

**Planning Committee****16 April 2013****2013/052/VCON: Erect temporary meteorological mast (Renewal of permission 2009/355/PCD), Mid Kame, Voe, Shetland ZE2 9PX by SSE Renewables****PL-05-13-F****Report Presented by Planning Officer –  
Development Management****Development Services Department /  
Planning Service**

## **1.0 Summary**

- 1.1 This report concerns a proposal to renew a temporary planning permission (Ref: 2009/355/PCD) in order to retain an existing meteorological mast on site at Mid Kame in Voe for a further five year period.
- 1.2 The application is presented to Committee as the site lies on Council owned land and there have been representations received.

## **2.0 Decision Required**

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

## **3.0 Determination**

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

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

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

## **Statutory Development Plan Policies:**

### **Shetland Islands Council Structure Plan (2000) Policies**

GDS1 - General Development Policy Sustainable Development

GDS4 - General Development Policy Natural and Built Environment

SPNE7 - Nature Conservation

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

LPNE10 - Development and the Environment

LPENG6 – Energy Proposals

### **Safeguarding**

Land Capability Agriculture - code: 6.3

30km Radius Scatsta - 30km Sumburgh Scatsta: 2

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

Grazing - Grazings Farm Code: 870/0238

## **4.0 Report**

- 4.1 The proposed development seeks to renew planning consent to retain an existing 70 metre high meteorological mast upon a site at Mid Kame in Voe for a further five-year period.
- 4.2 Planning permission was granted for the existing mast on 29 April 2010, for a temporary period of three years. As such, this consent will expire on 30 April 2013. The current proposal seeks to extend this temporary period for a further five years until 2018 in order to obtain accurate wind flow datum to serve the future Viking windfarm development.
- 4.3 Scottish Natural Heritage (SNH) were consulted on 25 February 2013 and responded to the Planning Authority on 28 February 2013 stating that they 'do not intend to offer advice or comment on this proposal' and are content that the Council 'identify any natural heritage impacts and address them without further reference to SNH'. As such, it was considered pertinent to review the previous planning application file (2009/355/PCD) to establish SNH's comments in relation to the initial proposal to erect the mast. Its comments dated 22 December 2009 stated that the mast was 'unlikely to have a significant impact on birds in the vicinity and particularly on red-throated divers' as according to the Viking Windfarm's Environmental Statement, the mast will have 'a low level of diver flight activity' and as there are 'no other vulnerable breeding birds in the vicinity'.
- 4.4 As the meteorological mast is already in existence on site, it is considered that the proposal to extend its lifetime by a further 5 years will have no significant impact on the natural heritage and wildlife in the area. However, any future planning consent should be conditioned to ensure that subsequent decommissioning works have no detrimental impact upon the natural environment or landscape.

4.5 The Royal Society for the Protection of Birds (RSPB) were consulted on 25 February 2013, and at the time of writing this report no response has been received. However, upon checking its comments from the previous application file, the RSPB considered that the mast at Mid Kame, Voe would be more benign (in term of its impact on wildlife) if the following conditions were included on any subsequent consent:

- 1) that guy wires be marked with suitable tags to ensure birds avoid collision with the wires: and
- 2) no construction should take place on site between 1 April and 31 August (unless otherwise approved by SNH) in order to reduce disturbance to breeding birds in the area.

As such, it is considered that these comments still stand in relation to the existing mast and any future decommissioning works, therefore any subsequent planning consent should be conditioned to ensure that guy wires remain tagged.

4.6 Four letters of objection have been received raising concerns about the use of the term 'temporary' given that this is an unknown length and that the maps provided do not provide an accurate depiction of the location of the masts on site.

4.7 In response to the concern raised about the length of time that the mast may be located on site, the applicant submitted an email on 21 March 2013 to the Planning Authority which states the following:

'For clarification purposes, the mast is not designed or required to remain on site for the entire 25 year duration of the wind farm.

The mast is a temporary feature and is required to provide continuity of data. Five years duration will provide a greater degree of flexibility than three years. We would hope that this would take us through to the construction phase of the Windfarm where the permanent met masts would take over and provide the necessary data.'

4.8 It is considered that this clarification answers the objectors concerns in terms of the length of time that the mast is being proposed for use on site. The amended site and location plans submitted on 20 March 2013 demonstrate the position of the met mast on site in conjunction with a proposed access route for future decommissioning works, which is considered to be acceptable.

4.9 As the retention of the existing mast on site will have no adverse impact upon the natural heritage in the area, it is considered to be acceptable to grant temporary permission for a further five-year period. Although the mast is visible due to its height and position upon a high point of Mid Kame Voe, it is considered that the mast is mostly viewed from a distance, thereby minimising its visual impact. Given that the mast is a temporary structure on site, the visual impact on the surrounding landscape is not considered to be significant. Subject to conditions therefore, the proposed development complies with the policies outlined at section 3 above.

## **5.0 Implications (of Decision)**

### Strategic

- 5.1 Delivery on Corporate Priorities – A decision made on the planning application that accords with the Shetland Islands Council Development Plan will contribute directly to the Single Outcome Agreement through the outcome that we live in well-designed sustainable places.
- 5.2 Community/Stakeholder Issues - Consultations were sent to SNH and the RSPB during the processing of the application. SNH do not intend to offer advice or comment on this proposal. They are content that the Council identify any natural heritage impacts and address them without further reference to them. There was no response from the RSPB at the time of report preparation. Four representations were received in response to the statutory publicity undertaken in the Shetland Times on 1 March 2013, in relation to: a) the use of the term temporary, which is an unknown length of time; and b) the planning application maps submitted do not accurately show the location of the mast which is misleading. A site notice was not required to be posted. The representations received are appended to this report.
- 5.3 Policy And/Or Delegated Authority – The application is for a development falling within the category of Local Development. As the site is owned by the Council the decision to determine the application is delegated to the Planning Committee under the Council's Planning Scheme of Delegations that has been approved by the Scottish Ministers.
- 5.4 Risk Management – If Members are minded to refuse the application, it is imperative that clear reasons for proposing the refusal of planning permission contrary to the development plan policy and the officer's recommendation be given and minuted. This is in order to comply with Regulation 28 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008. Furthermore, it provides clarity in the case of a subsequent planning appeal or judicial review against the Planning Committee's decision. Failure to give clear planning reasons for the decision could lead to the decision being overturned or quashed. In addition, an award of costs could be made against the Council. This could be on the basis that it is not possible to mount a reasonable defence of the Council's decision.

## **6.0 Conclusions**

- 6.1 As the proposed development is to retain an existing mast on site for a temporary period of 5 years only, it is considered that this proposal will have no adverse impact upon the natural heritage of the area and that as the mast is viewed from a distance, its visual impact on the surrounding landscape is not significant due to the temporary nature of this consent. Subject to controlling conditions therefore, the proposal complies with Shetland Structure Plan (2000) Policies GDS1, GDS4

and SPNE7 and Shetland Local Plan (2004) Policies LPNE10 and LPENG6.

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

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For further information please contact:

*Dawn Stewart – Planning Officer – Development Management*

*Tel: 01595 744817 Email: dawn.stewart@shetland.gov.uk*

*4 April 2013*

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#### List of Appendices

1. Schedule of Conditions
2. Location Plan – 2013/052/VCON-06
3. Site Plan – 2013/052/VCON-07
4. Elevation – 00-R0
5. Representations from:
  - Mrs E Morrison, Setter, Weisdale received on 14 March 2013
  - Mr J Morrison, Setter, Weisdale received on 14 March 2013
  - Mr J Mackenzie, The Lea, Tresta, Bixter received on 22 March 2013.
  - Mr K Learmonth, Uradale, East Voe, Scalloway received on 22 March 2013.

#### Background documents:

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

**2013/052/VCON: Erect temporary meteorological mast (Renewal of permission 2009/355/PCD), Mid Kame, Voe, Shetland ZE2 9PX by SSE Renewables**

**List of Conditions**

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

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

( 2.) The permission hereby granted shall be valid until 30 April 2018. On expiry of this period (unless a subsequent application for full planning permission has been granted) the mast shall be removed from site, the use of the site shall cease and the site shall be restored and reinstated in accordance with a scheme, which shall be submitted to the Planning Authority not later than 6 months period to the expiry date.

The scheme shall not be implemented until the Planning Authority has given its written approval and all reinstatement works shall be carried out by the end of the first planting season following the use of the site and the access route.

Reason: As the development is temporary in nature and to ensure the satisfactory reinstatement of the land when the use ceases in order to comply with Shetland Local Plan (2004) Policy LPNE10.

( 3.) A construction method statement for the proposed decommissioning works (which shall address the times of year when such works will and will not be allowed to take place) shall be submitted to the Planning Authority for written approval not later than 6 months before the expiry date.

Reason: To ensure that best practice working methods are used at all times in the interests of environmental amenity and in compliance with Shetland Structure Plan (2000) Policy SPNE7 and Shetland Local Plan (2004) Policy LPNE10.

