



REPORT

To: Planning Committee

14 May 2013

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

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

1 Purpose of Report

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

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

Planning Application Ref.	Development Proposed	Applicant	Officer Recommendation	Type of Exception
2012/392/PPF	Erect dwellinghouse, Nissetter, Ollaberry, Shetland, ZE2 9RU	Mr Peter Ratter	Approve, with conditions	Planning authority is landowner
2013/036/PPF	To construct a concrete skate park, The Knab, Knab Road, Lerwick, Shetland, ZE1 0AX	Shetland Skatepark Association	Approve, with conditions	Planning authority is landowner
2013/097/PPF	Installation of vehicle electric charging point, Viking Bus Station, Commercial Road, Lerwick, Shetland, ZE1 0LX (Retrospective Application)	Shetland Islands Council	Approve, with condition	Planning Authority is both applicant and landowner
2013/098/PPF	Installation of vehicle electric charging point, Infrastructure Services, Grantfield, Lerwick, Shetland, ZE1 0NT (Retrospective Application)	Shetland Islands Council	Approve, with condition	Planning Authority is both applicant and landowner
2013/099/PPF	Installation of vehicle electric charging point, 8 North Ness Business Park, Lerwick, Shetland, ZE1 0LX (Retrospective Application)	Shetland Islands Council	Approve, with condition	Planning Authority is both applicant and landowner
2013/100/PPF	Installation of vehicle electric charging point, Clickimin Leisure Centre, Lochside, Lerwick, Shetland,	Shetland Islands Council	Approve, with condition	Planning Authority is the applicant

	ZE1 0PJ (Retrospective Application)			
2013/101/PPF	Installation of vehicle electric charging point, Lerwick Health Centre, South Road, Lerwick, Shetland ZE1 0RB	Shetland Islands Council	Approve, with conditions	Planning Authority is the applicant

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

2. Recommendation

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

planning committee.doc J R Holden
Planning Committee: 14/5/2013

Appendix

2012/392/PPF - Erect dwellinghouse, Nissetter, Ollaberry, Shetland, ZE2 9RU by Mr Peter Ratter

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 development 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.

A visibility splay of 2.5 metres by 60 metres shall be provided to the west of the junction of the access with the public road;

A visibility splay of 2.5 metres by 45 metres shall be provided to the east of the junction of the access with the access 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.

(4.) 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 hot tar surface dressing for at least the first 6 metres from the public road.

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.

(5.) Notwithstanding the details on the approved plans, and unless otherwise stated at the junction of the access with the public road:

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

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

Any gate shall be set back a minimum of 6 metres from the edge of the public road. If the gate is outward opening then this distance shall be increased to at least 10 metres.

Reason: 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.

(6.) 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.

(7.) Development shall not commence until a long section showing any vertical curve elements between the straights gradients has been submitted to and approved in writing by the Planning Authority in consultation with the Roads Service.

Reason: As insufficient information has been submitted to allow assessment to ensure that the proposal to provide a safe access for vehicles, in the interests of public and road safety in compliance 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 provision of a 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.) No later than 3 months of the roofing to the dwellinghouse being completed a surface water drainage system for a rainwater soakaway with sufficient attenuation to reduce flows to at least those during 1 in 10 year rainfall event to a level which would have occurred before the development, shall be constructed in accordance with BRE Digest 365, a minimum of 5 metres from any building or boundary. The person carrying out the development should provide the Planning Authority with a written notice of completion of that phase of the development.

Reason: To reduce the potential adverse effects or hazards though flooding by reducing the rate which rainwater can travel across the site and onto neighbouring land or buildings in accordance with Structure Plan (2000) Policy GDS4 and Shetland Local Plan (2004) Policy LPNE10, LPWD11 and LPWD12.

(10.) Development shall not commence until a schedule of exterior materials, including wall and roof colours and material finishes to be used, has been submitted to and approved in writing by the Planning Authority. No materials other than those approved in accordance with this condition shall be used.

Reason: To ensure that the development matches the appearance of the buildings in the area and maintains the visual quality and/or architectural amenity of the area in compliance with Shetland Local Plan (2004) Policy LPBE13.

(11.) 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.

(12.) 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:

Building Warrant

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

Road Opening Permit

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

Section 109 Permission

The Shetland Islands Council Roads Service has advised that a Section 109 permission will be required from the Roads Service to place the proposed sewer pipe under the public road. The permission must be obtained from the Roads Service prior to carrying out any works to form the crossing. 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.

Surface Water

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

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.

Scottish Water

You are advised to contact Scottish Water in order to discuss connectivity to their infrastructure. Contact: Scottish Water, Shetland Islands Area Office, PO Box 11660, Lerwick, Shetland, ZE1 0ZF Tel: 0345 437437.

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.

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 drawing number ELEV/PR/01/12(A).

2013/036/PPF - To construct a concrete skate park, The Knab, Knab Road, Lerwick, Shetland, ZE1 0AX by Shetland Skatepark Association

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.) Development shall not commence until a Noise Impact Assessment has been submitted to and approved in writing by the Planning Authority. The skate park shall not be brought into use until the noise mitigation measures contained within the approved assessment have been implemented.

Reason: To ensure a scheme is in place to protect occupiers of the development from noise levels that would cause a Statutory Nuisance in accordance with Policy LPNE10 of Shetland Local Plan 2004.

(4.) The development shall not commence until the following details have been submitted to and approved by the Planning Authority:

1. a site layout plan at a scale of 1:500 showing the position of parking areas, external storage facilities, boundary enclosures, fencing, any proposed landscaping and surface water drainage proposals.
2. plans and elevations of the proposed skate park and any other proposed structures, indicating their dimensions and type and colour of external materials
3. site levels and section(s) through the development site showing the extent of proposed excavation and engineering works.
4. details of the proposed pedestrian chicane.

Reason: To ensure the development does not have unacceptable adverse effects on the natural and built environment and on nearby residents in compliance with Shetland Local Plan (2004) Policy LPNE10, and to ensure compliance with Shetland Local Plan (2004) Policy LPBE13.

(5.) 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.

2013/097/PPF - Installation of vehicle electric charging point, Viking Bus Station, Commercial Road, Lerwick, Shetland, ZE1 0LX by Shetland Islands Council (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.

Notes to Applicant:

Roads Service

The applicant should contact the Roads Service with regard to the marking out of vehicle spaces at the Viking Bus Station.

2013/098/PPF - Installation of vehicle electric charging point, Infrastructure Services, Grantfield, Lerwick, Shetland, ZE1 0NT by Shetland Islands Council (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.

2013/099/PPF - Installation of vehicle electric charging point, 8 North Ness Business Park, Lerwick, Shetland, ZE1 0LX by Shetland Islands Council (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.

2013/100/PPF - Installation of vehicle electric charging point, Clickimin Leisure Centre, Lochside, Lerwick, Shetland, ZE1 0PJ by Shetland Islands Council (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.

2013/101/PPF - Installation of vehicle electric charging point, Lerwick Health Centre, South Road, Lerwick, Shetland ZE1 0RB by Shetland Islands Council

Recommended Conditions

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

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

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

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

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

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

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

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

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

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

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

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

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

Notes to Applicant:

Commencement of Development:

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

Notice of Completion of Development:

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

Report of Handling

Development: Erect dwellinghouse

Location: Nissetter
Ollaberry
Shetland
ZE2 9RU

By: Mr Peter Ratter

Application Ref: 2012/392/PPF

1. Introduction

This is a detailed planning application for the construction of a new detached dwellinghouse at Nissetter in Gluss, Ollaberry.

The proposed new house is single storey with carrera harl render walls and a bramble brown ultratile roof. A new septic tank and soakaway are proposed and surface water is to be directed to a soakaway within the site. Access into the site will be taken from the south east corner of the site from the public road.

