

Executive Manager: Jan-Robert Riise  
**Director: Christine Ferguson**

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If calling please ask for  
**Louise Adamson**  
Direct Dial: 01595 744555

Date: 13 June 2017

Dear Sir/Madam

You are invited to the following meeting:

**Planning Committee**  
**Auditorium, Shetland Museum and Archives, Hay's Dock, Lerwick**  
**Tuesday 20 June 2017 at 10am**

Apologies for absence should be notified to Louise Adamson at the above number.

Yours faithfully

Executive Manager – Governance and Law

Chair: Mr T Smith  
Vice-Chair: Ms A Manson

## **AGENDA**

- (a) Hold circular calling the meeting as read.
- (b) Apologies for absence, if any.
- (c) Declarations of Interest – Members are asked to consider whether they have an interest to declare in relation to any item on the agenda for this meeting. Any Member making a declaration of interest should indicate whether it is a financial or non-financial interest and include some information on the nature of the interest. Advice may be sought from Officers prior to the meeting taking place.
- (d) Confirm minutes of the meeting held on 14 March 2017 (enclosed).

## **Items**

### **For Decision**

1. 2016/387/LBC - To Increase Width of Existing First Floor Window, Hillswick Store, Hillswick by Mr Geoff Jukes



<b>Meeting(s):</b>	Planning Committee	20 June 2017
<b>Report Title:</b>	2016/387/LBC – To Increase Width of Existing First Floor Window, Hillswick Store, Hillswick	
<b>Reference Number:</b>	PL-01-17-F	
<b>Author / Job Title:</b>	Dawn Stewart, Planning Officer – Development Management	

<b>1.0</b>	<b>Decisions /Action Required:</b>
1.1	A decision on the listed building application is required.
<b>2.0</b>	<b>High Level Summary:</b>
2.1	This application seeks to increase the width of an existing first floor window. The proposal has been found to be unacceptable when considered against the policies contained within the Shetland Local Development Plan (2014) and is recommended for refusal.
<b>3.0</b>	<b>Corporate Priorities and Joint Working:</b>
3.1	A decision made on the listed building consent that accords with the development plan would contribute directly to the Single Outcome Agreement through the outcome that we live in well designed, sustainable places.
<b>4.0</b>	<b>Key Issues:</b>
	<ul style="list-style-type: none"><li>• Is the design change proposed in this instance acceptable?</li><li>• Does the Proposal accord with the Shetland Local Development Plan (2014)?</li><li>• Are there any other material considerations that would warrant the setting aside of current Planning Policies?</li></ul>
<b>5.0</b>	<b>Exempt and/or Confidential Information:</b>
5.1	None.

<b>6.0 Implications:</b>		
<b>6.1 Service Users, Patients and Communities:</b>	None.	
<b>6.2 Human Resources and Organisational Development:</b>	None.	
<b>6.3 Equality, Diversity and Human Rights:</b>	None.	
<b>6.4 Legal:</b>	Town and Country Planning (Scotland) Act 1997(as amended).	
<b>6.5 Finance:</b>	None.	
<b>6.6 Assets and Property:</b>	None.	
<b>6.7 ICT and New Technologies:</b>	None.	
<b>6.8 Environmental:</b>	There are no adverse environmental impacts arising from this report.	
<b>6.9 Risk Management:</b>	If Members are minded to approve the application, it is imperative that clear reasons for proposing the approval of listed building consent contrary to the development plan policy and the officer's recommendation be given and minuted. This is in order to provide clarity in the case of a subsequent planning appeal or judicial review against the Planning Committee's decision. Failure to give clear planning reasons for the decision could lead to the decision being overturned or quashed. In addition, an award of costs could be made against the Council. This could be on the basis that it is not possible to mount a reasonable defence of the Council's decision.	
<b>6.10 Policy and Delegated Authority:</b>	The application is for listed building consent made under the terms of the Town and Country (Listed Buildings and Conservation Areas) (Scotland) Act 1997. As the Appointed Person would propose to recommend refusal, the decision to determine this application is therefore delegated to the Planning Committee under the Planning Scheme of Delegations that has been approved by the Scottish Ministers.	
<b>6.11</b>	Not previously considered.	

