



REPORT

To: Planning Committee

1 October 2013

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

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

1 Purpose of Report

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

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

Planning Application Ref.	Development Proposed	Applicant	Officer Recommendation	Type of Exception
2013/219/PPF	Install 48 no. ground mounted solar panels, Sumburgh Lighthouse, Sumburgh, Virkie, Shetland, ZE3 9JN	Shetland Amenity Trust	Approve, with conditions	Planning authority has a financial interest
2013/263/PPF	To create 2 no. parking bays in the west field, including partial demolition and removal of boundary wall to allow access, new stone boundary wall to enclose parking area and new access stairs and balustrade, Sumburgh Lighthouse, Sumburgh, Virkie, ZE3 9JN (Part Retrospective Application)	Shetland Amenity Trust	Approve, with conditions	Planning authority has a financial interest

- 1.6 In respect of both applications a decision that accepts the officer's recommendation will, in the opinion of the Executive Manager - Planning, comply with Council planning policy. If Members are minded to determine an application contrary to the officer's recommendation, as a departure from the Shetland Islands Council Development Plan Policy, it is imperative that clear reasons for proposing to do so, contrary to the development plan policy and the officer's recommendation, be given and minuted in order to comply with Regulation 28 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 and for the avoidance of doubt in the case of a subsequent planning appeal or judicial review. Failure to give clear planning reasons for the decision could lead to the decision being overturned or quashed, and an award of costs being made against the Council, on the basis that it is not possible to mount a reasonable defence of the Council's decision. Notification to the Scottish Ministers is not required in the case of either application.

2. Recommendation

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

planning committee.doc J R Holden
Planning Committee: 1/10/2013

Appendix

2013/219/PPF - Install 48 no. ground mounted solar panels, Sumburgh Lighthouse, Sumburgh, Virkie, Shetland, ZE3 9JN by Shetland Amenity Trust

Recommended Conditions

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

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

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

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

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

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

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

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

(3.) Within six months of the solar panels ceasing to be operational, the panels and all associated plant and equipment shall be removed from the site and the site reinstated in accordance with a restoration scheme that

reinstates the site to at least its pre-development condition, unless otherwise agreed in writing by the Planning Authority. The restoration scheme shall be submitted for the written of the Planning Authority before any restoration work commences.

Reason: In order to ensure that when the solar panels cease to be operational the site is restored to at least its pre-development condition in the interests of visual amenity and in compliance with Shetland Local Plan (2004) policy LPENG6.

- (4) In so far as this consent shall relate to the solar panels, cabling and any ancillary works within the area bounded in red on Drawing No 130006-02 Rev B received by the Planning Authority on 4 September 2013, it is granted for a period of 25 years only commencing from the date of this permission. Thereafter unless an extension of permission has previously been granted the development shall cease operation and the wind farm shall be decommissioned. The site shall be reinstated in accordance with a decommissioning, restoration and aftercare plan as required by condition No 6 below.

Reason: In order to retain control over the development and in order to secure appropriate reinstatement of the site when the development ceases to be operational in compliance with Shetland Structure Plan (2000) Policy GDS4, SPNE1, SPENG3 and Shetland Local Plan (2004) Policy LPNE10 and LPENG7.

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

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

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

Reason: To ensure that any top soil or waste material arising from the

construction of the development is disposed of to an authorised site and in an environmentally acceptable manner in compliance with Shetland Structure Plan (2000) Policy GDS4 and Shetland Local Plan (2004) Policy LPBE13.

Notes to Applicant:

Commencement of Development:

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

Notice of Completion of Development:

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

Military Remains

As it is possible that there are military remains in the area of the proposed development, the ground works should be carried out with caution.

2013/263/PPF - To create 2 no. parking bays in the west field, including partial demolition and removal of boundary wall to allow access, new stone boundary wall to enclose parking area and new access stairs and balustrade, Sumburgh Lighthouse, Sumburgh, Virkie, ZE3 9JN by Shetland Amenity Trust (Part Retrospective Application)

Recommended Conditions

(1) The development hereby permitted shall not be carried out other than wholly in accordance with the following 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) No works shall take place outwith the application site hereby approved, and there shall be no materials stored, or waste materials disposed of outwith the approved application site.

Reason: In order to ensure that environmental impact is minimised in compliance with Shetland Structure Plan (2000), policies GDS4, SPNE4, SPNE6 and SPNE7 and Shetland Local Plan (2004) Policy LPNE10.

(3) The Ordnance Triangulation Pillar that is located on the site shall be protected and safeguarded in its original location for the the duration of the construction works.

Reason: In order to ensure that the Ordnance Triangulation Pillar is safeguarded during the construction period and thereafter preserved on site in compliance with Shetland Islands Council Structure Plan (2000) policies SPBE1 and GDS4 (Natural and Built Environment) and Shetland Local Plan (2004) policies LPBE6 and LPNE10.

Note to the Applicant

Notice of Completion of Development:

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

Report of Handling

Development: Install 48No. ground mounted solar panels

Location: Sumburgh Lighthouse, Sumburgh, Virkie, Shetland, ZE3 9JN

By: Shetland Amenity Trust

Application Ref: 2013/219/PPF

1. Introduction

This is an application to install 48 ground-mounted solar panels in the field that lies beyond Sumburgh Lighthouse at the point of Sumburgh Head. The panels are to be connected by cabling to the complex of buildings at the lighthouse that are currently undergoing restoration and redevelopment. The power generated by the panels is to be used to reduce the ongoing running costs of the buildings by providing a source of renewable energy.

In November 2011, planning permission was granted for the installation of a ground source heat pump, which included 14 boreholes to supply heat to the buildings at Sumburgh Lighthouse. This is also located in the field beyond the lighthouse, and has been installed but involves no above ground equipment.

The planning application is referred to the Planning Committee for decision as a statutory exception within the approved Scheme of Delegations, as the Council is part funding the overall redevelopment works at Sumburgh Lighthouse.