The application is required to be referred to the Planning Committee as the Council owns the land

2. Statutory Development Plan Policies

Shetland Islands Council Structure Plan (2000) Policies

GDS4 - General Development Policy Natural and Built Environment

SPNE1 - Design

GDS1 - General Development Policy Sustainable Development

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

LPBE13 - Design

LPNE10 - Development and the Environment

LPHOU4 - General Requirements for all Dwellings

LPWD12 - Sustainable Drainage Systems (SUDS)

Shetland Islands Council Interim Planning Policy Guidance

LDP2 - All development Layout and design

LDP3 - All development Location

LDP1 - All development General

3. Safeguarding

Burn Buffer - Name: No Name

Land Capability Agriculture - code: 5.3

4. Consultations

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

Recommended that standard road safety conditions be applied to the delegated decision notice and also:

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.

Roads Traffic was consulted on the 10 April 2013. Their comments dated 18 April 2013 can be summarised as follows:

Given the length of the access and the change in level proposed the access can be designed within the proposed limits of Appendix 6B as requested.

However, the long section as submitted does not indicate any vertical curve elements between the straights gradients within the design, the submitted information is therefore not sufficient to allow a proper check. This information should be submitted for approval before works start on site.

The applicant, or their agent, may wish to contact the Roads Service for advice before submitting a revised design long-section.

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

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.

A SUDs soakaway designed to BRE 365 would provide this attenuation. Any SUDs device should be at least 5m away from any house or public road or site boundary. The location shown appears to be acceptable.

The Coastal Engineer was consulted on the 17 December 2012. Their comments dated 18 December 2012 can be summarised as follows:

The development is located within the burn buffer adjacent to the Burn of Nissetter and as a result of further examination of the site shows that

there is potential for fluvial flooding within the vicinity of the development.

A detailed fluvial flood risk assessment will be required highlighting both the existing and proposed ground levels relative to the burn cross section and any proposed mitigation measures if necessary.

The Coastal Engineer was consulted on the 10 April 2013. Their comments dated 17 April 2013 can be summarised as follows:

The applicant has submitted sufficient detail within the flood risk assessment and accompanying sectional drawings to demonstrate that there is minimal threat of the development flooding from the adjacent burns nor does the development increase flood risk to adjacent land or properties.

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

Scottish Water has no objection to this planning application. This response is made based on the information available at this time and does not guarantee a connection to Scottish Water's infrastructure. A separate application should be submitted to Scottish Water for connection to the infrastructure after full planning has been granted.

Northmaven Community Council was consulted on the 17 December 2012. Their comments dated 13 March 2013 can be summarised as follows:

No objection.

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 single storey dwellinghouse at Nissetter in Gluss, Ollaberry.

The proposed site lies within a Zone 2 area for housing as defined on the proposals map for the area. In zone 2, planning permission for individual new dwellinghouses will be favourably considered, if the proposed development is sited to reflect the character, style, pattern and density of the surrounding area and in addition to satisfying the general requirements the following criterion is met: the site is not classed as grade 4.2 or 5.1 agricultural land, if there is poorer quality land in the general area that can reasonably be developed. This land is classed as 5.3 and therefore meets the criterion.

This dwellinghouse is to be sited on a site on the northern side of the road. This dwellinghouse will be the only house on this side of this road however the pattern of development in this area is scattered and therefore the construction of a dwellinghouse on this site reinforces the pattern and density of settlement in the surrounding area.

This proposed house is to be one storey with carrera harl render walls and a bramble brown ultratile roof. Within the surrounding area there are a mixture of different styles of dwellinghouses and a mixture of different material colours and finishes used. The dwellinghouses are however predominantly single storey and so the style of this dwellinghouse is in keeping. It is considered that due to the scale, materials and colour of the proposed dwellinghouse, that the design can be supported.

It is proposed to take access from the south east corner of the site. This access is an amended access further to consultation with Shetland Islands Council Roads Service. Their comments recommended standard roads conditions but also asked for a long section and the access to be designed in accordance to Appendix 6B. Further to long sections being submitted by the applicant it was commented that given the length of the access and the change in level proposed the access can be designed within the proposed limits of Appendix 6B. It has however been highlighted that the long section does not indicate any vertical curve elements between the straights gradients within the design. As such, it will be appropriate for any grant of permission to be conditioned that this information be submitted prior

to construction. It is considered that subject to condition the road access is acceptable.

The safeguarding for this site has shown that the site is within a burn buffer area. Further to a Flood Risk Assessment being submitted by the applicant it has been confirmed by the Coastal Engineer that there is minimal threat of the development flooding from the adjacent burns or increasing the flood risk to the adjacent land or properties.

There were no representations and no further safeguarding issues arising.

It is considered that the proposed development will have no adverse impact upon the natural and built environment given that the scale, design and form of the proposed dwellinghouse is appropriate in this location and safe access can be achieved when all conditions are adhered to. The construction of a dwellinghouse upon this site will have no detrimental impact upon the amenities of neighbouring properties as it will not obstruct daylight or sunlight to these properties. As such the proposal complies with the policies outlined in section two above.

8. Policy and Delegated Authority

A decision to grant 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.

9. Recommendation

Grant subject to conditions

Reasons for Council's decision:

(1.) The proposed development will have no adverse impact upon the natural and built environment given that the scale, design and form of the proposed dwellinghouse is appropriate in this location and safe access can be achieved when all conditions are adhered to. The construction of a dwellinghouse upon this site will have no detrimental impact upon the amenities of neighbouring properties as it will not obstruct daylight or sunlight to these properties. As such the proposal complies with the: Shetland Islands Council Structure Plan (2000) policies GDS4, SPNE1 and GDS1; Shetland Islands Council Local Plan (2004) (As Amended) policies LPBE13, LPNE10, LPHOU4 and

10. **List of approved plans:**

• Supporting Statement	03.12.2012
• Floor Plan FLOOR/PR/01/12	03.12.2012
• Trial Hole Details P.T.84/01	03.12.2012
• Proposed Soakaway Details P.T.84/02	03.12.2012
• Infiltration System Certificate	03.12.2012
• Elevations ELEV/PR/01/12 (A)	04.04.2013
• Site Plan SITE/PR/01/12 (A)	04.04.2013
• Location Plan LOCTN/PR/01/12 (A)	04.04.2013
• Site Section SECTSITE/PR/01/12 (A)	04.04.2013
• Long Section LONGSECT/PR/01/12	04.04.2013
• Section Plan HOUSESECT/PR/01/12	04.04.2013
• Section Plan BURNSECT/PR/01/12	04.04.2013
• Flood Risk Assessment FLOODRISKASSESSMENTREPORT	04.04.2013

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.) 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 development 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.

A visibility splay of 2.5 metres by 60 metres shall be provided to the west of the junction of the access with the public road;

A visibility splay of 2.5 metres by 45 metres shall be provided to the east of the junction of the access with the access 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.

(4.) 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 hot tar surface dressing for at least the first 6 metres from the public road.

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.

(5.) Notwithstanding the details on the approved plans, and unless otherwise stated at the junction of the access with the public road:

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

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

Any gate shall be set back a minimum of 6 metres from the edge of the public road. If the gate is outward opening then this distance shall be increased to at least 10 metres.

Reason: 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.

(6.) 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.

(7.) Development shall not commence until a long section showing any vertical curve elements between the straights gradients has been submitted to and approved in writing by the Planning Authority in consultation with the Roads Service.

Reason: As insufficient information has been submitted to allow assessment to ensure that the proposal to provide a safe access for vehicles, in the interests of public and road safety in compliance 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 provision of a 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.) No later than 3 months of the roofing to the dwellinghouse being completed a surface water drainage system for a rainwater soakaway with sufficient attenuation to reduce flows to at least those during 1 in 10 year rainfall event to a level which would have occurred before the development, shall be constructed in accordance with BRE Digest 365, a minimum of 5 metres from any building or boundary. The person carrying out the development should provide the Planning Authority with a written notice of completion of that phase of the development.