( 4.) The guy wires of the mast shall be maintained with bird deflector tags.

Reason: To limit potential bird strikes on the guy wires in compliance with Shetland Structure Plan (2000) Policy SPNE7.

**Notes to Applicant:**

**Duty of Care**

It is requested that a general duty of care is shown when working in this area and that the applicant ensures that all personnel involved in working on this site for maintenance purposes and in future decommissioning works are briefed on the need to avoid unnecessary disturbance to breeding birds in the

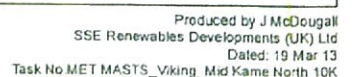
area and damage to blanket bog vegetation. This is to ensure that workers are aware of the reasons for restrictions on their operations and so that they can take steps to minimise environmental damage.

#### Notice of completion of development

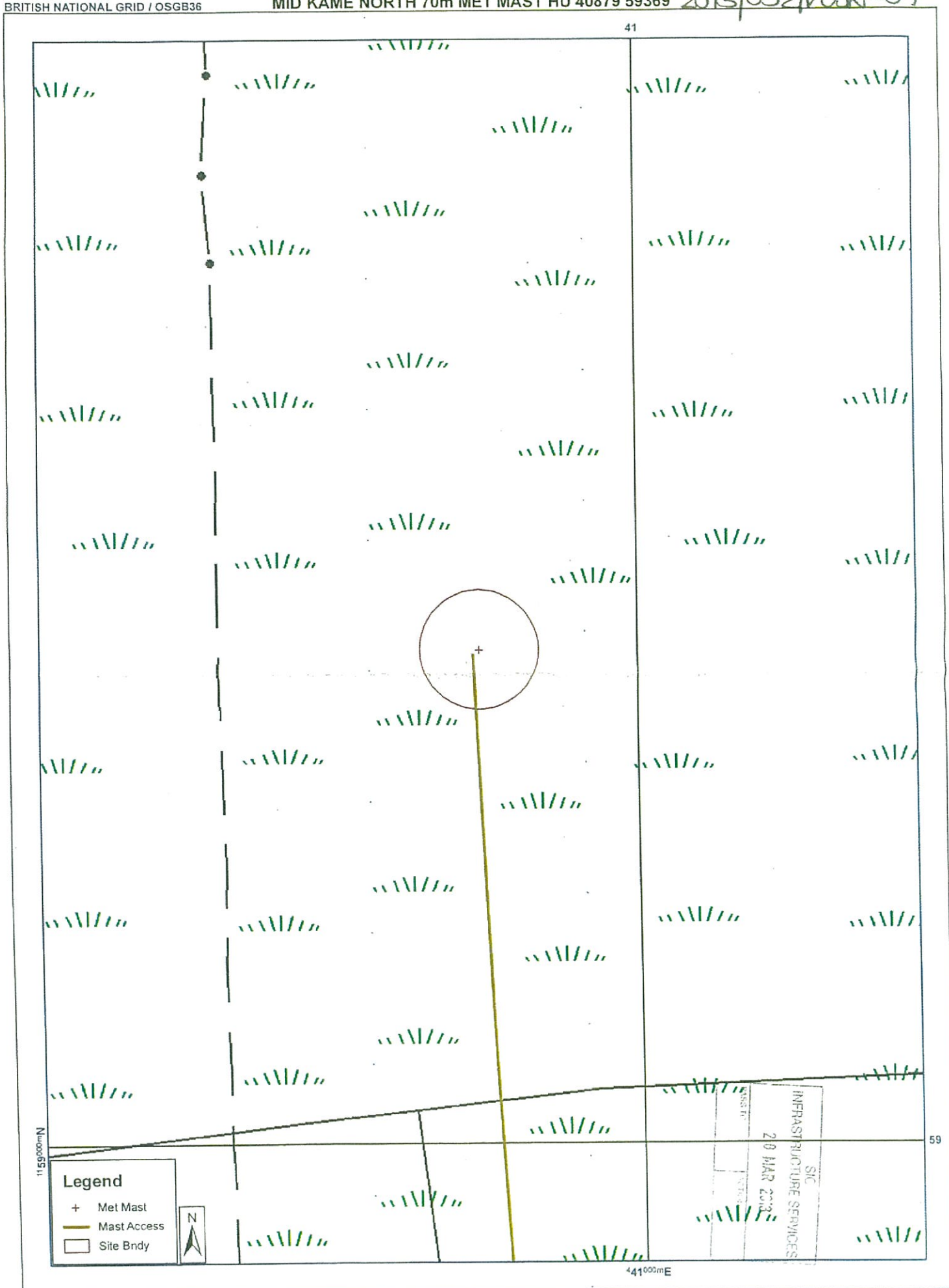
As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.











Based upon the Ordnance Survey Map with the permission of the controller of Her Majesty's Stationary Office  
Crown copyright reserved.

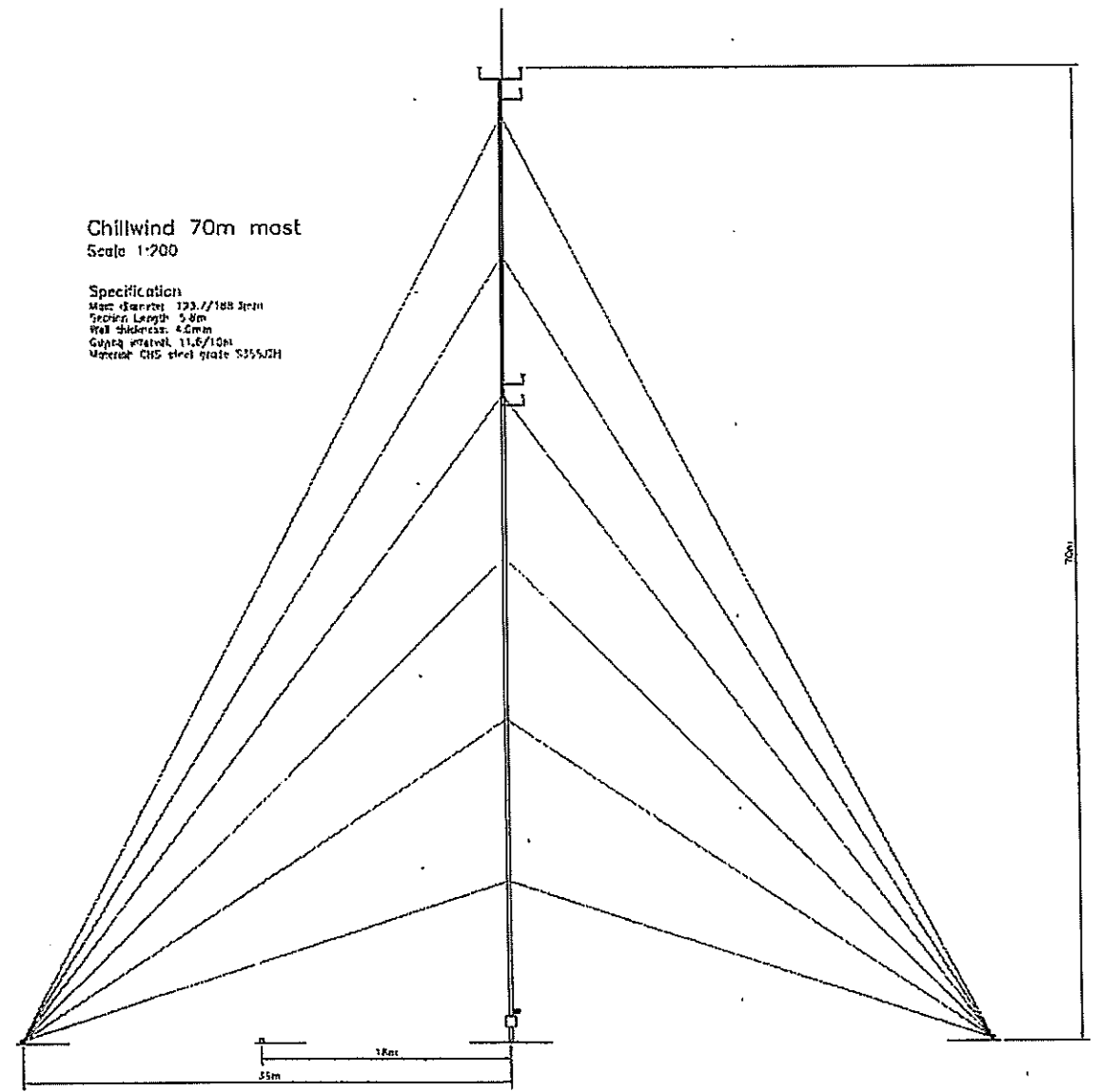
1: 2 500 @ A3

0 50 100 150 200 Metres

Produced by J McDougall  
SSE Renewables Developments (UK) Ltd  
Dated: 19 Mar 13  
Task No: MET MASTS\_Viking\_Mid Kame North 2.5k

00-RO

## ELEVATION DRAWING



Setter  
Weisdale  
Shetland  
ZE2 9LW  
12.03.13.