<b>Previously considered by:</b>		
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**Contact Details:**

Dawn Stewart, Planning Officer, Development Services

Report Cleared: 12 June 2017

**Appendices:**

1. Report of handling on listed building consent application.
2. Site and Location Plan 413/P/001/A
3. Existing Plans, Section & Elevations 413/P/003
4. Photos of Existing Scheme 413/P/002
5. Existing Approved Scheme 413/P/010
6. Proposed Elevation 413/P/009
7. Proposed Floor Plans 413/004/B
8. Proposed Elevations & Sections 413/P/005/B

**Background Documents:** Shetland Local Development Plan (2014)

Planning Permission 2010/227/PCD

Planning Permission 2016/069/PPF

Listed Building Consent 2016/081/LBC



**Report of Handling**

**Development:** Increase width of existing first floor window

**Location:** Hillswick Store, Hillswick, Shetland

**By:** Mr Geoff Jukes

**Application Ref:** 2016/387/LBC

**1. Introduction**

This is an application for listed building consent which seeks to increase the width of an existing first floor timber window in the southern elevation of the Hillswick Store at Hillswick, which is a Category B listed building.

Planning permission (2016/069/PPF) and listed building consent (2016/081/LBC), covering the change of use of the building from a store to a studio/workshop and flat including conversion and refurbishment works to replace windows and doors, re-roof the building, undertake structural repairs and create a new opening on the ground floor, were granted in April 2016.

**2. Statutory Development Plan Policies**

**Shetland Local Development Plan**

HE1 - Historic Environment

HE2 - Listed Buildings

**3. Safeguarding**

National Scenic Area - National Scenic Area: 1

Listed Building - Listed buildings: HILLSWICK, HILLSWICK HOUSE, EAST WING

Category of listing: B

Listed Building - Listed buildings: HILLSWICK, HILLSWICK HOUSE

Category of listing: B

Listed Building - Listed buildings: HILLSWICK, HILLSWICK HOUSE, THE BOOTH

Category of listing: B

30km Radius Scatsta - 30km Sumburgh Scatsta: 2

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

Core Paths - Core Paths: CPPN06

5m Contour Area - 5m Contour Area: 1

Landscape Character Assessment - Landscape Character Assessment: Farmed and Settled Voes and Sounds

#### 4. **Consultations**

Historic Environment Scotland was consulted on 11 November 2016. Their comments dated 21 November 2016 can be summarised as follows:

We have no comments to make on the proposals.

Our decision not to provide comments and not to object should not be taken as our support for the proposals. You are the primary decision maker and assess proposals against local and national historic environment policy and guidance.

This response applies to the application currently proposed, an amended scheme may require another consultation with us.

Further Information

We have a national remit for the historic environment, and we do not provide comments on every application.

Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at:

[www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes](http://www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes).

Technical advice is available on our Technical Conservation website at <http://conservation.historic-scotland.gov.uk/>.

#### 5. **Statutory Advertisements**

The application was advertised in the Shetland Times on 11.11.2016. The application was advertised in the Edinburgh Gazette on 11.11.2016.

A site notice was posted on 11.11.2016.



6. **Representations**

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.

As identified in the introductory section above, the proposed development seeks to increase the width of a timber window that is situated on the first floor of the southern gable of the Category B listed former store at Hillswick.

Shetland Local Development Plan (2014) Policy HE1 stipulates that the Council should presume in favour of the protection, conservation and enhancement of all elements of Shetland's historic environment, whilst Policy HE2 states that development affecting a listed building, or its setting, should preserve the building, its setting and any features of special architectural or historic interest that it possesses. As such, the layout, design, materials, scale, siting and use of any development should be appropriate to the character and appearance of the listed building and its setting.

