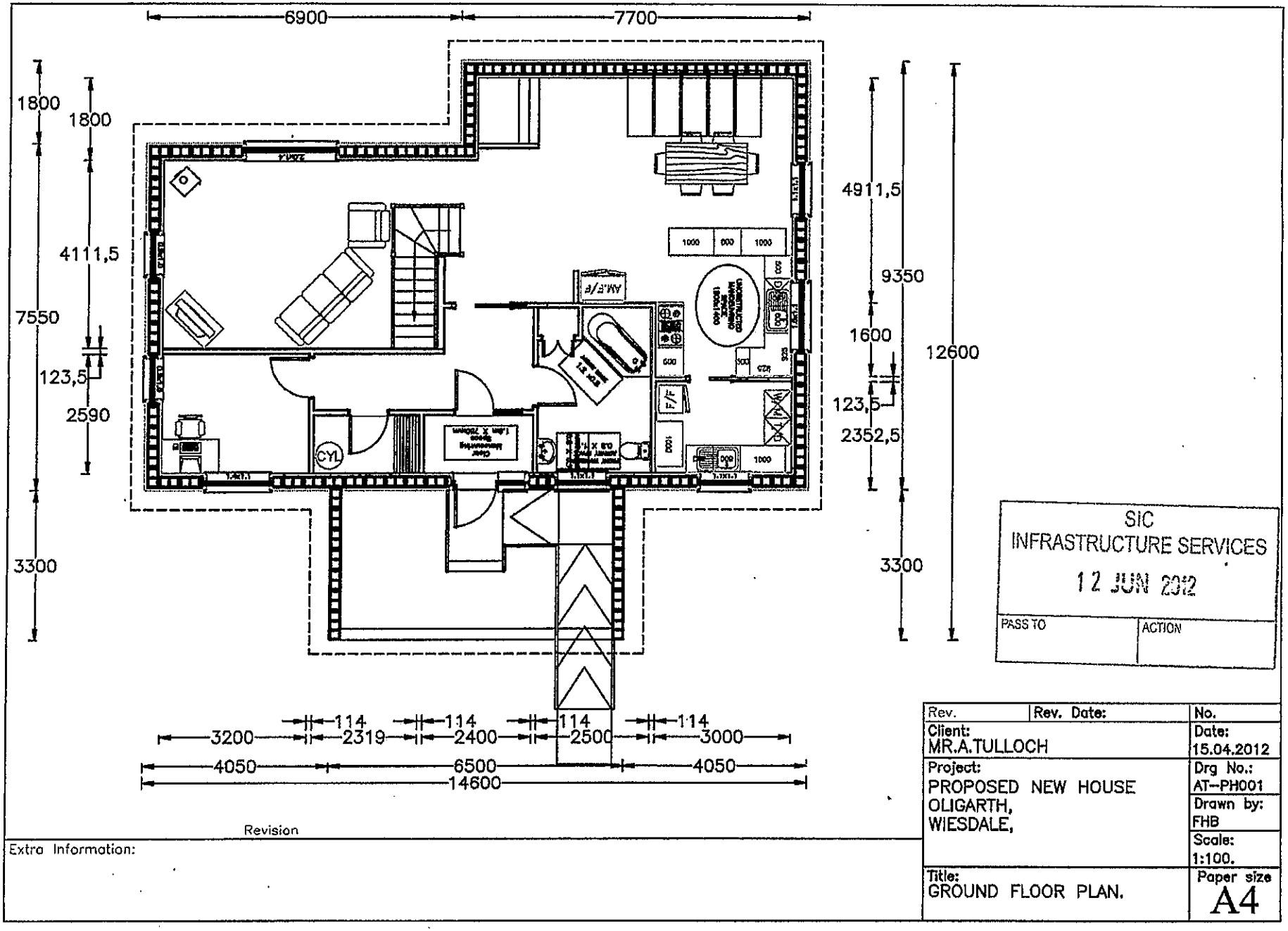
| | | |
|---|---|---|
| Rev. | Rev. Date: | No. |
| Client: MR.A.TULLOCH | | Date: 15.04.2012 |
| Project: PROPOSED NEW HOUSE OLIGARTH, WIESDALE, | | Drg No.: AT-PH004 |
| | | Drawn by: FHB |
| | | Scale: 1:100. |
| Title: WEST & NORTH ELEVATIONS. | | Paper size A4 |

Revision

Extra Information:



- 22 -


6900
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4111,5
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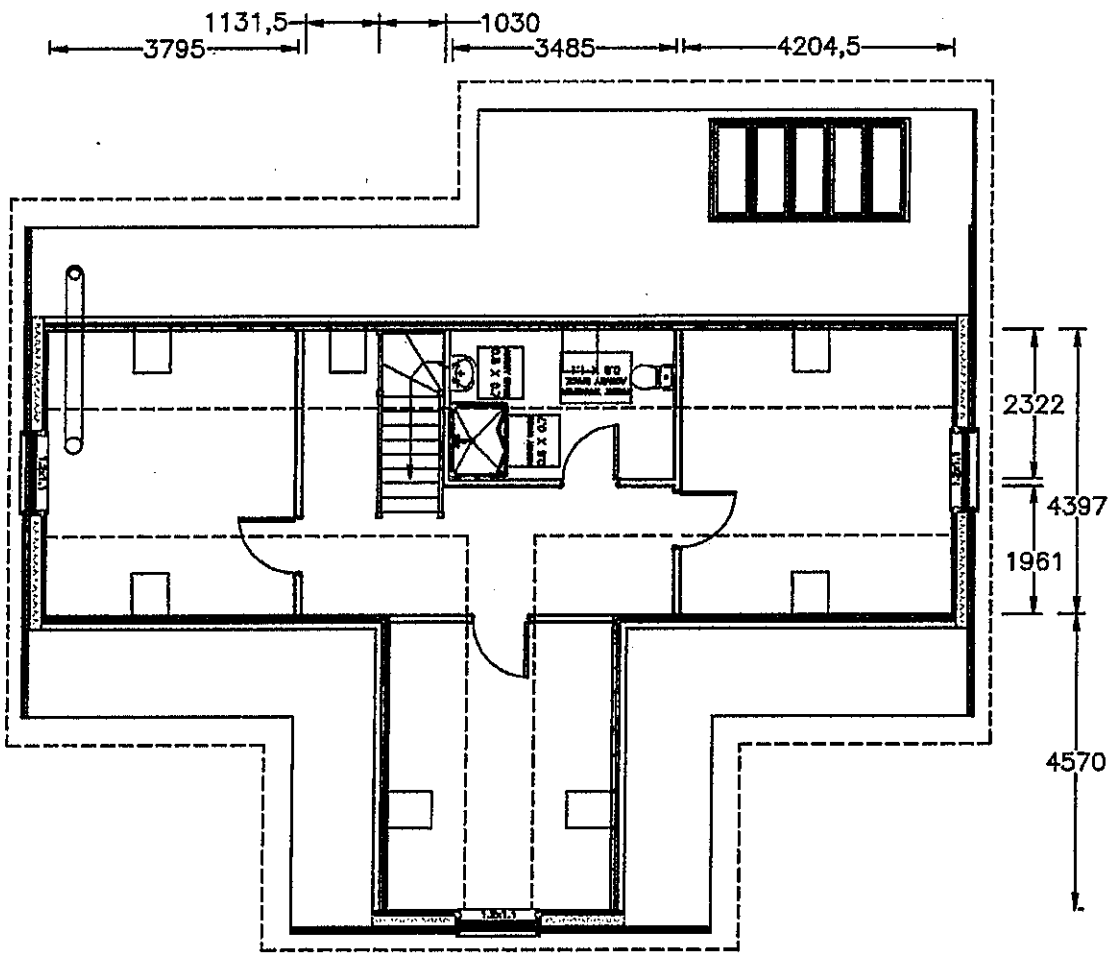
CYL
F/F
SIC
INFRASTRUCTURE SERVICES
12 JUN 2012
PASS TO
ACTION
Rev.
Rev. Date:
No.
Client:
MR.A.TULLOCH
Date:
15.04.2012
Project:
PROPOSED NEW HOUSE
OLIGARTH,
WIESDALE,
Drg No.:
AT--PH001
Drawn by:
FHB
Scale:
1:100.
Title:
GROUND FLOOR PLAN.
Paper size
A4
Revision
Extra Information:



- 23 -




SIC
INFRASTRUCTURE SERVICES
12 JUN 2012

| PASS TO | ACTION |
|---|---|
| | |

A

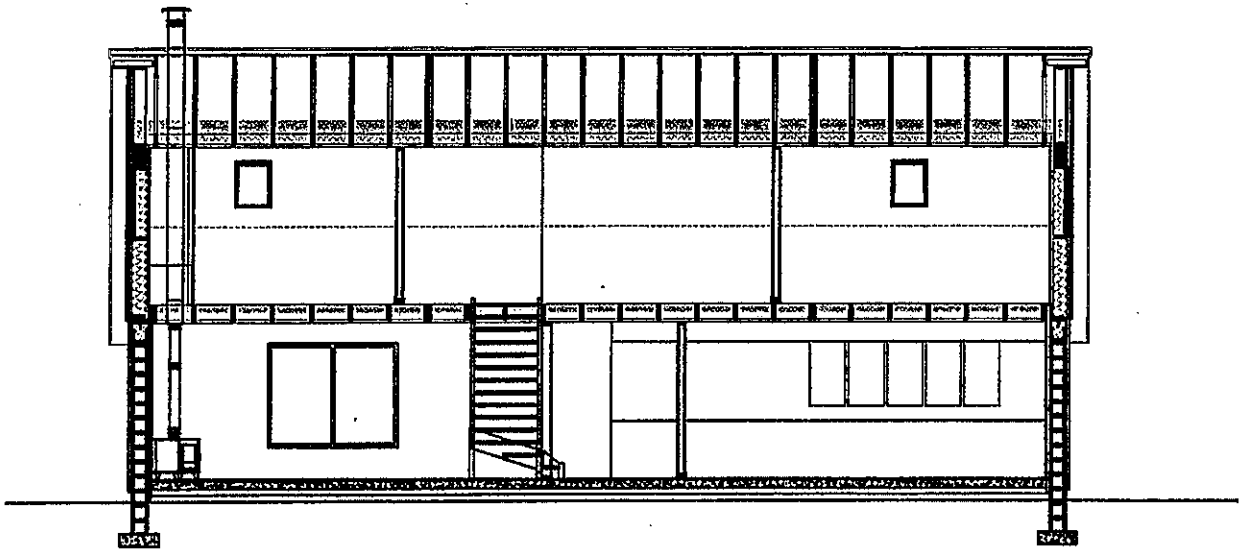
| Rev. | Rev. Date: | No. |
|---|---|---|
| Client: MR.A.TULLOCH | | Date: 15.04.2012 |
| Project: PROPOSED NEW HOUSE OLIGARTH, WIESDALE, | | Drg No.: AT–PH002 |
| | | Drawn by: FHB |
| | | Scale: 1:100. |
| Title: FIRST FLOOR PLAN. | | Paper size A4 |

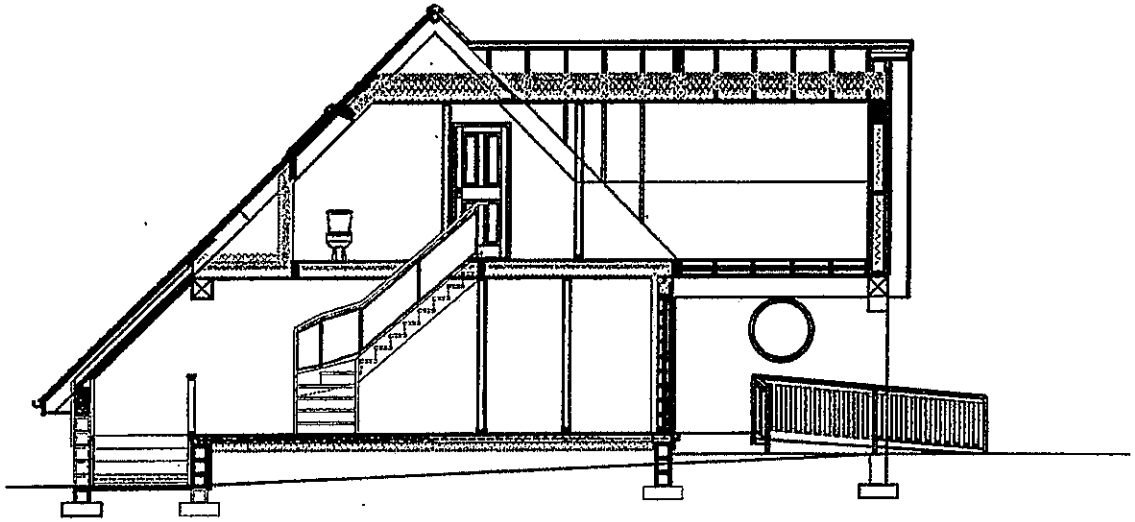
Revision

Extra Information:



- 24 -





SIC
INFRASTRUCTURE SERVICES
12 JUN 2012
PASS TO | ACTION

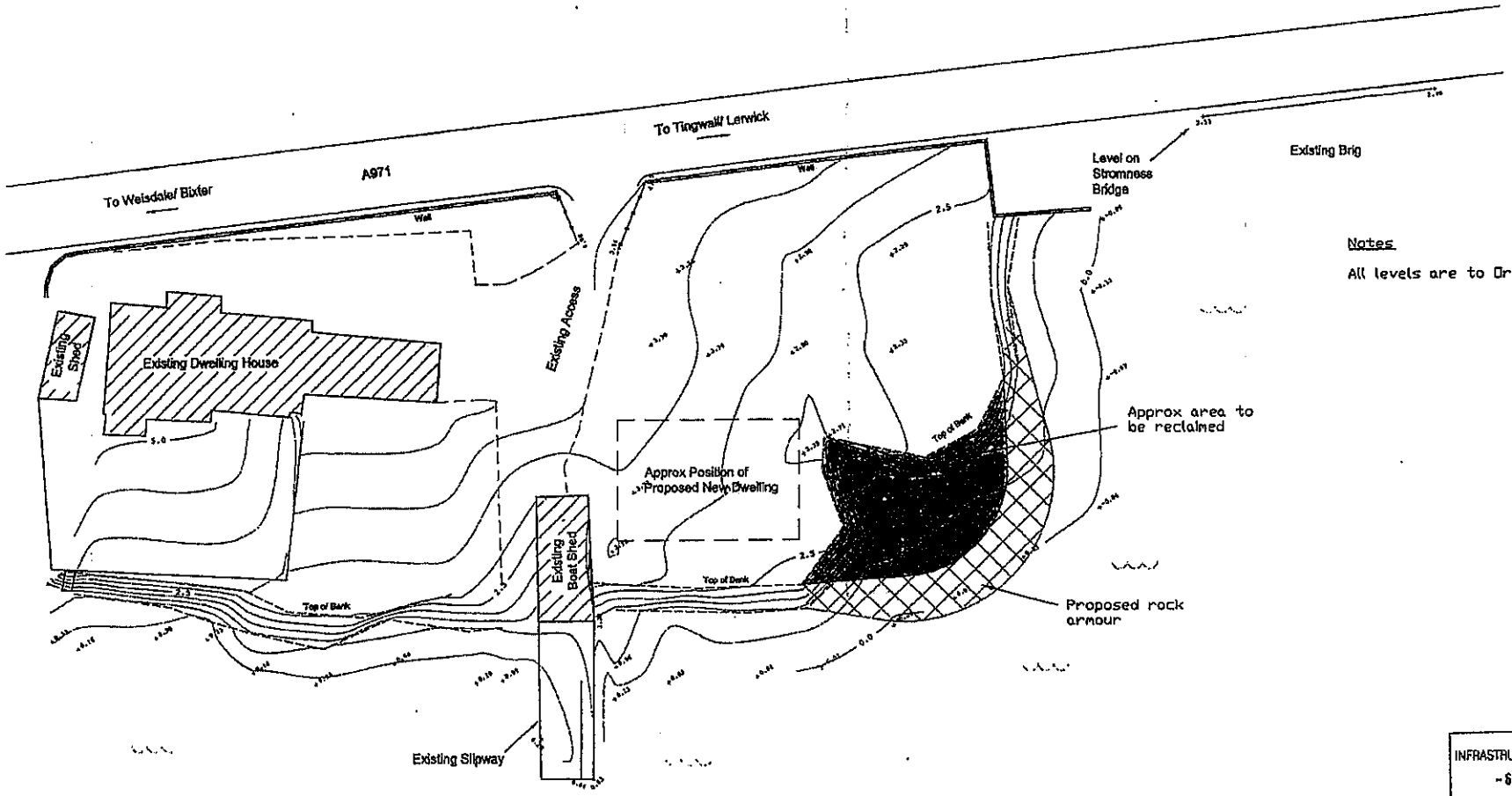
| | | |
|---|---|---|
| Rev. | Rev. Date: | No. |
| Client: MR.A.TULLOCH | | Date: 15.04.2012 |
| Project: PROPOSED NEW HOUSE OLIGARTH, WIESDALE, | | Drg No.: AT–PH005 |
| | | Drawn by: FHB |
| | | Scale: 1:100. |
| Title: SECTIONS AA & CC. | | Paper size A4 |

Revision

Extra Information:



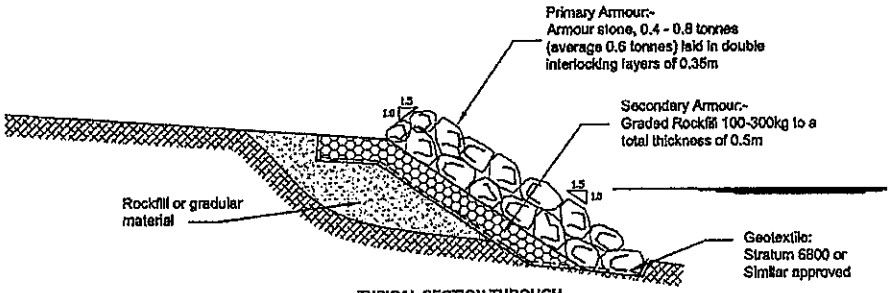
- 25 -




Notes

All levels are to Ordnance Datum Newlyn

SIC INFRASTRUCTURE SERVICES
- 6 SEP 2012
PASS TO | ACTION




TYPICAL SECTION THROUGH ROCK ARMOUR

| Rev | Date | Description |
|---|---|---|
| A | 05/09/12 | Levels updated to O.D.N. |

TULLOCH DEVELOPMENTS LTD.
Greenhills · Lerwick · Shetland · ZE1 0PX
• Tel: 01595 741427 • Fax: 01595 741249

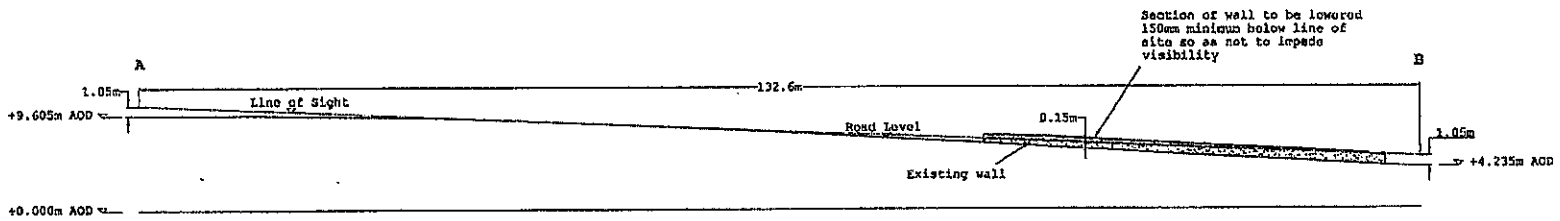
PROJECT: Proposed House Site Ollgarth, Whiteness

TITLE: Land Reclamation Extents

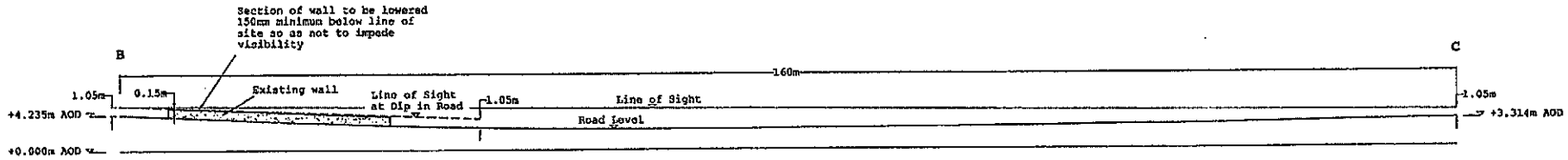
| Drawn: S.J | Date: 12.06.12 | Checked: A.T. | Approved: A.T. |
|---|---|---|---|
| Scale: As Shown | | Drawing Status: Planning | |
| Drawing No: 02 (A) | | | |


- 26 -

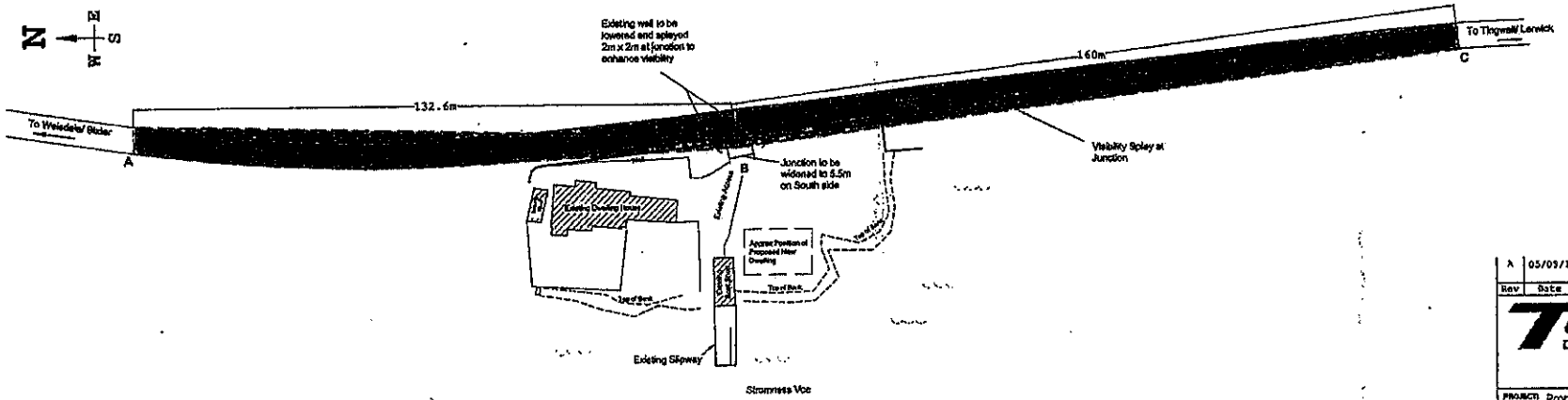
Notes:
All levels are to Ordnance Datum Newlyn




SIGHTLINE AT JUNCTION
SECTION A-B
1:250




SIGHTLINE AT JUNCTION
SECTION B-C
1:250




SITE PLAN
1:500

SIC
INFRASTRUCTURE SERVICES
- 6 SEP 2012

| Rev | Date | Description |
|---|---|---|
| A | 05/09/12 | Widen existing junction & make alteration to existing wall |

TULLOCH DEVELOPMENTS LTD.

