



Planning Committee

11 June 2013

2013/019/PPF: To change use from Class 8 Residential Institutions to Class 7 Hotels, Hostels, Boarding and Guest Houses, Leog House, 2 Leog Lane, Lerwick

PL-09-13-F

**Report Presented by Planning Officer –
Development Management, Planning**

**Development Services Department/
Planning Service**

1.0 Summary

- 1.1 This report concerns an application for planning permission to change the use of Leog House from its present use (Class 8 - Residential Institution) into a use within Class 7 that includes hotels, boarding and guest houses as well as hostels.
- 1.2 The application is presented to Committee for a decision following a hearing, as this is a Council application to which representations have been submitted.

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.

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

Statutory Development Plan Policies:

Shetland Islands Council Structure Plan (2000) Policies

GDS4 - General Development Policy Natural and Built Environment

SPNE1 - Design

SPBE1 - Built Heritage

SPTOUR1 - Tourism Development

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

LPNE10 - Development and the Environment

LPBE5 – Protection and Enhancement of Buildings

LPBE6 - Listed Buildings

LPBE8 - Development in Conservation Areas

LPBE13 - Design

LPTOUR2 – Visitor Accommodation

LPTP12 – Parking Standards and Guidance.

Shetland Islands Council Interim Planning Policy Guidance

LDP1 - All development General

LDP5 - All Development, Historic Built Environment

3.3 Safeguarding

Zone 1 Modified - Zone 1 Modified: Housing Zone 1

Listed Building - Listed buildings: LERWICK, 2 LEOG LANE, LEOG HOUSE. Category of listing: C(S)

Main Areas of Best Fit - Main Areas of Best Fit: Lerwick

Conservation Area: Lerwick

4.0 Report

- 4.1 The main issues raised by this application relate to parking and access. When the application was first submitted the 5 public car parking spaces and the turning head were included as part of the application site. This raised some issues for neighbours who were concerned that the public parking and turning head would no longer be available. The application site has subsequently been amended and reduced to remove this public area from the proposed site. The application site now relates only to Leog House and walled garden and a small area to the rear that is currently a grassed area and part of the grounds of Leog House. The parking and turning head will remain and be available for public use. Therefore no additional parking for the development is proposed as part of this application.
- 4.2 The parking requirements for a proposal such as this are based on the number of proposed rooms that could be used in such a development at a rate of 1 space per bedroom and 1 space per 3 staff. In this case the maximum number of rooms given by the applicant is 10 bedrooms, and for the scale of development it is likely that staff numbers would be in the region of 3. Therefore the parking requirement would be 11 spaces.

- 4.3 Following advice from the Roads Service on the information that would be required on the parking situation in the area in support of the application, the applicant conducted a 'snap shot' survey of the level of parking that was available between the hours of 08.00 and 18.00 within a 3-minute walk of the main entrance of Leog House. This survey showed that within the stated hours there were between 21 and 29 spaces available within a 3-minute walk of the site.
- 4.4 Roads Services have indicated that this being the case, and following their own 'snap shot' survey to confirm parking availability, they have no concerns over this aspect of the development. The Council parking policy although stating the number of spaces that should be provided for a development, allows a certain degree of flexibility depending on a number of factors. In the case of this proposed development there are a number of factors that would allow the policy to be applied flexibly and these are outlined as follows:
- It has been demonstrated that there are a significant number of available parking spaces within a 3-minute walk of the site that could be used, and Roads Services have confirmed that this is acceptable.
 - The existing use of the building falls within Use Class 8 which is largely residential institutions which could include a residential school, college, or training centre, residential accommodation with some form of care, hospital or nursing home. Therefore the building as is has an existing parking requirement and could be used for any Class 8 use without the need for planning permission for a change of use. Leog House has been used as a residential children's home since at least the early 1980's, attracting the need for staff and visitor parking. The use as a hotel would not add significantly to the existing parking requirement for the building that had to be accommodated in the area.
 - The building is a listed building and is within the Lerwick Conservation Area, and although the building has a substantial front garden, the development of this space for parking would not be acceptable in terms of the impact on the listed building and its setting. The Council has a policy of encouraging the appropriate re-use of existing buildings to ensure that the fabric of the building is maintained and the character of the Conservation Area is not affected. Historically it is largely accepted that in conservation areas and in relation to listed buildings it may not be possible to provide parking on site. However this has to be balanced against the merits of maintaining a historic building in use in a historic location.
- 4.5 Objectors to the development also raised the issue of the access to the building via Leog Lane, which is narrow and single track and the potential risk from traffic to pedestrians and vehicles. The Council's Roads Service are of the opinion that while the proposed development will generate a number of traffic movements in the area, the change of use would not make this appreciably worse than the previous use and therefore had no objections to this aspect of the development.

- 4.6 Concerns were also raised about the potential to alter current access arrangements to the surrounding houses. The applicant, through the submission of a revised location plan, clarified that the public/turning head and public parking spaces no longer form part of the application site, and indicated that existing access arrangements will remain unchanged.
- 4.7 Some concerns were also raised in relation to the impact on trees on or adjacent to the site. However this application does not propose any works to trees within the area and the applicant has confirmed this.
- 4.8 The application seeks a change of use to uses within Class 7 that include hotels and hostels and guest houses. However premises licensed for the sale of alcohol to persons other than residents or persons other than those having a meal on the premises is outwith this class, so there would be no potential for a bar open to the general public to be included in any development without a further application for planning permission.
- 4.9 Leog House is a Category C Listed Building, and is within the Lerwick Conservation Area. The application for the change of use proposes no external or internal alterations to the building and seeks only to establish the future use of the building. Any subsequent alterations to the building to effect any change of use may require listed building consent and/or planning permission and will require to be the subject of future assessment.
- 4.10 The assessment of the proposal has been made on the basis that the maximum number of bedrooms that would be used within the building would be 10 and any permission should be conditioned to reflect this.

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 – **Lerwick Community Council** was consulted during the processing of the application. They objected to the application on the basis that there was no detail or reference to existing and proposed access to and from the site or on parking arrangements. The Community Council was notified of additional information received from the applicant and of comments received from the Roads Service in relation to the application. At the time of writing no further comments had been received. Any further comments received from the Community Council will be reported at the Planning Committee.

Roads Services were consulted on the application and requested further information on the parking available in the area and the maximum number of guest bedrooms and any ancillary uses proposed

within the building. Roads Services also pointed out that the 5 parking spaces and turning head were public spaces and classed as part of the public road and any proposal to use the spaces would have to be supported by a suitable survey of the current use of the area.

Following the submission of additional details from the applicant (memo dated 17 April 2013, included in appendices) that included a parking survey of the area within a 3-minute walk of the application site, Roads Services confirmed that there was sufficient parking within the surrounding area to accommodate the typical level of use likely to be generated by the proposed change of use and had no concerns on this aspect of the proposed development.

Representations were received from 3 neighbouring properties and copies of the representations are attached in full in the appendices to this report. The main points of the objections relate to the lack of parking for the proposed development, the need to keep the public turning head clear, congestion in Leog Lane which is single track and the resultant impact on pedestrian and vehicle safety.

- 5.3 Policy And/Or Delegated Authority – The application is for a development falling within the category of Local Development. As the Council owns the site, and the Council has made the application, the decision to determine the application is delegated to the Planning Committee under the Council's Planning Scheme of Delegations that has been approved by the Scottish Ministers.
- 5.4 Risk Management – If Members are minded to refuse the application, it is imperative that clear reasons for proposing the refusal of consent contrary to the development plan policy and the officer's recommendation be given and minuted. This is in order to provide 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 On balance the proposed change of use is considered as an acceptable use of this listed building that will not have a detrimental impact on the building or on the character or appearance of the Conservation Area in which it sits. The lack of car parking has been highlighted as the main issue in relation to the proposed development. However it has been demonstrated that there are an adequate number of on street parking spaces available within an acceptable distance of the building, and the circumstances of the site are such that in this instance there is sufficient justification to warrant approval of the application as proposed without attaching a formal parking requirement to the proposed use as a permitted exception within the Council's parking policy.

- 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.

For further information please contact:

Janet Barclay Smith – Planning Officer – Development Management

Tel: 01595 744829 Email: janet.barclay@shetland.gov.uk

3 June 2013

List of Appendices

- Schedule of recommended conditions
- Location Plan
- Site Plan
- Additional details from applicant (memo dated 17 April 2013)
- Representations from:
 - Mr & Mrs A Anderson, 7 Leog Lane, Lerwick
 - Mr & Mrs Bridgeman, 2 Leog, Lerwick
 - Mr D Robertson, 11 Leog Lane, Lerwick

Background documents:

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

Schedule of Conditions:

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

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

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

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

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

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

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

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

(3.) This permission shall only relate to the change of use of the building and shall not relate to any external alterations to building. Details of all internal alterations required to facilitate the change of use hereby approved shall be submitted to the planning authority for approval prior to the commencement of such works.

Reason: For the avoidance of doubt, as no details of any external alterations were submitted for consideration as part of this application, and in order to safeguard the character and historic fabric of the building and character and appearance of the Conservation Area pursuant to Shetland Structure Plan (2000) policy SPBE1 and Shetland Local Plan (2004) policy LPBE6 and LPBE8.

(4.) The change of use hereby approved shall relate to the use of a maximum of 10 bedrooms within the building.

Reason: As the assessment of the potential impact of the development was based on this proposed level of use and in order to ensure compliance with Shetland Structure Plan (2000) GDS4 and Shetland Local Plan LPNE10.

(5.) If any waste materials arising from 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 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:

Alteration of the Building:

Please note that no external alterations to the building are approved as part of this application. As the building is listed, any external alterations will require listed building consent before any alteration works commence. If it is proposed to alter the building internally this may also require listed building consent, and details of all alterations proposed must be submitted to the planning authority for approval before work begins.

Commencement of Development:

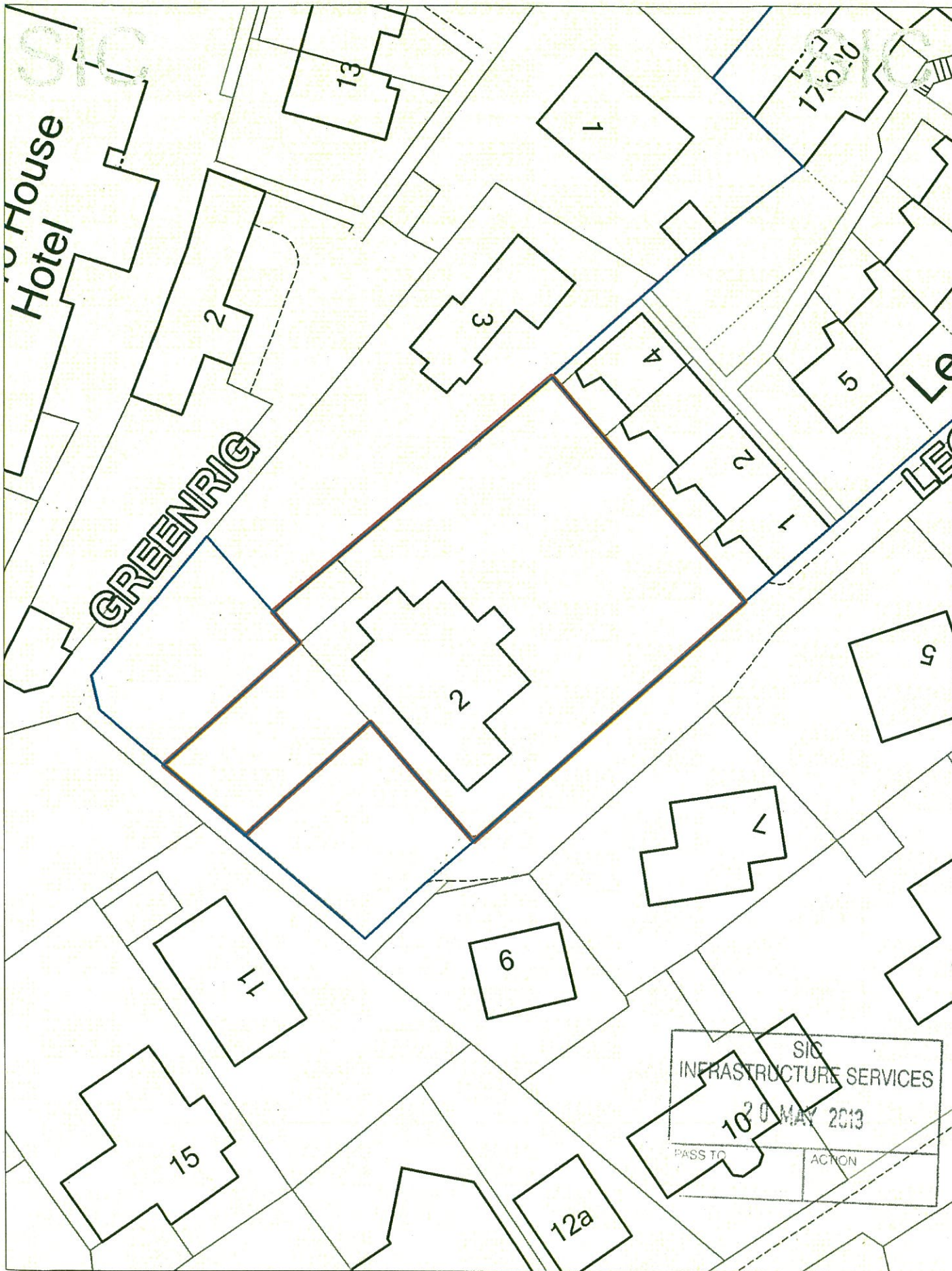
The development hereby permitted must be commenced within 3 years of the date of this permission in order to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 20 of the Planning etc (Scotland) Act 2006.