SIC	
INFRASTRUCTURE SERVICES	
14 MAR 2013	
PASS TO JH 159 223	ACTION

Planning Department  
Shetland Islands Council  
Grantfield  
Lerwick  
Shetland

Dear Sir,

I object to the following applications;

- Erect temporary meteorological mast (renewal of permission 2009/357/PCD)  
Land at Scallafeld Weisdale Shetland ZE2 9LW
- Erect temporary meteorological mast (renewal of permission 2009/355/PCD)  
Mid Kame Voe Shetland
- Erect temporary meteorological mast (renewal of permission 2009/358/PCD)  
Runn Hill Skellister South Nesting Shetland ZE2 9PP
- Erect temporary meteorological mast (renewal of permission 2010/79/PCD)  
South Midfield Weisdale Shetland ZE2 9LW

My objection concerns the use of the term temporary which is an unknown length of time. I am concerned that with regards to the previous planning permission granted to the mast sited at Scallafeld Weisdale, proper attention has not been paid to the appropriate use of heavy tracked vehicles on the hill regardless of season contravening the original permission. I have evidence of this and believe that it will happen again to the detriment of wildlife and flora of the area.

The planning application maps do not accurately show the sites of the masts and could be misleading to persons unaware of their exact position.

Thank you for taking these comments into consideration.

Yours faithfully

Evelyn M Morrison.

Setter  
Weisdale  
Shetland  
ZE2 9LW  
12.03.13.

Planning Department  
Shetland Islands Council  
Grantfield  
Lerwick  
Shetland

SIC	
INFRASTRUCTURE SERVICES	
14 MAR 2013	
PASSTO JH 159224	ACTION

Dear Sir,

I object to the following applications;

- Erect temporary meteorological mast (renewal of permission 2009/357/PCD)  
Land at Scallafeld Weisdale Shetland ZE2 9LW
- Erect temporary meteorological mast (renewal of permission 2009/355/PCD)  
Mid Kame Voe Shetland
- Erect temporary meteorological mast (renewal of permission 2009/358/PCD)  
Runn Hill Skellister South Nesting Shetland ZE2 9PP
- Erect temporary meteorological mast (renewal of permission 2010/79/PCD)  
South Midfield Weisdale Shetland ZE2 9LW

My objection concerns the use of the term temporary which is an unknown length of time. I am concerned that with regards to the previous planning permission granted to the mast sited at Scallafeld Weisdale, proper attention has not been paid to the appropriate use of heavy tracked vehicles on the hill regardless of season contravening the original permission. I have evidence of this and believe that it will happen again to the detriment of wildlife and flora of the area.

The planning application maps do not accurately show the sites of the masts and could be misleading to persons unaware of their exact position.

Thank you for taking these comments into consideration.

Yours faithfully /

John J Morrison.

**From:** publicaccess@shetland.gov.uk  
**Sent:** 22 March 2013 13:51  
**To:** Stewart Dawn@Infrastructure Svs  
**Subject:** Application Comments for 2013/052/VCON

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 1:38 PM on 22 Mar 2013 from Mr James Mackenzie.

### **Application Summary**

**Address:** Mid Kame Voe Shetland ZE2 9PX

**Proposal:** Erect temporary meteorological  
mast (Renewal of permission  
2009/355/PCD)

**Case Officer:** Dawn Stewart

[Click for further information](#)

### **Customer Details**

**Name:** Mr James Mackenzie

**Email:** [REDACTED]

**Address:** The Lea A971 From Sandsound Jcn To  
Bixter Gateway, Tresta, Bixter,  
Shetland ZE2 9LT

### **Comments Details**

**Commenter Type:** Member of Public

**Stance:** Customer objects to the Planning  
Application

**Reasons for comment:** - Overdevelopment

**Comments:** I object, on behalf of Sustainable Shetland, to this planning application. Grounds for objection: 1. The application is for a "temporary meteorological mast", yet the applicant states: "This is a vital part of the wind farm development from the beginning of the project throughout, until completion". It is therefore part of the windfarm. 2. The previous application and consent was for 3 years; now the applicant is requesting 5 years duration. "...Throughout, until completion" implies: until the end of the windfarm's lifetime. 3. The use of the term "temporary" is inappropriate. This structure is to all intents and purposes "permanent".

## Stewart Dawn@Infrastructure Svs

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**From:** publicaccess@shetland.gov.uk  
**Sent:** 22 March 2013 09:45  
**To:** Stewart Dawn@Infrastructure Svs  
**Subject:** Application Comments for 2013/052/VCON

Planning Application comments has been made. A summary of the comments is provided below.

Comments were submitted at 9:31 AM on 22 Mar 2013 from Mr Kevin Learmonth.

### Application Summary

**Address:** Mid Kame Voe Shetland ZE2 9PX

**Proposal:** Erect temporary meteorological  
mast (Renewal of permission  
2009/355/PCD)

**Case Officer:** Dawn Stewart

[Click for further information](#)

### Customer Details

**Name:** Mr Kevin Learmonth

**Email:** [REDACTED]

**Address:** Uradale, East Voe, Scalloway ZE1  
0US

### Comments Details

**Commenter  
Type:** Member of Public

**Stance:** Customer objects to the  
Planning Application

**Reasons for  
comment:** - Design and Siting  
- Overdevelopment

**Comments:** I object. This is a permanent  
structure claiming to be  
temporary.







## **REPORT**

**To: Planning Committee**

**16 April 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 both had a Report of Handling prepared by the officer detailing: the proposal; the assessment carried out; and

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

Planning Application Ref.	Development Proposed	Applicant	Officer Recommendation	Type of Exception
2013/007/PPF	Site a mobile catering unit, Belmont Ferry Terminal, Unst, Shetland, ZE2 9DW (Retrospective Application)	Jeffrey Coleman	Approve, with conditions	Planning authority is landowner
2013/042/PPF	Change of use from Class 4 (office) to Class 9 (houses) to form one residential dwellinghouse, 64 St Olaf Street, Lerwick, Shetland, ZE1 0EN	Matthew Sawkins & Shanie Hawkins	Approve, with conditions	Planning authority is landowner

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

**2013/007/PPF - Site a mobile catering unit, Belmont Ferry Terminal, Unst, Shetland, ZE2 9DW by Jeffrey Coleman (Retrospective Application)**

**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 mobile catering unit authorised by the permission hereby granted shall be allowed to be positioned at the development site until the 30 April 2018. On expiry of this period, (unless a subsequent application for Full Planning Permission has been granted) the catering unit shall be removed, the use of the site shall cease and the site shall be restored in accordance with a scheme, which shall be submitted to the Planning Authority not later than 6 months before the expiry date. The scheme shall not be implemented until the Planning Authority has given its written approval.

Reason: As the development is temporary in nature and to ensure the satisfactory reinstatement of the site when the use ceases in order to comply with Shetland Local Plan (2004) Policies LPNE10 and LPHOU7.

**Notes to Applicant:**

**Notice of Completion of Development:**

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

**Building Warrant:**

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

**Explosives Safeguarding:**

Please note that the site lies within an area safeguarded for the handling of explosives. As such, when explosives are being handled at the ferry terminal, it will be necessary to vacate the site and the safeguarded area, as is the case at the moment for vehicles in the marshalling area at Bellmont ferry terminal when notified by the Council.

**2013/042/PPF - Change of use from Class 4 (office) to Class 9 (houses) to form one residential dwellinghouse, 64 St Olaf Street, Lerwick, Shetland, ZE1 0EN by Matthew Sawkins & Shanie Hawkins**

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 does not relate to any external alterations to the building.

Reason: As no details of any alterations were submitted with the application and for the avoidance of doubt as to what is being authorised by this permission. In order to maintain the visual appearance of the property and surrounding area in accordance with Shetland local Plan (2004) Policies LPBE8 and LPBE13.

**Notes to Applicant:**

Commencement of Development:

The development hereby permitted must be commenced within 3 years of the date of this permission in order to comply with Section 58 of the Town

and Country Planning (Scotland) Act 1997, as amended by Section 20 of the Planning etc (Scotland) Act 2006.

Notice of Completion of Development:

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

Building Warrant:

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



## **Report of Handling**

**Development:** Site a mobile catering unit (Retrospective application)

**Location:** Belmont Ferry Terminal, Unst, Shetland, ZE2 9DW,

**By:** Jeffrey Coleman

**Application Ref:** 2013/007/PPF

### **1. Introduction**

This is an application to site a red double decker bus, to be used as a mobile catering unit, in the south east corner of the marshalling area at the Belmont Ferry Terminal, close to the public toilets. The catering unit will provide hot and cold meals and drinks. During the period of handling of the application the bus has been sited at the terminal.

