



Guidance on Local Review under Section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended) to be considered by the Planning Committee sitting as Local Review Body: Local Review Ref: 2015/445/PPF – LR24 - To construct dwelling house and access: East Of Floodens, Laxo, Vidlin, Shetland, ZE2 9QD

Agenda Item

1

1 Introduction

- 1.1 The Planning Scheme of Delegations that has been approved by the Council, as well as that which has been approved by the Scottish Ministers, identifies the appropriate level of decision making to ensure compliance with the 1997 Planning Act.
- 1.2 The Scheme of Delegations, following the hierarchy of development introduced by the Planning etc. (Scotland) Act 2006 which is at the heart of the modernised planning system, provides that where a decision on an application for planning permission for a local development (as defined in the Hierarchy of Development) is to be taken it may, subject to certain exceptions, be so by officers as have been appointed by the planning authority.
- 1.3 A decision on an application for planning permission for a local development that is taken by an officer (the appointed person) under the Scheme of Delegations has the same status as other decisions taken by the planning authority other than arrangements for reviewing the decision. Sections 43A(8) to (16) of the 1997 Act remove the right of appeal to the Scottish Ministers, and put in place arrangements for the planning authority reviewing these decisions instead.
- 1.4 The Full Council resolved on 12 May 2011 (Minute Ref: 57/11) that the remit of the Planning Committee be extended to include the functions of the Local Review Body, who would review the decision taken.

2 Process

- 2.1 The procedures for requiring a review and the process that should then be followed are set out in regulations, and these have been followed in the administrative arrangements that have been carried out for support of this review in accordance with its being the intention that decision making by the Local Review Body will follow a public hearing. This however should be confirmed by the Review Body in each case before proceeding.
- 2.2 The Review Body is, where a decision has been taken that the review is to follow the public hearing procedure, required to follow Hearing Session Rules under Schedule 1 of The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013. In

doing so they are to confirm the matters to be considered and the order in which persons entitled to appear are to be heard.

- 2.3 It has been the intention that such hearing sessions will be held in a similar manner to the current Planning Committee, with the Planning Service Case Officer presenting on the matters to be considered, followed by those persons entitled to appear other than the applicant, followed by the applicant, with its being the case that Members of the Review Body can ask questions throughout the process. The hearing session can similarly proceed in the absence of any person entitled to appear at it. The Review Body should confirm this order and confirm the time each person entitled to appear is to be afforded beforehand. During the administrative arrangements that have been carried the persons entitled to appear have been informed that they will each be given a maximum of 5 minutes.
- 2.4 The Hearing Session Rules prescribe that the hearing shall take the form of a discussion led by the local review body and cross-examination shall not be permitted unless the local review body consider that this is required to ensure a thorough examination of the issues. Persons entitled to appear are entitled to call evidence unless the local review body consider it to be irrelevant or repetitious. The local review body may also refuse to permit the cross-examination of persons giving evidence, or the presentation of any matter where they similarly consider them to be irrelevant or repetitious.
- 2.5 The matters that are attached for the purposes of consideration by the Review Body in this case comprise: the decision in respect of the application to which the review relates, the Report on Handling and any documents referred to in that Report (including: the planning application form, and any supporting statement and additional information submitted, and consultation responses received prior to the decision notice by the appointed person being issued); the notice of review given in accordance with Regulation 9; all documents accompanying the notice of review in accordance with Regulation 9(4); and any 'hearing statement' served in relation to the review.
- 2.6 In order to be able to give notice of their decision in accordance with the regulations, the local review body must be clear on the details of the development plan and any other material considerations to which it had regard in determining the application, and, where relevant: include a description of any variation made to the application in accordance with section 32A(a) of the 1997 Act; specify any conditions to which the decision is to be subject; include a statement as to the duration of any permission granted or make a direction as to an alternative (and in the case of a planning permission in principle any substitute time periods to apply to approvals of matters specified in conditions); and if any obligation is to be entered into under section 75 of the 1997 Act in connection with the application state where the terms of such obligation or a summary of such terms may be inspected.

Local Review Reference: 2015/445/PPF – LR24

Town and Country Planning (Scheme of Delegation and Local Review
Procedure) (Scotland) Regulations 2013

Local Review Under Section 43A(8) of the Town and Country Planning
(Scotland) Act 1997 (As Amended)

Regarding Planning Application reference: 2015/445/PPF

To construct dwelling house and access: East of Floodens, Laxo, Vidlin,
Shetland, ZE2 9QD.

By

Mr Neil Hay

1st November 2016

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Section 1. Planning Submission – 2015/445/PPF

1st November 2016

Planning Application

FOR OFFICIAL USE ONLY

Reference No:

Associated Application No:

Registration Date:

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997, AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006. TOWN & COUNTRY PLANNING (HAZARDOUS SUBSTANCES) (SCOTLAND) ACT 1997.

(PLEASE READ THE NOTES FOR GUIDANCE BEFORE COMPLETING THIS FORM. IT IS IMPORTANT THAT THIS FORM IS COMPLETED CORRECTLY TO AVOID DELAYS IN PROCESSING).

Separate forms must be completed for applications for House Alterations and Extensions, Listed Building Consent, Conservation Area Consent, Advertisement Consent and other categories of application.

1

I/We Apply To The Council For: Please tick relevant box

Full Planning Permission (FPP)

☒

Renewal of Temporary Permission ☐

Planning Permission in principle (PPP)

☐

Variation of a planning condition(s) ☐

Approval of matters specified in conditions (AMC) ☐

Reference number(s) of previous planning application(s)/permission(s) (if known) _____

Reference number(s) of proposal of Application Notice(s) (if applicable) _____

Have there been any pre-application discussions with planning? YES ☐ NO ☒

If yes, what type:

Telephone Letter Meeting:

Pre-application officer's name:

2

The Application is considered to be a:

National Development ☐

Major Development ☐

Local Development ☒

3

Applicant's Name only:

Mr Neil Hay

4

Full Address or Location of Proposed Development *please include postcode*

EAST OF FLOODENS, VIOLIN, SHETLAND.

POSTCODE ZE1 9QD.

5

Existing Use of Land and/or Buildings *please give details*

Agricultural land

SHETLAND ISLANDS COUNCIL PLANNING 08 DEC 2015 PASS TO MB 109953
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6

Description of Proposed Development *please specify what is being proposed*

To construct dwelling house and access

7

Residential Development

Number of dwelling houses proposed 1 Site Area (hectares) 0.12 Ha.

8

Commercial/Industrial Development

	Existing	Proposed
(a) Site Area (gross)	_____ hectares	_____ hectares
(b) Manufacturing/Production area	_____ sq m	_____ sq m
(c) Storage Area	_____ sq m	_____ sq m
(d) Office/Ancillary Area	<u>N/A</u> _____ sq m	_____ sq m
(e) Retail (Net Floor Area)	_____ sq m	_____ sq m
(f) Intended hours of Operation	_____ hrs	_____ days
(g) Types of vehicles and number of movements	No: _____	Type: _____
(h) Present and proposed staff numbers	Present: _____	Proposed: _____

9

Proposed Access Arrangements Please tick relevant boxes and note that such details are required for PPP applications

Do you intend to:

improve an existing access	<input type="checkbox"/>
use an existing access	<input type="checkbox"/>
form a new access	<input checked="" type="checkbox"/>

10

Parking

Number of existing parking spaces on site 0 Number of additional parking spaces proposed 2

11

Proposed Drainage Connections Please tick relevant boxes

Drawings indicating whether disposal method proposals are new or as existing should be submitted including location of outfalls, connections etc.

(a) Foul Drainage

to public sewer	<input type="checkbox"/>	to existing septic tank	<input type="checkbox"/>
to new septic tank with soakaway	<input checked="" type="checkbox"/>	to new septic tank with sea outfall	<input type="checkbox"/>

(b) Surface Water - Please give full details and drawings

Public Sewer	<input type="checkbox"/>	Sustainable drainage system	<input checked="" type="checkbox"/>
Other	<input type="checkbox"/>		

12**Proposed External Building Materials And Colour Finishes**

Outside walls and roof covering Grey timber cladding / black concrete tiles

Parking areas/Driveway surface Type-1 / tarmac

Landscaping Grassed

Windows / Doors White timber

Boundary treatment (fences, walls etc.)
post and wire fencing

13**Hazardous Materials**

Does the proposal involve the use, storage or manufacture of hazardous materials? Yes ☐ No ☒

If the proposal involves the use, storage or manufacture of any "hazardous materials" (such as liquified Petroleum Gas, Hydrogen, Liquid Oxygen, or any explosive) please give details and the quantities in a covering letter.

14**Any other particulars to which the applicant wishes to draw attention**

15 LAND OWNERSHIP CERTIFICATE

Regulations 15 (1), The Town & Country Planning (Development Management Procedure) (Scotland) Regulations 2008.

You must fill in an appropriate certificate of land ownership.

If you do not own all of the land or property to which this application relates, you must notify all the owners and agricultural tenants at the same time as submitting this form.

If you are unable to identify relevant parties then please contact the Development Management Service within the Planning Service by using the details at the end of this form.

A I hereby certify that: Please tick **one** box

1. 21 days before the date of this planning application, the applicant owned all the land to which this application relates. ☐
- or
- (The applicant has given notice to all persons who, 21 days before the date of this planning application, owned any part of the land to which it relates. They are: ☒

NAME OF OWNER	ADDRESS	DATE NOTIFIED
Mr Leslie Hutchison	Virda, Vidlin, Shetland, ZE2 9QB	8.12.15

B I further certify that: Please tick **one** box

1. 21 days before the date of this planning application, none of the land formed part of an agricultural holding ☐
- or
2. The applicant has given notice to every person who, 21 days before the date of this application, was a tenant of an agricultural holding, any part of which formed part of the application site. These persons are: ☐

NAME OF TENANT	ADDRESS	DATE NOTIFIED

or

3. The land forms part of an agricultural holding, but there are no tenants. ☒

16 CHECKLIST

Checklist *Please tick all relevant boxes*

- I enclose 1 copy of this form
- I enclose 2 sets of the necessary plans and drawings
- I have completed and enclosed the land ownership certificates
- I enclose the necessary fee of £ 401.00
- I enclose 2 copies of a design statement (if necessary)
- I enclose 2 copies of a design and access statement (if necessary)

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Your application cannot be registered until all these documents and fee are received.
Failure to submit a PAC report when necessary will result in the application being returned.

17

Applicant's Details

NAME Mr Neil Hay
ADDRESS
Foradale,
Vidlin, Shetland

Please tick the box if the applicant is an Elected ☐
Member of Shetland Islands Council

POSTCODE ZE2 9EY
TELEPHONE
FAX
EMAIL

18

Agent's Details

NAME Vega Technical Services Ltd.
ADDRESS
Hoswick Visitor Centre,
Sandwick

Please tick the box if the agent is an Elected ☐
Member of Shetland Islands Council

POSTCODE ZE2 9HL
TELEPHONE
FAX
EMAIL

19

Contact Details

NAME Michael Adamson
ADDRESS

POSTCODE
TELEPHONE As agent
FAX
EMAIL

20 Declaration

You should check that you have completed questions 1-13 and the Land Ownership Certificates correctly.

You should now sign the declaration below.

I HEREBY CERTIFY THAT THE INFORMATION GIVEN BY ME IN THIS FORM IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

Signature of applicant/agent (delete where inappropriate)

Date

IMPORTANT: ANYONE WHO KNOWINGLY OR RECKLESSLY MAKES A FALSE DECLARATION IS LIABLE, ON CONVICTION, TO A FINE OF CURRENTLY UP TO £2000.

Completed applications should be sent to:

Shetland Islands Council
Planning Service
Development Services
8 North Ness Business Park
Lerwick
Shetland
ZE1 0LZ

Telephone: 01595 744293
e-mail: planningcontrol@shetland.gov.uk
Visit: www.shetland.gov.uk

NEIGHBOUR NOTIFICATION

It is the responsibility of the Council to notify those with an interest in neighbouring land of the submission of a valid planning application. Neighbouring land is that which is within 20 metres of the boundary of the application site. An advert will be placed in the local paper if the Planning Service is unable to notify neighbouring land on which there are no premises, in which case the applicant is required to pay for this advert within 21 days; the decision cannot be issued until this is paid. Therefore, if you know of any person(s) who has any interest in the land neighbouring the site of the proposed development, whether this is the owner or occupier in relation to domestic property, or owner, lessee or occupier in relation to non-domestic property, this could help avoid delay in processing your application. Please use the Neighbour Information Notice.

1. Domestic Property

Address

1. The Owner: MR GEOFF CLARK - FLODDENS, VIDLIN, ZE2 9AD
The Occupier: II

2. The Owner:

The Occupier:

3. The Owner:

The Occupier:

4. The Owner:

The Occupier:

5. The Owner:

The Occupier:

2. Non-Domestic Property

1. The Owner: LESLEY JOHNSON - LOWER SKELBERRY, VIDLIN
The Lessee: - ZE2 9AD.
The Occupier: AS OWNER

2. The Owner: MR LESLEE HUTCHISON - VIRDA VIDLIN ZE2 9AD
The Lessee: -
The Occupier: AS OWNER

3. The Owner:

The Lessee:

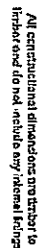
The Occupier:

4. The Owner:

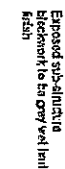
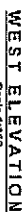
The Lessee:

The Occupier:

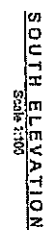
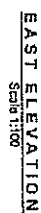
Please continue on another sheet as necessary and attach it to the application form.



①



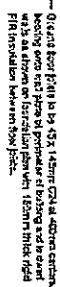
NORTH ELEVATION



—Roof covering to be gray Flotrand (or equivalent) concrete reinforcing steel

- External walls to be clad with horizontal timber weatherboarding with 100x150 batten

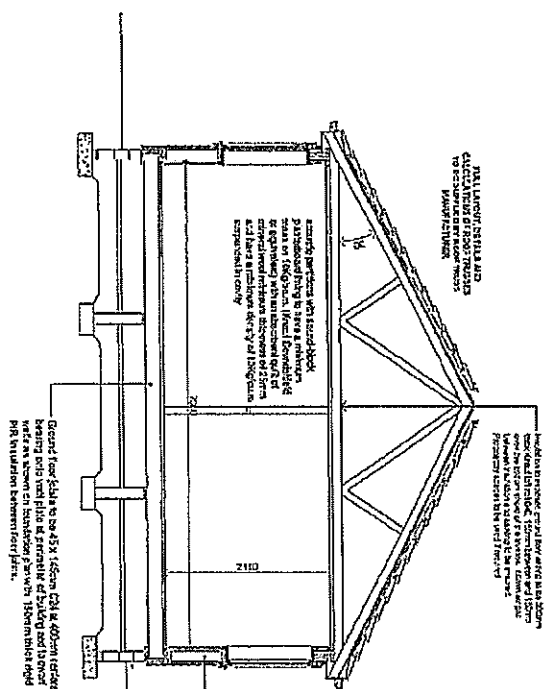
[illegible]

[illegible]

5020-1-20

Triller has been in trouble at San Diego CS. He's not sure he can hold on to his position. Even with CS's support, he's not sure he can hold on to his position. Even with CS's support, he's not sure he can hold on to his position.

REAL LAND, BEACHES AND
CASCADING OCEAN WAVES
TO ENJOY FROM YOUR
WASHOEFARMHOUSE




1. The first step is to identify the problem. In this case, the problem is that the company is not meeting its sales targets.

[illegible]

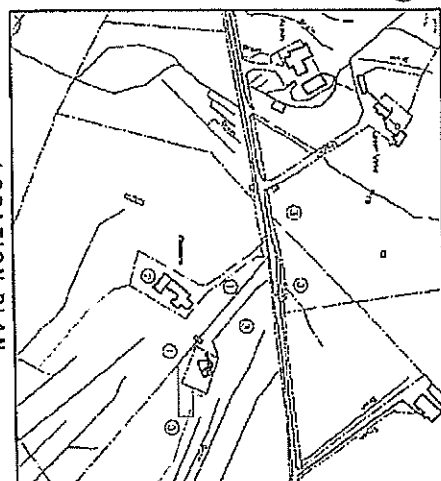
Secção 1.5A

— Ground floor slab is to be 45 x 155 cm (24 x 400 mm) reinforced bearing onto vinyl pile at perimeter of building and is over water as shown on foundation plan with 150 mm thick rigid PIR insulation between floor joists.

<div> <div>  </div> <div> <p>VEGA TECHNICAL SERVICES LIMITED INTERNATIONAL TRADING 100, NORTH BRIDGE ROAD, SINGAPORE 00826 TEL: 011 231 8111 FAX: 011 231 8111 CABLE: VTS SINGAPORE</p> </div> </div>	<div> <div> <p>Proposed Swelling House East of Flooded, Viclin, Sheldaro</p> </div> <div> <p>Drawn 1:50</p> </div> </div>
<div> <div> <p>Project Name</p> </div> <div> <p>Drawn Date</p> </div> </div>	<div> <div> <p>Scale</p> </div> <div> <p>Drawn By</p> </div> </div>
<div> <div> <p>Project No.</p> </div> <div> <p>Drawn No.</p> </div> </div>	<div> <div> <p>Project No.</p> </div> <div> <p>Drawn No.</p> </div> </div>

SHEPHERD & ASSOCIATES
PLANNING
08 DEC 2015
ACTION
INICIO

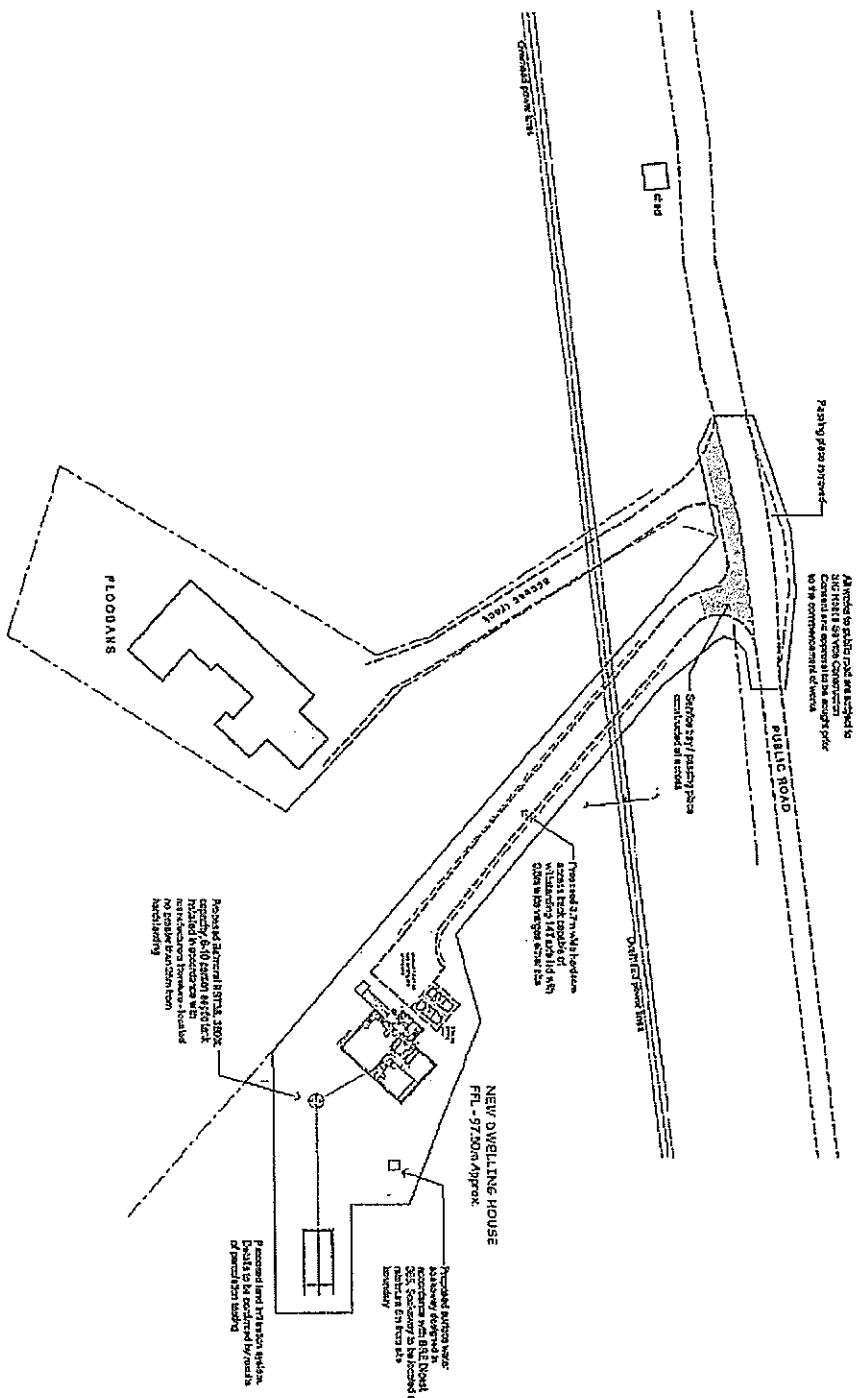
SUPERSTED



LOCATION PLAN
Scale 1:2500

REF	NAME/OCCUPATION
1	James Murray Sgt 4th Reg
2	Walter Watts 1st Reg 1st Bn
3	Walter Watts 2nd Reg 2nd Bn

НЕИЗВЕСТНО ПО ПОСЛЕДСТВИЯМ



SITE PLAN

5:00 PM

All elevations relative to local datum only

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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SHERIDAN COUNTY CLERK
PLANNING
08 DEC 2015
ACR001
MEETO

[illegible]

Melkevik Amy@Development Management

From: Michael Adamson [REDACTED]
Sent: 25 March 2016 14:25
To: Melkevik Amy@Development Management
Cc: [REDACTED]
Subject: Re: 2015/445/PPF
Attachments: 1163. 10 Rev. C (SITE AND LOCATION PLAN).pdf

Hi Amy,

Further to our conversation, please see attached a revised site plan. Due to the problems with the visibility splay and the requirement for service bay etc etc, we have decided to re-route the access as shown on the attached plan. This point of access provides the required 2.5 x 16 0m visibility splay.

As we discussed we hope this change can be considered as a 'Section 32 amendment', as the land ownership of the full development and neighbour notification does not change. We hope this can be an amendment to the existing Planning application.

(We hope this amended layout meets with approval, but please do not hesitate to contact me if you require further information or any amendments to the plans. The actual house design does not change.

Many thanks Amy.

Regards,
Michael.

VEGA TECHNICAL SERVICES
HOSWICK VISITOR CENTRE,
SANDWICK,
SHETLAND,
ZE2 9HL.

tel: [REDACTED]
mob: [REDACTED]

-----Original Message-----

(From: Amy.Melkevik@shetland.gov.uk
Sent: 18 March 2016 16:57
To: [REDACTED]
Subject: 2015/445/PPF

Hi Michael,

Not sure if you have seen this yet but Roads still aren't happy with the visibility splay. Perhaps you should speak to Colin directly so we can get it right. The applicant has been phoning on a regular basis for updates but until this is sorted out I can't progress.

Thanks

Amy Melkevik
Planning Officer

-----Original Message-----

From: WorkCentre 7120 [REDACTED]
Sent: 18 March 2016 16:54
To: Melkevik Amy@Development Management
Subject: Scan from a Xerox WorkCentre

Please open the attached document. It was scanned and sent to you using a Xerox WorkCentre.

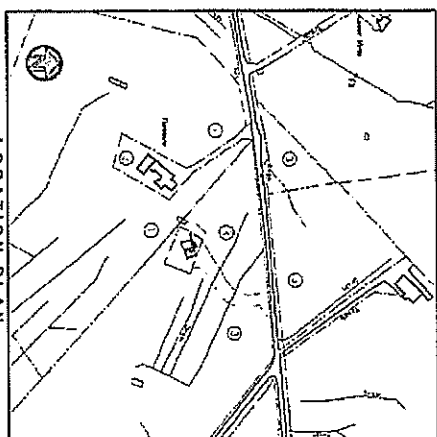
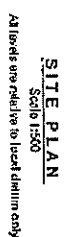
Number of Images: 2

Attachment File Type: PDF

Device Name: WorkCentre 7120

Device Location:

For more information on Xerox products and solutions, please visit <http://www.xerox.com/>



LOCATION PLAN
Scale 1:2500

Ref. No.	OWNER'S OCCUPANCY
1	1 bed 1 bath 1 car 700 sq. ft.
2	1 1/2 bed 2 bath 2 cars 222 sq. ft. (finished)
3	3 1/2 bed 2 bath 3 cars 222 sq. ft. (finished)
4	3 1/2 bed 2 bath 3 cars 222 sq. ft. (finished)

НЕЗАМЫСЛЕНАТО НЕ ПОТРИЕ

SKETLAND ISLANDS COUNCIL
PLANNING
25 MAR 2016
PASS TO ACTION

1	19318	WATERGARD (CONCRETE)	
2	19318	30'x50' CONCRETE	
3	19318	30'x50' CONCRETE	
4	19318	30'x50' CONCRETE	
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Melkevik Amy@Development Management

From: Michael Adamson [REDACTED]
Sent: 19 March 2016 05:48
To: Melkevik Amy@Development Management
Subject: Re: 2015/445/PPF

Hi Amy,

Yes, I will speak to Colin about this.

Regards,
Michael.

VEGA TECHNICAL SERVICES
HOSWICK VISITOR CENTRE,
SANDWICK,
SHETLAND,
ZE2 9HL.

tel: [REDACTED]

mob: [REDACTED]

-----Original Message-----

From: Amy.Melkevik@shetland.gov.uk
Sent: 18 March 2016 16:57
To: [REDACTED]
Subject: 2015/445/PPF

Hi Michael,

Not sure if you have seen this yet but Roads still aren't happy with the visibility splay. Perhaps you should speak to Colin directly so we can get it right. The applicant has been phoning on a regular basis for updates but until this is sorted out I can't progress.

Thanks

Amy Melkevik
Planning Officer

-----Original Message-----

From: WorkCentre 7120 [mailto:Grantfield Upstairs Xerox@shetland.gov.uk]
Sent: 18 March 2016 16:54
To: Melkevik Amy@Development Management
Subject: Scan from a Xerox WorkCentre

Please open the attached document. It was scanned and sent to you using a Xerox WorkCentre.

Number of Images: 2
Attachment File Type: PDF

Device Name: WorkCentre 7120
Device Location:

For more information on Xerox products and solutions, please visit <http://www.xerox.com/>

Section 2. Statutory Advert

1st November 2016

Section 3. Consultation Responses

1st November 2016

From: Summers Claire@Development Management
Sent: Thu, 21 Jan 2016 09:51:01 +0000
To: Development Management@Development; Marine Planning@Development Services
Subject: FW: Planning Applications-Nesting and Lunnasting Community Council

From: Eva Ganson [REDACTED]
Sent: 21 January 2016 09:50
To: Summers Claire@Development Management
Subject: Planning Applications-Nesting and Lunnasting Community Council

Morning Claire

Nesting and Lunnasting Community council have no comments to the following planning-applications-

2016/018 PPF- Proposed alteration to Chapel, Orgill, Vidlin

2008/051/VS Bight o Bellister

2015/486/PPF Construction of dwelling house north west of Mizpah, Levaneap, Vidlin

2015/445/PPF Construction of dwelling house east of Floddens, Vidlin

Regards

Eva

MEMO

To: Development Control

From: Roads

If calling please ask for
Colin Gair
Direct Dial: 4867

Medium: email
Our Ref: CJG/SMG/R/G2/ND
Your Ref:

Date: 25 February 2016

Application: 2015/445/PPF

Address: East of Floodens Laxo Vidlin Shetland ZE2 9QD

Proposal: To construct dwelling house and access

Date of Consultation: 18 December 2016

Recommended Action: Suspensive condition required for widening and visibility works;
recommend details of access levels/ design are submitted

Road Authority Comments:

1. The required visibility splays must be provided as part of the road widening works, and soon before any development starts on site. They must be maintained during the course of the works and thereafter.

The applicant should show that they have control over any ground required to provide and maintain the required visibility splays.

- a. A visibility splay of 2.5 metres by 160 metres must be provided to at the junction of the access with the public road. This is not available at present.
 - b. It appears that the required visibility splays can be achieved from the present access location, but this will require works out with the application site boundary.
2. No fence, wall, bushes or other potential obstruction to visibility should be permitted within 2.5 metres of the edge of the public road and within 1 metre of the edge of the proposed access road.
3. No fence, wall, bushes or other potential obstruction to visibility more than 900mm high above the road surface level shall be permitted within the required junction visibility splay.

Adequate visibility splays are required to ensure that vehicles can enter the public road safely.

4. That the junction of the access is offset 20 metres from the adjacent junction/ access serving the dwelling 'Floodans'.
5. That the junction of the access is obviously and physically separated from the junction /access serving the dwelling 'Floodans'.

Adequate separation is required to ensure that conflicts between manoeuvring vehicles are minimised in the interests of safety. The maximum spacing is required to limit the length of road widening to be provided such that it is still within the normal parameters for a passing place.

6. The gradient of the access should not exceed 5% (slope of 1 in 20) for at least the first 6 metres from the edge of the public road. The initial access gradient should be no greater than 3 degrees more or less than the crossfall/ camber of the public road at the junction.

This is required to provide a safe stopping platform before entering the public road.

7. The access should be surfaced in bitmac or double coat hot tar surface dressing for at least the first 6 metres from the edge of the public road. The 6 metre distance is measured from the new back edge of the proposed widening to the public road.

This is required to prevent damage to the road edge and minimise the possibility of loose material being dragged onto the public road.

8. The access should be designed in order that it does not shed surface water from the site onto the public road.
9. Site drainage should be designed, provided and maintained such that no surface water from the site shall be permitted to drain or run onto the public road or footway.

It is an offence under the Roads (Scotland) Act 1984 to allow water to shed onto the public road as it can create a significant hazard, particularly in winter.

10. That the existing passing place on the north side of the public road is removed and the remaining portion of public road is widened on the south side to 6 metres over the frontages of both the existing junction bellmouth serving 'Floodans' and the proposed junction bellmouth for this development. This widening is to be formed as a passing place with entry and exit tapers out with the areas of either junction. This work will require to be done under a Roads Construction Consent in addition to any Planning Consent. These works should be carried out prior to any development on the site.

It is illegal to carry out works within or adjacent to the public road without first obtaining the necessary consents from the Roads Authority. This is a separate legal process from the Planning process.

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

This is to allow a vehicle to stand clear of the road while the gate / door is being opened.

12. Parking provision should be made within the site for a minimum of 2 cars.

13. Turning provision for cars should be made within the site in the form of a standard hammer head or a manoeuvring space of at least 7.6 metres by 7.6 metres in size.

Adequate parking and turning within the site is required in order to prevent safety or congestion issues being created on the public road in the vicinity of the development.

Technical Comments for Planning Service to Consider:

- A. The access should be designed in accordance with the Private Access Guidance Document. This document can be found on the Roads Services section of the Council web site.

No design details for the access have been submitted and there is only one level shown on the plans; for the proposed house floor level.

Sufficient level or design details should be requested in order to check that the design is safe and convenient.

- B. Achieving the necessary visibility splays will require landscaping works to be carried out to the east of the proposed access. Given the widening to the public road that is necessary to create a safe arrangement of access junctions in this area it appears that to form the visibility splay to the west the existing shed may have to be removed/relocated. This would also involve works out with the application site.

Additional Comments:

Executive Manager, Roads

Chapman Hannah@Development Plans and Heritage

From: Gair Colin@Roads Service on behalf of Roads Traffic
Sent: 16 March 2016 14:54
To: Development Management@Development
Subject: RE: Planning consultation 2015/445/PPF

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Red Category

I note the revised Site and Location Plan Rev A dated 9 March 2016.

The works to the public road at the new access point are now diagrammatically correct. The exact details can be covered by the Roads Construction Consent that will also be required for the proposed alterations to the public road.

Unfortunately, the visibility splay lines as presented are incorrectly drawn.

(The origin points for each splay should be 2.5m down the centreline of each access. The 2.5m set-back is measured from the edge of the public road, which in this case is the back edge of the new passing place. The submitted plan shows a single centrally located origin point ON the back edge of the new passing place.

The target point(s) for each splay are both edges of the public road at a distance of 160m from each origin point. The submitted plan just indicates a point in the middle of the road for each direction.

This submission error means that the extent of any fence set-back to the east, and the impact of the shed to the west, are not correctly shown.

