

**Planning Committee****14 April 2015****2014/310/PPF & 2014/311/LBC: To replace basement windows and railings (Retrospective Application), Varis House, Church Road, Lerwick, Shetland****Report Number : PL-05-15-F****Report Presented by Planning Officer –
Development Management, Planning****Development Services Department
Planning Service**

1.0 Summary

- 1.1 This report concerns a retrospective application for full planning permission (2014/310/PPF) and an application for retrospective listed building consent (2014/311/PPF) to replace exterior iron railings and the basement windows of Varis House which is located in Church Road, Lerwick and is a Category B listed building.
- 1.2 The applications are presented to the Planning Committee as the determination of the application for retrospective listed building consent falls as an exception as defined under the terms of the approved Planning Scheme of Delegations as the Appointed Person would propose to recommend refusal of that application. The listed building consent application falls to be notified to Historic Scotland because the development proposed includes the replacement of windows to a Category B listed building. The Town and Country Planning Scotland Act 1997 (as amended), Section 43A states that 'The planning authority may, if they think fit, decide themselves to determine an application which would otherwise fall to be determined by a person so appointed'. The retrospective application for planning permission is therefore also being reported as it is considered that it would be beneficial for the Members to have both applications before them, to allow a full understanding and proper planning assessment of the implications of the development.

2.0 Decision Required

- 2.1 The Planning Committee is asked to determine the application for planning permission and the basis of the notification to be made to Historic Scotland on the application for retrospective listed building consent. It is recommended that the applications for planning

permission be refused, and that the application for listed building consent be notified to Historic Scotland on the basis of a refusal.

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.

There are statutory development plan policies against which these applications have to be assessed against. Those policies of relevance 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 Local Development Plan (2014)

GP2 – General Requirements for All Development

GP3 – All Development : Layout and Design

HE1 – Historic Environment

HE2 – Listed Buildings

HE3 – Conservation Areas

Safeguarding

Listed Building – Listed buildings: Lerwick, 26 Church Lane, Bona Vista,

Category of listing: B

Main Areas of Best Fit – Main Areas of Best Fit: Lerwick

Lerwick Conservation Area

4.0 Report

- 4.1 Varis House is a rare example of a larger town house and is classified as a category B listed building. The property is located at the top of Church Road and on the corner of Greenfield Place, and is also situated within the Lerwick Conservation Area.
- 4.2 The property has formerly been known and used as Bonavista Guest House, although there is no indication on either submission whether the applicant intends to continue to use of the building as a guest

house. As such, should the applicant intend to change the use of the building (i.e. for use for purposes as a dwellinghouse), this will need to be the subject of a separate application for planning consent.

- 4.3 According to Historic Scotland's schedule on the classification of this property, the property is an early 19th century 2 storey and attic over a raised basement, 3 bay symmetrical house of rectangular plan with a lean-to stair projection at the rear. Elevations comprise harled walls with droved and painted ashlar dressings and margined windows with projecting cills.
- 4.4 The principal (west facing) elevation contains a symmetrical, architraved and corniced 6 panel entrance door centred at the principal floor, which is deep set with flanking fluted pilasters and a 4-pane fanlight. The door is approached by a stone stairwell with harled sides and cast iron balusters with wrought-iron handrails. The basement, principal floor and 1st floor each have regular fenestration in the bays.
- 4.5 The north elevation contains symmetrical 2 bay gabled windows in bays to the right and left of the principal floor only, whilst the rear (eastern) elevation has symmetrical, regularly fenestrated windows with a lean-to projecting in the centre. The south elevation is a blank gable end.
- 4.6 The timber sash and case windows were predominantly 4-pane, with 12-pane fenestration centred at the rear elevation and 16-pane fenestration in the basement.
- 4.7 According to the submissions made, the basement windows were replaced due to leakages, and the iron railings which were replaced/repared due to damaged and missing rails are located at the steps to the front entrance into the property. The railings have been painted black to match that of the existing.
- 4.8 The supporting statements to the applications state that works to the railings were carried out to preserve the nature of the railings and to protect users of the building entrance from slipping. Works to the windows in the basement floor of the property were, it is stated, carried out 'to preserve the nature of the internal linings' as 'previous windows were proving inadequate for purpose' and that the installation of the new UPVC windows match the existing/replaced windows.
- 4.9 Shetland Local Development Plan (2014) Policy HE1 stipulates that 'the Council should presume in favour of the protection, conservation and enhancement of all elements of Shetland's historic environment, including buildings, monuments, landscapes and areas'. The historic environment is a key part of Shetland's cultural heritage which enhances regional and local distinctiveness thereby providing a sense of identity and continuity for communities.
- 4.10 LDP Policy HE2 states that development affecting a listed building, or its setting, should preserve the building, its setting and any features of special architectural or historic interest that it possesses. The layout, design, materials, scale, siting and use of any development should be

appropriate to the character and appearance of the listed building and its setting.

- 4.11 As such, the Planning Authority is required to have special regard to the desirability of preserving the building and its setting, or any features of special architectural merit or historic interest that it possesses. Inappropriate alteration can remove the special interest of a building such as this, which is why there is a presumption against works that adversely affect the special interest of a listed building or its setting.
- 4.12 LDP Policy HE3 states that development within conservation areas should preserve or enhance its character. The design, materials, scale, siting and use of any development should be appropriate to the character of the conservation area and its setting. Conservation Areas are areas of special architectural or historic interest and as such, the Planning Authority is required to have special regard to the desirability or preserving or enhancing the character and appearance of these areas. As such, a positive attempt should be made to achieve appropriate and sympathetic restoration.

5.0 Implications (of Decision)

Strategic

- 5.1 Delivery On Corporate Priorities – A decision made on the planning application and listed building consent that accord with the development plan would contribute directly to the Single Outcome Agreement through the outcome that we live in well designed, sustainable places.
- 5.2 Community/Stakeholder Issues – None.
- 5.3 Policy And/Or Delegated Authority – One of the applications is a listed building consent application made under the terms of the Town and Country (Listed Buildings and Conservation Areas) (Scotland) Act 1997. As the proposal constitutes retrospective works to a Category B listed building that have included the replacement of windows, which are external works that are not included in the ‘Shetland Islands Council - The Listed Buildings and Conservation Areas (Removal of Duty to Notify) (Scotland) Direction 2010’; and the Appointed Person would propose to recommend refusal, the decision to determine and confirm the basis of the notification to be made to Historic Scotland on this application is therefore delegated to the Planning Committee under the Planning Scheme of Delegations that has been approved by the Scottish Ministers. It should be noted that Historic Scotland, having been notified, may decide to call in this decision. The retrospective application for planning permission is for a development falling within the category of Local Development. By virtue of S43A of The Town and Country Planning Scotland Act 1997 (as amended) the decision to determine the application is delegated to the Planning Committee.
- 5.4 Risk Management – If Members are minded to approve either one or both of the applications, it is imperative that clear reasons for proposing the approval of planning permission and/or listed building 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 previous fenestration comprised 16-pane, timber sash and case basement windows. The replacement windows have been constructed of UPVC and are 1 over 1 pane fenestration. This is not in keeping with the character or historic fabric of the building and as such is considered to be detrimental in terms of the aesthetic quality of the property and to its architectural integrity.

6.2 No justification for the removal and subsequent replacement of the timber windows with modern UPVC windows has been provided with either application submission, other than to state that the existing windows were causing leakages to internal linings and were therefore not considered to be adequate for purpose.

6.3 The applications are recommended for refusal for the following reason:

The works that have been undertaken in the replacement of timber basement windows with plastic windows, and which also differ in fenestration style and form to that of the original, are a departure from Council policy. The inappropriate use of materials for the basement windows detract from the character and integrity of this Category B listed building which is situated on a prominent site in the heart of Lerwick's Conservation Area. As such, these retrospective works to the windows are deemed to be detrimental to the historic fabric and aesthetic quality of the property. The development is contrary to Shetland Local Development Plan (2014) policies GP2, GP3, HE1, HE2 and HE3.

For further information please contact:

Dawn Stewart, Planning Officer – Development Management

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

03/04/2015

List of Appendices

Appendix 1 – Location Plan

Appendix 2 – Elevation Photographs

Appendix 3 – Supporting Statement

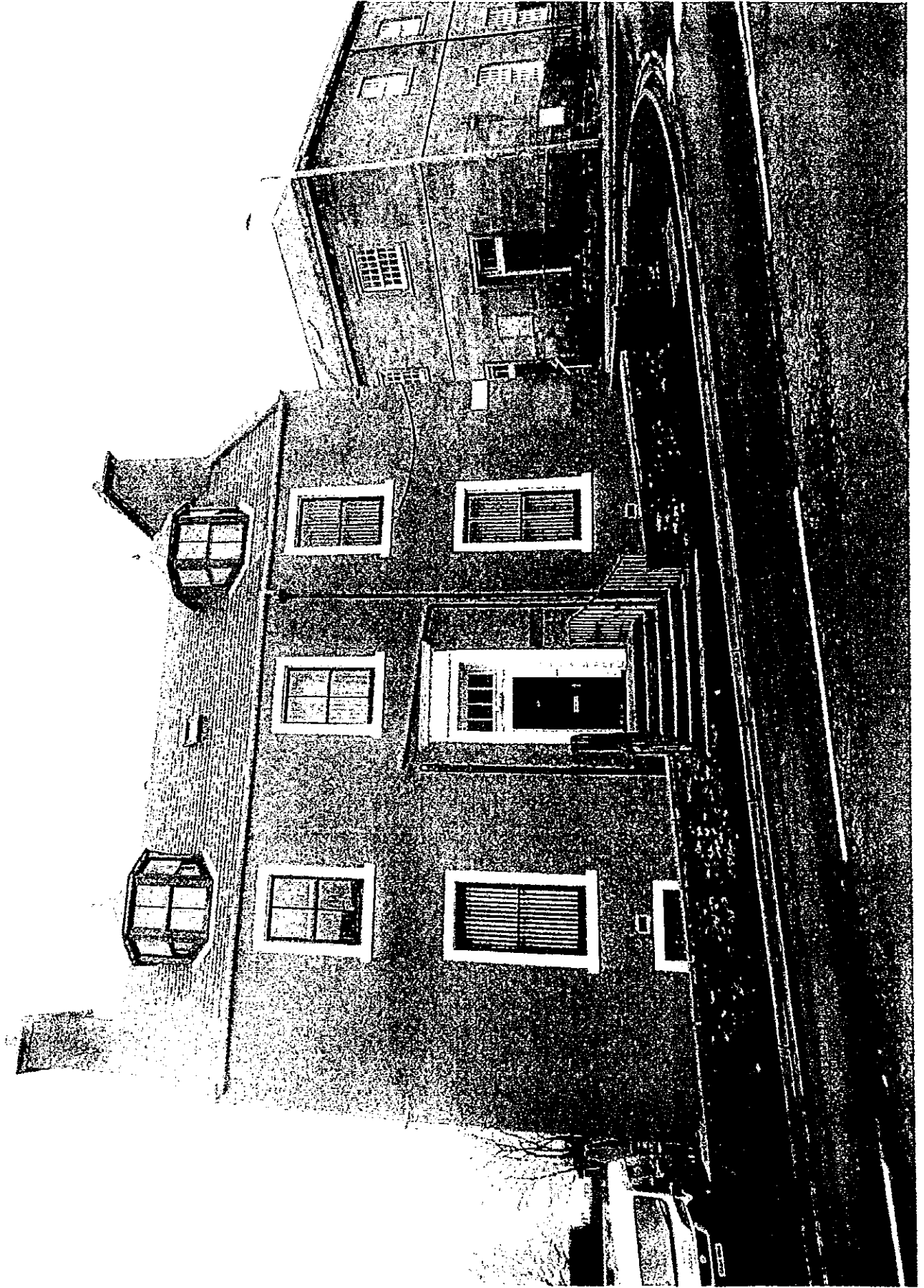
Background documents:

- [Shetland Local Development Plan \(2014\)](#)
- [Historic Scotland – Listing Schedule for 26 Church Road, Lerwick, Shetland](#)