PROJECT: Proposed House Site Oligarth, Whiteness

TITLE: Proposed Improvements to Existing Access

Drawn: S.S. | Date: 23/08/12 | Checked: A.T. | Approved: A.T.

Scale: As Shown | Drawing Status: Planning

Drawing No: 83 (A)



- 27 -

# Section 2. Consultation Responses



Tuesday 5th March 2013

# MEMO

To: Development Control

From: Roads

If calling please ask for
Brian Halcrow
Direct Dial: 4883

Medium: Paper
Our Ref: BH/SMG/R/G2/TW
Your Ref:

Date: 28 May 2012

**Application: 2012/205/PPF**
**Address: Westerhouse, Whiteness, Shetland, ZE2 9LJ**
**Proposal: Erect dwellinghouse and Coastal Protection**
**Date of Consultation: 19th June 2012**

SIC
INFRASTRUCTURE SERVICES
- 3 JUL 2012
PASS TO ID 156866 | ACTION

**Comments:**

**Recommend Refusal/ Additional Information Required**

1. The existing boundary wall of the property is only set 1.0 metre back from the edge of the public road. Therefore, it will require to be set back to at least 2.0 metres in order to achieve any required visibility splays.

2. The maximum available visibility to the north is only some 120 meters, with 195 metres the maximum available to the south - if the wall is set back. The current visibility is less than 10m in either direction due to the wall.

3. I would expect that speeds along this stretch of the road will require visibility splays in the order of 160 or 215 metres. As it appears that these distances cannot be achieved I am likely to have to recommend refusal on road safety grounds. In line with our stated policy, in such circumstances, we will undertake a speed survey of the road to confirm the minimum visibility requirements. These surveys will be programmed once counters become available later on through July.

4. No fence, wall, bushes or other potential obstruction to visibility should be permitted within 2 metres of the edge of the public road.

5. No fence, wall, bushes or other potential obstruction to visibility more than 900mm high above road surface level shall be permitted within the required junction visibility splay once this has been determined from the speed check.

6. The access shall be a minimum of 5.5 metres wide for at least the first 6 metres from the edge of the public road. The bellmouth radius onto the public road shall be a minimum of 6 metres.

7. The gradient of the access should not exceed 5% (slope of 1 in 20) for at least the first 6 metres from the edge of the public road.

8. The access should be surfaced in bitmac or double coat hot tar surface dressing for at least the first 6 metres from the edge of the public road.

9. The access should be designed in order that it does not shed surface water from the site onto the public road.

10. Site drainage should be designed, provided and maintained such that no surface water from the site shall be permitted to drain or run onto the public road or footway.

11. That length of the access crossing the public road verge or footway must be constructed to the satisfaction of The Shetland Islands Council Roads Service. A Road Opening Permit must be obtained from The Shetland Islands Council Roads Service prior to carrying out any works to form an access onto the public road.

12. 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 at least 10 metres. This is to allow a vehicle to stand clear of the road while the gate is being opened.

13. Parking provision should be made within the site for a minimum of 2 cars. Parking for the existing house should also be indicated.

14. Turning provision for cars should be made within the site in the form of a standa hammer head or a manoeuvring space at least 7.6 metres by 7.6 metres in size. This can be shared between the sites but must be indicated on the site plan.

15. The access shall be designed in accordance with Appendix 6B enclosed. Details required to be submitted in the form of a long-section indicating the proposed gradients, vertical curve lengths and existing and proposed ground levels. Chainages for each of these points will be required in order to check that the design is safe and convenient. In areas of cut and fill side slopes should be indicated on the site plan to show the full extent of the earthwork proposals.

16. That the house is kept a minimum of 10 metres back from the edge of the public road. This is to allow a roads development corridor to be maintained in order to safeguard the future access and infrastructure provision for the area. This set back matches the existing building line in the immediate area. The proposed coastal protection work appears to stop prior to the rock armour for the bridge and road structure. It would probably be best if this new armour tied into the existing stone as this will enhance the integrity of the area. This work would need to be done in consultation with Roa Service.

Signed [redacted] ..... Date 28/6/12

JH

Scottish Water
Always serving Scotland

20th June 2012

Shetland Islands Council
Grantfield -
Lerwick
ZE1 0NT

**SCOTTISH WATER**

Customer Connections
419 Balmore Road
Glasgow
G22 6NU

Customer Support Team
[redacted]

Dear Sir/Madam

**PLANNING APPLICATION NUMBER: 2012/205/PPF**
**DEVELOPMENT: Whiteness Westerhouse**
**OUR REFERENCE: 611479**
**PROPOSAL: erect dwellinghouse and coastal protection**

**Please quote our reference in all future correspondence**

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 our infrastructure. Approval for connection can only be given by Scottish Water when the appropriate application and technical details have been received.

There are no public sewers in the vicinity of the proposed development.

Eela Water Treatment Works may be capacity to service this proposed development.

The water network that serves the proposed development may be able to supply the new demand.

In some circumstances it may be necessary for the Developer to fund works on existing infrastructure to enable their development to connect. Should we become aware of any issues such as flooding, low pressure, etc the Developer will be required to fund works to mitigate the effect of the development on existing customers. Scottish Water can make a contribution to these costs through Reasonable Cost funding rules.

A totally separate drainage system will be required with the surface water discharging to a suitable outlet. Scottish Water requires a sustainable urban drainage system (SUDS) as detailed in Sewers for Scotland 2 if the system is to be considered for adoption.

If the connection to public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s). This should be done through a deed of servitude.

It is possible this proposed development may involve building over or obstruct access to existing Scottish Water infrastructure. On receipt of an application Scottish Water will provide advice that we will require to be implemented by the developer to protect our existing apparatus.

Contact should be made with Scottish Water by the developer regarding the location of infrastructure at our Property Searches Department, Bullion House, Dundee, DD2 5BB. Tel – [redacted]

Whiteness Westerhouse.doc

If the developer requires any further assistance or information on our response, please contact me on the above number or alternatively additional information is available on our website: www.scottishwater.co.uk. .

Yours faithfully

Aileen O'Hagan
Customer Connections Administrator

Whiteness Westerhouse.doc



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JH

**Davidson Inga@Infrastructure Services**
**25/06/2012 08:12**

## Davidson Inga@Infrastructure Services

**From:** Smith Colin@Infrastructure Service on behalf of Roads Drainage
**Sent:** 22 June 2012 09:34
**To:** Planning Control@Infrastructure Svs
**Subject:** RE: 2012/205/PPF - erect dwellinghouse and coastal armour, Westerhouse, Whiteness by Mr A Tulloch - Contact Inga Davidson - 19June2012

Comments

Background

This is an application for a house at Whiteness.
The application does not include any formal SUDs devices, but is proposed to drain through a filter drain and discharge to the rock fill to be placed behind the armour, at the edge of the sea.

Comments

To comply with the Water Framework Directive the drainage design should include sufficient attenuation to at least reduce flows during 1 in 10 year rainfall events to the level which would have occurred before the development.

While the proposal does not include any formal SUDs devices, I feel that the proposals, with a filter drain discharging to the rock fill, will provide a suitable drainage system, given the direct discharge to the sea.

During extreme rainfall events surface water flows may exceed the capacity of the drainage system and back up, or flow over the ground.

Care should be taken to ensure that the landscaping / ground levels on the site are designed so that these potential overland flows of water would not cause a flooding problem to the proposed house or to the existing surrounding buildings:- if any of the drainage on the site overflows, the site levels should guide water flowing over the ground away from properties and towards a suitable place for them to re-enter a drainage system.

Given the proposed floor levels, Jonathan Duncan should be asked to comment on any requirement for a flood risk assessment.

Colin Smith

JH

SEPA
Scottish Environment Protection Agency

Our ref: PCS/120892
Your ref: 2012/205

If telephoning ask for:
Susan Haslam

26 June 2012

Inga Davidson
Shetland Islands Council
Grantfield
Lerwick
Shetland
ZE1 ONT

By email only to: planning.control@shetland.gov.uk

Dear Ms Davidson

**Town and Country Planning (Scotland) Acts**
**Planning application: 2012/205**
**Erect dwellinghouse and coastal armour**
**Westerhouse, Whiteness, Shetland**

Thank you for your consultation email which SEPA received on 19 June 2012.

We have **no objection** to this planning application. Please note the advice provided below.

This advice is given without prejudice to any decision made on elements of the proposal regulated by us, which may take into account factors not considered at the planning stage.

## Advice for the planning authority

### 1. Flood risk

1.1 The application site lies adjacent to the 1 in 200 year (0.5% annual probability) flood envelope of the Indicative River & Coastal Flood Map (Scotland), and may therefore be at medium to high risk of flooding. Scottish Planning Policy states in paragraph 203, that "For planning purposes the functional flood plain will generally have a greater than 0.5% (1:200) probability of flooding in any year. Development on the functional flood plain will not only be at risk itself, but will add to the risk elsewhere." Built development should not therefore take place on the functional flood plain.

1.2 For information, an approximate 1 in 200 year water level for the area is 2.16 m AOD based on extreme still water level calculations using statistical analysis of tidal data. This does not take into account the potential effects of wave action, funnelling or local bathymetry at this location. We also recommend that the applicant contact the Flood Prevention Authority with regard to the appropriate levels of freeboard for the area.

1.3 Although site levels are not provided we note that the proposed finished floor level of 4 mAOD is significantly higher then the 1 in 200 year tide level in this area and it seems unlikely from this that the site is below the 1 in 200 year level. As a result of this and the facts that the site is adjacent to the indicative flood envelope and we hold no additional information to indicate that the site is at flood risk we have no objection to this application.

UKAS MANAGEMENT SYSTEMS 001

Chairman
David Sigsworth
Chief Executive
James Curran

Dingwall Office
Graesser House, Fodderty Way,
Dingwall Business Park, Dingwall, IV15 9XB
[redacted]

We also note the proposal of constructing rock armour which will further protect the site from coastal erosion and possibly coastal flooding.

1.4 For information the Indicative River & Coastal Flood Map (Scotland) has been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km$^2$ using a Digital Terrain Model (DTM) to define river cross-sections and low-lying coastal land. The outlines do not account for flooding arising from sources such as surface water runoff, surcharged culverts or drainage systems. The methodology was not designed to quantify the impacts of factors such as flood alleviation measures, buildings and transport infrastructure on flood conveyance & storage. The Indicative River & Coastal Flood Map (Scotland) is designed to be used as a national strategic assessment of flood risk to support planning policy in Scotland. For further information please visit www.sepa.org.uk/flooding/flood_map.aspx.

1.5 The advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to Shetland Islands Council as Planning Authority in terms of the said Section 72 (1). Our briefing note entitled: "*Flood Risk Management (Scotland) Act 2009: Flood risk advice to planning authorities*" outlines the transitional changes to the basis of our advice inline with the phases of this legislation and can be downloaded from www.sepa.org.uk/flooding/flood_risk/planning__flooding.aspx

## 2. Standing advice

2.1 For all other matters, we have provided standing advice applicable to this type of small-scale local development which is available at www.sepa.org.uk/planning.aspx.

## Detailed advice for the applicant

## 3. Impacts on the marine environment

3.1 When carrying out the coastal armour works it is vital that good working practice is adopted and appropriate steps taken to prevent water pollution and minimise disturbance to sensitive receptors. With regard to works on the shoreline the applicant should refer to the appropriate sections in the following guidance

- SEPA's Pollution Prevention Guidelines (PPGs) (www.sepa.org.uk/about_us/publications/guidance/ppgs.aspx)
- CIRIA Guidance, in particular C584 - Coastal and Marine Environmental Site Guide (www.ciria.org)

3.2 Disturbance to the shoreline and/or seabed should be minimised and the shore restored to as near its former condition following the works as reasonably possible. All waste materials should be removed and disposed of at a licensed onshore site.

## Regulatory advice

## 4. Regulatory requirements

4.1 Details of regulatory requirements and good practice advice for the applicant can be found on our website at www.sepa.org.uk/planning.aspx. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the operations team in your local SEPA office at: The Esplanade, Lerwick ZE1 0LL Tel: [redacted]

Should you wish to discuss this consultation, please do not hesitate to contact me on [redacted] or [redacted]

Yours sincerely

Susan Haslam
Senior Planning Officer
Planning Service

Copy to: Mr Alistair Tulloch, Gardie, Wiesdale, Shetland ZE2 9LW



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JH

**Davidson Inga@Infrastructure Services**
**26/06/2012 09:17**

3/7/12 ADVICE SINCE

## Davidson Inga@Infrastructure Services

**From:** Duncan Jonathan A@Infrastructure Svs
**Sent:** 26 June 2012 09:13
**To:** Davidson Inga@Infrastructure Services
**Subject:** RE: 2012/205/PPF - erect dwellinghouse and coastal armour, Westerhouse, Whiteness by Mr A Tulloch - Contact Inga Davidson - 19June2012

With reference to the supporting documentation submitted with this application, the location of the proposed development is sited below the 5m contour and is also shown to be at risk of flooding on SEPAs indicative flood map.

In line with current policy the applicant is therefore required to submit a detailed flood risk assessment in order for the site to be evaluated against risk of flooding.

Further guidance on the requirements are available within

http://www.shetland.gov.uk/planningcontrol/advicenotes/documents/INDICATIVEGUIDANCEFORFLOODRISKASSESSMENT.pdf

Jonathan Duncan
Coastal Engineer

Shetland Islands Council | Grantfield | Lerwick | Shetland | ZE1 0NT

*Tel* +44 (0)1595 744124
*Fax* +44 (0)1595 744804
*Email* jonathan.a.duncan@shetland.gov.uk
*Web* http://www.shetland.gov.uk/conservation/FloodingandCoastProtection.asp

**From:** Davidson Inga@Infrastructure Services
**Sent:** 19 June 2012 14:21
**To:** Holmes Martin@Infrastructure Services; Roads Traffic; Roads Drainage; Duncan Jonathan A@Infrastructure Svs; Scottish Water [redacted]; [redacted]
**Subject:** 2012/205/PPF - erect dwellinghouse and coastal armour, Westerhouse, Whiteness by Mr A Tulloch - Contact Inga Davidson - 19June2012

This e-mail is a formal consultation under the Town and Country Planning (Scotland) Acts. All plans can be viewed on

http://pa.shetland.gov.uk/online-applications/

The consultation period is 14 days, but if you have any queries please contact the Business Support Officer.

Consultation replies should be sent, using the same Subject heading to:
mailto:planning.control@shetland.gov.uk

If you require any further information on this planning application, please contact the relevant officer.

We appreciate that it may not always be possible to give a full response within the 14 days. If this is the case, please email mailto:planning.control@shetland.gov.uk or contact the us to indicate your continuing interest in the proposal.

Phone numbers are:

Inga Davidson 01595 744840

If there are any problems with the e-consultation process, please get in touch.

Iain McDiarmid
Executive Manager - Planning Service
Shetland Islands Council
Grantfield
Lerwick
ZE1 0NT

JH

**Davidson Inga@Infrastructure Services**
**27/06/2012 14:47**

## Davidson Inga@Infrastructure Services

**From:** Tingwall, Whiteness & Weisdale Community Council [redacted]
**Sent:** 26 June 2012 19:29
**To:** Davidson Inga@Infrastructure Services
**Subject:** 2012/205/PPF

Hi Inga

2012/205/PPF
The CC met last night and there were no objections to the application.

Regards
Margaret

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For more information please visit http://www.symanteccloud.com

6

JH.

**Davidson Inga@Infrastructure Services**
**27/06/2012 14:48**

## Davidson Inga@Infrastructure Services

**From:** Holmes Martin@Infrastructure Services
**Sent:** 27 June 2012 11:48
**To:** Planning Control@Infrastructure Svs
**Subject:** 2012/205/PPF - erect dwellinghouse and coastal armour, Westerhouse, Whiteness by Mr A Tulloch - Contact Inga Davidson - 19June2012

The application indicates installation of rock armouring along the south western edges of the site as a means of protecting the proposed development from flooding and coastal erosion. As the development works are below MHWS the applicant will require a works licence for the armouring and should be informed of this. There is no fee for this application but the applicant is required to pay the cost of the advert that has to be placed in the Times. Advise is available from the Coastal Zone Management Service and the application should be submitted to the same service.

Regards

Martin Holmes

Martin Holmes
Coastal Zone Manager
Coastal Zone Management Service
Shetland Islands Council
Development Services
Grantfield
Lerwick
ZE1 0NT

Tel: 01595 744805

## Davidson Inga@Infrastructure Services

**From:** Glen Tyler [redacted]
**Sent:** 02 July 2012 14:22
**To:** Planning Control@Infrastructure Svs
**Subject:** 2012/205/PPF - erect dwellinghouse and coastal armour, Westerhouse, Whiteness by Mr A Tulloch - Contact Inga Davidson - 19June2012

Dear Ms Davidson,
we have no comment to make on this application other than to advise that the proximity of the development to a coastal site should require consideration of impacts on otters. Our advice is that an otter survey should be required for this development. We would be pleased to advise further on this proposal if required once this information is available. Otters are a European Protected Species under the Conservation (Natural Habitats, &c.) Regulations 1994 as amended.

yours sincerely

Glen Tyler
**Glen Tyler**
Operations Officer Shetland
SNH Northern Isles and North Highland

**********
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Tha am post-dealain seo agus fiosrachadh sam bith na chois dìomhair agus airson an neach no buidheann ainmichte a-mhàin. Mas e gun d' fhuair sibh am post-dealain seo le mearachd, cuiribh fios dhan manaidsear-siostaim no neach-sgrìobhaidh.

Thoiribh an aire airson adhbharan gnothaich, 's dòcha gun tèid sùil a chumail air puist-dealain a' tighinn a-steach agus a' dol a-mach bho SNH

**********

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For more information please visit http://www.symanteccloud.com

## Davidson Inga@Infrastructure Services

**From:** Duncan Jonathan A@Infrastructure Svs
**Sent:** 07 September 2012 13:04
**To:** Davidson Inga@Infrastructure Services; MacNeill Richard@Infrastructure Services
**Cc:** Holden John@Infrastructure Services
**Subject:** RE: Re-consultation - 2012/205/PPF - erect dwellinghouse & coastal protection, Westerhouse, Whiteness - 07/09/2012

I have reviewed the re-submitted drawing 02 (A) dated 12.06.12 and note that the applicant has clearly stated on the drawing that 'all levels are to ordnance datum Newlyn' therefore allowing me to assess the development against current SIC policy.

For reasons of clarity the following data details the assessment process.