A revised plan is therefore required. Details on how to construct visibility splays are readily available, and are given in our Access Guidance Document that can be found on the Council website.

Sent on behalf of Roads Traffic

(Please send any reply correspondence to
roads.traffic@shetland.gov.uk

From: Development Management@Development
Sent: 14 March 2016 15:59
To: Roads Traffic
Cc: Melkevik Amy@Development Management
Subject: Planning consultation 2015/445/PPF

Dear Sir/Madam,

Planning Ref: 2015/445/PPF

Proposal: To construct dwelling house and access
Address: East Of Floodens, Laxo, Vidlin, ZE2 9QD
Applicant: Mr Neil Hay
Date of Re-consultation: 14 March 2016

This e-mail is a formal reconsultation under the Town and Country Planning (Scotland) Acts. All plans can be viewed on:

<http://pa.shetland.gov.uk/online-applications/>

The consultation period is 14 days, but if you have any queries please contact Marion Bryant, Support Officer on development.management@shetland.gov.uk or 01595 744864.

Consultation replies should be sent to: development.management@shetland.gov.uk.

We appreciate that it may not always be possible to give a full response within the 14 days. If this is the case, please email development.management@shetland.gov.uk to indicate your continuing interest in the proposal.

If there are any problems with the e-consultation process, please get in touch.

Iain McDiarmid
Executive Manager - Planning Service
Shetland Islands Council
8 North Ness Business Park
Lerwick
ZE1 0LZ

AM7

Bryant Marion@Development Management

From: Gair Colin@Roads Service
Sent: 02 May 2016 12:06
To: 'Neil Hay'
Cc: Development Management@Development
Subject: RE: Application 2015/445

Neil

The minimum level for visibility is 160m, so any shortfall is unacceptable and we must recommend refusal on road safety grounds in line with policy

Our advice to you, from pre-application discussions with Brian Halcrow through to our latest site visit, has always been consistent. You may re-call that you were originally advised that there was no suitable access point onto the B9071 Vidlin road, but that the nearby side road looked fine. Unfortunately, this did not meet with your requirements.

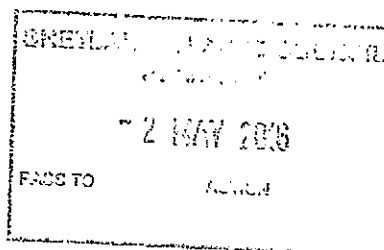
It is incumbent upon you, or your professional advisor, to identify a suitable location for an access point. To date you have been unable to do so and, despite our best efforts to assist you, neither have we.

I have copied this reply to the planning officer so that they can proceed with a determination on your application.

Regards

Colin Gair

Traffic & Road Safety Engineer
Roads Service



-----Original Message-----

From: Neil Hay
Sent: 02 May 2016 11:44
To: Gair Colin@Roads Service
Subject: Application 2015/445 Neil Hay

Hi Colin

I have tried to contact you last week and today we need to get our application sorted out as this is been going on for 6 months now and still no further ahead planning is needing a reply from you for the application. Ian and George was out on Thursday and the visible splay they could achieve was 148m can this be accepted for the sake of 12m I don't see any safety impact this would have.

Regards

Neil Hay

Section 4. Report of Handling

1st November 2016

Delegated Report of Handling

Development: To construct dwelling house and access

Location: East Of Floodens, Laxo, Vidlin, Shetland, ZE2 9QD,

By: Mr Neil Hay

Application Ref: 2015/445/PPF

1. Introduction

This is an application to construct a dwelling house and access on a site to the east of Floodens in Laxo, Vidlin.

2. Statutory Development Plan Policies

Shetland Islands Council Local Development Plan

GP1 - Sustainable Development

GP2 - General Requirements for All Development

GP3 - All Development: Layout and Design

H3 - All Housing Development

H5 - Siting and Design

TRANS 3 - Access and Parking Standards

W5 - Waste Management Plans and facilities in all new developments

WD3 - SuDs

3. Safeguarding

Decrofted - Decrofted: 17761

Decrofted - Decrofted: 17761

4. Consultations

Nesting and Lunnasting Community Council Clerk was consulted on the 18 December 2015. Their comments dated 21 January 2016 can be summarised as follows:

No Comments

Scottish Water Customer Connections was consulted on the 18 December 2015. There was no response from this consultee at the time of report preparation.

Roads Traffic was consulted on the 18 December 2015. Their comments dated 25 February 2016 can be summarised as follows:

1. The required visibility splays must be provided as part of the road widening works, and soon before any development starts on site. They must be maintained during the course of the works and thereafter. (*sic*)

The applicant should show that they have control over any ground required to provide and maintain the required visibility splays.

a. A visibility splay of 2.5 metres by 160 metres must be provided to at the junction of the access with the public road. This is not available at present. (*sic*)

b. It appears that the required visibility splays can be achieved from the present access location, but this will require works out with the application site boundary.

2. No fence, wall, bushes or other potential obstruction to visibility should be permitted within 2.5 metres of the edge of the public road and within 1 metre of the edge of the proposed access road.

3. No fence, wall, bushes or other potential obstruction to visibility more than 900mm high above the road surface level shall be permitted within the required junction visibility splay.

Adequate visibility splays are required to ensure that vehicles can enter the public road safely.

4. That the junction of the access is offset 20 metres from the adjacent junction/ access serving the dwelling 'Floodans'.

5. That the junction of the access is obviously and physically separated from the junction /access serving the dwelling 'Floodans'.

Adequate separation is required to ensure that conflicts between manoeuvring vehicles are minimised in the interests of safety. The maximum spacing is required to limit the length of road widening to be provided such that it is still within the normal parameters for a passing place.

6. The gradient of the access should not exceed 5% (slope of 1 in 20) for at least the first 6 metres from the edge of the public road. The initial access gradient should be no greater than 3 degrees more or less than the crossfall/ camber of the public road at the junction.

This is required to provide a safe stopping platform before entering the public road.

7. The access should be surfaced in bitmac or double coat hot tar surface dressing for at least the first 6 metres from the edge of the public road. The 6 metre distance is measured from the new back edge of the proposed widening to the public road.

This is required to prevent damage to the road edge and minimise the possibility of loose material being dragged onto the public road.

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

9. Site drainage should be designed, provided and maintained such that no surface water from the site shall be permitted to drain or run onto the public road or footway.

It is an offence under the Roads (Scotland) Act 1984 to allow water to shed onto the public road as it can create a significant hazard, particularly in winter.

10. That the existing passing place on the north side of the public road is removed and the remaining portion of public road is widened on the south side to 6 metres over the frontages of both the existing junction bellmouth serving 'Floodans' and the proposed junction bellmouth for this development. This widening is to be formed as a passing place with entry and exit tapers out with the areas of either junction. This work will require to be done under a Roads Construction

Consent in addition to any Planning Consent. These works should be carried out prior to any development on the site.

It is illegal to carry out works within or adjacent to the public road without first obtaining the necessary consents from the Roads Authority. This is a separate legal process from the Planning process.

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

This is to allow a vehicle to stand clear of the road while the gate / door is being opened.

12. Parking provision should be made within the site for a minimum of 2 cars.

13. Turning provision for cars should be made within the site in the form of a standard hammer head or a manoeuvring space of at least 7.6 metres by 7.6 metres in size.

Adequate parking and turning within the site is required in order to prevent safety or congestion issues being created on the public road in the vicinity of the development.

Technical Comments for Planning Service to Consider:

A. The access should be designed in accordance with the Private Access Guidance Document. This document can be found on the Roads Services section of the Council web site.

No design details for the access have been submitted and there is only one level shown on the plans; for the proposed house floor level.

Sufficient level or design details should be requested in order to check that the design is safe and convenient.

B. Achieving the necessary visibility splays will require landscaping works to be carried out to the east of the proposed access. Given the widening to the public road that is necessary to create a safe arrangement of access junctions in this area it appears that to form the visibility splay to the west the existing shed may have to be removed/ relocated. This would also involve works out with the application site.

Roads Traffic was consulted on the 14 March 2016. Their comments dated 16 March 2016 can be summarised as follows:

I note the revised Site and Location Plan Rev A dated 9 March 2016.

The works to the public road at the new access point are now diagrammatically correct. The exact details can be covered by the Roads Construction Consent that will also be required for the proposed alterations to the public road.

Unfortunately, the visibility splay lines as presented are incorrectly drawn.

The origin points for each splay should be 2.5m down the centreline of each access. The 2.5m set-back is measured from the edge of the public road, which in this case is the back edge of the new passing place.

The submitted plan shows a single centrally located origin point ON the back edge of the new passing place. The target point(s) for each splay

are both edges of the public road at a distance of 160m from each origin point. The submitted plan just indicates a point in the middle of the road for each direction.

This submission error means that the extent of any fence set-back to the east, and the impact of the shed to the west, are not correctly shown. A revised plan is therefore required. Details on how to construct visibility splays are readily available, and are given in our Access Guidance Document that can be found on the Council website.

Roads Traffic comments dated 2 May 2016 directed to the applicant, which were copied to the Planning Service, can be summarised as follows:

The minimum level for visibility is 160m, so any shortfall is unacceptable and we must recommend refusal on road safety grounds in line with policy

Our advice to you, from pre-application discussions with Brian Halcrow through to our latest site visit, has always been consistent. You may recall that you were originally advised that there was no suitable access point onto the B9071 Vidlin road, but that the nearby side road looked fine. Unfortunately, this did not meet with your requirements.

It is incumbent upon you, or your professional advisor, to identify a suitable location for an access point. To date you have been unable to do so and, despite our best efforts to assist you, neither have we.

5. **Statutory Advertisements**

The application was advertised in the Shetland Times on 17.06.2016

A site notice was not required to be posted.

6. **Representations**

Representations were received from the following properties:

None.

7. **Report**

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

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

There are statutory Development Plan Policies against which this application has to be assessed and these are listed at paragraph 2

above. The determining issues to be considered are whether the proposal complies with Development Plan Policy, or there are any other material considerations which would warrant the setting aside of Development Plan Policy.

This is an application to construct a dwellinghouse and access on a site to the East of Floodens in Laxo, Vidlin.

Policy H3 - All Housing Development of the Shetland Local Development Plan (2014) (SLDP) states that new residential development should take place in Allocated Sites, Sites with Development Potential, Areas of Best Fit, on Brownfield Land or on Undeveloped Land within existing settlements in that order of desirability. Although the site is not within an identified area designated for housing it is within an existing scattered settlement and so is in accordance with the policy.

Policy H5 - Siting and Design of the SLDP supports development if it fits well into the surrounding landscape and settlement pattern. The proposed dwellinghouse is located on the lower side of the road with a small but well spaced grouping of properties. The addition of the building within the group will reinforce the existing settlement pattern as it does not extend the grouping.

It is proposed that the dwellinghouse will have grey concrete interlocking tiles for the roof and light grey horizontal timber weather boarding for the external walls. The property is single storey with gable ends which is reflective of the other dwellinghouses and structures in the area. With an appropriate design and neutral colours it is considered that the dwellinghouse is in accordance with Policy H5 of the SLDP

The initial Roads Service consultation highlighted issues to do with the access proposed onto the public road on application. The agent was informed that amended drawings would be required to show: the required visibility splays; the junction being offset by 20 metres from the adjacent junction/access; the existing passing place on the north side of the public road removed and the remaining portion of public road widened on the south side to six metres over the frontages of both the existing junction bellmouth serving "Floodans" and the proposed junction bellmouth for this development; and sufficient level or design details to check that the design of the access is safe and convenient.

The agent submitted revised plans to seek to address the matters that the Roads Service had made in their comments dated 25 February 2016. Roads Service were consulted on these proposed revisions, and their comments noted that the works to the public road were diagrammatically correct in the revised drawing and that the exact details can be covered by Roads Construction Consent. The visibility splay lines were however identified as being incorrectly drawn and further revisions were requested showing the correct visibility splays.

Recognising problems with the visibility splay and requirement for service bay, the agent for the application then submitted a further revised drawing when requesting a Section 32A Variation of Application. This was because the revised drawing showed: a new proposed access to the public road further east along the public road than was originally the case; a new line for the access road leading from this to the proposed dwellinghouse; and a larger proposed garden ground area. The request was accepted, and the Roads Service was again consulted. The applicant had email correspondence with the Roads Service following up on a response, reporting on its having been found on site that a 148 metres visibility splay can be achieved from the revised proposed access location. The applicant stated that they did not consider a shortfall of a few metres in visibility to be unacceptable. The Roads Service responded to the consultation stating that the minimum level for visibility is 160 metres and any shortfall is unacceptable and refusal of the application is recommended on road safety grounds in line with policy. The Roads Service also highlighted in this response that they had pre application discussions with the applicant and have consistently highlighted issues with the proposed access.

As it has not been demonstrated that the required visibility splays can be achieved the proposal does not comply with Policy TRANS3 - Access and Parking Standards of the SLDP and as such should be recommended for refusal.

Other policies in the Shetland Local Development Plan (2014) that apply to new dwellinghouses are the general policies GP1, GP2 and GP3.

Policy GP1 is a strategic policy that aims to encourage sustainable development, with tackling climate change a major consideration at the heart of this policy. The location of the dwellinghouse within the existing settlement of Laxo is a sustainable location and therefore in compliance with the policy.

Policy GP2 sets out the general requirements for all development and includes the requirement that new development should not have a significant effect on existing uses or compromise acceptable health and safety standards or levels. The proposal has not demonstrated that it will not have an adverse impact on the existing uses. As the required visibility splay has not been shown to be achievable a road safety issue would be caused by the granting of a permission for the development proposed, and as such will have a negative impact on the surrounding dwellinghouses and the users of the public road. As such it is considered that the proposal does not comply with policy GP2 of the SLDP.

Policy GP3 requires development to be sited and designed to respect the character and local distinctiveness of the site and its surroundings. As stated previously it is considered that the position of the dwellinghouse, respects the site and its surroundings.

Nesting and Lunnasting Community Council have no comments to make on the application and there was no response from Scottish Water Customer Connections at the time of report preparation.

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

It is considered that whilst the proposed location for a dwellinghouse is acceptable in terms of the settlement pattern, and the design for it fits well into the surrounding landscape, the application is unacceptable due to road access issues arising. It has not been demonstrated that the required visibility splays can be achieved, and as such the proposal will cause a roads safety issue and so does not comply with all the policies outlined in section 2 above.

8. Recommendation

Application Refused

Reasons for Council's decision:

(1.) Whilst the proposed location for a dwellinghouse is acceptable in terms of the settlement pattern, and the design fits well into the surrounding landscape, the application is unacceptable due to road access issues arising. It has not been demonstrated that the required visibility splays can be achieved, and as such the proposal will cause a roads safety issue and so does not comply with policies GP2 and TRANS3 of the Shetland Local Development Plan (2014).

9. List of refused plans:

- Section Plan Drawing No. 1163.02
Stamped Received. 08.12.2015
- Proposed Elevations and Floor Plan Drawing No. 1163.01
Stamped Received. 08.12.2015
- Site and Location Plan Drawing No. 1163.10 Rev C
Stamped Received. 25.03.2016

10. Further Notifications Required

None.

11. **Background Information Considered**

(3.) None.

2015/445/PPF_Delegated_Refusal_Report_of_Handling.doc

Officer: Amy Melkevik

Date: 01st July 2016

Section 5. Decision Notice

1st November 2016



SHETLAND ISLANDS COUNCIL

Town and Country Planning (Scotland) Acts

With reference to the application for **Planning Permission** (described below) under the above Acts, the Shetland Islands Council in exercise of these powers hereby **REFUSE Planning Permission** for the development in accordance with the particulars given in, and the plans accompanying the application as are identified subject to the reasons specified below.

Applicant Name and Address

Mr Neil Hay
Foradale
Vidlin
Shetland
ZE2 9EY

Agent Name and Address

Vega Technical Services
Hoswick Visitor Centre
Hoswick
Sandwick
ZE2 9HL

Reference Number: 2015/445/PPF

To construct dwelling house and access: East Of Floodens, Laxo, Vidlin, Shetland,
ZE2 9QD

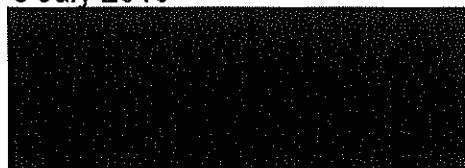
Details of Refused Plans and Drawings:

- Section Plan Drawing No. 1163.02
Stamped Received. 08.12.2015
- Proposed Elevations and Floor Plan Drawing No. 1163.01
Stamped Received. 08.12.2015
- Site and Location Plan Drawing No. 1163.10 Rev C
Stamped Received. 25.03.2016

Reasons for Council's decision:

Whilst the proposed location for a dwellinghouse is acceptable in terms of the settlement pattern, and the design fits well into the surrounding landscape, the application is unacceptable due to road access issues arising. It has not been demonstrated that the required visibility splays can be achieved, and as such the proposal will cause a roads safety issue and so does not comply with policies GP2 and TRANS3 of the Shetland Local Development Plan (2014).

8 July 2016

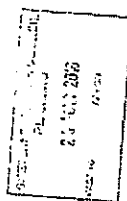


Executive Manager

IMPORTANT INFORMATION

If you are aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, you may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within 3 months from the date of this notice. The notice of review should be addressed to: Shetland Islands Council, Planning, Development Services Department, 8 North Ness Business Park, Lerwick, Shetland, ZE1 0LZ. The necessary form can be obtained upon request from the same address.

If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.



ALL TOWNS ARE RELIABLE LOCAL CLIMATE ONLY

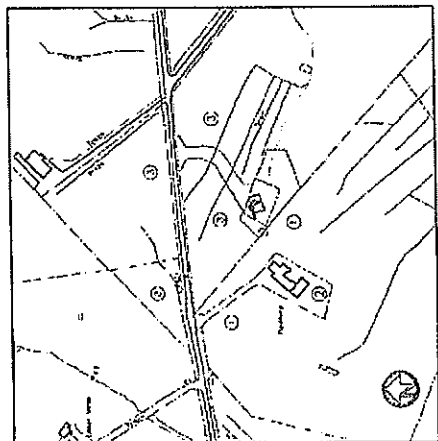
GRANT OF PLANNING PERMISSION
REFUSED
BY SHETLAND ISLANDS COUNCIL AS
PLANNING AUTHORITY UNDER THE
PROVISIONS OF THE TOWN AND
COUNTRY PLANNING (SCOTLAND)
ACT 1997 IN ACCORDANCE WITH THE
ATTACHED DECISION NOTICE

SIGNED: [Signature]
- 8 JUL 2015
TEAM LEADER
DEVELOPMENT MANAGEMENT

Page	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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REL.	OWNER/OCCUPYER
(1)	LOWE'S STORE LOWE'S STORE LMA 700 NCS
(2)	17 CENT GVA 1100-4 BAYVIEW 700 NCS NORTHWOOD
(3)	N. LINDS RANCH WIDE CROSSING 700 NCS

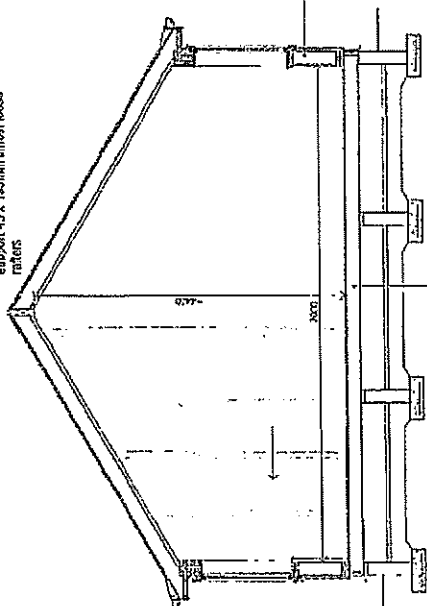
NEIGHBOURS TO BE NOTIFIED



LOCATION PLAN
Scale 1:2500

© Copyright Vesp. Inc. All rights reserved.

90 x 280 mm gulten smør belegg
Euppost 45 x 195 mm Eimder boosa



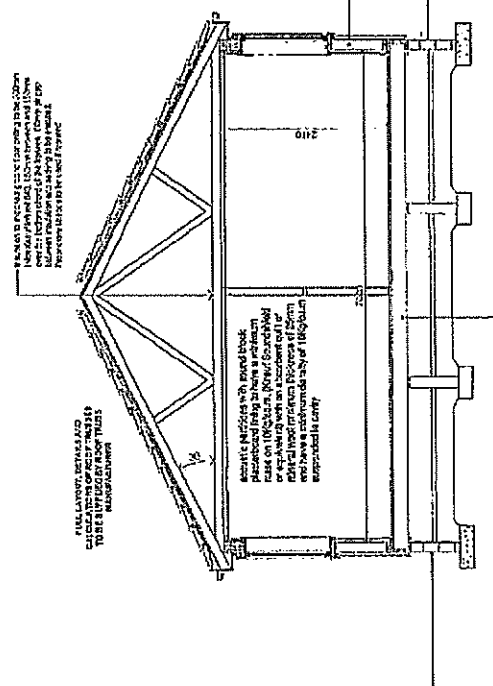
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Ground floor joists to be 45 x 165mm G24 at 400mm centres, bearing on wall plate at perimeter of balcony and to rest on 45 x 165mm G24 at 400mm centres on wall at support on foundation slab with 160mm thick rigid insulation between floor joists.

[illegible]

SECTION A-A.

Scale 1:50



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496 BTW: A DCB MO B4 CBL'BTCTIT
CZY SZYVAZDZ "ADDAVYI TTHI

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Ground floor joints to be 45 x 45mm cast in situ concrete. The shop window will plate as part of the building and to allow analysis as shown on foundation plan No. 2. 180mm thick rigid PIR insulation between floor joists.

**GRANT OF PLANNING PERMISSION
REFUSED
BY SHETLAND ISLANDS COUNCIL AS
PLANNING AUTHORITY UNDER THE
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COUNTRY PLANNING (SCOTLAND)
ACT 1997 IN ACCORDANCE WITH THE
ATTACHED DECISION NOTICE**

TEAM LEADER
DEVELOPMENT MANAGEMENT
- 8 JUL 2013
SIGNED: JG (1504)

SECTION B-B
Scale 1:50

5094 1:50

SHETLAND ISLANDS
PLANNING
08 DEC 2015
14:24
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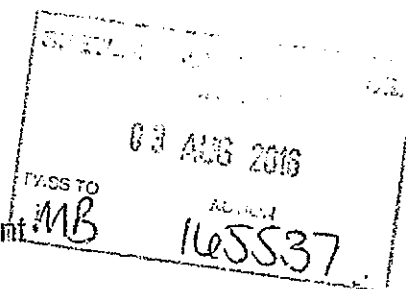
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Section 6. Notice of Review

1st November 2016



Development Services Department
Shetland Islands Council



FOR OFFICIAL USE ONLY
Ref No:
Date of Receipt:

NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)
IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

(THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE)
(SCOTLAND) REGULATIONS 2013

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2013

IMPORTANT: Please read and follow the guidance notes provided when completing this form.
This form is only to be used in respect of decisions on proposals in the local development
category. Failure to supply all the relevant information could invalidate your notice of review.

Use BLOCK CAPITALS if completing in manuscript

1. Applicant(s)

Name	Neil Hay
Address	Foradale Vidlin Shetland
Postcode	ZE29QB
Contact Telephone 1	
Contact Telephone 2	
Fax No	
E-mail*	

2. Agent (if any)

Name	Vega Technical services
Address	Hoswick visitor centre Hoswick Sandwick
Postcode	ZE29HL
Contact Telephone 1	
Contact Telephone 2	
Fax No	
E-mail*	
Mark this box to confirm all contact should be through this representative: <input type="checkbox"/>	

* Do you agree to correspondence regarding your review being sent by e-mail?

Yes ☒ No ☐

3. Application Details

Planning authority's application reference number

2015/445/ppf

Site address

East of floodens, Laxo, Shetland, ZE29QD

Description of proposed development

Erect Dwellinghouse

Date of application

8/12/15

Date of decision (if any)

8/7/16

Note. This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

4. Nature of application

- (
1. Application for planning permission (including householder application) ☒
 2. Application for planning permission in principle ☐
 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition) ☐
 4. Application for approval of matters specified in conditions ☐

5. Reasons for seeking review

1. Refusal of application by appointed officer ☒
2. Failure by appointed officer to determine the application within the period allowed for determination of the application ☐
3. Conditions imposed on consent by appointed officer ☐

6. Review procedure

(The Shetland Islands Council Planning Local Review Body will determine your review by the holding of one or more public hearing sessions.

In the event that the Local Review Body decides to inspect the review site during the determination of your review, in your opinion:

- | | Yes | No |
|--|-------------------------------------|--------------------------|
| 1. Can the site be viewed entirely from public land? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

7. Statement of Grounds of Review

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Shetland Islands Council Planning Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

I wish to appeal to Shetland Islands Council Planning Local Review Board the refusal of my planning application to erect a dwelling house at the site east of the Floddans, Vidlin. My application was refused as the visibility requirements were not fully met. The visibility splay requirement of 160m in both directions from the proposed junction are achievable to the east but not to the west.

Before submitting any plans for planning permission, I arranged to meet with Brian Halcrow, an Engineer from SIC Roads at the original proposed access point in October 2015. This point was adjacent to the existing access to the Floddans. Mr Halcrow made two recommendations to me - one was to use the existing access to Tha and Horn and the other was to create a service lay-by and access using the existing Floddans access. The first option was too expensive as the road would be over 100m long, and the land was boggy to the east. I was however in agreement to option two. At this point and from the agreement, you can see there was no mention of visibility splay problems to the west and no mention to remove a shed.

After deciding to take Mr Halcrow's advice we went ahead with our decision to build, spent quite a lot of money getting plans drawn up and finally submitted our plans to Planning. It was at this point we received an e-mail wanting us to move the two accesses closer together. Colin Gair from SIC Roads thought our proposal would create too much of an opening given there is a passing place at the opposite side of the road. We would be unable to do this as the land owner would only give us 3-4m from the edge of the road.

After discussions with our local Councillor and Colin Gair, it was agreed the access could still go ahead by removing the passing place and there was still no mention of the shed being an issue. The plans were amended, at a cost, to remove the passing place. The plans were resubmitted and there were no objections from the community council, general amenities or the general public.

At the disbelief of myself, my agent and councillor, Roads then rejected our plan on the basis that there was a shed blocking the visibility splay of 160m. At no point during any discussions with the engineers from SIC roads and at any site visits, was the shed ever mentioned as a problem. The existing access to Floddans has been in use for the last 30 years and has never had any problems or accidents.

Michael Adamson, at further cost, drew up new plans to move the proposed access 60m west of the Tha and Horn access. These plans were submitted and yet again, no objections from the community council. While we are aware we could only achieve 110m instead of the 160m advised, we can improve the visibility splay to 148m by setting back the fence and removing a small brow. This means there is only a short fall of 12m. The stopping distances in the highwaycode for cars travelling at 50mph is 53m not 160m as stated by the roads department. A further £150 was paid to advertise in the Shetland Times that our application didn't meet health and safety grounds. This allowed people to express their concerns or objections, and again, none were received.

We would like to believe common sense will prevail in all of this, the delay on this and the constant battle with roads has been so disheartening, and at the end of the day what they say is only guidance. We are just trying to better ourselves and our family's future. Our new venture needs to happen while we are still young enough to benefit from it all.

8. New Matters

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes ☐ No ☒

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

9. List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

Agreement from roads October 2015.

Proposed road access plan.

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

10. Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

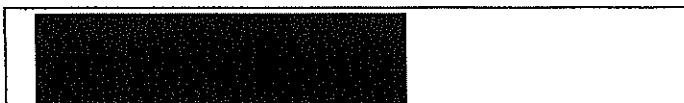
- ☒ Full completion of all parts of this form
- ☒ Statement of your reasons for requiring a review
- ☒ All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed



Date

2/8/15

Please send this completed form to:

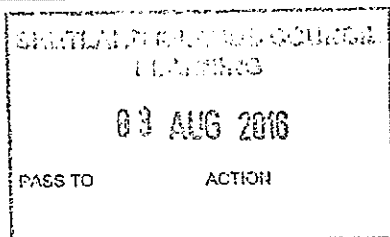
Shetland Islands Council Planning Local Review Body, c/o Planning, Development Services Department,
8 North Ness Business Park, Lerwick, Shetland ZE1 0LZ



Shetland Islands Council

Executive Manager: Dave Coupe
Director: Maggie Sandison

Neil Hay



Roads
Infrastructure Services Department
Gremista
Lerwick
Shetland
ZE1 0PX

Telephone: 01595 744866
Fax: 01595 744869
roads@shetland.gov.uk
www.shetland.gov.uk

If calling please ask for
Brian Halcrow
Direct Dial: 01595 744883
Email:
brian.halcrow@shetland.gov.uk

Our Ref: BH/SMG/R/G2/ND
Your Ref:

Date: 8 October 2015

Dear Mr Hay

Proposed house site adjacent to Floddans, Laxo, Vidlin, Shetland

I refer to your enquiry to site an access adjacent to the existing property of Floddans, Laxo.

In terms of creating a new access to serve the site I would have two recommendations, as discussed on site. One, would be to use the existing access that leads to Tha and Horn; or two, create a service layby and access using the existing Floddans access.

The service layby option should ensure that both property access points entered the public road at 90° and achieve at least a 2.5 metre by 160 metre visibility splay in both directions. Please note that the land to the east of the access would have to be lowered in order to achieve the required visibility splay. This work may also affect the fence line near the access point.

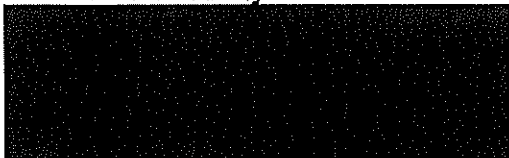
In terms of standard conditions for a new access, they would be as follows:-

1. The required visibility splays must be provided before any building works start on site and must be maintained during the course of the works and thereafter. The applicant should show that they have control over any ground required to provide the required visibility splays.
 - a. A visibility splay of 2.5 metres by 160 metres must be provided at the junction of the access with the public road. This is not available at present to the east of the access.
2. No fence, wall, bushes or other potential obstruction to visibility should be permitted within 2 metres of the edge of the public road and within 1 metre of the edge of the proposed access road.

3. The gradient of the access should not exceed 5% (slope of 1 in 20) for at least the first 6 metres from the edge of the public road.
4. The access should be surfaced in bitmac or double coat hot tar surface dressing for at least the first 6 metres from the edge of the public road.
5. The access should be designed in order that it does not shed surface water from the site onto the public road.
6. That length of the access crossing the public road verge or footway must be constructed to the satisfaction of The Shetland Islands Council Roads Service. A Road Opening Permit must be obtained from The Shetland Islands Council Roads Service prior to carrying out any works to form an access onto the public road.
7. Any gate should be set back a minimum of 6 metres from the edge of the public road. If the gate is outward opening then this distance should be increased to at least 10 metres. This is to allow a vehicle to stand clear of the road while the gate is being opened.
8. Parking provision should be made within the site for a minimum of 2 cars for up to three bedrooms and 3 cars for four or more bedrooms.
9. Turning provision for cars should be made within the site in the form of a standard hammer head or a manoeuvring space of at least 7.6 metres by 7.6 metres in size.
10. The access shall be designed in accordance with Chapter 4 of our Access Guidance Document. This document can be found on the Council web site. Details required to be submitted in the form of a long-section indicating the proposed gradients, vertical curve lengths and existing and proposed ground levels. Chainages for each of these points will be required in order to check that the design is safe and convenient. In areas of cut and fill side slopes should be indicated on the site plan to show the full extent of the earthwork proposals.
11. Please find enclosed a typical service bay layby which can be modified to suit the proposed access.

I would also advise you to contact Development Management in order that any planning issues can be discussed.