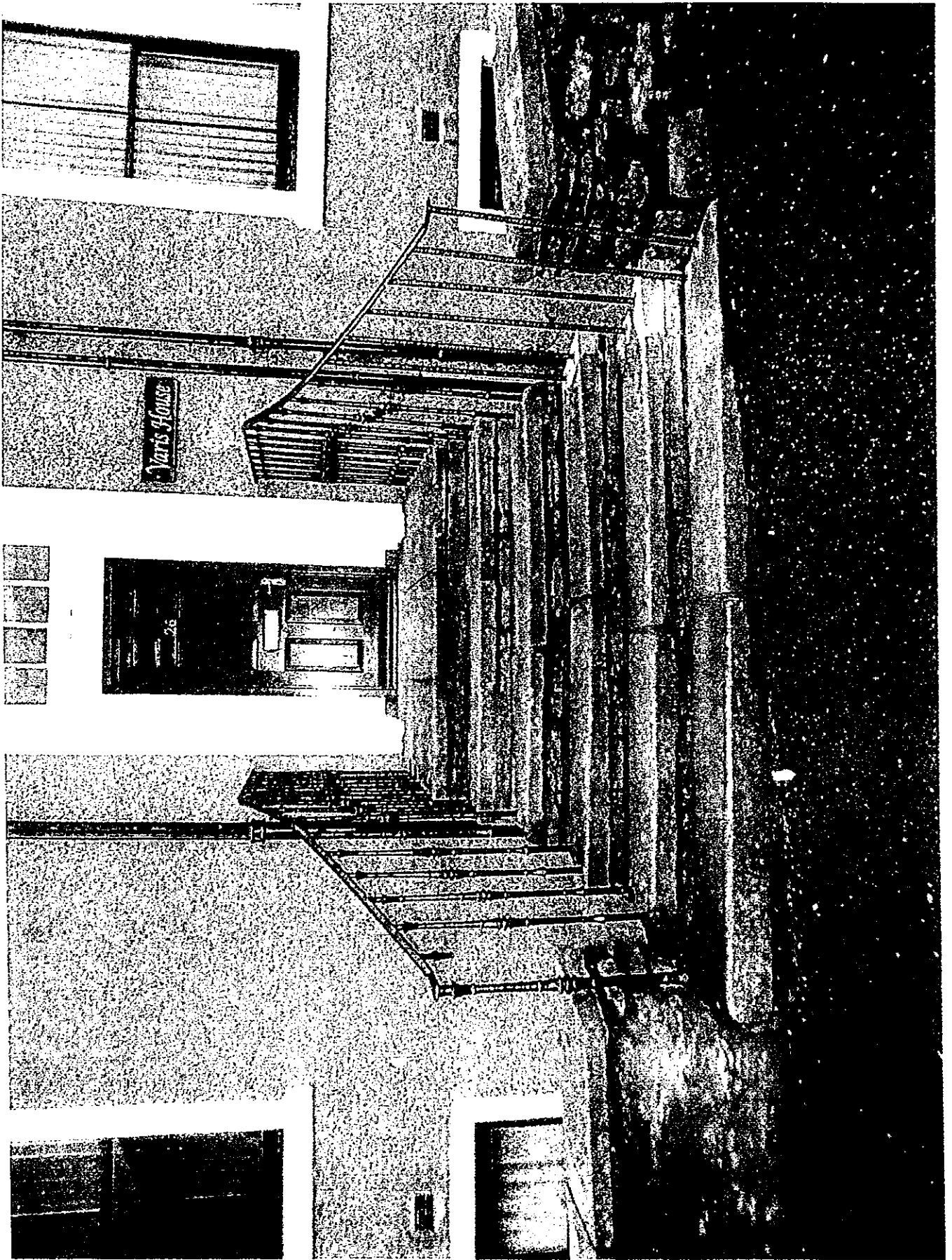


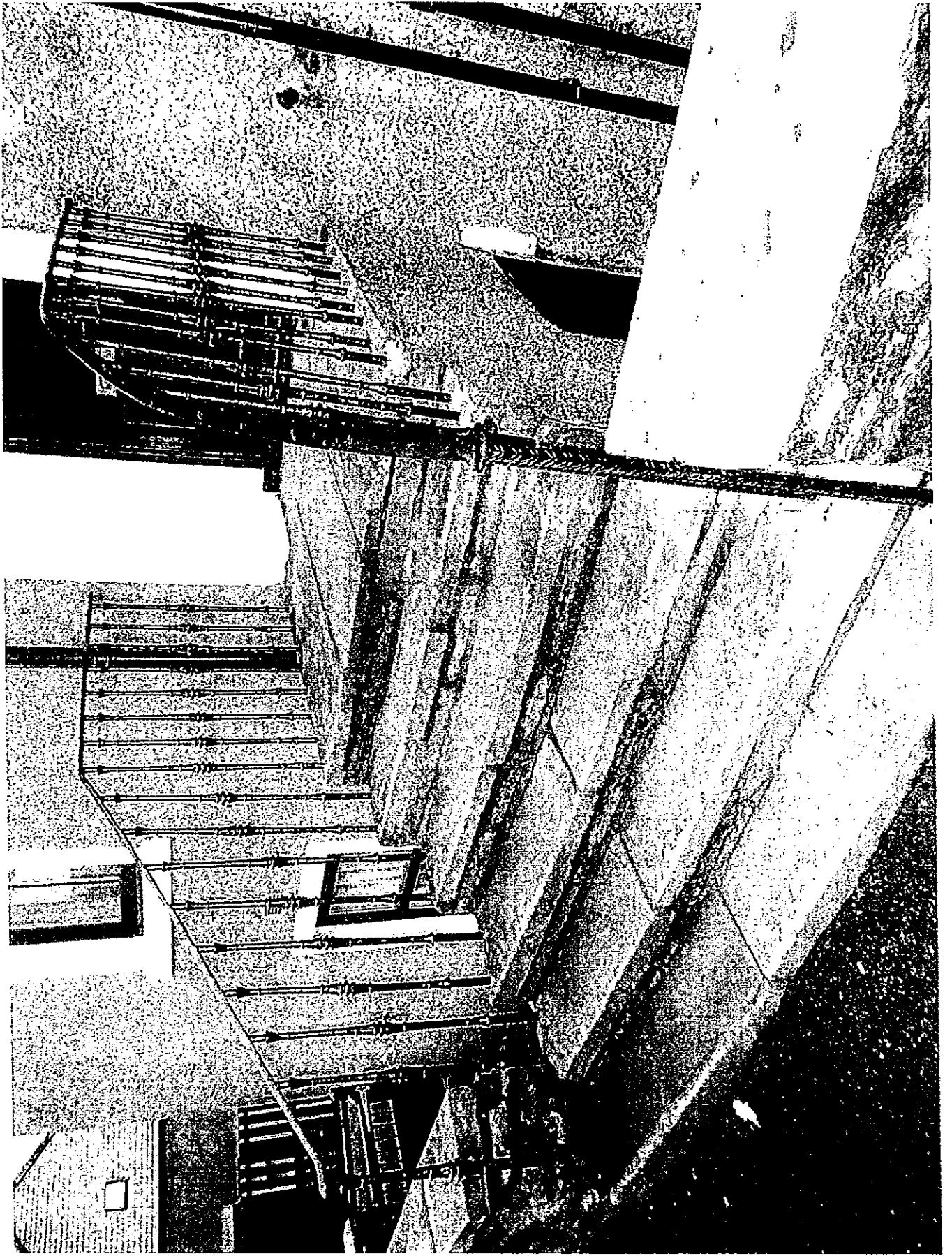
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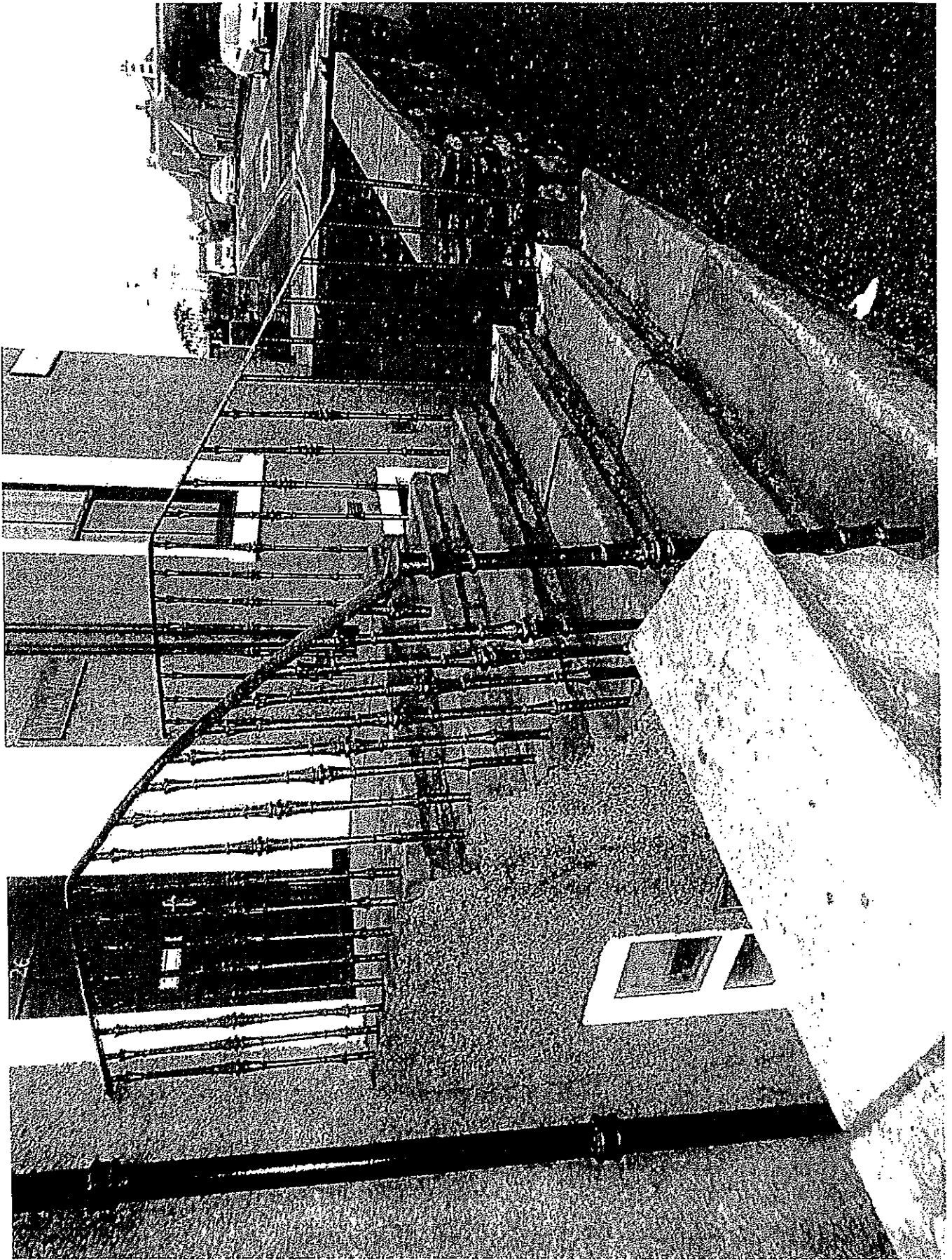
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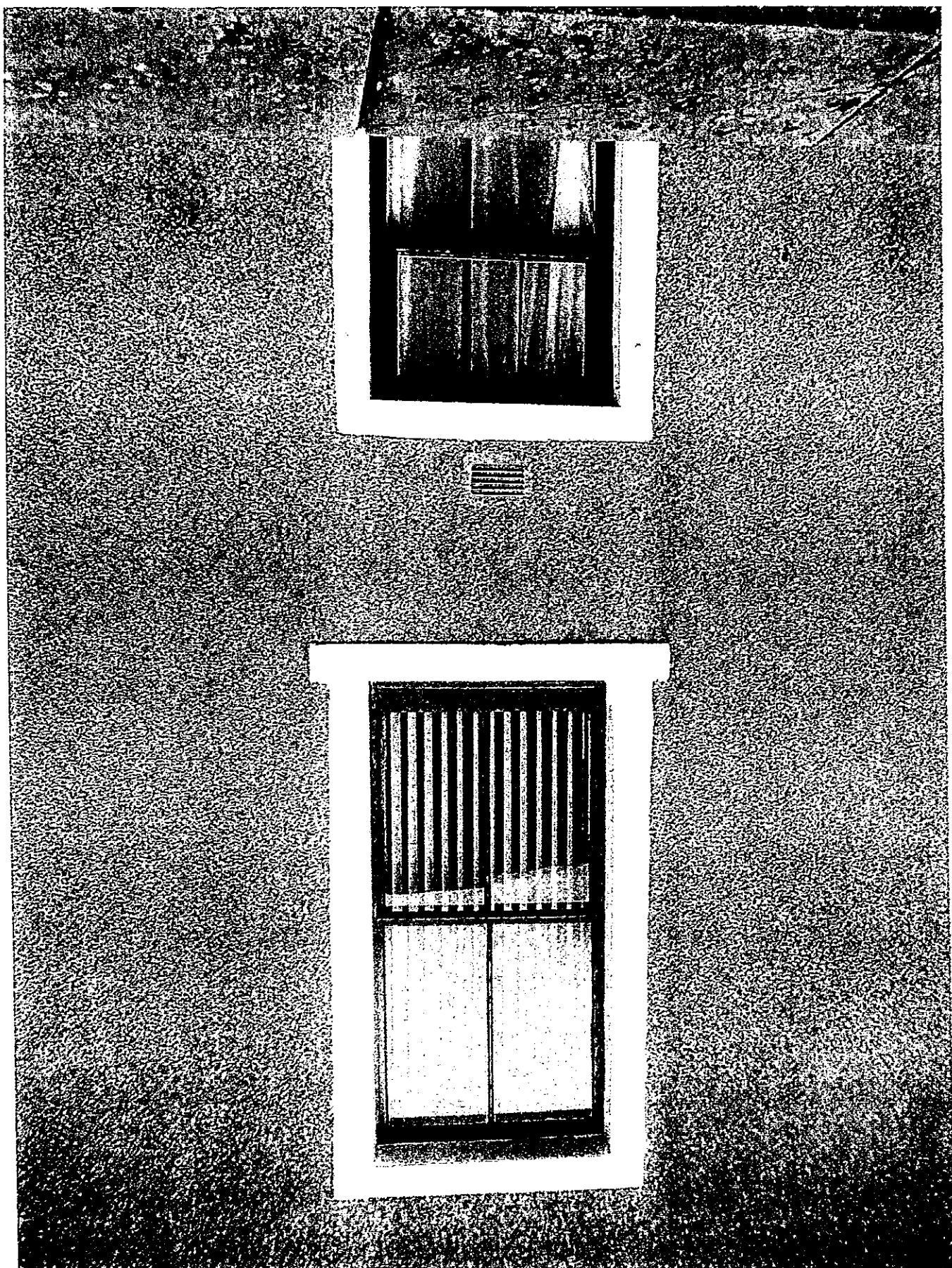