2. Statutory Development Plan Policies

Shetland Islands Council Structure Plan (2000) Policies

GDS4 - General Development Policy Natural and Built Environment

SPNE1 - Design

SPNE6 - Sites of Special Scientific Interest

SPBE1 - Built Heritage

SPENG3 - Renewable Energy Sources

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

LPNE10 - Development and the Environment

LPBE6 - Listed Buildings

LPENG6 - Energy Proposals

LPENG7 - Control of Potential Nuisance from Energy Generators

LPENG8 - Energy Proposals Affecting Designated Environmental Sites

Shetland Islands Council Local Development Plan

GP2 - General Requirements for All Development

NH1 - International and National Designations

NH4 - Local Designations

3. Safeguarding

Civil Aviation Authority - CAA: All Development Structures or Erections Greater than 45m in height

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

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

Land Capability Agriculture - code: 6.1

Military Unclassified - Military Unclassified info:: no contamination

Shetland Local Landscape Designations - Shetland Local Landscape Designations: Scat Ness and Sumburgh Head

4. Consultations

SNH was consulted on the 24 June 2013. Their comments dated 2 July 2013 can be summarised as follows:

SNH have no objection to this proposal. However as this proposal is close to Sumburgh Head Special Protection Area (SPA) classified for its seabird assemblage, and is not connected with or necessary for the conservation management of the SPA further consideration is required. However in this instance because of the nature of the proposed development it is clear that it is unlikely to have a significant effect on any qualifying interests either directly or indirectly. An appropriate assessment is therefore not required.

The RSPB was consulted on the 24 June 2013. There was no response from this consultee at the time of report preparation.

Operations Dept Highland & Islands Airport Ltd was consulted on the 24 June 2013. Their comments dated 8 July 2013 can be summarised as follows:

HIAL indicated that at the given position and height the development would not infringe the safeguarding surfaces for Sumburgh Airport. However given that the site is very adjacent to and facing the approach path for Runway 15/33, HIAL would need absolute assurance that there would be no reflection from the panels, which could distract pilots on approach to the Airport.

Following the submission of further information in support of the application, HIAL have indicated that they have little grounds on which to object to this application.

Historic Scotland was consulted on the 3 July 2013. Their comments dated 11 July 2013 can be summarised as follows:

Although we do not propose to make a formal objection to this proposal it is clear that the panels will be a significant visual intervention in the historic curtilage of the lighthouse complex. It is recommended that the planning officer make a site visit to consider whether they will impact on any key views to Sumburgh Head from the west, particularly at times when afternoon/evening sun is striking the panels.

Notwithstanding the comments above, the Council should proceed to determine the application without further reference to Historic Scotland.

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:

Representations were received from The Shetland Bird Club and the Shetland Biological Records Centre in connection with the application. Their comments are summarised as follows:

While the Bird Club does not object to the installation of solar panels, the area has a long history of attracting migrant birds and the small, planted area along the stone dykes provides both shelter and feeding opportunities for them. Bird watchers have enjoyed informal access to this area for a number of years and many visiting bird watchers particularly enjoy bird watching in this area in the autumn, which extends the tourist season for a number of local businesses.

Reassurance is therefore required that the development and any

necessary restoration works will not reduce the attractiveness of the area for migrant birds, nor interfere with the informal access to the area.

The Biological Records Centre agreed with the points raised by the Bird Club on the importance of the site for migrating birds and suggested that if there was some compensation in the form of additional cover for the birds, then the area would retain its importance for migrants. It was suggested that a planting strategy for the area be devised.

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 site is an area within the field that lies beyond the lighthouse buildings at Sumburgh Head and which forms part of the lighthouse property. The boundary walls of the field together with the lighthouse buildings and other structures are category A listed as they are considered to be of national significance. The field in which the site lies forms part of the setting of these listed buildings.

The field is part of the Sumburgh RSPB reserve and is also designated as a Local Landscape Area in the emerging Shetland Local Plan. The cliffs at Sumburgh that surround this site are designated as a Site of Special Scientific Interest and a Special Protection Area for its aggregation of seabirds.

The main issues for consideration in relation to the proposed panels are the impact on the setting of the Category A listed buildings and the potential impact on Sumburgh Airport.

Historic Scotland, a statutory consultee in this instance, advised that the panels will be a significant visual intervention in the historic curtilage of the lighthouse, and recommended that the planning officer consider the impact on views from the core of the complex into the field, and on any

key views to Sumburgh Head from the west. Following a site visit it has been determined that the panels, although visible from various points within the complex of buildings, will not be overly dominant because of their location closer to the west boundary wall on the lower slopes of the field. The panels are also sufficiently distant from and lower than the historic buildings, which avoids interrupting views to or from them to any significant extent.

The applicant was asked to submit additional information in support of the application including visualisations. These have satisfactorily demonstrated that the panels will have little impact when viewed from the road on the approach to the lighthouse, and when viewed from the west on the opposite headland at Scatness/ Ness of Burgi the site is so remote that the proposed panels will have negligible visual impact. Therefore I am of the opinion that the solar panels will not have an adverse impact on the setting of this listed building and will not have a detrimental impact on the proposed Local Landscape Area.

The application site is not classed as part of the Sumburgh Head Special Protection Area (SPA) but as it is adjacent to this area it has the potential to have an impact on it. However Scottish Natural Heritage have advised that any damage to cliff nesting birds is unlikely and also that there will not be disturbance to breeding birds and therefore SNH has no objections to the proposal.

The Shetland Bird Club raised concerns about the impact that the proposed panels might have on the attractiveness of the area for migrant birds and were concerned that access to this area might be restricted in the future. The applicant has indicated that there is no intention to restrict access to any part of this field, and the application does not include proposals for any additional fencing that could restrict access. It should also be noted that the panels are inert, have no moving parts and create no noise and therefore should not frighten or disturb birds. The existing bushes and shrubs that grow close to the boundary walls will not be disturbed by the construction of the development.

Highland and Islands Airports Ltd have raised concerns about the potential reflection from the panels. They have indicated that the proposed panels are located very adjacent to, and facing the approach path for Runway 15/33 and that they would need absolute assurances that there would be no reflection from the panels which could distract pilots on approach to the airport. In response to this the applicant submitted details of the reflective qualities of the type of solar panel proposed and pointed out that solar panels are designed to absorb light and not reflect it. The type of panel proposed can absorb up to 97% of the light from the sun depending on the angle at which the light hits the surface of the solar panel and even at its

most reflective angle of incidence the light reflected back from the panels is only 10.4%. Following further consultation with HIAL on the additional information submitted HIAL indicated that in light of the information supplied in support of the application, HIAL had little grounds on which to object to this application.

The concerns addressed in relation to the proposal have all been satisfactorily addressed. It has been demonstrated that the panels have been sited to minimise impact on the setting of the building and views from the building complex. The site chosen will ensure that there is no impact on the wider environment and the cliff-nesting seabirds that are part of the SPA that surrounds the site. The panels are designed to minimise glare and therefore should not have a detrimental impact on the amenities of the area. The Agent for the application has indicated that access to this field in general will not be restricted in future.

It should also be noted at this time that a planning application for a small car parking area is also being considered within this field beyond the lighthouse (2013/263/PPF and 2013/260 LBC). The car park is designed so as to have minimal impact on the field when viewed from any distance and lies adjacent to the boundary wall of the lighthouse to the east of the solar panels and will have no impact on the panels.