Yours sincerely



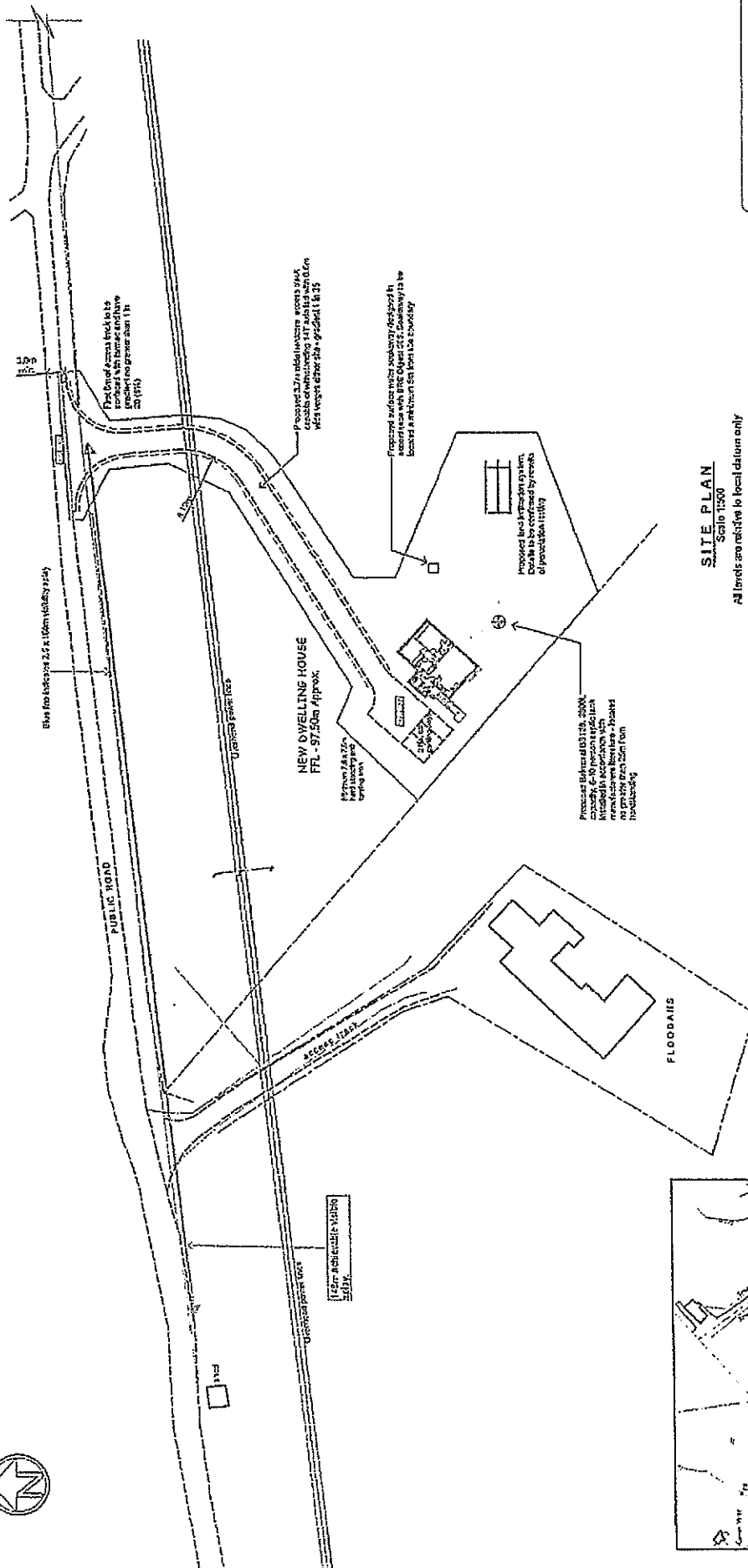
Executive Manager, Roads

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Enc.

Cc. Development Management

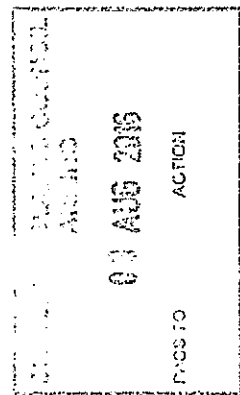
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SITE PLAN

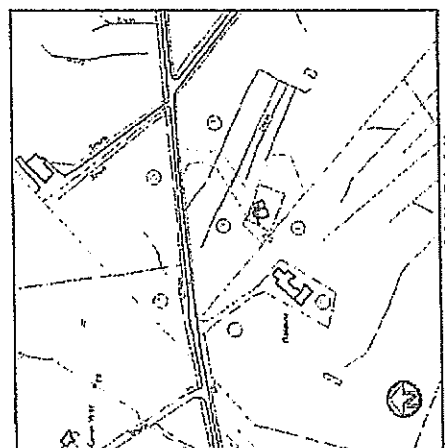
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All levels are relative to local datum only



Ref.	OWNER / OCCUPANT
1	Mr. J. Smith 123, 4th St. 22175
2	Mr. J. Smith 123, 4th St. 22175
3	Mr. J. Smith 123, 4th St. 22175

NEIGHBOURS TO BE NOTIFIED



LOCATION PLAN
Scale 1:2500

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Section 7. Representations/Hearing Statements

1st November 2016

From: Holden John@Development Management
Sent: 05 October 2016 10:23
To: 'Neil Hay'
Cc: Development Management@Development; Melkevik Amy@Development Management; McDiarmid Iain@Planning
Subject: RE: Local Review Ref: 2015/445/PPF - LR24: To construct dwelling house and access: East Of Floodens, Laxo, Vidlin, Shetland, ZE2 9QD

Dear Mr Hay,

I acknowledge receipt of your email and the attachments that came with it.

I confirm that I have advised the Chairperson for the Planning Committee/Local Review Body that you intend to be present and will represent yourself at the public hearing session.

Your email together with the plans that were attached to will be included in the papers that will be in front of the Local Review Body.

I am shortly to go on leave, but I will make arrangements for you to be emailed the link to the papers for the meeting on 1 November 2016 when they become public online.

Yours sincerely

John Holden
Team Leader – Development Management

Shetland Islands Council
Planning
Development Services Department
8 North Ness Business Park
Lerwick
Shetland
ZE1 0LZ

Tel: (01595) 743898

From: Neil Hay [REDACTED]
Sent: 04 October 2016 19:09
To: Holden John@Development Management
Cc: Development Management@Development
Subject: Re: Local Review Ref: 2015/445/PPF - LR24: To construct dwelling house and access: East Of Floodens, Laxo, Vidlin, Shetland, ZE2 9QD

Hi John

As discussed earlier today on the phone it is my intention to be present and to represent my self at the public hearing. Also please see attached road access plans which I intend to refer to at the hearing along with the information which I provided in the "Notice Of Review"

Regards

Neil Hay

From: john.holden@shetland.gov.uk <john.holden@shetland.gov.uk>
Sent: 03 October 2016 14:53
To: [REDACTED]
Cc: [REDACTED]; development.management@shetland.gov.uk; Amy.Melkevik@shetland.gov.uk
Subject: Local Review Ref: 2015/445/PPF - LR24: To construct dwelling house and access: East Of Floodens, Laxo, Vidlin, Shetland, ZE2 9QD

Dear Mr Hay,

Please find attached a further letter following your notification for review of the above case.

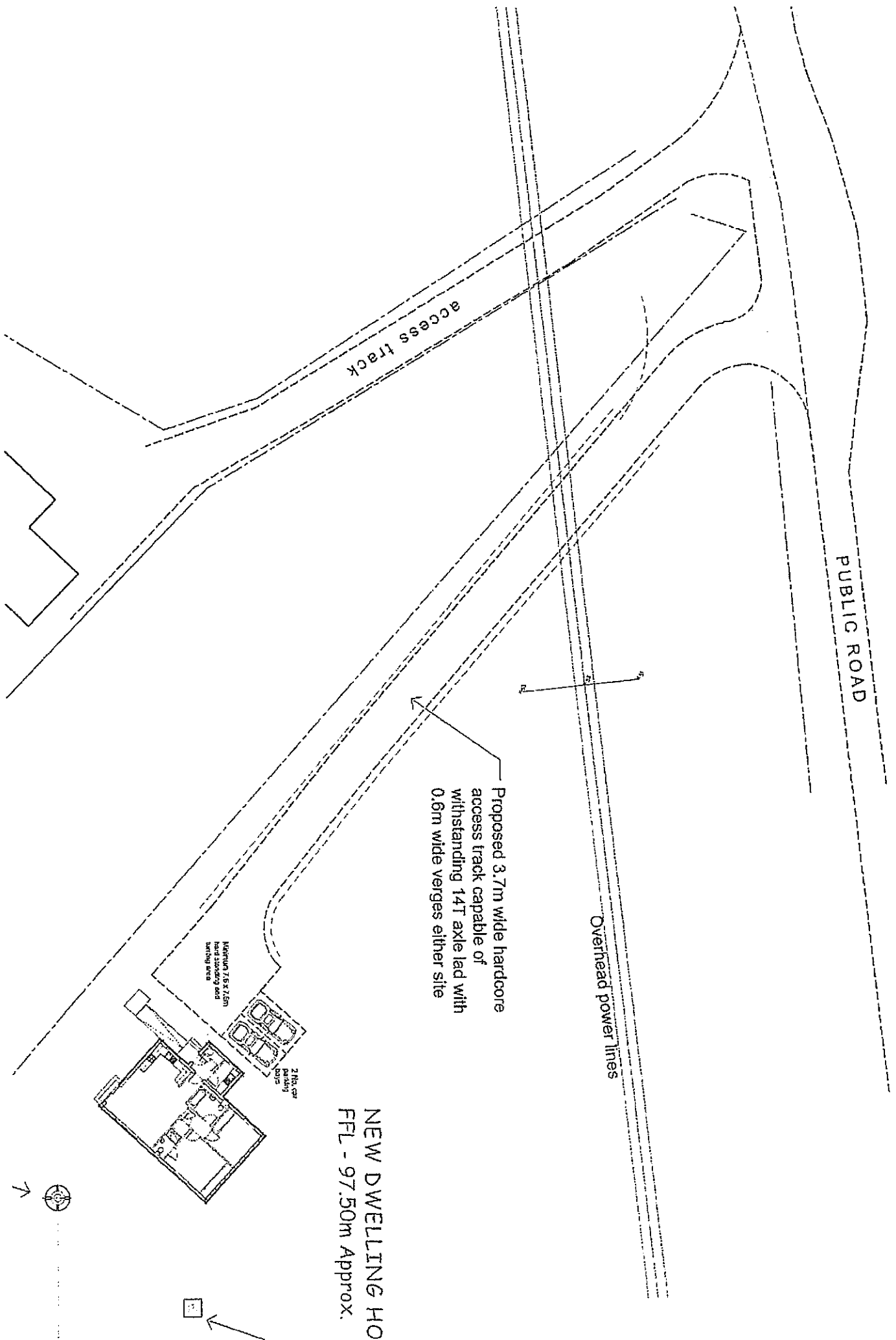
If emailing in respect of the review please do so to: development.management@shetland.gov.uk, at the same time copying in the Planning Officer, Amy Melkevik at amy.melkevick@shetland.gov.uk.

Yours sincerely

John Holden
Team Leader – Development Management

Shetland Islands Council
Planning
Development Services Department
8 North Ness Business Park
Lerwick
Shetland
ZE1 0LZ

Tel: (01595) 743898



NEW DWELLING HO
FFL - 97.50m Approx.


$$\begin{aligned} & \mathbb{E}[a(t) \mid \mathcal{F}_t] = a(t) \\ & \mathbb{E}[b(t) \mid \mathcal{F}_t] = b(t) \\ & \mathbb{E}[c(t) \mid \mathcal{F}_t] = c(t) \\ & \mathbb{E}[d(t) \mid \mathcal{F}_t] = d(t) \end{aligned}$$

All letters to public must be subject to the Right to Access to Information Act and reported to be kept in place.

For a more detailed description of the model, see the Appendix.

Centering place
corner of access

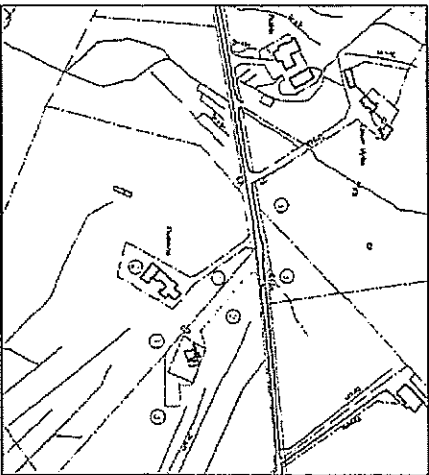
On the basis of the above, the following conclusions can be drawn:

NEW DWELLING HOUSE
FFL - 97,600m Approx.

— Proposed a surface water
sediment quality criteria
contaminants when DR-100
2004 Sediment quality
criteria when 2004
criteria

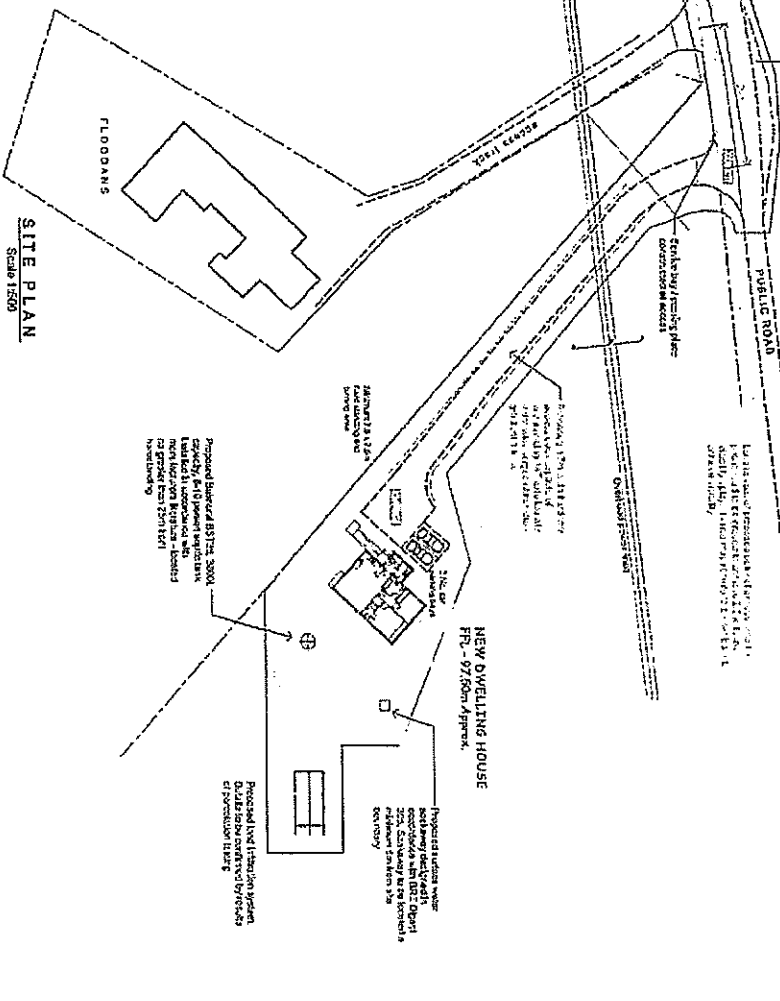
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NEIGHBOURS TO BE NOTIFIED



LOCATION PLAN
Scale 1:2500

Scale 1:2500



SITE PLAN


All levels are relative to local datum only

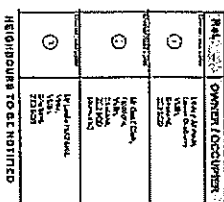
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Proposed Superfund Site 2004
Cape, 6-10 person capacity
Linda Lee is incorporated with
many local people. 10000 - located
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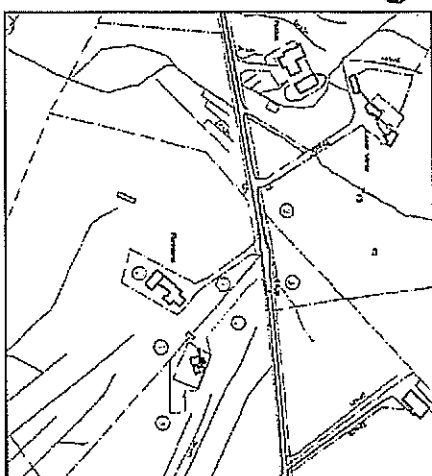
Processed and bottled in a system
guaranteed certified by ISO 9001
and HACCP.

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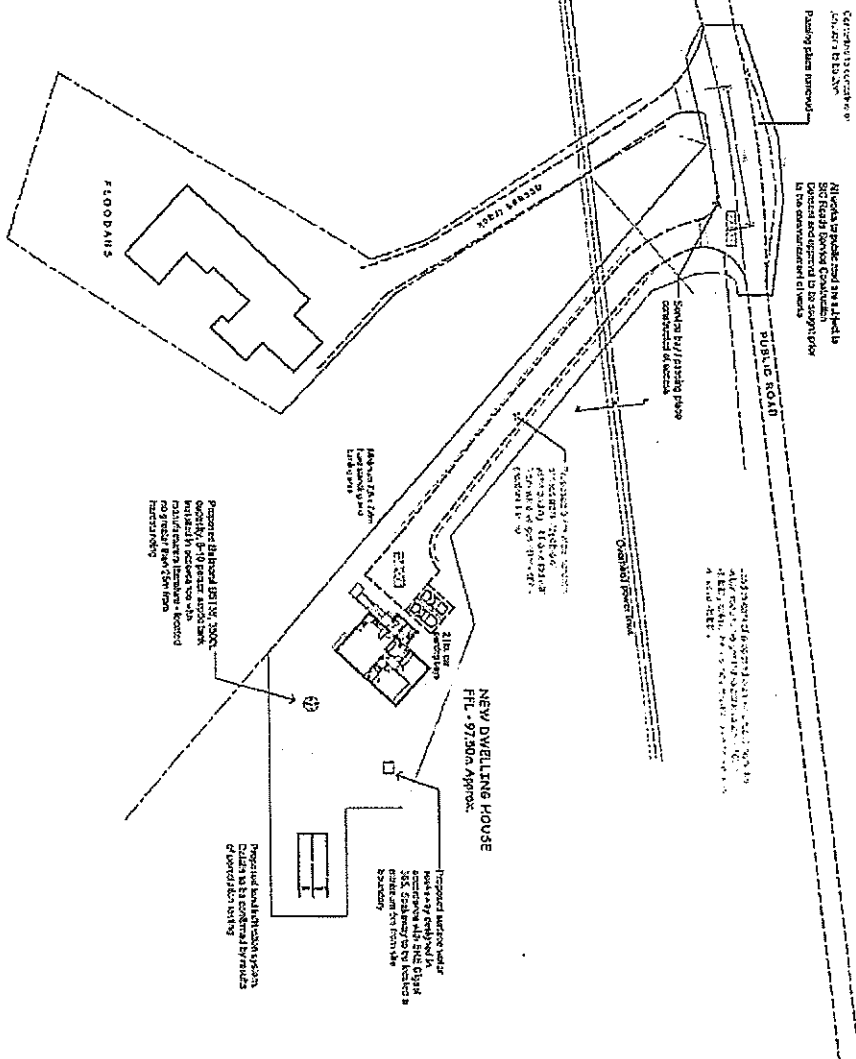
	VTG VICTORIA TECHNICAL SERVICES LIMITED 10000 160th Avenue, Suite 100 Richmond, BC V6V 1C4 Tel: 604-273-8888 Fax: 604-273-8889 Email: info@vtg.ca Website: www.vtg.ca	Date of bid: 11/22/09 Bid # 11220
PROPOSED DWELLING HOUSE EAST OF FLOODING, VIPIUH, SHELAND	PROPOSED DWELLING HOUSE EAST OF FLOODING, VIPIUH, SHELAND	Date of bid: 11/22/09 Bid # 11220
Drawings Planning	Survey A	Date of bid: 11/22/09 Bid # 11220



NEIGHBOURS TO BE NOTIFIED

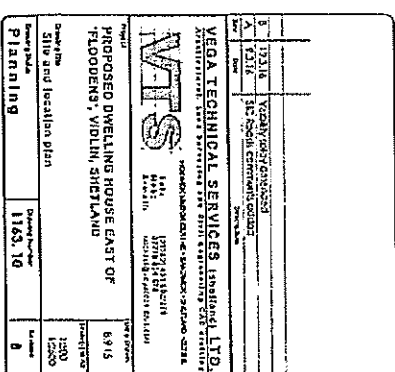


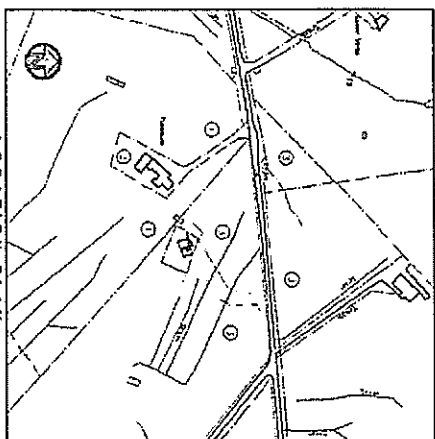
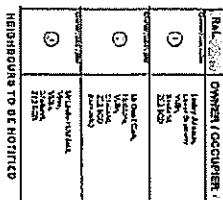
LOCATION PLAN
\$2010 1:2500



SITE PLAN

All prices are subject to local datum only





All figures are relative to local datum only

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**Planning Committee****1 November 2016**

- 1) Shetland Islands Council 45 St. Olaf Street, Lerwick (2nd Modification of Planning Permission 2011/114/PCD) Order 2016; and**
- 2) Shetland Islands Council 45 St. Olaf Street, Lerwick (2nd Modification of Planning Permission 2013/070/PPF) Order 2016**

Report Number : PL-11-16-F**Report Presented by Team Leader –
Development Management, Planning****Development Services Department
Planning Service**

1.0 Summary

- 1.1 This report concerns the Planning Authority's exercise of the power provided by section 65 of the Town and Country Planning (Scotland) Act 1997 (as amended) (1997 Planning Act) to make an order to revoke or modify planning permission.
- 1.2 On 20 January 2016 2 no. modification orders were made under the Planning Scheme of Delegations, advertised and served on interested parties. As an objection was received, the orders could not be ratified without a decision of the Committee. The objector submitted that the permissions in question should not be modified but revoked. The objection also revealed an inconsistency in one of the relative drawings which required to be rectified. Therefore two new modification orders have been drafted and are appended to this report. The new orders correct the discrepancy in the drawing, but as the objector insists on full revocation, the decision whether to approve the new orders requires to be made by the Committee.

2.0 Decision Required

- 2.1 The Planning Committee is asked to decide whether to make the new modification orders and authorise officers to submit the orders to the Scottish Ministers for confirmation in accordance with the procedures that are set down in the 1997 Planning Act.

3.0 Determination

3.1 Section 25 of the 1997 Planning Act 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.

Section 65 of the 1997 Planning Act states that:

If it appears to the planning authority that it is expedient to revoke or modify any permission to develop land granted on an application made under this Part, the authority may by order revoke or modify the permission to such extent as they consider expedient.

The same section goes on to state that in exercising their functions with regards to the revocation or modification of a permission that:

...the authority shall have regard to the development plan and to any other material considerations.

The section also confirms that the power to revoke or modify may be exercised where the permission relates to the carrying out of building or other operations, at any time before those operations have been completed.

There are statutory development plan policies against which the decisions whether to send the modification orders to the Scottish Ministers for confirmation, or to make new modification orders, have to be made. Those policies are listed below. Unless material considerations indicate otherwise, the determining issue to be considered is whether the modification orders are appropriate in order to ensure that overlooking does not occur and to protect the privacy and amenity of the adjacent property, 43 St. Olaf Street, Lerwick.

Section 66 of the 1997 Planning Act states that except where an order for revocation or modification of planning permission is unopposed, it shall not take effect unless it is confirmed by the Scottish Ministers; that where a Planning Authority submits such an order for confirmation, they shall serve notice on the owner, lessee and occupier of the land affected and any other person who in their opinion will be affected by the order; that the notice will specify the period within which any person on whom it is served may require the Scottish Ministers to give him the opportunity of appearing before and being heard by a person appointed by the Scottish Ministers for that purpose; and that if within that period such a person so requires, the Scottish Ministers shall, before they confirm the order, give such an opportunity to both that person and the Planning Authority.

Statutory Development Plan Policies:

Shetland Islands Council Local Development Plan (2014)

GP2 – General Requirements for All Development

GP3 – All Development: Layout and Design

4.0 Report

- 4.1 Planning Permission 2011/114/PPF is for development described as: “Extension and alteration to convert garage to bedroom: 45 St. Olaf Street, Lerwick”, and was granted on 21 July 2011. A copy of the Report of Handling for the application is attached to this report as Appendix 1, whilst that of the planning consent is attached as Appendix 2.
- 4.2 On 23 July 2013, as part of a response to a complaint received about the Planning Authority’s handling of planning application refs. 2011/114/PCD and 2013/070/PPF, it was acknowledged to the complainant that there had been mistakes made in the handling and assessment of the 2011 application insofar as no evidence could be found to confirm that the complainant had been neighbour notified, and also there had been no regard had to the introduction of a proposed window into the south facing gable end of the existing dwelling at 45 St. Olaf Street, Lerwick. The issue of overlooking and the protection of privacy and amenity of the adjacent property, 43 St. Olaf Street, had therefore not been identified as requiring assessment, meaning that the need for these matters to be addressed was not acknowledged by the Planning Authority at the time of, or in the grant of, the 2011 permission. Full regard had therefore not been had to the full provisions of the development plan.
- 4.3 That said, the matter of the same window proposed for the south facing gable end of existing dwelling at 45 St. Olaf Street was separately considered with regard being had to the full provisions of the development plan in the Planning Authority’s determination of a subsequent planning application ref 2013/070/PPF.
- 4.4 Planning Permission 2013/070/PPF, which is for development described as: “Extend dwellinghouse: 45 St Olaf Street, Lerwick, Shetland, ZE1 0EN” was granted on 30 April 2013. A copy of the Report of Handling for this application is attached to this report as Appendix 3, whilst that of the planning consent is attached as Appendix 4.
- 4.5 It is evidenced by the Report of Handling for the 2013 application that overlooking from the proposed south facing windows was the main issue of concern regarding the development it concerned. It was determined that the development proposed could be made to accord with the provisions of the development plan through the imposition of a condition that had the effect of not allowing work to begin until details of an alternative window design or of opaque glass to be used in the glazing of the proposed south facing windows had been submitted to and approved in writing by the Planning Authority. This was to ensure that the development did not proceed until plans demonstrating that

potential overlooking of 43 St. Olaf Street will not occur, and give the applicant the opportunity to look at alternative window detailing. The related condition attached to Planning Permission 2013/070/PPF, condition 3 states: "Notwithstanding the approved plans, the proposed windows as shown on the south facing elevation of the proposed extension and the proposed window to be installed in the gable end of the existing dwelling are not approved. The development shall not commence until alternative details for these windows have been submitted to and approved in writing by the Planning Authority. Thereafter the windows on the south facing elevation shall only be installed in accordance with the approved details".

- 4.6 In the July 2013 response to the complaint it was confirmed that advice would be sought on the matter of the Planning Authority exercising powers available under section 65 of the 1997 Planning Act relating to the revocation or modification of Planning Permission 2011/114/PCD as the appropriate means of remedy.
- 4.7 In September 2014 the applicant for the proposed developments granted Planning Permission 2011/114/PCD and Planning Permission 2013/070/PPF made a submission of details pursuant to condition 3 of the 2013 permission, but these concerned only the proposed south facing window set in the sunroom extension. During the assessment of the submission the opportunity was taken to check the status of the other permissions that had been granted for the site, including the 2011 permission, as far as what was able to be evidenced from a look at the property's exterior was concerned. This was notwithstanding the fact that on 4 September 2012 the applicant for the 2011 permission had submitted a 'Notice of Initiation of Development' relating to it which detailed the start for commencement of development as being 1 September 2012. Whilst based on what was seen of the outside of the property at 45 St. Olaf Street it was initially considered that the development authorised by the 2011 permission had not been commenced, with the consequence being that the permission would have expired on 20 July 2014, subsequently, and following the provision of information by the applicant and inspection of the interior of the property by the Planning Enforcement Officer, it was concluded that development under the 2011 permission has in fact commenced.
- 4.8 During the assessment of the submission of details that had been made pursuant to condition 3 of the 2013 permission as far as the south facing window set in the sunroom extension to the upper floor of the dwellinghouse was concerned, examination of the wording to the condition found that it did not ensure that the privacy and amenity of the adjacent property is protected in the future, beyond the date of the initial installation of the windows. There was nothing to prevent the replacement of the windows it concerned to changed specifications upon the completion of the development the subject of that permission. It was therefore identified that as well as the 2011 having been confirmed as needing to be modified to remedy the mistakes made in the handling and assessment of the 2011 application, so to now should be the 2013 permission to require that the windows proposed remain to accord with the details approved under its condition 3 for the lifetime of the development.

- 4.9 In September 2015 the applicant for the proposed developments granted Planning Permission 2011/114/PCD and Planning Permission 2013/070/PPF made a submission of the remaining details pursuant to condition 3 of the 2013 permission, the alternative details for the proposed window to be installed in the south facing gable end of the existing dwelling at 45 St Olaf Street. With the Planning Authority having on 27 July 2015 confirmed that details and plans submitted in relation to the alternative design for the south facing windows to the proposed sunroom extension at 45 St. Olaf Street are acceptable, on 23 December 2015, in accordance with the Planning Scheme of Delegations, these submitted and already accepted plans and details, together with submitted plans and details relating to alternative details for the proposed window to be installed in the south facing gable end, were confirmed as being approved and the condition 3 of the 2013 permission fully discharged. A copy of the approval letter dated 23 December 2015, together with the plans and details approved is attached to this report as Appendix 5.
- 4.10 In the handling of the submission for the window in the south facing gable end of the existing dwelling at 45 St. Olaf Street it was determined that overlooking of the window of the adjacent property at 43 St. Olaf Street from the proposed additional window to be installed in the gable end of the existing dwelling would be addressed by the installation of a top hung window having obscure glazing (using glass called satin).
- 4.11 The approval of the alternative details for the proposed window in the south gable end of the existing dwelling at 45 St. Olaf Street therefore meant that a modification of the 2011 permission should appropriately require the window if installed under its terms to be so in accordance with the plans and details approved under condition 3 of the 2013 permission, and that the prescribed arrangement should then be maintained for the lifetime of the development carried out (as already identified as necessary in the case of the 2013 permission).
- 4.12 On 20 January 2016, with its being the case that no gable end window in the south facing gable end of the existing dwelling at 45 St. Olaf Street was visible as having been installed from the outside, and a 'Notice of Initiation of Development' dated 11 January 2016 having been received from the applicant for the 2013 permission giving an intended start date of 21 January 2016, in accordance with the Planning Scheme of Delegations 1) the "Shetland Islands Council 45 St. Olaf Street, Lerwick (Modification of Planning Permission 2011/114/PCD) Order 2016" (2011/114/PCD Order), and 2) the "Shetland islands Council 45 St. Olaf Street, Lerwick (Modification of Planning Permission 2013/070/PPF) Order 2016" (2013/070/PPF Order), were made. The 2011/114/PCD Order, which as made authorised the modification of Planning Permission 2011/114/PCD, is attached to this report as Appendix 6, whilst the 2013/070/PPF Order, which as made authorised the modification of Planning Permission 2013/070/PPF is attached as Appendix 7.
- 4.13 The 2011/114/PCD Order requires the proposed window in the south gable end of the existing dwelling at 45 St. Olaf Street to be installed in

accordance with the details approved under condition 3 of the 2013 permission, and for the said window to thereafter remain to accord with the approved details for the lifetime of the development approved by the 2011 permission.

- 4.14 The 2013/070/PPF Order requires the proposed windows on the south facing elevation of the proposed extension to 45 St. Olaf Street, and the proposed window in the south gable end of the existing dwelling at the same address, installed in accordance with the details approved under condition 3 of the 2013 permission, to thereafter remain to accord with the approved details for the lifetime of the development approved by the 2013 permission.

- 4.15 The stated reason for making both modification orders of 22 January 2016 was:

The modification to this planning permission is necessary to enable development to be carried out in a manner that ensures that overlooking does not occur and to protect the privacy and amenity of the adjacent property in compliance with Shetland Local Development Plan (2014) policies GP2 and GP3.

- 4.16 Policy GP2 of the Shetland Local Development Plan (2014) (SLDP) which concerns itself with the general requirements for all developments requires that, amongst other matters, development should not have a significant adverse effect on existing uses, nor should it compromise acceptable health and safety standards or levels. Policy GP3 of the SLDP which relates to layout and design of all development states that all new development should be sited and designed to respect the character and local distinctiveness of the site and its surroundings. The policy goes on to state that proposed development should make a positive contribution to: maintaining identity and character; ensuring a safe and pleasant space; ensuring ease of movement and access for all; a sense of welcome; long term adaptability; and good use of resources.
- 4.17 Both of these policies sit comfortably with Scottish Planning Policy, which as a statement of Ministers' priorities is a material consideration, introduces a presumption in favour of development that contributes to sustainable development, and advocates that decisions should be guided by a number of principles, which include: the supporting of good design and the six qualities of successful places; the making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities; and avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.
- 4.18 In the reporting and determination of planning application ref. 2013/070/PPF it was found that "The overall scale and proportions of the proposed extension are acceptable and given that the location of the development is to the rear of the house in an area that is not visually obtrusive, in the overall context of the visual amenity of the built environment the proposed extension will not have a significant impact on the character or appearance of the Conservation Area."