1 in 200 coastal flood levels

The most up to date information held by Shetland Island Council and SEPA shows the closest known flood risk information is for node 0-36-Shetland-M, with a 1 in 200 year flood level of

**2.150m AOD (Lerwick)**

Climate Change Impact

The UK Climate Projections (UKCP09) projections contain information on observed and future climate change based on the latest scientific understanding. As part of the projections data is available on relative sea level rise around the UK with the results combining absolute sea level rise and isostatic land movement.

Three available scenarios were run on grid cell id 2180, centred on the location of the Lerwick tide gauge: Latitude 60.154, Longitude -1.140.
Taking the figure for 50% probability the 3-emission scenarios show relative sea level rises by 2100 of

| | |
|---|---|
| Low emissions | 0.437m |
| Medium emissions | 0.513m |
| High emissions | 0.606m |

For the purpose of this flood risk assessment the medium emission figure shall be used

**0.513m**

Storm Surges

Tidal levels have been recorded in Lerwick since 1956. At present The Proudman Oceanographic Laboratory records and monitors levels at 15-minute intervals using 2 full-tide and one mid-tide measuring systems which are housed in a GRP building above the harbour wall at the entrance to the small boat harbour, Lerwick.

Analysis of its recorded data shows the highest recorded storm surge of 0.83m was recorded at 12:15am on the 11th January 1993 during the period commonly referred to as 'the Braer Storm'.

**0.830m**

Freeboard

We generally recommend 0.5m as an allowance for freeboard, SPP highlights that applicants should take advice from the flood risk authority on this issue when a detailed application is made.
For the sake of this flood risk assessment 0.5m will be used.

**0.500m**

Resultant Coastal Flooding Level

| | |
|---|---|
| **1 in 200 coastal flood levels** | **2.150m** |
| **Medium emissions** | **0.513m** |
| **Highest Surge** | **0.830m** |
| **Freeboard** | **0.500m** |

All of the above information leads to a minimum finished floor level of

**3.993 AOD (Lerwick)**

In order to convert between Lerwick datum and Newlyn (to correlate with this application) it is necessary to add 0.240m. This results in

**4.233 AOD (Newlyn)**

The applicant states in his letter dated 12th June 2012 that the house level is 4.0 OD and on the drawing 02 (A) dated 12.06.12 that 'all levels are to ordnance datum Newlyn' This would indicate that the property is 233mm below the calculated 1 in 200 year flood level, however it is worth noting that the applicant also states in this letter that –

- 'the foundations and floor will be solid concrete.'
- 'The insulation used will be closed cell foam i.e. non absorbent.'
- 'The walls will be cellular concrete block, again insulated with close cell foam' And
- 'Electrical services will be kept 1.0m above floor level'

All of the above mitigation measures will help minimises any damage that may occur if the property is unfortunate enough to experience coastal flooding.

In order to adhere to current SIC policy it may be simple enough for the applicant to raise his projected finished floor level to the necessary height (4.233m AOD Newlyn).

Regards

Jonathan

Jonathan Duncan
Coastal Engineer

Shetland Islands Council | Grantfield | Lerwick | Shetland | ZE1 0NT

*Tel* +44 (0)1595 744124
*Fax* +44 (0)1595 744804
*Email* jonathan.a.duncan@shetland.gov.uk
*Web* http://www.shetland.gov.uk/conservation/FloodingandCoastProtection.asp

**MEMO**

To: Development Services

Attn: Richard MacNeill

From: Roads

If calling please ask for
Brian Halcrow
Direct Dial: 4883

Medium: paper
Our Ref: BH/SMG/R/G2/TW
Your Ref: 2012/205/PPF

Date: 08 October 2012

**Planning Application 2012/205/PPF**
**Erect dwellinghouse and coastal protection, Westerhouse, Whiteness by Mr A J M Tulloch**

I refer to the amended plan dated 30th September 2012 submitted in respect of the above application.

The plan submitted indicates that a 2.5m by 160m visibility splay can be achieved from a new junction location in both directions.

This new access location and visibility splays meet the requirements for traffic speeds along this stretch of road.

However, the requirement for adequate junction spacing can only be met if the existing dwellinghouse and boat shed are also served from the new access point, with the existing access onto the A971 is closed off.

I would also ask that a revised site plan is submitted indicating levels on the site and the proposed access to both the new and existing houses to show compliance with Appendix 6B.

Executive Manager, Roads
[HM10051201.doc]

If Colin Grant confirms that 6B can be met on site 8/10/12

# Section 3. Report of Handling



Tuesday 5th March 2013

## Delegated Report of Handling

**Development:** Erect dwellinghouse and coastal protection

**Location:** Westerhouse, Whiteness, Shetland, ZE2 9LJ,

**By:** Mr A J M Tulloch

**Application Ref:** 2012/205/PPF

1. **Introduction**

This is an application for full planning permission to erect a dwelling house on land which currently forms the garden/vegetable area (currently overgrown and unused) of the dwellinghouse, "Westerhouse", Olligarth, Whiteness.

The site lies on the side of Stromness Voe, on the west side and adjacent to the A971 public road just north of the Strom Bridge.

Access to the site was originally proposed via the existing access to the public road serving "Westerhouse". Access to the site has been the subject of consultation and discussion with the Road Service providing input and advice. Consequently a satisfactory point of access within the site boundary has been identified.

A letter of support, accepted as a Design Statement, as the house site lies within a National Scenic Area, has been submitted with the application.

This describes the approach to the siting of the house and its design. Potential flooding and nature conservation area issues have been included. Rock armouring is proposed to protect the site from erosion and potential flooding.

An otter survey has also been submitted.

The flooding concerns and issues and proposals to mitigate against possible flooding of the proposed house are discussed further in the report.

Drainage is proposed to an existing septic tank and soakaway.

The proposal does not include any formal SUDs device, The Roads Drainage Engineer is satisfied that the proposal, with a filter drain, discharging to the rock fill will provide a suitable drainage system, given the direct discharge to the sea.

The proposed house design is one and a half storey with a 45 degree pitched roof to be clad in a blue/grey slate. The walls will be masonry and finished in a white render finish.

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
SPNE2 - National Scenic Areas
SPCST1 - Development at Coastal Sites

**Shetland Islands Council Local Plan (2004) (As Amended) Policies**
LPHOU4 - General Requirements for all Dwellings
LPNE10 - Development and the Environment
LPTP12 - Car Parking Standards and Guidelines

**Shetland Islands Council Interim Planning Policy Guidance**

SPG14 - General Requirements Dwellinghouses

3. **Safeguarding**

30km Radius Scatsta - 30km Sumburgh Scatsta: 2

Coastal 100 V0 - Coastal 100 V0: 1

Coastal 200 V1 - Coastal 200: 21

Land Capability Agriculture - code: 5.2

National Scenic Area - National Scenic Area: 53

Zone 3 Modified - Zone 3: Housing Zone 3

4. **Consultations**

Marine Planning was consulted on the 19 June 2012.Their comments dated 27 June 2012 can be summarised as follows:

No objections. A works licence will be required.

Roads Drainage was consulted on the 19 June 2012.Their comments dated 22 June 2012 can be summarised as follows:

No objections. While the proposal does not include any formal SUDs device, it is felt that the proposal, with a filter drain, discharging to the rock fill will provide a suitable drainage system, given the direct discharge to the sea.

Roads Traffic was consulted on the 19 June 2012.Their comments dated 3 July 2012 can be summarised as follows:

Objection on grounds of road safety due to the visibility splays which exist.

Scottish Water Customer Connections was consulted on the 19 June 2012.Their comments dated 20 June 2012 can be summarised as follows:

No objections. There are no public sewers in the vicinity of the development.
SuDS system required for surface water if it is to be adopted.

SEPA Dingwall was consulted on the 19 June 2012.Their comments dated 26 June 2012 can be summarised as follows:

No objections. Recommend that the Flood Prevention Authority be contacted with regard to the appropriate levels of freeboard for the area.

SEPA Shetland was consulted on the 19 June 2012. There was no response from this consultee at the time of report preparation.

SNH was consulted on the 19 June 2012.Their comments dated 2 July 2012 can be summarised as follows:

An otter survey should be carried out to consider the potential impact.

Tingwall, Whiteness And Weisdale Community Council was consulted on the 19 June 2012.Their comments dated 26 June 2012 can be summarised as follows:

No objections

The Coastal Engineer was consulted on the 19 June 2012.Their comments dated 26 June 2012 can be summarised as follows:

The location of the proposed development is sited below the 5m contour and is also shown to be at risk of flooding on SEPA`s indicative flood map. In line with current policy the applicant is required to submit a detailed flood risk assessment in order that the site be evaluated against the risk of flooding.

The Coastal Engineer was consulted on the 7 September 2012.Their comments dated 7 September 2012 can be summarised as follows:

The applicant states in his letter dated 12th June 2012 that the house level is 4.0 OD and on the drawing 02 (A) dated 12.06.12 that 'all levels are to ordnance datum Newlyn' This would indicate that the property is

233mm below the calculated 1 in 200 year flood level, however it is worth noting that the applicant also states in this letter that -

- 'the foundations and floor will be solid concrete.'
- 'The insulation used will be closed cell foam i.e. non absorbent.'
- 'The walls will be cellular concrete block, again insulated with close cell foam' And
- 'Electrical services will be kept 1.0m above floor level'

All of the above mitigation measures will help minimises any damage that may occur if the property is unfortunate enough to experience coastal flooding.

In order to adhere to current SIC policy it may be simple enough for the applicant to raise his projected finished floor level to the necessary height (4.233m AOD Newlyn).

Roads Traffic was consulted on the 19 June 2012.Their comments dated 26 September 2012 can be summarised as follows:

Continue to object on the grounds of road safety.

Roads Traffic was consulted on the 2 October 2012.Their comments dated 8 October 2012 can be summarised as follows:

No objections. Existing access onto the A971 public road should be closed. Plans should also be submitted to show that the new access will comply wth Appendix 6B

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.

House Design
The design of the house is considered to be of good quality and would appear to takes cues from older more traditional properties in the area, and the re-built house which lies across the Loch of Strom to the east. The use of 45 degree roof pitching, grey/blue slates and white painted masonry all pay homage to traditional design and finishes. The vertical detailing on the gable ends tends to be less common but lends a certain degree of individualism to the design as do the porthole windows on the south and north elevations. It is therefore considered acceptable in this location within the National Scenic Area.

Other matters concerning the application have had to be carefully considered and addressed in the assessment of the acceptability of the proposed house in this location. These are access, natural heritage issues, in the form of otter protection, and the potential for the house to flood.

Otter Survey
A survey of a small area of coastline, encompassing the development area and a buffer of approximately 20 metres either side, was carried out on behalf of the applicant by Shetland Biological Records Centre, (SBRC) an agency qualified to carry out such surveys. Although some evidence of otter activity was found, this was considered to be very limited with no fresh spraint or holts found. In the view of SBRC the proposed development will not impact adversely on otters in the area.

Road Access
As outlined in the introduction, the originally proposed access for the new dwelling was to be the existing access for "Westerhouse". The visibility splays at present gave the Roads Service cause for concern and as such improvements to the access were sought from the applicant. This included the lowering and splaying of the existing walls at the exit and a widening of the access to 5.5 metres. Access to the site has therefore been the subject of consultation and discussion with the Road Service providing input and advice. Consequently a satisfactory point of access within the site boundary has now been identified and a new plan showing the improvements was assessed by the Roads Service and considered acceptable in terms of addressing their concerns. This will involve the closing up of the existing access and this requirement has been made the subject of a condition.

Flood Risk
Although SEPA did not raise an objection to the proposal it recommended that the Flood Prevention Authority be contacted as their

view did not take into account the potential effects of wave action, funnelling or local bathymetry at the site. The Flood Prevention Officer has assessed information supplied by the applicant and concluded that there was insufficient information to comfortably advise that the site was not capable of flooding. Following a meeting on the 29th August 2012 with the applicant a plan showing the rock armour proposed and the land levels relating to Ordnance Datum Newlyn was submitted.

Subsequently new information and a plan has been submitted. This has been further assessed by the Flood Prevention Officer who determined that all of the proposed mitigation measures will help minimise any damage that may occur if the property is unfortunate enough to experience coastal flooding.

It has also been accepted that in order to adhere to current SIC policy it may be simple enough for the applicant to raise his projected finished floor level to the necessary height (4.233m AOD Newlyn). The applicant has, during email correspondence on the subject, agreed that the final floor level will be 4.233 AOD Newlyn. This will be ensured by means of a planning condition to this effect.

Therefore having taken into account the design of the dwelling house; the proposed revised access provision; flood prevention measures and sufficient checks that have been made to protect otters; the proposal complies with the policies contained within the development plan and can be supported.

8. **Recommendation**

Grant subject to conditions

**Reasons for Council's decision:**

( 1.) The development will have no adverse impact upon the natural and built environment given that the proposed dwellinghouse will compliment the existing settlement pattern at Olligarth and is appropriate in terms of its scale, form and design. It has been demonstrated that a safe access can be achieved. Flood prevention measures have been identified and an otter survey carried out.

The proposal is therefore considered to comply with the Shetland Structure Plan Policies GDS4, SPNE1, and Shetland Local Plan Policies LPNE10, LPBE13, LPWD11, LPWD12 and LPHOU4 General Requirements.

9. **List of approved plans:**

- Elevations AT-PH003 12.06.2012
- Elevations AT-PH004 12.06.2012

- Ground Floor Plan AT-PH001 12.06.2012
- First Floor Plan AT-PH002 12.06.2012
- Section Plan AT-PH005 12.06.2012
- Site Survey 01 12.06.2012
- Cross Section 2012/205/PPF-02 12.06.2012
- Location Plan 13.06.2012
- Site and Access Road Layout ACCESS 03(B) 02.10.2012
- Land Boundary Map LAND RECLAIMATION EXTENTS 02(A) 06.09.2012
- Otter Survay OTTER SURVEY 24 AUGUST 2012 29.08.2012

10. **Conditions:**

( 1.). The development hereby permitted shall not be carried out other than wholly in accordance with the approved plans and details (as may be amended and/or expanded upon by a listed document following afterward) unless previously approved in writing by the Planning Authority. The dwellinghouse hereby approved shall be positionned within the site as shown on approved drawing No. 1 Site Section.

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

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

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

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

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

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

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

( 3.) Prior to the commencement of development a plan indicating levels on the site and the proposed access to both the new and the existing houses in compliance with Appendix 6B shall be submitted to and approved of in writing by the Planning Authority.

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

( 4.) No coastal protection works, or works to prepare the ground for and/or construct the dwellinghouse, shall take place until the existing access as shown on drawing no. 03(B) received on 2nd October 2012 is closed up and the new access to the site as shown on drawing no. 03(B) has been completed in accordance with the details agreed under condition 3 of this permission. Details of the method of closing up of the existing access, such that it shall no longer be capable of use as a point of entry or exit to the A971 public road during the lifetime of the dwellinghouse hereby approved, shall be agreed with the Planning Authority beforehand.

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

( 5.) The coastal protection works and works to prepare the ground for and construct a dwellinghouse hereby permitted shall not commence until the following visibility splays are provided; thereafter the visibility splays shall be maintained throughout the lifetime of the development.

There shall be no obstruction to visibility within the site in the area of a splay measuring 2.5 metres by 160 on either side of the access with the public road.

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

( 6.) The dwellinghouse hereby permitted shall not be constructed until the access road serving the development from the public road, has been completed in bitmac or double coat hot tar surface dressing for at least the first 6 metres from the public road;

no fence, bush or other potential obstruction to visibility shall be permitted within 2.0 metres of the edge of the road unless otherwise approved by the Planning Authority in writing;

no fence, bush or other potential obstruction to visibility more than 900mm high above road surface level shall be permitted within the required visibility splay

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

any gate set on the access shall be set back a minimum of 6 metres from the edge of the public road. If the gate is to be outward opening then this distance shall be increased to 10 metres to allow a vehicle to stand clear of the road while the gate is being opened.

site drainage shall be designed, provided and maintained to ensure that no surface water from the site shall be permitted to drain onto the public road or footway;

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

( 7.) As well as 2 car parking spaces, turning provision for cars shall be constructed within the development site in the form of a standard hammer head or a manoeuvring space at least 7.6m x 7.6m. These shall be completed before the dwellinghouse is occupied. All spaces adjacent to any walls or fences should be increased by 0.5 metres.

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 LPHOU4.

( 8.) In so far as this consent shall relate to the foul drainage to be constructed in association with the development it shall relate only to connection to the existing septic tank and soakaway as specified in the plans and/or details approved under condition no. 1 of this permission. No part of the development shall be occupied until foul drainage works have been completed in accordance with the approved plans and/or details and are fully operational.

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

( 9.) The final ground floor level of the dwelling house hereby approved shall be constructed so as to be no lower than 4.233 AOD Newlyn. The person carrying out the development should provide the Planning Authority with a written notice of completion of that phase of the development within one week of the completed works taking place. Prior to any further works taking place on the dwelling house the Planning Service shall be afforded the opportunity to inspect the works to ensure that the required level has been achieved.

Reason: To reduce the potential adverse effects or hazards though flooding across the site in accordance with Structure Plan (2000) Policy GDS4 and Shetland Local Plan (2004) Policy LPNE10, LPWD11 and LPWD12.

(10.) 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 tress, 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.

(11.) 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 shall be commenced within three 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.

Road Services
The Shetland Islands Council Roads Service have advised that the specification for the formation of the passing places and a copy of the plan is attached. 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.

Principal Elevation
The south elevation of the dwellinghouse hereby approved, shall be considered to be the principal elevation in terms of The Town and Country Planning (General Permitted Development) (Scotland) Order 2011 as shown on site plan drawing number AT-PH003

11. **Further Notifications Required**

None

12. **Background Information Considered**

None

2012/205_Delegated_Report_of_Handling.doc
Officer: Mr Richard MacNeill
Date: 8th October 2012

# Section 4. Decision Notice



Tuesday 5th March 2013

# SHETLAND ISLANDS COUNCIL

**Town and Country Planning (Scotland) Acts**
**Town and Country Planning (General Permitted Development) (Scotland) Orders**

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

**Applicant Name and Address**
Mr A J M Tulloch
Gardie
Weisdale
Shetland

**Reference Number:** 2012/205/PPF
Erect dwellinghouse and coastal protection: Westerhouse, Whiteness, Shetland, ZE2 9LJ

**Details of Approved Plans and Drawings:**

- Elevations Drawing No. AT-PH003
  Stamped Received. 12.06.2012
- Elevations Drawing No. AT-PH004
  Stamped Received. 12.06.2012
- Ground Floor Plan Drawing No. AT-PH001
  Stamped Received. 12.06.2012
- First Floor Plan Drawing No. AT-PH002
  Stamped Received. 12.06.2012
- Section Plan Drawing No. AT-PH005
  Stamped Received. 12.06.2012
- Site Survey Drawing No. 01
  Stamped Received. 12.06.2012
- Cross Section Drawing No. 2012/205/PPF-02
  Stamped Received. 12.06.2012
- Location Plan Drawing No.
  Stamped Received. 13.06.2012
- Site and Access Road Layout Drawing No. ACCESS 03(B)
  Stamped Received. 02.10.2012
- Land Boundary Map Drawing No. LAND RECLAIMATION EXTENTS 02(A)
  Stamped Received. 06.09.2012
- Otter Survay Drawing No. OTTER SURVEY 24 AUGUST 2012
  Stamped Received. 29.08.2012

If you are aggrieved by any of the conditions on the grant of planning permission made by the planning authority, you may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within 3 months from the date of this notice. The notice of review should be addressed to: Shetland Islands Council, Planning, Infrastructure Services Department, Grantfield, Lerwick, Shetland. ZE1 0NT. The necessary form can be obtained upon request from the same address.

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

**Reasons for Council's decision:**

The development will have no adverse impact upon the natural and built environment given that the proposed dwellinghouse will compliment the existing settlement pattern at Olligarth and is appropriate in terms of its scale, form and design. It has been demonstrated that a safe access can be achieved. Flood prevention measures have been identified and an otter survey carried out.

The proposal is therefore considered to comply with the Shetland Structure Plan Policies GDS4, SPNE1, and Shetland Local Plan Policies LPNE10, LPBE13, LPWD11, LPWD12 and LPHOU4 General Requirements.

**Conditions:**

( 1) The development hereby permitted shall not be carried out other than wholly in accordance with the approved plans and details (as may be amended and/or expanded upon by a listed document following afterward) unless previously approved in writing by the Planning Authority. The dwellinghouse hereby approved shall be positionned within the site as shown on approved drawing No. 1 Site Section.

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

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

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

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

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

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

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

( 3) Prior to the commencement of development a plan indicating levels on the site and the proposed access to both the new and the existing houses in compliance with Appendix 6B shall be submitted to and approved of in writing by the Planning Authority.