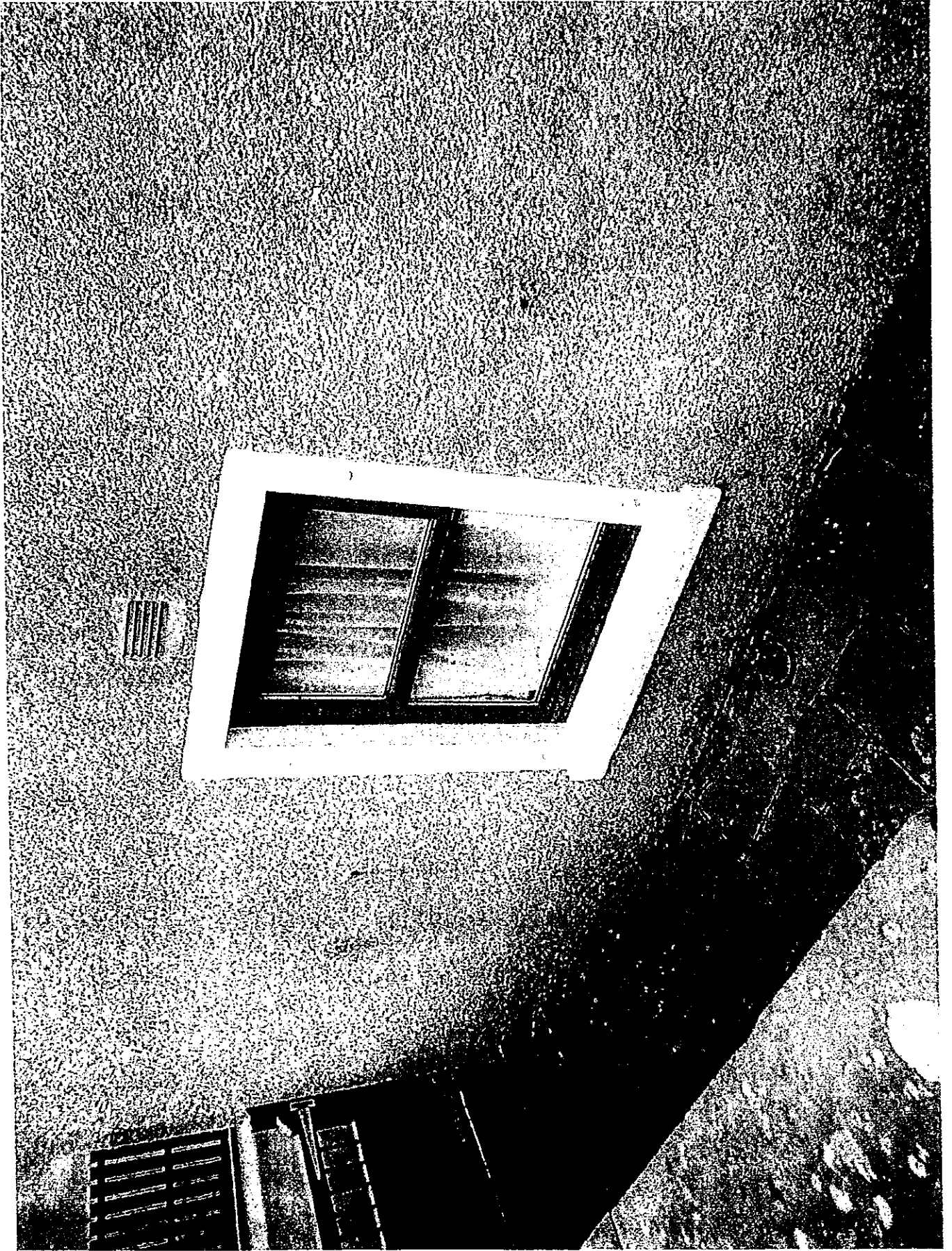


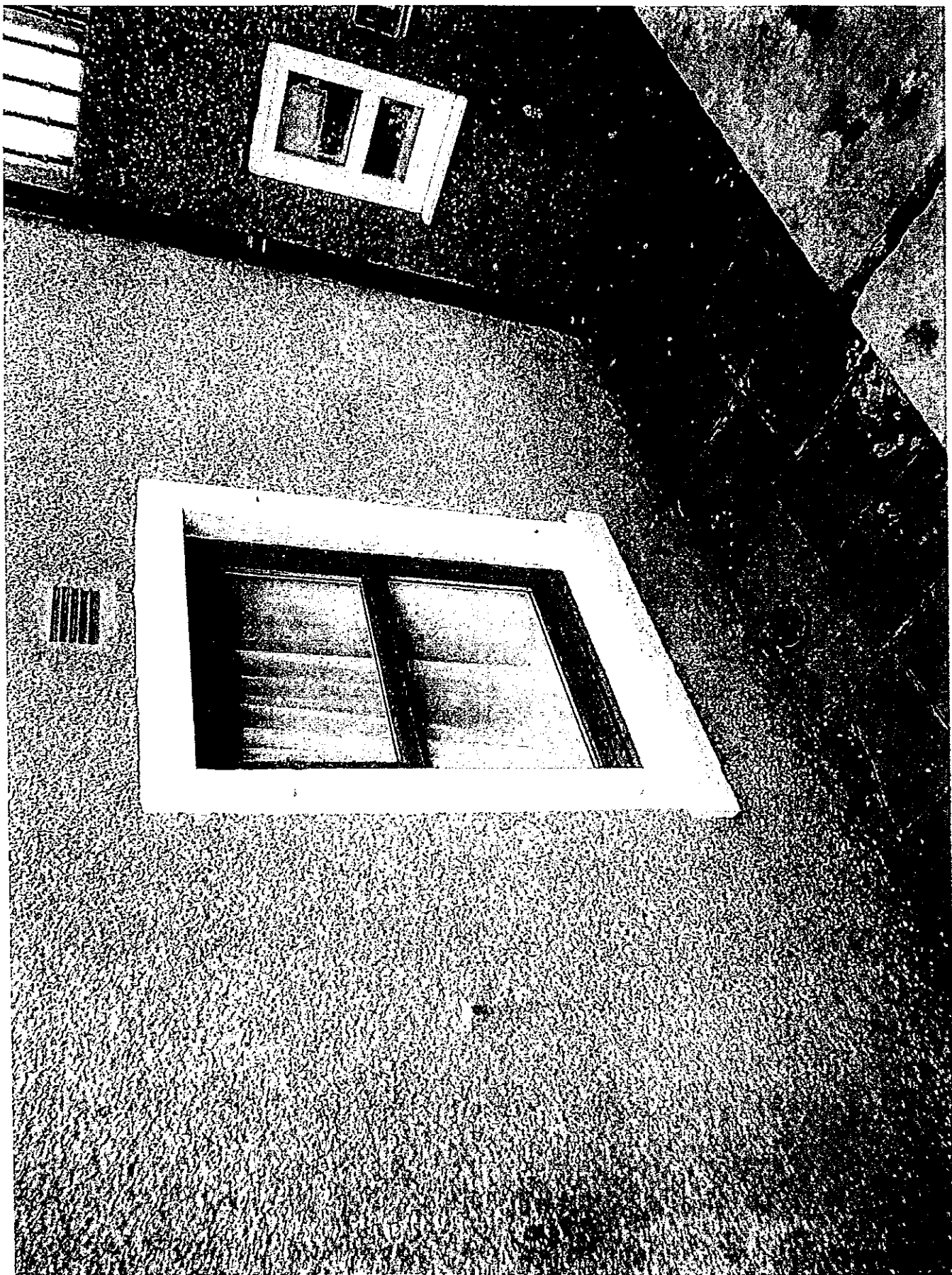










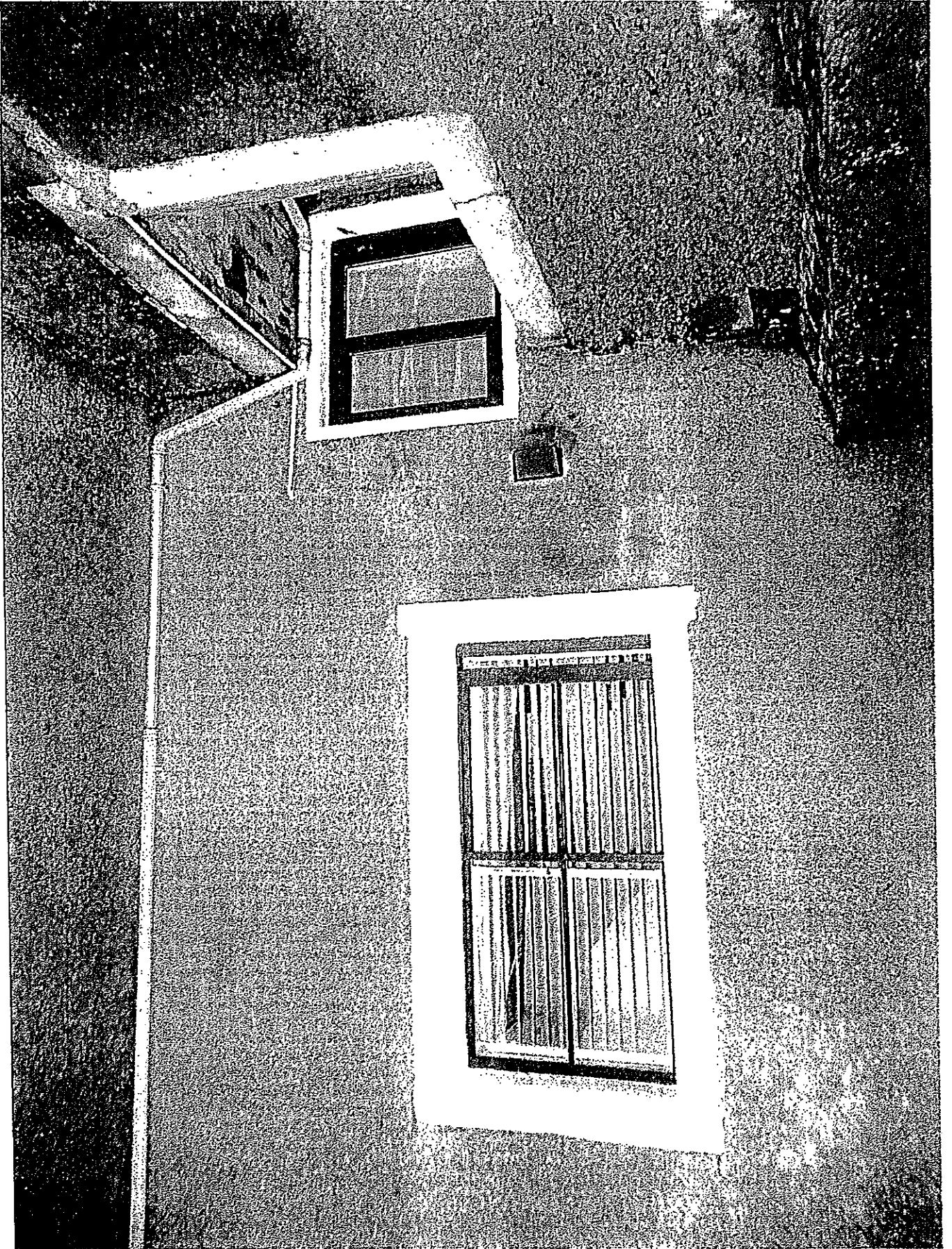


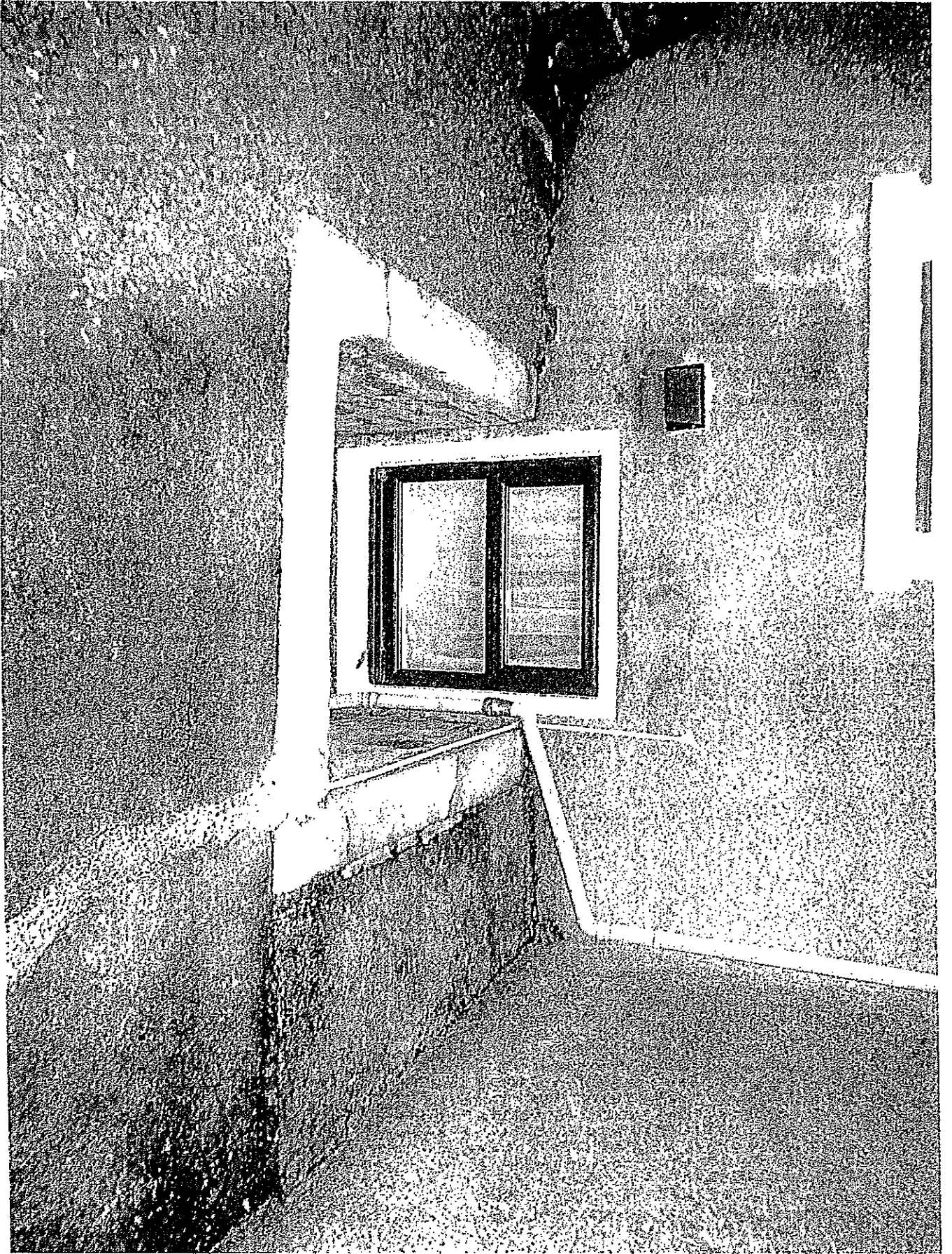


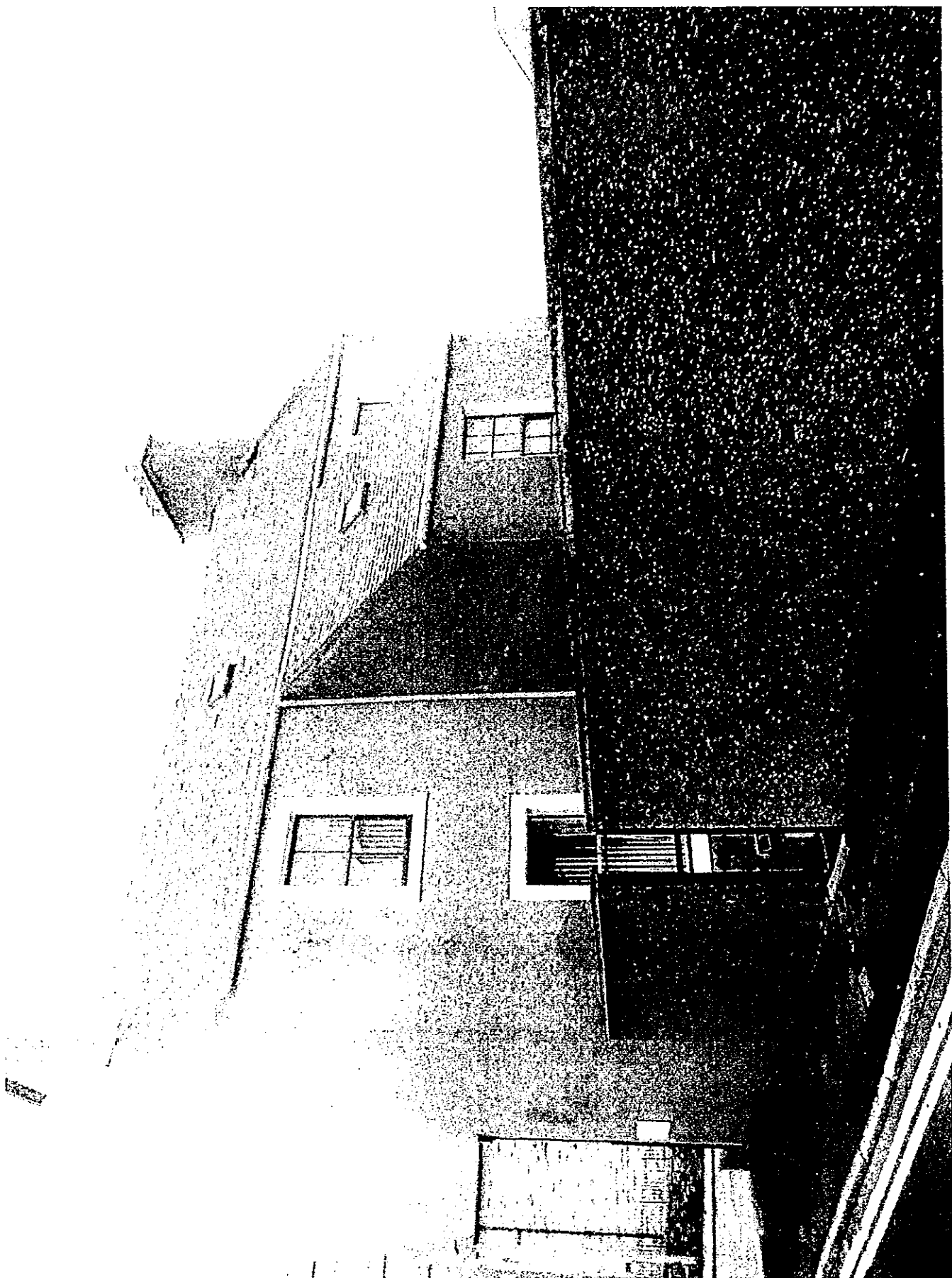


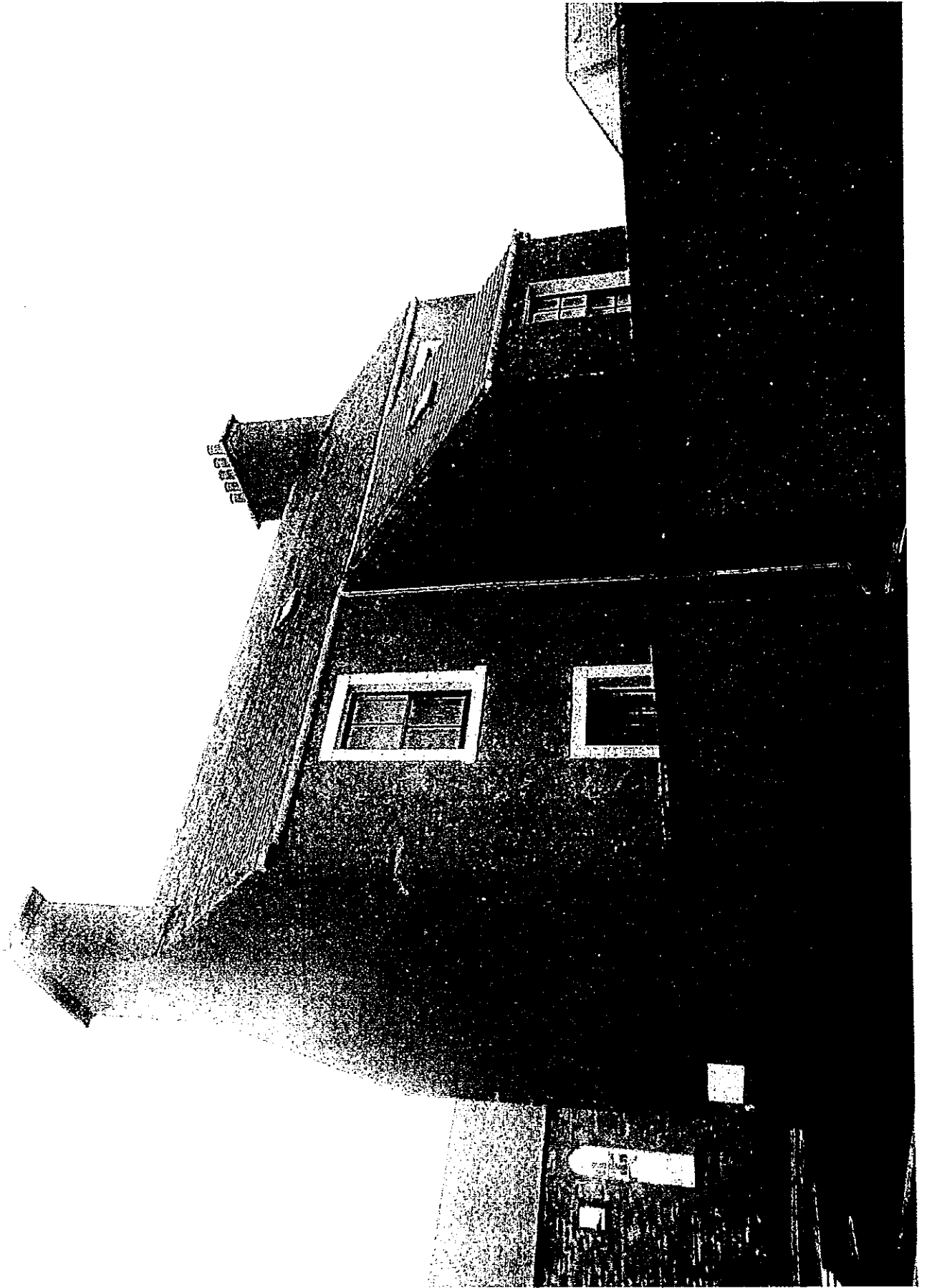






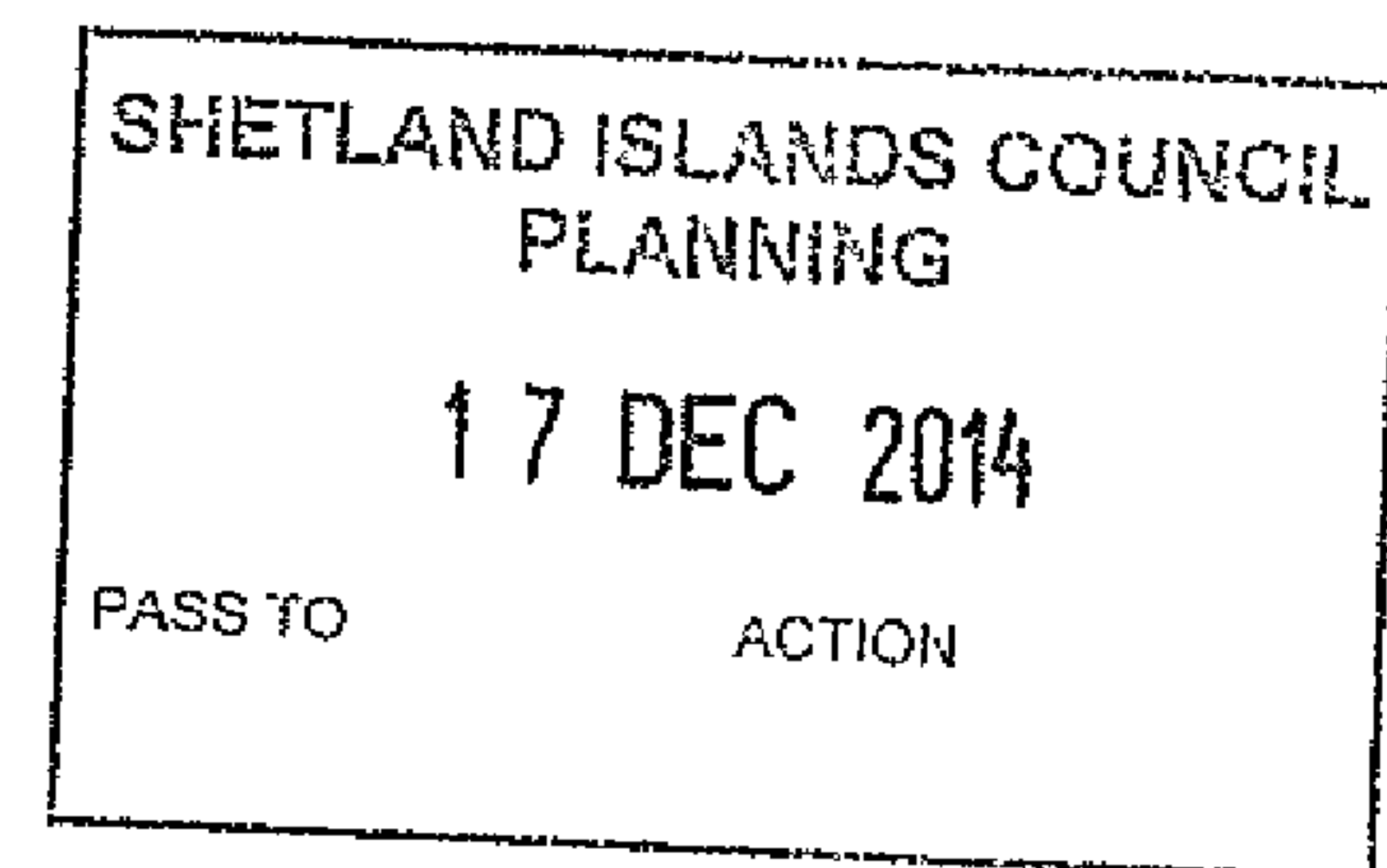






10th December 2014

Planning Section,
Infrastructure Services Dept.,
Shetland Islands Council,
North Ness,
Lerwick.



For the attention of Norman Sineath

Dear Sirs,

Varis House, Lerwick

Nigel A Timberlake

Planning Reference No. 2014/310/PPF & 2014/311/LBC

Further to commencement of works on the above property, a retrospective planning application was submitted shortly afterwards, following further correspondence and a site visit from planning officer Norman Sineath.

In respect to the need for a retrospective planning application to be submitted, works were carried out on the following items, as per planning application;

1. Iron railings to main entrance, localised areas repaired and painted to existing colour
2. Replacement of windows of basement floor.

Works were carried out to item 1 to preserve the nature of the railings and to protect the users of the building entrance to risk, in this case, slipping.

Works were carried out to item 2 to preserve the nature of the internal linings of the basement. Previous windows were proving inadequate for purpose.

Please find attached as part of this response a disk of photos of current house and works carried, as listed above.

Could you please confirm by return that the planning application can progress accordingly.

Yours sincerely,

Nigel Timberlake

c.c Kimberley Smith, SIC Planning + disk

**Planning Committee****14 April 2015****2015/053/LBC: To replace windows, Seafield House, Seafield, Lerwick, Shetland****Report Number : PL-04-15-F****Report Presented by Planning Officer –
Development Management, Planning****Development Services Department
Planning Service**

1.0 Summary

- 1.1 The development relates to an application for listed building consent to replace windows at Seafield House in Seafield, Lerwick. The building is a Category B listed building.
- 1.2 The application is presented to the Planning Committee as the determination falls as an exception as defined under the terms of the approved Planning Scheme of Delegations, as the Appointed Person would propose to recommend refusal of the application. The listed building consent application falls to be notified to Historic Scotland because the development proposed includes the replacement of windows to a Category B listed building.

2.0 Decision Required

- 2.1 The Planning Committee is asked to determine the application. It is recommended that the application be refused, and that this notification is given to Historic Scotland.

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.

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 Local Development Plan (2014)

GP3 – All Development: Layout and Design

HE1 – Historic Environment

HE2 – Listed Buildings

Safeguarding

Listed Building - Listed buildings: LERWICK, KANTERSTED ROAD, SEAFIELD Category of listing: B

4.0 Report

- 4.1 Seafield House is a sophisticated house of good quality construction and is classified as a category B listed building. The property is located just off Kantersted Road in the Seafield area of Lerwick.
- 4.2 According to Historic Scotland's schedule on the classification of this property, the property dates from 1833 with an addition and alterations of circa 1900. It is a five-bay asymmetrical classical villa of rectangular plan with projecting two storey wing centred at the rear. The principal elevation of this property is the east elevation.