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.

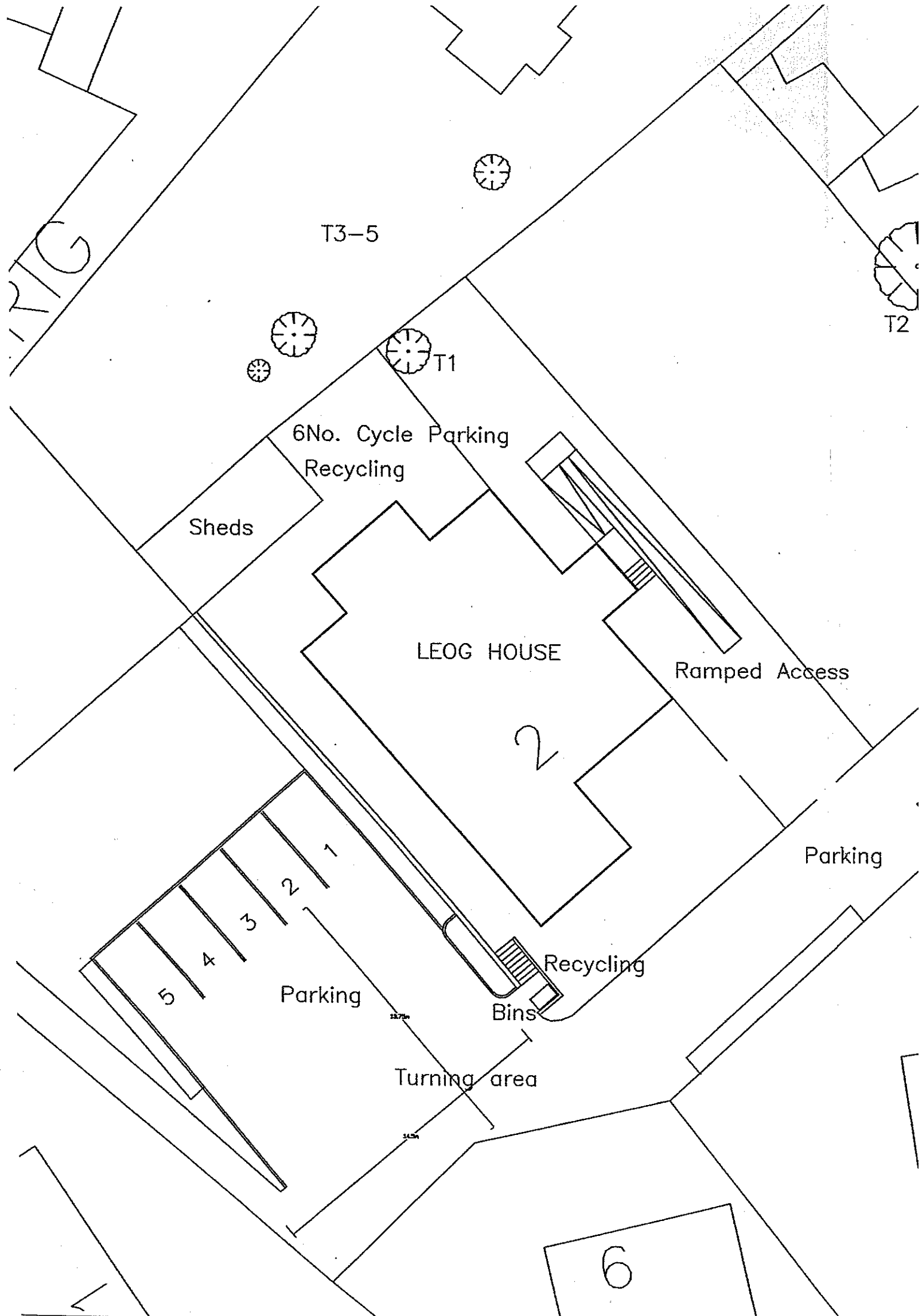


Leog House Site Plan

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Scale: 1:500
 Size: A4
 Date: 23/01/13
 PB: LW





MEMO

To: Infrastructure Services, Planning
Attn: Janet Barclay Smith

From: Capital Programme Service

If calling please ask for
Jonathan Molloy
Direct Dial 4584

Medium: email

Your Ref:

Our Ref: JM/RS

Date: 17 April 2013

Planning Application 2013/019/PPF - change of use at Leog

Following your last email dated 14 March 2013 I would like to confirm the existing layout is of 8 bedrooms with the possibility of 2 more bringing it to 10 rooms for the maximum usage of the building in terms of the number of bedrooms proposed. This would be reduced if an owner flat uses some of the bedroom accommodation.

Parking: the requirements for this type of development are calculated on the proposed no of bedrooms and any ancillary uses that might be proposed within the building. Current parking standards require a maximum of 11 parking spaces. A 'Snap Shop' survey was taken on Thursday 14 March 2013 showing that between the hours of 08:00 to 18:00 within a 3 minute walk of the main entrance to Leog House, Leog Lane, Lerwick Lanes Outstanding Conservation Area, those 21-29 public spaces were always available, please see attached.

The Council has already provided 5 marked public parking spaces from the site this has been a considerable assistance to Leog House staff and has freed up the turning head. As can be seen in the (objectors) photos, taken during an exceptionally busy staff training days at Leog House in mid February - 9 cars & spaces can be seen as the parking is currently used by our staff, outside the original turning head area as shown on the SIC -GIS mapping.

Only a few of the spaces required are within the one minute walk; however as a business other parking space provision within a three minute walk adequately meets the requirements as set out in your adopted, emerging policy and the spirit of the SPP.

The Roads Services agrees that the assessment of possible maximum parking capacity seems fine, and that there appears to be enough parking spaces (and spare capacity) surrounding the development site, to accommodate the additional parking required by a B&B or small hotel in Leog House.

If in the future the site is more extensively developed then option to extend the parking area does exist, by turning the parking 90 degrees and extending the parking area over the grassed/hedged area. This would allow for 11/12 spaces in total, however the applicant does not wish to see the conservation area covered by a car park in a (peak car) time of reducing car usage.

Details of the tree on site: a single juvenile Sycamore T01 - *Acer pseudoplatanus* approximately 5m high with a <300mm dia. @ 1.5m is in the middle of the North West boundary.

Details of the trees immediately adjacent to the site: a single Ash T02 - *Fraxinus excelsior* approximately 9 m high with a 2nd branches at 1.5m <300mm dia. is in the middle of the North East boundary 600mm across the boundary line. Also in grounds of the neighboring garden to the North West, small examples of Scots Pine, Spruce and a Larch T3-5 all with below 150mm dia. @1.5m along with smaller shrubs and small ornamental trees.

Please note: It is difficult at this time of year to be 100% sure of the exact tree type.

If areas to store/collect waste: as existing, a large commercial wheelie bin sits on a bracket on the South East corner and recycling in the shed on the North West corner as indicated on the plan.

Land ownership: the site is solely owned by the council; we own the land/solum outlined is owned by the Council. The control of the turning head is now with Roads authority under the Roads (Scotland) Act 1984, The New Roads and Street Works Act 1991 & The Transport (Scotland) Act 2005 - Part 2 - Road Work. The current turning head and 5 public parking spaces will not be sold by the Council.

We do not intend to alter or change any existing access to other properties, footpaths or rights of way.

If you have any further questions please don't hesitate in contacting me.

Asset Strategy Manager
[085JMRS]

Enc.

Leog House: Preliminary Parking Survey		Thursday 14th March 2013				Weather dry / cold snow on the ground in the morning						
		08:00	09:00	10:00	11:00	12:00	13:00	14:00	15:00	16:00	17:00	18:00
Leog Lane		7	6	7	8	8	8	2	3	6	7	7
Twageos Road (lay-by)		3	1	0	1	1	2	0	2	3	3	3
Twageos Road (Road)		2	2	2	2	1	1	1	0	0	2	2
Twageos Road (Widows' Homes)		2	2	1	0	0	0	2	2	4	3	3
Twageos Road (from Lovers Lane)		5	6	6	6	5	6	5	6	6	6	5
Lovers Lane		4	4	4	4	4	3	3	3	4	4	4
Greenfield Place & the top of Water Lane		2	1	1	1	4	3	4	4	5	2	5
Sub total:		25	22	21	22	23	23	17	20	28	27	29
SIC employee cars at Leog +		0	2	1				4	3	1		
Total in 3 minute walk		25	24	22	22	23	23	21	23	29	27	29

13th February 2013

Shetland Islands Council
Development Management
Planning Service
Grantfield
Lerwick
Shetland
ZE1 0NT

SIC INFRASTRUCTURE SERVICES 14 FEB 2013	
PASS TO	ACTION

Dear Sirs

Planning Application Number – 2013/019/PPF; Change of use from Class 8 residential institutions to Class 7 hotels and hostels, boarding and guest house – Leog House

We write to you with regard to the above referenced planning application. Please note our numerous objections to this application, which are as follows:

Errors contained within the application:

Page 3 – Access and Parking

1. Question - *Are you proposing any changes to public paths, public rights of way or affecting any public rights of access?*
The application states NO and should state YES. The site plan clearly states that the public road is part of the proposed site change of this planning application, which it is not currently entitled to do. This is confirmed by the Executive Manager; Roads memo dated 8th February 2013, which states "As these are public parking spaces, and form part of the public road, they are not under the control of the application site".
2. Question - *How many vehicle parking spaces currently exist on the application site?*
The application states 9 (drawing no. 201301003). This is wrong as there are currently only 5 public spaces which exist.
3. Question - *How many vehicle spaces do you propose on the site?*
The application states 9 (drawing no. 201301003). This is wrong as there are only 8 'spaces' included within the red boundaries of the site plan. The 9th parking space detailed is currently outwith the red boundaries of the site plan and is a designated public disabled parking space.

Page 4 - Trees

4. Question - *Are there any trees on or adjacent to the application site?*
The application states NO. This is incorrect as there are trees both on the site and adjacent to it.

Page 4 – Waste Storage and Collection

5. Question - *Do the plans incorporate areas to store and aid the collection of waste?*
The application states YES. This is incorrect as nowhere on the site plan (drawing no. 201301003), are these details marked.

Page 4 – Certificates and Notices

6. Question - *Are you / the applicant the sole owner of ALL the land?*
The application states YES. However the Roads Authority is the owner of the public road, included with the plan site.

Additional Objections/Observations:

1. The loss of a section of public road, which acts as a necessary turning point for a variety of vehicles such as refuse collection truck, domestic waste recycling truck, oil tankers, taxis (who are largely transporting elderly persons residing in sheltered housing, to and from Leog), ambulances, "Boots" vehicle delivering oxygen to Leog resident, post office vans, SIC vans undertaking work at Leog, and other larger category delivery vehicles, doctors, care at home staff, home helps and family members.
2. Leog House currently has 10 bedrooms. You could assume therefore 10 residential parking spaces would be the minimum required for this development. In addition there would be a requirement for parking spaces for staff and possibly public parking spaces if a bar / restaurant is to be included in the development. Therefore the 5 parking spaces which exist is clearly inadequate.
3. The planning application (drawing no. 201301003) details 8 parking spaces on the planned site. There are currently 5 spaces in existence. Taking account of The Planning Service, Parking Standards recommendations that car parking spaces should be a minimum of 2.4 metres wide by 4.8 metres length there is clearly insufficient space for a further 3 car parking spaces, as suggested by the plan.
4. With the inevitable increase in traffic (e.g. delivery vehicles, staff vehicles, hotel residents vehicles, contractors vehicles etc) from change of use to Class 7 hotels and hostels, boarding and guest house, coupled with the proposal to remove a section of a public road and resultant loss of control over the related turning point, there could be increased safety and traffic congestion concerns for all pedestrians and vehicles using this area.