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

( 4) No coastal protection works, or works to prepare the ground for and/or construct the dwellinghouse, shall take place until the existing access as shown on drawing no. 03(B) received on 2nd October 2012 is closed up and the new access to the site as shown on drawing no. 03(B) has been completed in accordance with the details agreed under condition 3 of this permission. Details of the method of closing up of the existing access, such that it shall no longer be capable of use as a point of entry or exit to the A971 public road during the lifetime of the dwellinghouse hereby approved, shall be agreed with the Planning Authority beforehand.

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

( 5) The coastal protection works and works to prepare the ground for and construct a dwellinghouse hereby permitted shall not commence until the following visibility splays are provided; thereafter the visibility splays shall be maintained throughout the lifetime of the development.

There shall be no obstruction to visibility within the site in the area of a splay measuring 2.5 metres by 160 on either side of the access with the public road.

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

( 6) The dwellinghouse hereby permitted shall not be constructed until the access road serving the development from the public road, has been completed in bitmac or double coat hot tar surface dressing for at least the first 6 metres from the public road;

no fence, bush or other potential obstruction to visibility shall be permitted within 2.0 metres of the edge of the road unless otherwise approved by the Planning Authority in writing;

no fence, bush or other potential obstruction to visibility more than 900mm high above road surface level shall be permitted within the required visibility splay

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

any gate set on the access shall be set back a minimum of 6 metres from the edge of the public road. If the gate is to be outward opening then this distance

shall be increased to 10 metres to allow a vehicle to stand clear of the road while the gate is being opened;

site drainage shall be designed, provided and maintained to ensure that no surface water from the site shall be permitted to drain onto the public road or footway.

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

( 7) As well as 2 car parking spaces, turning provision for cars shall be constructed within the development site in the form of a standard hammer head or a manoeuvring space at least 7.6m x 7.6m. These shall be completed before the dwellinghouse is occupied. All spaces adjacent to any walls or fences should be increased by 0.5 metres.

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 LPHOU4.

( 8) In so far as this consent shall relate to the foul drainage to be constructed in association with the development it shall relate only to connection to the existing septic tank and soakaway as specified in the plans and/or details approved under condition no. 1 of this permission. No part of the development shall be occupied until foul drainage works have been completed in accordance with the approved plans and/or details and are fully operational.

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

( 9) The final ground floor level of the dwelling house hereby approved shall be constructed so as to be no lower than 4.233 AOD Newlyn. The person carrying out the development should provide the Planning Authority with a written notice of completion of that phase of the development within one week of the completed works taking place. Prior to any further works taking place on the dwelling house the Planning Service shall be afforded the opportunity to inspect the works to ensure that the required level has been achieved.

Reason: To reduce the potential adverse effects or hazards though flooding across the site in accordance with Structure Plan (2000) Policy GDS4 and Shetland Local Plan (2004) Policy LPNE10, LPWD11 and LPWD12.

(10) 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 tress, 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.

(11) 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 shall be commenced within three 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.

Road Services
The Shetland Islands Council Roads Service have advised that the specification for the formation of the passing places and a copy of the plan is attached. 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.

Principal Elevation
The south elevation of the dwellinghouse hereby approved, shall be considered to be the principal elevation in terms of The Town and Country Planning (General Permitted Development) (Scotland) Order 2011 as shown on site plan drawing number AT-PH003

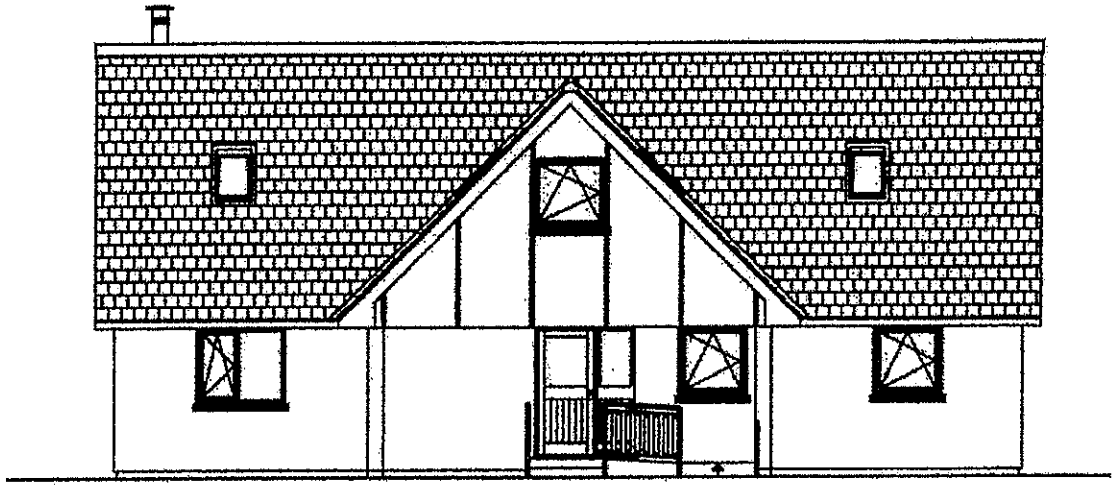
9 October 2012

[redacted]

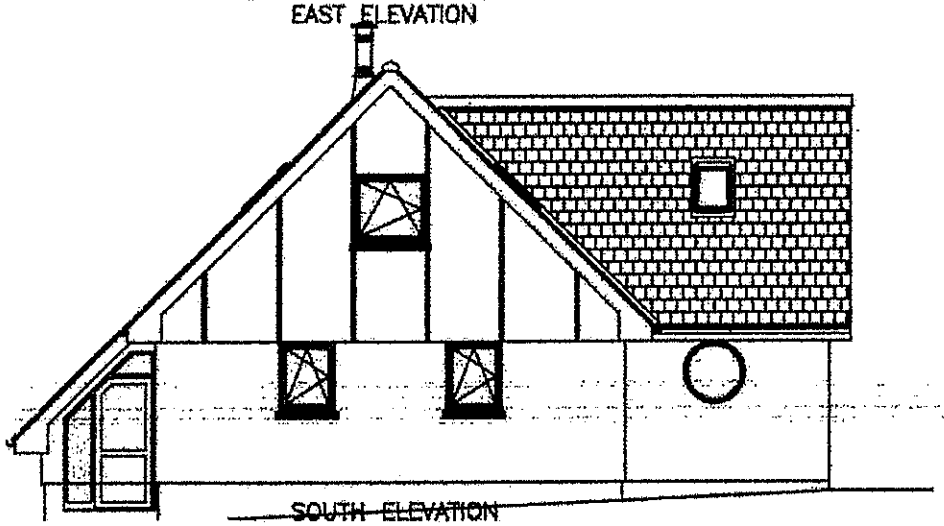
Executive Manager - Planning



- 64 -



EAST ELEVATION



SOUTH ELEVATION

SERVICE MANAGER
PLANNING CONTROL
09 OCT 2012
SIGNED:

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

SIC
INFRASTRUCTURE SERVICES
12 JUN 2012

| PASS TO | ACTION |
|---|---|
| | |

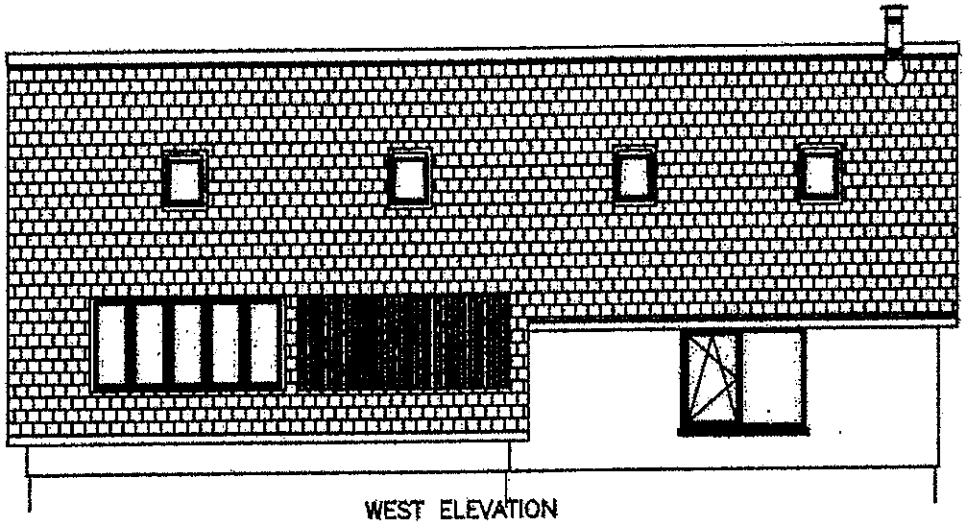
Revision

Extra Information:

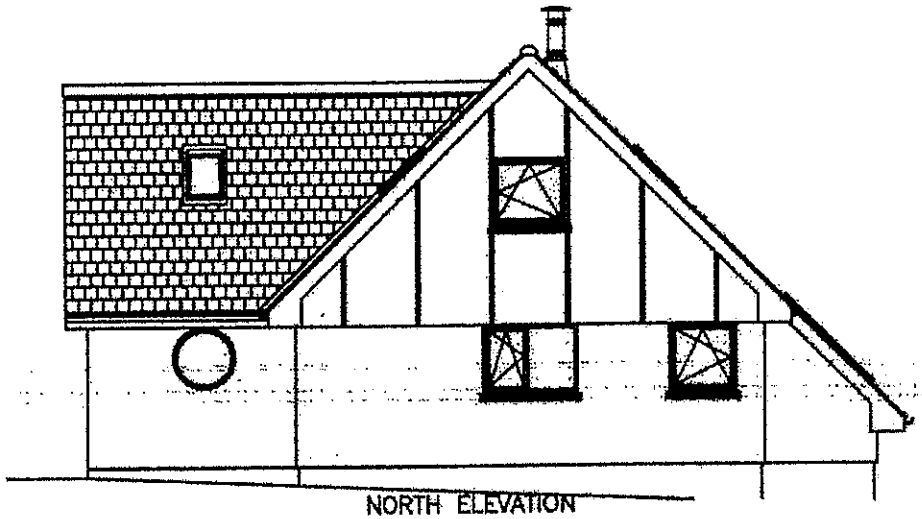
| Rev. | Rev. Date: | No. |
|---|---|---|
| Client: MR.A.TULLOCH | | Date: 15.04.2012 |
| Project: PROPOSED NEW HOUSE OLIGARTH, WIESDALE, | | Drg No.: AT-PH003 |
| | | Drawn by: FHB |
| | | Scale: 1:100. |
| Title: EAST & SOUTH ELEVATIONS. | | Paper size A4 |



- 65 -



WEST ELEVATION



NORTH ELEVATION

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

SERVICE MANAGER
PLANNING CONTROL
09 OCT 2012
SIGNED:

SIC
INFRASTRUCTURE SERVICES
12 JUN 2012

| PASS TO | ACTION |
|---|---|
| | |

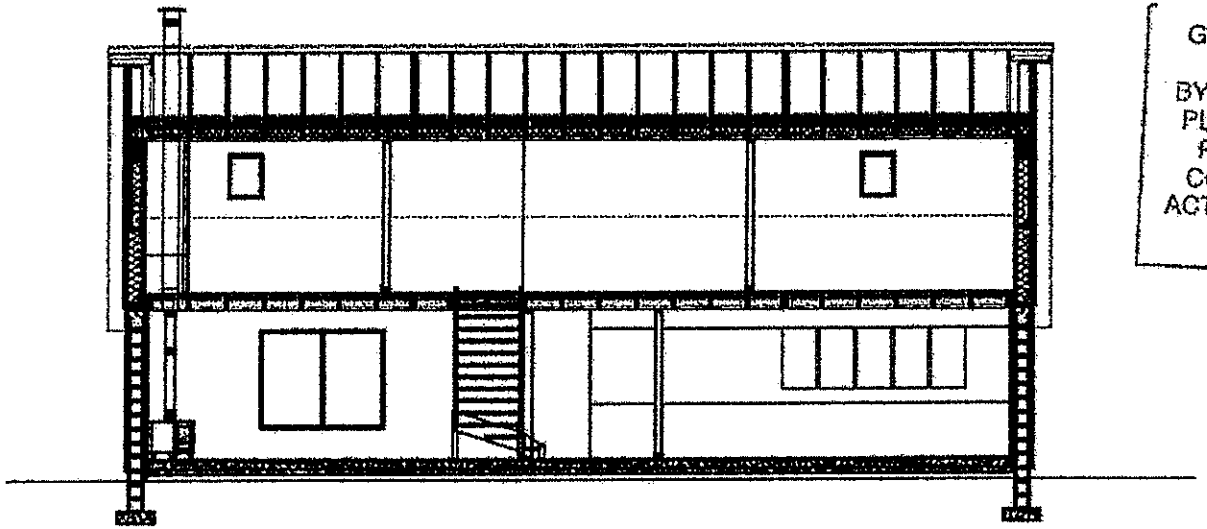
| | | |
|---|---|---|
| Rev. | Rev. Date: | No. |
| Client: MR.A.TULLOCH | | Date: 15.04.2012 |
| Project: PROPOSED NEW HOUSE OLIGARTH, WIESDALE, | | Drg No.: AT-PH004 |
| | | Drawn by: FHB |
| | | Scale: 1:100. |
| Title: WEST & NORTH ELEVATIONS. | | Paper size A4 |

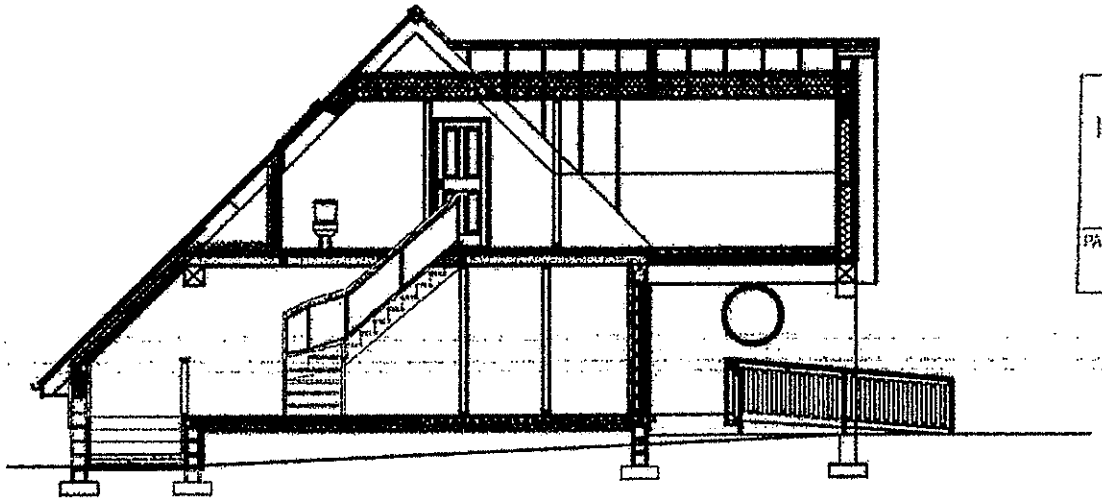
Revision

Extra information:



- 66 -





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

SERVICE MANAGER
PLANNING CONTROL
09 OCT 2012
SIGNED:

SIC
INFRASTRUCTURE SERVICES
12 JUN 2012

| PASS TO | ACTION |
|---|---|
| | |

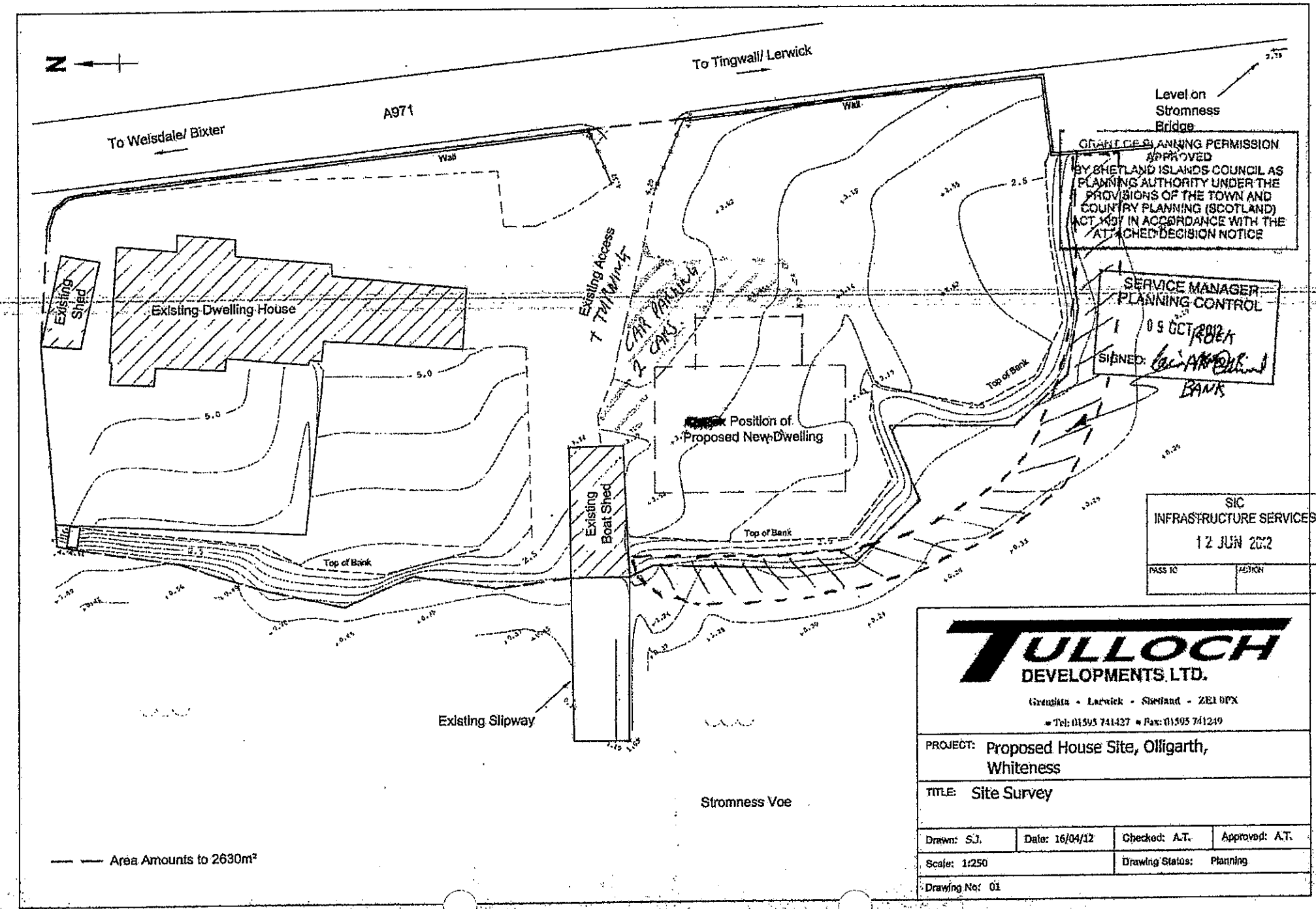
Revision

Extra Information:

| Rev. | Rev. Date: | No. |
|---|---|---|
| Client: MR.A.TULLOCH | | Date: 15.04.2012 |
| Project: PROPOSED NEW HOUSE OLIGARTH, WIESDALE, | | Drg No.: AT-PH005 |
| | | Drawn by: FHB |
| | | Scale: 1:100. |
| Title: SECTIONS AA & CC. | | Paper size A4 |



- 67 -

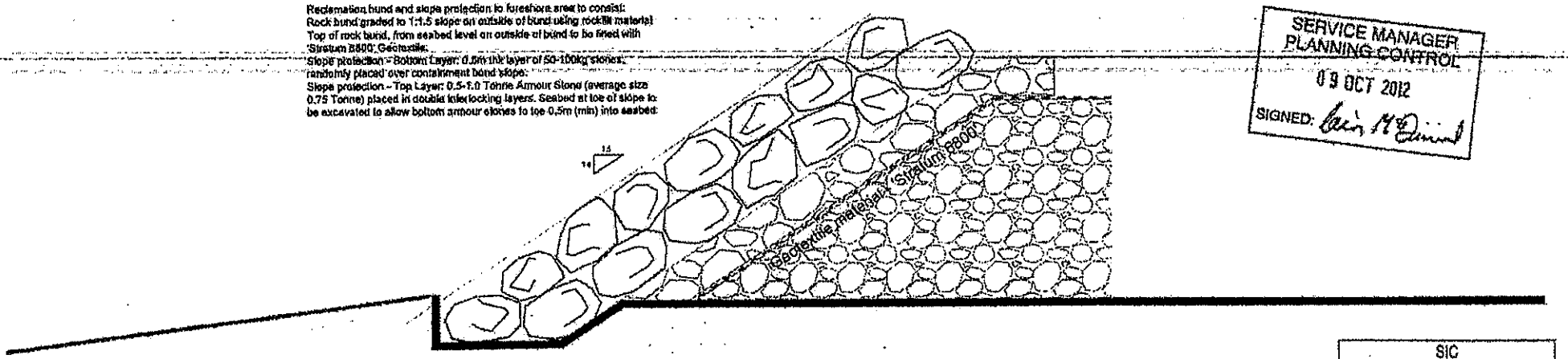

N
To Tingwall/ Lerwick
A971
To Weisdale/ Bixter
Wall
Wall
Level on Stromness Bridge
Existing Shed
Existing Dwelling House
Existing Access
Car Parking 2 cars
Position of Proposed New Dwelling
Top of Bank
Top of Bank
Top of Bank
Existing Boat Shed
Existing Slipway
Stromness Voe
5.0
5.0
2.5
Area Amounts to 2630m²
GRANT OF PLANNING PERMISSION APPROVED BY SHETLAND ISLANDS COUNCIL AS PLANNING AUTHORITY UNDER THE PROVISIONS OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 IN ACCORDANCE WITH THE ATTACHED DECISION NOTICE
SERVICE MANAGER PLANNING CONTROL
09 OCT 2012
SIGNED:
SIC INFRASTRUCTURE SERVICES
12 JUN 2012
PASS TO
ACTION
TULLOCH DEVELOPMENTS LTD.
Greenfield • Lerwick • Shetland • ZE1 0PX
• Tel: 01595 741427 • Fax: 01595 741249
PROJECT: Proposed House Site, Olligarth, Whiteness
TITLE: Site Survey
Drawn: S.J.
Date: 16/04/12
Checked: A.T.
Approved: A.T.
Scale: 1:250
Drawing Status: Planning
Drawing No: 01

2012/205/PPL-02

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

SERVICE MANAGER PLANNING CONTROL
09 OCT 2012
SIGNED: Iain M Edmond

Reclamation bund and slope protection to foreshore area to consist:
Rock bund graded to 1:1.5 slope on outside of bund using rockfill material
Top of rock bund, from seabed level on outside of bund to be lined with
'Stratum 8800' Geotextile.
Slope protection - Bottom Layer: 0.5m thk layer of 50-100kg stones, randomly placed over containment bund slope.
Slope protection - Top Layer: 0.5-1.0 Tonne Armour Stone (average size 0.75 Tonne) placed in double interlocking layers. Seabed at toe of slope to be excavated to allow bottom armour stones to toe 0.5m (min) into seabed.