- 4.19 In accordance with the procedures that are set down in the 1997 Planning Act, notice of the making of the orders was given to all parties who were owners, lessees and occupiers of the land affected by the making of the modification orders, along with those persons it was considered will be affected by the modification orders. The process of giving notice of the making of both modification orders included notices in the Shetland Times on 22 January 2016.
- 4.20 As indicated earlier in the Summary section of this report, one 'notice of opposition' dated 9 February 2016 i.e. an objection, was received from a party on whom notice was served at the next door property, 43 St. Olaf Street, to both modification orders made on 20 January 2016. This is attached to this report as Appendix 8.
- 4.21 In response to a request a meeting was held with the objector and Councillor Wills on 17 March 2016 at the objector's property, at which: the opportunity was taken to explain the detail of the modification orders in relation to both window sets i.e. the sunroom extension and the gable end; and the possibility of resolving the matter without the need for reporting and referral to the Scottish Ministers investigated. At this meeting the approved alternative details for the window on the south elevation of the sunroom rear extension to 45 St. Olaf Street under the 2013 permission, which are that the window in each section is fixed (non opening), with the glass of the right hand section (as viewed from the outside) having obscure glass called "satin", first came to the notice of the objector and Councillor Wills. The objector had raised a point in their letter of opposition to the modification orders relating to the detail of this window (see paragraph 5.2.1 below) without it appeared knowing of the detail of the approval given under condition 3 of the 2013 permission. There was also at this meeting the inconsistency identified within the details shown on the drawing approved under condition 3 of the 2013 permission in respect of the gable end window. This is between the annotation to the "Detail through window Scale 1:20" which states "New double glazed hardwood top hung fully reversible window", and the notation shown for the same window on the "Side Elevation as proposed Scale 1:100". Subsequent to the meeting the inconsistency was queried firstly with the applicant for the development approved, who considered it was something arising from Building Standards requirements for window cleaning, and then with the Building Standards Manager, who confirmed that there is no need for the window concerned to be fully reversible so that it can be safely cleaned. On learning of this the applicant confirmed that he is content that there is no requirement for the window to be reversible under Building Standards and that the gable end window as a consequence will not be fully reversible.
- 4.22 On 29 March 2016 a visit to 45 St. Olaf Street was made by the Planning Enforcement Officer at the invitation applicant, who had said that he had started the internal works. Photographs taken showed that drill holes had been made through the external wall from the bedroom, which was a difference from when officers viewed the gable end from the objector's property on 17 March 2016 when meeting the objector and Councillor Wills. Nevertheless the applicant was asked to confirm the nature of works that had taken place in the bedroom as a start to

the window under the 2013 permission as distinct from those which could be regarded as having taken place under the 2011 permission. This was in the context of: a Building Warrant for the proposed window slapping in the south facing gable end of the existing dwelling to form a new window having been granted on 21 May 2015; notice of a start on 18 September 2015 to works that are warrantable having been given by the applicant to Building Standards on 10 September 2015; and also that the applicant for the 2013 permission had submitted a 'Notice of Initiation of Development' relating to it which detailed the start for commencement of development as being 21 January 2016. On 24 April 2016 the objector sent information to the Planning Authority that external drilling commenced on 22 April 2016, and on 25 April 2016 the applicant provided information relating to the work to start the window, and in doing so advised this applied to the 2013 permission. There is therefore now evidence that development authorised by Planning Permission 2013/070/PPF commenced within the required 3 year timescale set down in the 1997 Planning Act.

- 4.23 In the context of the development of the sunroom extension granted, the new gable end window is required for natural light, ventilation, and means of escape, since the sunroom extension also at upper floor level entails the blocking of the existing west facing window of the same room.

- 4.24 The merits and requirement for the proposed gable end window under the 2013 permission are recognised, and the modification orders made on 20 January 2016 are aimed at ensuring that the issue of overlooking and protecting the privacy and amenity of the adjacent property, 43 St. Olaf Street is dealt with, acknowledging though at the same time that mistakes were made in the handling and assessment of the 2011 application with no regard having then been had to the introduction of a proposed window into the south facing gable end of the existing dwelling at 45 St. Olaf Street at that time.

- 4.25 However, because there is the inconsistency that has been identified with the drawing that has been approved under condition 3 of the 2013 permission in respect of the gable end window to the existing dwelling at 45 St Olaf Street, which is referred to in the modification orders made, and notwithstanding the acceptance by the applicant and now developer at 45 St. Olaf Street of the position, taking into account the need for the requirements of permissions to be clear and without dubiety, and taking into account the policies of the development plan and all material considerations, including the points made by the objector in and subsequent to their letter of opposition, it is recommended that new modification orders are made that, in respect of the gable end window to the existing dwelling at 45 St Olaf Street, provide for: the removal from the drawing that has been approved under condition 3 of the 2013 permission of approval of the annotation that states it is top hung fully reversible; installation to be carried out so that it is not possible for the window to be opened greater than 30 degrees from the vertical; and that following installation that the window remains to accord with the modified approved details i.e. has obscure glass called "satin", is not fully reversible and is not able to be opened greater than an angle of 30 degrees from the vertical, for the lifetime of the development. The differences between the 2 no. new modification

orders that are recommended to be made and those dated 20 January 2016 can therefore be said to be:

1) that the condition 7 in the 2013/070/PPF Order is changed within the context of a new modification order to:

“Notwithstanding the approved details for the proposed windows on the south facing elevation of the proposed extension and the proposed window in the gable end of the existing dwelling approved under condition 3 of this permission, the annotation to the “Detail through window Scale 1:20” which states “New double glazed hardwood top hung fully reversible window” on 2013/070/PPF – SIC012 is not approved. The window in the gable end of the existing dwelling shall be installed in such a way that it is not possible for it to be opened greater than an angle of 30 degrees from the vertical. The windows once installed shall thereafter remain to accord with the approved details, with the gable end window not fully reversible and not able to be opened greater than an angle of 30 degrees from the vertical, for the lifetime of the development.

Reason: In order to ensure that overlooking does not occur and to protect the privacy and amenity of the adjacent property in compliance with Shetland Local Development Plan (2014) policies GP2 and GP3.”

and

2) that the condition 6 in the 2011/114/PCD Order is changed within the context of a new modification order to:

“Notwithstanding the approved plans, the installation of a window into the window slapping proposed through the gable end of the existing dwelling is not approved, and shall only take place in accordance with the details shown on the plans and details referenced: 2013/070/PPF – SIC11, letter from Michael Stewart to Planning Authority dated 10/10/15 (sic) received 10 September 2015; and 2013/070/PPF – SIC012 received by Planning Authority on 10 September 2015, as approved by the Planning Authority on 23 December 2015 in discharge of condition 3 of Planning Permission 2013/070/PPF which was granted by the Shetland Islands Council on 30 April 2013, except for the annotation to the “Detail through window Scale 1:20” which states “New double glazed hardwood top hung fully reversible window” on 2013/070/PPF – SIC012 which is not approved, and that the window shall be installed in such a way that it is not possible for it to be opened greater than an angle of 30 degrees from the vertical. The window installed into the window slapping proposed through the gable end of the existing dwelling, installed in accordance with the details set down in this condition, shall thereafter remain to accord with the said details for the lifetime of the development.

Reason: In order to ensure that overlooking does not occur and to protect the privacy and amenity of the adjacent property in compliance with Shetland Local Development Plan (2014) policies GP2 and GP3.”

- 4.26 If the recommendation is accepted by the Planning Committee, and the two new modification orders are made, in accordance with the

procedures that are set down in the 1997 Planning Act the orders require to be submitted to the Scottish Ministers for confirmation and notice of the making of the orders will again need to be given to all parties who are owners, lessees and occupiers of the land affected by the making of the modification orders. It is also recommended that the giving of notice should again include the placing of notices in the Shetland Times. Any person(s) objecting along with the Planning Authority will be heard by a person the Scottish Ministers appoint, before the Scottish Ministers then decide whether to confirm the order without modification or make such modifications as they consider expedient.

- 4.27 It is anticipated that the existing objector will persist in her objection and seek revocation of the planning permissions.
- 4.28 As detailed earlier in this report, the measures that are proposed to be imposed on the developer of 45 St. Olaf Street under the new modification orders being recommended to the Planning Committee are proposed so as to enable development to be carried out in a manner that ensures that overlooking does not occur and to protect the privacy and amenity of the adjacent property in compliance with Shetland Local Development Plan (2014) policies GP2 and GP3. Historically the Council has sought with new development to safeguard amenity by using window to window distance standards, with what are considered to be acceptable distances (18 metres in urban areas and 25 metres in rural areas) able to be reduced depending on the angle of view between habitable rooms in neighbouring dwellings or the design of the windows being such as to allow privacy to be maintained. These distances are not prescribed in the current Shetland Local Development Plan 2014, but were so in Appendix F of the Shetland Local Plan 2004 which formed part of the development plan in force when both the 2011 and 2013 applications were determined. It was identified in the same appendix that the distance of 18 metres may not be possible in densely built areas “such as The Lanes in Lerwick or ‘courtyard-type’ schemes”, and that in some cases it may be appropriate to attach to a planning consent a condition withdrawing permitted development rights to insert new window openings. It has to be borne in mind that were it not for the fact that the property at 45 St Olaf Street is within the Lerwick Conservation Area, the introduction of the new window into the gable end of the existing dwelling would, as an improvement, addition or alteration to the external appearance of the existing dwellinghouse be considered to be permitted development if the householder’s enjoyment of the permitted development rights had not been otherwise removed under the related condition of the 1992 General Permitted Development Order (as amended). Therefore if the requirements under the recommended new modification orders that deal with the design of the window are not regarded by the Planning Committee as ones that ensure that overlooking does not occur and that the privacy and amenity of the adjacent property is protected, in compliance with Shetland Local Development Plan (2014) policies GP2 and GP3, this will set a precedent to which regard will need to be had in the Planning Authority’s handling of planning applications in future. It will also be a stance that would not necessarily sit with other householders’ abilities to carry out development in exercise of permitted development rights that could result in windows of habitable

rooms in neighbouring dwellinghouses being at an equivalent distance and angle of view to the case in point, without requirements relating to their design to stop overlooking and protect amenity, in built up areas elsewhere.

- 4.29 If the Committee were minded to revoke the permissions as sought by the objector, it is likely that the resulting revocation order would be objected to by the developer, in which case the order would also result in a hearing led by a person appointed by the Scottish Ministers. Revocation of a permission would give rise to a possible claim for compensation by the developer.

5.0 Implications (of Decision)

Strategic

- 5.1 Delivery on Corporate Priorities – A decision made on the modification orders that results in the developments authorised by Planning Permission 2011/114/PCD (as modified) and Planning Permission 2013/070/PPF (as modified) according 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 – Notice of the making of both the 2011/114/PCD Order and the 2013/070/PPF Order was served on the owner, lessee and occupier of the land affected by each order, and also on those persons who, in the opinion of the Appointed Person acting in accordance with the Planning Scheme of Delegations it was considered would be affected by the order. Notice took the form of letters, and the making of the orders was also advertised in the Shetland Times on 22 January 2016.

- 5.2.1 One notice of opposition (objection) was received from Mrs Conroy of 43 St. Olaf Street on 10 February 2016 in response to the notice given. The grounds for objection put forward are:

The proposed extension and gable end window are less than 6 metres from my window.

The gable end window is directly overlooking my main kitchen window and being top hung and fully reversible this would indeed invade my privacy. I appreciate it may be satin and opaque but this does not prevent it lying fully open.

I must record my disappointment at not having received notification of the 2011/114/PCD planning application and only discovering this referral to the gable end window in the 2013/070/PPF application.

The extension would undoubtedly greatly reduce daylight and amenity in my working area. There is also the question of the solar receptor room (sun room) being habitable or non habitable and whether the window would be as per gable end

specifications. The window would face diagonally into my kitchen window and overlook my entire garden.

Usage of the proposed materials are not in keeping with this a Conservation area.

Subsequent to this, and having considered the matter following the meeting held with officers and Councillor Wills on 17 March 2016, the objector on 29 March 2016 wrote to confirm that it was their wish to apply for revocation of the 2013 permission.

On 24 April 2016 the objector, at the same time as sending information that external drilling commenced on 22 April 2016, and asking for confirmation if the proposed windows for the sunroom and gable end had been given final approval, asked for confirmation of the proposed angle and opening span of the gable end window and if the sunroom window is still to be non opening and angled.

- 5.3 Policy and/or Delegated Authority – The power to make orders modifying or revoking planning permission where such orders are opposed is delegated to the Planning Committee under the Planning Scheme of Delegations.
- 5.4 Risk Management – If Members are minded that the rights to install the proposed window in the south gable end of the existing dwelling at 45 St. Olaf Street should instead be removed from both the 2011 permission and the 2013 permission, the need to make new orders will exist. It is imperative that clear planning reasons for proposing this are provided to give clarity in the case of a subsequent planning hearing convened by the Scottish Ministers or judicial review against the Planning Committee's decision. In the case of the 2011 permission the removal of this right could be achieved through a modification order, but it is likely that since the applicant has begun the installation of the window concerned he will likely raise his own letter of opposition to a modification order that has this effect. In the case of the 2013 permission, the removal of the right to introduce the south gable end window will likely mean that the sunroom extension cannot otherwise be built and still accord with the provisions of the development plan, since the window is seen as being required not just for natural light and ventilation, but also as a means of escape. Revocation of the 2013 permission would therefore be appropriate, meaning that ultimately the Council would have liability to pay compensation to the developer of 45 St. Olaf Street as a result.

6.0 Conclusions

- 6.1 Taking into account the objection received to the modification orders made on 20 January 2016, the presumption in favour of development that contributes to sustainable development, the provisions of the development plan and material considerations, and specifically to deal with the inconsistency that has been identified with the drawing that has been approved under condition 3 of the 2013 permission in respect of the gable end window to the existing dwelling at 45 St Olaf Street, it is recommended that new modification orders, as are attached as

Appendices 9 and 10, being ones that deal with the matters that are detailed in paragraph 4.25, are made.

For further information please contact:
John Holden, Team Leader – Development Management
Tel: 01595 743898 Email: john.holden@shetland.gov.uk
Date Cleared: 25 October 2016

List of Appendices

1. 2011/114/PPF - Report of Handling
2. 2011/114/PPF - Planning Consent
3. 2013/070/PPF – Report of Handling
4. 2013/070/PPF – Planning Consent
5. Approval letter dated 23 December 2015, together with the plans and details approved
6. 2011/114/PCD Order
7. 2013/070/PPF Order
8. 'Notice of opposition' dated 9 February 2016
9. Draft Shetland Islands Council 45 St. Olaf Street, Lerwick (2nd Modification of Planning Permission 2011/114/PCD) Order 2016
10. Draft Shetland Islands Council 45 St. Olaf Street, Lerwick (2nd Modification of Planning Permission 2013/070/PPF) Order 2016

Background documents:

- [Shetland Local Development Plan 2014](#)

Delegated Report of Handling

Development: To extend and alter dwellinghouse to convert garage to bedroom, 45 St Olaf Street, Lerwick

By: Mr Michael Stewart

Application Ref: 2011/114/PCD

1. Introduction

- 1.1 This proposal is to change an existing garage into a bedroom; to replace the existing flat roof to a pitched roof and fit an escape window to the new bedroom at 45 St Olaf Street, Lerwick.
- 1.2 External material colours and finishes proposed comprise a grey Welsh slate roof and harled walls painted white to match the existing dwellinghouse. Conservation look-a-like windows will be installed which will be finished with a brown Sadolin paint.

2. Statutory Development Plan Policies

- 2.1 **Shetland Islands Council Structure Plan (2000) Policies**
GDS4 (Natural and Built Environment)
SPNE1 (Landscape and Design)
SPBE1 (Built Environment)
- 2.2 **Shetland Islands Council Local Plan (2004) Policies**
LPNE10 (Development and the Environment)
LPBE13 (Design)
LPBE8 (Development in Conservation Areas)

3. Safeguarding

- 3.1 Lerwick Conservation Area

4. Consultations

- 4.1 Heritage Officer – Consulted on 2 May 2011 and responded on 28 June 2011 requesting samples of the proposed roof slate and wet harl, and details of the proposed windows including proposed paint finishes. Confirmation of the ridge material and details of how the applicant intends to finish the gable head. The Heritage Officer also commented that the introduction of bargeboards are not acceptable. The use of fascia boards should be discouraged and new windows should not have trickle vents.
- 4.2 Roads Traffic – Consulted on 2 May 2011 and responded on 25 May 2011 with no objections to the proposed development given that the removal of the garage parking space still allows a vehicle to park clear of the public footpath.

5. **Statutory Advertisements**

5.1 Not required.

6. **Representations**

6.1 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 There are Statutory Development Plan Policies against which this application has to be assessed and these are listed at paragraph 2.1 and 2.2 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 proposed development incorporates the change of use of an existing domestic garage which is attached to the dwellinghouse for the purposes of accommodating a new bedroom and en-suite. The current flat roof will be raised to a pitched roof, which will be stepped down from the roofline of the existing dwellinghouse at 45 Burgh Road, Lerwick which is situated within a Zone 1 area of Lerwick.

7.4 Roads Services have established that there are no parking issues arising given that the removal of the garage parking space will still enable a vehicle to park clear of the public footpath.

7.5 In response to the request for samples, the applicant submitted a grey, full size Welsh slate and a section of the wet harl for inspection which are considered to be appropriate by the Planning Authority. The applicant confirmed that no bargeboards would be fitted; that wet harl would be used right up to the slates and confirmed that conservation look-a like windows would be used with no trickle vents, which would be finished in a dark brown Sadolin paint. Upon request by the Heritage Officer, the decision notice has been conditioned to ensure that the windows of the proposed extension are finished with an opaque paint which is suitable for Lerwick Conservation

Area. On 13 July 2011, the applicant also submitted scaled plans and details of the conservation type windows to be used in the new extension.

- 7.6 It is considered that the scale, form and design of the proposed extension is appropriate in relation to the existing dwellinghouse and that the external material colours and finishes are appropriate and provided that the windows are finished with an opaque brown paint, the proposal will have no adverse impact upon the natural and built environment. The proposal will have no impact upon the amenities of neighbouring properties given that no daylight, sunlight or privacy issues will arise as a result of this development. Subject to a controlling condition therefore, the proposal complies with the policies outlined at 2.1 and 2.2 above.

8. Recommendation

- 8.1 Approve subject to the conditions listed on the delegated report attached.

9. Further Notifications Required

- 9.1 None.

10. Background Information Considered

- 10.1 None.

Ref: 114_Delegated_Report_of_Handling.doc
Officer: D Stewart
Date: 20 July 2011



SHETLAND ISLANDS COUNCIL

Town and Country Planning (Scotland) Acts Town and Country Planning (General Permitted Development) (Scotland) Orders

With reference to the application for **Planning Permission** (described below) under the above Acts and Orders, the Shetland Islands Council in exercise of these powers hereby **GRANT Planning Permission** for the development, in accordance with the particulars given in, and the plans accompanying the application as are identified; subject to the condition(s) specified below.

Applicant Name and Address

Michael Stewart
45 St Olaf Street
Lerwick
696969

Reference Number: PL 2011 114 PCD

**Extension and alteration to convert garage to bedroom: 45 St Olaf Street,
Lerwick**

Details of Approved Plans and Drawings:

- Location and Site Plans - Drawing No. BRA/L(O)1
- Existing Floor Plans - Drawing No. BRA/L(EP)1
- Proposed Elevations - Drawing No. BRA/L(O)4
- Proposed Floor Plan - Drawing No. BRA/L(O)5
- Window Specification - Drawing No. 2011/114/PCD_SIC/001 (Pages 1 - 5)

(Cont'd....21July2011)

Infrastructure Services Department
Shetland Islands Council
Grantfield
Lerwick
Shetland
ZE1 0NT

**PLEASE LOOK AT THE IMPORTANT INFORMATION ON THE BACK OF THIS SHEET
AND ON THE ATTACHED SHEET**

Head of Planning
Page 1 of 3

If you are aggrieved by any of the conditions on the grant of planning permission made by the planning authority, you may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within 3 months from the date of this notice. The notice of review should be addressed to: Shetland Islands Council, Planning, Infrastructure Services Department, Grantfield, Lerwick, Shetland. ZE1 0NT. The necessary form can be obtained upon request from the same address.

If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

Reasons for Council's decision:

It is considered that the scale, form and design of the proposed extension is appropriate in relation to the existing dwellinghouse and that the external material colours and finishes are appropriate and provided that the windows are finished with an opaque brown paint, the proposal will have no adverse impact upon the natural and built environment. The proposal will have no impact upon the amenities of neighbouring properties given that no daylight, sunlight or privacy issues will arise as a result of this development. Subject to a controlling condition therefore, the proposal complies with Shetland Structure Plan (2000) Policies GDS4, SPNE1 and SPBE1 and Shetland Local Plan (2004) Policies LPBE13, LPNE10 and LPBE8.

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:

- Location and Site Plans - Drawing No. BRA/L(O)1
- Existing Floor Plans - Drawing No. BRA/L(EP)1
- Proposed Elevations - Drawing No. BRA/L(O)4
- Proposed Floor Plan - Drawing No. BRA/L(O)5

received by the Planning Authority on 18 April 2011

- Window Specification - Drawing No. 2011/114/PCD_SIC/001 (Pages 1 - 5)
received by the Planning Authority on 13 July 2011.

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

(2) The development hereby permitted shall be commenced within three years of the date of this permission.

Reason: 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.

(3) 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;

(Cont'd)

(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).

(4) The windows of the proposed extension hereby approved shall be finished with an opaque brown paint.

Reason: To ensure that the development maintains the visual quality and amenity of the Lerwick Conservation Area in compliance with Shetland Local Plan (2004) Policy LPBE8.

(5) Notwithstanding the approved plans the development hereby approved shall not incorporate bargeboards within the design.

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

Notes to Applicant:

Building Warrant:

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

Notification 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.

21 July 2011



Head of Planning

114con.doc



SITE PLAN Scale 1:500



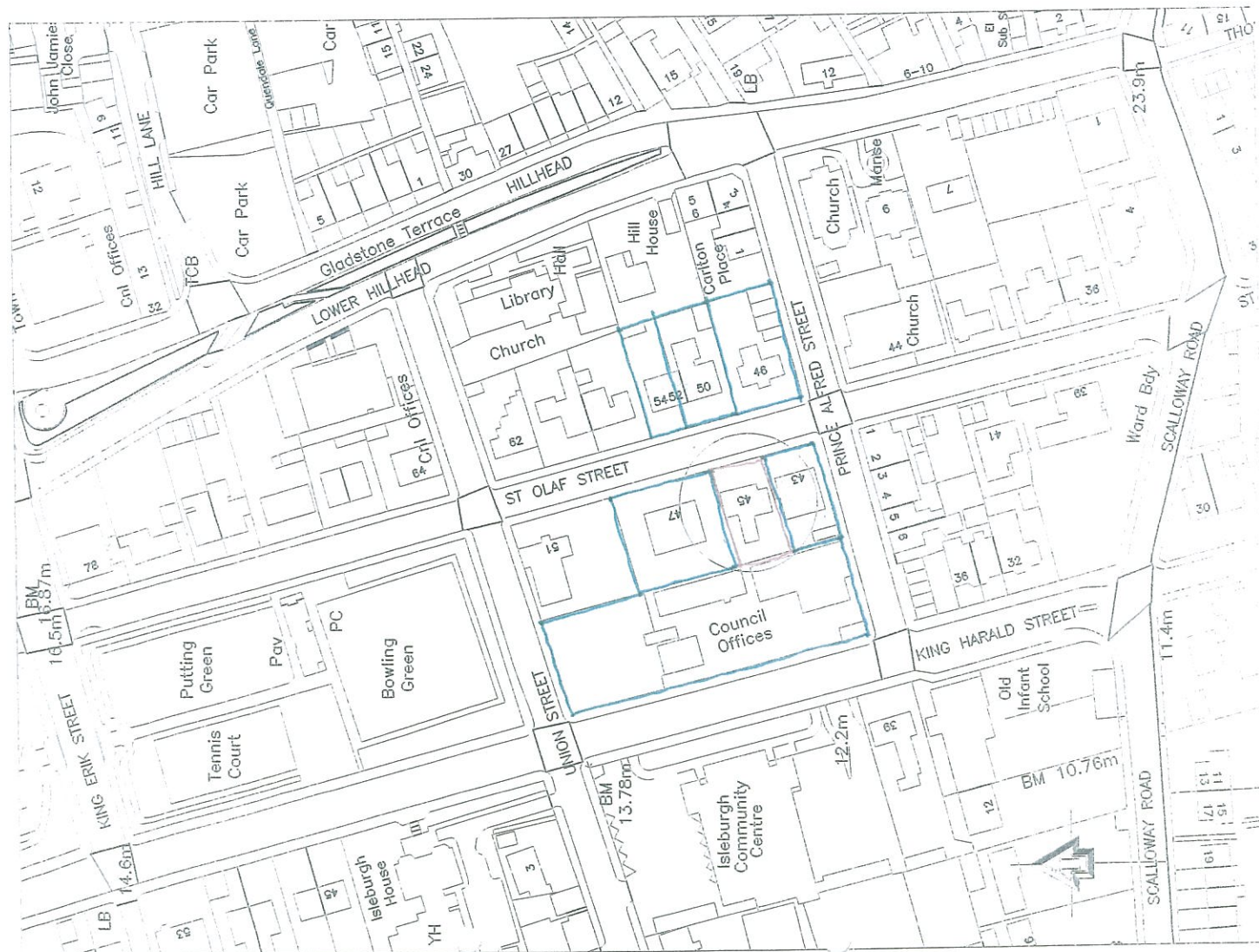
VIEW OF FRONT ELEVATION FROM ST. OLAF STREET.

18 APR 2017

Planning consultation.

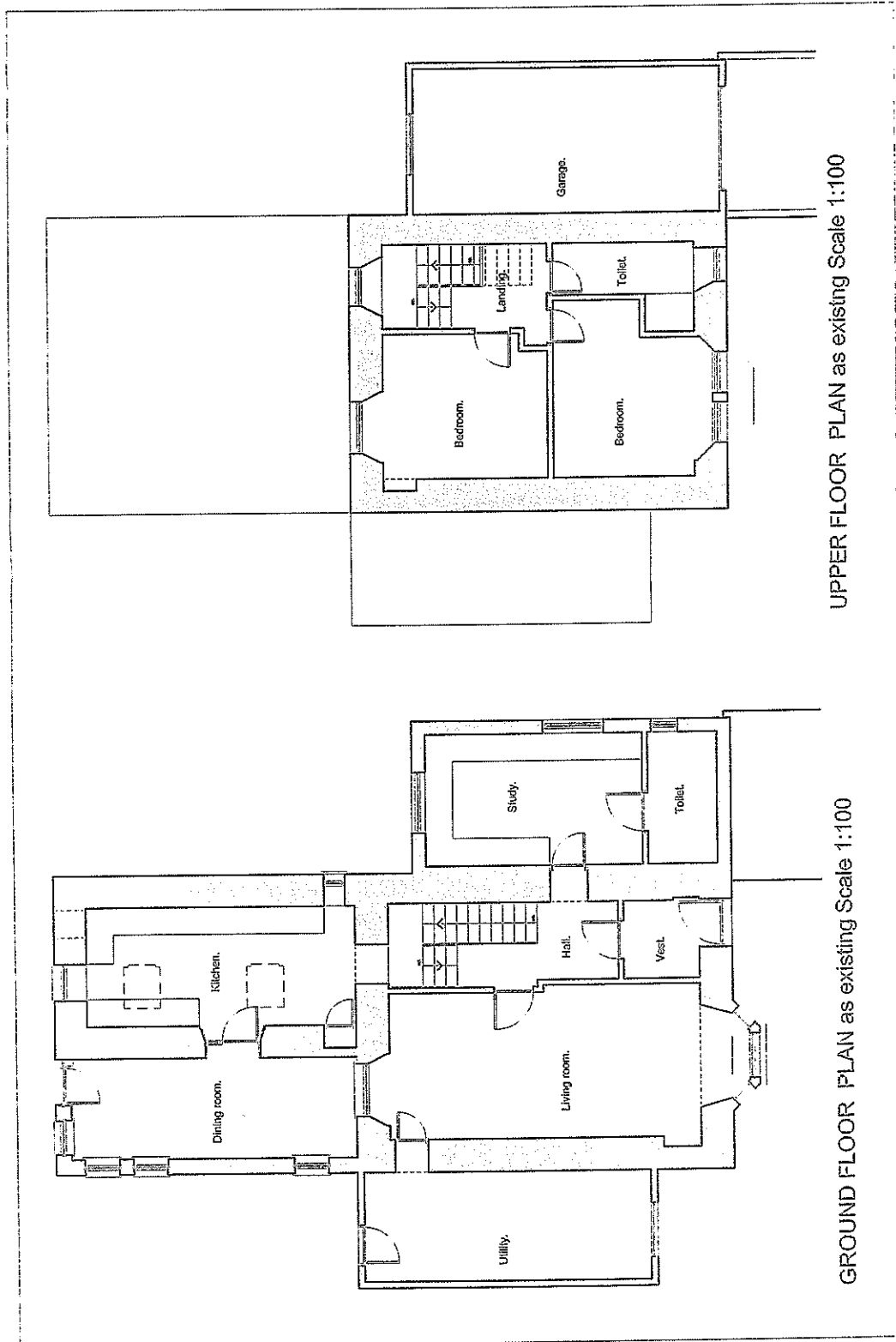
OWNER/OCCUPIERS:
5254 St. Olaf Street - JSD Properties.
50 St. Olaf Street - M. Tulloch
48 St. Olaf Street - AME Conroy.
43 Prince Alfred Street - Belesbet-Developments S.A.
King Harald Street - Housing Department.
47 St. Olaf Street - Housing Department.