NOTE: We attach 2 photographs, taken on 12th & 13th February 2013, of the car parking area as it is detailed on the site plan. Please note on each occasion there are 8 cars present. The impracticality of this parking area for this number of cars and the loss of the turning point is clear to see.

5. Leog Lane is a single lane public road that can be congested at times, just now, as there is only sufficient road width for 1 vehicle to drive up or down the lane at one time. A deterioration of traffic congestion and pedestrian/vehicular safety will inevitably be the result, from an increase in traffic, on such a narrow road.

6. The passing place marked on drawing No. 201301003 is in reality not a passing place due to the garden wall at 5 Leog Lane and its proximity to the disabled parking place.
7. The right turn into Leog Lane is extremely tight, even for cars. It will be even more so for buses and may even prove to be unsuitable for vehicles of this length. This will materially affect plans to have coaches stop in this narrow one carriageway lane.
8. The public pavement only goes from the bottom of Leog Lane to opposite the driveway to 5 Leog Lane. With the inevitable increase in footfall from the proposed change of use to Class 7 this would lead to an increase in concerns for pedestrian and vehicle safety.
9. There is no proposed space/loading bay marked on the site plan, for hotel goods delivery vehicles to use.
10. There was no courtesy contact from the applicant, J. Molloy, to local residents prior to the legally required notification of proposed change of use from the Planning service of Shetland Islands Council.
11. The small coaches stopping area detailed on the site map is directly outside a residents gate entrance without a public footpath, is situated on a single lane public road, with no passing places. This will inevitably increase pedestrian/vehicular safety and traffic congestion concerns. Access to and from the property will be severely restricted if a coach is parked tightly against the wall.
12. There is currently a public right of way to enable residents of 11 Leog Lane vehicular access to their property. The plans could clearly affect this situation.
13. Has consideration been given to having the access to the site from Greenrig?

We look forward to receiving a response to our objections.

Yours faithfully

Andrew & Anne-Lise Anderson



SIC INFRASTRUCTURE SERVICES	
14 FEB 2013	
PASS TO	ACTION



SIC INFRASTRUCTURE SERVICES	
14 FEB 2013	
PASS TO	ACTION

7 Leog Lane
Lerwick
Shetland
ZE1 0AH

3rd March 2013

Ms Janet Barclay Smith
Planning
Development Services
Shetland Islands Council
Grantfield
Lerwick
Shetland
ZE1 0NT

Dear Ms Barclay Smith

Planning Application Number – 2013/019/PPF; Change of use from Class 8 residential institutions to Class 7 hotels and hostels, boarding and guest house – Leog House

Thank you for your standard acknowledgment letter dated 27th February 2013, regarding the above detailed matter. I note that the same letter was sent to the residents of 11 Leog Lane.

We would like to emphasise that your letter did not specifically address the concerns detailed in our letter of objection dated 13th February 2013. This is particularly concerning as six of the objections related to errors within the planning application, as well as concerns the Executive Manager of Roads detailed in a memo dated 8th February 2013.

We are therefore requesting a specific response to all the objections detailed within the letter dated 13th February.

In addition we would appreciate answers to the following questions, raised by your standard letter:

- Which comments in our letter, dated 13th February, do not relate to planning matters?
- How can either the Director of Development Services or the Regulatory Committee consider an application that contains errors, which deems it misleading to those responsible for considering it?
- As previously stated, the current application contains a number of errors. Is there a time limit on a new or amended application being submitted to yourselves?
- When the new application is submitted will proper planning notification (e.g. notices on lamp-posts in surrounding area) be observed?
- Will we be given the opportunity to comment on any new application?
- What criteria does an application need to meet for the circumstances to be considered "controversial"?
- What are the criteria required to make the application an "issue of public interest"?

- Lerwick Community Council objected to the application – as they are a statutory consultee, does their objection not make the application “controversial” and “an issue of public interest”?
- Does the potential loss of a required turning point for emergency services not make the application “controversial” and of “public interest”?
- Given the matters detailed above, when will the decision be taken as to whether the application is to be determined by the Director or by the Regulatory Committee and by whom?

We have received email replies from three of the Lerwick South councilors, with regard to this matter. They have indicated they will meet to discuss the concerns raised by ourselves, other objectors and Lerwick Community Council. Indeed Peter Campbell stated “I shall discuss this matter with the other Lerwick South members and when the application comes before the Planning Committee raise relevant questions”.

Clearly they are of the opinion that the application will be considered by Planning Committee. We are therefore copying them into this letter for their information.

We look forward to receiving your specific responses to the 19 concerns raised in our original letter dated 13th February and also the questions contained within this letter.

Yours faithfully

Andrew & Anne-Lise Anderson

11 Leog Lane
LERWICK
Shetland
ZE1 0AH

14th February 2013

Shetland Islands Council
Development Management
Infrastructure Services Department
Grantfield
LERWICK
ZE1 0NT

Your Ref: 2013/019/PPF

Dear Madam

SIC INFRASTRUCTURE SERVICES 14 FEB 2013	
PASS TO CSa 158971	ACTION

***CHANGE OF USE: 2 LEOG LANE
APPLICATION NO. 2013/019/PPF***

I object to the above application as the site plan shows the Leog Lane turning point and car park within the Leog House boundary. It also includes car access which was granted to my house.

The turning point is an important and well used part of Leog Lane and in my view should remain as public roadway.

Yours faithfully

[REDACTED]

DUNCAN ROBERTSON.

**Planning Committee****11 June 2013**

2013/107/LBC: Renew, replace and repaint external cladding; repair and replace windows including dormer windows and replace rotten timber and structural components (Part Retrospective Application); St Magnus Bay Hotel, Hillswick, Shetland, ZE2 9RW

PL-08-13-F

**Report Presented by Planning Officer –
Development Management, Planning**

**Development Services Department/
Planning Service**

1.0 Summary

- 1.1 This report concerns a Listed Building Consent application for works that have already been undertaken to the St Magnus Bay Hotel, and for further maintenance and repair works to the fabric of the C listed building.
- 1.2 The works carried out to the building to date covered by the application have included the replacement of external weatherboarding, sash and case windows, window surrounds, sills and perished structural timbers. The application for Listed Building Consent submitted also covers future renovation and repair works proposed for the building and will be a continuation of what has already been undertaken to the Hotel.
- 1.3 The application is presented to Members as the determination falls as an exception as defined under the terms of the approved Planning Scheme of Delegations, as the application is made by a Member of the Planning Authority.

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 Under Section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, in the determination of an application for Listed Building Consent, the Planning Authority is

required to have *special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*

- 3.2 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.

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

Statutory Development Plan Policies:

Shetland Islands Council Structure Plan (2000) Policies

GDS4 - General Development Policy Natural and Built Environment
SPNE1 - Design
SPBE1 - Built Heritage
SPTOUR1 - Tourism Development

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

LPNE10 - Development and the Environment
LPBE13 - Design
LPBE6 - Listed Buildings

Shetland Islands Council Interim Planning Policy Guidance

LDP1 - All development General
LDP5 - All Dev Historic Built Environment

Safeguarding

Listed Building - Listed buildings: HILLSWICK, ST MAGNUS BAY HOTEL Category of listing: C(S)

National Scenic Area - National Scenic Area: 49

4.0 Report

- 4.1 The St Magnus Bay Hotel (formerly known as the Hillswick Hotel) is an early 20 Century category C listed building that stands two storey with attic space, and is of a 6 bay asymmetrical design. The building is of timber construction with 'clapboard' or horizontal timber weatherboarding on its exterior.
- 4.2 The St Magnus Bay Hotel is a historically important and well-known building in the Hillswick and surrounding Northmavine area, and can be viewed as an important centrepiece both architecturally and socially for the community of Hillswick and the wider area.

- 4.3 In November 2009, it was brought to the Planning Authority's attention that works had been undertaken to the Hotel, and that these works would have required Listed Building Consent in their own right. Listed buildings are afforded a higher level of protection under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 - Listed Building Consent is the mechanism by which the Planning Authority can ensure that any changes to listed buildings are appropriate and sympathetic to their character. It is currently a criminal offence to demolish, alter materially or extend a listed building without Listed Building Consent.
- 4.4 A Listed Building Consent application was submitted in January 2010, however, it was found to be bereft of basic information and details to enable it to be validated and then allow the Planning Authority to appropriately assess: the extent of the works; how the works had been executed; and the full extent of future repair and renovation works to the Hotel building. This Listed Building Consent application lay invalid for over a year, during which time communications were sent seeking further information and details to allow the Planning Authority to validate the application.
- 4.5 In May 2011 a new Listed Building Consent application for the works was submitted and this also then lay invalid for a period of time, again, during which time negotiations took place to seek to ensure the correct information was submitted with the application. This Listed Building Consent submission was finally validated in March 2013.
- 4.6 The works to the Hotel building are as described in the summary of this Report of Handling; they have included the total removal of rotten weatherboarding at the south and west elevations and the replacement with new boarding; the removal of most of the old windows with new case and sash pulley hung windows, and also the removal of rotten timber window surrounds and any structural timber that had been assessed as perished.
- 4.7 It is normal during the processing of a Listed Building Consent application to assess the likely impacts that a proposed development may have both aesthetically and historically to the listed building. However in this instance, assessment of the Listed Building Consent is limited to the works that have been carried out, and then also to the proposed on going maintenance and renovation works to the rest of the building. It is necessary to consider whether the proposals will preserve the character and special interests of the building. 'Preserve', in this context, means to preserve the building in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character.
- 4.8 The most visible alteration to the listed building is undoubtedly the changing of the cladding and its colour – from the recognisable white opaque finish to a stained brown finish. The renovation of the external cladding has seen the old and presumably perished cladding, removed and replaced with new cladding. It was the application of the 'nut brown' stain to the boards that had initially raised concerns, and it was feared that the colour change may have been to the detriment of the historical setting of the building. However, it was put to the applicants

that they needed to prove that the building was at one time coloured nut brown. Historical written text and photographs were subsequently provided by the applicants, and also samples of the old cladding, which all proved to the Planning Service's satisfaction that the building was at one time painted a mid brown colour. Site inspection of the old cladding at the rear of the building also confirmed this.

- 4.9 Concerns were raised with the applicants over the use of the stain on the cladding and the clearly visible grain, as historically an opaque paint was used. However, it is considered in this instance that it is not in the public interest to seek the repainting of the building using an opaque mid brown paint since the difference between the two is not one that is seriously detrimental to the building's character.
- 4.10 As previously mentioned, most of the Hotel's windows have already been replaced. National guidance on the replacement of windows in historic buildings states that original (or historic) windows should be retained and repaired if at all possible, and if replacement is thought acceptable, the replacement units must match the original window design as closely as possible. Photographs and supporting information has confirmed the state the old windows were in, and that they were beyond physical and economic repair – site inspection was not possible in this case, however the condition of the remaining original windows in the building would lend weight to this opinion. The new windows already installed, along with those still proposed as replacements are of an appropriate design.
- 4.11 Other works that have taken place have included the repair and replacement of perished structural and non-structural timber. Again, parts of the building inspected have confirmed the need for such repair works.
- 4.12 Since this matter came to the attention of the Planning Service approximately three years ago, the Service has, particularly given the historical importance of the building, invested considerable time in working with the applicants to try to resolve this matter. The Planning Service, as in all such cases, has the option of taking enforcement action against the land/building owner, if it is deemed to be in the public interest to do so. However, this is normally the last resort, and in this instance a lot of work was undertaken by the applicants to produce the necessary information required for validation and assessment purposes, therefore such action was not required to be taken.

5.0 Implications (of Decision)

Strategic

- 5.1 Delivery on Corporate Priorities – A decision made on the Listed Building Consent 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 – Northmavine Community Council were consulted during the processing of the Listed Building Consent

application requiring determination. Their comments are as follows: Northmavine Community Council are please to support the St Magnus Bay Hotel application, and are delighted to see the building being brought back into a good visual and historical appearance.