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INFRASTRUCTURE SERVICES
12 JUN 2012
PASS TO | ACTION

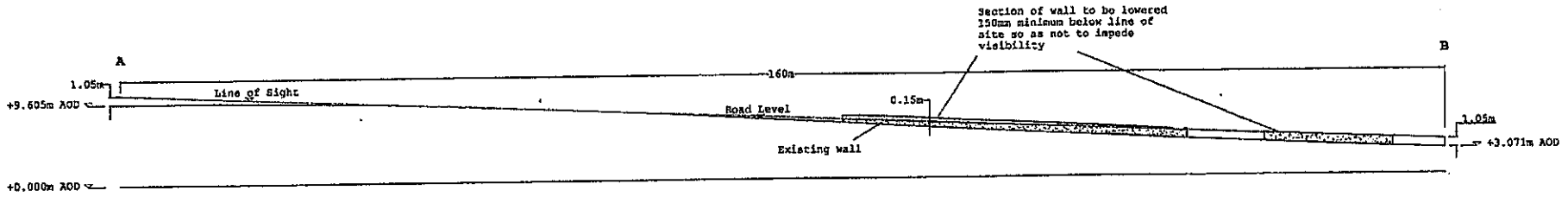
# Typical Cross Section through Shore Protection Works

Scale 1: 50

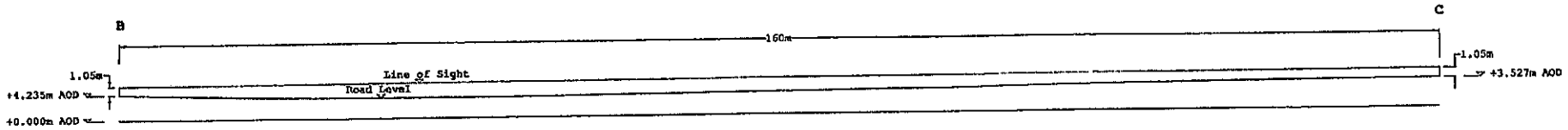
Mr Alistair Tulloch
New House, Olligarth, Whiteness
Shore Protection Works

| SCALE: 1: 50 | DATE: June 2012 | DRAWN: JJM |
|---|---|---|
| DRG No: | | REV: |

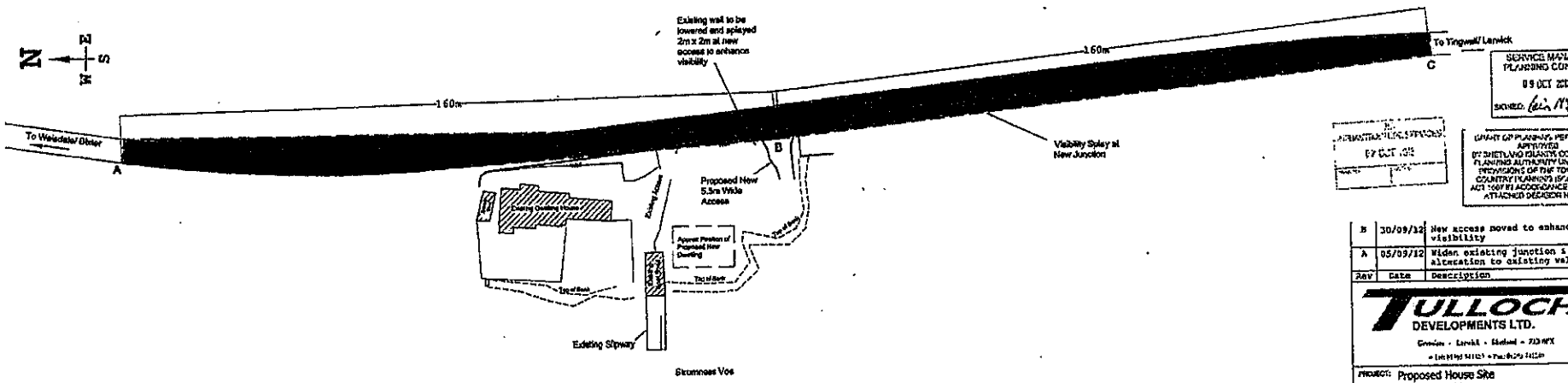
Notes:
All levels are to Ordnance Datum Newlyn




SIGHTLINE AT JUNCTION
SECTION A-B
1:250




SIGHTLINE AT JUNCTION
SECTION B-C
1:250




SITE PLAN
1:500

SERVICE MANAGER
PLANNING CONTROL
09 OCT 2012
SIGNED:

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

| Rev | Date | Description |
|---|---|---|
| B | 30/09/12 | New access moved to enhance visibility |
| A | 05/09/12 | Widen existing junction & make alteration to existing wall |

TULLOCH DEVELOPMENTS LTD.
Gremista · Lerwick · Shetland · ZE1 0PX

PROJECT: Proposed House Site
Olligarth, Whiteness

TITLE: Proposed New Access to
House Site

Drawn: S.S. | Date: 23/08/12 | Checked: A.T. | Approved: A.T.
Scale: As Shown | Drawing Status: Planning
Drawing No: 03 (B)

# Section 5. Notice of Review



Tuesday 5th March 2013

Development Services Department
Shetland Islands Council

FOR OFFICIAL USE ONLY
Ref No:
Date of Receipt:

# NOTICE OF REVIEW

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

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

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

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

**Use BLOCK CAPITALS if completing in manuscript**

| **1. Applicant(s)** | | **2. Agent** *(if any)* | |
|---|---|---|---|
| Name | Alistair Tulloch | Name | |
| Address | Gardie,<br>Weisdale<br>Shetland | Address | |
| Postcode | ZE2 9LW | Postcode | |
| Contact Telephone 1 | [redacted] | Contact Telephone 1 | |
| Contact Telephone 2 | [redacted] | Contact Telephone 2 | |
| Fax No | | Fax No | |
| E-mail* | [redacted] | E-mail* | |

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

Comment [IM1]:

* Do you agree to correspondence regarding your review being sent by e-mail? Yes ☑ No ☐



SIC
INFRASTRUCTURE SERVICES
1 [illegible]
PASS TO JH
158481
ACTION

**3. Application Details**

Planning authority's application reference number: 2012 / 205 / PPF

Site address: Westerhouse, Olligarth, Whiteness. ZE2 9LJ

Description of proposed development: Erect Dwellinghouse and Coastal Protection.

Date of application: 12/06/2012 Date of decision (if any): 09/10/2012

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

---

**4. Nature of application**

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

**5. Reasons for seeking review**

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

**6. Review procedure**

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

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

| | Yes | No |
|---|---|---|
| 1. Can the site be viewed entirely from public land? | ☐ | ☑ |
| 2 Is it possible for the site to be accessed safely, and without barriers to entry? | ☑ | ☐ |

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

It would be courteous to make an appointment as the current residents at Westerhouse may take offence at people walking around the house grounds.



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**7. Statement of Grounds of Review**

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

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

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

See attached letter.

**8. New Matters**

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made? Yes ☑ No ☐

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

We would like you to consider moving the existing access in a southerly direction, by a distance of 7-9m to create a new joint access. This will achieve 140m of visibility and would not significantly reduce the lawn / amenity area to the front of the new house. This was offered as a suggestion to the Roads department but was rejected.

**9. List of documents and evidence**

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

See attached letter, PHOTO & PLAN

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

**10. Checklist**

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

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

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

**Declaration**

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

Signed [redacted] Date 12/12/2012

**Please send this completed form to:**
Shetland Islands Council Planning Local Review Body, c/o Planning, Development Services Department, Grantfield, Lerwick, Shetland ZE1 0NT

Telephone: 01595 744800 e-mail:planningcontrol@shetland.gov.uk Visit: www.shetland.gov.uk



INFRASTRUCTURE SERVICES
DATE



- 76 -

Newhouse,

Westerhouse, Olligarth,

Whiteness, ZE2 9LJ

Planning Ref. 2012/205/PPF

03/12/2012

SIC
INFRASTRUCTURE SERVICES
13 DEC 2012
PASS TO | ACTION

Appeal against imposed conditions.

Dear Sirs,

My partner Linda Bannister and myself, Alistair Tulloch, have decided to lodge an appeal against a condition imposed on our Granted Planning Permission, dated 09/10/2012.

The particular condition to which we are appealing against is condition number 4, which states that the existing access must be closed up permanently and a new access formed to serve both the existing "Westerhouse" and our "new house" (referring to the new house which received planning permission)

A brief history of the application is as follows.

19/04/2012 – A pre-application was submitted and a letter of comments received back from the Planning Service- 03/05/2012.

We were not discouraged by the comments, and in fact the points a, b and c we felt that our development complied with, in that

a/ "our dwelling house would be within a group"

b/ as we planned to use the existing access, we "would not be extending roadside development" and

c/ our site could not be classed as agricultural land.

We also took the advice relating to pre-planning consultation, and met with representatives of the local SEPA office, to discuss the potential flooding issue. We were happy to find that there was no history of flooding and that the flood risk was regarded as minimal.

12/06/2012 - We then went on to submit an application for full planning permission.

We were made aware that we had to carry out an "Otter Survey", a "Flood Risk Assessment", apply for a "Marine Works Licence" and that there were problems with the existing access.

As the weeks ticked by, we were delighted that by late August we had satisfied almost all of the issues with the planning application, including submitting an "otter survey", carrying out the "flood risk assessment" and submitting the details required for the "marine works licence."

By then we knew that we had problems with the existing access, and knew that the results of the SIC Roads Department speed and traffic survey were not encouraging, and in fact lead to the department sending a letter "recommending refusal"

As we knew that this letter would mean an automatic refusal, we requested a meeting with Mr Colin Gear. At this meeting, in the department's office at Gremista, we were delighted to be told that if we could demonstrate "substantial improvement" to the existing access, then the department would have the ability to relax the required visibility to 80% of the legislated 160m.

We employed a civil engineer to produce drawings, including longitudinal sections, which could show that we could get more than adequate visibility in a southerly direction and crucially 133m in a northerly direction. (83%). This could be achieved by a series of measures including the removal of the top part of the roadside dyke, cutting down bushes, widening the existing access and creating additional space for the SIC refuse lorry.

At a second and final meeting in mid September, regarding our outstanding planning issues, we met at the Planning Service's offices at Grantfield. Present at the meeting were myself, my partner Linda Bannister, Mr Richard McNeil, Mr Colin Gear, Mr Duncan and Mr Holmes.

At the meeting we were pleased to be able to report that all outstanding issues had been attended to, and that our revised access drawing Rev. A 05/09/12 was considered to be acceptable.

We knew that an extension to our planning determination had been agreed up to the 12th of Oct. which meant that given we only had a week or more to go, everything had been positively attended to, and we were assured that the application would succeed.

Sadly, the SIC Roads Department had a change of mind. On the 25th Sept Mr Gear advised that on reflection he actually could not justify recommending approval, and had therefore recommended refusal.

Being very close to the end of the period of determination, we felt that we must meet with Mr Gear and try our best to find a solution.

Between myself and Mr Gear, a decision was made to reject the idea of amending the existing access, and construct an entirely new access. This is clearly shown on drawing Rev. B, - 30/09/12- ( stamped Approved )a completely new access serving the new house, and the existing access left alone to serve the existing house.

SIC
INFRASTRUCTURE SERVICES

This in our opinion is not the best solution, an improvement of the existing access would make more sense, but at least we could now go forward fully complying with the requirement to provide 160m visibility in both directions. ( North and South )

Joy was coupled with frustration when we received the "Granted Planning Permission" dated 09/10/12, with the various conditions attached.

Condition 1 – acceptable we agree to work with the approved submitted plans.

Condition 2 – "Notice of Initiation of Development" – agreed.

Condition 3 – to submit a plan of the new access showing detailed levels – agreed.

Condition 4 - To close up the existing access- not agreed, actually shown on the revised access plan, Rev. 3, - 30/09/12 clearly indicating the existing access remains and a new access constructed. This condition is in fact a contradiction of the approved drawings, which condition 1 states that "...other than wholly in accordance with the approved plans....."

This was a last minute inclusion into the process, a "behind the scenes" decision made without any consideration to the work and effort we had put into the application, and certainly contradictory to the meeting held by the planning team.

The remaining conditions are basic customary conditions that we could expect, and therefore we would not object to.

We would like you to consider a few basic facts regarding access to Westerhouse.

In 2008/9 a project was investigated to impose a speed reduction on the stretch of road from Wormidale, Whiteness, through to Kalibrig in Weisdale. For a stretch of road which is very much built up with local housing, two shops, a Jewellery factory, the school and hall, sports field, social club, youth club and several equestrian establishments, it is scandalous that there is no pavement or track of any description of any kind. Children are picked up and dropped off with absolutely nowhere to walk other than on the edge of a road, which is not even the recognised minimum width for an "A" class road.

Westerhouse was built in 1964-66 and there is no record of any accident at or in the vicinity of the access or due to the access.

The existing access can be improved to give the required (reduced) visibility suggested by Mr Colin Gear.

At our suggestion, an even better 140m visibility (87.5%) to the north can be gained by moving the existing access 7m in a southerly direction, which would then serve both houses (new and old) perfectly. This offer was rejected also!

SIC
INFRASTRUCTURE DEPARTMENT

When the A971 was improved in the late 60s, the boundary dyke was set back into the Westerhouse site to allow the road to be widened. This work was carried out by the SIC roads department, the very department who now claim that the access which they built is unsatisfactory-how can this be??

The entire stretch of road from Wormidale through to the Voe-head of Wiesdale has many blind summits and blind corners, with for instance the South Whiteness junction having less than 60 – 70 m visibility, much less than Westerhouse.

The roads department has completely failed to maintain this section of road, allowing a build up of vegetation and soil at both sides of the road, which in the summer months does impede visibility.

If we are to follow the demands of the offending condition No. 4 and re-route all traffic past the new house, it can be clearly seen that the excellent green lawn will be lost, and there will be complete loss of amenity and privacy for anyone living in the new house.

The condition No. 4 asks that the existing access be closed up before any new work commences. This would be against all Health and Safety regulations and definitely it would be bad advice to direct vehicles through or close to a building site.

To conclude,

In a perfect world, it would be nice to comply with every regulation dreamed up. We however all live together in the Shetland Islands, and we deal with slight discrepancies on a daily basis. We all know and use accesses that do not comply 100% with the recommended design criteria, two examples highlighted.

The south Whiteness junction- well below the required visibility in a southerly direction, serving over 50 households, but people cope well- no real problems.

The corner at the south esplanade in Lerwick- totally blind, yet again no problem.

Many access gradients would be more than the 5% as stated in condition 6.

There are accesses which have recently received planning permission in Shetland, which also do not have 160m of visibility, some not so far from Westerhouse!

We are not substantially increasing the usage of the existing access, and would argue that there will be no decrease in road safety by continued use of the access, and following the improvement which we have offered to carry out, the access is quite obviously much better.

Alistair Tulloch

Linda Bannister

SIC
INFRASTRUCTURE SERVICES

PROPOSED IMPROVED ACCESS

Proposed New Access

To Tingwall/ Lerwick

A971

To Weisdale/ Bixter

Wall

Level on Stromness Bridge

Existing Brig

Existing Shed

Existing Dwelling House

Existing Access

Approx Position of Proposed New Dwelling

Approx area to be reclaimed

Top of Bank

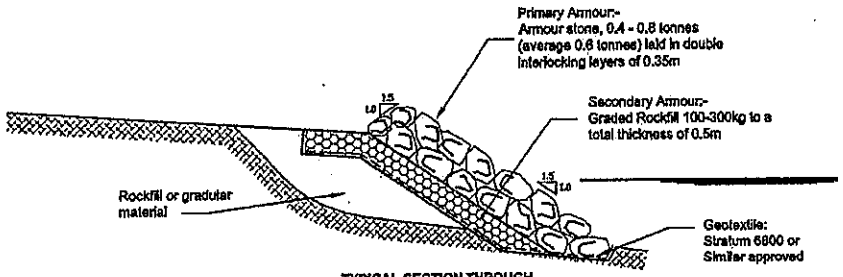
Existing Boat Shed

Proposed rock armour

Existing Slipway

Notes

All levels are to Ordnance Datum Newlyn




TYPICAL SECTION THROUGH ROCK ARMOUR

| Rev | Date | Description |
|---|---|---|
| B | 30/09/12 | Proposed new access added |
| A | 05/09/12 | Levels updated to O.D.N |

TULLOCH DEVELOPMENTS LTD.