Proposed Alternative to Dwelling House	Drawn	Scale 1:1250/1500.	Digitized by ERMALCO.
43 Prince Alfred Street	Rev A		
48 St. Olaf Street	Rev A		
50 St. Olaf Street	Rev A		
5254 St. Olaf Street	Rev A		
Locality/Site plan as existing.	Drawn		

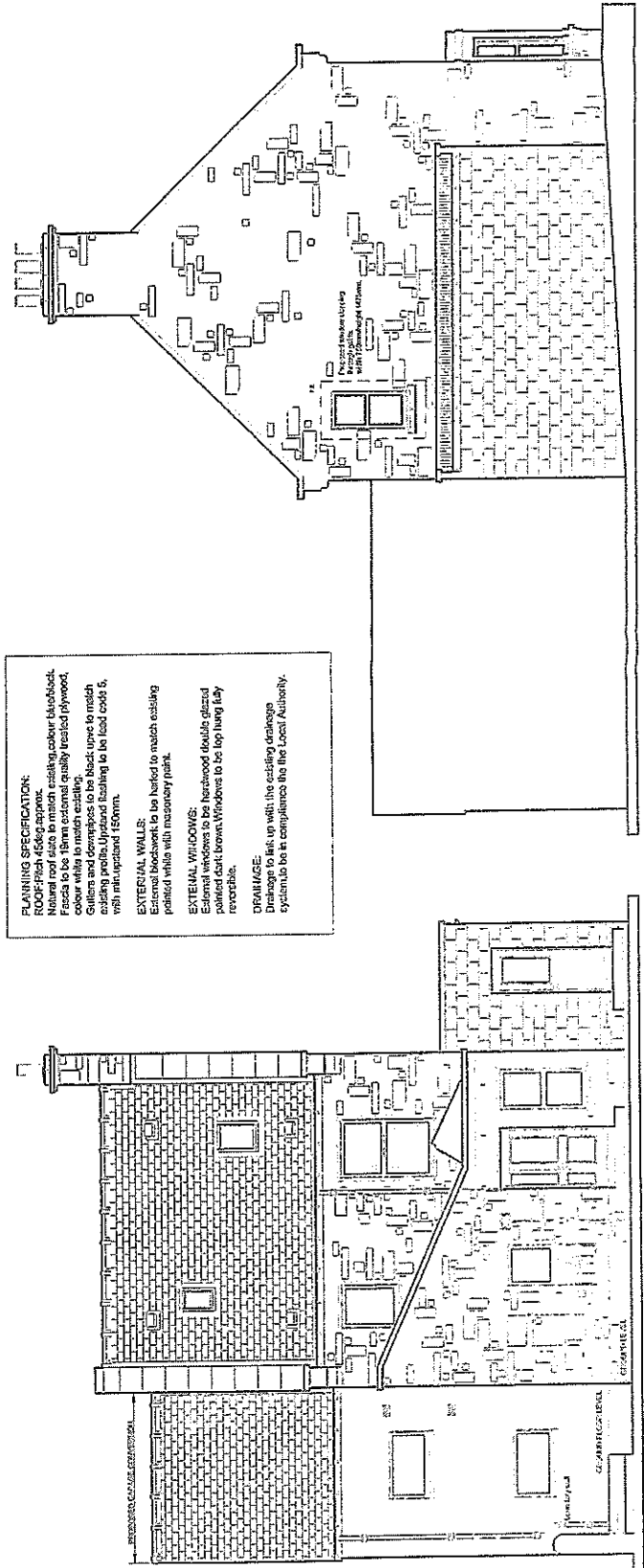
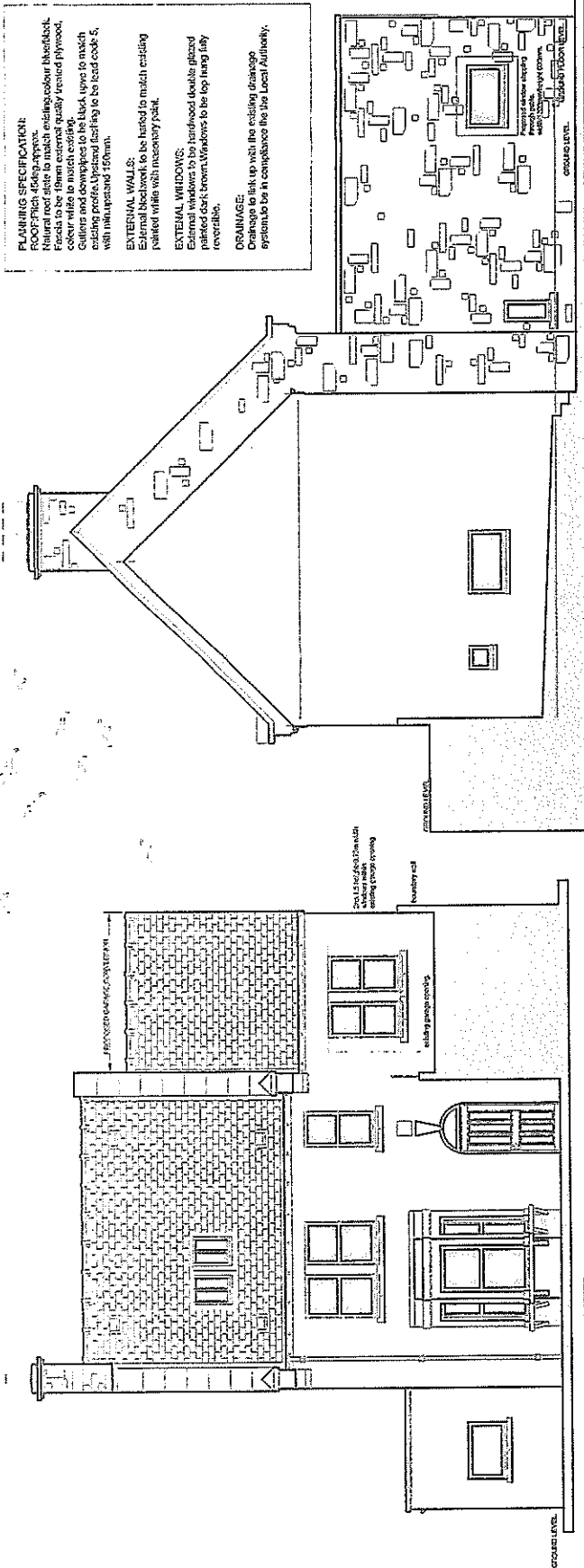


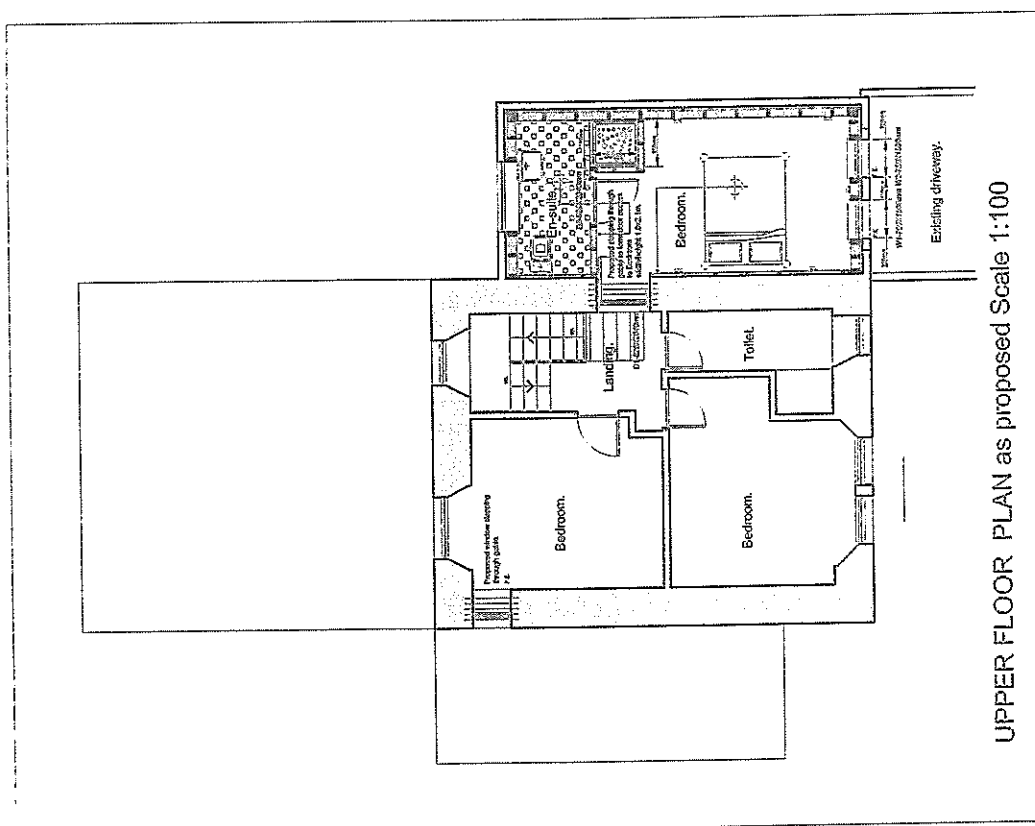
LOCALITY PLAN Scale 1:1250

Proposed Alterations to Dwelling House at 458, Clontarf Street for Marilyn Susan Stewart.		Drawn by 2010	Scale 1:100	Drawn by (EPY)
		Rev A		



Proposed Alterations to Dwelling House at 45, Old Street for Marilyn Susan Stewart.	February 2019	Scale 1:100	Dwg no BRAL(0)
Drawings as proposed. Garda's correction			

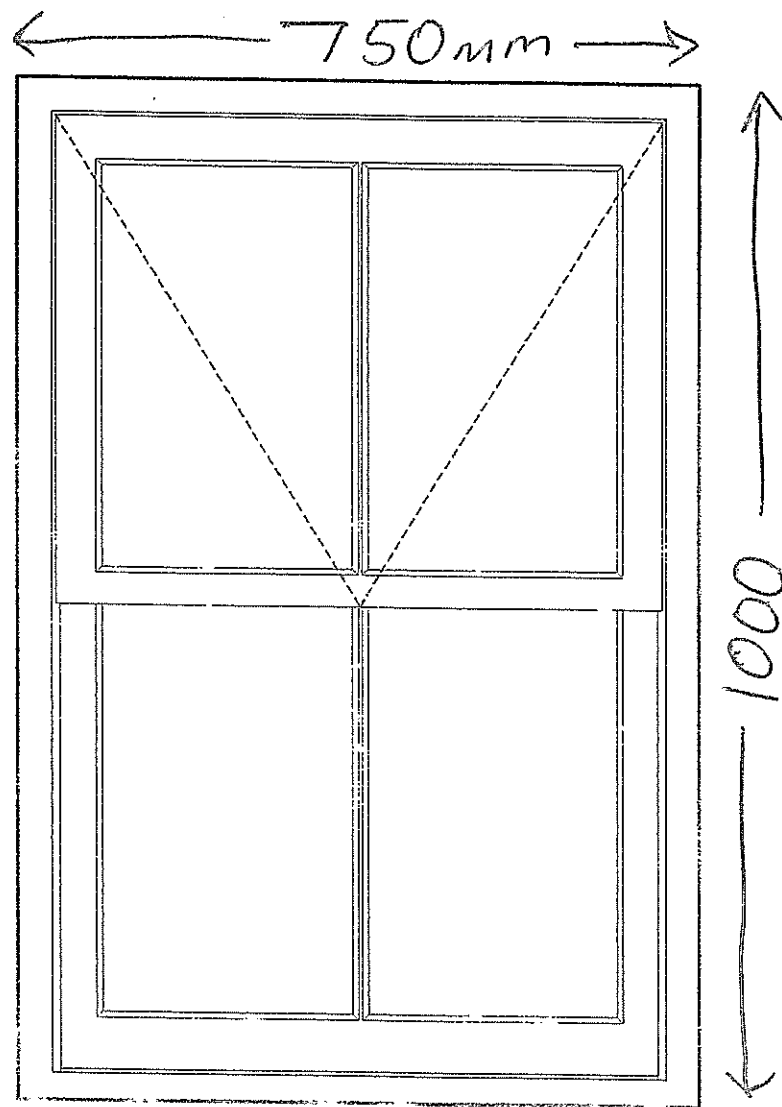


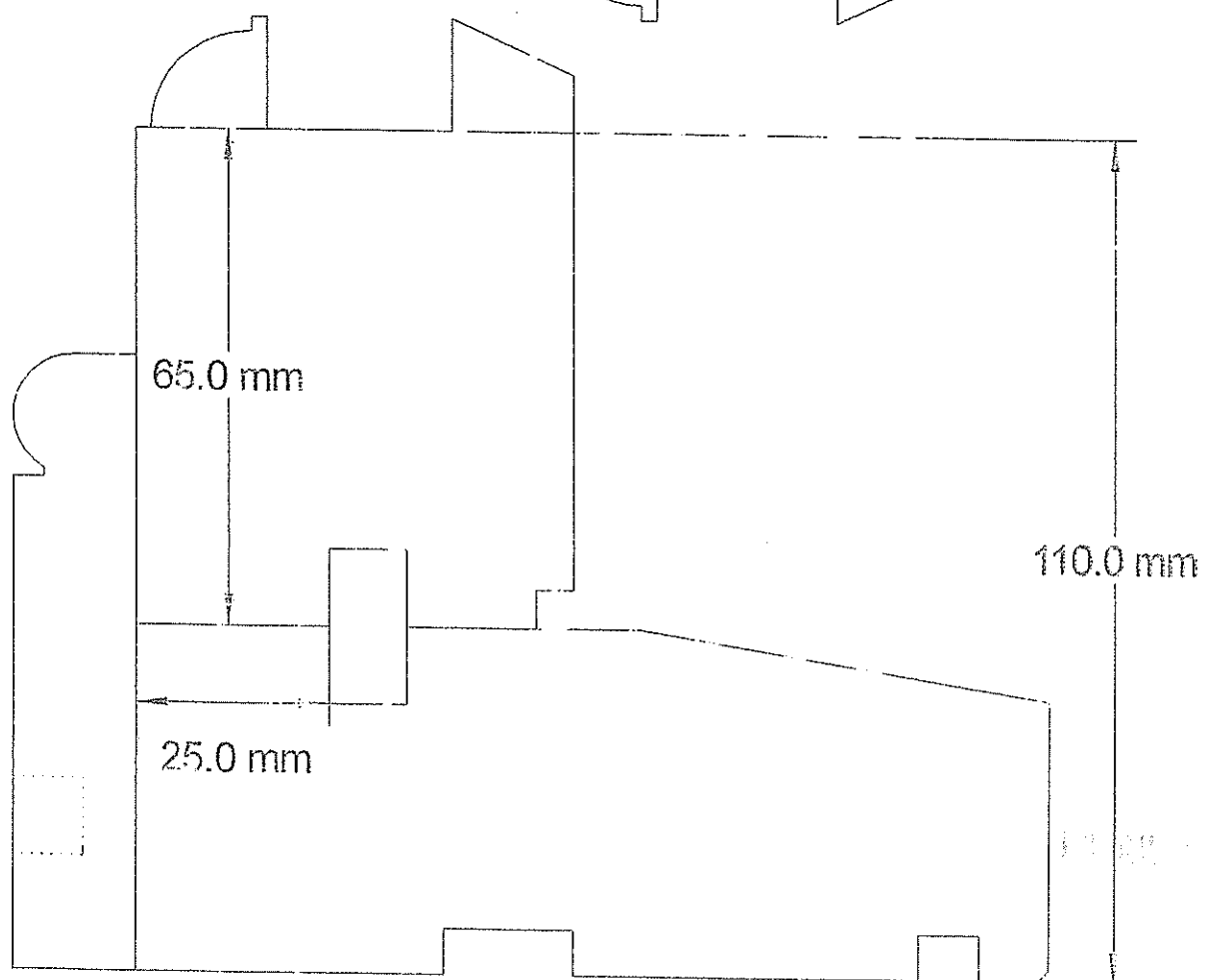
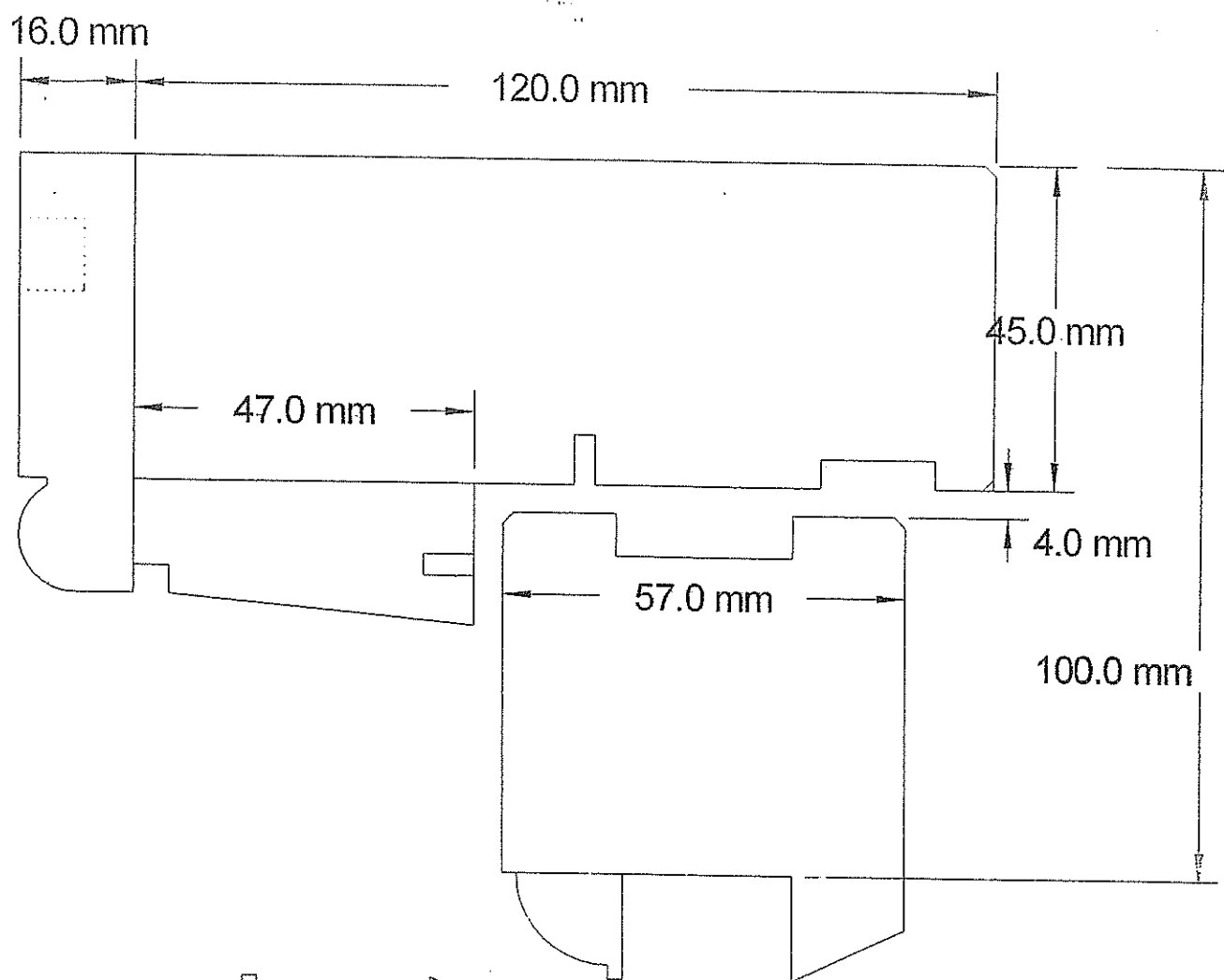


I & N Joinery Ltd
32 MARKET ST
LERWICK
SHETLAND
01595 695800

2011/114/PD - SIC/001

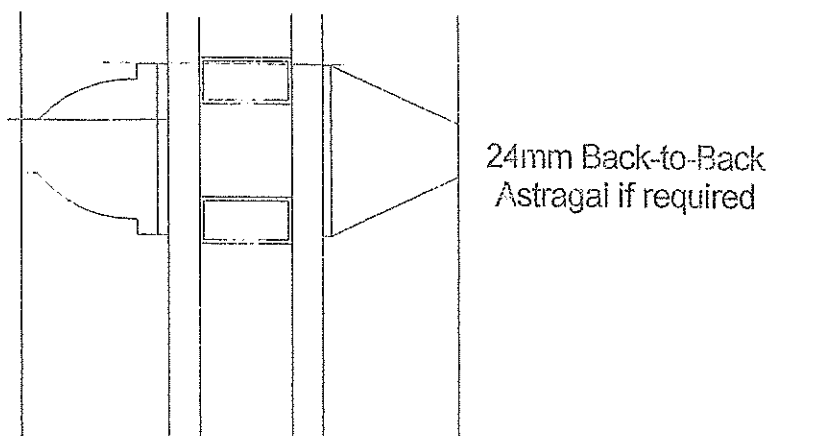
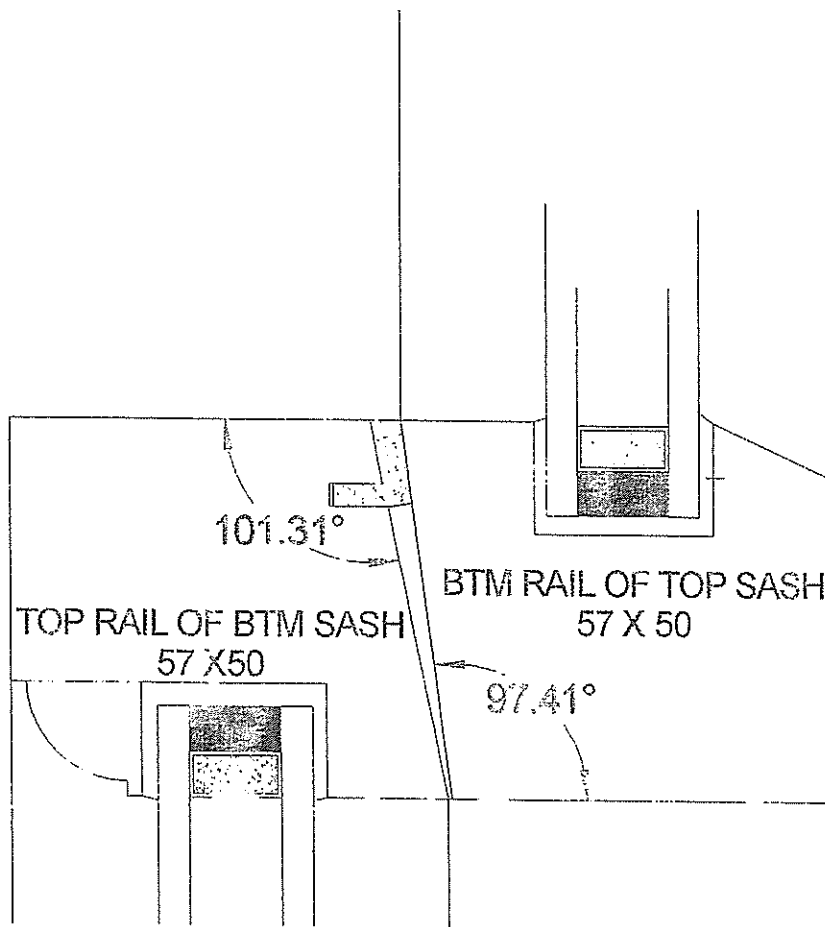
Conservation type window

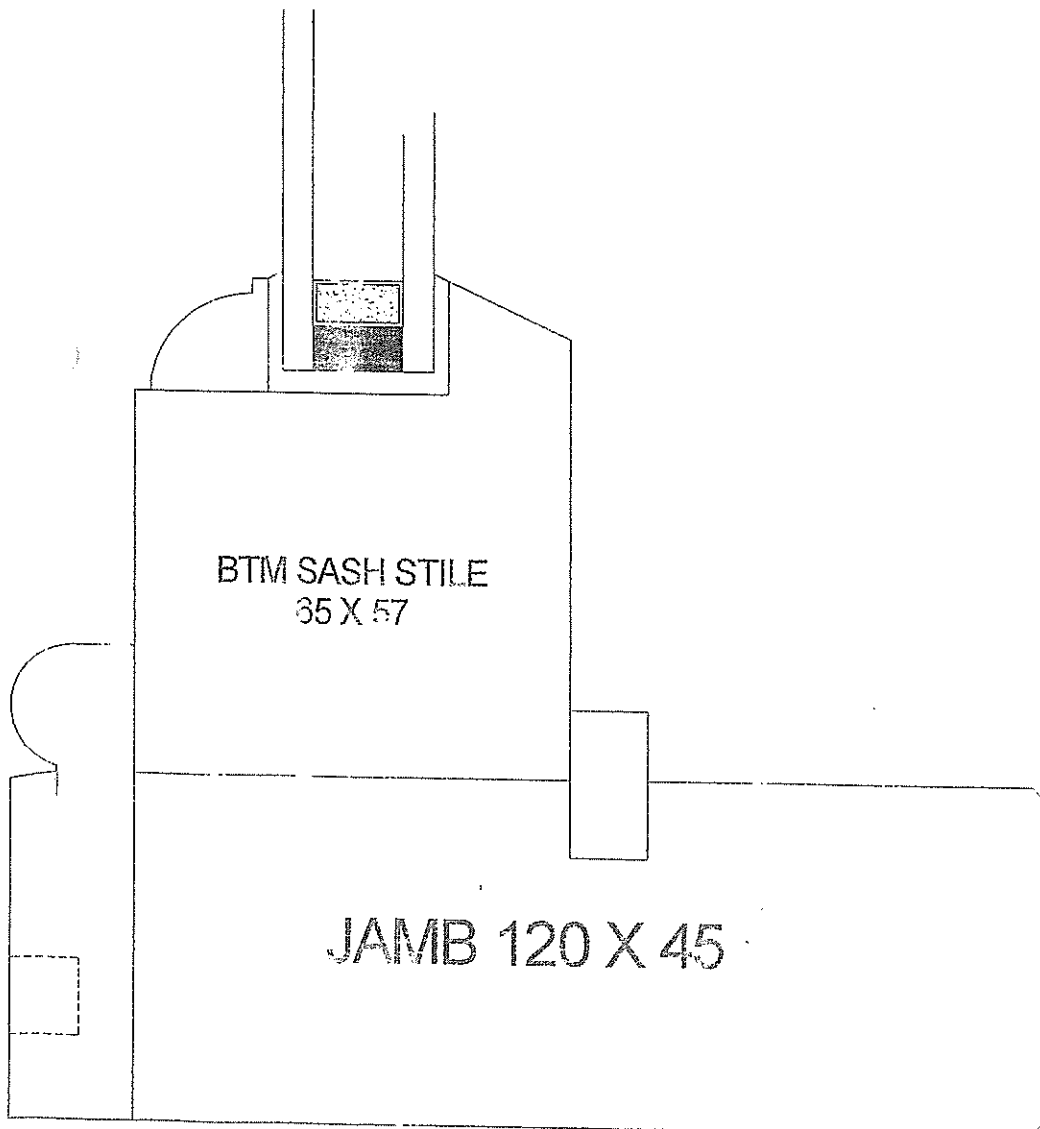
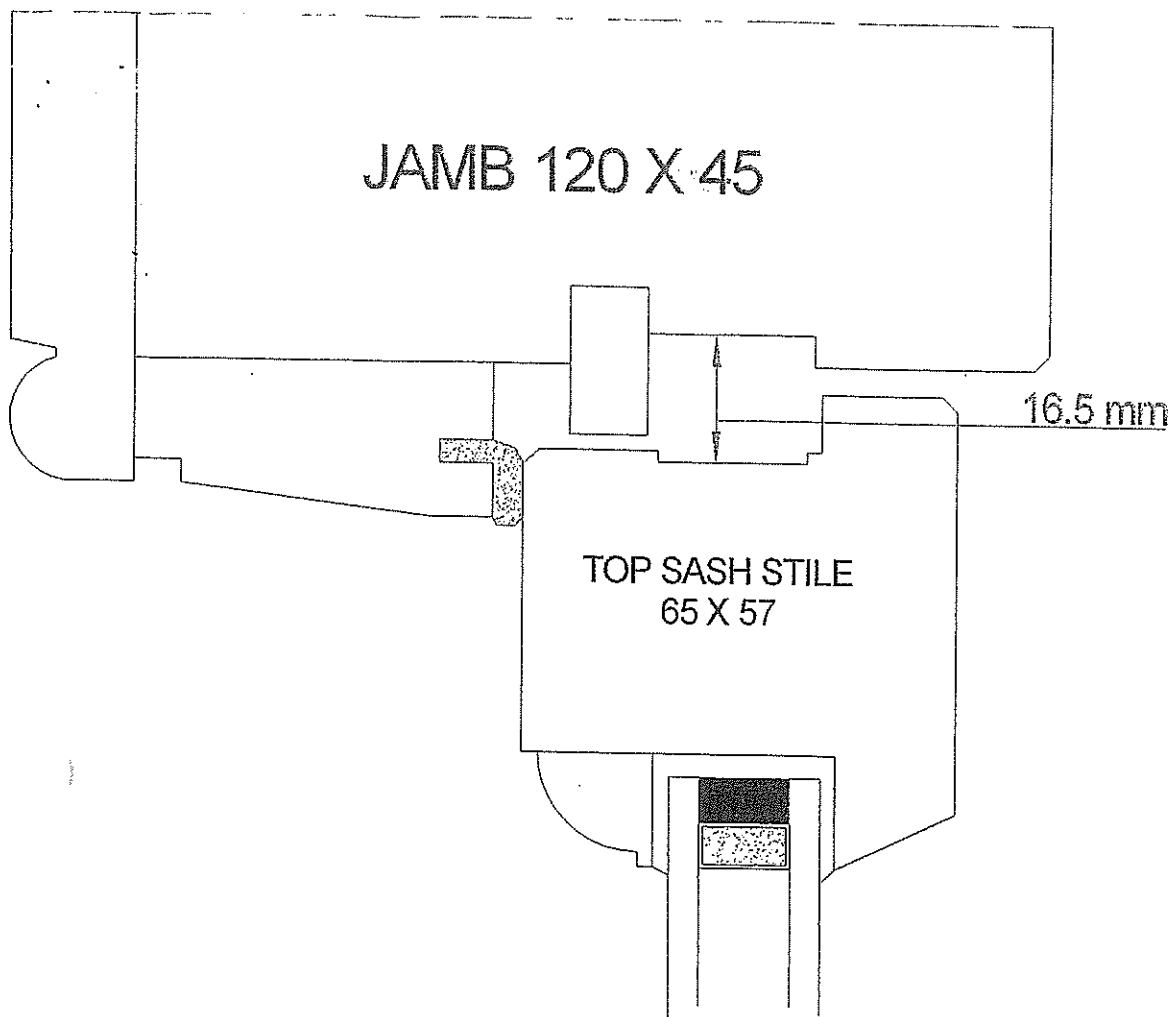




I & N JOINERY LTD
32 MARKET ST
LERWICK
SHETLAND
01595 695800

Conservation type window





HEAD 120 X 45

TOP RAIL OF TOP SASH
66 X 57

BTM RAIL OF BTM SASH
80 X 57

CILL 120 X 45

Delegated Report of Handling

Development: Extend dwellinghouse

Location: 45 St Olaf Street, Lerwick, Shetland, ZE1 0EN,

By: Michael Stewart

Application Ref: 2013/070/PPF

1. Introduction

This is an application to extend a dwellinghouse by the construction of an extension at first floor level on the rear (west) elevation above an existing ground floor single storey extension. The proposed extension will accommodate a bedroom, bathroom and sunroom. It is also proposed to install an additional window in the south facing gable end of the existing dwellinghouse.

2. Statutory Development Plan Policies

Shetland Islands Council Structure Plan (2000) Policies

GDS4 - General Development Policy Natural and Built Environment

SPNE1 - Design

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

LPNE10 - Development and the Environment

LPBE13 - Design

LPBE8 - Development in Conservation Areas

Shetland Islands Council Interim Planning Policy Guidance

3. Safeguarding

Conservation Areas - Conservation Area: Conservation Area

Zone 1 Modified - Zone 1 Modified: Housing Zone 1

4. Consultations

No consultations required.

5. Statutory Advertisements

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

A site notice was not required to be posted.

6. Representations

Representations were received from the following properties:

43 St Olaf Street, Lerwick,
Shetland

One letter of objection has been received the main points of which are as follows:

1. The proposed extension would be in line with the kitchen area of the adjacent guest house, and the south facing windows would look diagonally into the guest dining room at close proximity which will intrude upon privacy. The proposed window in the existing gable of the house will also overlook the window in the adjacent property.

2. Views of Union Street and King Harald Street would be obliterated. The views are used as landmarks to point out directions etc to guests, and are a main attraction of the property.

3. The second level extension will cut out a significant amount of daylight that is essential for wellbeing and the enjoyment of the adjacent home.

4. A brilliant white wall as proposed would present a harsh glare in direct sunlight.

5. The second level extension would affect quality of life and business.

6. The development could compromise customer retention at the adjacent guest house and therefore income.

7. The back garden of the property would be overlooked and having privacy in the back garden is part of the joy of living here.

7. Report

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

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

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

The proposed extension is at first floor level above the existing kitchen and dining room located within the rear garden of the property at 45 St Olaf Street, Lerwick that is within the Lerwick Conservation Area. The existing mono-pitched roof above the kitchen will be removed to accommodate the extension that has a low pitched roof that sits under the eaves level of the main house structure. The extension will be approximately 1.2 metres higher than the existing mono-pitch roof. Externally it is proposed to finish the roof with grey corrugated sheeting, and the walls with white painted vertical wood cladding which will match the colour finishes of the existing house which has a grey slate roof and white coloured rendered walls. The proposed extension will accommodate a sunroom (or solar heat receptor), a bedroom and a bathroom. As the proposed extension is to be built over the window of an existing bedroom it is also proposed to install a window in the gable wall of the main part of the house.

The overall scale and proportions of the proposed extension are acceptable and given that the location of the development is to the rear of the house in an area that is not visually obtrusive, in the overall context of the visual amenity of the built environment the proposed extension will not have a significant impact on the character or appearance of the Conservation Area.

The neighbour in the adjacent property to the south of the site at 43 St Olaf Street has objected to the proposed development due to the potential impact on the amenity of their property in terms of overlooking of dwellinghouse and garden, reduction in daylight, glare from a white wall and obliteration of views towards Union Street and King Harald Street. Overlooking from the proposed new window in the gable wall of the house is also a point of objection.