- 5.3 Policy And/Or Delegated Authority – This is a Listed Building Consent application made under the terms of the Town and Country (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The Listed Building Consent application has been made by a Member of the Planning Authority and the decision to determine it is delegated to the Planning Committee under the 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 consent contrary to the development plan policy and the officer's recommendation be given and minuted. This is in order to provide 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 The St Magnus Bay Hotel was a building in much need of attention; prior to the renovation and repair works that have taken place already – in certain areas of the Hotel – it was a building that could have been said to be not fit for purpose and one coming to the point of being at risk of being lost. The quality of workmanship throughout the building to date is of a high standard, as is the quality of materials that has been used in the Hotel's fabric. Major works have been going on inside the Hotel as well to try and bring it into the 21 Century, with for example, the installation of sprinkler systems.
- 6.2 It is commendable that such care and attention has been given to the renovation and repair of this building and that these works will in turn, hopefully safeguard the future of the building and its use as a Hotel for the wider community and tourist industry alike.
- 6.3 This development complies with Council policies listed in paragraph 3.1 and is therefore recommended for approval, subject to conditions, the schedule of which is appended to the report.

For further information please contact:

Jonny Wiseman – Planning Officer – Development Management

Tel: 01595 744830 Email: jonny.wiseman@shetland.gov.uk

27 May 2013

List of Appendices

- Schedule of recommended conditions
- Location Plan
- General planking and window condition report
- General statement on safety

Background documents:

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

Recommended Schedule 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) Notwithstanding the approved plans, the listed building consent hereby approved solely relates to the continuation and completion of the external cladding replacement and the replacement of the remaining windows including window surrounds/facings, ingos and sills. The external cladding shall be finished to a colour to match the new cladding's colour finish on the south and west elevations of the building (a nut brown colour) and the windows shall be constructed to the same specification as that of the new replacement windows already installed, as per approved drawings Referenced: Elevation, Section A-A, Section B-B, Section D-D and Section E-E.

Reason: For the avoidance of doubt as the impact of other works has not been assessed as part of this listed building consent, and to protect the visual appearance of the listed building in compliance with Shetland Structure Plan (2000) policies GDS4 and SPBE1 and also Shetland Local Plan (2004) policies LPNE10 and LPBE6.

(3) The works listed within condition number 2 of this consent shall be completed by no later than the 11 June 2016. Notification of the completion of these works shall be made in writing to the Planning Authority no later than two weeks after the date of their completion.

Reason: To ensure completion of the hereby-approved works and to ensure the works are to the agreed standard in compliance with Shetland Structure Plan (2000) policies GDS4 and SPBE1 and also Shetland Local Plan (2004) policies LPNE10 and LPBE6.

(4) Replacement of structural and non-structural timbers not listed within condition number 2 of this consent, shall firstly be notified to, and then approved in writing by the Planning Authority, before replacement works take place. Notification of removal shall at a minimum include photographic and written evidence outlining and making the case for the need for replacement.

Reason: To protect the visual setting of the listed building in compliance with Shetland Structure Plan (2000) policies GDS4 and SPBE1 and also Shetland Local Plan (2004) policies LPNE10 and LPBE6.

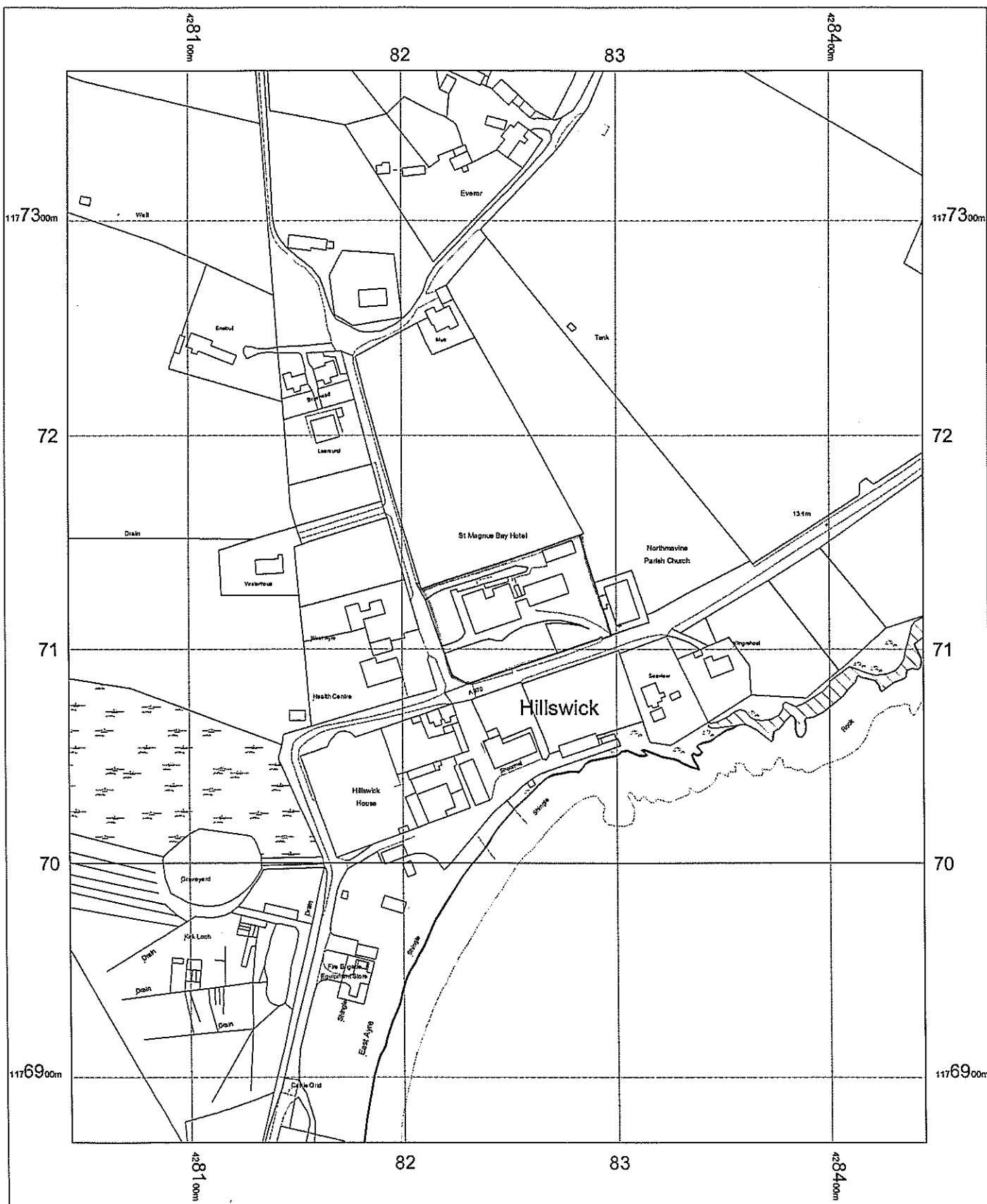
(5) All replacement windows and window surrounds shall be painted a dark brown or similar opaque finish and shall include the painting of the aluminium sills.

Reason: To protect the visual setting of the listed building in compliance with Shetland Structure Plan (2000) policies GDS4 and SPBE1 and also Shetland Local Plan (2004) policies LPNE10 and LPBE6.

Note to applicant

Building Warrant

Please be advised that the works you have undertaken and any future works to the building may require a Building Warrant. You are advised to contact the Building Standards Service on 01595 744800 to discuss any building warrant requirements for your on-going works.



OS Mastermap
13 May 2011, ID: CM-00072216
www.centremapslive.co.uk

1:2500 scale print at A4, Centre: 428244 E, 1177120 N
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Mapping
sourced from

Ordnance
Survey



Shetland
Islands
Council

St Magnus Bay Hotel

Hillswick, Shetland. ZE2 9RW

Mr Jonny Wiseman

SIC Planning Dept,

Grantfield,

Lerwick.

Dear Jonny,

We are pleased to attach this letter to the photographs of the original old wood we have discovered during our repairs at the Hotel.

As you can clearly see we have got a very similar shade to the original as described 'a nut brown, glowing in the sunshine' and as it weathers it is as near a match as we can get.

We have discovered that the black trim we thought was original and painted black (and blue and green!!) should in fact be a very dark brown. We have found this new evidence as we have been removing an original dormer window on the roof which has definitely not been changed from 1900. With your permission we will be happy to replace the black paint with very dark brown as we repaint.

We hope this is the evidence you require to justify our changing the 1970's white back to its original colour and thank you for all your very valuable help and not inconsiderable patience during our application.

Yours sincerely,

Paul Bird

General Planking and Window Condition Report

St Magnus Bay Hotel Ltd

The general condition of the planking on the south elevation of the building i.e. the front aspect was particularly bad. All of the plank ends were rotten to in excess of 75mm on average with only the exception on the planking immediately under the dining room window (this area of planking had previously been replaced following storm damage in the '90's)



Photo showing the extent of the rot in the annex planking the planking in place was so rotten that it absorb water like a sponge During freezing temperatures the water would soak the fibre insulation and freeze against the inside walls making it almost impossible to heat the annex rooms sufficiently for comfort

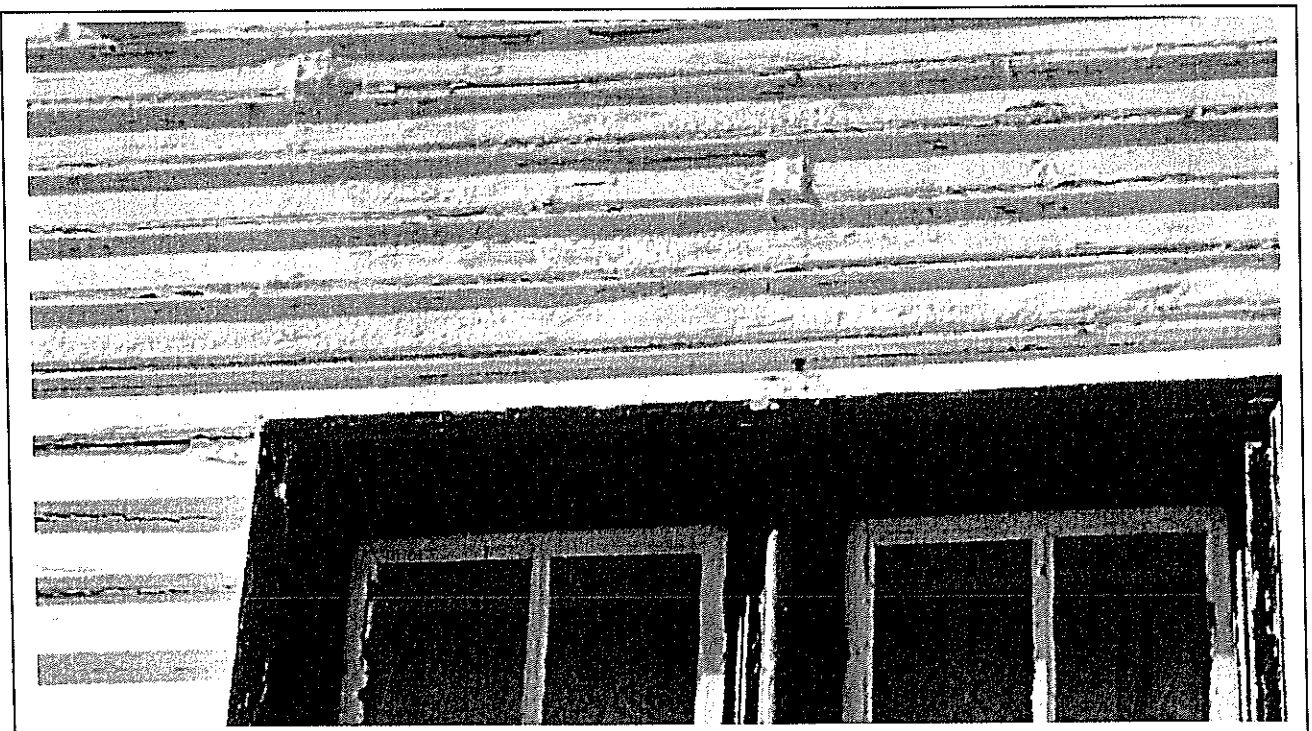
Although the plank ends were in better condition the planking along its length was rotten in numerous places with full penetration damage clearly visible. Due to the high level of plank failure many of the main building supports (vertical Beams) including all of the corner post have had to be repaired, which has involved the replacement of wholesale sections of timber.