- 4.3 Previous to this application, an application was made in 2012 (2012/110/LBC) to replace three sash and case windows. The application was approved by the Council. It was however commented by Historic Scotland that the Council's recommendation conflicted with national policy as it was not proven that the windows were beyond repair or that their replacement was justified. After considering the case in some length Historic Scotland allowed the replacement windows due to their location on the later wing. It was also stated that any future proposal to replace windows elsewhere in the building would be considered separately and should only be approved if the works are justified in terms of the Scottish Historic Environment Policy.
- 4.4 In total, this is an application to replace nine 'sets' of windows. Four of these windows sets are on the east elevation of the building, two on the south elevation and three on the west elevation.
- 4.5 The windows which are proposed to be replaced on the east elevation are:
First floor, bipartite window on far right (currently with a glazing pattern of two over one);

Ground floor, tripartite window of the right hand bay (currently with a glazing pattern of six over six); and

Two ground floor windows to the left hand side of the main door (currently with a glazing pattern of six over six).

It is proposed to remove all these windows and replace with new, double glazed units all in the same pattern of glazing as exists. The applicant has however not provided drawings showing the six over six pattern.

- 4.6 The windows which are proposed to be replaced on the south elevation are:
Both ground floor and first floor tripartite windows of the left hand bay (currently with a glazing pattern of two over one).

Again it is proposed to remove both these windows and replace with new, double glazed units in the same glazing pattern as exists.

- 4.7 The windows which are proposed to be replaced on the west elevation are:
First floor window above glazed lean-to (currently with a glazing pattern of two over two) and
First and ground floor windows to the left hand side of glazed lean-to (currently with a glazing pattern of two over two).

Again it is proposed to remove these windows and replace with new, double glazed units in the same glazing pattern as exists.

- 4.8 A condition survey was requested by the Planning Service from the applicant. In response, the applicant provided information regarding the energy efficiency of the house rather than the condition of the existing windows and states that there is no intention to repair the existing windows.

- 4.9 Shetland Local Development Plan (2014) Policy HE1 states that 'the Council should presume in favour of the protection, conservation and enhancement of all elements of Shetland's historic environment, including buildings, monuments, landscapes and areas'. The historic environment is a key part of Shetland's cultural heritage, enhancing regional and local distinctiveness and providing a sense of identity and continuity for communities.

- 4.10 LDP Policy HE2 states that development affecting a listed building, or its setting, should preserve the building, its setting and any features of special architectural or historic interest that it possesses. The layout, design, materials, scale, siting and use of any development should be appropriate to the character and appearance of the listed building and its setting.

- 4.11 The removal of these windows without a condition survey to suggest that they are completely beyond repair strongly goes against both of these relevant historic environment policies that the Shetland Islands Council adopted just last year. The Council aims to protect those buildings deemed worthy of listing and this building has been listed in the B Category making it of regional importance. Should the Council

allow the removal of these windows the building will lose historic material which contributes to its architectural and historic interest, degrading its positive contribution to Shetland's cultural heritage. Once lost, listed buildings cannot be replaced; they can be robbed of their special interest by inappropriate alterations.