The proposed second level extension is on the footprint of the existing structure at the rear of the building. The distance between the building lines of the proposed extension and that the existing building at 43 St Olaf Street is approximately 5 metres. The building at 43 St Olaf Street has only one window on the gable end that will be affected by this development. However as the proposed development is to the north of the existing house and as it is not much higher than the existing mono-pitch roof, the proposed development will not have a significantly adverse impact on that adjacent property in terms of daylight/sunlight. There is also a second window facing east that provides light to the same room as the gable window of the adjacent property. The loss of view is not a material planning consideration, and as the existing house is white in colour it is acceptable that the extension is also finished in white to match the existing building.

The main issue of concern is the potential for overlooking of the adjacent property from the south facing window in the room shown on the plans as a sunroom and from the proposed additional window in the gable end of the existing house. Appendix F of the Shetland Local Plan (2004) provides siting and design guidance and principles and

states "privacy in the home is something that everyone has a right to expect, and in order to protect this basic right, new development needs to be carefully sited and designed." The requirement that no main window of a habitable room (i.e. all rooms except bathrooms and hallways) within a dwelling shall overlook the main windows of habitable rooms in neighbouring dwellings at a distance of less than 18 metres in urban areas, is a standard that has been successfully applied by the Council for many years. The standards may be relaxed where the angle of view or the design of the window allows privacy to be maintained. Appendix F also indicates that plans submitted with applications will be required to show the location of all adjoining properties and the exact position of their windows.

The applicant for the proposed extension was asked to provide accurate window to window measurements along with other details on the 8 and 15 of April 2013. Amended plans were received on 18 April 2013 but these did not include any of the details required on window to window distances. An e-mail was received on the 17 April 2013 from the applicant who indicated that the proposed sunroom is a Solar Heat Receptor (SHR) and is a non-habitable room. Further clarification was sought from the applicant who indicated that the purpose of the SHR is to reduce the carbon footprint of the house using heat from the sun and will not be occupied due to the high temperatures produced in that area. The heat would then be ducted throughout the ground floor of the house.

However, windows are proposed in a substantially sized room (2.95 by 4.14 metres in size), that would be capable of being occupied and that face a window of a habitable room in an existing property at close proximity. It is not possible to control the internal habitation of a room such as this within a property once constructed, and no accurate window to window distances have been provided by the applicant as required to allow appropriate assessment. Therefore it has not been demonstrated by the applicant that the sunroom or solar heat receptor will not have a potentially adverse impact on the privacy of the adjacent property. The proposed additional window in the gable wall of the dwelling will be very close to the window of the adjacent property and overlooking will occur.

As overlooking from the proposed south facing windows is the main issue of concern with regard to this development, it is proposed to recommend approval of the development, but with a condition attached to the effect that no work can begin until details of an alternative window design or of opaque glass to be used in the glazing of the windows has been submitted to and approved in writing by the Planning Authority. This will ensure that the development does not proceed until plans demonstrating that potential overlooking of the adjacent property will not occur, and will give the applicant the opportunity to look at alternative window detailing. As the sun room is intended to be non-habitable then using an opaque glass would ensure that any occasional use of the room would not lead to an overlooking

issue and the invasion of the privacy of the adjacent property without significantly reducing the capacity of the window to provide solar heat gain for use in the dwellinghouse. This condition will apply to the south facing window in the room indicated as a sunroom and to the proposed additional window in the existing house as shown on the plans received by the Planning Authority on 18 April 2013. There is no issue of overlooking with the east facing windows, and to the north the angle of overlook and the distance is such that overlooking is not an issue.

8. Recommendation

Grant subject to conditions

Reasons for Council's decision:

(1.) The overall scale and proportions of the proposed extension are acceptable and given that the location of the development is to the rear of the house in an area that is not visually obtrusive, in the overall context of the visual amenity of the built environment the proposed extension will not have a significant impact on the character or appearance of the Conservation Area. Overlooking of the window of the adjacent property from the proposed south facing windows in the extension and from the proposed additional window to be installed in the gable of the existing dwelling can be addressed by examining alternative window design or by the use of opaque glass, and a condition will be attached. Therefore subject to the conditions listed below, that include one requiring the submission of further window details for approval before any works begin, the proposal complies with the Shetland Structure Plan (2000) policies GDS4 and SPNE1 and Shetland Local Plan LPNE10, LPBE13 and LPBE8.

9. List of approved plans:

- Site & Location Plan BRA/L(O)1. Rev A 18.04.2013
- Existing Elevations BRA/L(O)3. Rev A 18.04.2013
- Proposed Plan BRA/L(O)4 Rev A 18.04.2013
- Site & Location Plan BRA/L(O)1 Rev A 18.04.2013

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.) Notwithstanding the approved plans, the proposed windows as shown on the south facing elevation of the proposed extension and the proposed window to be installed in the gable end of the existing dwelling are not approved. The development shall not commence until alternative details for these windows have been submitted to and approved in writing by the Planning Authority. Thereafter the windows on the south facing elevations shall only be installed in accordance with the approved details.

Reason: In order to ensure that overlooking does not occur and to protect the privacy and amenity of the adjacent property in compliance with Shetland Structure Plan (2000) policy GDS4 and Shetland Local Plan (2004) LPNE10 and Appendix F.

(4.) Notwithstanding the provisions of the Town and Country (General Permitted Development) (Scotland) Order 1992 or any subsequent, replacement or amendment Order, no window openings, other than those shown on the approved plans and any subsequent plan approved under condition no 3 above, shall be installed to any of the elevations of the extension hereby approved or in any elevation of the existing dwellinghouse without planning permission being granted on an application made to the Planning Authority.

Reason: In order to safeguard the amenities of the occupiers of adjoining properties in compliance with Shetland Structure Plan (2000) policy GDS4 and Shetland Local Plan (2004) policy LPNE10.

(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:

Notice of Commencement of Development:

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

Notice of Completion of Development:

As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town

and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.

Building Warrant:

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

11. Further Notifications Required

The objector requires to be notified of the decision.

12. Background Information Considered

None.

2013/070/PPF_Delegated_Report_of_Handling.doc

Officer: Janet Barclay Smith

Date: 30th April 2013



SHETLAND ISLANDS COUNCIL

Town and Country Planning (Scotland) Acts Town and Country Planning (General Permitted Development) (Scotland) Orders

With reference to the application for **Planning Permission** (described below) under the above Acts and Orders, the Shetland Islands Council in exercise of these powers hereby **GRANT Planning Permission** for the development, in accordance with the particulars given in, and the plans accompanying the application as are identified; subject to the condition(s) specified below.

Applicant Name and Address

Michael Stewart
45 St Olaf Street
Lerwick
Shetland
ZE1 0EN

Reference Number: 2013/070/PPF

Extend dwellinghouse: 45 St Olaf Street, Lerwick, Shetland, ZE1 0EN

Details of Approved Plans and Drawings:

- Site & Location Plan Drawing No. BRA/L(O)1. Rev A
Stamped Received. 18.04.2013
- Existing Elevations Drawing No. BRA/L(O)3. Rev A
Stamped Received. 18.04.2013
- Proposed Plan Drawing No. BRA/L(O)4 Rev A
Stamped Received. 18.04.2013
- Site & Location Plan Drawing No. BRA/L(O)1 Rev A
Stamped Received. 18.04.2013

Reasons for Council's decision:

The overall scale and proportions of the proposed extension are acceptable and given that the location of the development is to the rear of the house in an area that is not visually obtrusive, in the overall context of the visual amenity of the built environment the proposed extension will not have a significant impact on the character or appearance of the Conservation Area. Overlooking of the window of the adjacent property from the proposed south facing windows in the extension and from the proposed additional window to be installed in the gable of the existing dwelling can be addressed by examining alternative window design or by the use of opaque glass, and a condition will be attached. Therefore subject to the conditions listed below that include one requiring the submission of further window details for

IMPORTANT INFORMATION

If you are aggrieved by any of the conditions on the grant of planning permission made by the planning authority, you may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within 3 months from the date of this notice. The notice of review should be addressed to: Shetland Islands Council, Planning Department, Development Services, Grantfield, Lerwick, Shetland, ZE1 0NT. The necessary form can be obtained upon request from the same address.

If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

approval before any works begin, the proposal complies with the Shetland Structure Plan (2000) policies GDS4 and SPNE1 and Shetland Local Plan (2004) policies LPNE10, LPBE13 and LPBE8.

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) Notwithstanding the approved plans, the proposed windows as shown on the south facing elevation of the proposed extension and the proposed window to be installed in the gable end of the existing dwelling are not approved. The development shall not commence until alternative details for these windows have been submitted to and approved in writing by the Planning Authority. Thereafter the windows on the south facing elevation shall only be installed in accordance with the approved details.

Reason: In order to ensure that overlooking does not occur and to protect the privacy and amenity of the adjacent property in compliance with Shetland Structure Plan (2000) policy GDS4 and Shetland Local Plan (2004) LPNE10 and Appendix F.

(4) Notwithstanding the provisions of the Town and Country (General Permitted Development) (Scotland) Order 1992 or any subsequent, replacement or

amendment Order, no window openings, other than those shown on the approved plans and any subsequent plan approved under condition no 3 above, shall be installed to any of the elevations of the extension hereby approved or in any elevation of the existing dwellinghouse without planning permission being granted on an application made to the Planning Authority.

Reason: In order to safeguard the amenities of the occupiers of adjoining properties in compliance with Shetland Structure Plan (2000) policy GDS4 and Shetland Local Plan (2004) policy LPNE10.

(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:

Notice of Commencement of Development

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

Notice of Completion of Development

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

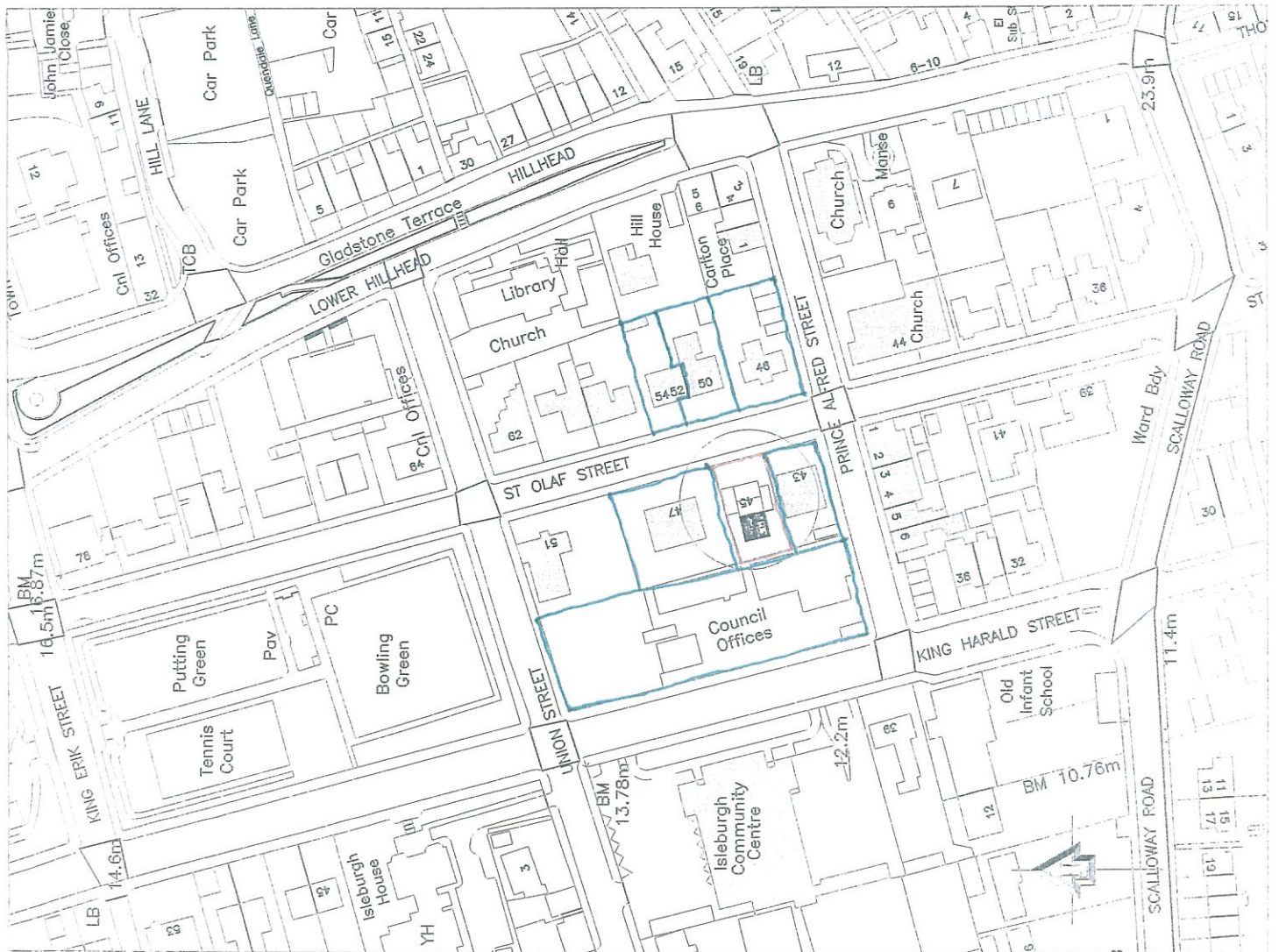
Building Warrant

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

30 April 2013

A handwritten signature in black ink, appearing to read 'Iain MacDiarmid', written over a horizontal line.

Executive Manager - Planning



SITE PLAN Scale 1:500



VIEW OF FRONT ELEVATION FROM ST.OLAF STREET.

SIC
INFRASTRUCTURE SERVICES

18 APR 2013

ACTION

45 St. Olaf Street.

OWNER/OCCUPIERS:
52/54 St Olaf Street-J&J Properties.
50 St Olaf Street-M. Tulloch
45 St Olaf Street-AME Conroy
P/Os Alfred Street-Dalesbæk Developments S.A.
King Harald Street-Housing Department.
47 St Olaf Street-Housing Department.

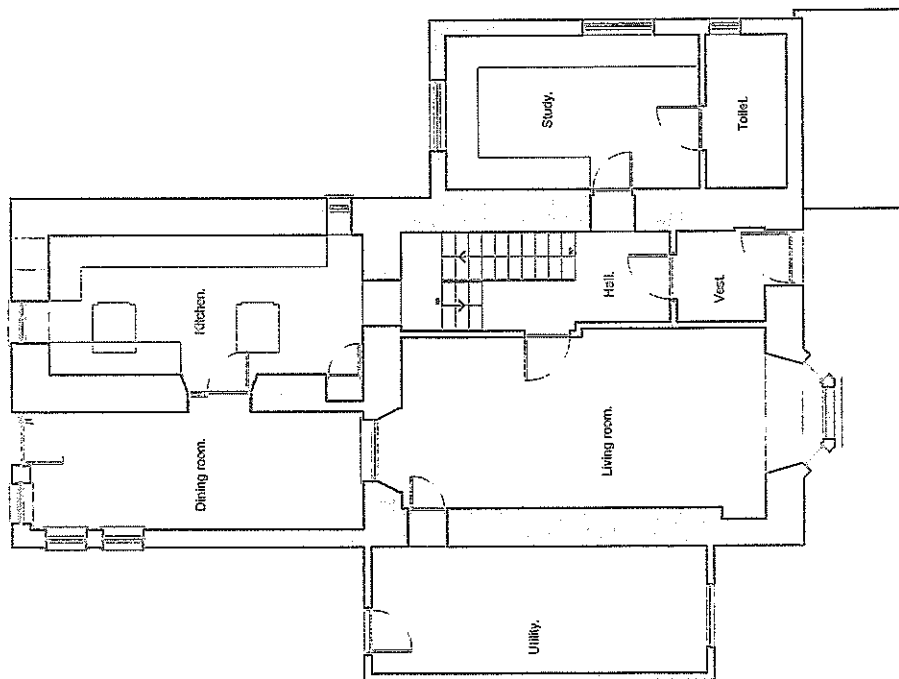
Proposed upper floor extension
built over rear ground floor
kitchen/dining area.



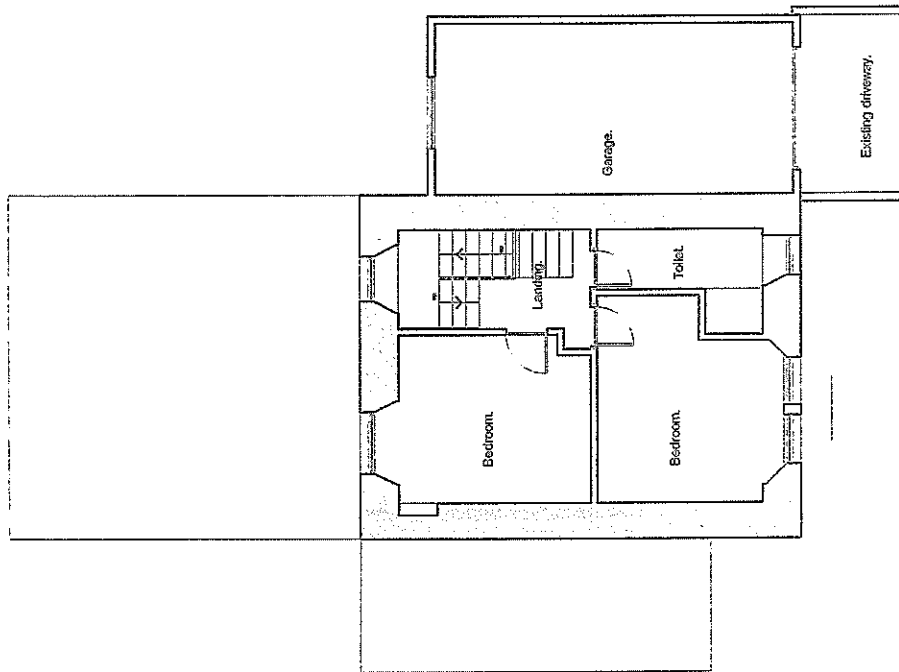
Site Plan Scale 1:500.

Planning Submission.

Proposed Alterations to Dwelling House at 45 St Olaf Street for Marlyn Susan Street. Phone no 01595 665500.		Drawn: J. J. J.	Scale: 1:1250/1:500.	Drawn: J. J. J.
Locality plan as submitted/proposed.		Drawn: J. J. J.	Scale: 1:1250/1:500.	Drawn: J. J. J.



GROUND FLOOR PLAN as existing Scale 1:100



UPPER FLOOR PLAN as existing Scale 1:100

PLAN OF PLANNING PERMISSION
APPROVED
BY THE DISTRICT COUNCIL OF
GLASGOW AND DISTRICT COUNCIL
PROVISIONS OF THE TOWN AND
COUNTRY PLANNING (SCOTLAND)
ACT 1972 IN ACCORDANCE WITH THE
PLANNING (SCOTLAND) ACT 1972

TECHNICAL
DEVELOPMENT MANAGEMENT
30 APR 2013
SIGNED: [Signature]

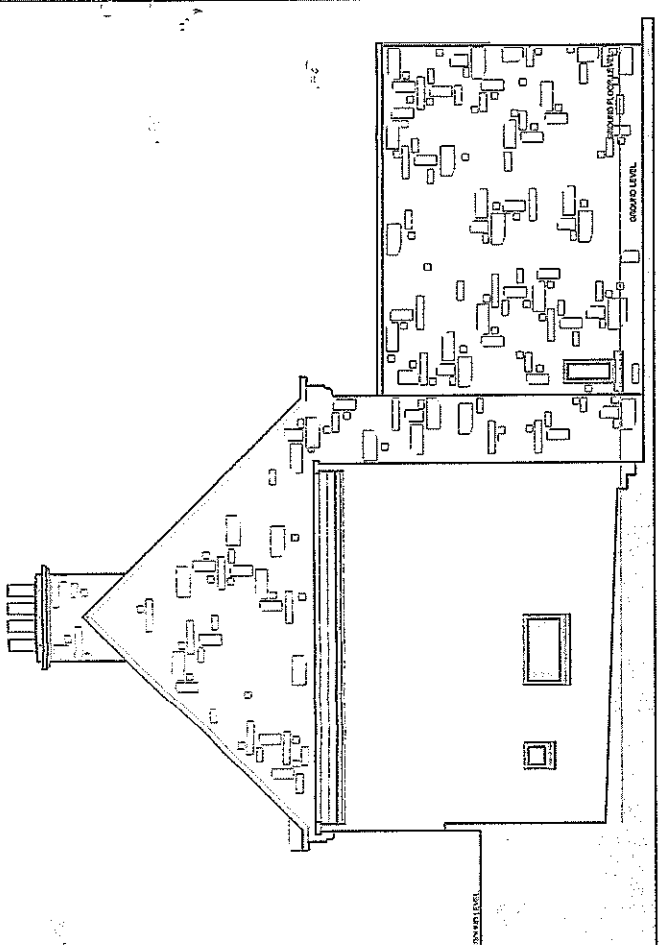
SIC
INFRASTRUCTURE SERVICES
- 1 MAR 2013
[Signature]

TECHNICAL
DEVELOPMENT MANAGER
30 APR 2013
SIGNED: J.C. [Signature]

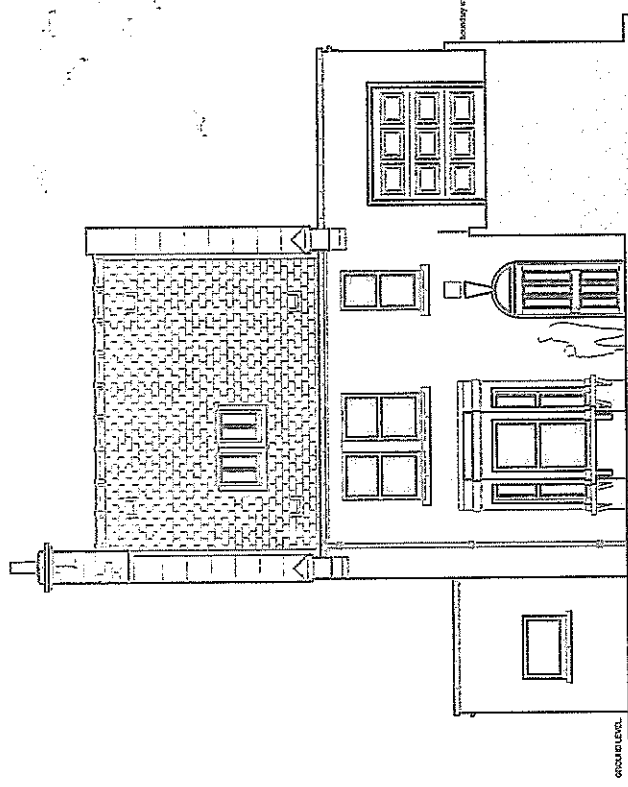
APPROVED
PLANNING AUTHORITY
TECHNICAL DEVELOPMENT MANAGER
COUNTRY PLANNING AUTHORITY
30 APR 2013

SC
CONSULTATION SERVICES
10 APR 2013

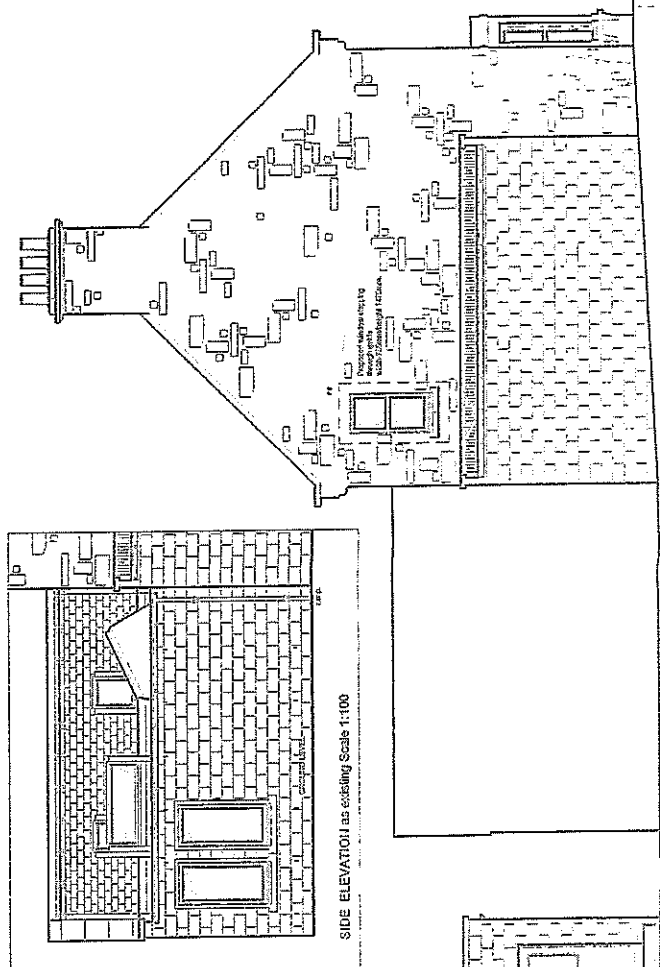
Prepared / Checked by: [Name]
at: [Address]
Project Name: [Name]
Scale: 1:100
Date: [Date]
By: [Name]



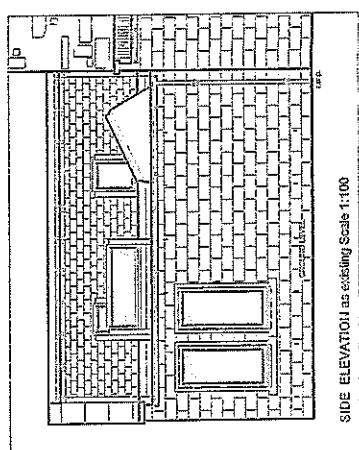
FRONT ELEVATION as existing Scale 1:100



SIDE ELEVATION as existing Scale 1:100



REAR ELEVATION as existing Scale 1:100



SIDE ELEVATION as existing Scale 1:100



Shetland Islands Council

Executive Manager: Iain S McDiarmid
Director: Neil Grant

Mr Michael Stewart
45 St Olaf Street
Lerwick
ZE1 0EN

Planning
Development Services
8 North Ness Business Park
Lerwick
Shetland
ZE1 0LZ

Telephone: 01595 744293
www.shetland.gov.uk

If calling please ask for:
John Holden
Team Leader – Development
Management
john.holden@shetland.gov.uk
Direct Dial: 01595 743898

Our Ref: 2013/070/PPF

Date: 23 December 2015

Dear Mr Stewart,

Town and Country Planning (Scotland) Act 1997 (as amended)

Development	Extend dwellinghouse
Location	45 St Olaf Street, Lerwick, Shetland, ZE1 0EN
Applicant Name	Michael Stewart

I refer further to the plans and details submitted in pursuance of Condition 3 of the above planning permission.

On 27 July 2015 I confirmed that the following plans and details submitted are acceptable (as may be amended and/or expanded upon by a listed document following afterward) for the alternative design for the south facing windows to the proposed sunroom extension to the upper floor of the dwellinghouse.

2013/070/PPF – SIC002 received by Planning Authority on 29 September 2014;
2013/070/PPF – SIC004 received by Planning Authority on 29 September 2014;
2013/070/PPF – SIC007 received by Planning Authority on 27 October 2014;
2013/070/PPF – SIC008 received by Planning Authority on 27 October 2014;
2013/070/PPF – SIC009, email from michael-stewart@live.co.uk to Planning Authority dated 01 July 2015 11:18; and
2013/070/PPF – SIC010, email from michael-stewart@live.co.uk to Planning Authority dated 02 July 2015 15:05,

On 10 September 2015 you submitted plans and details (dated 10/10/15 (*sic*)) of alternative details for the proposed window to be installed in the gable end of the

existing dwelling, pursuant to the requirements of condition no. 3 of Planning Permission Ref: 2013/070/PPF being met in full.

On the basis that the plan and details submitted are acceptable I confirm that the submission is acceptable and that condition no. 3 is now fully discharged.

The plans and details submitted that are acceptable as the alternative details for the proposed window to be installed in the gable end of the existing dwelling are as follows:

2013/070/PPF – SIC011, Letter from Michael Stewart to Planning Authority dated 10/10/15 (*sic*) received 10 September 2015; and
2013/070/PPF – SIC012 received by Planning Authority on 10 September 2015.

and copies of these are attached for reference purposes.

As the condition is now fully discharged copies of stamped approved plans relating to alternative designs required by condition no. 3, firstly for the south facing windows to the proposed sunroom extension to the upper floor of the dwellinghouse, and secondly for the proposed window to be installed in the gable end of the existing dwelling, are hereby attached.

Finally, I again apologise for the delay in the handling of your submission.