SIC INFRASTRUCTURE SERVICES	
28 NOV 2010	
PASS TO	ACTION

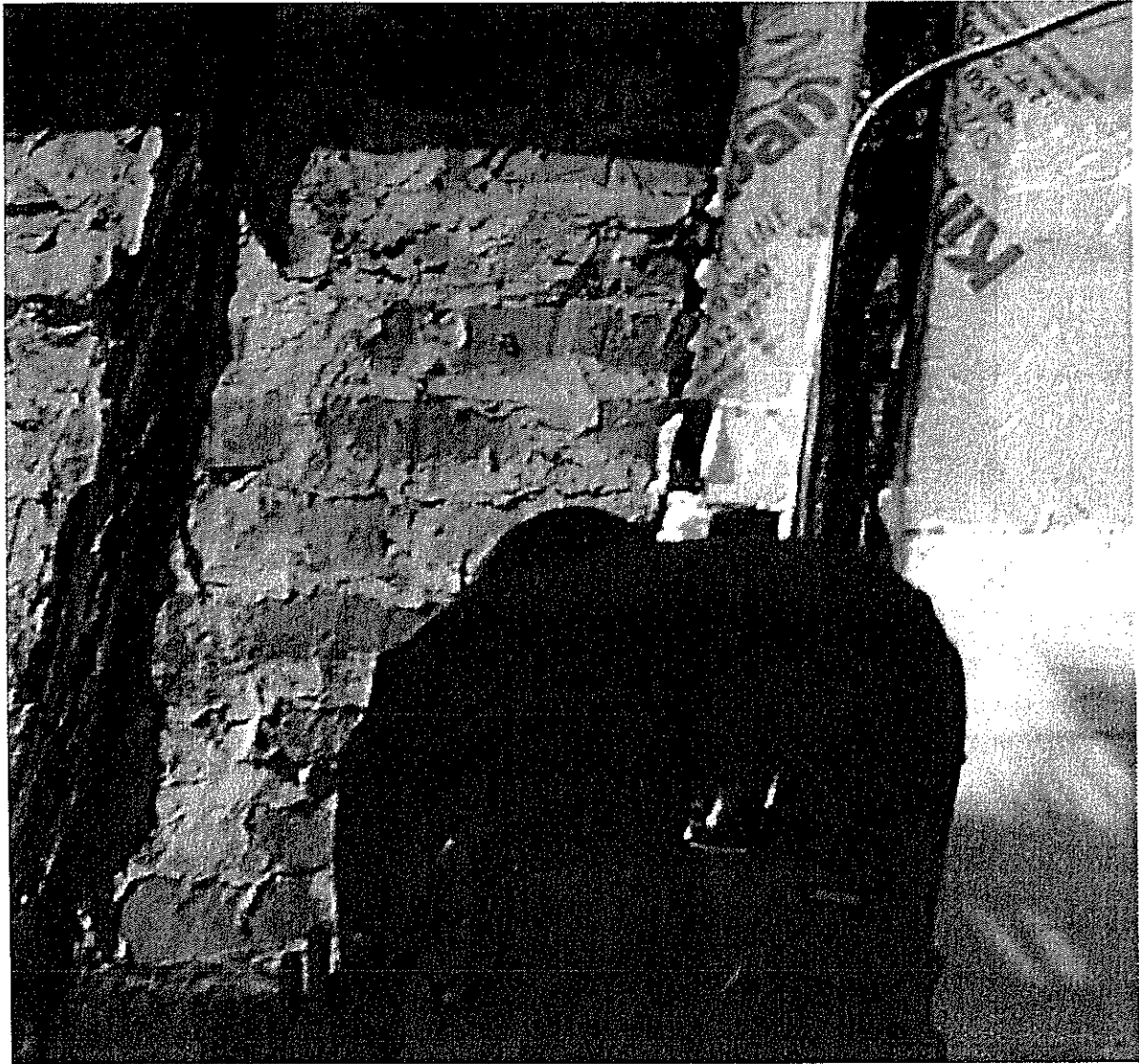
This has been extremely costly and time consuming not to mention detrimental to the business due to lost revenue as a result of the unsightly repair which have had to be undertake in order to safeguard the building its occupants and passersby. Virtually all of the sash window cases have been in a ruinous state of repair (and therefore uneconomical and beyond repair). In most cases the sills were particularly rotten causing the structure which the window cases have been fastened to, to be soaked every time it rains. This situation has caused a considerable amount of internal leaks both in the public areas and also in the letting rooms which seriously impacted on the ability to let the rooms in poor weather conditions. Anecdotally the pub once held an indoor bowling match which due to the severity of the leaks coming into the bar and bistro area was rained off. This, although amusing, did the reputation of the hotel no good at all. We aspire to be a quality establishment and if we are to be successful in our endeavors then we need the building to be at the very least watertight. I do not think that a customer should expect to be wet and cold once in the building.

The Fire risk to the building whilst it was raining was also dramatically increased as rain water penetrated the building and would run down the cabling

causing the RCD to trip, this is largely and thankfully a thing of the past although we still are experiencing problems in the service area behind the kitchens.



Picture showing the poor state of the planking above the drawing room window. Lead patches can be seen , which where applied in a vain attempt at stopping the plank seems from leaking.



Alex working on the west end gable NOTE that the structural timber to his left is completely rotten and were no longer able to be nailed into consequently it as had to be replaced over its full length

The west face which is the side facing the doctors surgery was particularly bad around the southwest corner which houses the fire door. The head binder plate had been indiscriminately cut though in order to allow access for a soil pipe from room 17. All of the planking in this area was in extremely poor condition including the planking on the bay. It was possible to poke through the wall using a screwdriver.

The east side front is also poor with the annex undoubtedly the worst of all this also includes the rear of the east side stair well where the planking is literally falling off and represents a danger

In general the planking stock and windows have received no maintenance for years .

The planking stock on the north elevation appears on first appearances to be in much better condition however there are problems in the alcove section between the two gables where over the years holes have been cut into the building to allow access for piping etc it may be that only the lower planking ie the last 3 planks may need any immediate attention.

This is mainly due to the ground level at the rear of the building being raised and ground being in contact with the planking for long periods

General statement on Safety

Since becoming owners of the hotel we immediately become aware of many shortcomings in general safety which we cannot ignore but which have been negligently overlooked by both previous owners and officials. Work that has been carried out in the past to the main building concerning the reorganisation of rooms which occurred when ensuite bathrooms were installed have seriously undermined the fire safety of the building and general structural integrity. At the time when the work was undertaken these works should have been supervised by Building Control and we bought the building in good faith assuming that all works would be to a standard. It would appear that in the interests of speed and cost the safety of both the building and its occupants were seriously compromised. We have as a result spent months and tens of thousands of pounds and intend to spend many more months and hundreds of thousand pounds to bring the building up to a safe and legislatively legal state and will not be seen to be shirking our responsibilities. The law now states that we, and all other hoteliers, have to bring hotels up to modern legislative standards under the Fire Safety Act of 2005 (Scotland) and it is no longer acceptable if you are called to account following an accident to try to hide behind 'listed building' rules and regulations when personal safety and lives are at stake. This is not a stone castle which people only visit during the day but a wooden building where people sleep at night. Both we and you are aware that there is a serious issue and we must work together to deal with it.

Fire Safety

All works at present have been carried out under the auspices of three principles:

- 1) Rapid Detection
- 2) Safer Escape Routes
- 3) Structural Fire Protection

Under these principles the following work has been undertaken

1 The purchase and planned installation of addressable fire alarm system covering all rooms and spaces in the hotel including all cupboards and stores, attic spaces and voids – the abiding view is that unless we can detect and deal with a fire in less than 2-3 minutes then at present we have lost the battle. Once all spaces have been covered with a detection system and fire suppression system i.e. sprinklers we feel, and it is the considered opinion of professionals, that any fire will be dealt with automatically should the temperature rise above 68 degrees and no fire will be able to survive against the volume and pressure of water for more than a few seconds. The system we have chosen is the most advanced and expensive on the market and includes an electropneumatic 6 inch automatic fire valve as usually installed on highly sensitive oil and gas rigs. We have chosen this model for its speed and accuracy of operation bearing in mind that the building is wooden and that fire would progress faster than in a concrete building.

2 Escape routes and refuge areas as previously stated have been compromised by incorrect installation of fireproof wall and ceiling panels directly onto v-lining and the creation and

proliferation of void spaces. To increase safety the first floor central passageway has been completely relined with a double layer on the walls to ceiling height and in the ceiling area to a four layer standard. The law requires a single layer on both the walls and ceiling – this ‘over specification’ signifies our good intent to try to protect both the building and its occupants regardless of additional expense. The installation of this fireproofing is in conjunction with the fitting of the sprinkler system and fire alarm system.

Bedrooms – All bedrooms (except the attic floor) are now fitted with bottom opening sash windows which would allow escape of a larger person. This safety measure significantly increases the safe evacuation of the annexe bedrooms where the guests had no other escape route than to brave the passageway.

Attic floor bedroom windows are bought and paid for and in our store awaiting good and windless weather when they shall be fitted. Where possible, this has to be done this summer as two entire dormer units actually creak and rock during high winds and although we have done as much remedial works as we can we actually fear that an extreme gale would rip off the whole units. This would probably result in the loss of a huge part of the roof. This is not without precedence as we have already had wind ripping off the large decorative boards on the front gable (just missing a car parked below) and also the soffit boards on the back of the building have been torn off by the gales causing extensive (and expensive!) damage to the roofs below.

3 We have installed fire baffles/bulkheads in all of the coombes on the east side as far as the fire escape – right across the front between the gables – this is unobtrusive work which has no effect on listing but will have a significant effect on any fire which would have previously travelled the length of the building without hindrance. In conjunction with this work we have installed 4” Kingspan insulation wherever possible to insulate the bedrooms to help reduce our carbon footprint and stop the thousands of draughts that we have.

Windows: all windows are subject to a ten year plan for replacement. The need and justification for this is threefold. a) They are old neglected and rotten beyond repair. b) The single glazed glass is not original and badly fitted – liberal use of mastic holds in several panes on many of the units. c) The surrounds are rotten beyond repair as the windows have been leaking for probably half a century and in the past windows have actually fallen out! Neglect in the past has had a detrimental effect on the whole building as the leaking windows have created serious rot below and around them and a simple job fitting a window results in the replacement of structural timbers many metres beyond the actual window.

The choice of brown wood was made for two reasons – it is far more resilient to pests (and will therefore not introduce any pests into the structure) the timber is not as absorbent therefore the salt water that fills the air here has less effect and should require only treatment with preservative oils hence keeping the windows in their original tight fit to the sash boxes without the detrimental effects of paint which is sticky and hinders the operation of sashes.

The original windows were painted brown to create the effect of hardwood – this was common practice in its day. This can be clearly seen in the sample mentioned below.

Window Sills & Mullions We supply a sample of both old and new mullion detail. The new mullion was cut to exactly match the first sample that we took from the Drawing Room. The piece of old sample mullion is rebated as opposed to radius cut. This old sample came from an upstairs bedroom window and we suspect was a case of 'too high to see the difference' when the building was being erected.

Window Sills are currently a stainless plate which we will cover with lead finish. The original lead window sills were laid over the wooden sill and then lapped up the rear of the window. This had caused major problems as the lead had split and dried out and allowed considerable water penetration. Large amounts of lead oxide dust were found due to the fact that the building flexes and bends and the old lead had basically worn to dust with this grating movement. Given the poisonous quality of lead oxide we could not condone the use of a similar lead flashing around the window, but have started to cover the modern stainless sills with lead in keeping with listed building requirements.

Bedrooms

Repairs and renovations have been done to a few of the bedrooms following catastrophic leaks or areas of extremely rotten timbers.

Rooms 1-10 are First floor

Rooms 11-18 are Second floor

Rooms 19 – 29 are Annexe (were never lined with v-lining)

Rooms 9 & 10 had to be stripped back to almost bare walls following burst main water pipes in walls. These rooms' character had been destroyed in the past with no remaining wooden linings – probably in an effort to cut down on draughts, various linings had been used including polystyrene which we had to remove as matter of urgency, given its toxic effect in a fire situation. When we lifted the floor in 10 we were horrified to discover that there was no fire barrier between 9 & 10 and the kitchen below and we basically turned these two rooms into protected fireproof boxes reinstating the wooden linings as would have been originally.

Room 5 & 6 had also had all their character removed probably in an effort to cut down on the noise from the bar below. The problems in 5 & 6 were exacerbated by the hanging of the bar and bar shuttering below onto one joist. This joist had already had its strength and integrity compromised when some (idiot) plumber had cut through it to fit a 4" waste pipe. The resultant 'dip' in the floor measured a full 88mm. We strengthened the floor by fitting steel support beams and a fitch beam which we used to lift the floor back up to horizontal. We have created two soundproof and fireproof 'boxes' here and reintroduced the wooden linings and 1900's style to these rooms.