Historic Environment Scotland were consulted on the proposed development given the Category B listed status of the building and responded with no comments, yet advised that their decision not to provide comments and not to object should not be taken as support for the proposals, as it is up to the Planning Authority as primary decision maker to undertake a formal assessment of the proposals against local and national historic environment policies and associated guidance.

Historic Environment Scotland's guidance document entitled 'Managing Change in the Historic Environment : Windows', states within it the following:

*'The windows of a historic building form an important element in defining its character.';*

*'The contribution of the windows in a historic building to its character, must be understood before considering alteration.';*

*‘The size, shape and proportion of a window .../... contribute to the character of a historic window.’;*

*‘Windows make a substantial contribution to the character and physical integrity of most historic buildings and also to the character and interest of historic streets and places. The size, shape and proportion of the openings are significant, as are the form and design of the framing and glazing. Their style, detailing and materials help us to understand when a building was constructed or altered, its function and advances in related technology.’;*

*‘Window proportions and spacing frequently relate to other elements of the building, such as the overall dimensions of an elevation or other features (e.g. doorways).’; and*

*‘In cases where the buildings forms part of a larger grouping, it may be necessary to consider the wider context of the group and the potential for a cumulative effect if similar work was undertaken on every building. The design of the new window must take account of the size, proportion, material and detailing of surrounding or nearby windows.’*

The supporting information submitted with the application states that the increase of width of the timber window is required to improve daylight into and views from the living accommodation on the first floor. It is considered that daylighting into the property, as a result of the 6 replacement rooflights on the east elevation (including 2 larger than was originally the case) and 5 replacement rooflights on the west elevation, which were originally proposed and approved under the terms of the planning and listed building consents granted in 2016, will provide the converted first floor attic space with an acceptable level of daylight.

The central window opening on the southern gable of the first floor of the property was vertically emphasized, tall and narrow, which created a definitive visual harmony and balance to the wider vertically boarded doors that have been situated directly below on the ground floor. This can be seen from many of the photographs (c.1880 – present day) that are included in the supporting documentation provided.

As part of the approved details for planning consent 2016/069/PPF and listed building consent 2016/081/LBC, in the south elevation of the building a new timber window is to be inserted in the existing opening at first floor level, with new sliding full-length timber windows and louvred shutters replacing the former doors opening at the ground floor level. The scale, spacing and proportion of this first floor timber replacement window was reflective of the existing window style and form, as it also had a vertical emphasis which was considered appropriate to the building and overall setting of the area.

In consideration of setting and context therefore, and according to Historic Environment Scotland's guidance documentation 'the design of the new window must take account of the size, proportion, material and detailing of surrounding or nearby windows'. Given that the Hillswick Store forms part of the listing for Hillswick House, in conjunction with the gate piers, outbuildings, cottage, garden and boundary walls, this building proposed for development will be visually read in conjunction with the existing buildings on site. The windows contained on the first floor of the Booth (which also forms a part of Hillswick House) that is situated immediately to the west of the store, are tall and slim, symmetrically balanced and also with a vertical emphasis.

Whilst the proposed wider window at first floor would provide the building's occupants with a wider aspect and more of a link to the outdoor environment at first floor level, it is considered that a proposed change to the symmetry of this prominent gable end of the Hillswick Store as a result of a widening of this aperture will upset the visual balance and create a significant change in the overall appearance of the property and surrounding built heritage. The building itself would also tend to be visually read more as a domestic property, rather than being viewed with regard to its historic function and importance to the area as an integral part of this historic grouping.

As a result, there would be a loss of character and integrity which would affect the visual appearance of the overall setting of this historic group of buildings, thus the proposal is contrary to the policies outlined at section 2 above and therefore recommended for refusal.

## **8. Recommendation**

Refuse listed building consent.

### **Reasons for Council's decision:**

The proposed increase in the width of the window aperture in the first floor of this prominent south gable end of the building would upset the balance and symmetry that currently exists, thereby adversely affecting its visual appearance and appeal, and would result in a loss of the building's character, integrity and functionality as an integral part of this historic group of buildings. Therefore, the proposal is contrary to Shetland Local Development Plan (2014) Policies HE1 and HE2.