Reason: To reduce the potential adverse effects or hazards though flooding by reducing the rate which rainwater can travel across the site and onto neighbouring land or buildings in accordance with Structure

Plan (2000) Policy GDS4 and Shetland Local Plan (2004) Policy LPNE10, LPWD11 and LPWD12.

(10.) Development shall not commence until a schedule of exterior materials, including wall and roof colours and material finishes to be used, has been submitted to and approved in writing by the Planning Authority. No materials other than those approved in accordance with this condition shall be used.

Reason: To ensure that the development matches the appearance of the buildings in the area and maintains the visual quality and/or architectural amenity of the area in compliance with Shetland Local Plan (2004) Policy LPBE13.

(11.) 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.

(12.) 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:

Building Warrant

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

Road Opening Permit

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

Section 109 Permission

The Shetland Islands Council Roads Service has advised that a Section 109 permission will be required from the Roads Service to place the proposed sewer pipe under the public road. The permission must be obtained from the Roads Service prior to carrying out any works to form the crossing. 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.

Surface Water

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

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.

Scottish Water

You are advised to contact Scottish Water in order to discuss connectivity to their infrastructure. Contact: Scottish Water, Shetland Islands Area Office, PO Box 11660, Lerwick, Shetland, ZE1 0ZF Tel: 0345 437437.

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.

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 drawing number ELEV/PR/01/12(A).

11. Further Notifications Required

None.

12. Background Information Considered

None.

13. Attachments

Location Plan LOCTN/PR/01/12 (A)

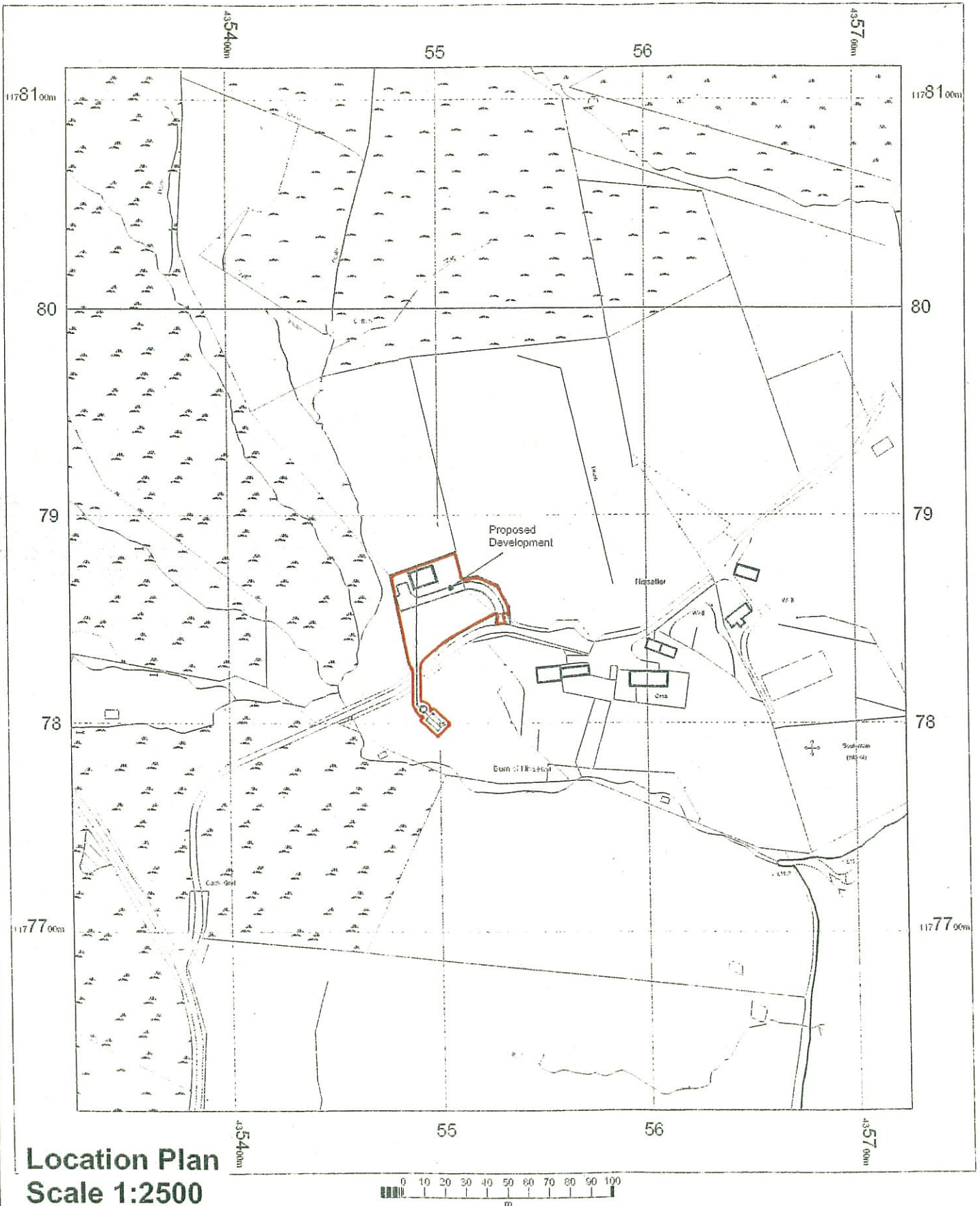
2012/392/PPF Planning Committee Report.doc

Officer: Amy Maclean

Date: 25th April 2013



Location Plan



Development: To construct a concrete skate park

Location: The Knab
Knab Road
Lerwick
Shetland
ZE1 0AX

By: Shetland Skatepark Association

Application Ref: 2013/036/PPF

1. Introduction

This is an application for full planning permission to construct a concrete skate park at the Knab, Lerwick and is considered to be a local development.

The site lies adjacent to and south east of the Coastguard Station, on Knab Road, and is approximately 0.314 hectares in size.

A Supporting Statement has been submitted with the application.

The application is referred to the Planning Committee as the land is owned by the Shetland Islands Council.

2. Statutory Development Plan Policies

Shetland Islands Council Structure Plan (2000) Policies

GDS3 - General Development Policy Existing Settlements

GDS4 - General Development Policy Natural and Built Environment

GDS5 - General Development Policy Social Inclusion

SPCSF2 - Public Open Space

SPCSF3 - Social and Economic Services

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

LPNE10 - Development and the Environment

LPCFS4 - Community Facilities

Shetland Islands Council Interim Planning Policy Guidance

SPG1 - All development Layout and Design

3. Safeguarding

Land Capability Agriculture - code: 888

4. Consultations

Environmental Health were consulted on the 14 February 2013. Their comments dated 26 February 2013 can be summarised as follows:

More information on the noise impacts of this development are required. With the level of data supplied I am unable to fully assess this application.

Roads Traffic were consulted on the 14 February 2013. Their comments dated 4 March 2013 can be summarised as follows:

I am satisfied that there is sufficient parking adjacent to this development for the expected usage. Details of the proposed pedestrian chicane will be required for written approval.

Roads Drainage were consulted on the 14 February 2013. Their comments dated 14 February 2013 can be summarised as follows:

SuDS will be required. Full details of the drainage system should be submitted.

Lerwick Community Council were consulted on the 14 February 2013. Their comments dated 6 March 2013 can be summarised as follows:

No objections.

Environmental Health were consulted on the 7 March 2013. Their comments dated 25 March 2013 can be summarised as follows:

More information regarding this development and the potential noise impact is required before I can be satisfied that Statutory Nuisance would be unlikely to occur at the nearest sensitive receptors.