8. Recommendation

Grant subject to conditions

Reasons for Council's decision:

(1.) It has been demonstrated that the proposed panels have been sited to minimise impact on the setting of the building and views from the lighthouse building complex. The site chosen will ensure that there is no impact on the wider environment and the cliff-nesting seabirds that are part of the SPA that surrounds the site. The panels are designed to minimise glare and therefore should not have a detrimental impact on the amenities of the area or the operation of Sumburgh Airport. The proposal therefore complies with Shetland Structure Plan (2000) policies GDS4, SPNE1, SPNE6, SPBE1, SPENG3 and Shetland Local Plan (2004) LPNE10, LPBE6, LPENG7 and LPENG8.

9. **List of approved plans:**

- Location Plan 133006-01 B 04.09.2013
- Site Plan 130006-02 B 04.09.2013

- Site Plan 130006-04 04.09.2013
- PV Solar System Plan 130006-03 A 04.09.2013
- Cross Section 130006-05 04.09.2013
- Supporting Statement 2013/219/PPF - 01 04.09.2013
- Design Statement 2013/219/PPF - 02 04.09.2013

10. Conditions:

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

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

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

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

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

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

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

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

(3.) Within six months of the solar panels ceasing to be operational, the panels and all associated plant and equipment shall be removed from the

site and the site reinstated in accordance with a restoration scheme that reinstates the site to at least its pre-development condition, unless otherwise agreed in writing by the Planning Authority. The restoration scheme shall be submitted for the written of the Planning Authority before any restoration work commences.

Reason: In order to ensure that when the solar panels cease to be operational the site is restored to at least its pre-development condition in the interests of visual amenity and in compliance with Shetland Local Plan (2004) policy LPENG6.

(4) In so far as this consent shall relate to the solar panels, cabling and any ancillary works within the area bounded in red on Drawing No 130006-02 Rev B received by the Planning Authority on 4 September 2013, it is granted for a period of 25 years only commencing from the date of this permission. Thereafter unless an extension of permission has previously been granted the development shall cease operation and the wind farm shall be decommissioned. The site shall be reinstated in accordance with a decommissioning, restoration and aftercare plan as required by condition No 6 below.

Reason: In order to retain control over the development and in order to secure appropriate reinstatement of the site when the development ceases to be operational in compliance with Shetland Structure Plan (2000) Policy GDS4, SPNE1, SPENG3 and Shetland Local Plan (2004) Policy LPNE10 and LPENG7.

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

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

(6.) If any top soil, spoil or waste materials arising from any excavation

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

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

Notes to Applicant:

Commencement of Development:

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

Notice of Completion of Development:

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

Military Remains

As it is possible that there are military remains in the area of the proposed development, the ground works should be carried out with caution.

11. Further Notifications Required

The organisations that submitted representations need to be advised of the decision on the application.

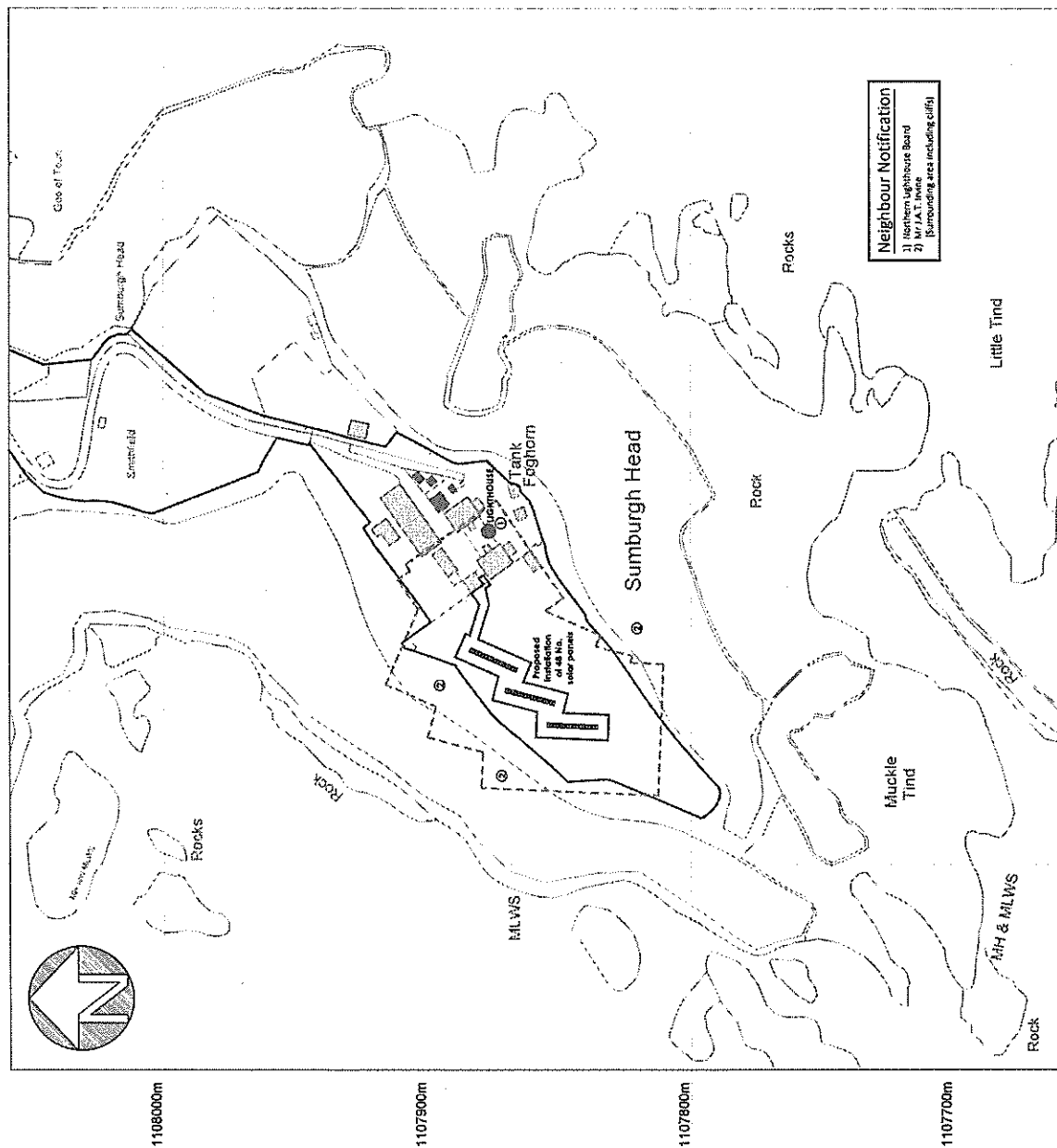
12. Background Information Considered

2009/021/LBC and 2009/026/PCD - Permissions for the redevelopment of Sumburgh Lighthouse.