The application is reported to the Planning Committee for a decision as the site lies on land owned by the Council.

### **2. Statutory Development Plan Policies**

#### **Shetland Islands Council Structure Plan (2000) Policies**

SPTOUR1 - Tourism Development

GDS4 - General Development Policy Natural and Built Environment

SPNE1 - Design

SPCOM1 - Commercial Development

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

LPNE10 - Development and the Environment

LPCFS4 - Community Facilities

### **3. Safeguarding**

Health and Safety Executive - Code: HSE035

Site Name: Belmont Slip

Type: Explosives

HSE Ref: XI1811156

Health and Safety Executive - Code: HSE036

Site Name: Belmont Slip

Type: Explosives

HSE Ref: XI1811156

Health and Safety Executive - Code: HSE101

Site Name: Belmont Slip

Type: Explosives

HSE Ref: XI1811156

Land Capability Agriculture - code: 6.2

#### **4. Consultations**

Environmental Health was consulted on the 4 February 2013. Their comments dated 12 February 2013 can be summarised as follows:

No objections.

Roads Traffic was consulted on the 4 February 2013. Their comments dated 8 February 2013 can be summarised as follows:

Roads Services have indicated that they have no objections to the proposal as it is clear of the public road and will be parked in a location that should pose as little disruption to the marshalling area at Bellmont as possible.

Unst Community Council was consulted on the 4 February 2013. Their comments dated 23 February can be summarised as follows:

No objections.

Health And Safety Executive was consulted on the 18 February 2013. Their comments dated 22 February 2013 can be summarised as follows:

No objections provided that during explosive operations the vehicle is parked beyond safeguarding distance 2 which is outside the yellow zone on the safeguarding plan.

#### **5. Statutory Advertisements**

The application was advertised in the Shetland Times on 15.02.2013

A site notice was not required to be posted.

#### **6. Representations**

Representations were received from the following properties:

None.

#### **7. Report**

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

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



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

The proposed bus will serve as a mobile catering unit providing hot and cold meals and drinks. It is to be sited in the marshalling area of the car park at the Belmont Ferry Terminal.

The Council's Roads Service has confirmed that it has no objections to the proposal to use the area for a mobile catering unit, as the site is clear of the public road and in a location that should pose as little disruption as possible to the ferry marshalling area.

The Council's Environmental Health Service has also confirmed that it has no objections to the proposal.

The site lies within an area safeguarded for explosives handling and the HSE Explosives have indicated that it has no objections to the proposal provided that during explosive operations the vehicle is parked beyond safeguarding distance 2, which is outside the yellow zone on the safeguarding plan. The Council currently has a procedure in place to clear all vehicles from the marshalling area during explosive operations and this procedure would also be applied to the proposed catering unit. A note to the applicant to this effect would be attached to any permission. The HSE have subsequently confirmed that this is acceptable.

As well as providing a valuable service to both locals and visitors to Unst, it is considered that it is a suitable use for this site that will not detract from the amenity of the area in general or detract from the visual amenity of the area. As such the proposal complies with the policies outlined at paragraph 2 above.

## **8. Recommendation**

Grant, subject to conditions.

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

( 1.) The proposed development will have no adverse impact upon the natural and built environment, nor upon the use of the area in which it is to be sited. The proposal therefore complies with Shetland Structure Plan (2000) policies GDS4, SPCOM1 and SPTOUR1 and Shetland Local Plan (2004) LPNE10 and LPCFS4.

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

- Location Plan 2013/007/PPF - 01 14.01.2013

- Site Plan 2013/007/PPF - 02 14.01.2013
- Photograph 2013/007/PPF - 03 14.01.2013
- Photograph 2013/007/PPF - 04 14.01.2013

**10. Conditions:**

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

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

( 2.) The mobile catering unit authorised by the permission hereby granted shall be allowed to be positioned at the development site until the 30 April 2018. On expiry of this period, (unless a subsequent application for Full Planning Permission has been granted) the catering unit shall be removed, the use of the site shall cease and the site shall be restored in accordance with a scheme, which shall be submitted to the Planning Authority not later than 6 months before the expiry date. The scheme shall not be implemented until the Planning Authority has given its written approval.

Reason: As the development is temporary in nature and to ensure the satisfactory reinstatement of the site when the use ceases in order to comply with Shetland Local Plan (2004) Policies LPNE10 and LPHOU7.

**Notes to Applicant:**

**Notice of Completion of Development:**

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

**Building Warrant:**

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

**Explosives Safeguarding:**

Please note that the site lies within an area safeguarded for the handling of explosives. As such, when explosives are being handled at the ferry terminal, it will be necessary to vacate the site and the safeguarded area, as is the case at the moment for vehicles in the

marshalling area at Bellmont ferry terminal when notified by the Council.

**11. Further Notifications Required**

None.

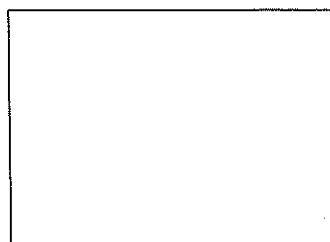
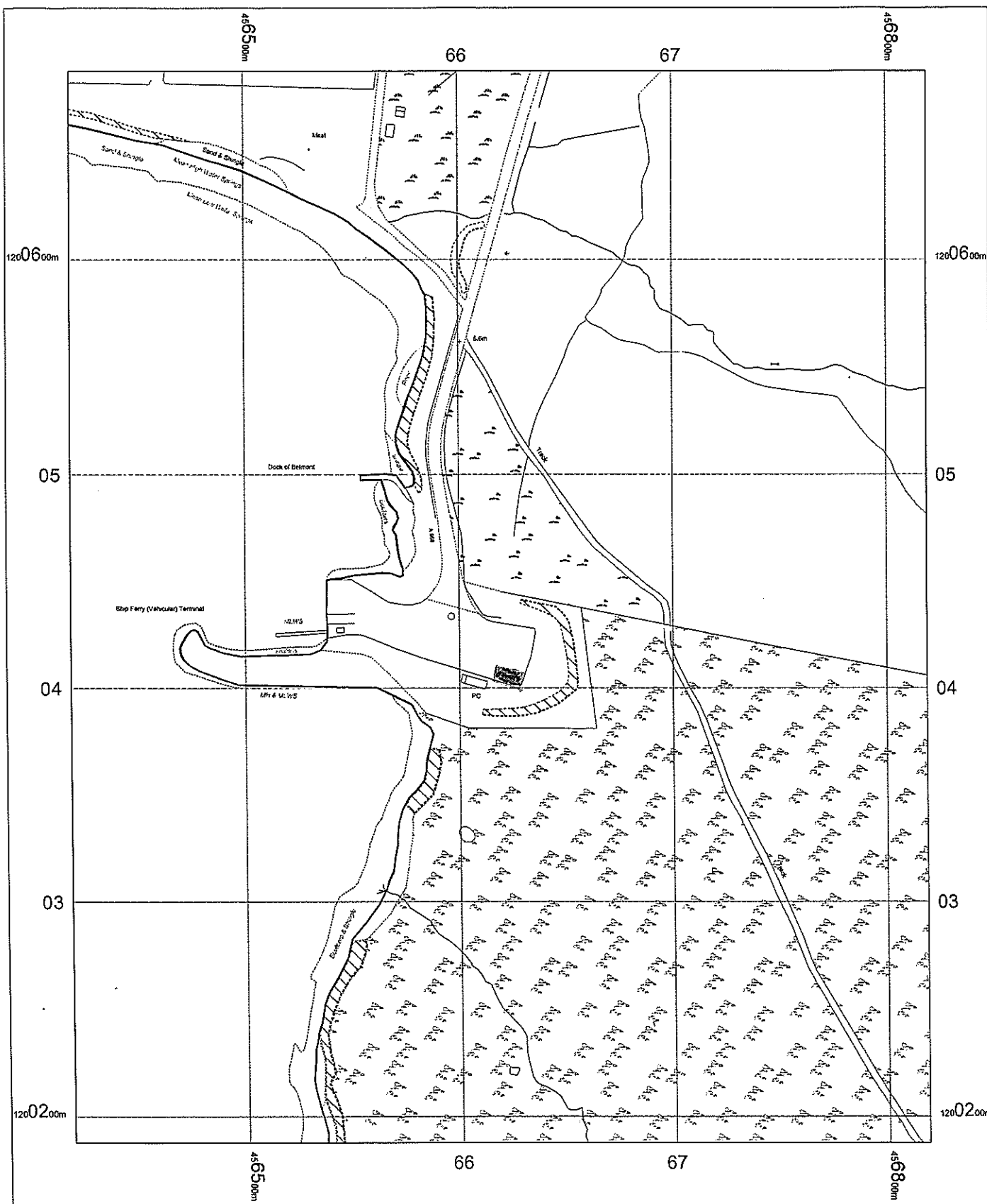
**12. Background Information Considered**

None.