Environmental Health were consulted on the 12 April 2013. Their comments dated 23 April 2013 can be summarised as follows:

There is potential for this development to result in Statutory Nuisance at nearby residential premises. I also feel that a resolution to this potential problem will be achievable through design. If you are able to suitably condition this development, which would mean that the finalised design, including any acoustic bunding and/or barriers is to be agreed by the Planning Service prior to the development commencing, then I would be prepared to accept this and would have no objection to the application.

5. Statutory Advertisements

The application was advertised in the Shetland Times on 22.02.2013

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 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.

Applications for planning permission to use land for community facilities will be assessed in accordance with Policy LPNE10 of the Local Plan and will normally be permitted if the proposal relates sympathetically to the scale and existing level of activity in the area, does not conflict with the surrounding land uses, and adheres to parking and access standards.

The Knab area covers approximately 5.4 hectares and provides an outstanding location for informal recreation. The footpath around the Knab is well used and forms part of the core paths network. Also in the area there is a 9 hole golf course which provides a more formalised means of recreation. It is therefore considered that the area is well established as an area for mixed recreational use.

The Knab area has also been designated, under the current Development Plan, as a Local Protection Area where only developments for facilities which are to the benefit of the community as a whole will be considered.

Assessment of the implications of noise from the proposed development has been the subject of ongoing consultation with the Environmental Health Service. The applicant has sought to provide satisfactory information but unfortunately this has not been sufficient to be able to conclude that no Statutory Nuisance will occur in relation to the operation of the park.

It is understood from discussions with the applicant that the plans submitted may not relate to the actual design that would be built on the site. As the design, including acoustic bunding and/or barriers, may prove to be an essential element in mitigating against noise it is

considered that matters covering final design and noise mitigation can be made the subject of planning conditions, to be discharged prior to any work commencing on the site.

This will enable a degree of certainty for the applicant that the principle of a skate park in this location is acceptable, and provide assurance that the wider public amenity can be protected by planning conditions that are satisfactorily discharged.

It is therefore considered that, subject to the imposition of satisfactory conditions, the proposed skate park will be seen as a positive addition to recreational space within Lerwick.

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

9. Recommendation

Grant subject to conditions

Reasons for Council's decision:

(1.) It is considered that, subject to the imposition of satisfactory conditions, the proposed skate park will be seen as a positive addition to recreational space within Lerwick and in compliance with Shetland Structure Plan and Policies SPCSF2 - Public Open Space and Shetland Islands Council Local Plan (2004) (As Amended) Policies LPNE10 - Development and the Environment Policy LPNE10 and LPCFS4 - Community Facilities

10. List of approved plans:

- Site & Location Plan MMD-313902-C-DR-00-XX-0001
06.02.2013

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.) Development shall not commence until a Noise Impact Assessment has been submitted to and approved in writing by the Planning Authority. The skate park shall not be brought into use until the noise mitigation measures contained within the approved assessment have been implemented.

Reason: To ensure a scheme is in place to protect occupiers of the development from noise levels that would cause a Statutory Nuisance in accordance with Policy LPNE10 of Shetland Local Plan 2004.

(4.) The development shall not commence until the following details have been submitted to and approved by the Planning Authority:

1. a site layout plan at a scale of 1:500 showing the position of parking areas, external storage facilities, boundary enclosures, fencing, any proposed landscaping and surface water drainage proposals.

2. plans and elevations of the proposed skate park and any other proposed structures, indicating their dimensions and type and colour of external materials

3. site levels and section(s) through the development site showing the extent of proposed excavation and engineering works.

4. details of the proposed pedestrian chicane.

Reason: To ensure the development does not have unacceptable adverse effects on the natural and built environment and on nearby residents in compliance with Shetland Local Plan (2004) Policy LPNE10, and to ensure compliance with Shetland Local Plan (2004) Policy LPBE13.

(5.) 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.

11. Further Notifications Required

None

12. Background Information Considered

None

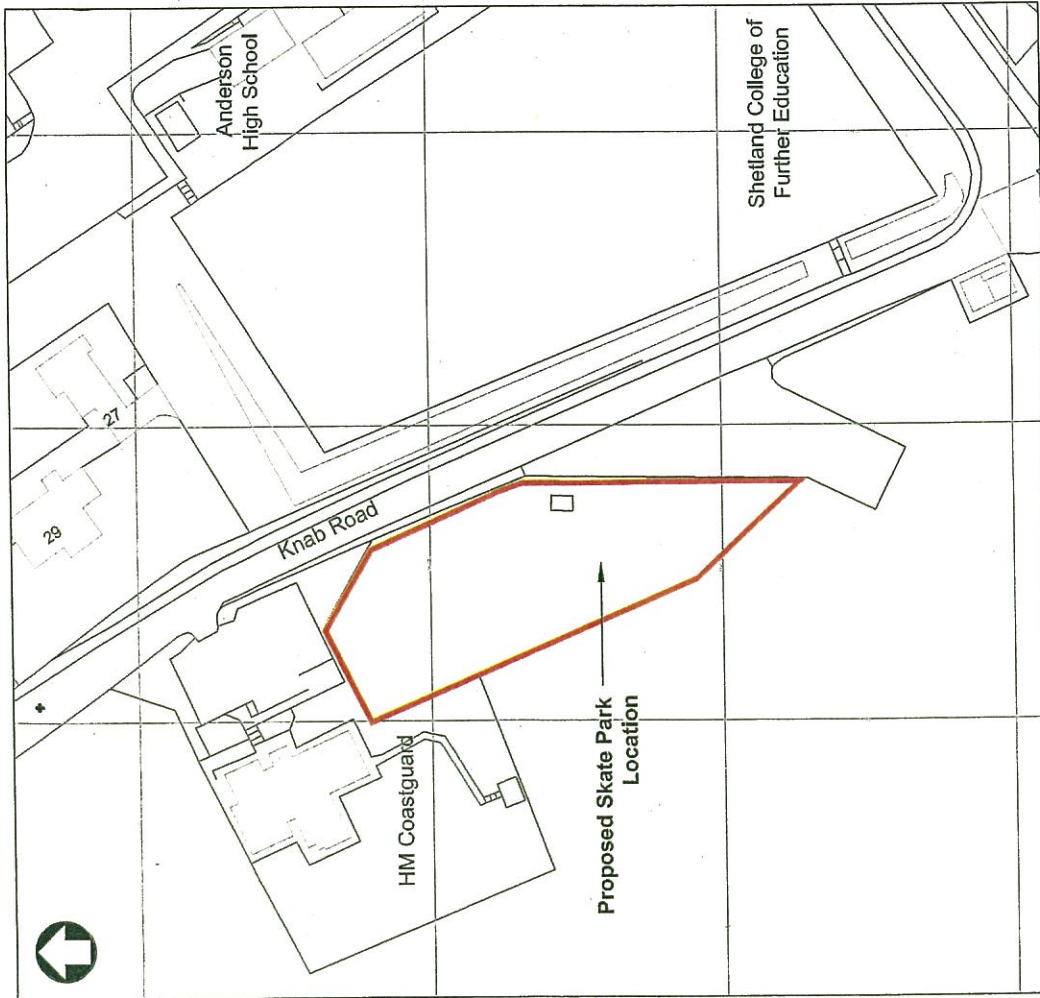
13. Attachments

Site & Location Plan MMD-313902-C-DR-00-XX-0001

Planning Committee Report.doc

Officer: Mr Richard MacNeill

Date: 14th May 2013



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SATELLITE IMAGE OF SITE
INFRASTRUCTURE SERVICES
- 6 FEB 2013

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Developments: Installation of vehicle electric charging points

Locations: Viking Bus Station, Commercial Road, Lerwick;
Infrastructure Services, Grantfield, Lerwick; 8 North Ness Business Park,
Lerwick; Clickimin Centre, Lerwick (all retrospective); and Lerwick Health
Centre, Lerwick (proposed).