5.0 Implications (of Decision)

Strategic

- 5.1 Delivery On Corporate Priorities – A decision made on the planning application and listed building consent that accords with the development plan would contribute directly to the Single Outcome Agreement through the outcome that we live in well designed, sustainable places.
- 5.2 Community/Stakeholder Issues.- Historic Scotland was consulted as part of the application process. Their comments point to guidance in their Managing Change series. The window guidance recommends that windows should be retained and repaired where they contribute to the interest of the building in terms of its appearance and being an integral part of its original historic fabric. Where windows are repairable, draught-stripping and secondary glazing may be considered as ways of upgrading performance. Historic Scotland has also commented that the 12-pane pattern and slender glazing-bar profiles of the windows proposed for replacement suggest that they are original to Seafield's build date of 1833 and therefore do contribute to its architectural and historic interest in terms of appearance and historic fabric.
- 5.3 Policy And/Or Delegated Authority – This application is a listed building consent application made under the terms of the Town and Country (Listed Buildings and Conservation Areas) (Scotland) Act 1997. As the Appointed Person would propose to recommend refusal the decision to determine the application is therefore delegated to the Planning Committee under the Planning Scheme of Delegations that has been approved by the Scottish Ministers. It should be noted that as the application concerns external works that are not included in the 'Shetland Islands Council - The Listed Buildings and Conservation Areas (Removal of Duty to Notify) (Scotland) Direction 2010', Historic Scotland will require to be notified, and they may decide to call-in this decision.
- 5.4 Risk Management – If Members are minded to approve the application contrary to Shetland Local Development Plan (2014) Policies, it is imperative that clear reasons for proposing the approval of listed building 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 In conclusion, this application seeks to replace windows, including those on the principal elevation of the building which appear to be original to the building date of 1833 with double glazed windows in the same style.
- 6.2 The applicant has provided no condition survey for the windows as the new double glazed units are proposed in order to increase the energy efficiency of the building rather than replace failing windows. No historic justification has been provided for the replacement and no mention has been made as to why secondary glazing could not be used in this instance.

- 6.3 The application is recommended for refusal for the following reason:

The replacement of original windows in a listed building proposed goes against not only the Council's Local Development Plan policies but the national policies regarding historic buildings. Policy HE2 states that development affecting a listed building should preserve the building, its setting and any features of special architectural or historic interest that it possesses. The original windows contribute to the special architectural features of this building, and this is also the view of Historic Scotland. The proposed works to the windows are deemed to be detrimental to the historic fabric and aesthetic quality of the property. As such, it is recommended the application be refused as the development is contrary to Shetland Local Development Plan (2014) Policies GP3, HE1, and HE2.

For further information please contact:

Amy Maclean, Planning Officer – Development Management

Tel: 01595 744762 Email: amy.maclean@shetland.gov.uk

03/04/2015

List of Appendices

Appendix 1 – Site Plan

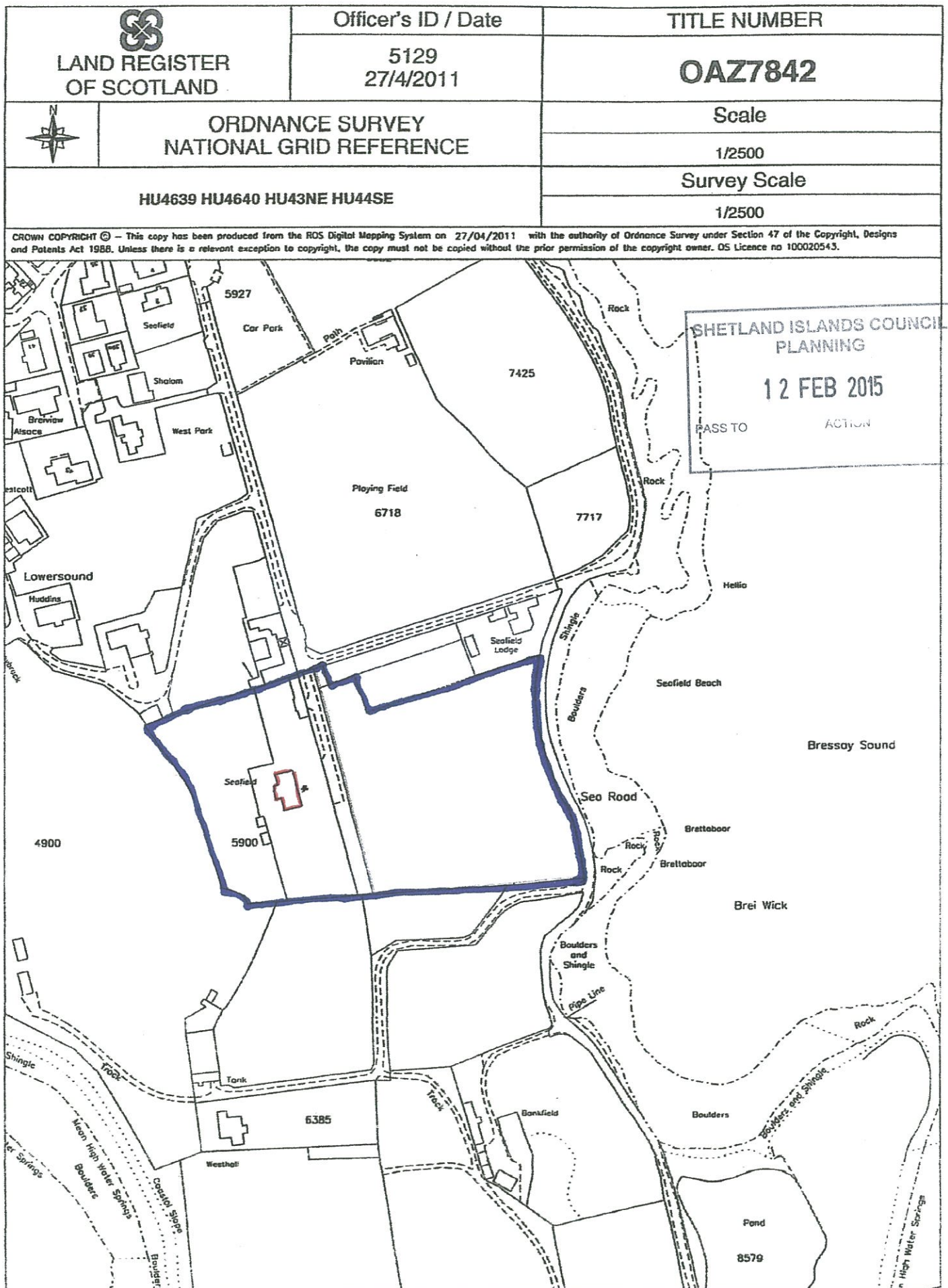
Appendix 2 – Proposed Window Drawings

Appendix 3 – Elevation Photographs

Appendix 4 – Supporting Statement

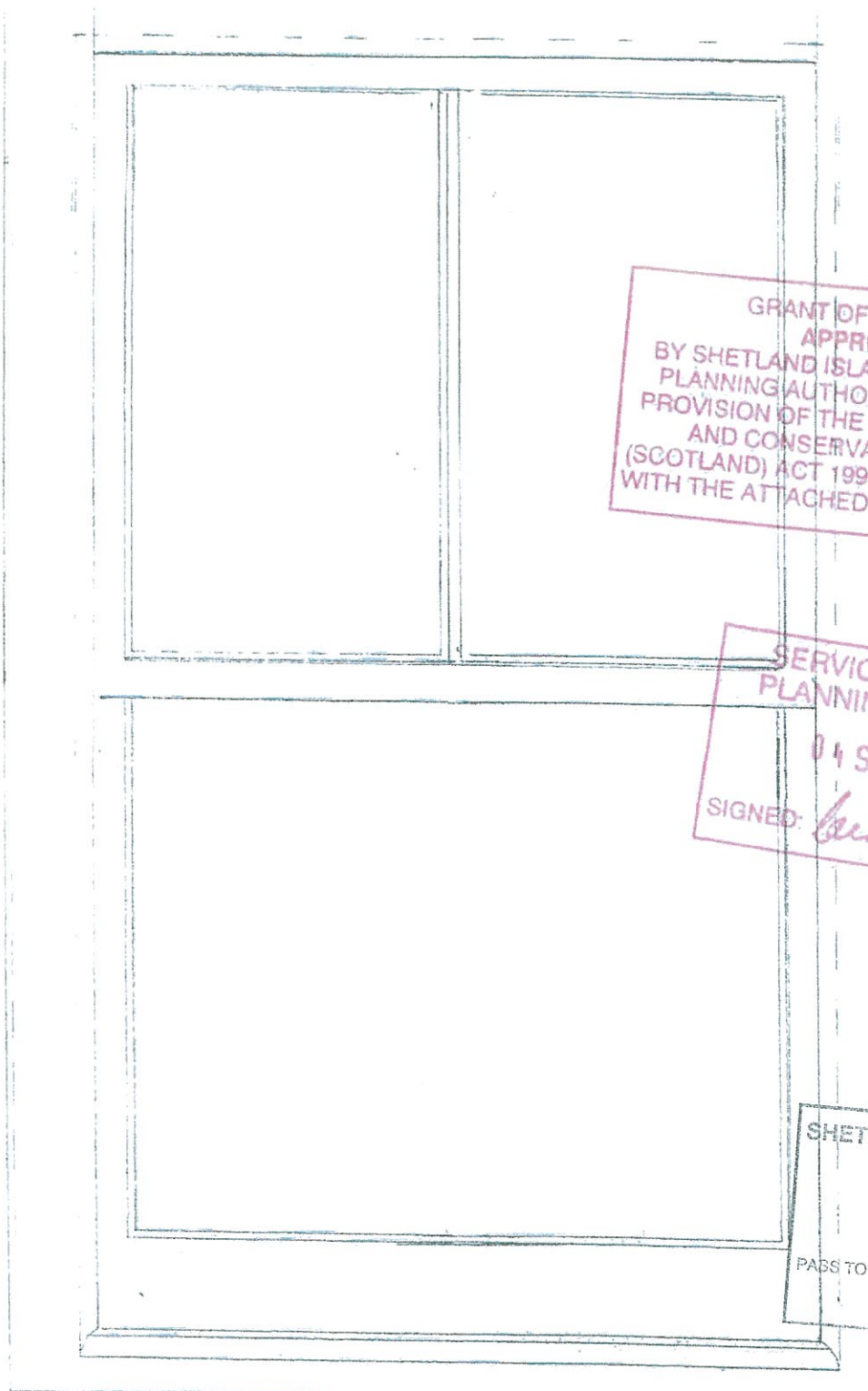
Background documents:

- [Historic Scotland – Listing Schedule for Kantersted Road, Seafield, including steading, boundary walls, gatepiers, railings and gates](#)
- [Application 2012/110LBC to replace 3 no. Sash and case windows](#)



2012/110/LBC-02

2015/053/LBC-03



GRANT OF CONSENT
APPROVED
BY SHETLAND ISLANDS COUNCIL AS
PLANNING AUTHORITY UNDER THE
PROVISION OF THE (LISTED BUILDING
AND CONSERVATION AREAS)
(SCOTLAND) ACT 1997 IN ACCORDANCE
WITH THE ATTACHED DECISION NOTICE

SERVICE MANAGER
PLANNING CONTROL
04 SEP 2012
SIGNED: *Ben McQuinn*

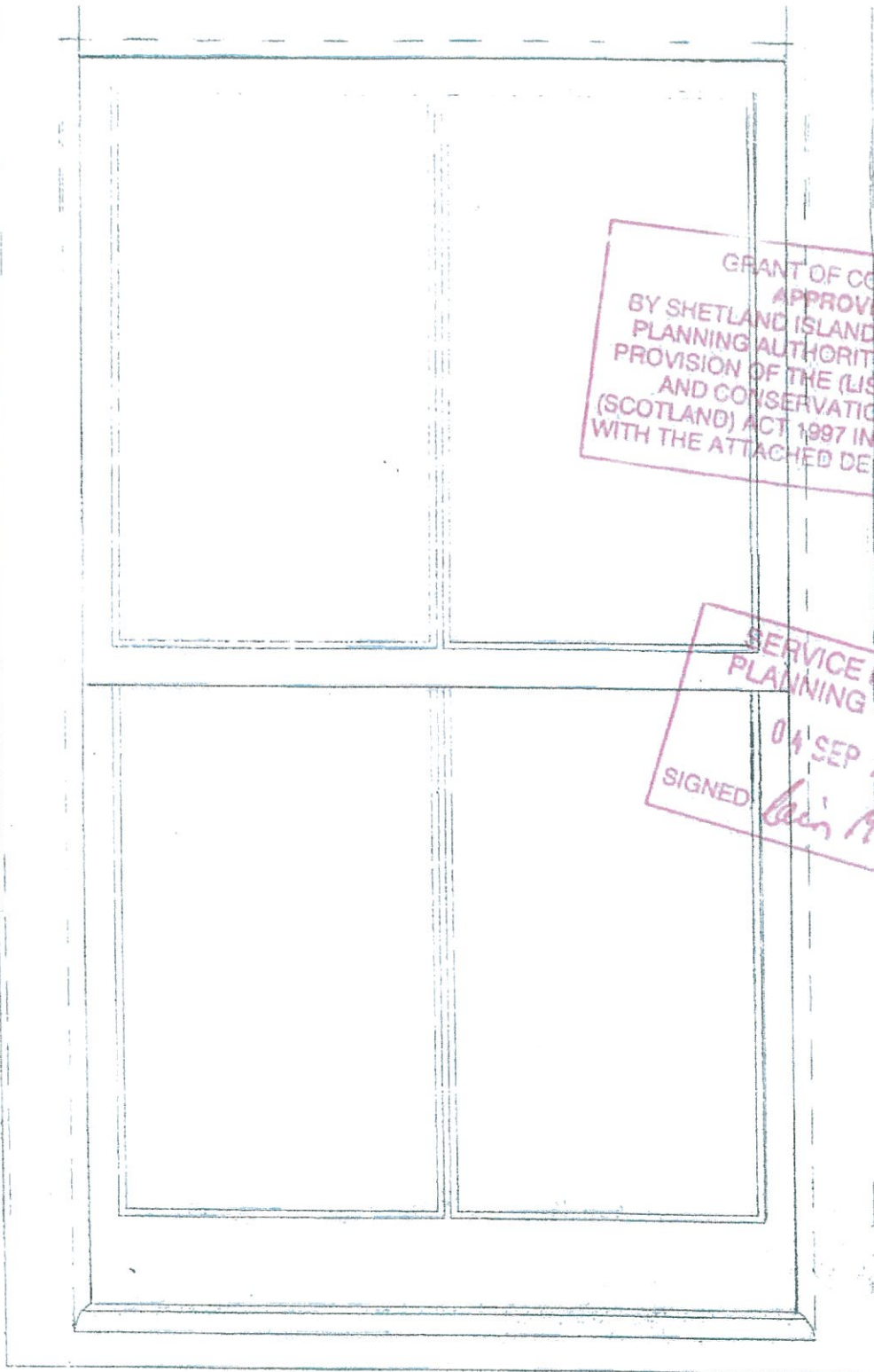
SHETLAND ISLANDS COUNCIL
PLANNING
12 FEB 2015
PASS TO

TRADITION SASH & CASE WINDOW

For Mr M. ANDERSON

Two over one

28 MAR 2012



GRANT OF CONSENT
APPROVED
BY SHETLAND ISLANDS COUNCIL AS
PLANNING AUTHORITY UNDER THE
PROVISION OF THE (LISTED BUILDING
AND CONSERVATION AREAS)
(SCOTLAND) ACT 1997 IN ACCORDANCE
WITH THE ATTACHED DECISION NOTICE