Yours sincerely



John Holden
Team Leader – Development Management

2013/070/PPF - SIC 002

NORTH
45°

GRANT OF PLANNING PERMISSION
APPROVED
BY SHETLAND ISLANDS COUNCIL AS
PLANNING AUTHORITY UNDER THE
PROVISIONS OF THE TOWN AND
COUNTRY PLANNING (SCOTLAND)
ACT 1997 IN ACCORDANCE WITH THE
ATTACHED DECISION NOTICE

TEAM LEADER
DEVELOPMENT MANAGEMENT

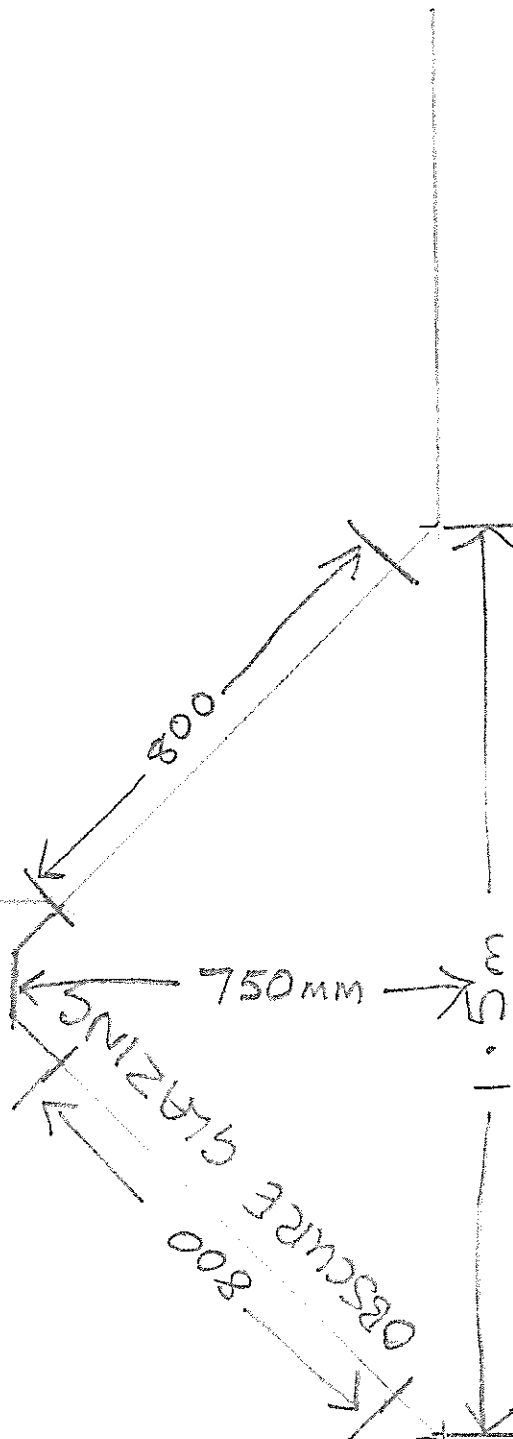
23 DEC 2013

SIGNED: J R [Signature]

SHETLAND ISLANDS COUNCIL
PLANNING

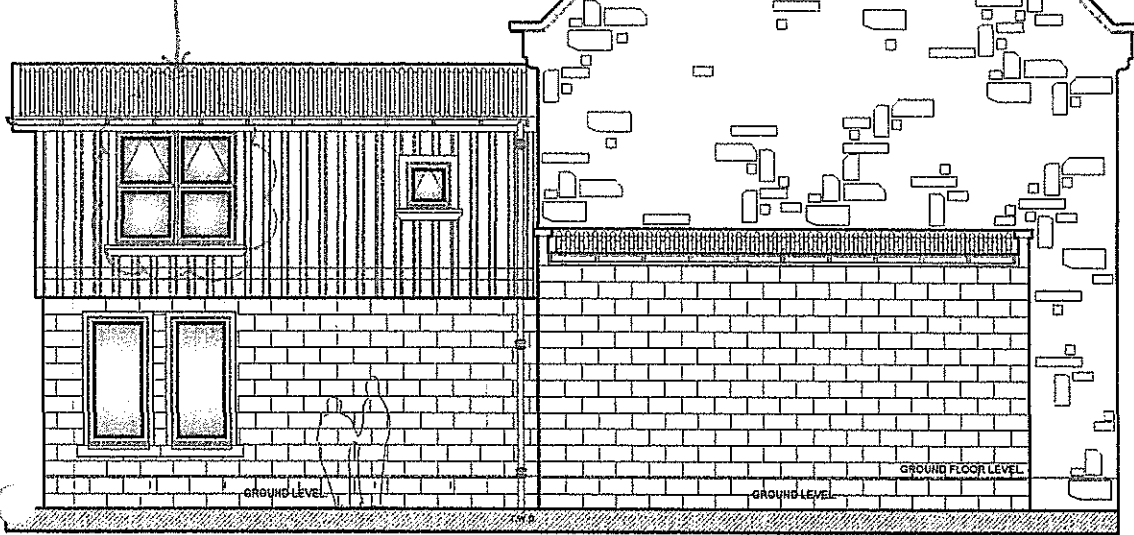
29 SEP 2014

PASS TO ACTION

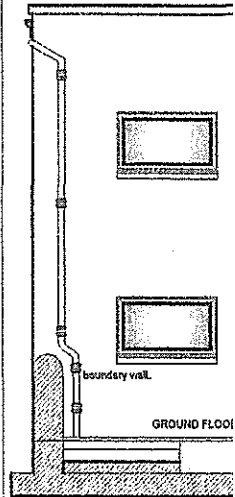


EXTENSION TO 45 ST OLAF STREET
2013/070/PPF

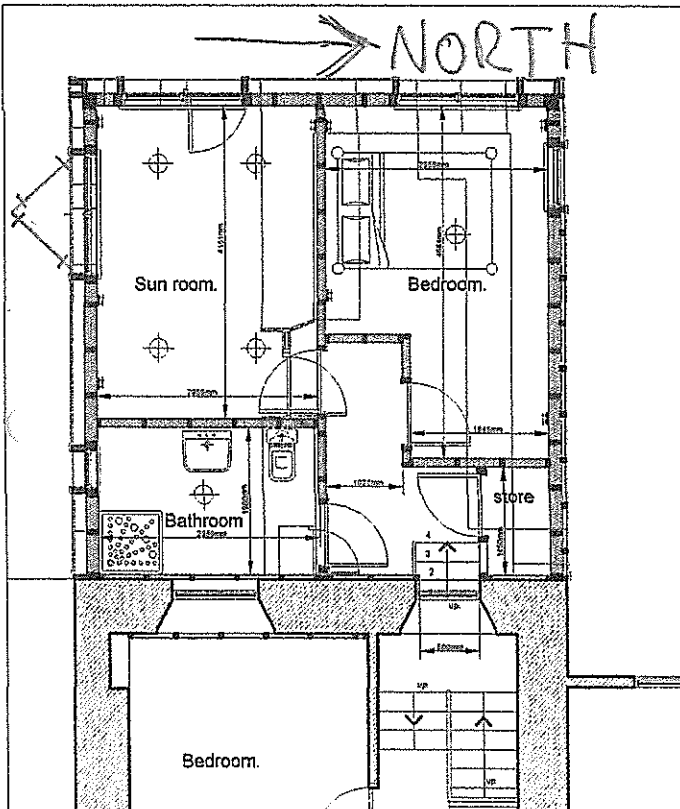
Window not approved,
see condition no 3 of
permission ref 2013/070/PPF



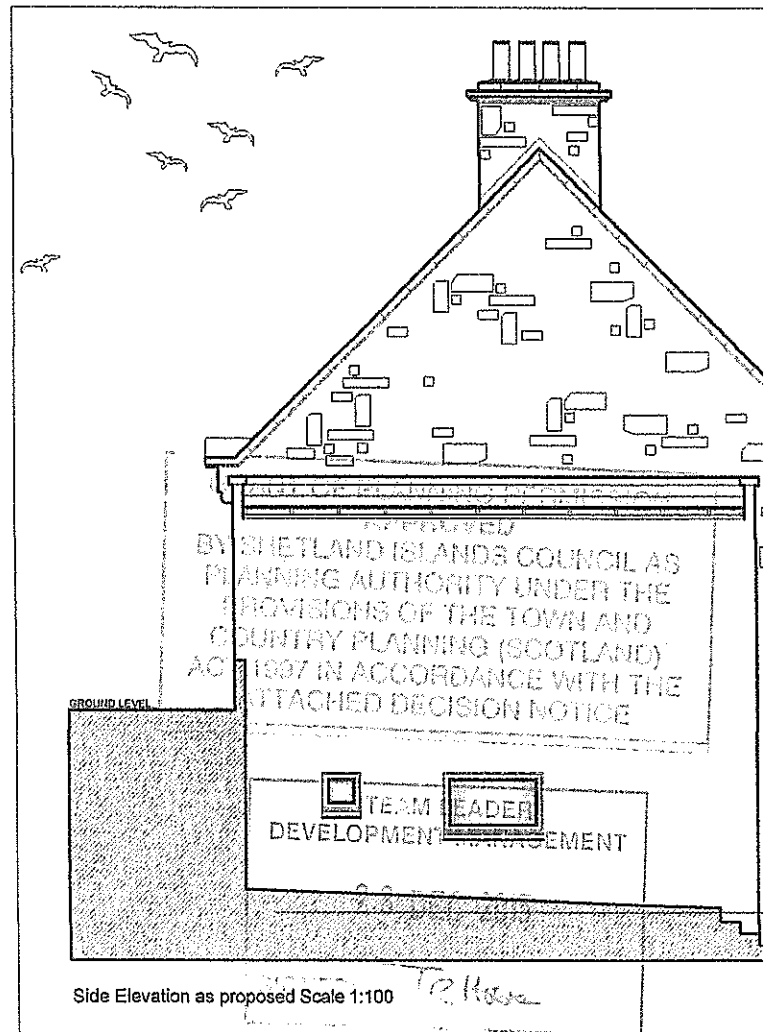
Side Elevation as proposed Scale 1:100



Rear Elevation as proposed



Upper floor plan as proposed Scale 1:100.



Side Elevation as proposed Scale 1:100

SHETLAND ISLANDS COUNCIL
PLANNING

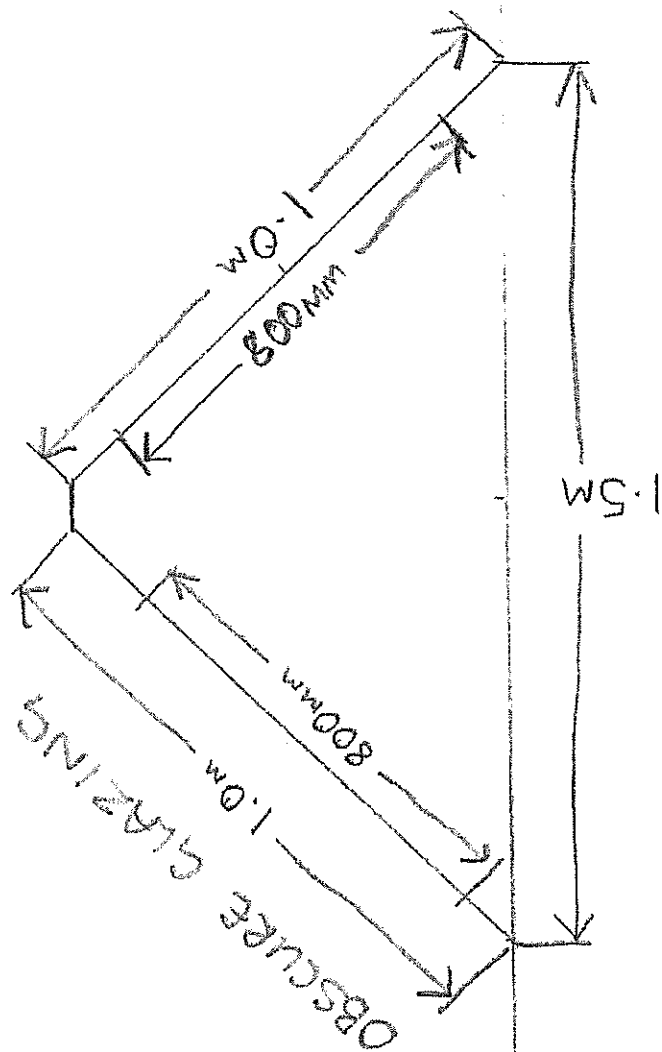
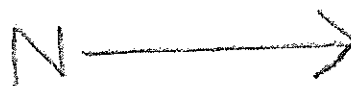
29 SEP 2014

PASS TO

ACTION

2013/070/ATF-SIC 007

SHETLAND ISLANDS COUNCIL PLANNING	
27 OCT 2014	
PASS TO	ACTION



GRANT OF PLANNING PERMISSION
APPROVED
BY SHETLAND ISLANDS COUNCIL AS
PLANNING AUTHORITY UNDER THE
PROVISIONS OF THE TOWN AND
COUNTRY PLANNING (SCOTLAND)
ACT 1997 IN ACCORDANCE WITH THE
ATTACHED DECISION NOTICE

TEAM LEADER
DEVELOPMENT MANAGEMENT

23 DEC 2013

SIGNED: JRH602

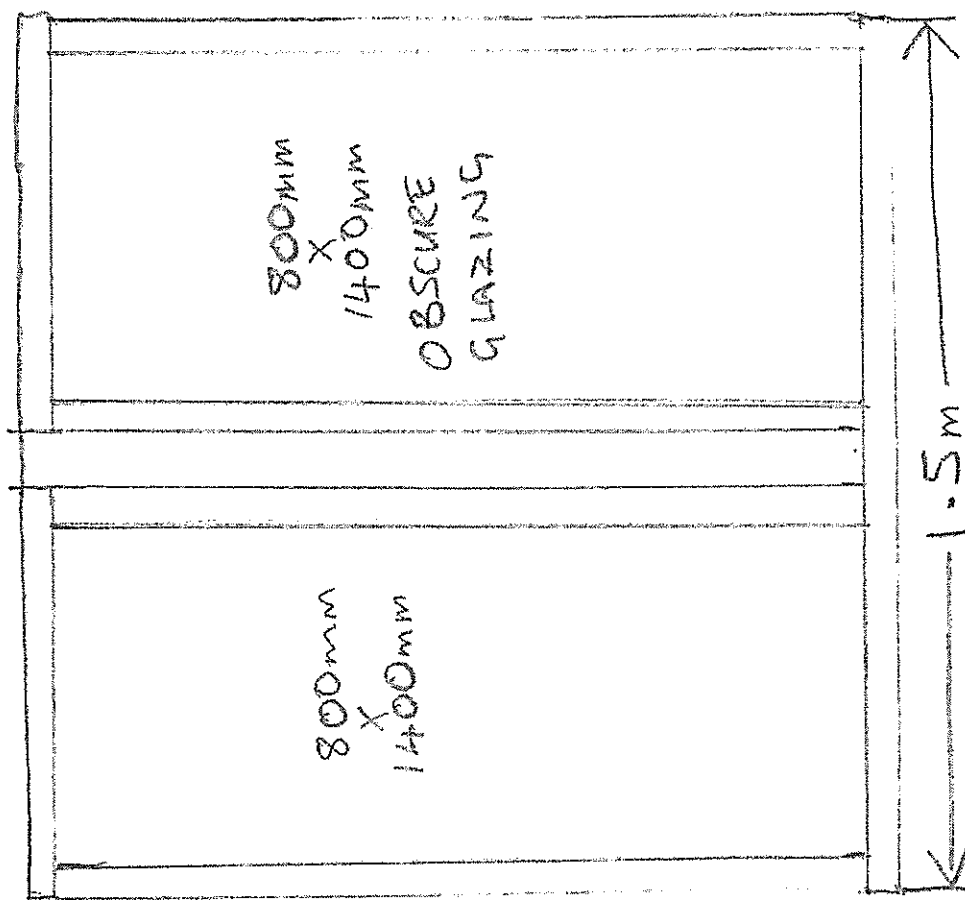
2013/070/APP - SIC008

SOUTH ELEVATION

SHETLAND ISLANDS COUNCIL PLANNING	
27 OCT 2014	
PASS TO	ACTION

CRAFT OF PLANNING F
APPROVED
BY SHETLAND ISLANDS
PLANNING AUTHORITY
PROVISIONS OF THE T
COUNTRY PLANNING A
ACT 1997 IN ACCORDAN
ATTACHED DECISION

TEAM LEADER DEVELOPMENT MANAGEMENT
23 DEC 2013
SIGNED: JR Hosa



Holden John@Development Service

From: michael stewart [michael-stewart@live.co.uk]
 Sent: 01 July 2015 11:18
 To: Holden John@Development Service
 Subject: RE: 2013/070/PPF

Dear Mr Holden

- 1) The windows in each section will be fixed (non opening).
- 2) The glass will be obscure glass called "satin" supplied by Garriocks Building Centre (previously T&N), do you require a sample?.
- 3) The windows will be double glazed hardwood supplied by Garriocks Building Centre.
- 4) The centre mullion will be made of the same hardwood as the windows.

Hope this answers your queries.

Regards

Michael

GRANT OF PLANNING PERMISSION
 GRANTED
 BY SHETLAND ISLANDS COUNCIL AS
 PLANNING AUTHORITY UNDER THE
 TOWN AND COUNTRY PLANNING (SCOTLAND)
 ACT 1977 IN ACCORDANCE WITH THE
 ATTACHED DECISION NOTICE

TEAM LEADER
 DEVELOPMENT MANAGEMENT

23 DEC 2015

From: john.holden@shetland.gov.uk
 To: michael-stewart@live.co.uk
 CC: Janet.BarclaySmith@shetland.gov.uk
 Subject: RE: 2013/070/PPF
 Date: Tue, 30 Jun 2015 15:01:43 +0000

SIGNED: *JR Holden*

Dear Mr Stewart,

Further to our more recent telephone conversations, following receipt of input and explanation by Janet Barclay-Smith I can now advise you of the further detail that is considered is needed for us to complete the assessment of your submission pursuant to condition 3 of Planning Permission Ref. 2013/070/PPF.

The window details that you have submitted that show a possible triangular shaped window on the south facing elevation of the proposed rear extension at 45 St Olaf Street are acceptable in principle as a means of ensuring a level of privacy to the adjacent building whilst still allowing light into the room. However the drawing you submitted does not contain sufficient detail for the impact on the adjacent dwellinghouse to be able to be fully judged. In order that we can do so could you please provide the following further information to support your application:

- 1) Details of whether the windows in each section will open or not;
- 2) Details of the type of obscure glass proposed;
- 3) Confirmation of whether the windows are to be double glazed; and
- 4) Confirmation of what the centre mullion of the triangular shaped window set is to be made of.

This is the level of detailed information that is considered is required as the minimum before a full assessment of the proposed suitability of the window set you have put forward can be made.

Once we have the above information we will be able to fully assess the proposal.

I am sorry it has taken us so long to get to this point.

Regards

John Holden

John Holden
Team Leader – Development Management

Shetland islands Council
Planning
Development Services Department
8 North Ness Business Park
Lerwick
Shetland
ZE1 0LZ

Tel: (01595) 743898

From: michael stewart [mailto:michael-stewart@live.co.uk]
Sent: 20 May 2015 12:14
To: Holden John@Development Service
Subject: FW: 2013/070/PPF

Hi Mr Holden

Any progress on this permission. 2013/070/PPF

My concern is that I lose the permission if its not dealt with.

Regards

Michael Stewart

From: michael-stewart@live.co.uk
To: john.holden@shetland.gov.uk
Subject: RE: 2013/070/PPF
Date: Tue, 12 May 2015 10:29:02 +0100
Hi Mr Holden

Sorry to trouble you again.

Have you made any progress on the way forward regarding condition 3 of permission 2013/070/PPF.
I have sent in window details both by post and through the e-planning system (Proposal
Reference:000103087) October 2014
My concern is that I will lose the permission if this is not resolved.

Regards

Michael Stewart

From: john.holden@shetland.gov.uk
To: michael-stewart@live.co.uk
Subject: RE: 2013/070/PPF
Date: Tue, 21 Apr 2015 09:21:33 +0000
Dear Mr Stewart,

Thank you for your emails, and I am sorry for not having responded to them and following up on your telephone calls to the office before now. The office is very busy and I have been handling recruitment processes as well (which seems to take longer each time!). I will be looking out your file in the next couple of days and will get back in touch with you with then.

I hope this is acceptable to you, and thank you for your patience and for bearing with me.

Regards

John

John Holden
Team Leader – Development Management
Planning

Shetland Islands Council
Planning
Development Services Department
8 North Ness Business Park
Lerwick
Shetland
ZE1 0LZ

Tel: (01595) 743898

From: michael stewart [<mailto:michael-stewart@live.co.uk>]
Sent: 10 April 2015 16:40
To: Holden John@Development Service
Subject: RE: 2013/070/PPF

Hello again Mr Holden

I suppose my main concern is the loss of permission should this issue not be resolved.
Could you let me know if that would be the case.

Regards

Michael

From: michael-stewart@live.co.uk
To: john.holden@shetland.gov.uk
Subject: 2013/070/PPF
Date: Tue, 7 Apr 2015 11:42:22 +0100

Hello Mr Holden

Has there any decision been made in respect of the window details?

I can put in obscure glazing into the original plans if it can get things moving.

Regards

Michael Stewart

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Holden John@Development Management

From: michael stewart [michael-stewart@live.co.uk]
 Sent: 02 July 2015 15:05
 To: Holden John@Development Management
 Subject: RE: 2013/070/PPF

Follow Up Flag: Follow up
 Flag Status: Flagged

GRANT OF PLANNING PERMISSION
 APPROVED
 BY SHETLAND ISLANDS COUNCIL AS
 PLANNING AUTHORITY UNDER THE
 PROVISIONS OF THE TOWN AND
 COUNTRY PLANNING (SCOTLAND)
 ACT 1997 IN ACCORDANCE WITH THE
 ATTACHED DECISION NOTICE

Hi John,

I feel that we have known one another so long now that I can call you by your first-name and hope you find that acceptable.

You may also call me Michael rather than the formal Mr if you want.

The windows will be stained brown to match the existing ones at the rear of the property.

Michael

TEAM LEADER
 DEVELOPMENT MANAGEMENT

23 DEC 2015

SIGNED: J R Howie

From: john.holden@shetland.gov.uk
 To: michael-stewart@live.co.uk
 CC: Janet.BarclaySmith@shetland.gov.uk
 Subject: RE: 2013/070/PPF
 Date: Wed, 1 Jul 2015 12:39:36 +0000

Dear Mr Stewart,

Your glass sample was handed to me by the Reception staff just now as I returned to the building from making my purchases for my lunch.

It will be returned to you. I would just like Janet to take a look at it before responding. Unfortunately (but fortunately for her) she is taking advantage of the weather so isn't at work this afternoon. We will therefore be looking at it tomorrow morning, after which I'll be back in touch.

Regards

John Holden

John Holden
 Team Leader – Development Management

Shetland islands Council
 Planning
 Development Services Department
 8 North Ness Business Park
 Lerwick
 Shetland
 ZE1 0LZ

Tel: (01595) 743898

From: michael stewart [mailto:michael-stewart@live.co.uk]
 Sent: 01 July 2015 13:33

To: Holden John@Development Service
Subject: RE: 2013/070/PPF

Hi John

I have delivered a sample to you.

Its the display piece from Garriocks so I would hope to get it back.

Regards

Michael

From: john.holden@shetland.gov.uk
To: michael-stewart@live.co.uk
CC: Janet.BarclaySmith@shetland.gov.uk
Subject: RE: 2013/070/PPF
Date: Wed, 1 Jul 2015 11:41:30 +0000
Dear Mr Stewart,

Thank you for your email yesterday afternoon, and for this morning's containing further details in support of your submission.

In relation to the obscure glass, could we please have sight of a sample.

On the detail of the window itself the proposal for it to be double glazed and in hardwood is acceptable. As the site is in the conservation area our preference would be for it to be painted, but as all the windows in the existing house are stained hardwood this is not essential. It is also acknowledged that the window is on the back of the house and so will not be too visible. If the proposal is to paint or stain the window a different colour to the existing windows in the remainder of the house please confirm what the colour is to be. Otherwise confirmation of staining to match the existing will suffice.

When we receive these details we shall make the determination as quickly as we can, avoiding further delays.

Regards

John Holden

John Holden
Team Leader – Development Management

Shetland islands Council
Planning
Development Services Department
8 North Ness Business Park
Lerwick
Shetland
ZE1 0LZ

Tel: (01595) 743898

From: michael stewart [<mailto:michael-stewart@live.co.uk>]
Sent: 01 July 2015 11:18
To: Holden John@Development Service
Subject: RE: 2013/070/PPF

Dear Mr Holden

- 1) The windows in each section will be fixed (non opening).
- 2) The glass will be obscure glass called "satin" supplied by Garriocks Building Centre (previously T&N), do you require a sample?.
- 3) The windows will be double glazed hardwood supplied by Garriocks Building Centre.
- 4) The centre mullion will be made of the same hardwood as the windows.

Hope this answers your queries.

Regards

Michael

From: john.holden@shetland.gov.uk
To: michael-stewart@live.co.uk
CC: Janet.BarclaySmith@shetland.gov.uk
Subject: RE: 2013/070/PPF
Date: Tue, 30 Jun 2015 15:01:43 +0000
Dear Mr Stewart,

Further to our more recent telephone conversations, following receipt of input and explanation by Janet Barclay-Smith I can now advise you of the further detail that is considered is needed for us to complete the assessment of your submission pursuant to condition 3 of Planning Permission Ref. 2013/070/PPF.

The window details that you have submitted that show a possible triangular shaped window on the south facing elevation of the proposed rear extension at 45 St Olaf Street are acceptable in principle as a means of ensuring a level of privacy to the adjacent building whilst still allowing light into the room. However the drawing you submitted does not contain sufficient detail for the impact on the adjacent dwellinghouse to be able to be fully judged. In order that we can do so could you please provide the following further information to support your application:

- 1) Details of whether the windows in each section will open or not;
- 2) Details of the type of obscure glass proposed;
- 3) Confirmation of whether the windows are to be double glazed; and
- 4) Confirmation of what the centre mullion of the triangular shaped window set is to be made of.

This is the level of detailed information that is considered is required as the minimum before a full assessment of the proposed suitability of the window set you have put forward can be made.

Once we have the above information we will be able to fully assess the proposal.

I am sorry it has taken us so long to get to this point.

Regards

John Holden

John Holden
Team Leader – Development Management

Shetland islands Council
Planning
Development Services Department
8 North Ness Business Park
Lerwick
Shetland
ZE1 0LZ

Tel: (01595) 743898

From: michael stewart [<mailto:michael-stewart@live.co.uk>]
Sent: 20 May 2015 12:14
To: Holden John@Development Service
Subject: FW: 2013/070/PPF

Hi Mr Holden

Any progress on this permission. 2013/070/PPF

My concern is that I lose the permission if its not dealt with.

Regards

Michael Stewart

From: michael-stewart@live.co.uk
To: john.holden@shetland.gov.uk
Subject: RE: 2013/070/PPF
Date: Tue, 12 May 2015 10:29:02 +0100
Hi Mr Holden

Sorry to trouble you again.

Have you made any progress on the way forward regarding condition 3 of permission 2013/070/PPF.
I have sent in window details both by post and through the e-planning system (Proposal
Reference:000103087) October 2014
My concern is that I will lose the permission if this is not resolved.

Regards

Michael Stewart

From: john.holden@shetland.gov.uk
To: michael-stewart@live.co.uk
Subject: RE: 2013/070/PPF
Date: Tue, 21 Apr 2015 09:21:33 +0000
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Team Leader – Development Management
Planning

Shetland Islands Council
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8 North Ness Business Park
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Michael Stewart
45 St Olaf Street
Lerwick
ZE1 0EN
10/10/15

Dear Mr Holden

I enclose details of the gable window as requested for 2013/070/PPF.

The window and central mullion shall be double glazed hardwood, top hung and the glazing will be obscure glass called satin as asked for by yourself.

This glazing will be the same as the sample I provided for the other South facing window.

Regards

Michael Stewart

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TEAM LEADER
DEVELOPMENT MANAGEMENT

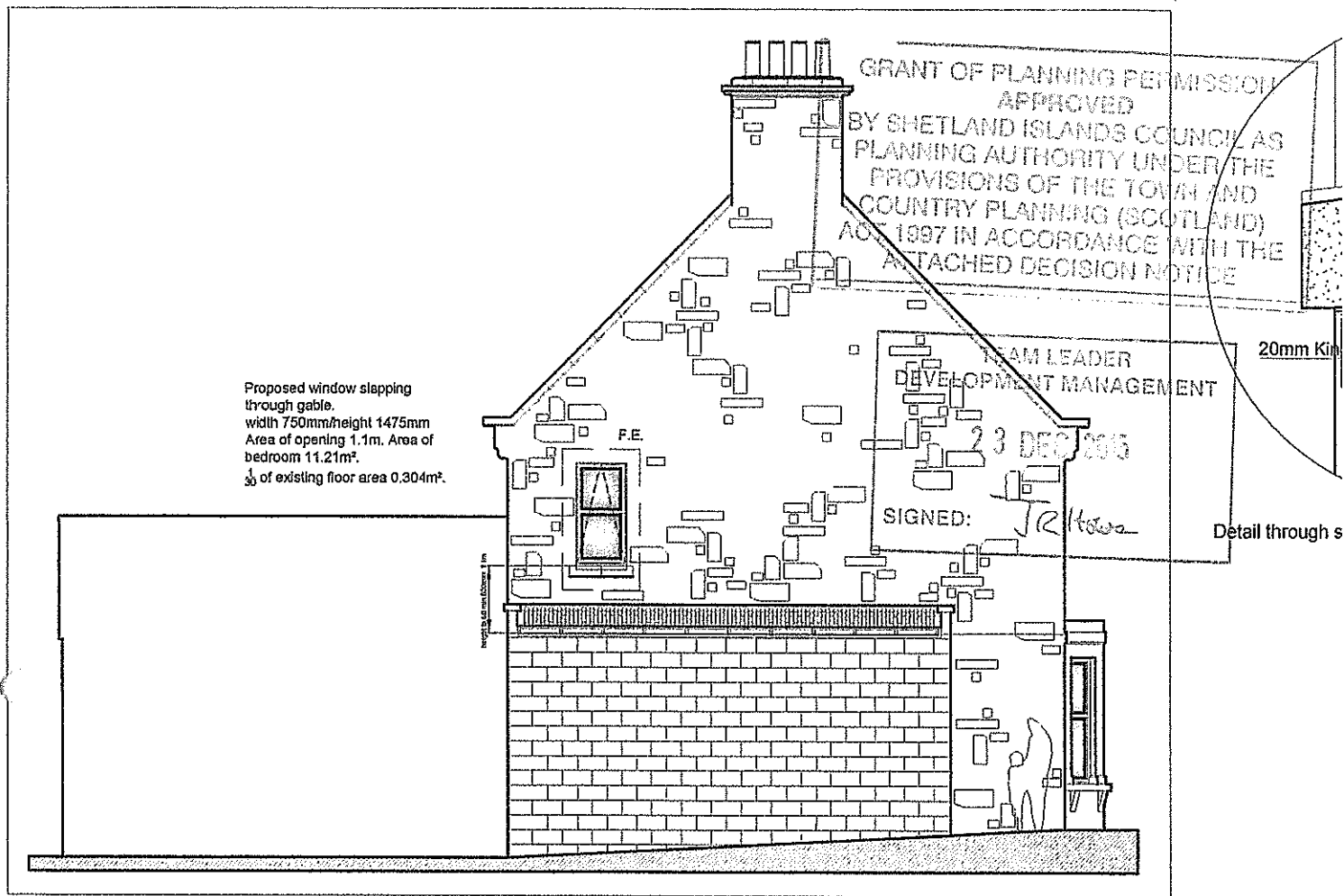
23 SEP 2015

SIGNED: *JR Howe*

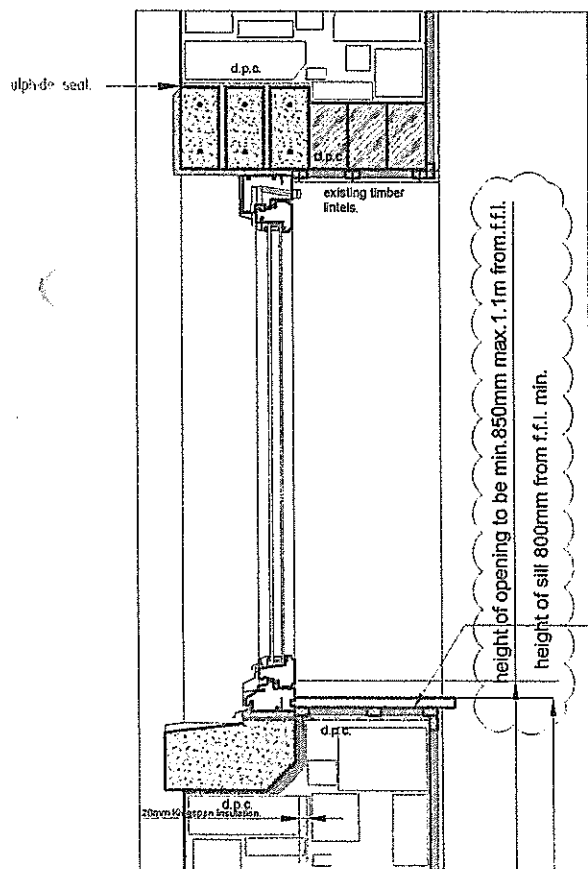
SHETLAND ISLANDS COUNCIL
PLANNING

10 SEP 2015

PASS TO *U4* ACTION *169034*



Side Elevation as proposed Scale 1:100.



Detail through window Scale 1:20.

3.no. 100x215mm RC 32/40 precast lintels with T12 bar reinforcement top and bottom, 40mm cover to all steel with 150mm end bearing onto nominal 150mm thick pad stone cast onto stone matrix.

New double glazed hardwood top hung fully reversible window.

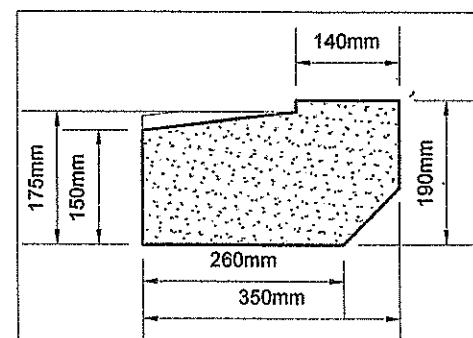
Dub out stone and form smooth render ingoes.

Clear opening area of window 1.1m².

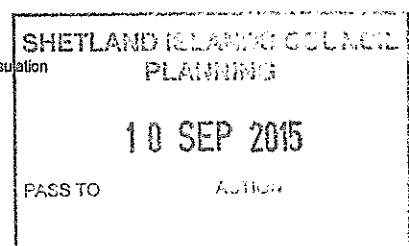
Escape windows should be large enough to escape through and should be located in an external wall or roof. The windows should have an unobstructed openable area that is at least 0.33m² and at least 450mm high and 450mm wide. The route through the window may be at an angle rather than straight through and the bottom of the openable area should be not more than 1100mm above the floor.

20mm Kingspan K12 insulation.

New p.c. concrete sill with bonded d.p.c. backing lapped under window d.p.c. and 20mm Kingspan Insulation bonded to back of sill.



Section through p.c.sill. Scale 1:10.



Town and Country Planning (Scotland) Act 1997

Shetland Islands Council 45 St. Olaf Street, Lerwick (Modification of Planning Permission 2011/114/PCD) Order 2016

Shetland Islands Council, established under the Local Government etc. (Scotland) Act 1994, makes the following order in exercise of its powers under section 65 of the Town and Country Planning (Scotland) Act 1997:

1. Citation and Commencement

This Order may be cited as the Shetland Islands Council 45 St. Olaf Street, Lerwick (Modification of Planning Permission 2011/114/PCD) Order 2016.

2. Interpretation

2.1 'The Permission' means the Planning Permission (reference: 2011/114/PCD) attached to the Land. The Permission was granted to Michael Stewart by the Council on 21 July 2011 subject to conditions.

2.2 'The Land' means that area of land at 45 St. Olaf Street, Lerwick, Shetland, ZE1 0EN, shown outlined in red on Annex 1 to this order.