2013/007/PPF\_Delegated\_Report\_of\_Handling.doc

Officer: Janet Barclay Smith

Date: 2nd March 2013



OS Mastermap  
05 October 2012, ID: CM-00180916  
[www.centremapslive.co.uk](http://www.centremapslive.co.uk)

1:2500 scale print at A4, Centre: 456619 E, 1200438 N

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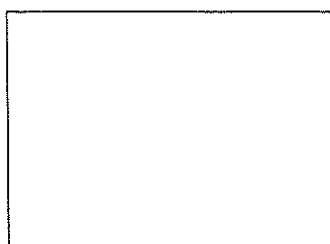
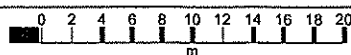
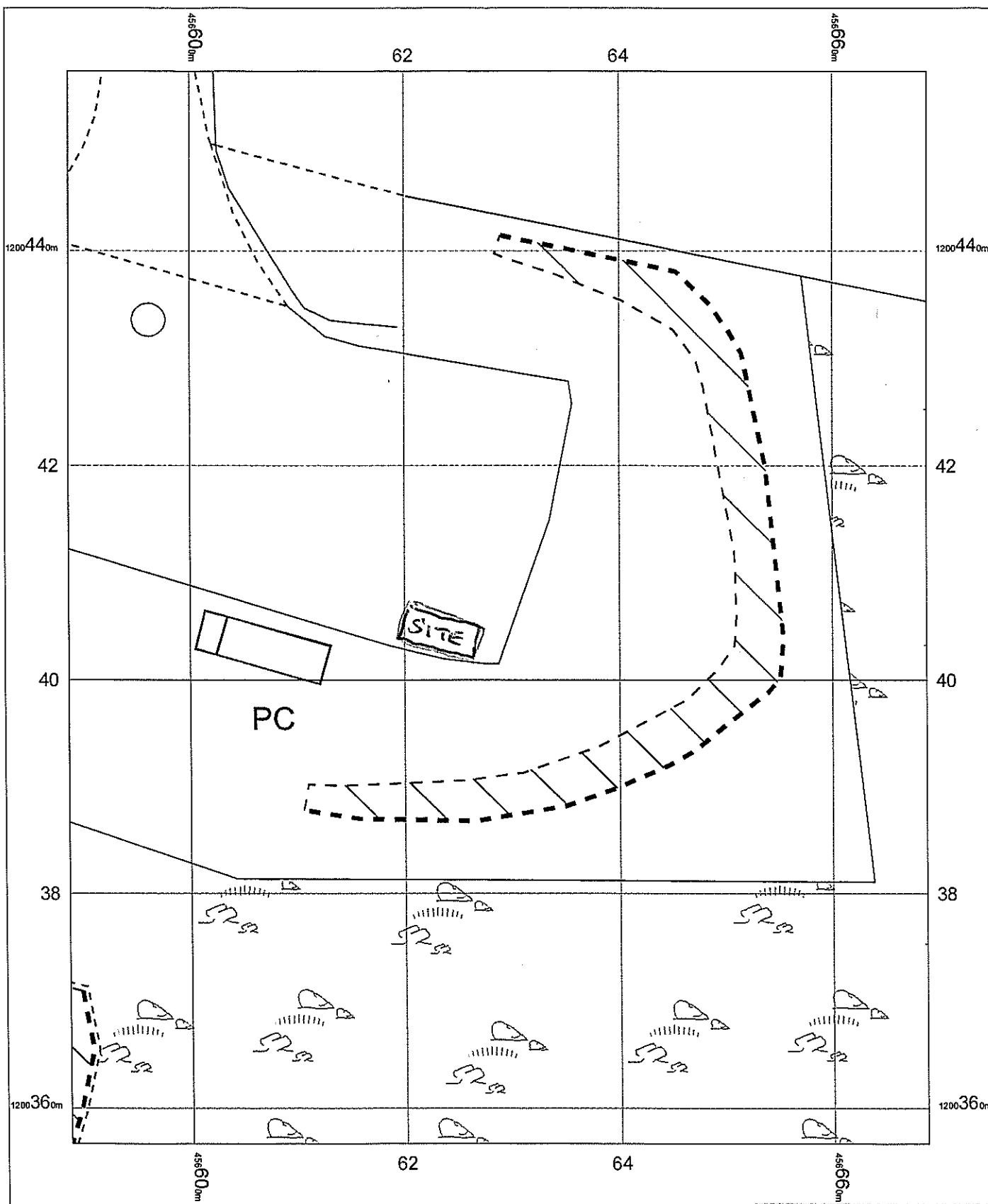
Mapping  
sourced from

OS Ordnance  
Survey



Shetland  
Islands  
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SIG  
INFRASTRUCTURE SERVICES  
15/10/12



OS Mastermap  
05 October 2012, ID: CM-00180917  
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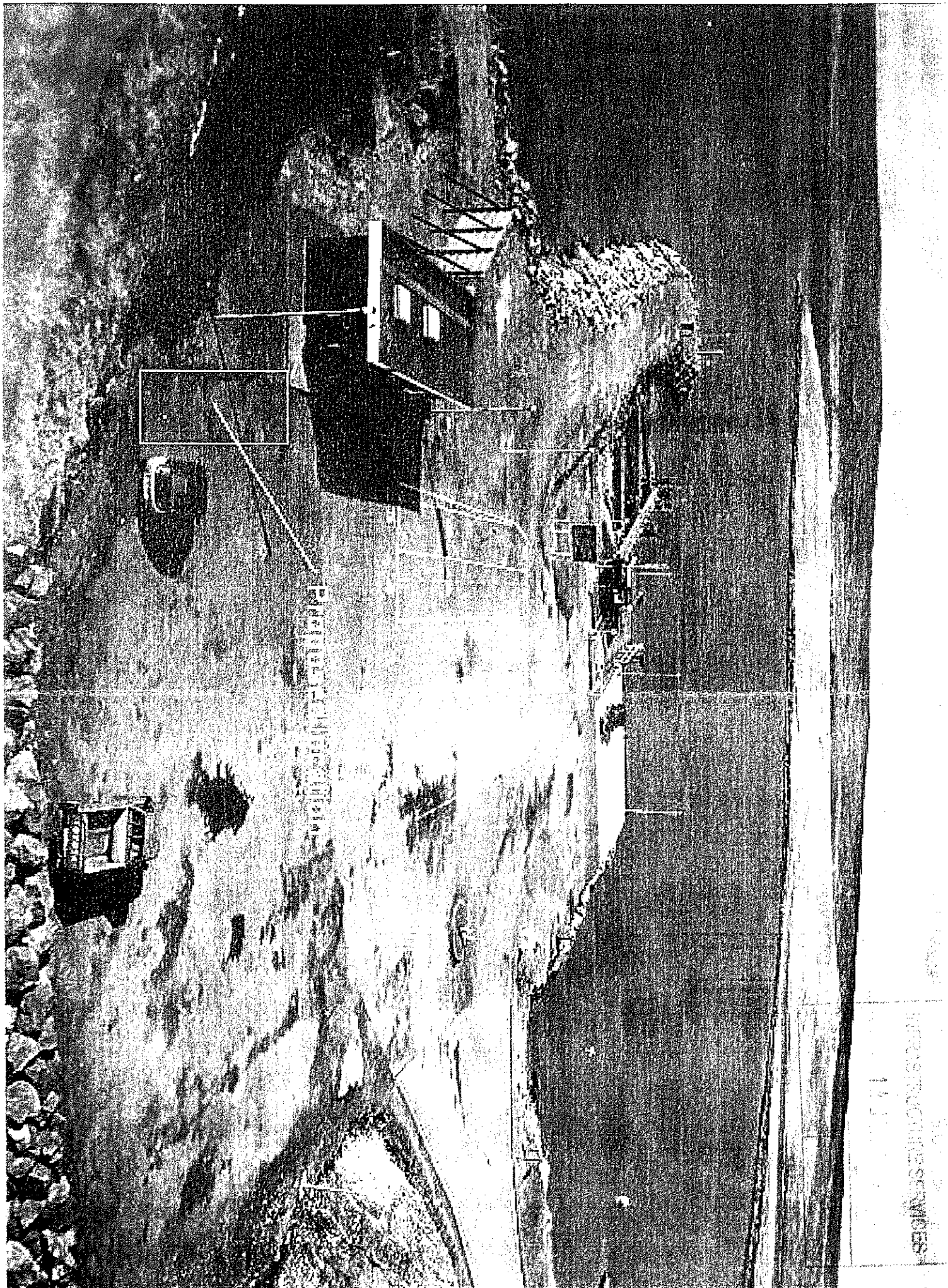
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INFRASTRUCTURE SERVICES



Shetland  
Islands  
Council



## **Report of Handling**

**Development:** Change of use from Class 4 (office) to Class 9 (houses) to form one residential dwellinghouse

**Location:** 64 St Olaf Street, Lerwick, Shetland, ZE1 0EN

**By:** Matthew Sawkins & Shanie Hawkins

**Application Ref:** 2013/042/PPF

### **1. Introduction**

This proposal is to change the use of an existing office into a four bedroomed dwellinghouse at the property of 64 St Olaf Street, Lerwick.