SERVICE MANAGER
PLANNING CONTROL
04 SEP 2012
SIGNED *Alan McQuinn*

TRADITION SASH & CASE WINDOW

TWO OVER TWO

For MR M. ANDERSON

28 MAR 2012

For Mr M. Anderson

Inside Facing
70 x 20

Outside Facing
58 x 17

Top pulley stile 145 x 22

Sash
Top rail
57 x 57

Sash
Btm rail
95 x 57

Slip
45 x 42

GRANT OF CONSENT
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SERVICE MANAGER
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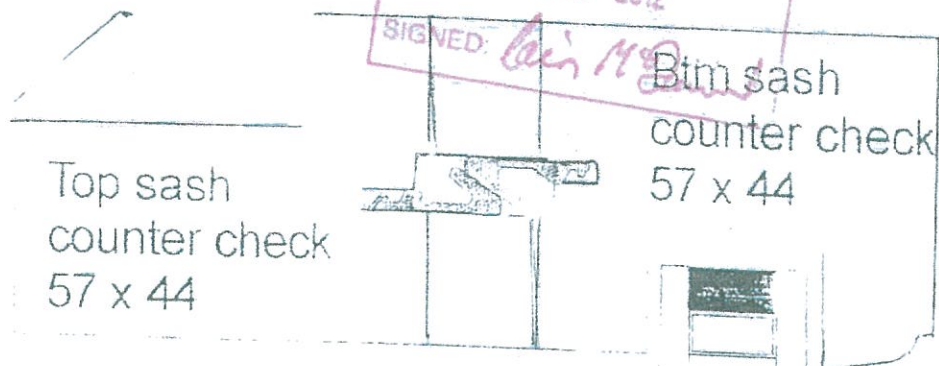
04 SEP 2012

SIGNED: *Alan McQuinn*

28 MAR 2012

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SERVICE MANAGER
PLANNING CONTROL
04 SEP 2012
SIGNED: *Alan McQuinn*



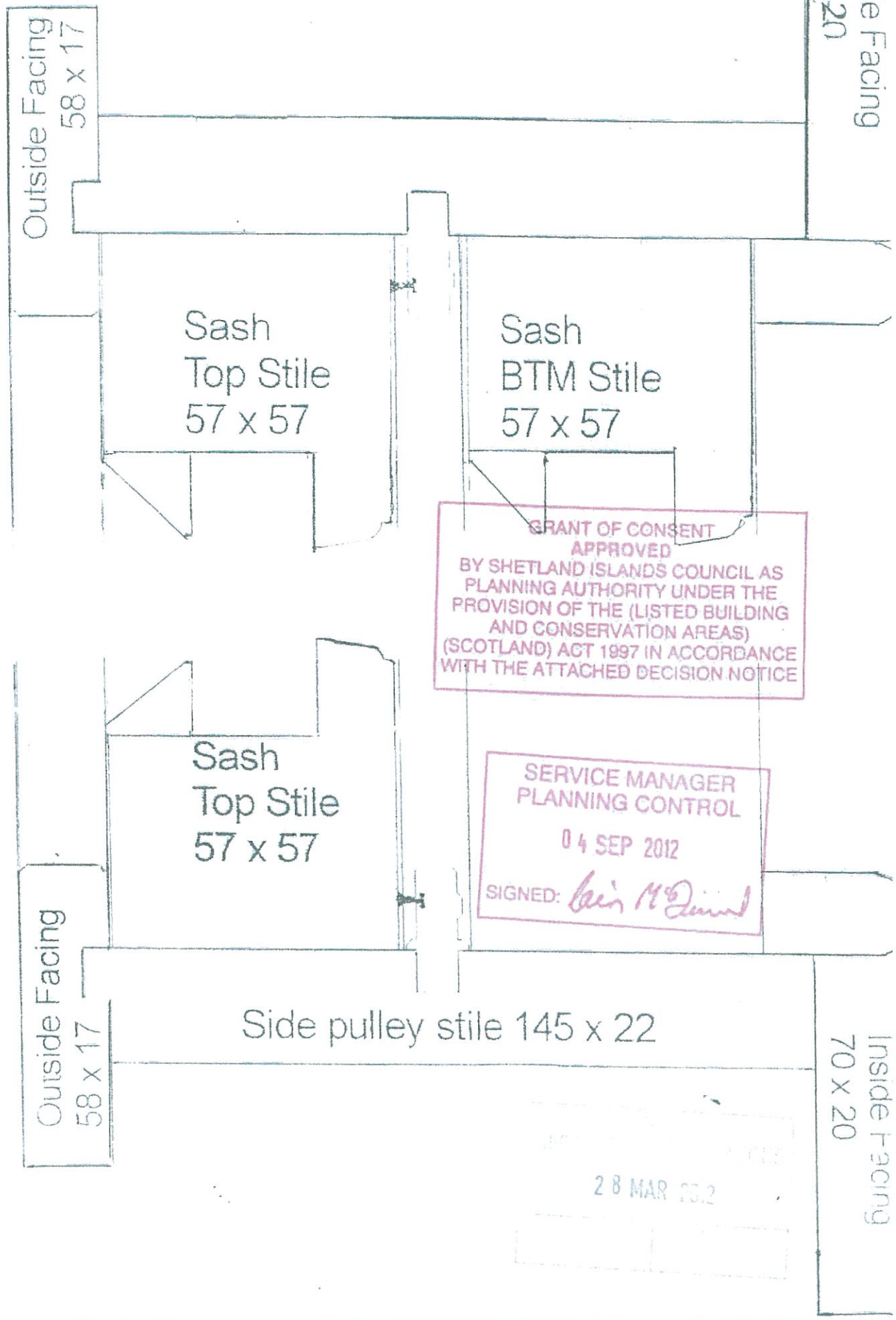
D.G. Full 16mm CAVITY
Low E glass

28 MAR 2012

26mm Back-to-Back
Astragal system



For Mr M. ANDERSON



2015/053/LBC-04

RIGHT HAND SIDE

REPLACE UPSTAIRS
(DOWNSTAIRS REPLACED 2012)

SMITHLAND ISLANDS COUNCIL
PLANNING

12 FEB 2015

PASS TO

REMOVED

1

SMITHLAND ISLANDS COUNCIL
PLANNING

25 FEB 2015

PASS TO

EAST ELEVATION
LIVING ROOM: REPLACE

SHEPHERD ISLANDS COUNCIL
15 FEB 2015

PAGE TO

2

SHEPHERD ISLANDS COUNCIL
15 FEB 2015
PAGE TO
ACTION

EAST ELEVATION

REPLACE TWO WINDOWS

12 FEB 2015

PHOTO

3

3

25 FEB



SOUTH ELEVATION
REPLACE UPSTAIRS AND DOWN

SKETLAND IS
PLA
12 FEB 2015
PASS TO
LANDS COUNCIL
15 FEB 2015
ACTION

L

L

WEST ELEVATION

REPLACE UPSTAIRS WINDOW WITH
DOUBLE GLAZED

CHETLAND 101
P. 12 FEB

25 FEB 2015

PAGE TO

ACTION

CHETLAND 101
P. 12 FEB

25 FEB 2015

PAGE TO

ACTION

7

WEST ELEVATION
REPLACE LEFT
UPSTAIRS & DOWN
WITH DOUBLE
GLAZED IN
SAME STYLE

8

8

UNSTAINED
PLANING

25 FEB 2015

WAS TO
ACTION

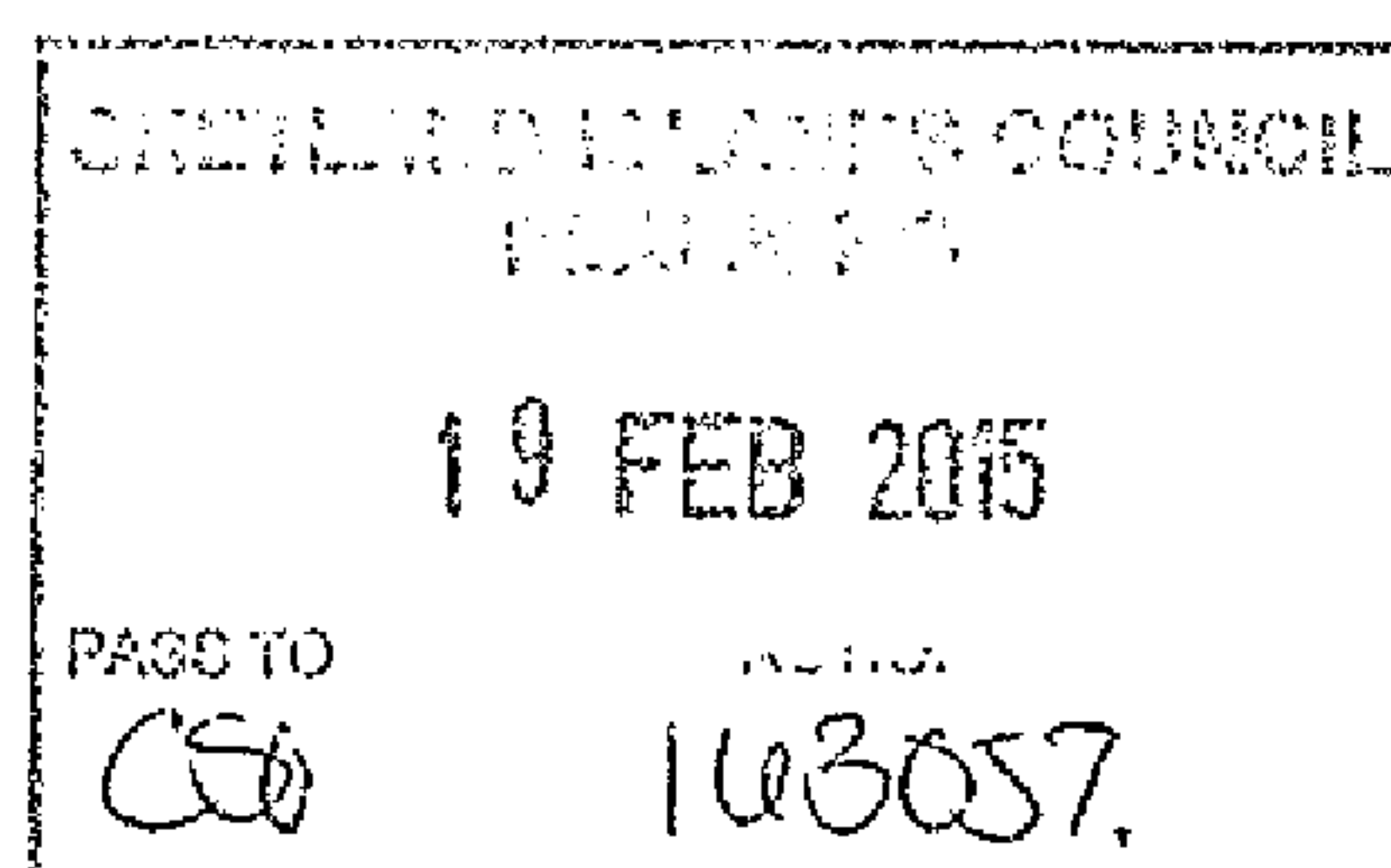
25 FEB 2015

-46-

SV6

A Maurice Anderson
Seafield House
Lerwick
Shetland
ZE1 0RN

Claire Summers
Shetland Islands Council
Planning
8 North Ness Business Park
Lerwick
Shetland
ZE1 0LZ



18th February 2015

Dear Ms Summers

REPLACE WINDOWS AT SEAFIELD HOUSE, LERWICK, ZE1 0RN

Thank you for your letter dated 16th February. The reason I wish to replace the windows is to improve on the houses energy efficiency rating and address the condensation problem with the current single glazing.

The house currently only has an 'E' efficiency rating in spite of all the insulating and draught proofing we have done. The recommendation is that we install double-glazing and insulate the walls. We have no intention of repairing the existing windows as they would still have a very low efficiency rating. We would continue to suffer from draughts unless we sealed the windows up with silicone which would make them inoperable. The windows would still be prone to excessive condensation which is a real problem as well as causing damage to décor and structure.

While we are anxious to maintain the historic character of the house, we very much need to do it in a way that is cost effective. Retaining poor performing windows is not going to achieve that for this or future generations. What we have proposed is a very good compromise retaining the style, dimension and appearance but at the same time making it better for the health and well-being of both house and residents. The windows already replaced in 2012 have demonstrated the performance that can be achieved without losing character.

Please find enclosed photos which I have numbered as follows:

1. East Elevation upstairs to be replaced with double glazed in the same style. The windows immediately below this window were replaced in 2012 with double glazed, wooden sash and are in very much in keeping with the style of the house.
2. East Elevation living room to be replaced with double glazed in the same style.
3. East Elevation former library, both windows to be replaced with double glazed in the same style.
4. South Elevation bedroom window and sitting room windows to be replaced with double glazed in the same style.
5. South Elevation bathroom window to be replaced with double glazed traditional style.
6. West Elevation toilet and utility room windows both to be replaced with double glazed traditional style.
7. West Elevation back bedroom window to be replaced with double glazed traditional style.
8. West Elevation all three windows to be replaced with double glazed traditional style.

I look forward to hearing from you.

Yours sincerely

A large black rectangular box redacting the signature of A Maurice Anderson.

A M Anderson

**Planning Committee****14 April 2015**

2015/063/VCON To vary condition 24 of Planning Permission 2014/117/PPF to vary construction hours

Report Number : PL-03-15-F

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

**Development Services Department
Planning Service**

1.0 Summary

- 1.1 This report concerns an application to vary the hours of working relating to Planning Permission 2014/117/PPF to Erect a new High School and Halls of Residence, Clickimin, Lerwick.
- 1.2 This application is being presented to Members as it is classed as a Major Development under the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. The application relates to a proposal to vary a condition applied to a Major Development.
- 1.3 A supporting statement and a plan which shows the extent of the site area which will be subject to the proposed variation in working hours has been submitted (Appendix 2).

2.0 Decision Required

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

3.0 Determination

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

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

There are statutory development plan policies against which this application has to be assessed against. Those policies of significance

are listed below. Unless material considerations indicate otherwise, the determining issue to be considered is whether the proposal complies with development plan policies.

Statutory Development Plan Policies:

Shetland Islands Council Local Development Plan (2014)

GP1 – Sustainable Development
GP2 - General Requirements for All Development
GP3 - All Development: Layout and Design
NH3 - Furthering the Conservation of Biodiversity
NH4 - Local Designations
NH5 - Soils
NH7 - Water Environment
HE1 - Historic Environment
HE4 - Archaeology
TRANS 3 - Access and Parking Standards
W3 - Closed Landfill Sites
W4 - Contaminated Land
WD1 - Flooding Avoidance
WD2 - Waste Water
WD3 - SuDs
CF1 - Community Facilities and Services (incl. Education)
CF2 - Open Space

Safeguarding

5m Contour Area - 5m Contour Area: 1

Burn Buffer - Name: No Name

Landfill - TBL Landfill: 2A1 - Lochside - Phase 1 Lerwick

Landfill - TBL Landfill: 2A1 - Lochside - Phase 2 Lerwick

Local Nature Conservation Sites - Local Nature Conservation Sites:
Contact Natural Heritage Officer

Land Capability Agriculture - code: 6.3

Land Capability Agriculture - code: 888

LPA Modified - Local Protection Area: Local Protection Area

LPA Modified - Local Protection Area: Local Protection Area

LPA Modified - Local Protection Area: Local Protection Area

Military Unclassified - Military Unclassified info:: ammo dump military b

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.