2011/282/PPF - permission for ground source heat pump and 11 bore holes, Sumburgh head.

2013/219_Report_of_Handling.doc
Officer: Janet Barclay Smith
Date: 12th September 2013

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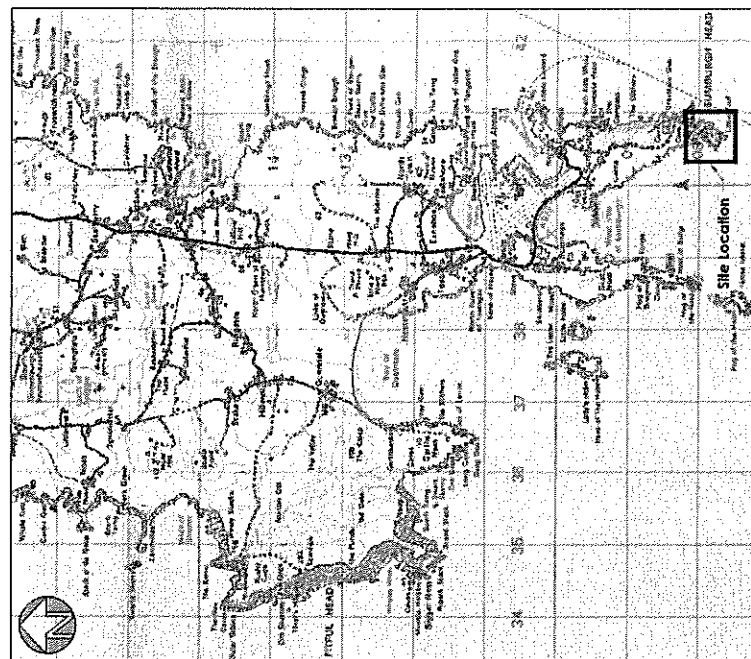


General Notes

1. This drawing is to be read in conjunction with all other Engineering drawings and all other relevant drawings and Specifications.
2. All dimensions are in mm unless stated otherwise.
3. Ensure that the drawing is printed to the correct size when scaling.

Drawing Key

- Applicant's Site Boundary (Shetland Amenity Trust)
 - Solar Panel Installation - Site Area
 - 20m offset from the Site Area
- NOTE: The Site Area for the Solar Panel Installation, which is delineated in this drawing, extends to 0.086 ha or thereby.



Rev	Date	Drawn By	Checked By	Approved By	Description
1	14/04/13	EJA	BH	BH	General Notes Working Form
2	14/04/13	EJA	BH	BH	For Planning, Site Boundary added
3	14/04/13	EJA	BH	BH	Preliminary Issue

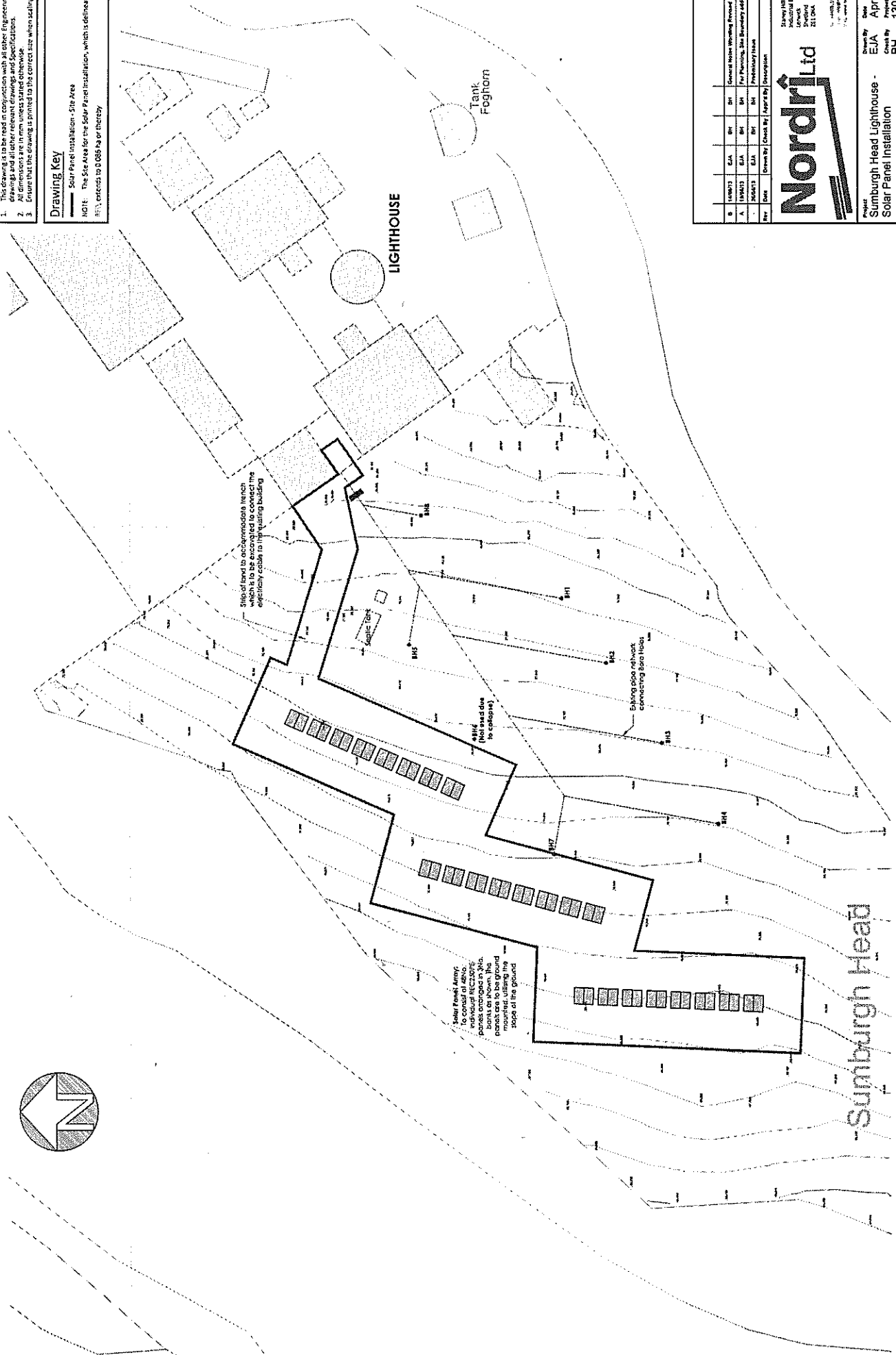
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1. This drawing is to be read in conjunction with all other Engineering drawings and all other relevant drawings and Specifications.
2. All dimensions are in mm unless stated otherwise.
3. Ensure that the drawing is printed to the correct size when scaling.