3. The Consent

3.1 Shetland Islands Council has determined that it is expedient, having regard to the development plan and other material considerations, to modify the Permission by adding the following condition:

(6) Notwithstanding the approved plans, the installation of a window into the window slapping proposed through the gable end of the existing dwelling is not approved, and shall only take place in accordance with the details shown on the plans and details referenced: 2013/070/PPF – SIC011, Letter from Michael Stewart to Planning Authority dated 10/10/15 (*sic*) received 10 September 2015; and 2013/070/PPF - SIC012 received by Planning Authority on 10 September 2015, as approved by the Planning Authority on 23 December 2015 in discharge of condition 3 of Planning Permission 2013/070/PPF which was granted by the Shetland Islands Council on 30 April 2013. The window installed into the window slapping proposed through the gable end of the existing dwelling, installed in accordance with the details set down in this condition, shall thereafter remain to accord with the said details for the lifetime of the development.

Reason: In order to ensure that overlooking does not occur and to protect the privacy and amenity of the adjacent property in compliance with Shetland Local Development Plan (2014) policies GP2 and GP3.

3.2 The modification of the Permission is hereby authorised.

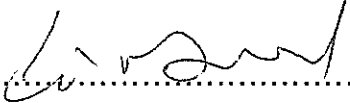
3.3. For the avoidance of doubt, the existing conditions attached to the Permission remain in force.

3.4 For the avoidance of doubt, the details of the window to be installed into the window slapping proposed through the gable end of the existing dwelling, that are set down in Condition 6 that is added to the Permission, are hereby attached as Annex 2 to this order.

3.5 This order will take effect when it is confirmed by the Scottish Ministers, excepting where it is unopposed.

4. Subscribed for and on behalf of Shetland Islands Council

This Order is sealed with the common seal of Shetland Islands Council and signed for and on behalf of Shetland Islands Council

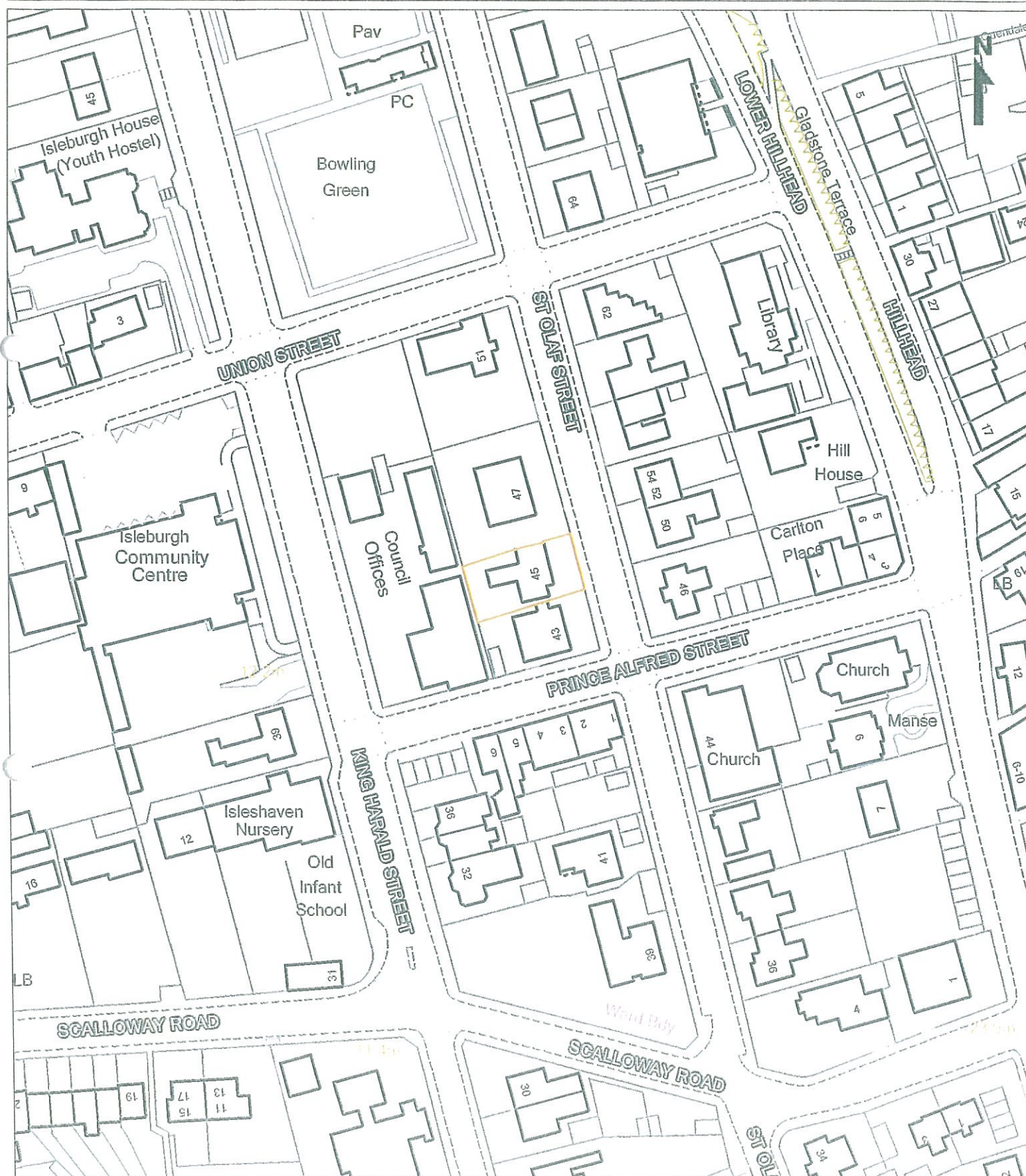
by..........

Authorised Signatory and Proper Officer

at.....*Ns-M Ns Council*.....

on.....*20 July 2016*.....

45 St. Olaf Street, Lerwick (Modification of Planning Permission 2011/114/PCD)
Order 2016, Annex 1.



Shetland
Islands Council

Planning Service - Development Services

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Paper size: A4
Date: 19/01/16

Scale: 1:1250
PB:JC

Town and Country Planning (Scotland) Act 1997

Shetland Islands Council 45 St. Olaf Street, Lerwick (Modification of Planning
Permission 2011/114/PCD) Order 2016

Michael Stewart
45 St Olaf Street
Lerwick
ZE1 0EN
10/10/15

Dear Mr Holden

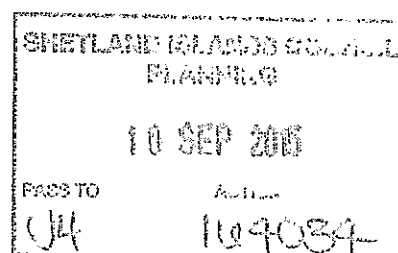
I enclose details of the gable window as requested for 2013/070/PPF.

The window and central mullion shall be double glazed hardwood, top hung and the glazing will be obscure glass called satin as asked for by yourself.

This glazing will be the same as the sample I provided for the other South facing window.

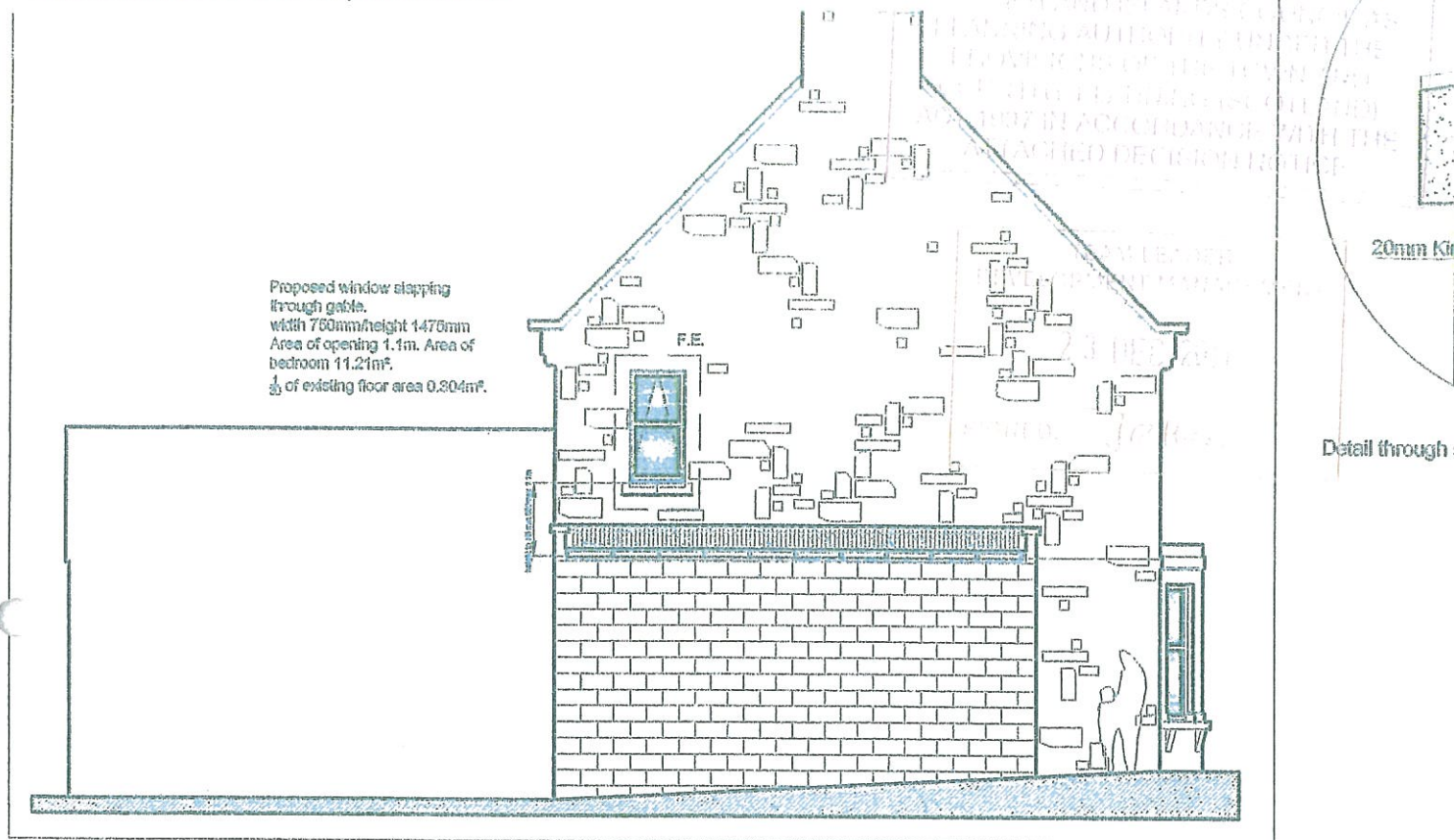
Regards

Michael Stewart

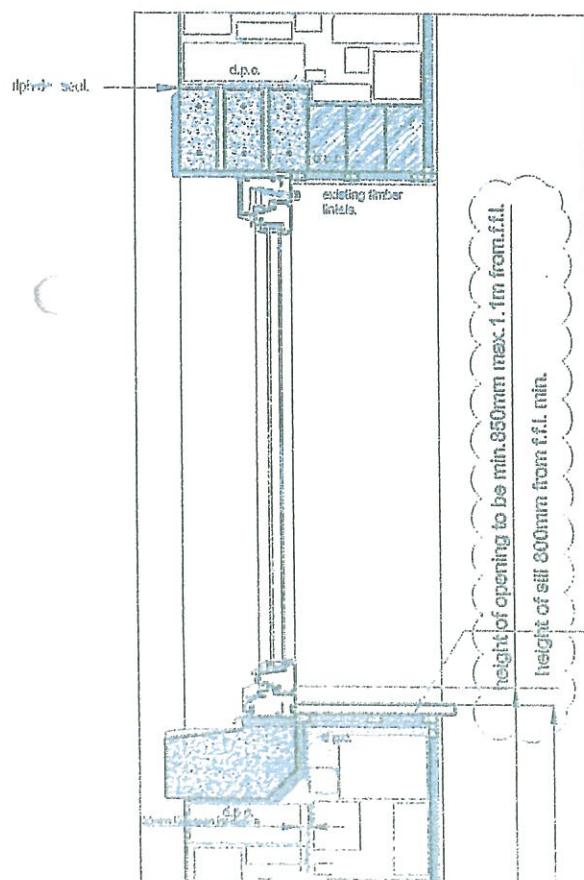


Town and Country Planning (Scotland) Act 1997

Shetland Islands Council 45 St. Olaf Street, Lerwick (Modification of Planning Permission 2011/114/PCD) Order 2016



Side Elevation as proposed Scale 1:100.



Detail through window Scale 1:20.

3.no. 100x215mm RC 32/40 precast lintels with T12 bar reinforcement top and bottom, 40mm cover to all steel with 150mm end bearing onto nominal 150mm thick pad stone cast onto stone matrix.

New double glazed hardwood top hung fully reversible window.

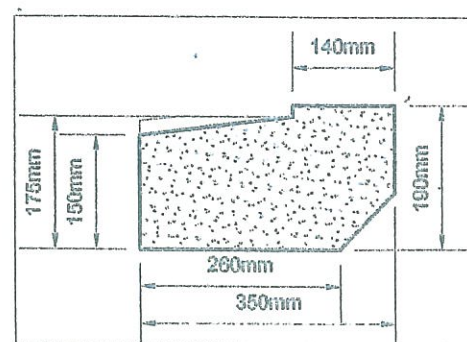
Out out stone and form smooth render ingoes.

Clear opening area of window 1.1m².

Escape windows should be large enough to escape through and should be located in an external wall or roof.
The windows should have an unobstructed openable area that is at least 0.33m² and at least 450mm high and 450mm wide. The route through the window may be at an angle rather than straight through and the bottom of the openable area should be not more than 1100mm above the floor.

20mm Kingspan K12 insulation.

New p.c.concrete sill with bonded d.p.c.chasing lapped under window d.p.c. and 20mm Kingspan insulation bonded to back of sill.



Section through p.c.sill. Scale 1:10.



Town and Country Planning (Scotland) Act 1997

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2. Interpretation

2.1 'The Permission' means the Planning Permission (reference: 2013/070/PPF) attached to the Land. The Permission was granted to Michael Stewart by the Council on 30 April 2013 subject to conditions.

2.2 'The Land' means that area of land at 45 St. Olaf Street, Lerwick, Shetland, ZE1 0EN, shown outlined in red on Annex 1 to this order.

3. The Consent

3.1 Shetland Islands Council has determined that it is expedient, having regard to the development plan and other material considerations, to modify the Permission by adding the following condition as Condition 7, to which the Permission is also to be subject:

(7) The proposed windows on the south facing elevation of the proposed extension and the proposed window in the gable end of the existing dwelling, installed in accordance with the details approved under condition 3 of this permission, shall thereafter remain to accord with the approved details for the lifetime of the development

Reason: In order to ensure that overlooking does not occur and to protect the privacy and amenity of the adjacent property in compliance with Shetland Local Development Plan (2014) policies GP2 and GP3.

3.2 The modification of the Permission is hereby authorised.

3.3 This order will take effect when it is confirmed by the Scottish Ministers, excepting where it is unopposed.

4. Subscribed for and on behalf of Shetland Islands Council

This Order is sealed with the common seal of Shetland Islands Council and signed for and on behalf of Shetland Islands Council

by Dei Nam

Authorised Signatory and Proper Officer

at 16th May Launch

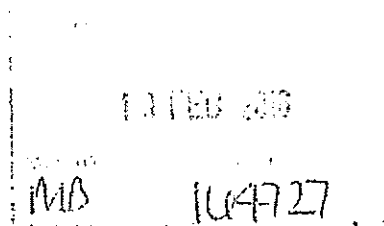
on 20 January 2016

45 St. Olaf Street, Lerwick (Modification of Planning Permission 2013/070/PPF)
Order 2016, Annex 1.



Mrs A.M.E. Conroy
Woosung
43 St Olaf Street
Lerwick
Shetland
ZE1 0EN

9th February 2016



Modification of Planning Permission 2013/070/PPF Order 2016

Also Ref: 2011/114/PCD

Dear Sir

I refer to the above and wish to lodge opposition to the permission granted for same.

The proposed extension and gable end window are less than 6 mtr from my window.

The gable end window is directly overlooking my main kitchen window and being top hung and fully reversible this would indeed invade my privacy. I appreciate it may be satin and opaque but this does not prevent it lying fully open.

I must also record my disappointment at not having received notification of the 2011/114/PCD planning application and only discovering this referral to the gable end window in the 2013/070/PPF application.

The extension would undoubtedly greatly reduce daylight and amenity in my working area. There is also the question of the solar receptor room (sun room) being habitable or non habitable and whether the window would be as per gable end specifications. The window would face diagonally into my kitchen window and overlook my entire garden.

Usage of the proposed materials are not in keeping with this a Conservation area.

Yours faithfully

A M E Conroy

Town and Country Planning (Scotland) Act 1997

Shetland Islands Council 45 St. Olaf Street, Lerwick (2nd Modification of Planning Permission 2011/114/PCD) Order 2016

Shetland Islands Council, established under the Local Government etc. (Scotland) Act 1994, makes the following order in exercise of its powers under section 65 of the Town and Country Planning (Scotland) Act 1997:

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3. The Consent

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(6) Notwithstanding the approved plans, the installation of a window into the window slapping proposed through the gable end of the existing dwelling is not approved, and shall only take place in accordance with the details shown on the plans and details referenced: 2013/070/PPF – SIC11, letter from Michael Stewart to Planning Authority dated 10/10/15 (*sic*) received 10 September 2015; and 2013/070/PPF – SIC012 received by Planning Authority on 10 September 2015, as approved by the Planning Authority on 23 December 2015 in discharge of condition 3 of Planning Permission 2013/070/PPF which was granted by the Shetland Islands Council on 30 April 2013, except for the annotation to the "Detail through window Scale 1:20" which states "New double glazed hardwood top hung fully reversible window" on 2013/070/PPF – SIC012 which is not approved, and that the window shall be installed in such a way that it is not possible for it to be opened greater than an angle of 30 degrees from the vertical. The window installed into the window slapping proposed through the gable end of the existing dwelling, installed in accordance with the details set down in this condition, shall thereafter remain to accord with the said details for the lifetime of the development.

Reason: In order to ensure that overlooking does not occur and to protect the privacy and amenity of the adjacent property in compliance with Shetland Local Development Plan (2014) policies GP2 and GP3.

3.2 The modification of the Permission is hereby authorised.

3.3 For the avoidance of doubt, the existing conditions attached to the Permission remain in force.

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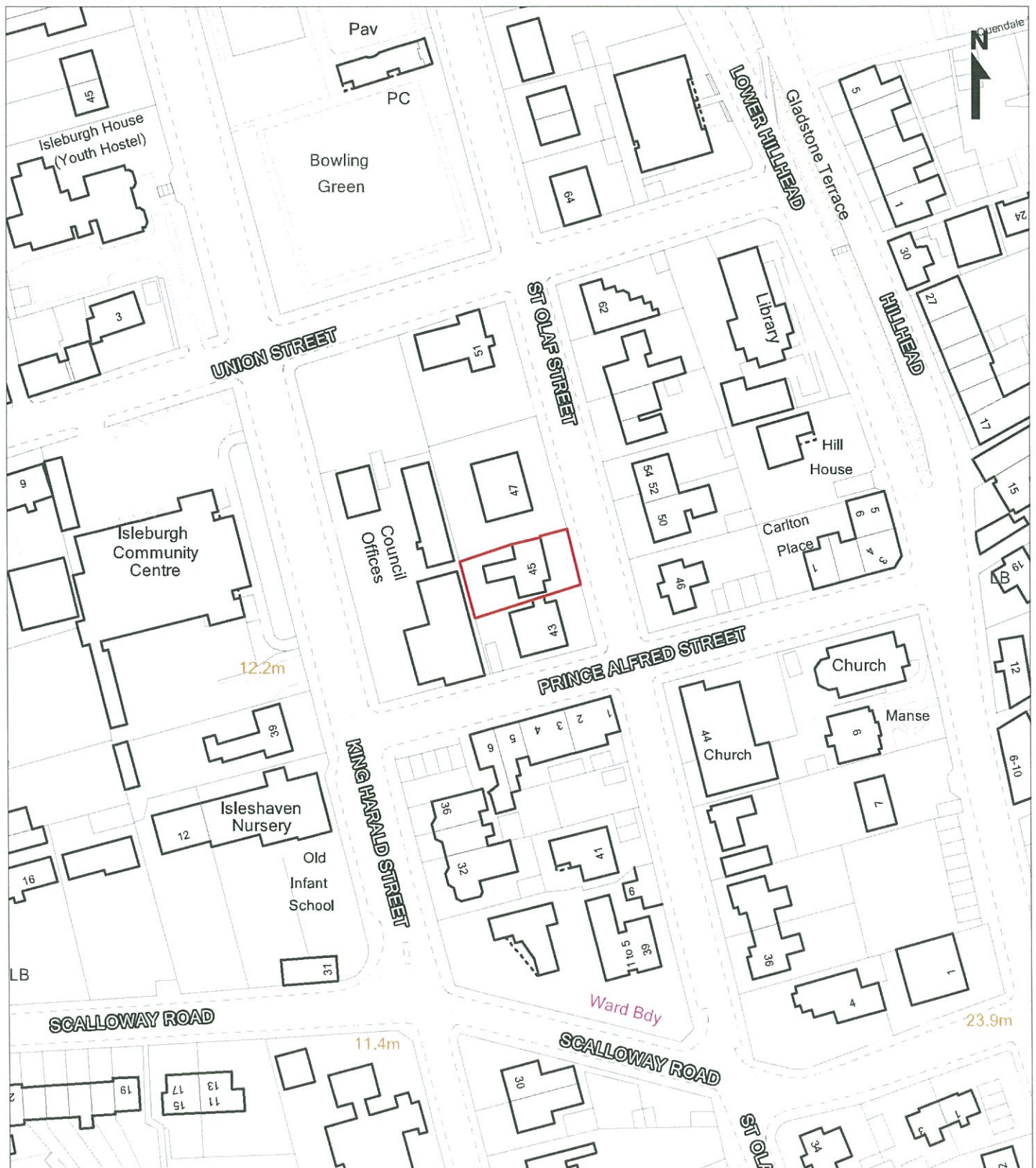
by.....

Authorised Signatory and Proper Officer

at.....

on.....

45 St. Olaf Street, Lerwick (2nd Modification of Planning Permission 2011/114/PCD)
Order 2016, Annex 1.



Planning Service - Development Services



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Paper size: A4
 Date: 05/10/16

Scale: 1:1250
 PB: LW

Town and Country Planning (Scotland) Act 1997

Shetland Islands Council 45 St. Olaf Street, Lerwick (Modification of Planning
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10/10/15

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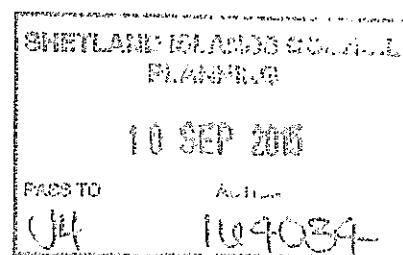
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The window and central mullion shall be double glazed hardwood, top hung and the glazing will be obscure glass called satin as asked for by yourself.

This glazing will be the same as the sample I provided for the other South facing window.

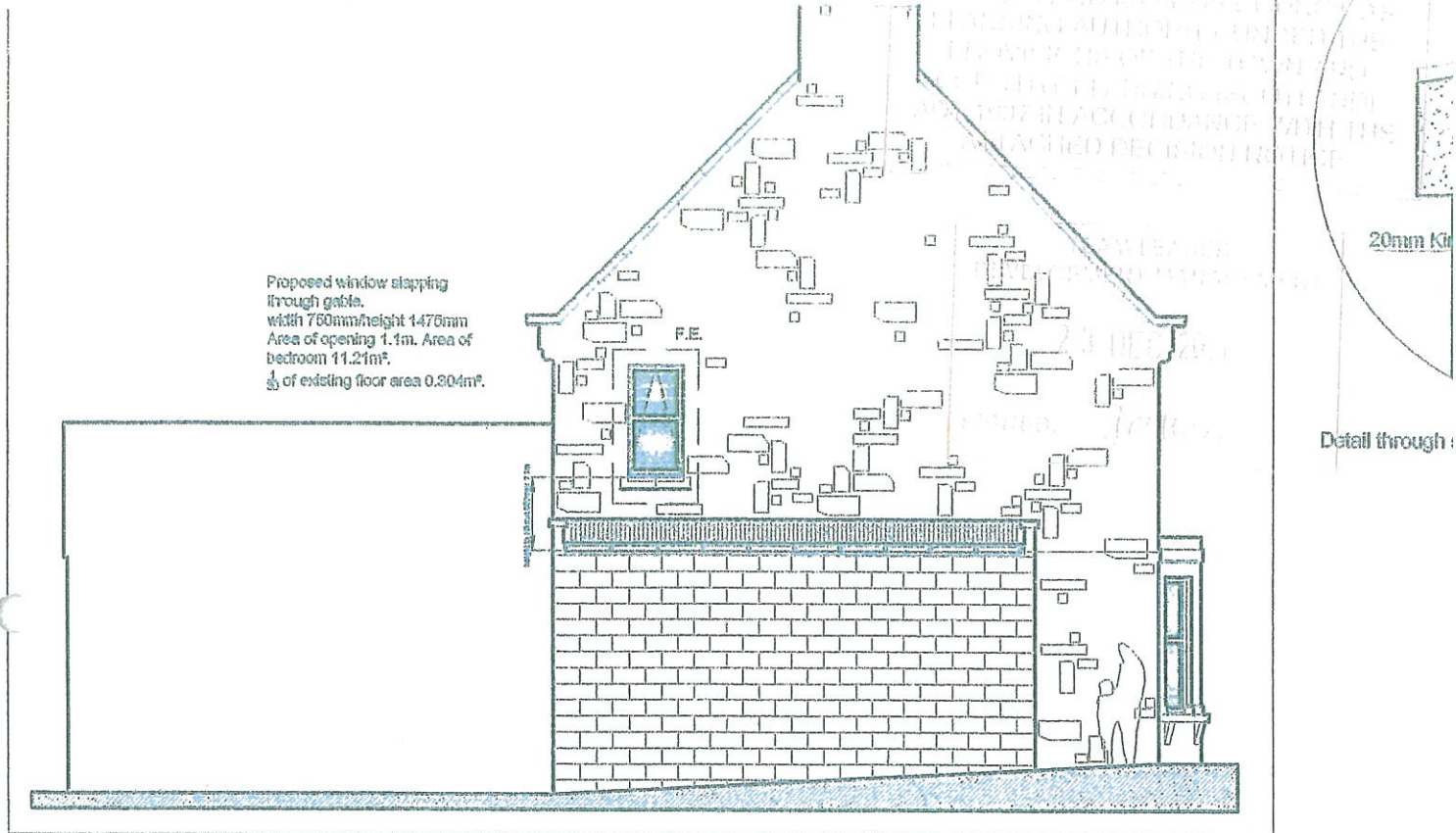
Regards

Michael Stewart

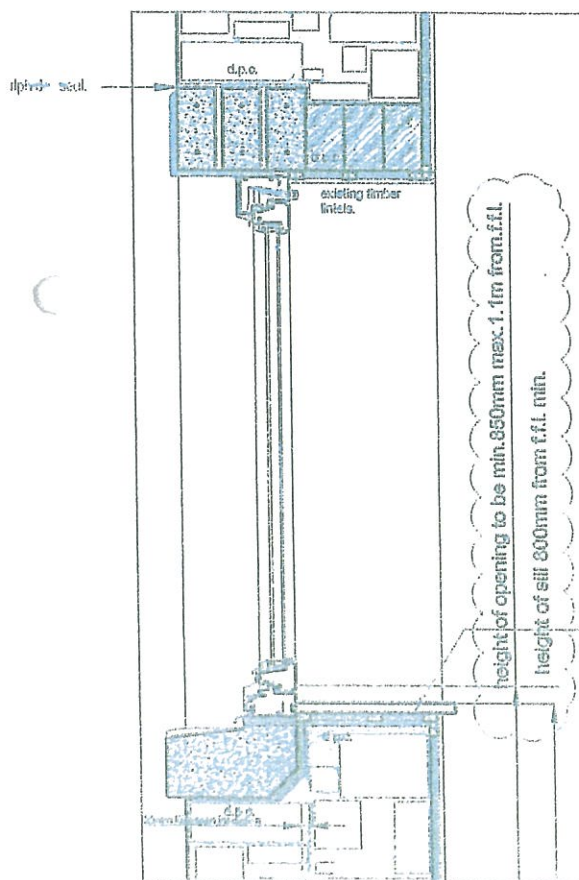


Town and Country Planning (Scotland) Act 1997

Shetland Islands Council 45 St. Olaf Street, Lerwick (Modification of Planning Permission 2011/114/PCD) Order 2016



Side Elevation as proposed Scale 1:100.



Detail through window Scale 1:20.

3.no. 100x215mm RC 32/40 precast lintels with T12 bar reinforcement top and bottom, 40mm cover to all steel with 150mm end bearing onto nominal 150mm thick pad stone cast onto stone matrix.

New double glazed hardwood top hung fully reversible window.

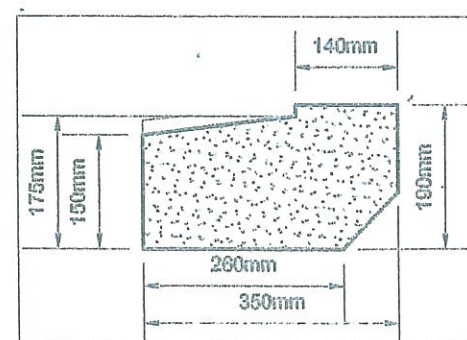
Dub out stone and form smooth render ingoos.

Clear opening area of window 1.1m².

Escape windows should be large enough to escape through and should be located in an external wall or roof. The windows should have an unobstructed openable area that is at least 0.33m² and at least 450mm high and 450mm wide. The route through the window may be at an angle rather than straight through and the bottom of the openable area should be not more than 1100mm above the floor.

20mm Kingspan K12 insulation.

New p.c.concrete sill with bonded d.p.e.backing lapped under window d.p.e. and 20mm Kingspan insulation bonded to back of sill.



Section through p.c.sill. Scale 1:10.



Town and Country Planning (Scotland) Act 1997

Shetland Islands Council 45 St. Olaf Street, Lerwick (2nd Modification of Planning Permission 2013/070/PPF) Order 2016

Shetland Islands Council, established under the Local Government etc. (Scotland) Act 1994, makes the following order in exercise of its powers under section 65 of the Town and Country Planning (Scotland) Act 1997:

1. Citation and Commencement

This Order may be cited as the Shetland Islands Council 45 St. Olaf Street, Lerwick (2nd Modification of Planning Permission 2013/070/PPF) Order 2016.

2. Interpretation

2.1 'The Permission' means the Planning Permission (reference: 2013/070/PPF) attached to the Land. The Permission was granted to Michael Stewart by the Council on 30 April 2013 subject to conditions.

2.2 'The Land' means that area of land at 45 St. Olaf Street, Lerwick, Shetland, ZE1 0EN, shown outlined in red on Annex 1 to this order.

3. The Consent

3.1 Shetland Islands Council has determined that it is expedient, having regard to the development plan and other material considerations, to modify the Permission by adding the following condition as Condition 7, to which the Permission is also to be subject:

(7) Notwithstanding the approved details for the proposed windows on the south facing elevation of the proposed extension and the proposed window in the gable end of the existing dwelling approved under condition 3 of this permission, the annotation to the "Detail through window Scale 1:20" which states "New double glazed hardwood top hung fully reversible window" on 2013/070/PPF – SIC012 is not approved. The window in the gable end of the existing dwelling shall be installed in such a way that it is not possible for it to be opened greater than an angle of 30 degrees from the vertical. The windows once installed shall thereafter remain to accord with the approved details, with the gable end window not fully reversible and not able to be opened greater than an angle of 30 degrees from the vertical, for the lifetime of the development.

Reason: In order to ensure that overlooking does not occur and to protect the privacy and amenity of the adjacent property in compliance with Shetland Local Development Plan (2014) policies GP2 and GP3.

3.2 The modification of the Permission is hereby authorised.

3.3 This order will take effect when it is confirmed by the Scottish Ministers, excepting where it is unopposed.

4. Subscribed for and on behalf of Shetland Islands Council

This Order is sealed with the common seal of Shetland Islands Council and signed for and on behalf of Shetland Islands Council

by.....

Authorised Signatory and Proper Officer

at.....

on.....