The application is reported to the Planning Committee for a decision as the land to which the application relates is owned by the Council.

### **2. Statutory Development Plan Policies**

#### **Shetland Islands Council Structure Plan (2000) Policies**

GDS4 - General Development Policy Natural and Built Environment

GDS3 - General Development Policy Existing Settlements

SPHOU2 - Existing Settlements

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

LPNE10 - Development and the Environment

LPHOU4 - General Requirements for all Dwellings

### **3. Safeguarding**

Conservation Areas - Conservation Area: Conservation Area

Zone 1 Modified - Zone 1 Modified: Housing Zone 1

### **4. Consultations**

None required for this development.

### **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 property was originally a dwellinghouse. In 1982 permission was granted to change the use of the house into an office (Ref: 465/1982). At that time minimal changes were made to the building. This application seeks to bring the building back into residential use. As this is largely a residential area the proposal is acceptable in policy terms.

The site is situated within the Lerwick Conservation Area where there is a presumption against development that does not preserve and enhance the character or amenity of the conservation area, in accordance with Shetland Local Plan (2004) Policy LPBE8. However the details submitted with the application indicate no external works to the building and this will be controlled by condition.

All services are as existing and no objections have been received.

It is considered that the proposed development is an acceptable change of use in this location, bringing a property back into the use for which it was originally intended. Subject to the conditions outlined below, the proposal will have no adverse impact upon the integrity, character or visual quality of the Lerwick Conservation Area and will not affect the amenities of neighbouring properties. As such, the proposal complies with the policies outlined at paragraph 2 above.

## 8. Recommendation

Grant, subject to conditions

### Reasons for Council's decision:

(1.) The proposed change of use from an office back to a dwellinghouse is considered to be acceptable in this location. The proposed development will have no adverse impact upon the natural and built environment, or visual appearance and character of the area



given that no works are proposed to the exterior fabric of the existing building. Therefore the integrity, character and visual quality of the Lerwick Conservation Area is not affected nor is the amenity of neighbouring properties. As such, the proposal complies with Shetland Structure Plan (2000) Policies GDS3, GDS4 and SPHOU2 and Shetland Local Plan (2004) Policies LPNE10, LPBE8 and LPHOU4.

9. **List of approved plans:**

- Location Plan 2013/042/PPF - 01 08.02.2013
- Site Plan 2013/042/PPF - 02 08.02.2013
- Existing Ground Floor Plan 2013/042/PPF - 04  
08.02.2013
- Existing First Floor Plan 2013/042/PPF - 05  
08.02.2013
- Proposed Ground Floor Plan 2013/042/PPF - 06  
08.02.2013
- Proposed First Floor Plan 2013/042/PPF - 07  
08.02.2013

10. **Conditions:**

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

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

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

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

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

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

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

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

( 3.) This permission does not relate to any external alterations to the building.

Reason: As no details of any alterations were submitted with the application and for the avoidance of doubt as to what is being authorised by this permission. In order to maintain the visual appearance of the property and surrounding area in accordance with Shetland local Plan (2004) Policies LPBE8 and LPBE13.

#### **Notes to Applicant:**

##### **Commencement of Development:**

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

##### **Notice of Completion of Development:**

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

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

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

#### **11. Further Notifications Required**

None.

#### **12. Background Information Considered**

None.

**13. Attachments**

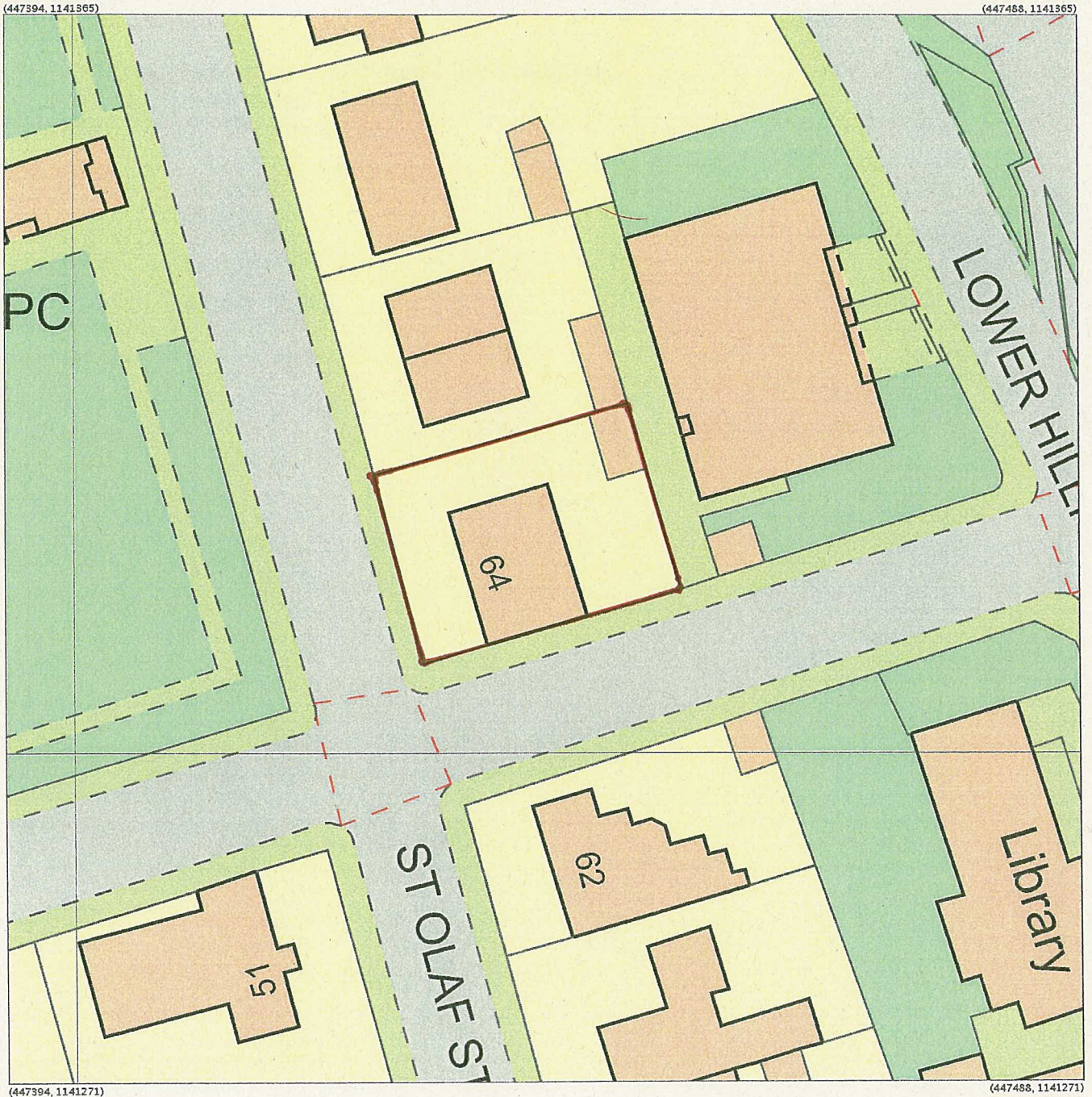
Site Plan

2013/042/PPF Planning Committee Report.doc

Officer: Janet Barclay Smith

Date: 6th March 2013

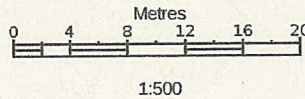




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64 ST. OLAF STREET  
SHETLAND  
ZE1 0EN

Supplied by: Stanfords  
Reference: OI532339  
Centre coordinates: 447441 1141318

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- 8 FEB 2013	
PASS TO	ACTION





## **REPORT**

**To: Planning Committee**

**16 April 2013**

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

### **Applications for Consent to Display Advertisements where Determination cannot be taken by Appointed Person under Approved Scheme of Delegations**

#### **1 Purpose of Report**

- 1.1 The Planning Scheme of Delegations that has been approved by the Council, as well as the Scottish Ministers, identifies the appropriate level of decision making to ensure compliance with the 1997 Planning Act.
- 1.2 The approved Scheme of Delegations identifies the circumstances under which an application for consent to display an advertisement falls to be determined by the Planning Committee ("the exceptions") as opposed to being determined by officers as have been appointed by the planning authority (defined as the Appointed Person).
- 1.3 The exceptions that apply include applications where: a) application is made by the planning authority or a member of the planning authority; b) the application relates to land in the ownership of the planning authority or to land in which the planning authority has a financial interest; c) a consultee (Scottish Natural Heritage, the Scottish Environment Protection Agency, Historic Scotland, the Health and Safety Executive, Scottish Water or the Community Council) has specifically objected to a proposal, and conditions cannot address those issues, and the recommendation is for approval; or d) the Appointed Person proposes to refuse an application. In relation to interpretation of the first two exceptions any part of the Council is regarded as being the planning authority.
- 1.4 With the agreement of the Chairperson and Vice-Chairperson of the Planning Committee of the last Council, applications for consent to display advertisements, where the exceptions that are set out in paragraph 1.3 above apply and so therefore the decision falls to be made by the Planning Committee, are set out in a table that includes the related officer recommendation.
- 1.5 The applications for consent to display advertisements that are set out in the table below, where exceptions apply, have both had a Report of Handling prepared by the officer detailing: the proposal; the assessment carried out; and recommended conditions or refusal reasons (as appropriate), as well as the reasons for such a decision, and this is

available in the Member's Room at the Town Hall. The list of conditions or refusal reasons (as appropriate) relating to both applications is appended to this report.