By: Shetland Islands Council

Application Ref: 2013/097/PPF, 2013/098/PPF, 2013/099/PPF,
2013/100/PPF and 2013/101/PPF

1. Introduction

This report covers the five planning applications listed above to erect a series of 5 Vehicle Electric Charging Points (Pod Points) as part of a project to provide access to such facilities within Lerwick. Four applications are for retrospective permissions and one is proposed.

The Pod Points are 1.3 metres in height and consist of a mounting base, post and charging head painted black. Each has a protective "cage" surrounding the structure.

The applications require to be reported to the Planning Committee for decision as some of the sites are on land owned by the Council and all of the applications are made by the Council.

2. Statutory Development Plan Policies

Shetland Islands Council Structure Plan (2000) Policies

GDS1 - General Development Policy Sustainable Development

GDS3 - General Development Policy Existing Settlements

GDS4 - General Development Policy Natural and Built Environment

SPENG5 - Minimise Energy Consumption

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

LPENG6 - Energy Proposals

LPNE10 - Development and the Environment

3. Safeguarding

Land Capability Agriculture - code: 888

Zone 1 Modified - Zone 1 Modified: Housing Zone 1

4. Consultations

Roads Traffic were consulted on the 28 March 2013 in relation to the proposal at the Viking Bus Station. Their comments dated 11 April 2013 can be summarised as follows:

No objections. The space should be marked as use by electric vehicles only. Details of marking shall be done in consultation with the Roads Service.

5. Statutory Advertisements

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

A site notice was not required to be posted.

6. Representations

Representations were received from the following properties:

None

7. Report

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

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

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

The vehicle electric charging points (Pod Points) are required to allow users of electric powered vehicles to have access to several available charging areas within the town and so encourage the use of such sustainable vehicles.

Given the location, scale and purpose of these developments, it is considered that they will have no detrimental impact on the natural or built environment and will have 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 application is for a proposed development falling within the category of Local Development and the Council has an interest in each proposal they concern, the decision to determine each 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

9. Recommendation

Grant each application subject to conditions

Reasons for Council's decision (all applications):

(1.) By virtue of the location, scale and purpose of the proposed Pod Point, 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 and SPIND3 and Shetland Local Plan (2004) policies LP NE10.

10. List of approved plans:

- Location Plan & Site Information DW-6-2370-006
26.03.2013
- Location Plan & Site Information DW-6-2370-002
26.03.2013
- Location Plan & Site Information DW-6-2370-008
26.03.2013
- Location Plan & Site Information DW-6-2370-009
26.03.2013
- Location Plan & Site Information DW-6-2370-010
26.03.2013

Conditions: (2013/097/PPF – Viking Bus Station, 2013/098/PPF - Grantfield, 2013/099/PPF – 8 North Ness, 2013/100/PPF - Clickimin)

(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.

Notes to Applicant: (2013/097/PPF – Viking Bus Station only)

Roads Service

The applicant should contact the Roads Service with regard to the marking out of vehicle spaces at the Viking Bus Station.

Conditions: (2013/101/PPF – Lerwick Health Centre)

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

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

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

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

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

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

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

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

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

writing by the Planning Authority before the commencement of any landscaping works.

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

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

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

Notes to Applicant:

Commencement of Development:

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

Notice of Completion of Development:

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

11. Further Notifications Required

None

12. Background Information Considered

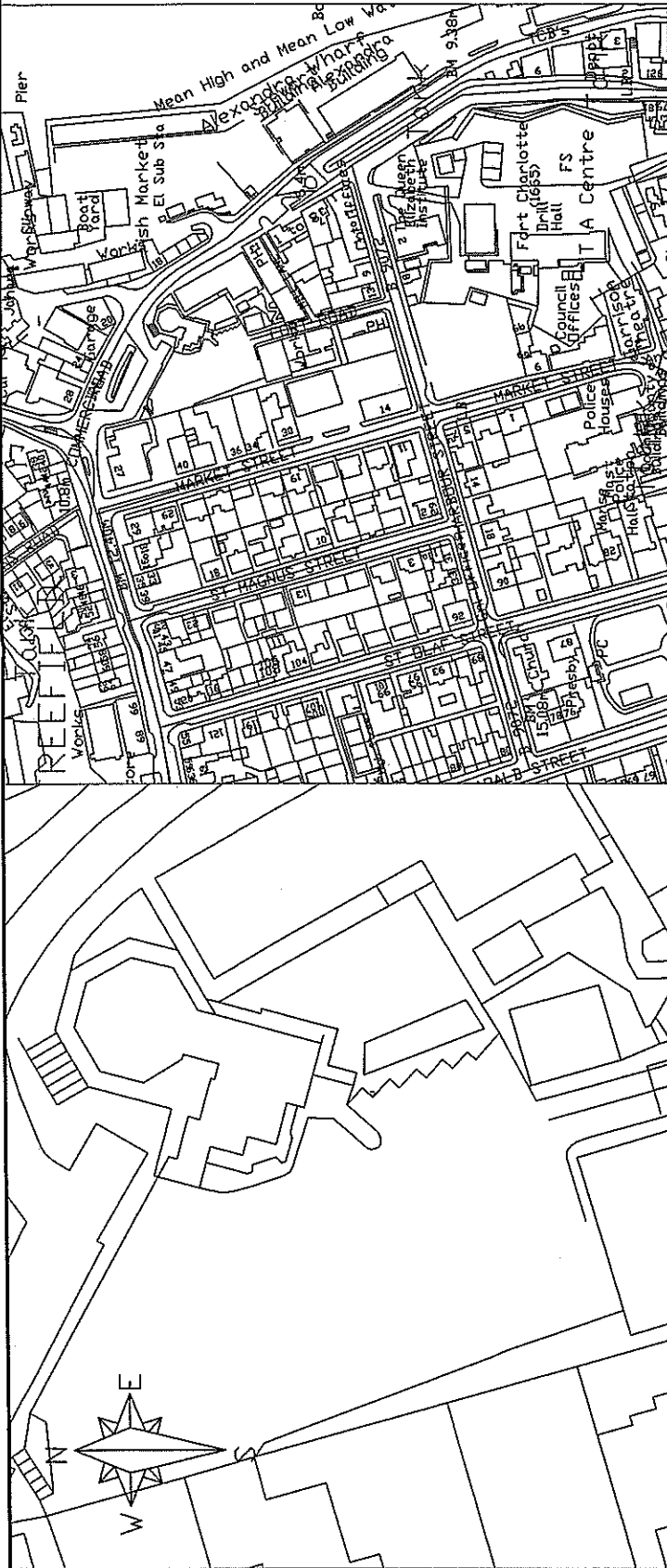
None

13. Attachments

- Location Plan & Site Information DW-6-2370-006
26.03.2013
- Location Plan & Site Information DW-6-2370-002
26.03.2013

- Location Plan & Site Information DW-6-2370-008
26.03.2013
- Location Plan & Site Information DW-6-2370-009
26.03.2013
- Location Plan & Site Information DW-6-2370-010
26.03.2013