Drawing Key

Solar Panel Installation - Site Area

NOTE: The Site Area for the Solar Panel Installation, which is designated in area, extends to 0.085 ha or thereby



Year	GA	BA	BA	General Notice Wording Revised
1999-2000	GA	BA	BA	For Penalties, See Inventory added etc.
2000-2001	GA	BA	BA	Preliminary Issue
2001-2002	GA	BA	BA	Discussion

Nordri Ltd

Project: Sumburgh Head Lighthouse - Solar Panel Installation
Drawing Title: Site Plan with Contours
Drawn By: EJA
Checked By: BH
Date: Apr 2013
Project Number: 130006
Scale: A2
1/250

Site Plan with Contours
Scale 1:250

Report of Handling

Development: Planning application to create 2 no. parking bays in the west field, including partial demolition and removal of boundary wall to allow access, new stone boundary wall to enclose parking area and new access stairs and balustrade (part retrospective application).

Location: Sumburgh Lighthouse, Sumburgh, Virkie ZE3 9JN

By: Shetland Amenity Trust

Application Ref: 2013/263/PPF

Development: Listed building consent application for the partial demolition and removal of an existing boundary wall to provide vehicle access to a new parking area in west field and including new access stairs and balustrade (Part Retrospective Application).

Location: Sumburgh Lighthouse, Sumburgh, Virkie, ZE3 9JN

By: Shetland Amenity Trust

Application Ref: 2013/260/LBC

1. Introduction

- 1.1 A planning application and an application for listed building consent have been submitted for the works described in the title above at Sumburgh Head Lighthouse. Both applications will be reported together.
- 1.2 The lighthouse including ancillary buildings, Foghorn house, and all boundary walls is a Category A listed structure. Designed by Robert Stevenson the main lighthouse buildings were completed in 1821. The engine house and principal keeper's accommodation was built in 1905 by David Stevenson, Robert Stevenson's grandson. A number of ancillary buildings have been added to the site over the years, some of which have considerable interest in their own right, for example, the now disused foghorn, and the World War II Chain Home Low radar station, one of the earliest buildings of its type. In 1991 the lighthouse became fully automated.
- 1.3 In 2011 planning permission and listed building consent was granted for the redevelopment of the whole Sumburgh Head site (2009/021/LBC & 2009/026/PCD). This included major refurbishment of the buildings on site, re-arrangement of the existing uses on the site and the construction of a new educational facility attached to the existing buildings.
- 1.4 The planning application is referred to the Planning Committee for decision as a statutory exception within the approved Scheme of Delegations, as the Council is part funding the overall development at

Sumburgh Head. The details of the listed building application are included in this report, however the final decision on the proposed works to this Category A Listed Building will lie with Historic Scotland, who will be notified of the Council's Decision on the application.

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
SPNE6 - Sites of Special Scientific Interest
SPBE1 - Built Heritage
SPTOUR1 - Tourism Development
SPCSF3 - Social and Economic Services

Shetland Local Plan (2000) Policies

LPNE10 - Development and the Environment
LPBE5 - Protection and Enhancement of Buildings
LPBE6 - Listed Buildings
LPBE13 - Design
LPTP12: Car parking
LPTP13: Access to Public Places for the Less Mobile
LPCSF4: Community Facilities

Shetland Islands Council Local Development Plan

GP1 - Sustainable Development
GP3 - All Development: Layout and Design
NH1 - International and National Designations
NH4 - Local Designations
HE2 - Listed Buildings

3. Safeguarding

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

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

Civil Aviation Authority - CAA: All Development Structures or Erections Greater than 45m in height

Listed Building - Listed buildings: SUMBURGH HEAD LIGHTHOUSE,
WEST KEEPER'S HOUSE
Category of listing: A

Land Capability Agriculture - code: 6.1

Military Unclassified - Military Unclassified info: no contamination

Shetland Local Landscape Designations - Shetland Local Landscape Designations: Scat Ness and Sumburgh Head

4. **Consultations**

Planning Application

Historic Scotland was consulted on the 1 August 2013. Their comments dated 14 August 2013 can be summarised as follows:

Although Historic Scotland are not submitting a formal objection to this proposal it is felt that it will have an adverse impact on the setting of the A-listed building. We note the supporting statement's assertion that there was originally a wider opening to the paddock, that the previously-proposed parking spaces are not practical, and the necessity of providing disabled parking space, but it is clear that the introduction of the retaining walls, parking bays, cars and steps with handrails will be a conspicuous addition to this part of the historic site.

Notwithstanding the comments above, Historic Scotland confirm that your Council should proceed to determine the application without further reference to us.

Roads Traffic was consulted on the 1 August 2013. Their comments dated 13 August 2013 can be summarised as follows:

There are no objections to this proposal as there is already an established vehicular route between the lighthouse buildings. It is assumed that all walls will be painted white, which will make any hazards in the area clear to motorists.

The parking area as indicated will require a low wall to protect vehicles from the edge of the embankment next to the parking area.

5. **Statutory Advertisements**

The application was advertised in the Edinburgh Gazette on 09.08.2013. The application was advertised in the Shetland Times on 09.08.2013.

6. **Representations**

None.

7. **Report**

7.1 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

shall be made in accordance with the plan, unless material considerations indicate otherwise.

7.2 The Statutory Development Plan Policies against which these applications have to be assessed 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.

7.3 The main issues in terms of the planning application relate landscape impacts arising from the proposed new car park and the impact on the setting of the listed building. In relation to the application for listed building consent, the main issues relate to the acceptability of the proposed alterations to the listed building that include the permanent removal of part of the original boundary wall and pedestrian gate, to provide access to the car park and the construction of new steps and a handrail.

Planning Application

7.4 As the proposed parking area lies within the curtilage of a Category A listed building, consultation with Historic Scotland on the planning application was required in accordance with Regulation 15 and Schedule 5 of the Development Management Procedure (Scotland) Regulations 2013 and their comments are noted at paragraph 4 above. As can be seen although Historic Scotland have concerns about the proposal they are not objecting to the planning application.