Planning Application Ref.	Development Proposed	Applicant	Officer Recommendation	Type of Exception
2012/297/ADV	Erect signboard, Bressay Ferry Terminal, Bressay, Shetland, ZE2 9EL	Bressay Primary School	Approve, with conditions	Planning authority is applicant
2013/081/ADV	Erect permanent interpretive board, Gunnista, Bressay, Shetland, ZE2 9EP	Bressay Primary School	Approve, with conditions	Planning authority is applicant

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

## 2. Recommendation

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

planning committee.doc J R Holden  
Planning Committee: 16/04/2013

## Appendix

### **2012/297/ADV - Erect signboard, Bressay Ferry Terminal, Bressay, Shetland, ZE2 9EL by Bressay Primary School**

#### Recommended Conditions

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

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

( 2.) Notwithstanding the approved plans and details the sign board shall measure 1200mm by 760mm and shall be mounted upon 2 posts giving a maximum height at the highest part of the sign of 1260mm. Unless otherwise agreed in writing by the Planning Authority.

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

( 3.) The interpretive board shall be kept 2 metres back from the edge of the tarred roadway.

Reason: In the interests of public and road safety in compliance with Shetland Structure Plan (2000) Policy GDS4.

( 4.) This Consent is for a period of five years only commencing with the date of the granting of this Consent.

Reason: To comply with Regulation 18(1) of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.

( 5.) All advertisements displayed, and any land used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Planning Authority.

Reason: To comply with Regulation 6 of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.

( 6.) Any hoarding, plinth or similar structure, or any sign, placard, board or device erected or used principally for the purpose of displaying advertisements/information shall be maintained in a safe condition to the reasonable satisfaction of the Planning Authority.

Reason: To comply with Regulation 6 of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.

( 7.) Where any advertisement is required under the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 to be removed the removal thereof shall be carried out to the reasonable satisfaction of the Planning Authority.

Reason: To comply with Regulation 6 of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.

( 8.) Before any advertisement is displayed on land the permission of the owner of that land or other person entitled to grant permission shall be obtained.

Reason: To comply with Regulation 6 of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.

## **Notes to Applicant:**

### **Live Cabling**

There is street lighting adjacent to the proposed sign and therefore it is likely that there will be live cabling present, although this may not be detectable during daylight hours.

## **2013/081/ADV - Erect permanent interpretive board, Gunnista, Bressay, Shetland, ZE2 9EP by Bressay Primary School**

### Recommended Conditions

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

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

( 2.) Notwithstanding the approved plans and details the sign board shall measure 600mm by 550mm and shall be mounted upon 2 posts giving a maximum height at the highest part of the sign of 1253.5mm. Unless otherwise agreed in writing by the Planning Authority.

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

( 3.) The interpretive board shall be kept 1 metre back from the edge of the private access road to the graveyard at Gunnista.

Reason: In the interests of public and road safety in compliance with Shetland Structure Plan (2000) Policy GDS4.

( 4.) This Consent is for a period of five years only commencing with the date of the granting of this Consent.

Reason: To comply with Regulation 18(1) of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.

( 5.) All advertisements displayed, and any land used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Planning Authority.

Reason: To comply with Regulation 6 of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.

( 6.) Any hoarding, plinth or similar structure, or any sign, placard, board or device erected or used principally for the purpose of displaying advertisements/information shall be maintained in a safe condition to the reasonable satisfaction of the Planning Authority.



Reason: To comply with Regulation 6 of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.

( 7.) Where any advertisement is required under the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 to be removed the removal thereof shall be carried out to the reasonable satisfaction of the Planning Authority.

Reason: To comply with Regulation 6 of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.

( 8.) Before any advertisement is displayed on land the permission of the owner of that land or other person entitled to grant permission shall be obtained.

Reason: To comply with Regulation 6 of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.



# **Report of Handling**

**Development:** Erect signboard.

**Location:** Bressay Ferry Terminal  
Bressay  
Shetland  
ZE2 9EL

**By:** Bressay Primary School

**Application Ref:** 2012/297/ADV

## **1. Introduction**

This application concerns the siting of an interpretive board on a site at Bressay Pier, Bressay. This is the first sign on the "Rescues and Shipwrecks" trail which has been designed and produced by the children of Bressay Primary. This sign gives details relating to the trail as a whole.

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.

## **2. Statutory Development Plan Policies**

### **Shetland Islands Council Structure Plan (2000) Policies**

GDS4 - General Development Policy Natural and Built Environment

SPNE1 - Design

SPTOUR1 - Tourism Development

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

LPNE10 - Development and the Environment

LPBE11 - Advertisements and Signs

LPBE13 - Design

### **Shetland Islands Council Interim Planning Policy Guidance**

LDP1 - All development General

LDP2 - All development Layout and design

## **3. Safeguarding**

Health and Safety Executive - Code: HSE007

Site Name: Bressay Ro-Ro Terminal

Type: Explosives

HSE Ref: XI481116702

Land Capability Agriculture - code: 5.2

**4. Consultations**

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

Additional Information Requested:

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

In principle I have no objection to the sign or its proposed general location but would make the following comments:-

1. There is street lighting adjacent to the proposed sign and therefore it is likely that there will be live cabling present, although this may not be detectable during daylight hours.
2. The sign should be kept 2m back from the tarred edge of the roadway.

**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 is an application for the erection of an interpretive board at Bressay Pier in Bressay.

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

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

When first submitted there were no details of the sign size and how it was to be mounted. When details were submitted it was said that the sign was to measure 1200mm by 900mm however no drawings submitted showed a sign of this size. When drawings were submitted showing the sign, sizes and how it is to be mounted as well as an illustrative photomontage of how the board will look when in place next to the other sign boards at Bressay Pier the sign sizes still did not correspond with the sign sizes detailed. As such it is recommended that a condition is added detailing the sign size so as not to cause any confusion to what is being approved.

Roads Traffic was consulted regarding the position of this board and responded with the comments that in principle there are no objections to sign or its general location. Further comment was however made that there is street lighting adjacent to the proposed sign and therefore it is likely that there will be live cabling present, although this may not be detectable during daylight hours and also the sign should be kept back 2m back from the tarred edge of the roadway.

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

## **8. Recommendation**

Grant subject to conditions

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

(1.) It is considered that the proposed interpretive board is appropriate in terms of its design, colour, materials, scale and location on site and as such will not compromise the visual amenity of the surrounding area and will have no adverse impact upon the character

of the area or upon the natural environment. As such, the proposal complies with: Shetland Islands Council Structure Plan (2000) policies SPNE1, SPTOUR1 and GDS4; Shetland Islands Council Local Plan (2004) (As Amended) policies LPNE10, LPBE11 and LPBE13; and Shetland Islands Council Interim Planning Policy Guidance policies LDP1 and LDP2.

9. **List of approved plans:**

- |  |            |
|--|------------|
| • Location Plan 2012/297/ADV-01          | 31.08.2012 |
| • Supporting Information 2012/297/ADV-02 | 31.08.2012 |
| • Detail 2012/297/ADV-04                 | 01.04.2013 |

**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.) Notwithstanding the approved plans and details the sign board shall measure 1200mm by 760mm and shall be mounted upon 2 posts giving a maximum height at the highest part of the sign of 1260mm. Unless otherwise agreed in writing by the Planning Authority.

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

( 3.) The interpretive board shall be kept 2 metres back from the edge of the tarred roadway.

Reason: In the interests of public and road safety in compliance with Shetland Structure Plan (2000) Policy GDS4.

( 4.) This Consent is for a period of five years only commencing with the date of the granting of this Consent.

Reason: To comply with Regulation 18(1) of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.

( 5.) All advertisements displayed, and any land used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Planning Authority.

Reason: To comply with Regulation 6 of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.

(6.) Any hoarding, plinth or similar structure, or any sign, placard, board or device erected or used principally for the purpose of displaying advertisements/information shall be maintained in a safe condition to the reasonable satisfaction of the Planning Authority.