All annex rooms have been insulated from outside when the cladding was replaced. The external walls were not vertical as no additional strengthening had been fitted when the roof was renewed and the walls had basically bent outwards under the weight. Additional strengthening in the walls and the addition of plywood to strengthen the structure straightened the walls up externally. Unfortunately this means that when we fit the new windows we have to strip the front internal wall off each bedroom to straighten the inside walls too!

Rooms 19, 20, 28 & 29 have been modernised during the fitting of the windows. None of these rooms had any wooden cladding to the walls and have all been rejigged during the 80's and decorated with godless wallpaper and woodchip. In almost every room the paper was hanging off the ceiling due to the damp problems which used to plague the annex.

Rooms 21, 22 & 25 have all had their ensuite bathrooms replaced. This was done as a matter of urgency as the plumber (maybe the same one who ruthlessly chops thro major structural beams) had not bothered to attach the waste pipes from the bathroom sinks to drainage pipes. All water going down the sink from these 3 sinks(for 30 years) went straight onto the floor joists and ran along to the wooden supports on the dwarf walls. There was a 3 inch gap under the shower in one room where the entire floor had collapsed and only the fact that the shower was a tight fit for the walls prevented it from disappearing into the foundation. The improvements to these showers and removal of water from the foundations greatly improved both the chronic damp problems and the overpowering stench of damp earth and stagnant water which used to add to the ambiance in the annex.

Main Public Areas

We will vigorously protect the panelling in all public areas. This will be very difficult when repairing the ceiling in the dining room which has been so aggressively broken during the fitting of water pumps (our friendly plumber again!!) and fire alarm system. Attractive squelches of mastic hold a large part of the middle of the ceiling boards in. Given the sag in the floor above the Dining room we suspect that main beams have been cut during some of the processes and we expect to have to strengthen the Dining room roof timbers and those of the two floors above. The Dining room also has some very unattractive 1980's poor quality contiboard paper veneered wallboarding up to dado rail which we would love to replace with something more luxurious.

The bar has been scathingly described by a visitor online as a 'shed' which just about sums up the badly hacked up skirting boards, botched state of the panelling, holey ceiling and general shoddiness. The Bar area is badly in need of a serious makeover, which will be done sympathetically with all rescuable timbers being recycled and reused.

The bar was altered significantly in the 80's when the outside wall of the porch was moved to create the 'bistro'. This area has been badly damaged by water over the years and the ceiling is a disgrace. At some point this will have to be rectified. We are unsure what actually holds the balcony up as we have been told that it is only a bit of old railway line that was used for support. The 'bistro' is (badly) papered in attractive woodchip with no effort having been made to match the skirtings or facings in the bar. We have had to replace pieces of the floor which were rotten with the years of leaks running down the inside walls. The doors in the bar barely fit as the holes are not 'square' and will need to be replaced or altered so that intumescent strips can be fitted to comply with the fire regulations.

External Walls

The external cladding has had to be replaced as in most parts it is decayed beyond salvage. The new cladding has been specially cut to exactly match the 1900's pattern and has been painted nut brown

as original 1900 finish. We have uncovered original exterior paint inside the bay of the front door, which demonstrates the near match to the original colour.

The windows were all originally painted dark brown to look like mahogany.

The piece of wooden trim which we used as a sample when attempting to deduce what the original colour was was actually a 'modern' piece of wood from around a window, but we discovered too late that it was replaced in 1992 after the New Year gale and had actually rotted away in those 17 years. The original trim was not black but actually a very dark brown. We will treat the black as undercoat if the Planning Dept so decides and will paint the trim brown – if you wish for the 'actual' colours as built.

The colours can be easily proven as the black and white photos can be 'coloured' by computer and this would be a simple if expensive test, as there would not be too significant discolouration in the brick chimneys and they could be used as a guide for basic shades of browns and yellows.



REPORT

To: Planning Committee

11 June 2013

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

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

1 Purpose of Report

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

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

Planning Application Ref.	Development Proposed	Applicant	Officer Recommendation	Type of Exception
2013/093/PPF	To construct gas condensate pipeline (1630m) running from Shetland Gas Plant to Sullom Voe Terminal, and ancillary infrastructure including temporary and permanent access roads, pig receiver, emergency shut down valve, access platforms and fibre optic cable, Sullom Voe Terminal, Mossbank, Shetland, ZE2 9TU	TOTAL E & P Ltd & BP Exploration Operating Company Ltd.	Approve, with conditions	Planning authority is landowner
2013/150/PPF	Change of use from public toilet to community hub, Public Toilets, Clickimin, Lochside, Lerwick, Shetland, ZE1 0PJ	Shetland Telecom	Approve, with conditions	Planning authority is both applicant and landowner
2013/151/PPF	Change of use from public toilet to community hub, Public Toilets, Grantfield, Lerwick, ZE1 ONT	Shetland Telecom	Approve, with condition	Planning Authority is both applicant and landowner

- 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: 11/6/2013

Appendix

2013/093/PPF - To construct gas condensate pipeline (1630m) running from Shetland Gas Plant to Sullom Voe Terminal, and ancillary infrastructure including temporary and permanent access roads, pig receiver, emergency shut down valve, access platforms and fibre optic cable, Sullom Voe Terminal, Mossbank, Shetland, ZE2 9TU by TOTAL E & P Ltd & BP Exploration Operating Company Ltd.

Recommended Conditions

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

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

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

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

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

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

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

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

(3.) The site shall not become operational in terms of the transportation of condensate along the pipeline until a preliminary decommissioning plan has been submitted to and approved in writing by the Planning Authority. Within 6 months of the site becoming operational a final decommissioning and reinstatement plan, including costing of works at prices current at the time of submission, shall be submitted to and approved in writing by the Planning Authority. The approved decommissioning and reinstatement plan shall then be the subject of review on a biennial basis by the operator of the site to allow for further development of the plan during the lifetime of the development.

Reason: To ensure that site is reinstated in an acceptable manner and in compliance with Shetland Structure Plan (2000) Policy GDS4, and SPNE1, and Shetland Local Plan (2004) Policy LPNE10 and LPBE13.

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

- i) A Construction Phase Environmental Management Plan;
- ii) A Water Management Plan;
- iii) A Waste Management Plan;
- iv) A peat slide risk assessment;

Following the approval in writing by the Planning Authority of the above details the development hereby permitted shall only be carried out in accordance with the approved details unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure that site is developed in an acceptable manner, to minimise environmental impact and impact on adjacent land uses in compliance with Shetland Structure Plan (2000) Policy GDS4, SPNE1, and Shetland Local Plan (2004) Policy LPNE10.

(5.) Development shall not commence until details of the route of the permanent access road has been submitted to and approved in writing by the Planning Authority.

Reason For the avoidance of doubt and in order to ensure that environmental impact is minimised in compliance with Shetland Structure

Plan (2000) Policy GDS4 and SPNE1, and Shetland Local Plan (2004) Policy LPNE10.

(6.) The development shall not commence until a brief for archaeological work has been submitted to and approved in writing by the Planning Authority. The brief will include appropriate methodology for an archaeological watching brief to be carried out for ground-breaking works by an appropriately experienced archaeologist to be agreed by the Regional Archaeologist. The brief will also include details of the procedure and mitigation to be undertaken if archaeology is encountered on site and shall include provision for appropriate investigation and recording. The Regional Archaeologist must be notified 14 days in advance of the commencement of work on site in order to facilitate monitoring, and access will be permitted for this purpose.

Reason: In order to establish and protect any archaeological and historical features within, the area of development which are of significant historical importance and in compliance with Shetland Structure Plan (2000) Policy SPBE1, and Shetland Local Plan (2004) Policy LPNE10.

(7.) Development shall not commence until details of the pre-construction bird and otter surveys and monitoring to be undertaken have been submitted to and approved in writing by the Planning Authority. This shall include details of the timing of development and any mitigation measures to be put in place should any otter holts or nesting birds be discovered.

Reason: To identify the measures to be undertaken to identify and to reduce environmental impact on wildlife in compliance with Shetland Structure Plan (2000) Policy GDS4, SPNE4 and Shetland Local Plan (2004) Policy LPNE10.

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

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

Notes to Applicant:

Commencement of Development:

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

Notice of Completion of Development:

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

2013/150/PPF - Change of use from public toilet to community hub, Public Toilets, Clickimin, Lochside, Lerwick, Shetland, ZE1 0PJ by Shetland Telecom

Recommended Conditions

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(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) 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.

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Report of Handling

Development: To construct gas condensate pipeline (1630m) running from Shetland Gas Plant to Sullom Voe Terminal, and ancillary infrastructure including temporary and permanent access roads, pig receiver, emergency shut down valve, access platforms and fibre optic cable

Location: Sullom Voe Terminal, Mossbank, Shetland, ZE2 9TU

By: TOTAL E & P Ltd & BP Exploration Operating Company Ltd

Application Ref: 2013/093/PPF

1. Introduction

This is an application to construct a pipeline running between the Shetland Gas Plant (SGP) and Sullom Voe Terminal (SVT). The pipeline is to be 1630 metres in length and 200 mm in diameter. Its purpose is to transport gas condensate from SGP to SVT. Hydrocarbon fluids will arrive at the SGP as a mixture of gas and condensate. Condensate is the liquid hydrocarbon formed by the condensation of heavier components of natural gas. At SVT the condensate can be catered for in existing process facilities.

The need for the pipeline was identified by Total during the planning phase of Laggan-Tormore Development, and was included in principle as part of the planning permission for the SGP. Since then there have been some changes in the basic specification and route of the pipeline that are accounted for in the current submission. For the pipeline outwith the SGP site to SVT, following the submission of a request for a screening opinion, it was considered that the development would not require to be the subject of a formal Environmental Impact Assessment as the site is of relatively low environmental sensitivity with no conservation designations and scope for limited impact on the Sullom Voe Special Area of Conservation (SAC) and the Yell Sound Coast SAC during normal operations. However it was indicated that appropriate design, management, and environmental controls during construction, and restoration would require to be evidenced for assessment as part of the planning application.

The application is referred to the Planning Committee for a decision, as the Shetland Islands 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

SPNE4 - Nature Conservation

SPBE1 - Built Heritage

SPWD1 - Marine and Freshwater Resources

SPENG1 - Sullom Voe and Oil Related Developments
SPTP8 - Pipelines

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

LPNE10 - Development and the Environment

LPBE13 - Design

LPCST4 - Major Oil and Gas Related Development

LPWD10 - Flooding

LPWD11 - Surface Water Drainage Standards

LPIND5 - Business and Industry Proposals in the Open Countryside

3. Safeguarding

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

30km Radius Scatsta - 30km Sumburgh Scatsta: 2

5m Contour Area - 5m Contour Area: 20

Burn Buffer - Name: Burn of Crooksetter

Health and Safety Executive - Code: HSE113

Site Name: Laggan - Tormore Project, Sullom Voe

Type: Hazard Substances Consent

HSE Ref: H4418

Land Capability Agriculture - code: 6.3

Scatsta Safeguard - Height: 15m

4. Consultations

Roads Traffic was consulted on the 25 March 2013. Their comments dated 11 April 2013 can be summarised as follows:

With respect to this small part of a much bigger project the only concern is in regard to the amount of material that may require to be hauled to the site on the public road. However, as the submission proposes to put the same controls in place as for the larger part of the project works in the area, there are no objections to the proposals. As the control measures are contained within SGP-GEN-00-F-PR-703070-001 of the applicants previous submission I would therefore request any permission to refer to this document.

SEPA Dingwall was consulted on the 25 March 2013. Their comments dated 8 April 2013 can be summarised as follows:

SEPA is satisfied that the proposal adequately mitigates the possible pollution risks at the site in a site specific manner and therefore there are no objections to these elements of the proposal. The proposed

watercourse crossings and drainage from the SGP ponds are likely to be able to be given consent under CAR and therefore there are no objections to these. Some elements of the proposals will be controlled by SEPA under PPC. This does not have implications for the site layout and design in this instance and therefore SEPA have no objection to the development.

SNH was consulted on the 25 March 2013. Their comments dated 8 April 2013 can be summarised as follows:

The proposal is unlikely to have significant natural heritage impacts with the mitigation described. This includes measures to avoid offences relating to European Protected Species (otter), runoff mitigation and site restoration. Recent surveys show no evidence of otters actually living or resting (using holts) on or adjacent to the proposed development corridor, though otters that regularly move along the Crooksetter Burn use the area. An otter survey should be carried out shortly before groundwork begins, and the SGP otter guidance document followed (including mitigation if required).