7.5 Following a site visit to consider impacts on the views to the lighthouse from the approach to Sumburgh Head and from other key viewpoints such as Scatness the car park structure will only be visible at some distance from the site and as such the visual impact will be minimised. As the parking area can only accommodate 2 cars, even when occupied from a distance the parking area will have little visual impact. The car park will be surrounded by a 1.2 m high wall constructed to match the rubble stone boundary walls around the lighthouse buildings and the surfacing of the car park is to be with a grassroad system that means that the visible surface layer will be grass. The west facing face of the car park wall will be planted with bushes, which again will help to reduce visual impact. The bushes will also increase biodiversity in the area and act as cover for migrating birds that are regularly found in the area.

7.6 When viewed from the approach road to Sumburgh Head, the proposed car park area lies largely behind the new education facility that has been built on to the lighthouse buildings and this helps obscure it to some extent from some of the closer views

on the approach to the lighthouse. When it can be seen from these closer views it will be seen in the context of the new addition to the buildings which it could be argued is a fairly significant visual intervention in itself.

- 7.7 The planning permission for the redevelopment of the site (2009/26/PCD) included 2 additional parking spaces that were to be formed to the rear of the East Pavilion to serve the holiday accommodation that is being provided in the West Pavillion on what is currently a grassed area. The two parking areas currently under consideration are to replace these as further site investigations have shown that complex underground services exist beneath the site including cabling for the Northern Lighthouse Boards GPS aerial masts. It was also considered by the applicants that the development of this grassy area within the building complex would detract from the overall amenity of the site and the visitor experience.
- 7.8 There is an ordnance survey trig point within the application site. This trig point has been protected during the on-going works in the area and this protection should continue to ensure that the trig point in its original location is safeguarded.
- 7.9 It has to be noted that during the on-going renovations around the lighthouse buildings, part of the boundary wall was removed to allow access to the adjacent field. A quantity of spoil resulting from the development has been placed on the site of the proposed car park, and will, if this application is approved form the base of the car park. Therefore the proposed works are partly retrospective.
- 7.10 It is considered that the proposed car park will not have a significant visual impact in this area and will not have a detrimental impact on the setting of the Category A listed building complex that is Sumburgh Lighthouse buildings.

Listed Building Consent Application

- 7.11 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.
- 7.12 The application for listed building consent relates to the demolition and removal of part of the boundary wall and pedestrian gate that was on site (to allow access to the proposed car park), the rebuilding of part of the boundary wall and the construction of new concrete steps with handrail/balustrading to provide pedestrian access from the rear

or upper level of the West Pavilion as well as the construction of the car park.

- 7.13 The proposed car park will be to the south west of the main group of buildings, so that views between the existing buildings and from the approach road will be largely unaffected by the car park and it will not interfere with the interpretation of the layout and structure of the original and existing buildings on site. The proposed car park does not pose a significant threat to the character of the lighthouse complex, and although the loss of some of the historic fabric with the removal of the wall is regrettable, when weighed against the continued and enhanced use of the buildings and the visitor experience that would be achieved by this development, the proposed car park and removal of part of the wall is considered acceptable.
- 7.14 The parts of the existing rubble stone boundary wall remaining in this area will be rebuilt using the original materials to match the existing walls, and the concrete steps and handrails proposed will match those that have been installed around the lighthouse site in general which will have little impact on the character of the building complex as a whole.
- 7.15 The removal of the boundary wall is now retrospective as the wall has been removed to allow access to the adjacent field during construction and although an offence has been committed in doing so, the assessment of the application for listed buildings consent serves as the public interest test rather than the consideration of prosecution. In this instance it is being recommended to Historic Scotland that the proposed development be approved, and therefore no action to be taken at this time.

8. Recommendation

1. Grant planning permission subject to the conditions listed below.
2. Recommend to Historic Scotland that the application for listed building consent be granted subject to the conditions listed below.

Planning Application Ref: 2013/263/PPF - to create 2 no. parking bays in the west field, including partial demolition and removal of boundary wall to allow access, new stone boundary wall to enclose parking area and new access stairs and balustrade.

Reasons for Council's decision

It is considered that the proposed car park and ancillary works will not have a significant adverse impact on the setting of the adjacent listed building given the location of the car park in

relation to the building complex and the landscaping works proposed. The built environment will be safeguarded and access within the site as a whole will be improved. The proposal therefore complies with Shetland Structure Plan (2000) policies GDS4, SPNE1, SPNE4, SPBE1, SPTOUR1, SPCSF3 and Shetland Local Plan (2004) policies LPNE10, LPBE6, LPBE13, LPTP12, LPTP13 and LPCSF4.

List of approved plans

- Site & Location Plan P-03-01 29.07.2013
- Technical Data 2013/263/PPF - 02 29.07.2013
- Supporting Statement 2013/263/PPF 01A 11.09.2013
- Site Plan P-03-02 A 11.09.2013
- Section Plan P-03-03 A 11.09.2013
- Section Plan P-03-04 A 11.09.2013

Conditions

(1) The development hereby permitted shall not be carried out other than wholly in accordance with the following 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) No works shall take place outwith the application site hereby approved, and there shall be no materials stored, or waste materials disposed of outwith the approved application site.

Reason: In order to ensure that environmental impact is minimised in compliance with Shetland Structure Plan (2000), policies GDS4, SPNE4, SPNE6 and SPNE7 and Shetland Local Plan (2004) Policy LPNE10.

(3) The Ordnance Triangulation Pillar that is located on the site shall be protected and safeguarded in its original location for the duration of the construction works.

Reason: In order to ensure that the Ordnance Triangulation Pillar is safeguarded during the construction period and thereafter preserved on site in compliance with Shetland Islands Council Structure Plan (2000) policies SPBE1 and GDS4 (Natural and Built Environment) and Shetland Local Plan (2004) policies LPBE6 and LPNE10.

Note to the Applicant

Notice of Completion of Development:

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

Listed Building Consent Application Ref: 2013/260/LBC - partial demolition and removal of an existing boundary wall to provide vehicle access to a new parking area in west field and including new access stairs and balustrade.

Reasons for Council's decision

It is considered that the works will not have a significant adverse impact on the character and special interests of the listed building, and that the proposals comply with Shetland Structure Plan (2000) Policy SPBE1 Built Environment, and Shetland Local Plan (2004) Policy LPBE6 Listed Buildings.

List of approved plans

- Site & Location Plan P-03-01 29.07.2013
- Technical Data 2013/263/PPF - 02 29.07.2013
- Supporting Statement 2013/263/PPF 01A 11.09.2013
- Site Plan P-03-02 A 11.09.2013
- Section Plan P-03-03 A 11.09.2013
- Section Plan P-03-04 A 11.09.2013

Conditions

(1) The development hereby permitted shall not be carried out other than wholly in accordance with the following 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, confirmation of the length of wall to be taken down and rebuilt shall be submitted to and approved in writing by the Planning authority prior to the commencement of works.