Planning Committee Report.doc
Officer: Mr Richard MacNeill
Date: 14.05.2013



Site Plan 1:500

Site Plan 1:2500

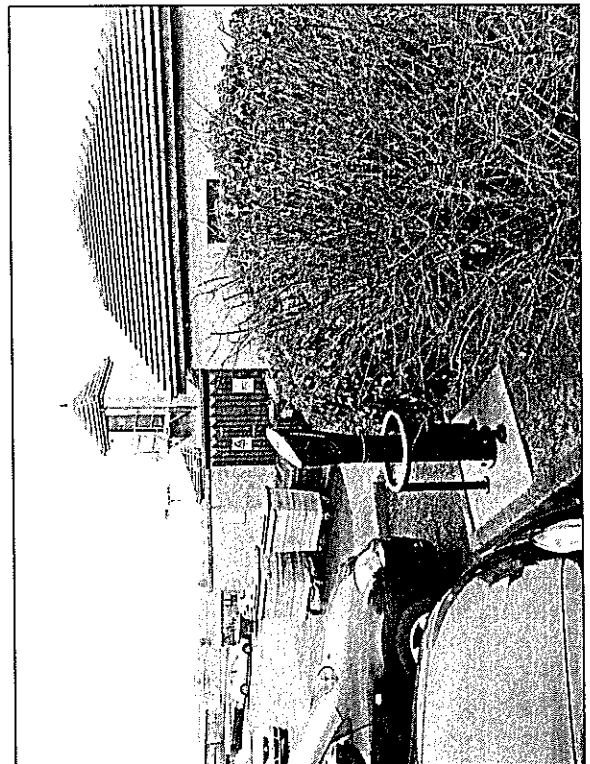


Photo NTS

Notes

Pod Point Installed to manufacturers Instructions.
(see supporting document)

All Electrical works carried out to the current IEE regulations
(see supporting document)

- ① Occupier:
Great Wall
26 North Road
Lerwick
Shetland
ZE1 0PE

INTRODUCTION SERVICES	
2000000000	
Project	Pod Point

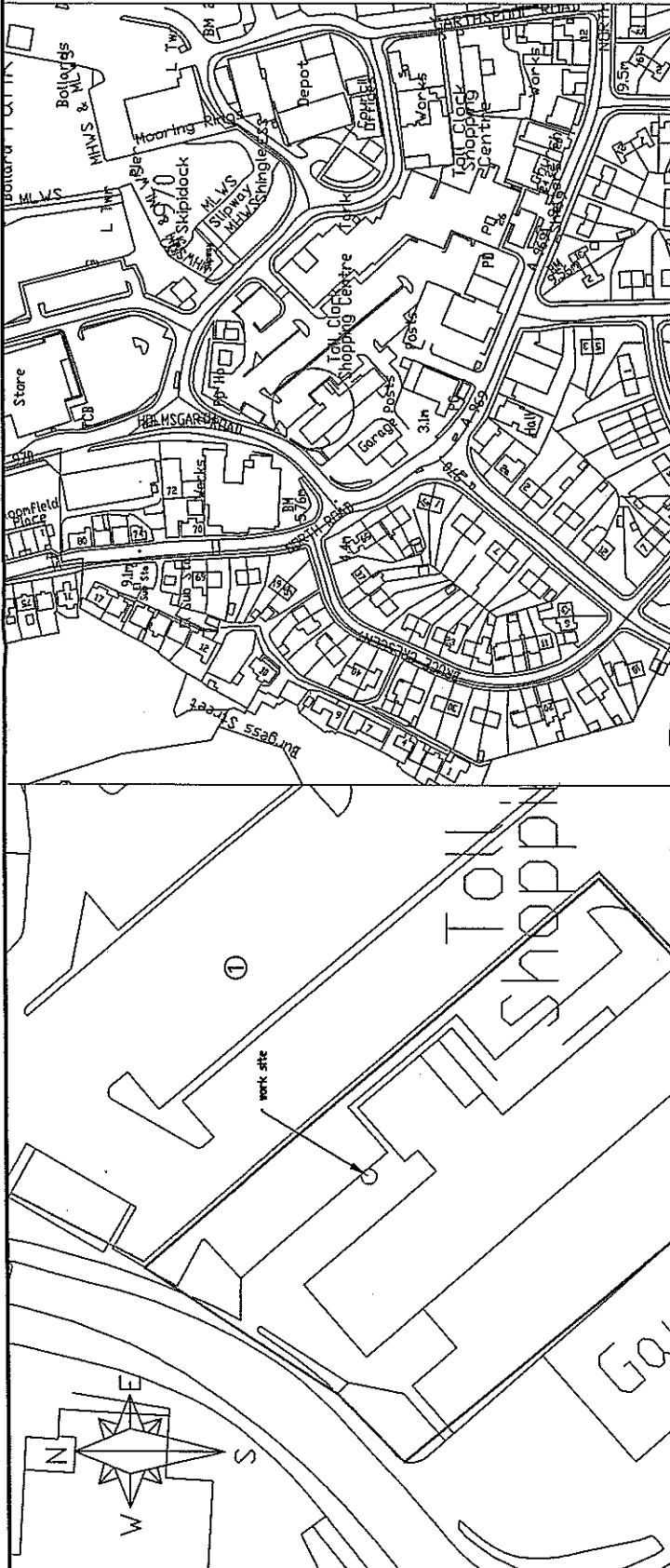
NESS ENGINEERING LTD
ELECTRICAL, MECHANICAL & BUILDING SERVICES
TEL: (01850) 460714 FAX: (01850) 460578
Project: Viking Car Park Pod Point Installation

Viking Car Park
Pod Point Installation

Drawing Title:

Location and Site Details

Drawn by: DW	Date: Mar 2013
Checked by: TW	Date: Mar 2013
Approved by:	Date:
Drawing No: DW-6-2370-006	Revision:



Site Plan 1:500

Site Plan 1:2500

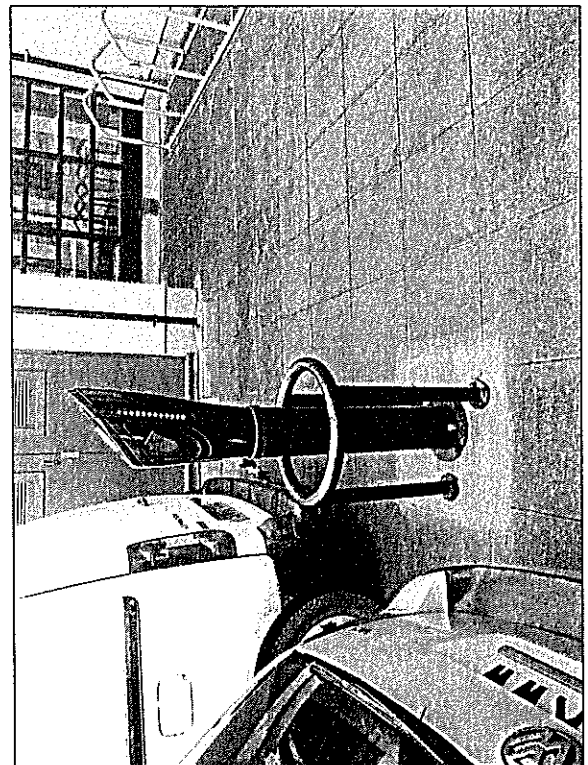


Photo NTS

Notes

Pod Point Installed to manufacturers Instructions.

All Electrical works carried out to the current IEE regulations

- ① Owner and Occupier:
Toll Clock Shopping Centre
26 North Road
Lerwick
Shetland
ZE1 0PE