4.0 Report

- 4.1 Planning Permission 2014/117/PPF was the subject of an assessment under the under Schedule 2 of the Environmental Impact Assessment (Scotland) Regulations 2011 because of the scale of the proposals and the potential for a number of significant effects, one of which was the potential impact of construction noise on people who live close to the proposed development site. An Environmental Statement (ES) was produced as a result.
- 4.2 The ES included a detailed assessment of the noise and vibration impacts that could arise during the construction and operational phases of the proposed development. Detailed surveys have been undertaken to inform the assessment work and to establish the prevailing ambient and background noise levels. As a result it has been identified that construction noise can be controlled to be within appropriate criteria for the majority of the time. It has been identified that there will be occasions where the noise impact could be considered significant, but that these would be temporary and short term in nature.
- 4.3 In relation to Planning Permission 2014/117/PPF the Environmental Health Service (EHS) made comment previously with specific reference to dust and noise pollution, that measures have been proposed to mitigate any potential problems/nuisance being caused during land development and building construction works. They advised that should any complaint pertaining to either of these issues be received they will be investigated in line with current Council procedures and legislation, e.g. COPA (Control of Pollution Act 1974 - as amended) and EPA (Environmental Protection Act 1990).
- 4.4 The details submitted to support the proposed variation in the working hours includes an assessment of the impact of the changes. The proposed hours are now: Monday to Friday 0700 to 1900, no change; On Saturday, 0800 to 1700, which is a later start by one hour; On Sunday, 0900 to 1600, which is an additional day of working.
- 4.5 In relation to this application the EHS have commented that the new working hours are acceptable. They have however raised a concern regarding work between 0900 and 1000 on Sundays and have recommended that during these times there be no stone breaking, piling, or operating compressors and heavy plant movements. It is considered that in the interests of safeguarding amenity no working should take place on Sunday between 0900 and 1000 hours.
- 4.6 An extension of the working hours approved under Planning Permission 2014/117/PPF is likely to have an impact on the amenity of the nearby residential properties which will not now enjoy a period of respite previously anticipated. The submission however includes suggested mitigation measures along with a plan identifying the extent of the site to which the changes will apply. The plan excludes the areas which are closest to the houses on North Lochside and Bruce Crescent.

- 4.7 This assessment provides for an additional level of monitoring of the impacts at the closest noise sensitive receptors. The contractor will also undertake to keep logs and liaise regularly with local residents. Compliance with this element of the assessment document is considered to be critical and as such a condition requiring that the development be carried out in accordance with the measures proposed has been recommended.
- 4.8 The principle of the scale of the development has already been established. It has been accepted in the granting of planning permission for the High School and Halls of Residence that there will be a fairly dramatic change in the level of activity in this area as a result of the construction process to be undertaken. The Community Council have raised no objection to the variation. It is considered that to allow a timely delivery of the project it would not be unreasonable to allow the developer to make efficient use of staffing resource, time and also daylight hours when available. The deciding factor must be the balance of the potential impact of the development on the nearby residential amenity and the clear benefits in an extension of the working hours to allow the sustainable delivery of the project to construct the High School and Hall of Residence.
- 4.9 It is considered that the mitigation measures proposed, including the identification of areas within the site which will not be subject to the extra hours of working, together with the submission and implementation of the noise management plan will ensure that the noise levels experienced will not become unacceptably adverse. Therefore on balance the variation applied for can be supported.

5.0 Implications (of Decision)

Strategic

- 5.1 Delivery On Corporate Priorities – A decision made on the planning application that accords with the development plan would contribute directly to the Single Outcome Agreement through the outcome that we live in well designed, sustainable places.
- 5.2 Community/Stakeholder Issues – Standard consultations were sent during the processing of the application.
- 5.2.1 Lerwick Community Council have raised no objections
- 5.2.3 Shetland Islands Council – Environmental Health have raised no objections. The developer should liaise with residents etc as per Section 2 (of the supporting statement)
- 5.3 Policy And/Or Delegated Authority – The application is for a development falling within the category of Major Development and is made by the Council. As such, the decision to determine the application is therefore 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 planning permission contrary to the development plan policy and the officer's recommendation be given and minuted. This is in order to comply with Regulation 28 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. Furthermore, it provides clarity in the case of a subsequent planning appeal or judicial review against the Planning Committee's decision. Failure to give clear planning reasons for the decision could lead to the decision being overturned or quashed. In addition, an award of costs could be made against the Council. This could be on the basis that it is not possible to mount a reasonable defence of the Council's decision.

6.0 Conclusions

- 6.1 Taking the comments received into account and having assessed the proposed development against Shetland Local Development Plan (2014) policies listed in paragraph 3.1, the proposal is found to be compliant with their aims.
- 6.2 For the reasons set out in section 4 above the proposal complies with development plan policy and is recommended for approval. Therefore the proposal accords with the relevant provisions of the Shetland Islands Local Development Plan Policy GP2.
- 6.3 Therefore, subject to the conditions listed in the schedule appended to the report this application is recommended for approval.

For further information please contact:

Richard MacNeill, Planning Officer – Development Management

Tel: 01595 744803 Email: Richard.macneill@shetland.gov.uk

03/04/2015

List of Appendices

Appendix 1 – Location Plan

Appendix 2 – Supporting Statement

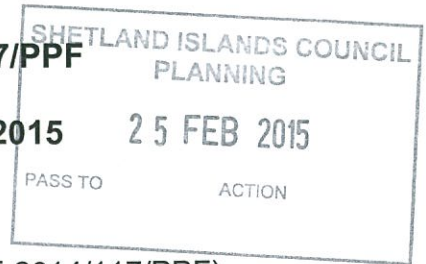
Appendix 3 – Schedule of Recommended Planning Conditions

Background documents:

- [Shetland Local Development Plan 2014](#)



Ryder

Anderson High School – Planning Reference 2014/117/PPF**Request to Vary Permitted Working Hours, February 2015****1.0 Introduction**

Planning Consent for the Anderson High School Project (ref 2014/117/PPF) was granted by Shetland Islands Council on 15 September 2014. Permitted construction working hours are controlled by Planning Condition 24 which states that:

Unless otherwise agreed in writing by the Planning Authority, working on the construction of the development hereby permitted shall only take place 0700h to 1900h Monday to Friday and 0700h to 1300h on Saturday. There shall be no working on Sundays and local public holidays.

Reason: In order to safeguard the amenity of existing properties in the area during the construction phase, in compliance with Shetland Structure Plan (2000) Policy GDS4 and Shetland Local Plan (2004) Policy LPNE10.

The construction Contractor for the new Anderson High School project has made a request to Shetland Islands Council that the working hours stipulated in Planning Condition 24 are extended to allow construction work to take place during Saturday afternoons and during the day on Sundays. It is anticipated that this will bring considerable benefits, both in terms of programme and cost, for this important community project.

2.0 Impact of Increased Weekend Working and Proposed Mitigation

The likely impact caused as a result of construction noise depends upon a number of factors which include the levels of noise that will arise, the sensitivity of the receptors to the noise generated, the time of day, the day of the week and the duration of exposure etc. In addition, the impact can be tempered through good communication and liaison between the construction contractor and the receptors.

Construction noise impacts were assessed within the noise and vibration chapter of the Environmental Statement (ES) which was submitted as part of the planning application for the proposed development. This assessment was undertaken in accordance with the guidance contained within BS5228-1+A1:2014: *Code of practice for noise and vibration control on construction and open sites. Part 1: Noise*. The assessment included a series of construction noise level predictions which were undertaken for a sample of different scenarios, each of which was representative of a different point through the proposed construction programme. For each scenario, predictions were undertaken for a sample of local receptors surrounding the Proposed Development. Predictions were undertaken for both 'average' and 'worst case' scenarios. The average case considered all of the plant items for each scenario operating at the approximate centre of the corresponding phase area. Worst case noise levels were calculated with the plant items located at

the closest point of the corresponding phase area, except where that distance was small. Where that distance was small, it was considered unrealistic to assume all plant operating simultaneously at that distance, so consideration was given to the single loudest plant item for that scenario.

Predicted noise levels were assessed based on criteria derived as appropriate for the then proposed construction working hours of Monday to Friday 07:00 to 19:00 and Saturdays 07:00 to 13:00 hours. Given the now proposed changes to the construction working hours, it is appropriate to re-assess the previously predicted construction noise levels against revised assessment criteria that appropriately reflect revised working hours. Whilst a change in operational hours may give rise to a change in the construction programme, for the purpose of this assessment, it is considered that the results of the previously completed construction noise level predictions remain broadly representative of the levels of noise that are likely to arise from the site over the course of works.

The previously adopted assessment criteria were based on guidance detailed within BS5228-1:2009+A1:2014, specifically the ABC assessment method which is duplicated in Table 1 below:

Table 1 Example Threshold of Significant Effect at Dwellings – ABC Method

Assessment Category and Threshold Value Period	Threshold Value, in Decibels (dB)		
	Category (A) ^{A)}	Category (B) ^{B)}	Category (C) ^{C)}
Night-time (23:00 – 07:00)	45	50	55
Evenings and weekends ^{D)}	55	60	65
Daytime (07:00 – 19:00) and Saturdays (07:00 – 13:00)	65	70	75
NOTE 1: A significant effect is indicated if the L_{Aeq} noise level arising from the site exceeds the threshold level for the category appropriate to the ambient noise level NOTE 2: If the ambient noise level exceeds the Category C threshold values given in the table (i.e. the ambient noise level is higher than the above values), then a potential significant effect is indicated if the total $L_{Aeq,T}$ noise level for the period increases by more than 3dB due to site noise. NOTE: Applied to residential receptors only			
^{A)} Category A: threshold values to use when ambient levels (when rounded to the nearest 5dB) are less than these values. ^{B)} Category B: threshold values to use when ambient noise levels (when rounded to the nearest 5dB) are the same as category A values. ^{C)} Category C: threshold values to use when ambient noise levels (when rounded to the nearest 5dB) are higher than category A values. ^{D)} 19.00-23.00 weekdays, 13.00-23.00 Saturdays and 07.00-23.00 Sundays			

Drawing on the results of the baseline noise survey, it was identified that the site falls within Category A. For the then proposed working hours, the key assessment criterion was therefore selected as 65dB(A) (which is for works on weekdays between 07:00 to 19:00 and Saturdays between 07:00 to 13:00). On this basis, the impact scale in Table 2 was adopted within the ES.

Table 2 Impact Magnitude Scale for Construction Noise, Free-field (Weekdays 07:00 to 19:00 and Saturdays 07:00 to 13:00), dB(A)

Construction Noise Level, $L_{Aeq,T}$ (dB)	Impact Magnitude ¹
< 60dB(A)	Slight
60dB(A) to 64.9dB(A)	Low
65dB(A) to 69.9dB(A)	Medium
≥ 70 dB(A)	High

¹ A lower magnitude of impact grading may apply where works are very short in duration.

For high sensitivity receptors such as dwellings (as assessed in this case), impacts of Slight and Low were considered 'not significant' impacts of Medium and High were considered 'significant'.

The highest predicted worst-case construction noise levels were predicted to be experienced at properties on Bruce Crescent (referred to as Location 1) and Lochside (referred to as Locations 2a and 2b), during the construction of the new access roundabout and the new access road. During these activities, noise levels were predicted to be up to 78dB(A) which registered as a High impact magnitude, and significant effect. For the remainder of receptors and scenarios considered, noise levels remained below 65dB(A) and were therefore ranked as either Slight or Low impacts with effects that were not significant.

To assess the potential impact for new working hours on Saturdays from 13:00 to 17:00 and on Sundays from 09:00 to 16:00, it is appropriate to determine revised assessment criteria reflecting these more sensitive times of day.

Drawing on the content of Table 1 above, it can be seen that in accordance with the ABC method, a criterion of 55dB(A) (10dB lower than the key criterion of 65dB(A) previously used) is applicable for Saturday works which extend until 23:00 hours and also for Sunday works which extend from 07:00 to 23:00 hours. However, in this case, it is not proposed to extend working hours for these durations, or until so late in the day (i.e. until 23:00 on Saturdays and Sundays). In addition, it is also proposed to delay commencement of works on Saturdays for an additional hour, from 07:00 to 08:00. On this basis, it is clear that adopting a 55dB(A) criterion is too stringent, and does not appropriately reflect the limited working hours that are being requested on Saturday afternoons and Sundays. Consideration has therefore also been given to other available assessment methods that are detailed within BS5228-1:2009+A1:2014.

In addition to the ABC assessment method, this standard also details the '5dB change' assessment method, which is described as follows:

"Noise levels generated by site activities are deemed to be potentially significant if the total noise (pre-construction ambient plus site noise) exceeds the pre-construction ambient noise by 5dB or more, subject to lower cut-off values of 65dB, 55dB and 45dB L_{Aeq} , from site noise alone, for the daytime, evening and night-time periods, respectively;

and a duration of one month or more, unless works of a shorter duration are likely to result in significant effect."

Following this method, it can be seen that a 65dB(A) criterion could be considered as appropriate on Saturday and Sunday daytime periods (e.g. until 19:00 hours), and that the 55dB(A) would only apply during evening periods (e.g. between 19:00 and 23:00), the latter of which are not proposed in this instance.

Also referenced with BS5228-1:2009+A1:2014 are the fixed noise level limits previously published within Advisory Leaflet 72: 1976: *Noise control on building sites*. These limits are presented according to the nature of the surrounding environment, for a 12-hour working day. The presented limits are:

- 70.0dB(A) L_{eq} in rural, suburban and urban areas away from main road traffic and industrial noise; and
- 75.0dB(A) L_{eq} in urban areas near main roads and heavy industrial areas.

The above noise level limits are applicable at the façade of the receptor in question (i.e. not free-field), and are stated with reference to working hours of 07:00 to 19:00. It goes on to state that:

"These limits are for daytime working outside living rooms and offices. In noise-sensitive situations, for example, near hospitals and educational establishments – and when working outside the normal hours say between 19.00 and 22.00 hours – the allowable noise levels from building sites will be less: such as the reduced values given in the contract specification or as advised by the Environmental Health Officer (a reduction of 10 dB(A) may often be appropriate). Noisy work likely to cause annoyance locally should not be permitted between 22.00 hours and 07.00 hours."

Applying the suggested reduction of 10dB(A) to the 70dB(A) criteria applicable to rural areas, as well as a 3dB reduction for façade reflections, a criterion of 57dB(A) results and is applicable when working outside normal working hours (i.e. between 19:00 and 22:00 hours in the case of this assessment method). Again however, in the case of the now proposed working hours, such evening workings are not proposed, although it is acknowledge that the revised working hours do fall outside those that might be considered 'normal' working hours.

Accounting for the above guidance, and the following factors:

- no evening (post 19:00) working is proposed on any days;
- no working would take place on Saturdays after 17:00 hours;
- no working would take place on Sundays after 16:00 hours;
- on Sunday, working would not commence before 09:00 hours; and
- on Saturdays working would not commence before 08:00 hours (currently 07:00).

it is considered that the appropriate key criterion for works during the Saturday afternoon and Sunday periods is 60dB(A) $L_{Aeq,T}$.