Reason: To allow the Planning Authority to consider this matter in detail, in the interest of preserving the character and appearance of the listed building and any features of special architectural or historic interest that it possesses pursuant to Shetland Structure Plan (2000) policy SPBE1 and Shetland Local Plan (2004) policy LPBE6.

(3) Details of the measures to be taken to protect the adjoining sections of wall during the works are to be submitted to, and approved in writing by, the Planning Authority prior to the commencement of this aspect of the works. Thereafter the approved measures shall be followed in full.

Reason: To ensure that the adjoining sections of boundary wall and the stone pier are protected during the course of the works, in the interests of preserving the character and appearance of the listed building and any features of special architectural or historic interest that it possesses pursuant to Shetland Structure Plan (2000) policy SPBE1 and Shetland Local Plan (2004) policy LPBE6.

9. Notification to Scottish Ministers

The application for listed building consent requires to be notified to Historic Scotland.

10. Background Papers

None.

2013/260/LBC & 2013/263/PPF
Planning Committee: 1 October 2013

DISTRIBUTION, NOTES AND REVISIONS

Revision Date Comment

Scale

PLANNING

Do not scale for construction purposes. Contractors shall refer to figures dimensions only, verify all dimensions with the architect prior to construction. Drawings to be used for construction shall be based on the latest schedule of materials and quantities.



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Project

Sumburgh Head Development
Shetland

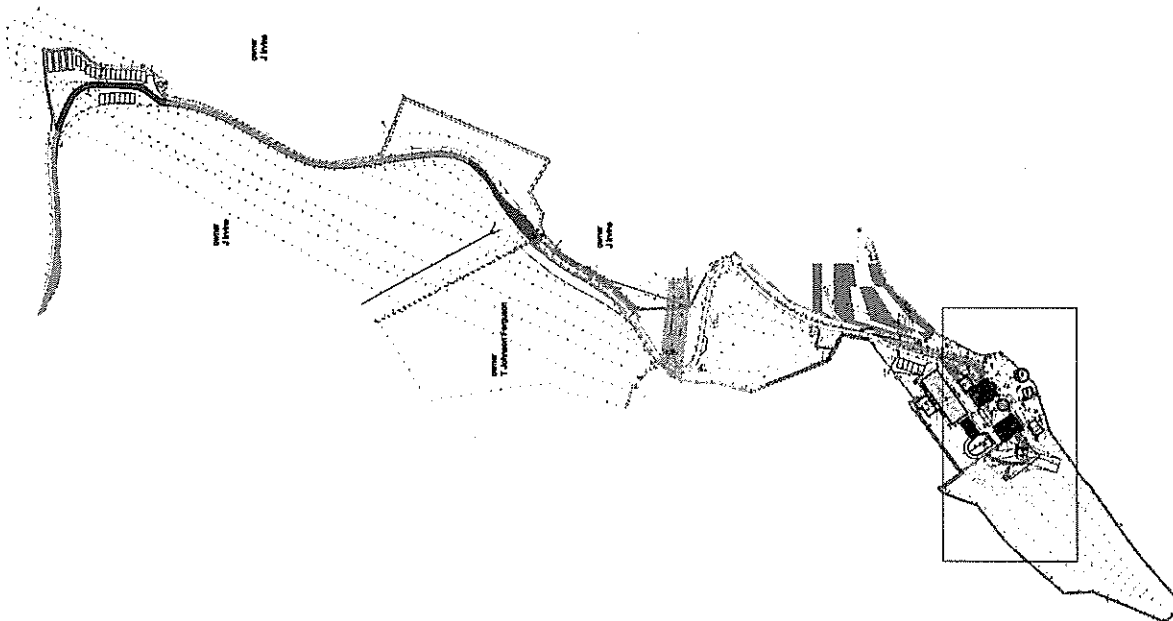
Client

Shetland Amenity Trust

Drawing Title

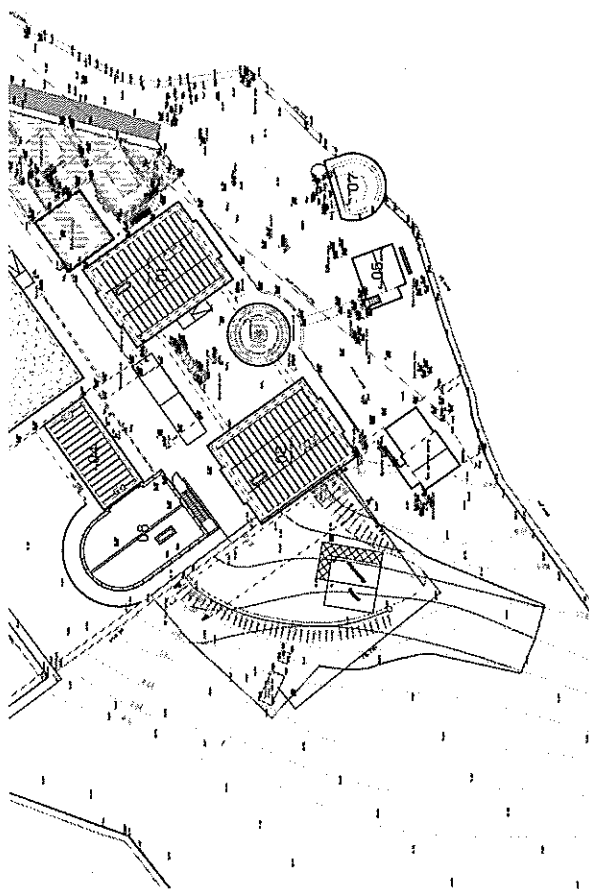
West Field Car Park
Location Plan

Date	Scale	Size
12/07/13	1:100	A3
Project no.	Drawing no.	Rev
1303	P-03-01	
Drawn By	Checked By	
TT	TT	



Location Plan 1:2500

Scale 1:2500
METRES
0 20 40 60 80 100 120
FEET
0 100 200 300 400



Location Plan 1:500

Scale 1:500
METRES
0 5 10 15 20 25
FEET
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DISTRIBUTION, NOTES AND REVISIONS

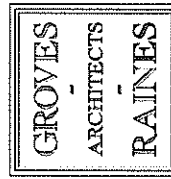
Revision Date Comment

A 22/09/13 Plan will be as per attached to 1:2m scale. Some minor amendments to plan.

Site

PLANNING

Do not scale for construction purposes. Contractors should refer to the site plan for dimensions and details of construction. The site plan is a planning document and should not be used for construction purposes without the consent of the planning authority. Copyright reserved.