The proposal is unlikely to affect bird species listed under Schedule 1 of the Wildlife and Countryside Act (1981) (e.g. red throated divers and whimbrel). Disturbance of other nesting bird species or destruction of their nests will be avoided in the first instance by carrying out the works outside the nesting season, and if this is not possible then the described bird breeding survey and mitigation will avoid adverse impacts on these species.

The mitigation described, and regulation by SEPA, will avoid pollution of the Crooksetter Burn, including runoff. This is important as such pollution could affect the otters from Yell Sound Coast Special Area of Conservation (SAC) using the burn, and Sullom Voe SAC if allowed to enter the marine environment at Orka Voe.

The peat management described in the supporting documentation submitted including the separation and reinstatement of acrotelm and catotelm layers will minimise adverse impacts associated with the disturbance of peat and the site is to be restored to the moorland mosaic that currently exists. This along with keeping the working corridor to a minimum width will minimise adverse impacts on moorland habitats and associated species.

Delting Community Council was consulted on the 25 March 2013. Their comments dated 29 March 2013 can be summarised as follows:

No objections.

The Health and Safety Executive was consulted using their on-line 'PADHI' consultation system as the development site lies within the safeguarded area around the major hazard sites of Sullom Voe Terminal and the Gas

Processing Plant. However it was indicated that within these areas it is only certain types of development that require consultation and these are developments involving a material increase in the number of persons working, living, visiting or passing through the safeguarded area.

The Archaeology Service was consulted on the 13 May 2013. Their comments dated 15 May 2013 can be summarised as follows:

The Shetland Archaeologist is content that a watching brief is appropriate response to the proposed development and a condition should be attached to ensure that an archaeological watching brief be carried out in accordance with a brief for the works that has been agreed before the work begins.

5. Statutory Advertisements

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

A site notice was not required to be posted.

6. Representations

Representations were received from the following properties:

None.

7. Report

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

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

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

The proposed development site lies partly within the boundaries of the SGP site, it then crosses the Crooksetter Burn before progressing towards SVT where it enters the SVT site close to the perimeter of the flare stack. For the most part the pipeline will be constructed below ground from the SGP to the pig receiver near the edge of the existing process area. From the pig receiver the pipeline will be above ground on pipe racks and tracks to the existing process area within SVT. The development corridor for the pipeline will vary between 20 and 50

metres in width depending on the depth of peat and will include a temporary construction access track, the peat to be sidecast during the construction period and an area for the peat turfs to be stored until the land is reinstated once the pipeline has been laid. Other ancillary works required as part of the development comprise a pig receiver, emergency shut down valve access platforms and fibre optic cable. A length of access road close to the SVT is to be constructed and retained as a permanent road.

The impact of this development is relatively limited with the main environmental impacts arising during the construction phase rather than the normal operational phase of the development. Much of the pipeline passes through areas that have been disturbed by industrial development as part of the SGP or within the boundary of SVT. However, there is an area between the 2 developments where the construction of the pipeline will involve the disturbance of areas of deep peat, and this is shown as section 2 of the project sections in Figure 1 of the Construction, Design, Management and Environmental Control document submitted with the application. This section includes the Crooksetter burn crossing and is also the area of the development that is most environmentally sensitive. However both SNH and SEPA are satisfied that, with the mitigation measures detailed in the supporting documentation submitted with the planning application, the proposed development will not have a significant environmental impact, and the construction practices to lay the pipeline through the varying depths of peat will be in accordance with the techniques and principles used in the construction of the recent pipelines to and from the SGP.

Consent will be required from SEPA for burn crossings and any outfalls under CAR, and both the SGP and SVT require to comply with the Pollution Prevention Control (Scotland) Regulations 2012. However the Construction, Design, Management and Environmental Control document stipulates the requirement for various environmental management plans and further survey works that will be undertaken before works begin such as a site specific Water Management Plan, a Waste Management Plan, a Construction Phase Environmental Management Plan, a geotechnical survey, a peat slide risk assessment, an archaeological watching brief, an otter survey and a bird survey if required. It will be necessary to condition any permission to require the submission of these various documents for approval before work begins.

Traffic movements during the construction phase have been estimated. Pipe runs and steel work will be transported to the site via lorry from Lerwick. Stone for access and construction roads will be sourced locally from licensed quarries and will be delivered using the transport route previously agreed for the transport of materials to the SGP site. Roads Services have indicated that this is acceptable and as deliveries to the site will be spread over the construction period impact on unrelated traffic movements will be minimised.

In principle there are no objections to the construction and operation of the proposed pipeline linking two distinct industrial developments. The area around Sullom Voe Terminal and the Shetland Gas Plant is industrial and accommodates a number of existing pipelines for various purposes. Council planning policy is largely supportive of this type of development in this general area (SPENG1, LPCST4) provided that environmental impact is minimised. The assessment of the information submitted with the application has concluded that, given the relatively short term duration of the construction period, provided that the development is undertaken in accordance with the information submitted, and with the planning conditions recommended below attached the impact of the development will be limited to levels that can be considered to be acceptable.

8. Recommendation

Grant subject to conditions

Reasons for Council's decision:

(1.) In principle there are no objections to the construction and operation of the proposed pipeline linking two distinct industrial developments. The area around Sullom Voe Terminal and the Shetland Gas Plant is industrial and accommodates a number of existing pipelines for various purposes. Council planning policy is largely supportive of this type of development in this general area (SPENG1, LPCST4) provided that environmental impact is minimised. The assessment of the information submitted with the application has concluded that, given the relatively short term duration of the construction period, provided that the development is undertaken in accordance with the information submitted, and with the planning conditions recommended below attached, the impact of the development will be limited to levels that can be considered to be acceptable.

9. List of approved plans:

- Environmental Management Plan LPU-CPL-00-L-RP-900034-001
20.03.2013
- Location Plan 0385-122-D040-GAD-005-001 R3 20.03.2013
- Site Plan 0385-122-D040-GAD-021-001 R2 20.03.2013
- Pipe Alignment Plan 0385-122-D040-GAD-020-001 R2
20.03.2013
- Pipe Alignment Plan 0385-122-D040-GAD-019-001 R1
20.03.2013

- Route Alignment 0385-122-D040-GAD-018-001 R1
20.03.2013
- Route Alignment 0385-122-D040-GAD-007-001 R3
20.03.2013
- Route Alignment 0385-122-D040-GAD-006-001 R3
20.03.2013
- Proposed Access Roads Layout 0385-122-D040-GAD-003-001 R3
20.03.2013
- Reinstatement Plan 0385-122-D040-DTL-003-001 R1
20.03.2013
- Reinstatement Plan 0385-122-D040-DTL-004-001 R1
20.03.2013
- Road Section 0385-122-D040-DTL-002-001 R3 20.03.2013
- General Arrangement 0385-122-D040-GAD-002-001 R3
20.03.2013
- Crossing Details 0385-122-D040-DTL-005-001 R1
20.03.2013
- Proposed Works 0385-122-D040-GAD-004-001 R3
20.03.2013
- Proposed Platform 0385-122-D040-DTL-007-001 R1
20.03.2013
- Proposed Platform 0385-122-D040-DTL-008-001 R1
20.03.2013
- Proposed Pipe Rack 0385-122-D040-DTL-009-001 R2
20.03.2013
- Proposed Platform 0385-122-D040-DTL-010-001 R1
20.03.2013
- Electrical Layout Plan 0385-122-D040-GAD-009-001 R3
20.03.2013
- Cable Trench 0385-122-D040-DTL-001-001 R3 20.03.2013
- Instrument Cabling Plan 0385-122-D040-GAD-008-001 R3
20.03.2013

10. **Conditions:**

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

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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 site shall not become operational in terms of the transportation of condensate along the pipeline until a preliminary decommissioning plan has been submitted to and approved in writing by the Planning Authority. Within 6 months of the site becoming operational a final decommissioning and reinstatement plan, including costing of works at prices current at the time of submission, shall be submitted to and approved in writing by the Planning Authority. The approved decommissioning and reinstatement plan shall then be the subject of review on a biennial basis by the operator of the site to allow for further development of the plan during the lifetime of the development.

Reason: To ensure that site is reinstated in an acceptable manner and in compliance with Shetland Structure Plan (2000) Policy GDS4, and SPNE1, and Shetland Local Plan (2004) Policy LPNE10 and LPBE13.

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(5.) Development shall not commence until details of the route of the permanent access road has been submitted to and approved in writing by the Planning Authority.

Reason For the avoidance of doubt and in order to ensure that environmental impact is minimised in compliance with Shetland Structure Plan (2000) Policy GDS4 and SPNE1, and Shetland Local Plan (2004) Policy LPNE10.

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Reason: In order to establish and protect any archaeological and historical features within, the area of development which are of significant historical importance and in compliance with Shetland Structure Plan (2000) Policy SPBE1, and Shetland Local Plan (2004) Policy LPNE10.

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Reason: To identify the measures to be undertaken to identify and to reduce environmental impact on wildlife in compliance with Shetland Structure Plan (2000) Policy GDS4, SPNE4 and Shetland Local Plan (2004) Policy LPNE10.

(8.) If any top soil, spoil or waste materials arising from the excavation of the site and the construction of the development are to be removed from or disposed of outwith the site, details of the method of 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.

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11. Further Notifications Required

None

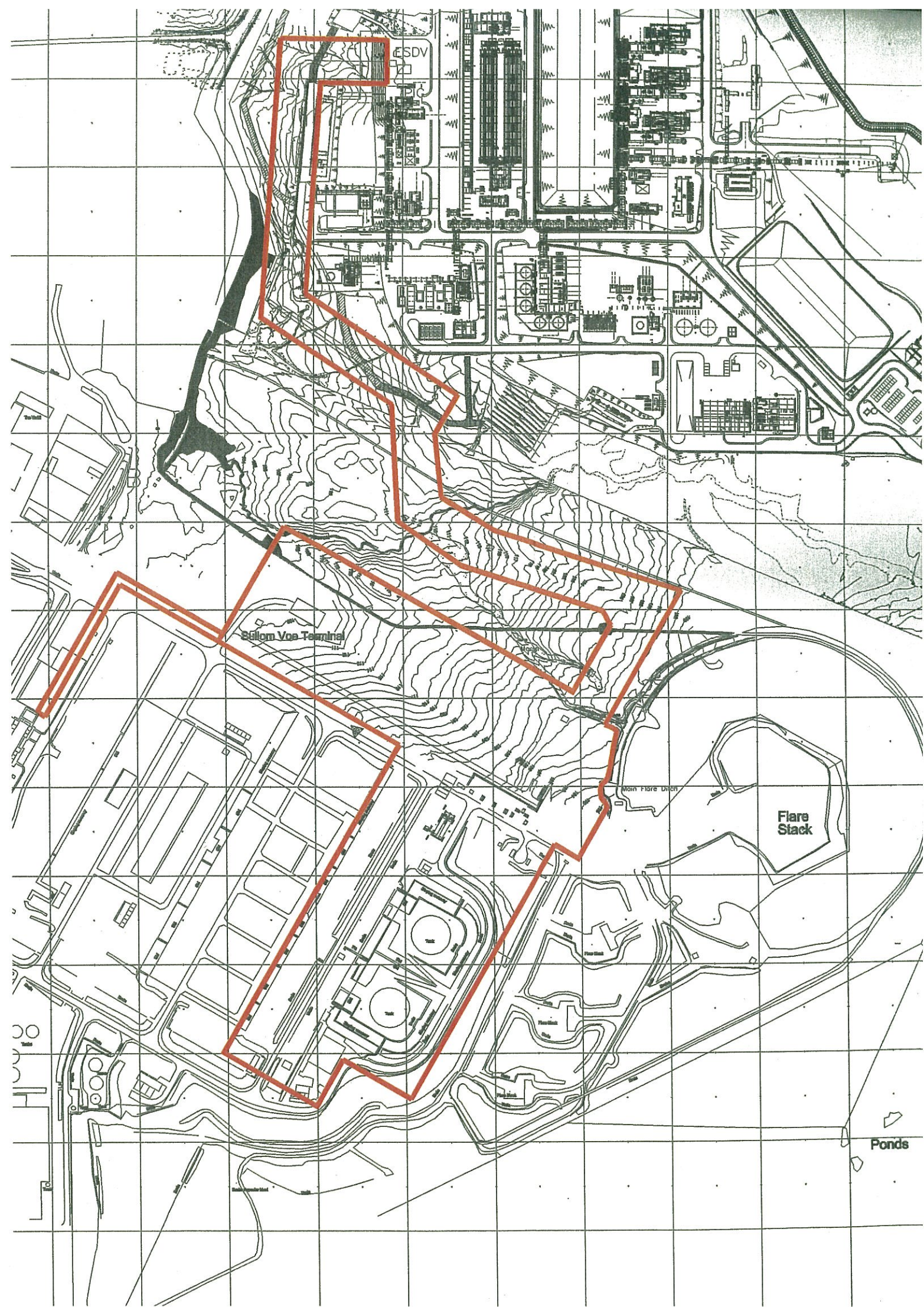
12. Background Information Considered

Planning Permission 2009/271/PCD - to erect gas processing plant.