A revised impact magnitude scale applicable solely to Saturday afternoon and Sunday working hours has been derived on this basis, and is detailed in Table 3 below:

Table 3 Impact Magnitude Scale for Construction Noise (Saturday from 13:00 to 17:00 and Sundays 09:00 to 16:00), Free-field, dB(A)

Construction Noise Level, $L_{Aeq,T}$ (dB)	Impact Magnitude ¹
< 55dB(A)	Slight
55dB(A) to 59.9dB(A)	Low
60dB(A) to 64.9dB(A)	Medium
≥ 65 dB(A)	High

¹ A lower magnitude of impact grading may apply where works are very short in duration

As above, for high sensitivity receptors such as dwellings (as assessed in this case), impacts of Slight and Low are considered 'not significant' impacts of Medium and High are considered 'significant'.

Tables 4 and 5 below present the previously predicted, unmitigated average and worst case construction noise levels, as detailed within the ES. In Table 4, predicted levels have been highlighted according to the impact scale adopted within the ES (as duplicated within Table 2), which is applicable for weekday works from 07:00 to 19:00 and Saturday works from 07:00 to 13:00. The results here are the same as those detailed within the ES.

Table 5 presents the same noise levels, but highlighted according to the impact scale detailed within Table 3 above, which is applicable for Saturday afternoon works from 13:00 to 17:00 and Sunday works from 09:00 to 16:00.

In both cases, significant impacts have been highlighted, with **purple** being used for High impacts **green** and being used for Medium impacts. Highlighted levels are Slight or Low Impacts which were considered to be not significant.

Table 4 Predicted Unmitigated 'Average' and 'Worst' Case Construction Noise Levels – Assessed for Weekdays 07:00 to 19:00 and Saturdays 07:00 to 13:00 - Free-field $L_{Aeq,T}$, dB

Location	Average to worst case construction noise levels $L_{Aeq,10hr}$ dB						
	Scenario 1	Scenario 2	Scenario 3	Scenario 4	Scenario 5	Scenario 6	Scenario 7
1	56 – 71	57 – 64	52 – 54	51 – 51	56 – 59	58 – 60	51 – 54
2a	57 – 78	58 – 73	53 – 63	50 – 59	54 – 57	56 – 58	49 – 52
2b	57 – 60	58 – 60	53 – 55	51 – 53	53 – 55	53 – 55	48 – 50
3	49 – 54	50 – 55	45 – 50	45 – 48	48 – 49	48 – 49	43 – 44
4	50 – 50	51 – 51	46 – 46	43 – 44	45 – 46	46 – 47	41 – 41
5	47 – 48	48 – 49	43 – 44	41 – 42	44 – 45	45 – 45	39 – 40
6	47 – 50	48 – 51	43 – 46	41 – 43	45 – 45	46 – 46	40 – 40

Table 5 Predicted Unmitigated 'Average' and 'Worst' Case Construction Noise Levels – Assessed for Saturdays 13:00 to 17:00 and Sundays 09:00 to 16:00 – Free-field $L_{Aeq, T}$ dB

Location	Average to worst case construction noise levels $L_{Aeq, 10hr}$ dB						
	Scenario 1	Scenario 2	Scenario 3	Scenario 4	Scenario 5	Scenario 6	Scenario 7
1	56 – 71	57 – 64	52 – 54	51 – 51	56 – 59	58 – 60	51 – 54
2a	57 – 78	58 – 73	53 – 63	50 – 59	54 – 57	56 – 58	49 – 52
2b	57 – 60	58 – 60	53 – 55	51 – 53	53 – 55	53 – 55	48 – 50
3	49 – 54	50 – 55	45 – 50	45 – 48	48 – 49	48 – 49	43 – 44
4	50 – 50	51 – 51	46 – 46	43 – 44	45 – 46	46 – 47	41 – 41
5	47 – 48	48 – 49	43 – 44	41 – 42	44 – 45	45 – 45	39 – 40
6	47 – 50	48 – 51	43 – 46	41 – 43	45 – 45	46 – 46	40 – 40

It can be seen from Table 4, that previously, High impacts were only identified for worst case works at Location 1 and 2a during Scenarios 1 and 2. These impacts were associated with the construction of the proposed new roundabout and site access road.

From Table 5, it can be seen that these High impacts would remain if such works were to be undertaken on the additional proposed Saturday and Sunday working hours. For these additional hours it is also identified that, without mitigation, medium impacts would arise for a limited number of scenarios and locations (as denoted by the green highlights). However, it should be noted that all such medium impacts are only predicted to arise during worst case works (i.e. when in closest proximity to receptors).

For Scenarios 1, 2 and 3, all of the identified Medium and High impacts in Table 5 are associated with the works on the proposed site access road and new access roundabout. It is therefore proposed that during the additional proposed working hours (Saturdays 13:00 to 17:00 and Sundays 07:00 to 16:00), that no works are undertaken on either the access road or proposed access roundabout. This would ensure that these High and Medium impacts would not arise.

It is proposed that working in these areas would remain subject to the working hours currently stipulated within Condition 24. This would limit construction activities during any additional working hours to the central area of the site shaded red within the attached plan, with the areas shaded grey only being used to access the central part of the site.

The only remaining medium impact within Table 5 is identified at Location 1 during Scenario 6. Again however, this is only predicted to arise during worst-case works, which would be of limited duration. In addition, it should be noted that the predicted level of 60dB(A) is actually on the boundary between Low and Medium impact, so could reasonably be described as being of only borderline significance.

As an additional measure, the Contractor also proposes to regularly monitor noise levels at the closest noise sensitive receptors, including during the additional proposed working hours should these be approved. Where measured noise levels corresponding to Medium impacts or greater (as

defined above) are measured, mitigation measures will be employed to minimise associated impacts.

The contractor will also:

- liaise with residents to keep them informed of progress and any anticipated upcoming issues, both prior to commencement of the works and during on-going works;
- advertise a site contact number for use by local residents who wish to contact the site to raise a noise related issue / complaint. The contact number will be for a site representative with sufficient power and responsibility to ensure that noise impacts are kept to a minimum / complaints are appropriately actioned;
- keep a log of all noise related complaints / issues raised;
- keep a log of remedial measures undertaken in response to complaints made / issues raised; and
- allow access for Local Authority representatives to inspect the logs taken.

The delivery of the above mitigation measures, including monitoring following an appropriate methodology, could be ensured by means of a conditional approval for the revised working hours. Such a conditional approval could require the submission of, approval of, and subsequent compliance with, a site specific environmental noise management plan. This plan could include the full detail of the proposed measurement protocols etc.

The above mitigating measures are considered sufficient to allow permission to be granted for the proposed alteration to the construction working hours for the proposed development.

3.0 Proposed Working Hours

The Contractor proposes no changes to the working hours stipulated in Condition 24 for Monday to Friday, which are 0700h to 1900h. On Saturdays it is requested that work be allowed to extend through the afternoon to 1700h, and also that some construction work be permitted to take place on Sunday. In summary, the proposed revised construction hours are:

Monday to Friday: 0700h to 1900h
Saturday: 0800h to 1700h
Sunday: 0900h to 1600h

4.0 Benefits of Extended Weekend Working

The Anderson High School project is a high profile and important community development for Shetland, and is part of a programme of school developments in the north of Scotland that is being supported by the Scottish Government. Throughout its development phase it has faced many difficulties and challenges, which includes programme and budget pressures. The project team, including the Contractor, consider that increasing the permitted

weekend working hours will bring significant benefits to the project. The anticipated benefits are:

- An additional 15% of working time per week would help to mitigate against weather delays at key stages of the project, and would potentially reduce the overall construction period by up to 15 weeks.
- Bulk earthwork activities could be completed before September 2015. This would help ensure that peat and glacial till excavation work avoided the risks associated with adverse wet weather later in the year.
- Work activities associated with the construction of the buildings would be undertaken more efficiently and the costs associated with specialist hired plant, such as site cranes, will be minimised.
- Providing mainland sub-contractors with the opportunity to work 7 days a week will allow them to programme their work more efficiently and to minimise travel and accommodation costs.
- 7 days a week working would make specialist sub-contracted work packages more attractive to mainland contractors ensuring that competitive prices are achieved.

5.0 Conclusion

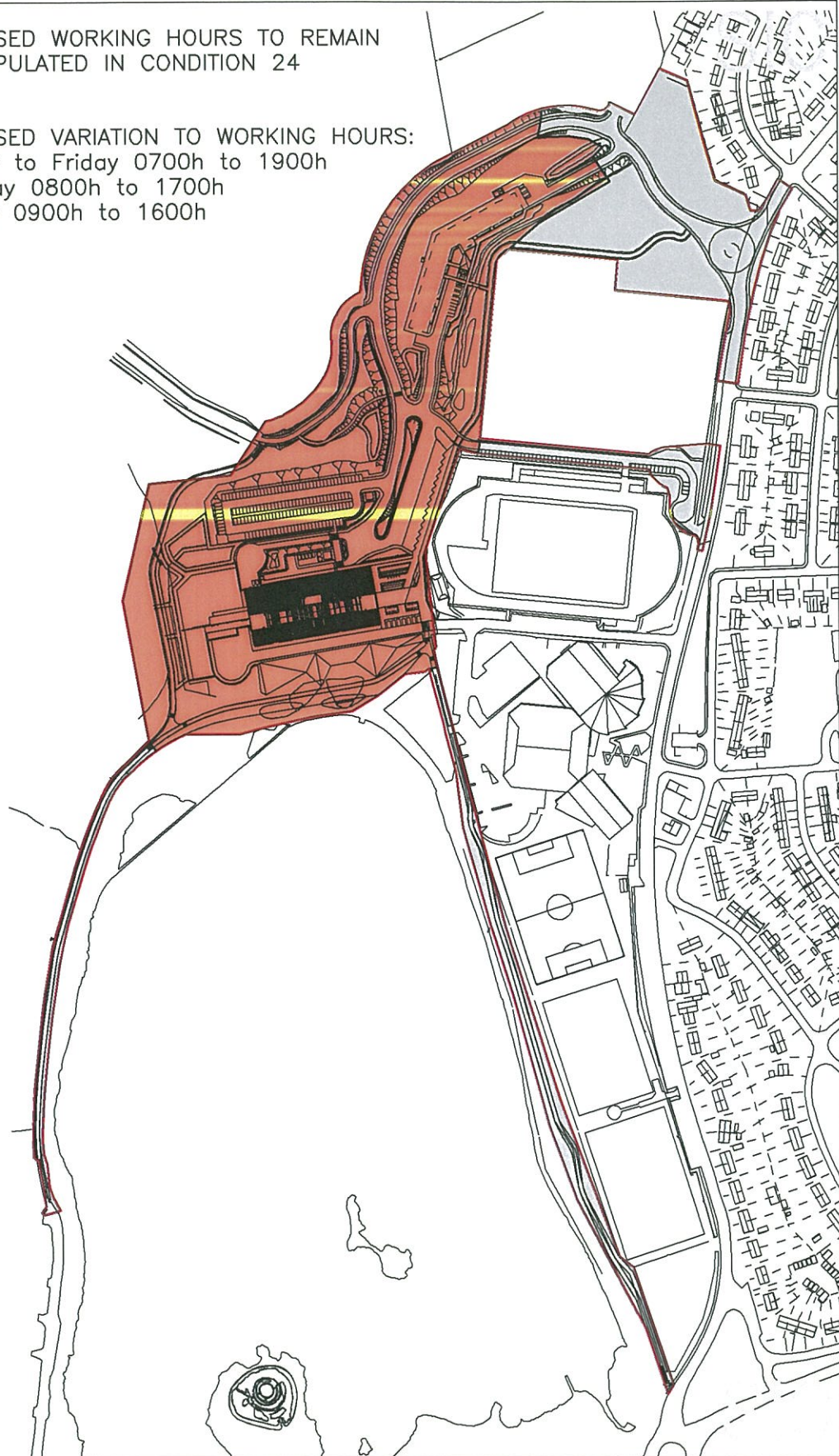
The benefits to the project that weekend working would bring, both in terms of programme and costs, are considerable. As part of the Environmental Impact Assessment, a detailed construction noise assessment was undertaken in accordance with *BS5228-1:2009+A1: 2014*. This assessment included a series of noise level predictions for the duration of the construction programme for a sample of local receptors surrounding the Proposed Development. The previously predicted noise levels have been re-assessed on the basis of updated noise level criteria, which appropriately reflect the more sensitive nature of the proposed additional Saturday and Sunday working hours. It has been identified that by ensuring that working operations associated with the construction of the new site access roundabout and site access road are not undertaken during the additional proposed working hours, impacts can be appropriately controlled. This would be ensured in conjunction with a series of additional mitigation measures, including noise monitoring and effective liaison between the contractor and local residents. The proposed mitigation measures are considered sufficient to allow permission to be granted for the proposed alteration to the construction working hours for the proposed development.



PROPOSED WORKING HOURS TO REMAIN
AS STIPULATED IN CONDITION 24



PROPOSED VARIATION TO WORKING HOURS:
Monday to Friday 0700h to 1900h
Saturday 0800h to 1700h
Sunday 0900h to 1600h



ANDERSON HIGH SCHOOL – REQUEST TO VARY PERMITTED WORKING HOURS NOT TO SCALE

PLANNING REFERENCE 2014/117/PPF – SITE BOUNDARY PLAN

FEBRUARY 2015

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2015/063/VON

Recommended Schedule of Planning Conditions

List of Approved Plans

Supporting Statement - Document number 2015/083 VCON - 01

Conditions:

(1) This planning permission shall be read in conjunction with the remainder of Planning Permission Ref. 2014/117/PPF granted by the Shetland Islands Council on 18th September 2014.

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

(2) The hours of working on the approved development the subject of Planning Permission Ref. 2014/117/PPF in the area shown coloured orange on the hereby approved plans shall be as follows;

Monday to Friday 0700 to 1900

Saturday 0800 to 1700

Sunday 1000 to 1600

The hours of working on the approved development the subject of Planning Permission Ref. 2014/117/PPF in the areas shown coloured grey on the hereby approved plans shall be as follows;

Monday to Friday 0700 to 1900

Saturday 0700 to 1300

No working on Sundays and local public holidays

No development shall take place within the area of the development site shown coloured orange on the hereby approved plans until a site specific environmental noise management plan has been submitted to and approved in writing by the Planning Authority. The plan shall include full details of measures to mitigate the noise impacts of the approved development and measurement protocols. The terms of the approved plan shall be followed for the duration of the construction of the development approved under Planning Permission Ref. 2014/117/PPF.

Reason: In the interests of amenity and in order to prevent disturbance to adjoining properties and local residents arising from unsociable working hours during the construction of the development, in compliance with Shetland Local Development Plan Policy GP2

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.

Notification of Initiation of Development

A person who intends to carry out development for which planning permission has been given must, as soon as practicable after deciding on a date on which to initiate the development and in any event before commencing the development, give notice to the planning authority. 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.