9. **List of refused plans:**

Site and Location Plan 413/P/001/A	7 November 2016
Existing Plans, Section & Elevations 413/P/003	7 November 2016
Photos of Existing Scheme 413/P/002	7 November 2016
Existing Approved Scheme 413/P/010	7 November 2016
Proposed Elevation 413/P/009	7 November 2016
Proposed Floor Plans 413/004/B	7 November 2016
Proposed Elevations & Sections 413/P/005/B	7 November 2016

10. **Further Notifications Required**

None.

11. **Background Information Considered**

Planning Application 2010/227/PCD – Install temporary roof covering by Northmavine Community Development Company. Approved on 22 December 2010.

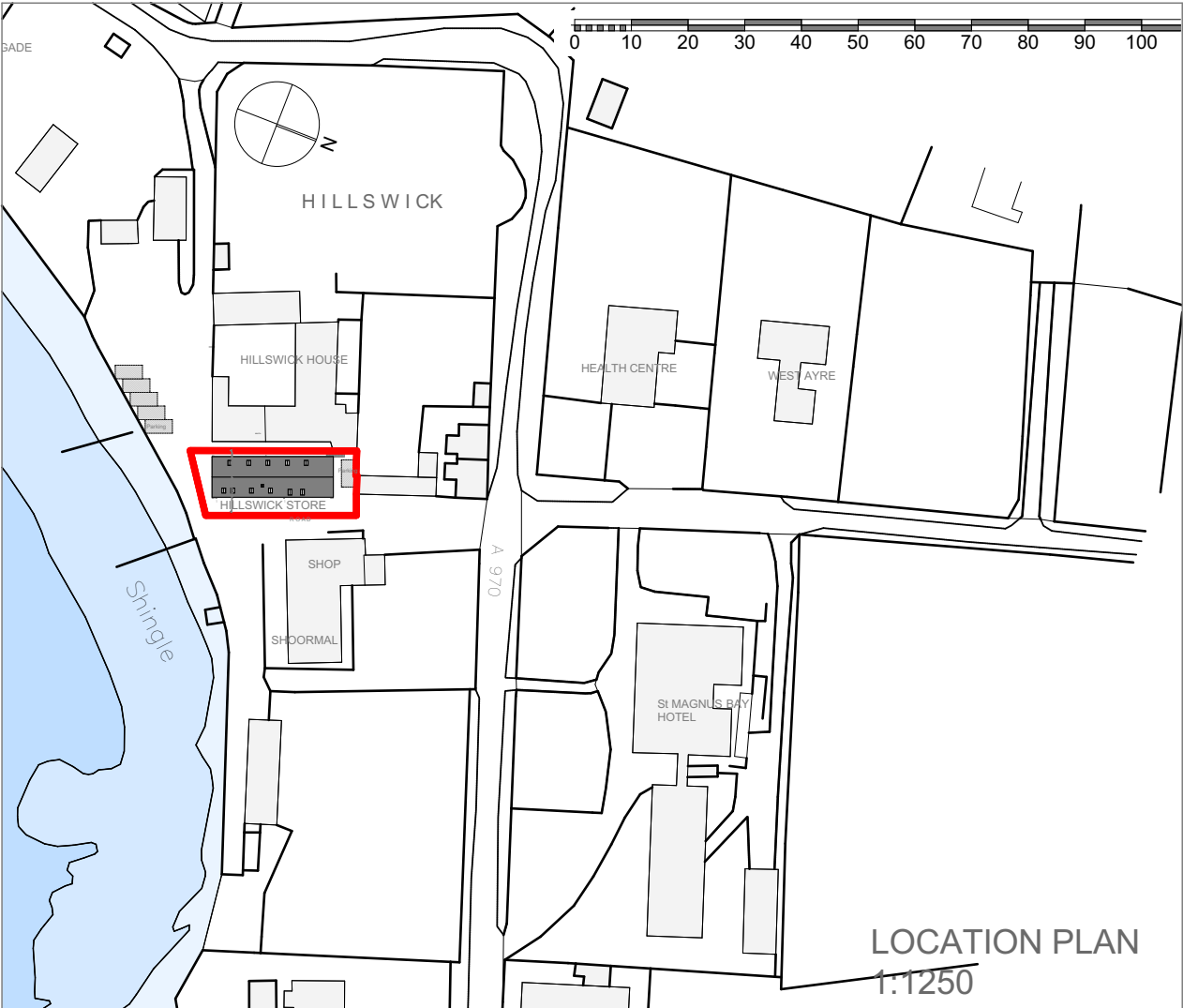
Planning Application 2016/069/PPF – Change of use from store to studio/workshop and flat including conversion and refurbishment, Hillswick Store, Hillswick by Mr G Jukes. Approved on 15 April 2016.