2013/093/PPF_Delegated_Report_of_Handling.doc

Officer: Janet Barclay Smith

Date: 11th June 2013



Developments: Change of use from public toilets to community hubs

Location: Public Toilets, Clickimin, Lochside, Lerwick, Shetland, ZE1 0PJ;
and Public Toilets, Grantfield, Lerwick, ZE1 ONT

By: Shetland Telecom

Application Refs: 2013/150/PPF & 2013/151/PPF

1. Introduction

This report covers two applications to change the use of buildings which currently house public toilet facilities, located on Lochside and at Grantfield, Lerwick, to use both as community hubs.

The community hub is designed to provide resilient, reliable high capacity data services for the Shetland community.

Hardware racks and servers will be installed once all the existing sanitary furniture is removed from the buildings.

No external changes to the buildings will take place and one door will be used to provide access with the others being blocked off internally.

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

SPCSF3 - Social and Economic Services

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

LPIND8 - Buildings and Plant

LPNE10 - Development and the Environment

LPBE5 - Protection and Enhancement of Buildings

3. Safeguarding

Main Areas of Best Fit - Main Areas of Best Fit: Lerwick

Core Paths - Core Paths: CPPL03

Land Capability Agriculture - code: 888

Ministry Of Defence - MOD Area: Meteorological Station Lerwick
Details: Any new construction or extensions >150ft in height (45.7m)
above ground level

Tingwall 10km Safeguarding - Tingwall 10km Safeguarding: Wind
Turbine applications require consultation with Airport.

Zone 1 Modified - Zone 1 Modified: Housing Zone 1

4. Consultations

Lerwick Community Council were consulted on the 7 May 2013. There was no response from this consultee at the time of report preparation.

5. Statutory Advertisements

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

A site notice was not required to be posted.

6. Representations

None

7. Report

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

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

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

Development Plan policies encourage the re-use of buildings that have outlived their original function or purpose. The change of use of these buildings to house an important community facility is considered acceptable and will cause no amenity or visual impacts on the surrounding area.

Improvements in telecommunication facilities and reliability are to be welcomed, and while not a major development in terms of industrial or business scale, the proposals nevertheless accord with the main thrust of policies which support business.

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 both applications are for a proposed development falling within the category of Local Development and the Council has an interest in the proposals they concern, the decision to determine both applications is delegated to the Planning Committee under the Scheme of Delegation that has been approved by the Scottish Ministers.

Notification to Scottish Ministers

None

9. Recommendation

Grant subject to conditions

Reasons for Council's decision (both applications):

(1.) Given the location, scale and purpose of the proposed development, it is considered that it will have no detrimental impact on the natural or built environment and will have no detrimental impact on existing services. The proposed development complies with: Shetland Structure Plan (2000) policies GDS1 - General Development Policy Sustainable Development, GDS3 - General Development Policy Existing Settlements, GDS4 - General Development Policy Natural and Built Environment, SPCSF3 - Social and Economic Services, and; Shetland Local Plan (2004) policies LPIND8 - Buildings and Plant, LPNE10 - Development and the Environment and LPBE5 - Protection and Enhancement of Buildings.

10. List of approved plans:

(2013/150/PPF – Clickimin, Lochside)

- Location Plan R/T/A19-302 22.04.2013
- Description of Works 2013/150/PPF - 01 22.04.2013
- Site & Floor Plans R/T/A19-303 22.04.2013

(2013/151/PPF – Grantfield)

- Location Plan R/T/A19 – 300 03.05.2013
- Description of Works 2013/150/PPF – 01 03.05.2013
- Site & Floor Plans R/T/A19-301 03.05.2013

Conditions (both applications):

(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) 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

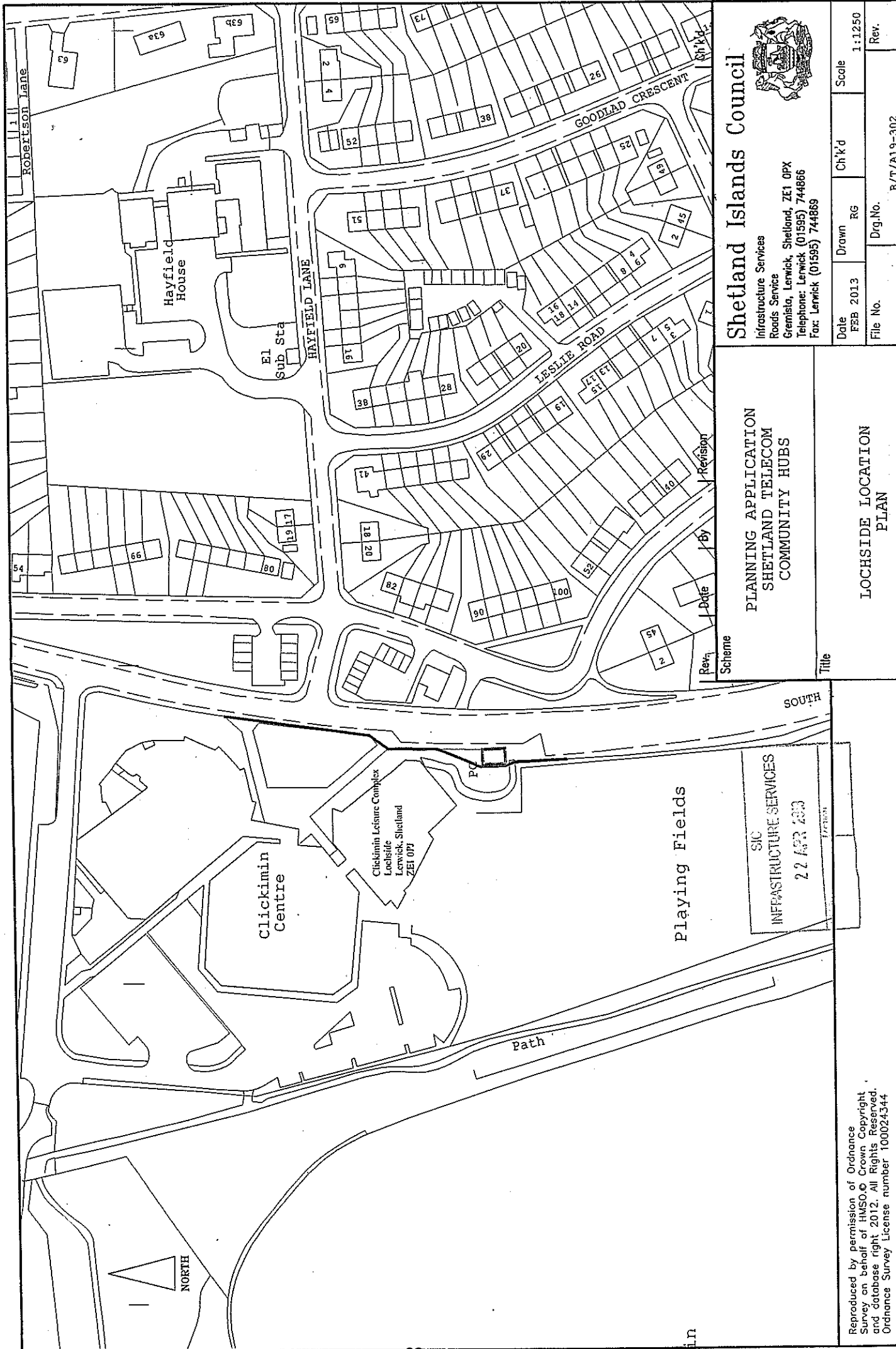
13. Attachments

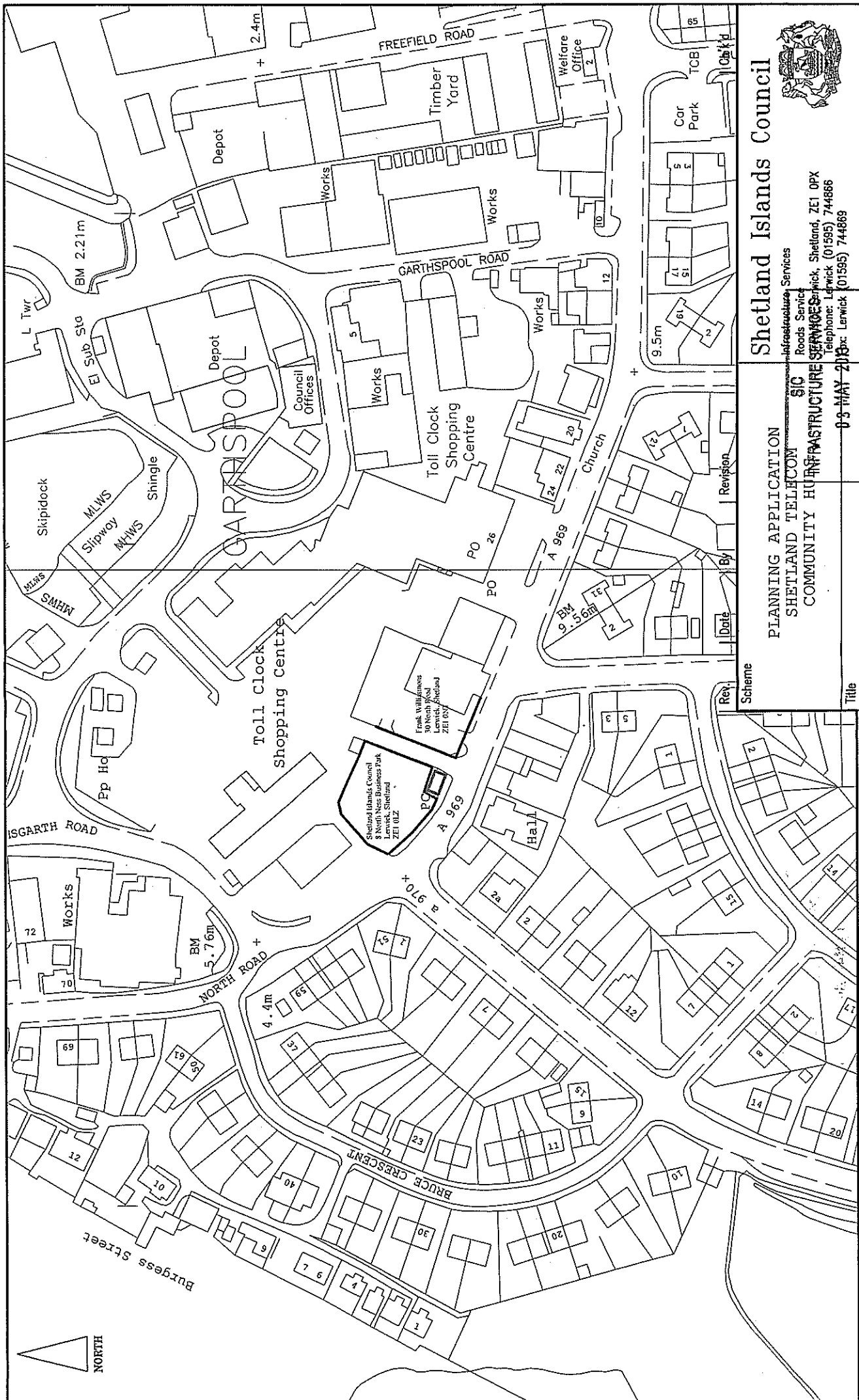
- Location Plan - R/T/A19-302
- Location Plan - R/T/A19-300

2013/150/PPF 2013/151/PPF Planning Committee Report.doc

Officer: Mr Richard MacNeill

Date: 11th June 2013





Shetland Islands Council

Infrastructure Services
Roads Service
SHEWANSON, Lerwick, Shetland, ZE1 0PX
Telephone: Lerwick (01595) 744866
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PLANNING APPLICATION
SHEWANSON TELCOM
COMMUNITY HUBS
INFRASTRUCTURE SERVICES

03 MAY 2013

Rev

Scheme

Title

GRANTFIELD
LOCATION PLAN

File No.

Drg.No.

Scale

1:1250

Rev.

R/T/A19-300