Reason: To comply with Regulation 6 of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.

(7.) Where any advertisement is required under the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 to be removed the removal thereof shall be carried out to the reasonable satisfaction of the Planning Authority.

Reason: To comply with Regulation 6 of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.

(8.) Before any advertisement is displayed on land the permission of the owner of that land or other person entitled to grant permission shall be obtained.

Reason: To comply with Regulation 6 of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.

**Notes to Applicant:**

Live Cabling

There is street lighting adjacent to the proposed sign and therefore it is likely that there will be live cabling present, although this may not be detectable during daylight hours.

**10. Further Notifications Required**

None

**11. Background Information Considered**

None.

**12. Attachments**

Sign at Bressay Ferry Terminal

2012/297/ADV Planning Committee Report.doc

Officer: Amy Maclean

Date: 08/04/13

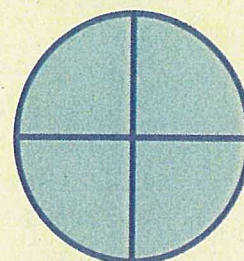


# Sign at Bressay Ferry Terminal

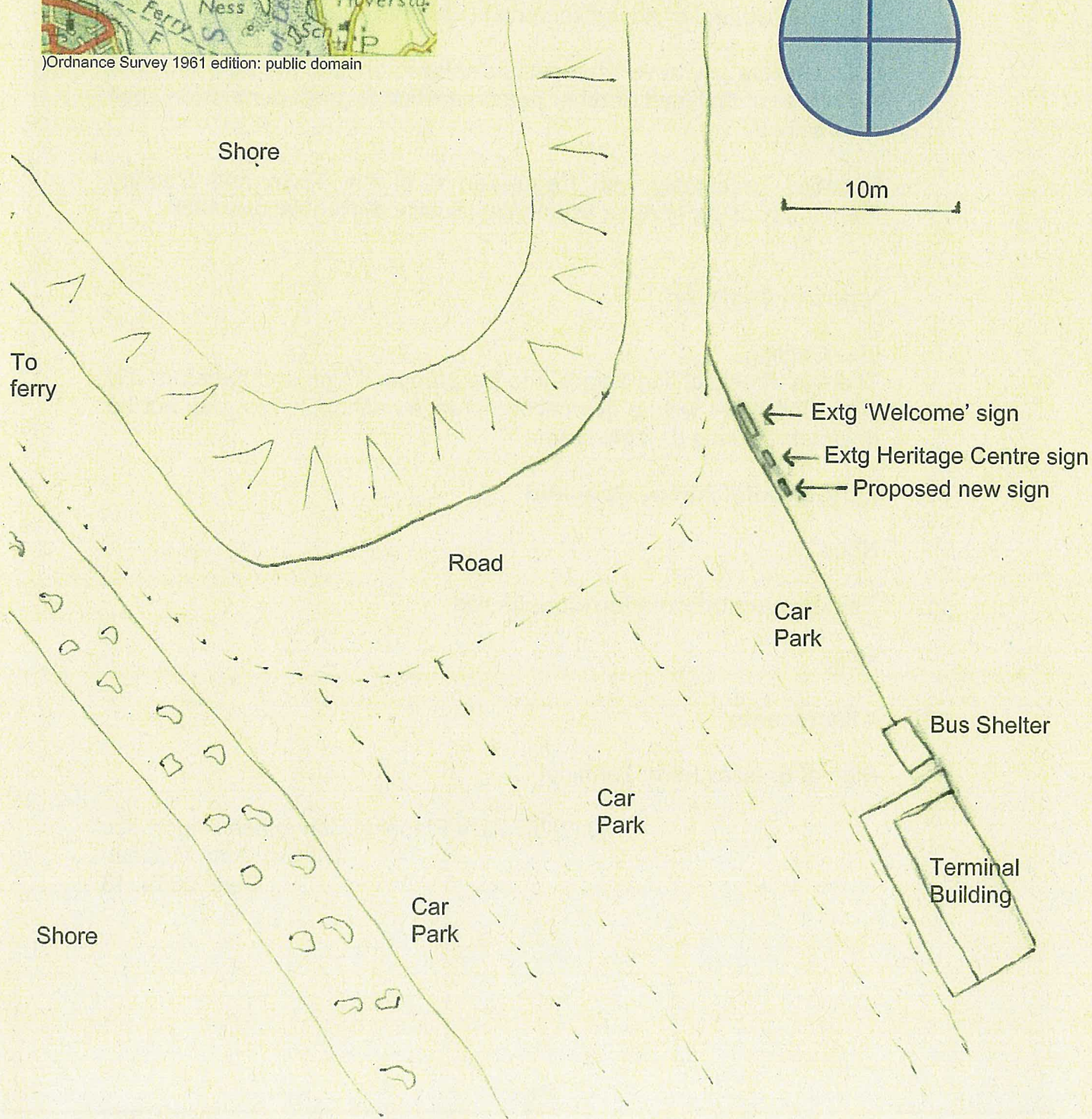


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31 AUG 2012	
PASS TO	ACTION



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# **Report of Handling**

**Development:** Erect permanent interpretive board

**Location:** Gunnista  
Bressay  
Shetland  
ZE2 9EP

**By:** Bressay Primary School

**Application Ref:** 2013/081/ADV

## **1. Introduction**

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

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.

## **2. Statutory Development Plan Policies**

### **Shetland Islands Council Structure Plan (2000) Policies**

GDS4 - General Development Policy Natural and Built Environment

SPNE1 - Design

SPTOUR1 - Tourism Development

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

LPNE10 - Development and the Environment

LPBE11 - Advertisements and Signs

LPBE13 - Design

### **Shetland Islands Council Interim Planning Policy Guidance**

LDP1 - All development General

LDP2 - All development Layout and design

## **3. Safeguarding**

Land Capability Agriculture - code: 5.2

Zone 3 Modified - Zone 3: Housing Zone 3

## **4. Consultations**

Roads Traffic was consulted on the 12 March 2013. Their comments dated 15 March 2013 can be summarised as follows:

No objections to the location of the proposed sign, provided it is kept 1 metre back from the edge of the private access road to the graveyard at Gunnista.

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 is an application for the erection of an interpretive board at Gunnista in Bressay.

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

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

Application 2012/295/ADV for a signboard at Gunnista is closely related to this application. The site for application 2012/295/ADV was within the visibility splay for a nearby dwellinghouse and therefore

could not be supported. The application was withdrawn and this application 2013/081/ADV replaces it with a different location for the sign board.

Roads Traffic was consulted regarding the position of this board and responded with the comments that there are no objections to the location of the proposed sign, provided it is kept 1 metres back from the edge of the private access road to the graveyard at Gunnista.

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

## **8. Recommendation**

Grant subject to conditions

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

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

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

• Location Plan 2013/081/ADV - 01	08.03.2013
• Sign Elevations 2013/081/ADV - 02	08.03.2013
• Sign Details 2013/081/ADV - 03	08.03.2013

### **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.) Notwithstanding the approved plans and details the sign board shall measure 600mm by 550mm and shall be mounted upon 2 posts giving a maximum height at the highest part of the sign of 1253.5mm. Unless otherwise agreed in writing by the Planning Authority.

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

( 3.) The interpretive board shall be kept 1 metre back from the edge of the private access road to the graveyard at Gunnista.

Reason: In the interests of public and road safety in compliance with Shetland Structure Plan (2000) Policy GDS4.

( 4.) This Consent is for a period of five years only commencing with the date of the granting of this Consent.

Reason: To comply with Regulation 18(1) of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.

( 5.) All advertisements displayed, and any land used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Planning Authority.

Reason: To comply with Regulation 6 of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.

( 6.) Any hoarding, plinth or similar structure, or any sign, placard, board or device erected or used principally for the purpose of displaying advertisements/information shall be maintained in a safe condition to the reasonable satisfaction of the Planning Authority.

Reason: To comply with Regulation 6 of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.

( 7.) Where any advertisement is required under the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 to be removed the removal thereof shall be carried out to the reasonable satisfaction of the Planning Authority.

Reason: To comply with Regulation 6 of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.

( 8.) Before any advertisement is displayed on land the permission of the owner of that land or other person entitled to grant permission shall be obtained.

Reason: To comply with Regulation 6 of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.

#### 10. Further Notifications Required

None.

**11. Background Information Considered**

2005/13/PCD - Application to erect a house at Gunnista, Bressay.

2012/295/ADV - Application to erect sign at Gunnista, Bressay (withdrawn).

**12. Attachments**

2013/081/ADV-01 – Location Plan

2013/081/ADV Planning Committee Report.doc

Officer: Amy Maclean

Date: 25/03/13





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PREVIOUS  
LOCATION

NEW  
LOCATION

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OS Mastermap  
02 March 2012, ID: CM-00132766  
www.centremaplive.co.uk  
1:2500 scale print at A3, Centre:  
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