SIC	
INFRASTRUCTURE SERVICES	
23 MAR 2013	
Drawn by	Checked by

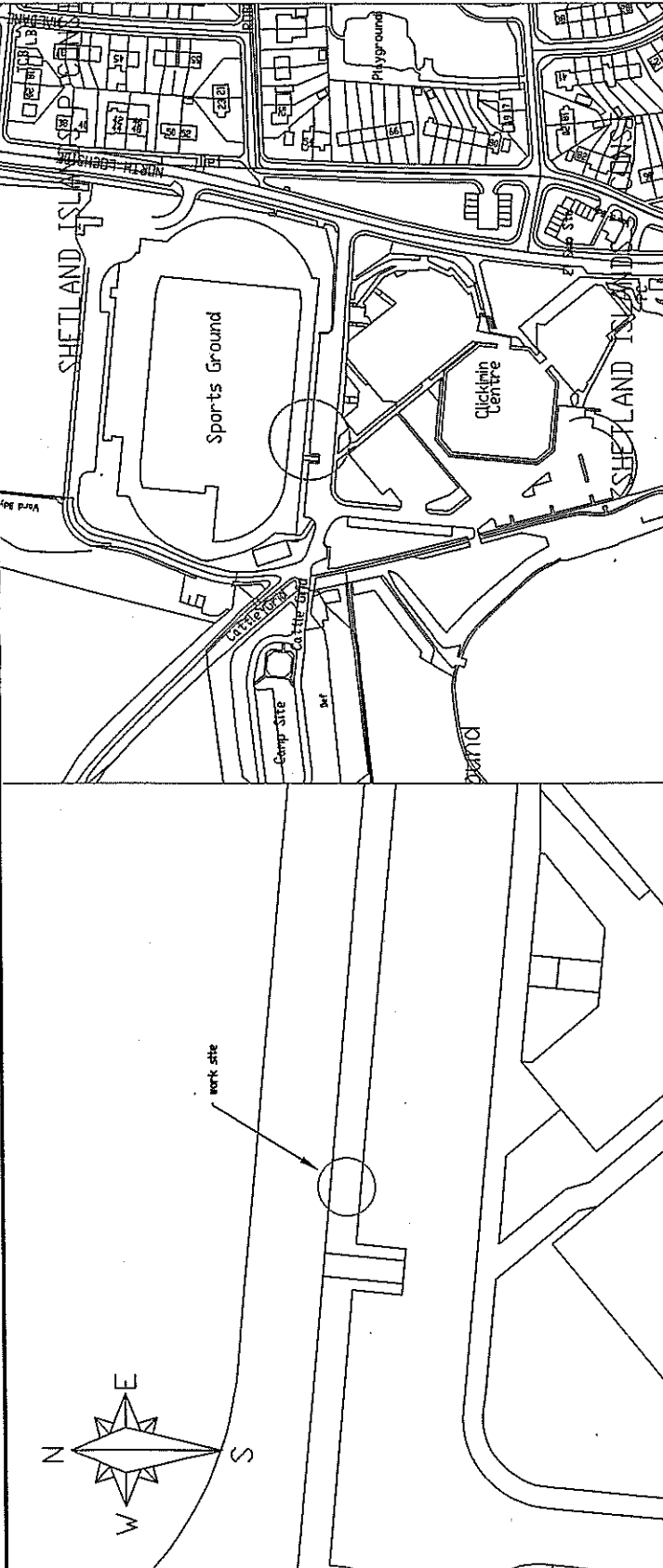
NESS ENGINEERING LTD
ELECTRICAL, MECHANICAL & BUILDING SERVICES
TEL: (01950) 460714 FAX: (01950) 460378
Project:

Grantfield Offices
Pod Point Installation

Drawing Title:

Location and Site Details

Drawn by:	DW	Date:	Mar 2013
Checked by:	TW	Date:	Mar 2013
Approved by:		Date:	
Drawing No.	DW-6-2370-002		
Revision:			



Site Plan 1:500

Site Plan 1:2500

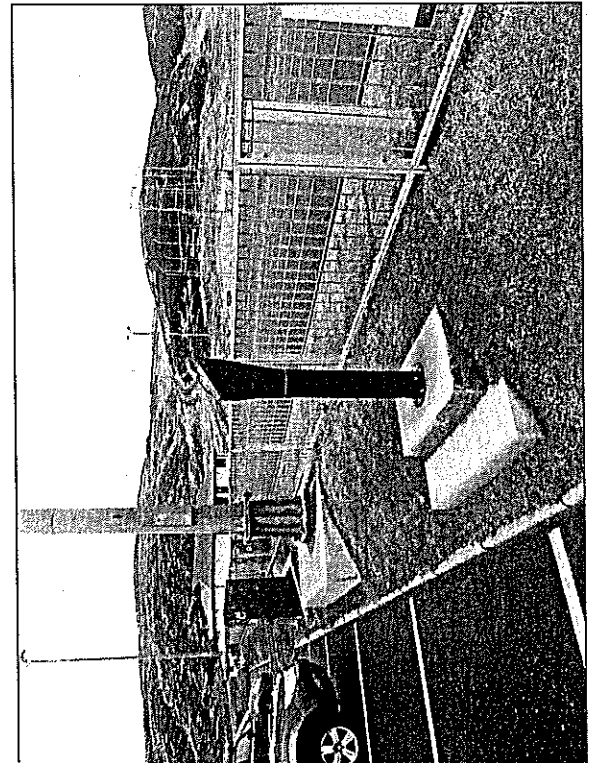


Photo NTS

Notes

20m radius from work site within building boundary. No requirement for neighbourhood notification

Pod Point installed to manufacturers Instructions.

All Electrical works carried out to the current IEE regulations

NESS ENGINEERING LTD ELECTRICAL & MECHANICAL SERVICES 22 MAR 2013	
FIGS TO	LOCATION

NESS ENGINEERING LTD
ELECTRICAL & MECHANICAL SERVICES
TEL: 01950 460774 FAX: 01950 460378
Project:

Clickimin
Pod Point Installation

Drawing Title:

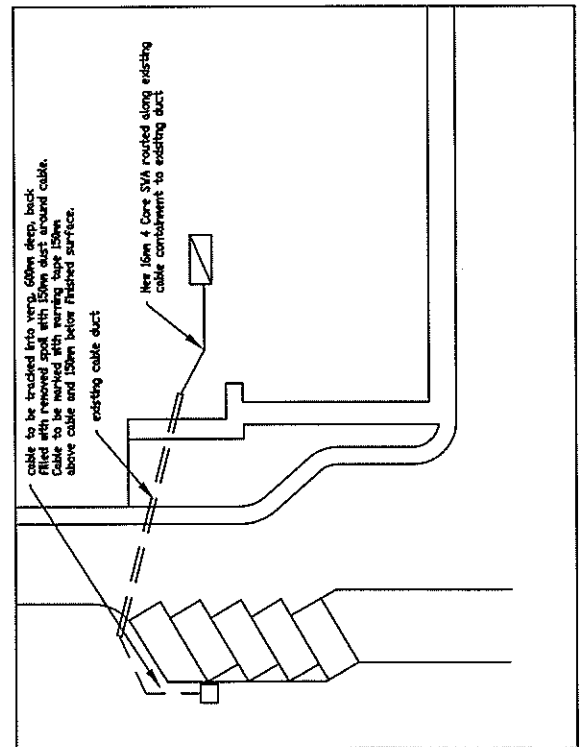
Location and Site Details

Drawn by: DW	Date: Mar 2013
Checked by: TW	Date: Mar 2013
Approved by:	Date:
Drawing No.	Revision:
DW-6-2370-009	
Drawing Scale As Shown	Sheet No: 1 of 1
Printer: A4	



Site Plan 1:500

Site Plan 1:2500



Cable Route NTS

Notes

Pod Point Installed to manufacturers Instructions.

All Electrical works to be carried out to the current IEE regulations and installed and tested by an approved certifier of construction.

New supply Cable to be installed through existing lighting bollard ducting to existing switch room.

- ① Owner and Occupier:
C&M Dinwoodie
Garth Cottage
23 South Road
Lerwick

SR	23 MAR 2013
INFRASTRUCTURE SERVICES	

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

Lerwick Health Centre
Pod Point Installation

Drawing Title:

Location and Site Details

Drawn by: DW	Date: Mar 2013
Checked by: TW	Date: Mar 2013
Approved by:	Date:
Drawing No:	Revision:
DW-6-2370-010	
Drawing Scale: As Shown	Sheet No: 1 of 1
Page: A3	



REPORT

To: Planning Committee

14 May 2013

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

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

1 Purpose of Report

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

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

Planning Application Ref.	Development Proposed	Applicant	Officer Recommendation	Type of Exception
2013/122/ADV	Erect signboards, 11 Mounthooly Street, Lerwick, Shetland, ZE1 0BJ	Sheila Johnson	Approve, with conditions	Planning authority is landowner

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

2. Recommendation

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

planning committee.doc J R Holden
Planning Committee: 14/5/2013

Appendix

2013/122/ADV - Erect signboards, 11 Mounthooly Street, Lerwick, Shetland, ZE1 0BJ by Sheila Johnson

Recommended Conditions

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

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

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

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

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

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

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

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

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

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

(6.) 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:

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: Erect signboards

Location: 11 Mounthooly Street

Lerwick

Shetland

ZE1 0BJ

By: Sheila Johnson

Application Ref: 2013/122/ADV

1. Introduction

This is an application for advertisement consent to install two signs on the front elevation of 11 Mounthooly Street in Lerwick. In terms of external material finishes both signs are proposed to be white with black lettering. One sign is to be fixed above the shop door and the other is to be fixed on the right hand side of the building next to the window. Window stickers with the business name and logo in black are also proposed.