Germista - Lerwick - Shetland - ZE1 0PX

Tel: 01595 741127 - Fax 01595 741249

PROJECT: Proposed House Site Olligarth, Whiteness

TITLE: Land Reclaimation Extents

| Drawn: S.J | Date: 12.06.12 | Checked: A.T. | Approved: A.T. |
|---|---|---|---|
| Scale: As Shown | | Drawing Status: Planning | |

Drawing No: 02 (B)

SIC INFRASTRUCTURE SERVICES



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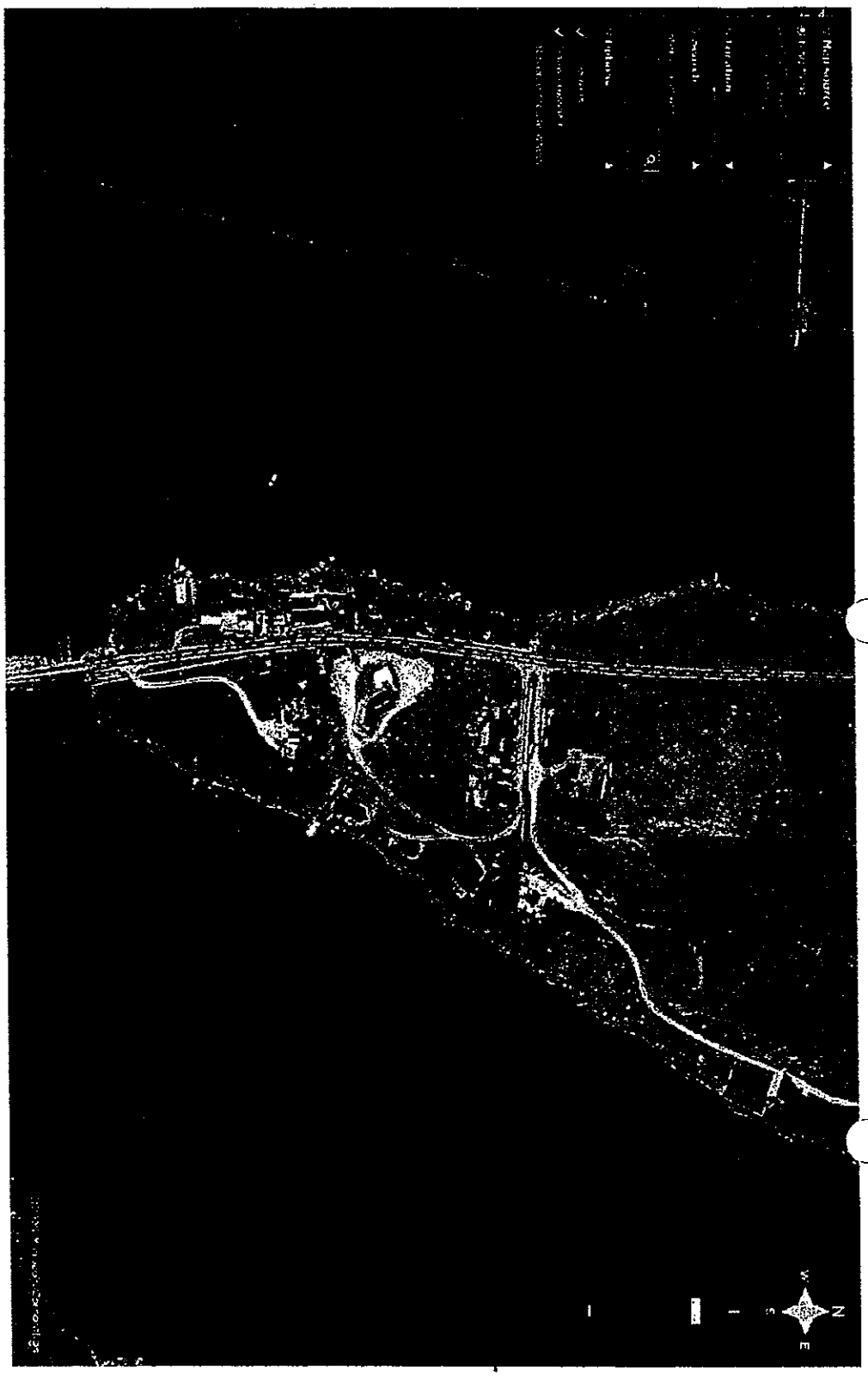

SIC
INFRASTRUCTURE SERVICES

# Section 6. Representations



Tuesday 5th March 2013

**MEMO**

SIC
INFRASTRUCTURE SERVICES
28 JAN 2013
PASS TO | ACTION

To: Development Control

From: Roads

If calling please ask for
Colin Gair
Direct Dial: 4867

Medium: email
Our Ref: CJG/SMG/R/G2/TW
Your Ref: 2012/205/PPF

Date: 28 January 2013

**Local Review Ref: 2012/205/PPF – LR13: Erect dwellinghouse and coastal protection: Westerhouse, Whiteness, Shetland, ZE2 9LJ**

Further to your notice of review for the above application I have considered Mr Tulloch's submission letter of 3 December and would like to provide some clarification on the issues raised.

A number of the points made by Mr Tulloch in support of his position are not directly planning issues relating to this application and therefore I do not intend on addressing them in any detail. However, I would comment that it appears that the applicant has misunderstood a number of the points discussed with Roads Service staff.

Road safety is paramount in any consideration of a planning application by the Roads Service. To this end we measure the application proposals against both local and national standards, as well as accepted best practise.

Acceptance of any relaxation below these standards must be fully justified, taking into account all relevant information. In this case that depended upon a detailed analysis of the recorded vehicle speeds in the immediate area of the proposed development.

Following our initial recommendation to refuse the application automated speed and flow surveys were carried out to either side of the proposed development site. This identified that the 85% speed of traffic approaching from the north, the direction of concern, was 52mph. The average speed of this traffic was some 42mph. The average weekday two-way daily flow past the site was some 2244 vehicles, with an average peak hour (8am - 9am) southbound flow of 134 vehicles.

Guidance on minimum required emerging visibility distances (Y in the table below) is given in a number of technical documents. These minimum distances are based on the 85% speed of free-flow approaching traffic and can be summarised as per the table below:

**Table A**

| Speed (mph) | 62 | 53 | 44 | 37.5 | 30 | 30* | 25 | 20 |
|---|---|---|---|---|---|---|---|---|
| Y (m) | 215 | 160 | 120 | 90 | 70 | 60 | 45 | 33 |

* *where the road is local access only, not a higher priority route*
*The speed band used is equal to or greater than the 85% speed of free flowing traffic*

From the table above, and the speed count data summarised previously, the required minimum visibility distance for a safe access in this area is 160 metres. You may also note that the measured 85% speed (52mph) is very near the upper limit of that speed band (45 to 53mph). The distance of 140 metres mentioned by the applicant would give emerging visibility

roughly adequate for an approaching 85% speed of 46mph – a speed that is exceeded by over 60% of vehicles approaching from the north. For this reason I consider that there is no justification that would allow us to consider a relaxation to this minimum distance.

In respect of the condition to stop-up or close the existing access on provision of the new one I would point out that it is Council policy (LP HOU4) to minimise the number of individual accesses onto the public road network. This policy is framed in order to minimise potential conflicts and confusion between vehicles travelling along the main road and those using closely spaced accesses. The recommended minimum spacing of accesses on main roads such as this section of the A971 is based on the speed of approaching vehicles. In this location we would be looking for at least 120 metres separation between accesses on the same side of the road.

Unfortunately, the issue of existing sub-standard accesses cannot be addressed in isolation, but through application of this policy the Council can ensure that no more are created and that where possible they are removed.

Nationally, it is commonly accepted that the majority of accidents occur at junctions and accesses. The Councils policy on minimising the number of these locations is part of a number of policies and measures employed to reduce both the actual number of, and the potential for, road traffic collisions in Shetland. In order to protect the improving safety record of the road network in Shetland we need to ensure that where new accesses onto the public road are to be taken that they are constructed and located as safely as possible.

I fully accept that this approach may occasionally compromise other aspects of a development, but in terms of our road safety remit that has to be of a secondary concern.

Executive Manager, Roads
[HM01231301.doc]

**Summers Claire@Infrastructure Svs**

**From:** Tingwall, Whiteness & Weisdale Community Council [redacted]
**Sent:** 24 January 2013 23:14
**To:** Planning Control@Infrastructure Svs
**Subject:** 2012/205/PPF - LR13 FAO Mr J Holden

2012/205/PPF
FAO Mr J Holden

The Community Council considers that the applicant's proposal to improve the access for both the existing and proposed dwellings by moving it 7 metres to the south is the best option.

An entirely new access close to the bridge, while giving better visibility, does not provide an acceptable route to the main road for either property. Traffic relating to the existing dwelling would have to travel too close to the new dwelling and would not be reasonable for the residents of either property.

Margaret Smith
Clerk

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SIC
INFRASTRUCTURE SERVICES
25 JAN 2013
PASS TO | ACTION

# Section 7. Hearing Statement



Tuesday 5th March 2013

Mr John Holden

Development Services Department

Grantfield

Lerwick

Shetland

ZE1 0NT

22/02/2013

Ref. 2012/205/PPF-LR13

Dear Sir,

I thank you for your letter dated 11th Feb. 2013, although I am unsure to whom you wished the recipients to be, as it appears to be to a Mr and Mrs Reid?

I would like however to confirm that myself and my partner Linda Bannister will attend the meeting of the Local Review Body on the 5th of March 2013.

I would also like to advise that I hope to have my local SIC Councillor, Mr Theo Smith present, as he has expressed a wish to attend to lend support to my case.

As the meeting is a "public hearing", can anyone not attend?

You mention that I shall receive a formal invitation to attend the meeting, can you also advise me on the venue, time and date and any limit on numbers attending.

Finally, my "Hearing Statement" is quite simple.

1/ We are happy to have received planning permission for our development.

2/ We are not happy about condition number 4 attached to the planning permission which obliges us to close up the existing access and create a new access to serve both the existing Westerhouse and also our proposed new house.

The reasons are- the existing access has no history of any accidents; we can modify the existing access to almost comply with the requirements of the Roads Department; we cannot have the residents of Westerhouse routed through the amenity area of our new house; we can accept a new access for the new house, and the existing access left as it is( as shown on our site plan which is stamped as approved !! )

3/ I am not sure that the vehicle speed data is correct, or the interpretation, but I am currently trying to determine how the exercise was carried out.



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4 / I shall refer where required, to all previous correspondence during my address to the meeting.

5/ I shall use diagrams and photos to illustrate the access preferred by ourselves.

Regards,

Alistair Tulloch

Gardie

Weisdale

Shetland. ZE2 9LW



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# Shetland
## Islands Council

# REPORT

**To:** **Planning Committee** **5 March 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 |
|---|---|---|---|---|
| 2013/008/PPF | To erect Triax 700 Cabinet or equivalent in roadside verge, A970/A971 Junction, Gott, Tingwall | Shetland Telecom | Approve, with conditions | Planning authority is landowner |
| 2013/009/PPF | To erect Triax 700 Cabinet or equivalent in roadside verge, Close to Mossbank School, Mossbank | Shetland Telecom | Approve, with conditions | Planning authority is landowner |
| 2013/010/PPF | To erect Triax 700 Cabinet or equivalent in roadside verge, Vidlin Shop, Vidlin | Shetland Telecom | Approve, with conditions | Planning authority is landowner |
| 2013/011/PPF | To erect Triax 700 Cabinet or equivalent in roadside verge, South Nesting/Gletness junction | Shetland Telecom | Approve, with conditions | Planning authority is landowner |
| 2013/012/PPF | Installation of 220kw biomass boiler system with associated fuel store and flue system, Port Administration Building, Sellaness, Sullom, Shetland, ZE2 9QR | Shetland Islands Council | Approve, with conditions | Planning authority is applicant |

1.6 In respect of each application a decision that accepts the officer's recommendation will, in the opinion of the Executive Manager - Planning, comply with Council planning policy. If Members are minded to determine an application contrary to the officer's recommendation, as a departure from the Shetland Islands Council Development Plan Policy, it is imperative that clear reasons for proposing to do so, contrary to the development plan policy and the officer's recommendation, be given and minuted 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: 5/3/2013

Appendix

**2013/008/PPF, 2013/009/PPF, 2013/010/PPF, 2013/011/PPF - To erect Triax 700 Cabinet or equivalent in roadside verge 1. A970/A971 Junction, Gott, Tingwall (2013/008/PPF) 2. Close to Mossbank School, Mossbank (2013/009/PPF) 3. Vidlin Shop, Vidlin (2013/010/PPF) 4.South Nesting/Gletness junction (2013/011/PPF).**

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.) This permission shall relate only to construction of a street cabinet of a size no greater than 1300 mm high, 700 mm wide and 500 mm deep, unless otherwise approved in writing by the Planning Authority.

Reason: For the avoidance of doubt and to ensure that general environmental impact is minimised in compliance with Shetland Structure Plan (2000) policy GDS4 and Shetland Local Plan (2004) policy LPNE10.

(App Ref:2013/008/PPF)
(4.) Notwithstanding the submitted plans, the proposed cabinet shall be kept 9 metres back from the carriageway edge of the A970 and 4 metres back from the carriageway edge of the A971.

Reason: To ensure that visibility along the public road is not adversely affected in the interests of public and road safety in compliance with Shetland Structure Plan (2000) Policy GDS4 and Shetland Local Plan (2004) Policy LPNE10.

(App Ref:2013/009/PPF)
(4.) Notwithstanding the submitted plans, the proposed cabinet shall be kept 4 metres back from the carriageway edge of the public road.

Reason: To ensure that visibility along the public road is not adversely affected in the interests of public and road safety in compliance with Shetland Structure Plan (2000) Policy GDS4 and Shetland Local Plan (2004) Policy LPNE10.

(App Ref:2013/010/PPF)
(4.) Notwithstanding the submitted plans, the proposed cabinet shall be kept 5 metres back from the carriageway edge of the adjacent public road and 3 metres back from the edge of the access into the adjacent shop.

Reason: To ensure that visibility along the public road is not adversely affected in the interests of public and road safety in compliance with Shetland Structure Plan (2000) Policy GDS4 and Shetland Local Plan (2004) Policy LPNE10.

(App Ref:2013/011/PPF)
(4.) Notwithstanding the submitted plans, the proposed cabinet shall be kept 6 metres back from the carriageway edge of the Skellister loop road and 4 metres back from the carriageway edge of the Gletness road.

Reason: To ensure that visibility along the public road is not adversely affected 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.) Any land disturbed by the construction of the development shall be graded and reinstated with topsoil and seeded or turfed with grass or otherwise landscaped. All planting, seeding or turfing shall be carried out by the end of the first planting and seeding seasons following the completion of the development, which run from 1st May to 15th August for the sowing of grass seeds mixtures, and between 1st March and 15th May or before new leaf growth takes place, (whichever is the soonest) for the planting of bare root stock trees, shrubs and hedges, and between 1st March and 15th August for potted and cell grown stock trees, shrubs and hedges) . If the site is to be reinstated other than by seeding or turfing with grass a scheme for the landscaping of the site shall first be submitted to and approved in writing by the Planning Authority before the commencement of any landscaping works.

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

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

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

**Notes to Applicant:**

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

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.

**2013/012/PPF - Installation of 220kw biomass boiler system with associated fuel store and flue system, Port Administration Building, Sellaness, Sullom, Shetland, ZE2 9QR**

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 existing oil boiler system shall not be used following the installation of the approved biomass boiler system and shall be removed from site within 3 months of the commencement of operation of the approved biomass boiler system.

To protect the amenity of the occupiers of the neighbouring properties by reducing the reducing the impact from pollutants, and to comply with Local Plan policy LPNE10.

**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.

**Development:** To erect Triax 700 Cabinet or equivalent in roadside verge

**Location:** A970/A971 Junction, Gott, Tingwall (App Ref:2013/008/PPF)
Close to Mossbank School, Mossbank (App Ref:2013/009/PPF)
Vidlin Shop, Vidlin (App Ref:2013/010/PPF)
South Nesting/Gletness junction (App Ref:2013/011/PPF)

**By:** Shetland Telecom

## 1. Introduction

This report covers the four applications listed above to erect a series of 4 small street cabinets as part of the expansion of the Shetland Telecom network to provide faster community broadband links eventually to the public and to private businesses. The street cabinets are to be located at 4 road junctions at Tingwall, Mossbank, Vidlin, and South Nesting.

## 2. Statutory Development Plan Policies

**Shetland Islands Council Structure Plan (2000) Policies**
GDS1 - General Development Policy Sustainable Development
GDS2 - General Development Policy Economic Competitiveness
GDS4 - General Development Policy Natural and Built Environment
SPIND1 - Development of the Economy
SPIND3 - Telecommunications Development

**Shetland Islands Council Local Plan (2004) (As Amended) Policies**
LPNE10 - Development and the Environment

**Shetland Islands Council Interim Planning Policy Guidance**
LDP1 - All development General
SPG26 - General Requirements for All New Development

## 3. Safeguarding

None of relevance to the assessment of these applications.

## 4. Consultations

Roads Traffic were consulted on the 21 January 2013. Their comments dated 4 February 2013 can be summarised as follows:

No objections to any of the applications provided that the cabinets are sited to minimise impact on the visibility along the public roads in the locality.

## 5. Statutory Advertisements

The applications were advertised in the Shetland Times on 25.01.2013

Site notices were 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 each application has to be assessed and these are listed at paragraph 2 above. The determining issues to be considered are whether each of the proposals complies with Development Plan Policy, or there are any other material considerations which would warrant the setting aside of Development Plan Policy.

The proposed street cabinets form part of a bigger project by Shetland Telecom. The project is part of an expansion of the Shetland Telecom Network that provides a fixed link broadband service to council properties throughout Shetland, into the areas of Mossbank, Vidlin, South Nesting and Tingwall. The proposed cabinets will assist Shetland Telecom in taking their infrastructure to these areas to provide faster community broadband links eventually to the public and to private businesses.

The street cabinets are located at road junctions where there is existing infrastructure, and given the locations proposed and the relatively small scale of the cabinets (1300 mm high, 700 mm wide and 500 mm deep) these developments will have no detrimental impact on the natural or built environment and no detrimental impact on existing services. The proposed developments therefore comply with the development plan policies outlined at section 2 above.

8. **Policy and Delegated Authority**

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

**Notification to Scottish Ministers**

None.

9. **Recommendation**

Grant subject to conditions

**Reasons for Council's decision:**

( 1.) By virtue of the location of the proposed cabinet within the roadside verge close to existing infrastructure, and the relatively small scale of the street cabinet, the development will have no detrimental impact on the natural or built environment. The proposal therefore accords with the aims of Shetland Structure Plan (2000) policies GDS1, GDS2, GDS4, SPIND1, and SPIND3 and Shetland Local Plan (2004) LPNE10.

10. **List of approved plans:**

Gott, Tingwall: Drg No R/N/B08-13 (App Ref:2013/008/PPF)
Close to Mossbank school: Drg No R/DB09-05(App Ref:2013/009/PPF)
Vidlin Shop, Vidlin: Drg No R/N/B08-12 (App Ref:2013/010/PPF)
South Nesting/Gletness junction: R/N/B08-14 (App Ref:2013/011/PPF)

**Conditions:**

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

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

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

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

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

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

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

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

( 3.) This permission shall relate only to construction of a street cabinet of a size no greater than 1300 mm high, 700 mm wide and 500 mm deep, unless otherwise approved in writing by the Planning Authority.

Reason: For the avoidance of doubt and to ensure that general environmental impact is minimised in compliance with Shetland Structure Plan (2000) policy GDS4 and Shetland Local Plan (2004) policy LPNE10.

(App Ref:2013/008/PPF)
(4.) Notwithstanding the submitted plans, the proposed cabinet shall be kept 9 metres back from the carriageway edge of the A970 and 4 metres back from the carriageway edge of the A971.

Reason: To ensure that visibility along the public road is not adversely affected in the interests of public and road safety in compliance with Shetland Structure Plan (2000) Policy GDS4 and Shetland Local Plan (2004) Policy LPNE10.

(App Ref:2013/009/PPF)
(4.) Notwithstanding the submitted plans, the proposed cabinet shall be kept 4 metres back from the carriageway edge of the public road.

Reason: To ensure that visibility along the public road is not adversely affected in the interests of public and road safety in compliance with Shetland Structure Plan (2000) Policy GDS4 and Shetland Local Plan (2004) Policy LPNE10.

(App Ref:2013/010/PPF)
(4.) Notwithstanding the submitted plans, the proposed cabinet shall be kept 5 metres back from the carriageway edge of the adjacent public road and 3 metres back from the edge of the access into the adjacent shop.

Reason: To ensure that visibility along the public road is not adversely affected in the interests of public and road safety in compliance with Shetland Structure Plan (2000) Policy GDS4 and Shetland Local Plan (2004) Policy LPNE10.

(App Ref:2013/011/PPF)
(4.) Notwithstanding the submitted plans, the proposed cabinet shall be kept 6 metres back from the carriageway edge of the Skellister loop road and 4 metres back from the carriageway edge of the Gletness road.

Reason: To ensure that visibility along the public road is not adversely affected 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.) Any land disturbed by the construction of the development shall be graded and reinstated with topsoil and seeded or turfed with grass or otherwise landscaped. All planting, seeding or turfing shall be carried out by the end of the first planting and seeding seasons following the completion of the development, which run from 1st May to 15th August for the sowing of grass seeds mixtures, and between 1st March and 15th May or before new leaf growth takes place, (whichever is the soonest) for the planting of bare root stock trees, shrubs and hedges, and between 1st March and 15th August for potted and cell grown stock trees, shrubs and hedges) . If the site is to be reinstated other than by seeding or turfing with grass a scheme for the landscaping of the site shall first be submitted to and approved in writing by the Planning Authority before the commencement of any landscaping works.

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

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

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

**Notes to Applicant:**

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

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.