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Project

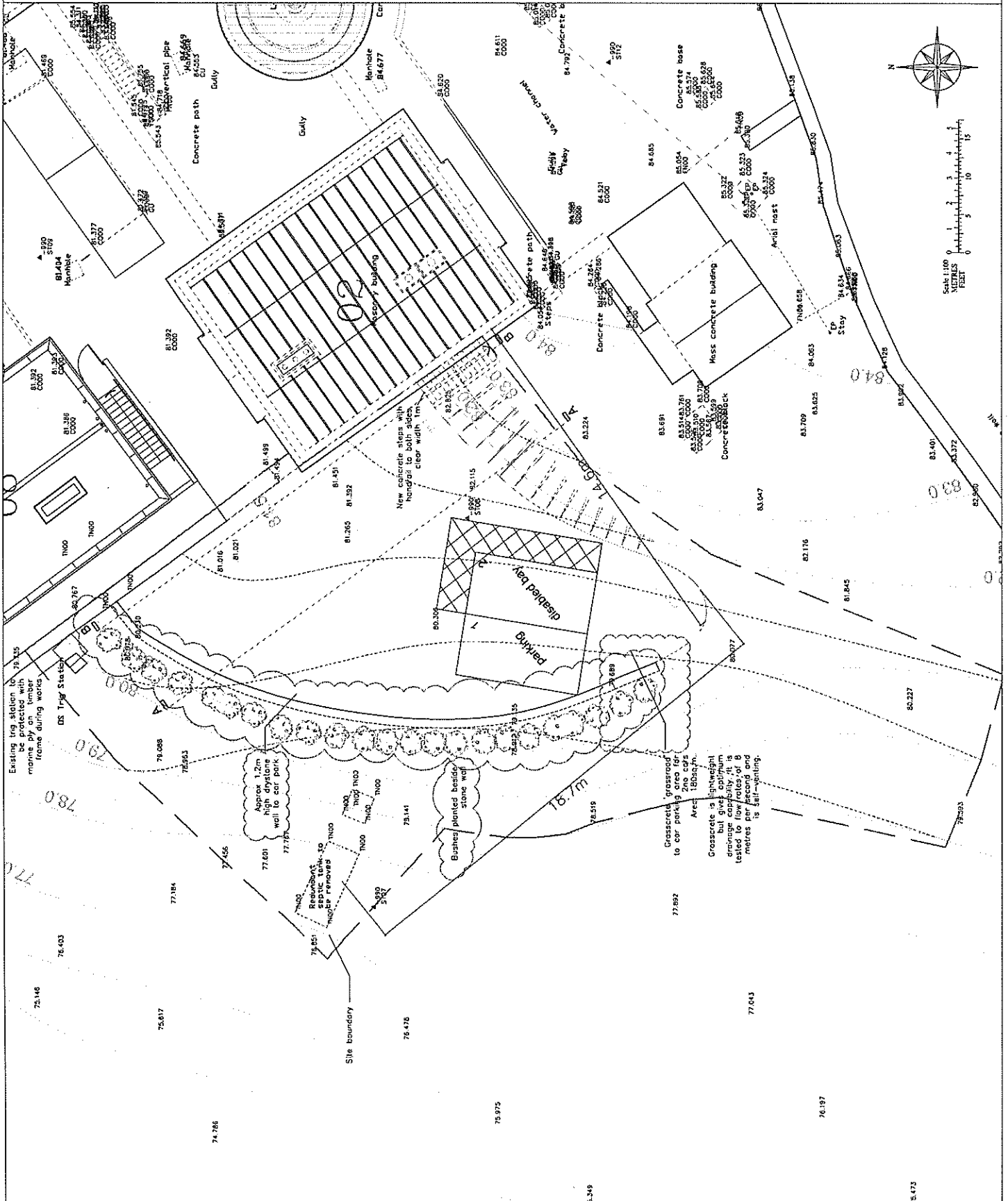
Sumburgh Head Development
Shetland

Client
Shetland Amenity Trust

Drawing Title

West Field Car Park
Plan as Proposed

Date	Scale	Size
29/08/13	1:100	A2
Project no.	Drawing no.	Rev
1303	P-03-02	A
Drawn by	Checked by	
TT	TT	





REPORT

To: Planning Committee

1 October 2013

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

Applications for Listed Building Consent where Determination cannot be taken by Appointed Person under Approved Scheme of Delegations

1 Purpose of Report

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

Planning Application Ref.	Development Proposed	Applicant	Officer Recommendation	Type of Exception
2013/260/LBC	Partial demolition and removal of an existing boundary wall to provide vehicle access to a new parking area in west field, and including new access stairs and balustrade, Sumburgh Lighthouse, Sumburgh, Virkie, ZE3 9JN (Part Retrospective Application)	Shetland Amenity Trust	Recommend to Historic Scotland approval with conditions	Planning authority has a financial interest

- 1.6 In respect of the application a decision that accepts the officer's recommendation will, in the opinion of the Executive Manager - Planning, comply with Council planning policy. If Members are minded to notify Historic Scotland contrary to the officer's recommendation, as a departure from the Shetland Islands Council Development Plan Policy, it is imperative that clear reasons for proposing to do so, contrary to the development plan policy and the officer's recommendation, be given and minuted for the avoidance of doubt. Notification to Historic Scotland is required.

2. Recommendation

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

planning committee.doc J R Holden
Planning Committee: 1/10/2013

Appendix

2013/260/LBC - Partial demolition and removal of an existing boundary wall to provide vehicle access to a new parking area in west field, and including new access stairs and balustrade, Sumburgh Lighthouse, Sumburgh, Virkie, ZE3 9JN by Shetland Amenity Trust (Part Retrospective Application)

Recommended Conditions

- (1) The development hereby permitted shall not be carried out other than wholly in accordance with the following 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, confirmation of the length of wall to be taken down and rebuilt shall be submitted to and approved in writing by the Planning authority prior to the commencement of works.

Reason: To allow the Planning Authority to consider this matter in detail, in the interest of preserving the character and appearance of the listed building and any features of special architectural or historic interest that it possesses pursuant to Shetland Structure Plan (2000) policy SPBE1 and Shetland Local Plan (2004) policy LPBE6.

(3) Details of the measures to be taken to protect the adjoining sections of wall during the works are to be submitted to, and approved in writing by, the Planning Authority prior to the commencement of this aspect of the works. Thereafter the approved measures shall be followed in full.

Reason: To ensure that the adjoining sections of boundary wall and the stone pier are protected during the course of the works, in the interests of preserving the character and appearance of the listed building and any features of special architectural or historic interest that it possesses pursuant to Shetland Structure Plan (2000) policy SPBE1 and Shetland Local Plan (2004) policy LPBE6.