2. Statutory Development Plan Policies

Shetland Islands Council Structure Plan (2000) Policies

GDS4 - General Development Policy Natural and Built Environment

SPNE1 - Design

SPBE1 - Built Heritage

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

LPBE8 - Development in Conservation Areas

LPNE10 - Development and the Environment

LPBE10 - Shopfronts in Conservation Areas

LPBE11 - Advertisements and Signs

Appendix C - Shopfront Design Guidelines

Shetland Islands Council Interim Planning Policy Guidance

LDP1 - All development General

3. Safeguarding

Zone 1 Modified - Zone 1 Modified: Housing Zone 1

Conservation Areas - Conservation Area: Conservation Area

4. Consultations

None required.

5. **Statutory Advertisements**

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

A site notice was not required to be posted.

6. **Representations**

Representations were received from the following properties:

None.

7. **Report**

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

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

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

The proposal is to erect two non-illuminated signs detailing name and contact details at 11 Mounthooly Street, Lerwick. The signs are to measure 1.56m² and 0.70m² and contain black lettering upon a white background. The window stickers are to be placed upon frosted windows. These colours are appropriate to the Conservation Area and can be seen upon several other properties along Commercial Street. The proposed design accords with the Shetland Structure Plan (2000) Policy SPNE1 and Shetland Local Plan (2004) Policy LPBE13.

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

The proposed signs are located within the Lerwick Lanes Conservation Area. The proposal has been considered in respect to the existing built environment and advertisement and sign policy, Shetland Local Plan (2004) policies LPNE10 and LPBE11 respectively. It is considered that the proposed signs' sizes, locations, materials and colours are all acceptable. As such they will not compromise the visual amenity of the surrounding area and will have no adverse impact upon the natural and built environment. For these reasons the proposal complies with the policies outlined in section two above.

8. **Policy and Delegated Authority**

A decision to grant this application complies with Council planning policy. 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.

9. **Recommendation**

Grant subject to conditions

Reasons for Council's decision:

(1.) It is considered that the proposed signage is appropriate in terms of its colours, materials, scale and location on the existing building; as such it will not compromise the visual amenity of the surrounding area and will have no adverse impact upon the natural and built environment. The proposal complies with: Shetland Structure Plan (2000) policies GDS4, SPNE1 and SPBE1; Shetland Islands Council Local Plan (2004) (As Amended) policies LPBE8, LPNE10, LPBE10, LPBE11 and Appendix C; and Shetland Islands Council Interim Planning Policy Guidance Policy LDP1.

10. **List of approved plans:**

- | | | |
|---|---------------------------------|------------|
| • | Location Plan 2013/122/ADV - 01 | 08.04.2013 |
| • | Photograph 2013/122/ADV - 02 | 08.04.2013 |

Conditions:

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

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Notes to Applicant:

Building Warrant

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

11. Further Notifications Required

None.

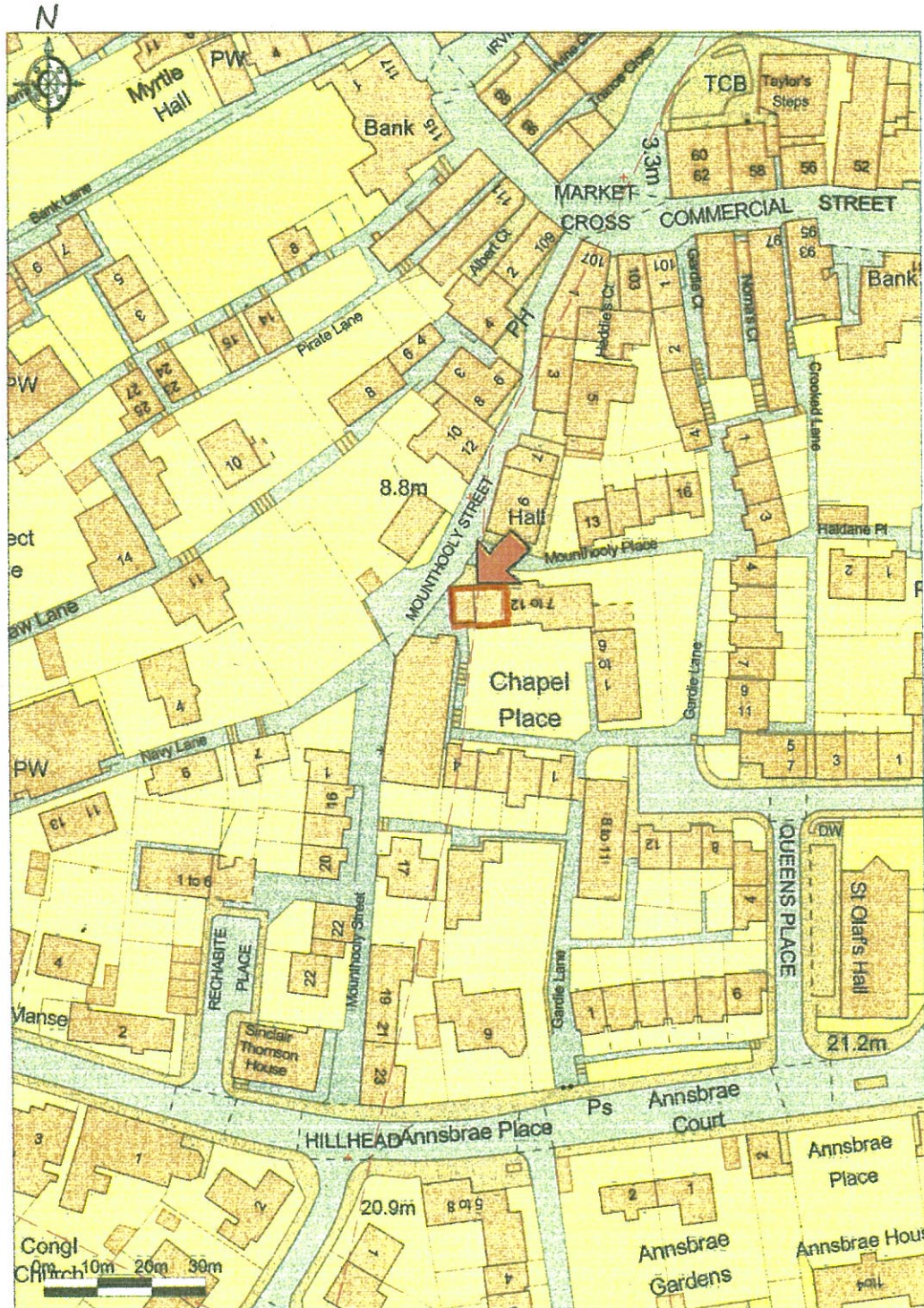
12. Background Information Considered

2005/291/PCD - Proposal to replace shop front (windows and door) and adjacent window, with upvc frames and double glazing

13. **Attachments**

2013/122/ADV-01

2013/122/ADV Planning Committee Report.doc
Officer: Amy Maclean
Date: 14th May 2013



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