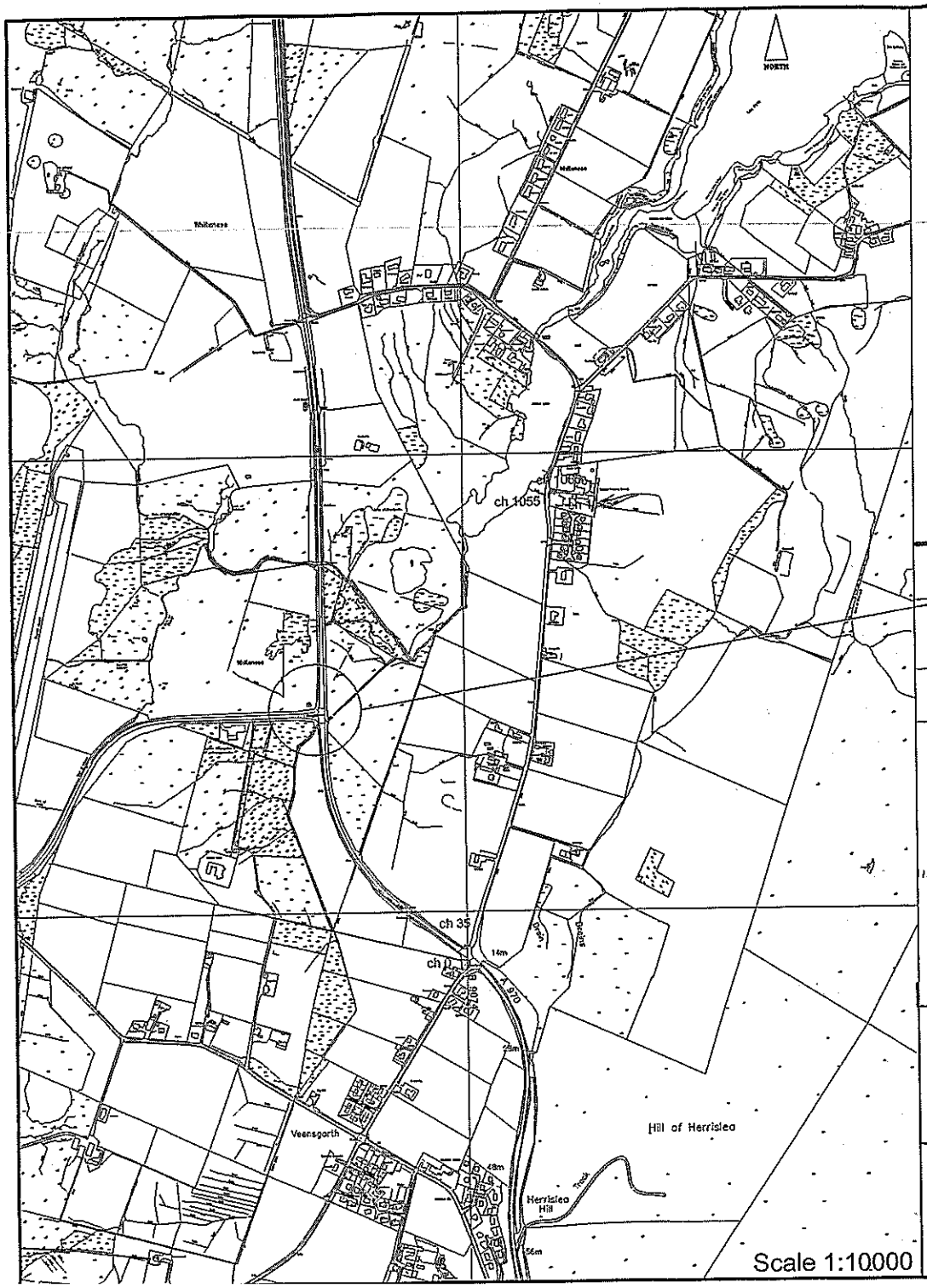
12. **Background Information Considered**

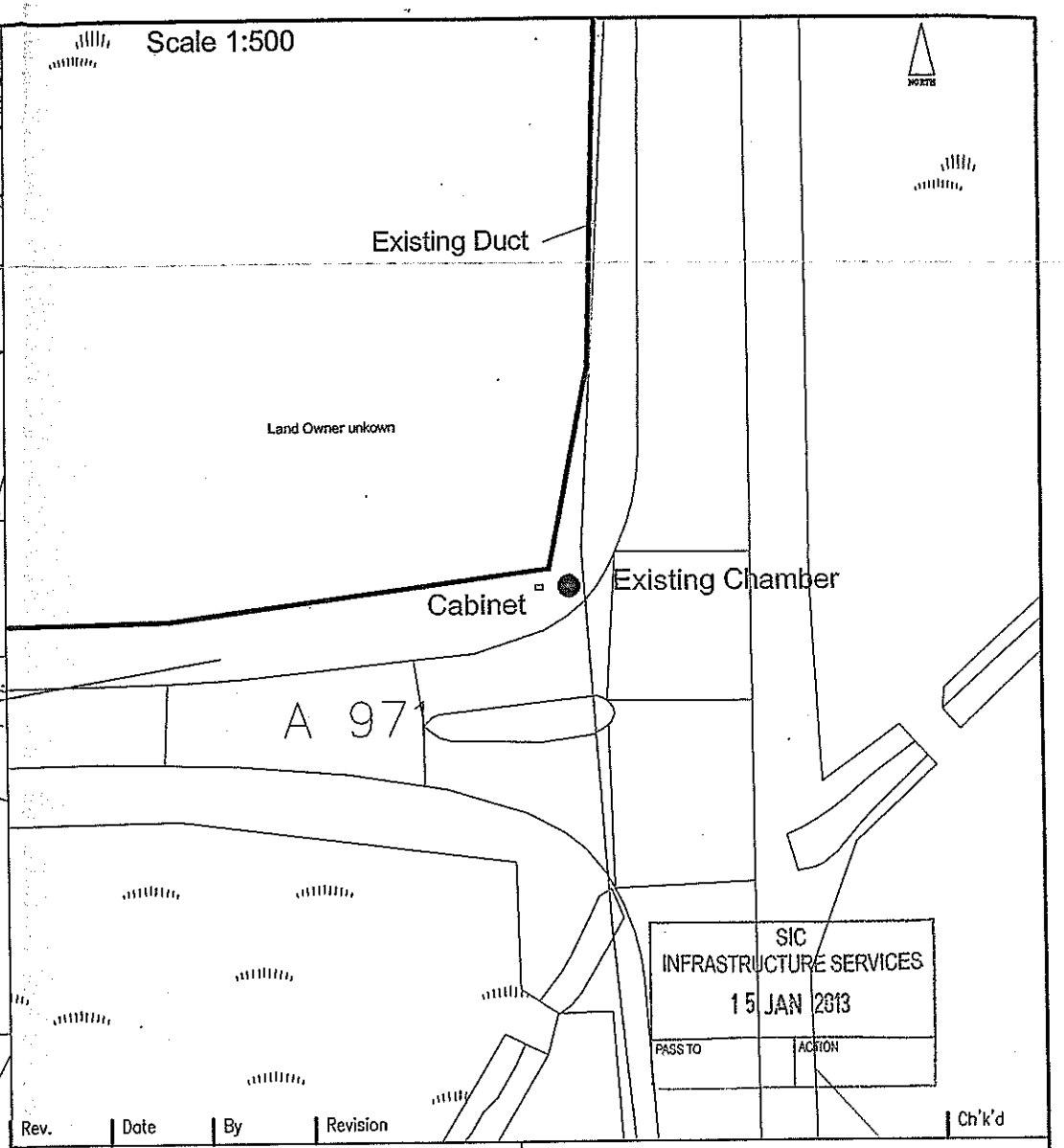
None.

13. **Attachments**

Location maps/site plans.

Planning Committee Report.doc
Officer: Janet Barclay Smith
Date: 5th March 2013




SIC
INFRASTRUCTURE SERVICES
15 JAN 2013
PASS TO | ACTION

| Rev. | Date | By | Revision | Ch'k'd |
|---|---|---|---|---|

Scheme

SHETLAND TELECOM - PHASE 6

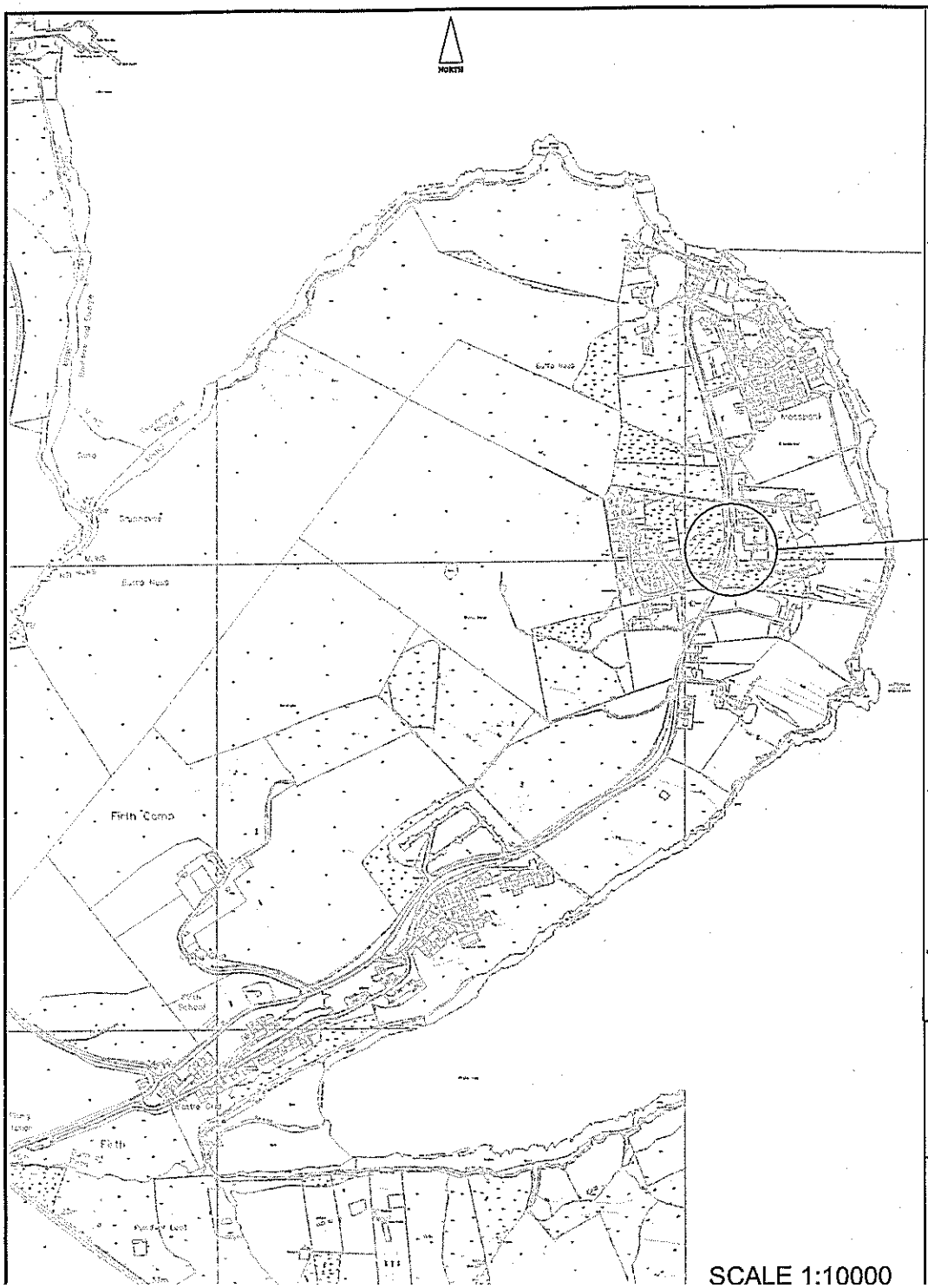
Title

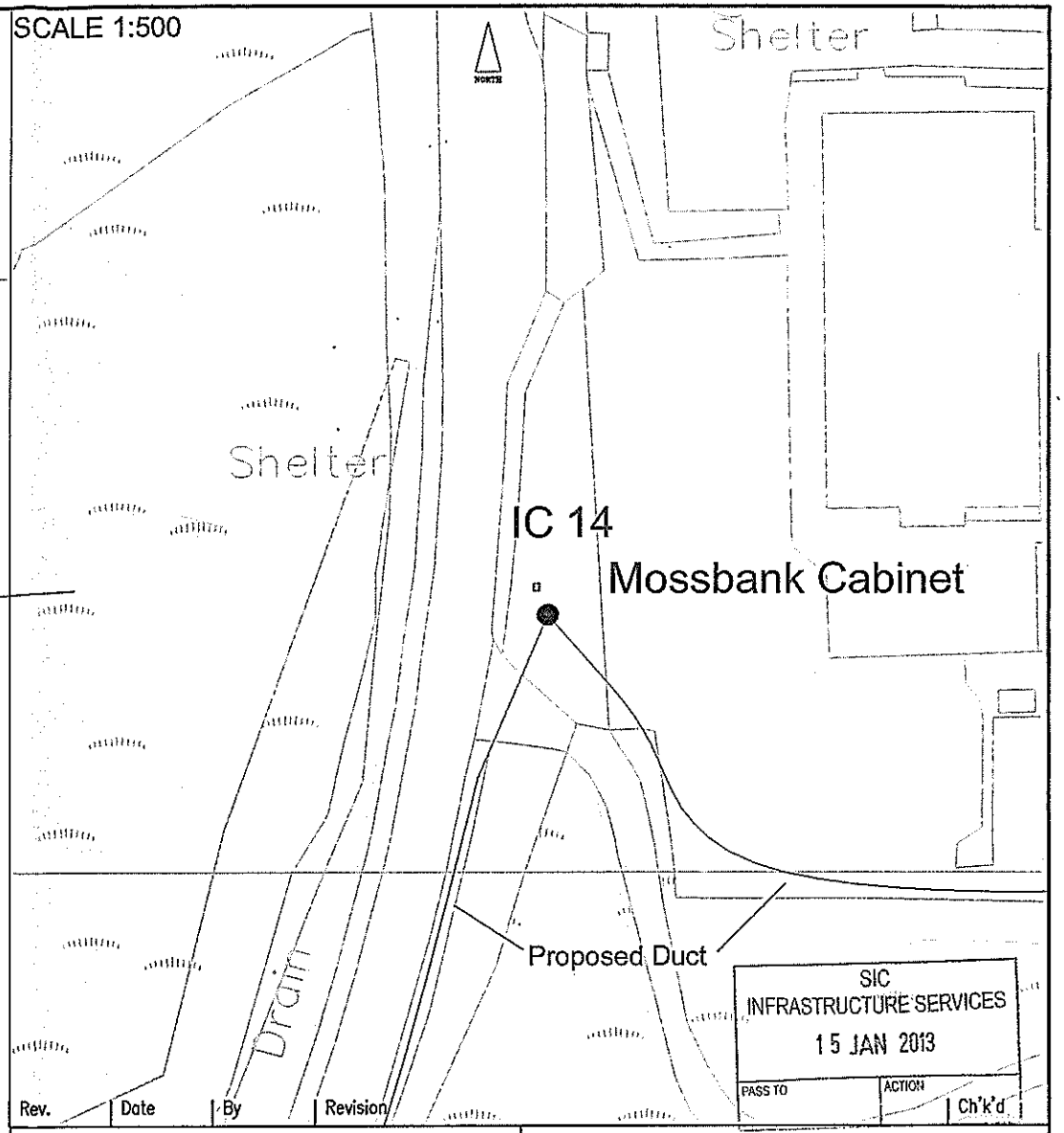
PLANNING APPLICATION - TINGWALL

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

| Date | Drawn | Ch'k'd | Scale |
|---|---|---|---|
| DEC 2012 | RG | MIP | AS SHOWN |

| File No. | Drg.No. | Rev. |
|---|---|---|
| | R/N/B08-13 | |




SIC
INFRASTRUCTURE SERVICES
15 JAN 2013

| PASS TO | ACTION |
|---|---|
| | Ch'k'd |

| Rev. | Date | By | Revision |
|---|---|---|---|

Scheme

SHETLAND TELECOM - PHASE 6

Title

PLANNING APPLICATION - MOSSBANK


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


| Date | Drawn | Ch'k'd | Scale |
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| DEC 2012 | RG | MJP | AS SHOWN |

| File No. | Drg.No. | Rev. |
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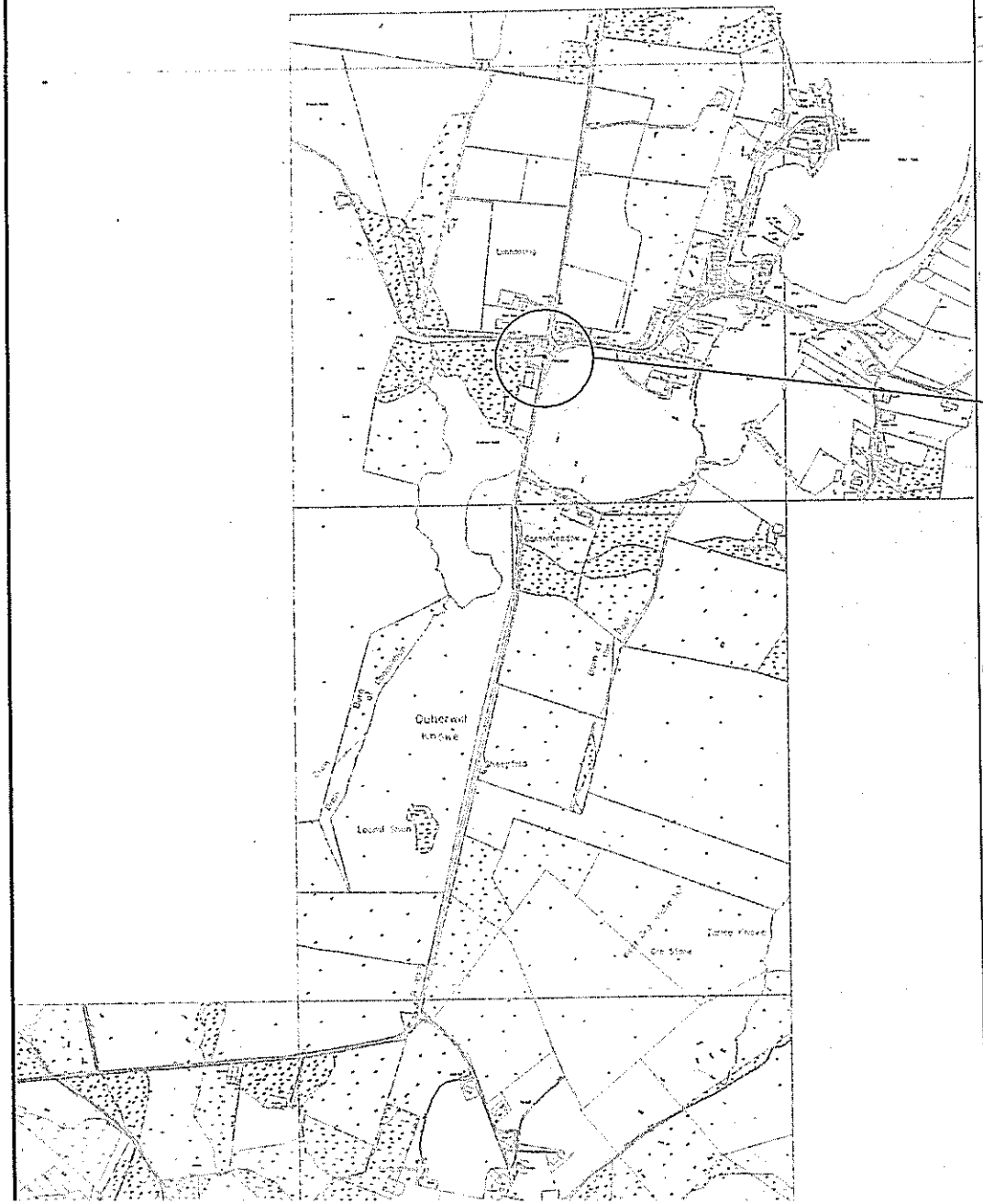

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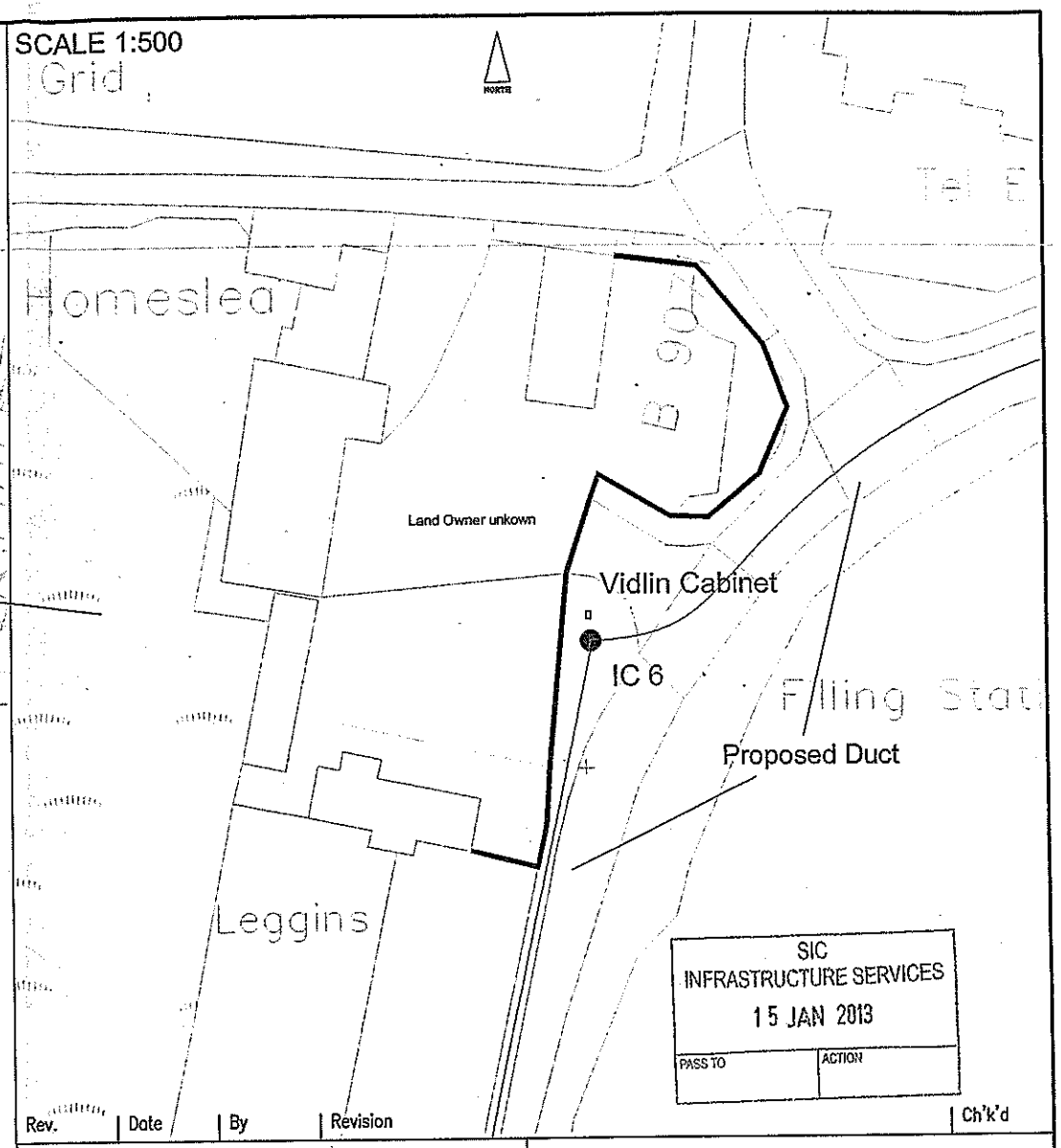


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INFRASTRUCTURE SERVICES
15 JAN 2013

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| Rev. | Date | By | Revision | Ch'k'd |
|---|---|---|---|---|
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Scheme

SHETLAND TELECOM - PHASE 6

Title

PLANNING APPLICATION - VIDLIN


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


| Date | Drawn | Ch'k'd | Scale |
|---|---|---|---|
| DEC 2012 | RG | MIP | AS SHOWN |

| File No. | Drg.No. | Rev. |
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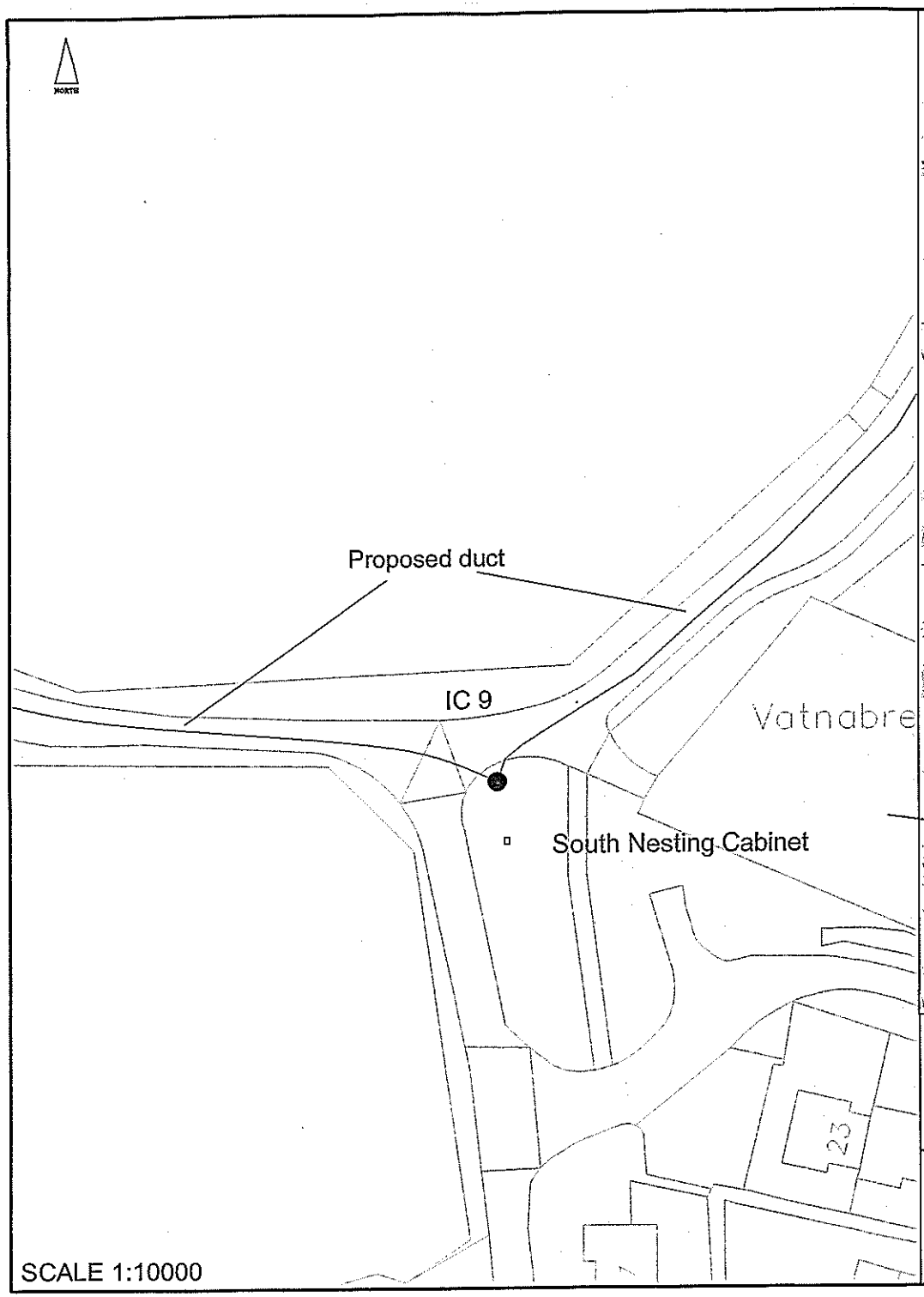


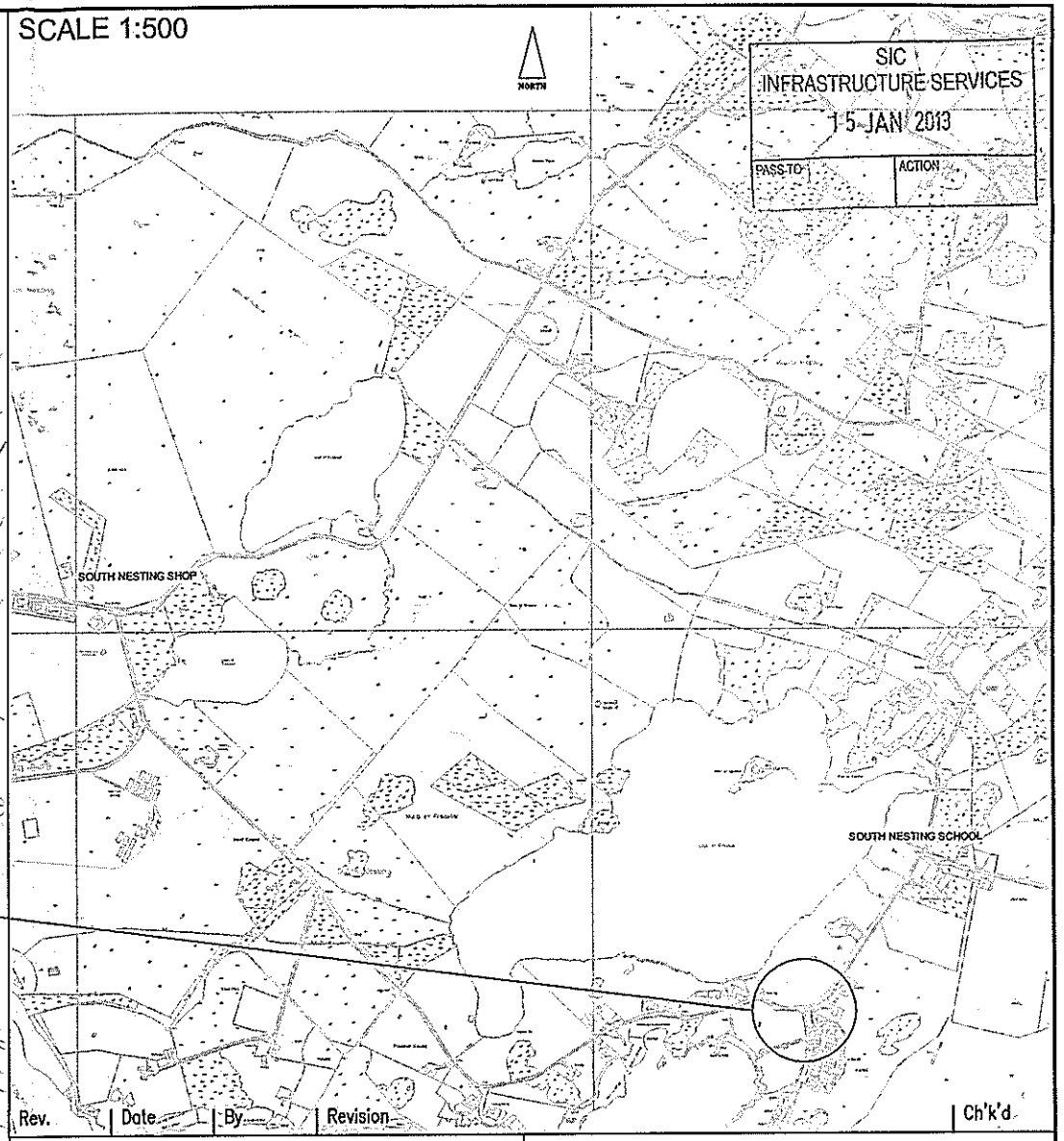


Scheme

SHETLAND TELECOM - PHASE 6

Title

PLANNING APPLICATION - SOUTH NESTING

**Shetland Islands Council**

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

| Date | Drawn | Ch'k'd | Scale |
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| DEC 2012 | RG | MIP | AS SHOWN |

| File No. | Drg.No. | Rev. |
|---|---|---|
| | R/N/B08-14 | |

**Development:** Installation of 220kw biomass boiler system with associated fuel store and flue system

**Location:** Port Administration Building
Sellaness
Sullom
Shetland
ZE2 9QR

**By:** Shetland Islands Council

**Application Ref:** 2013/012/PPF

## 1. Introduction

This is an application to install a 220kw biomass boiler system and associated fuel store and flue system within the existing boiler house at the Port Administration Building, Sella Ness.

The installation will involve the removal of the existing oil boiler and the existing fuel system and flues.

Three new flues will be visible externally on the southeast elevation of the boiler-house building. Access steps and a lockable gate will be located at the south west elevation to allow for the delivery of wood pellets to the new fuel stores which will be located within existing walled area where the oil tanks are currently located.

An amendment to the site layout was submitted during the course of the assessment of the proposal and was considered acceptable under section 32 A of the Town and Country Planning (Scotland) Act 1997 as amended.

## 2. Statutory Development Plan Policies

**Shetland Islands Council Structure Plan (2000) Policies**
GDS1 - General Development Policy Sustainable Development
GDS4 - General Development Policy Natural and Built Environment
SPENG3 - Renewable Energy Sources

**Shetland Islands Council Local Plan (2004) (As Amended) Policies**
LPNE10 - Development and the Environment
LPENG6 - Energy Proposals

**Shetland Islands Council Interim Planning Policy Guidance**

SPG1 - All development Layout and Design
SPENG3 - Renewable Energy Sources

## 3. Safeguarding

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

30km Radius Scatsta - 30km Sumburgh Scatsta: 2

Health and Safety Executive - Code: HSE080
Site Name: Sullom Voe
Type: Hazardous Substances Consent
HSE Ref: H0620

Land Capability Agriculture - code: 6.3

Scatsta Safeguard - Height: 15m

## 4. Consultations

Environmental Health were consulted on the 21 January 2013.Their comments dated 28 January 2013 can be summarised as follows:

The proposed biomass boiler will emit less pollutants than the existing oil fired burner. A condition should be imposed that the existing burner is removed. Otherwise no objections.

Roads Traffic were consulted on the 21 January 2013.Their comments dated 4 February 2013 can be summarised as follows:

The area identified for turning the delivery vehicle is sufficient to turn an articulated vehicle. There is also a large enough turning head to the north of the boiler house to turn the delivery vehicle if the car parking area cannot be cleared.

## 5. Statutory Advertisements

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

A site notice was not required to be posted.

## 6. Representations

Representations were received from the following properties:

None

## 7. Report

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

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

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

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

This proposal is a sustainable upgrading of the dated oil fired heating system that is nearing the end of its life. The current system is considered to be inefficient in terms of energy use and combustion products.

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

This type of heat source complies with the Council's policy on promotion and support of sustainable development; the fuel for this type of heating system is to be sourced through sustainable forest management and re-planting programmes. Fuel used in the heating process will be sourced from UK managed forests supplied in pellet form from certified producers on the mainland. This type of heating should lessen the reliance on fuel sources such as diesel currently used to heat the Port Authority Building.

The proposed development is therefore considered to comply with Shetland Structure Plan (2000) policies GDS1 Sustainable Development and SP ENG3 Renewable Energy Sources.

8. **Policy and Delegated Authority**

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

**Notification to Scottish Ministers**

None required

9. **Recommendation**

Grant subject to conditions

**Reasons for Council's decision:**

( 1.) This type of heat source complies with the Council's policy on promotion and support of sustainable development; the fuel for this type of heating system is to be sourced through sustainable forest management and re-planting programmes. Fuel used in the heating process will be sourced from UK managed forests supplied in pellet form from certified producers on the mainland. This type of heating should lessen the reliance on fuel sources such as diesel currently used to heat the Port Authority Building.

The proposed development is therefore considered to comply with Shetland Structure Plan (2000) policies GDS1 Sustainable Development and SP ENG3 Renewable Energy Sources.

10. **List of approved plans:**

- Site & Location Plan 6-2479-01 A 15.02.2013
- Plan and Elevations 6-2479-02 17.01.2013
- Boiler House Plan 6-2479-03 17.01.2013

**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 existing oil boiler system shall not be used following the installation of the approved biomass boiler system and shall be removed from site within 3 months of the commencement of operation of the approved biomass boiler system.

To protect the amenity of the occupiers of the neighbouring properties by reducing the reducing the impact from pollutants, and to comply with Local Plan policy LPNE10.

**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.

11. **Further Notifications Required**

None

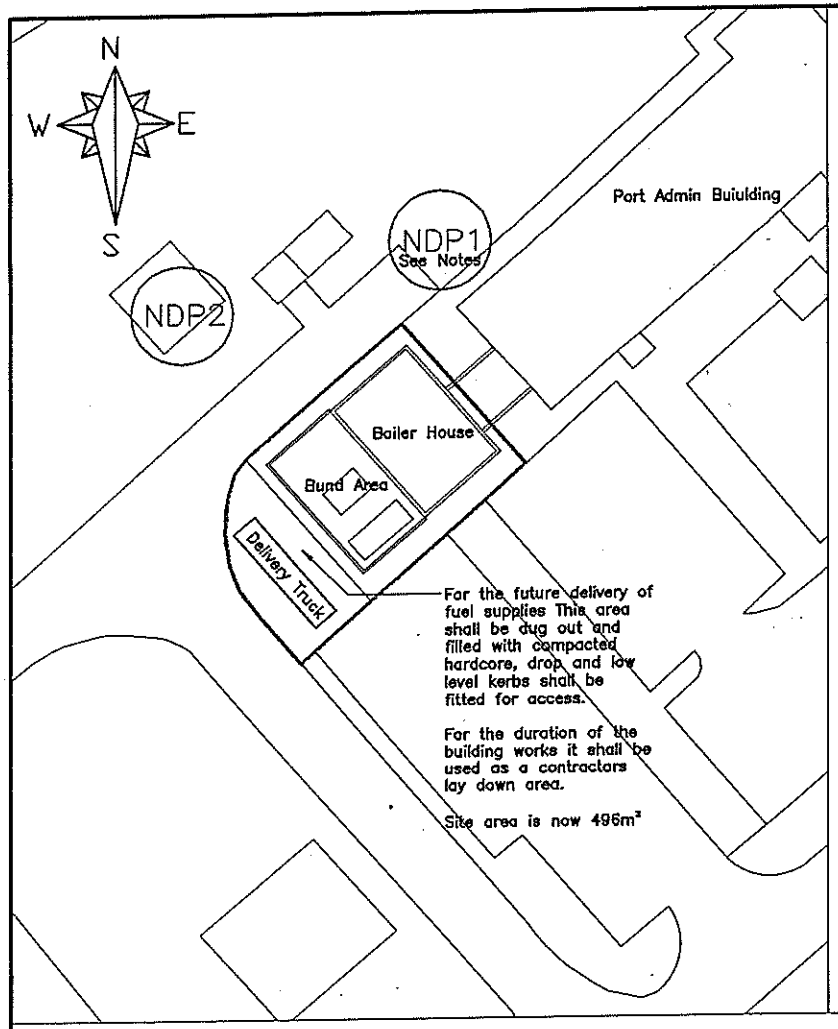
12. **Background Information Considered**

None

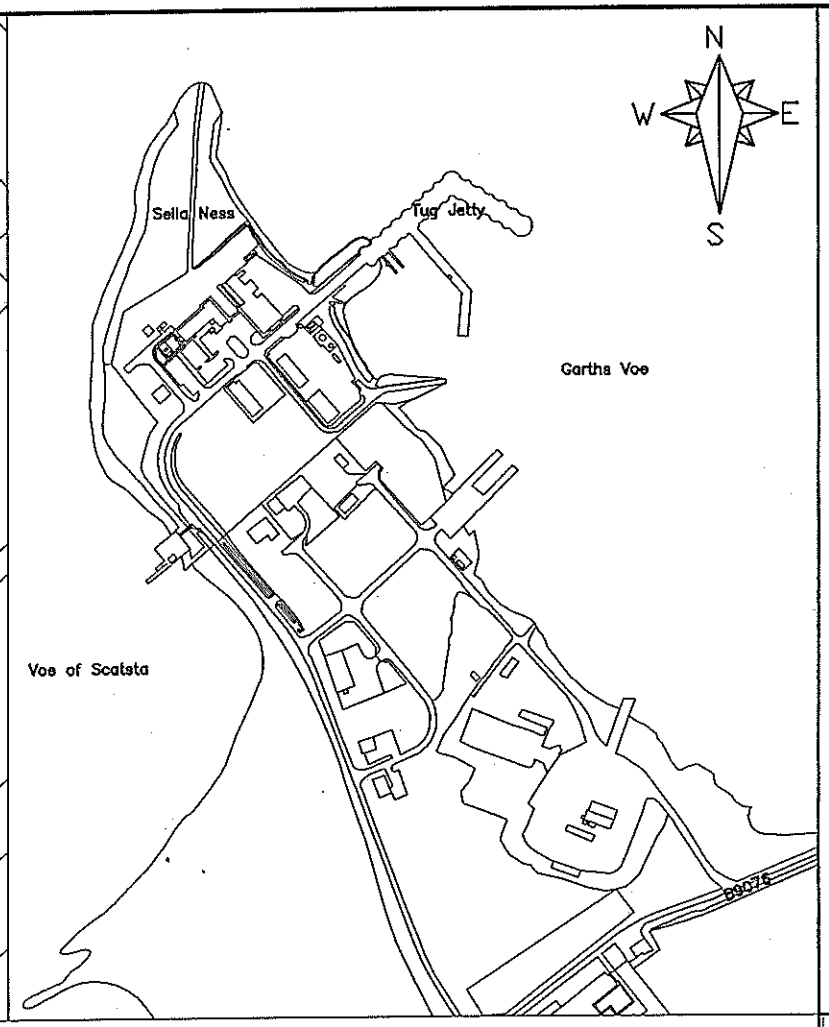
13. **Attachments**

Location and Site Plan

Planning Committee Report.doc
Officer: Mr Richard MacNeill
Date: 5th March 2013




Site Plan 1:500




Location Plan 1:5000

Notes:

The plan used in this drawing has been prepared on an Ordnance Survey base.

All the land and buildings within 20 meters of the site identified as NDP1 is owned by the applicant. The property identified as NDP2 is occupied by another, see Neighbour Notification for details.

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15 FEB 2013

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Rev A. On 15 Feb 2013. By TW.

Fuel Delivery Access Changed

NESS ENGINEERING LTD
ELECTRICAL, MECHANICAL & BUILDING SERVICES
TEL: (01950) 460714 FAX: (01950) 460378

Project:

Sellaness Workshop Heating Biomass Installation

Drawing title:

Location & Site Plan

| | | |
|---|---|---|
| Drawn by: TW | | Date: Jan 2013 |
| Checked by: DJW | | Date: Jan 2013 |
| Approved by: | | Date: |
| Drawing No. 6-2479-01 | | Revision: A |
| Drawing Scale: As Shown | Sheet No: 1 of 3 | Paper: A3 |