Listed Building Application 2016/081/LBC – Conversion and refurbishment to studio/workshop and flat including replacement windows and doors, re-roofing, structural repairs and new opening on ground floor, Hillswick Store, Hillswick by Mr G Jukes. Approved on 14 April 2016.

2016/387/LBC\_Delegated\_Report\_of\_Handling.doc  
Officer: Dawn Stewart  
Date: 15 March 2017



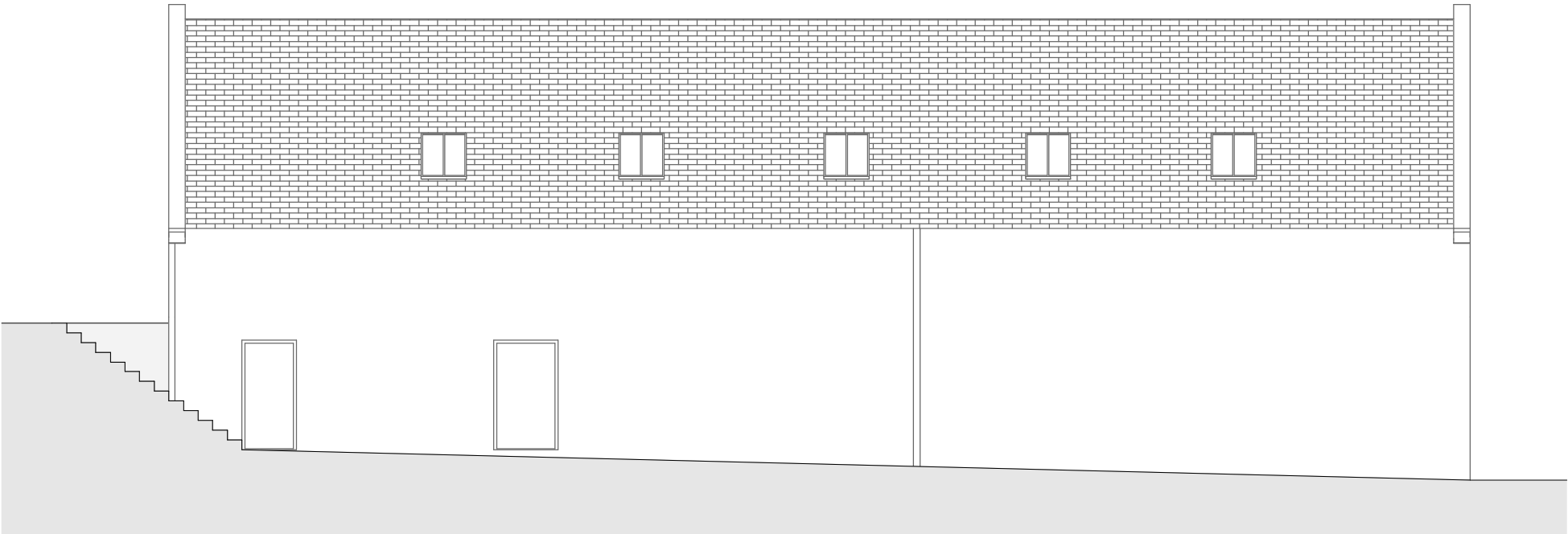
PL-01-17 Appendix 2



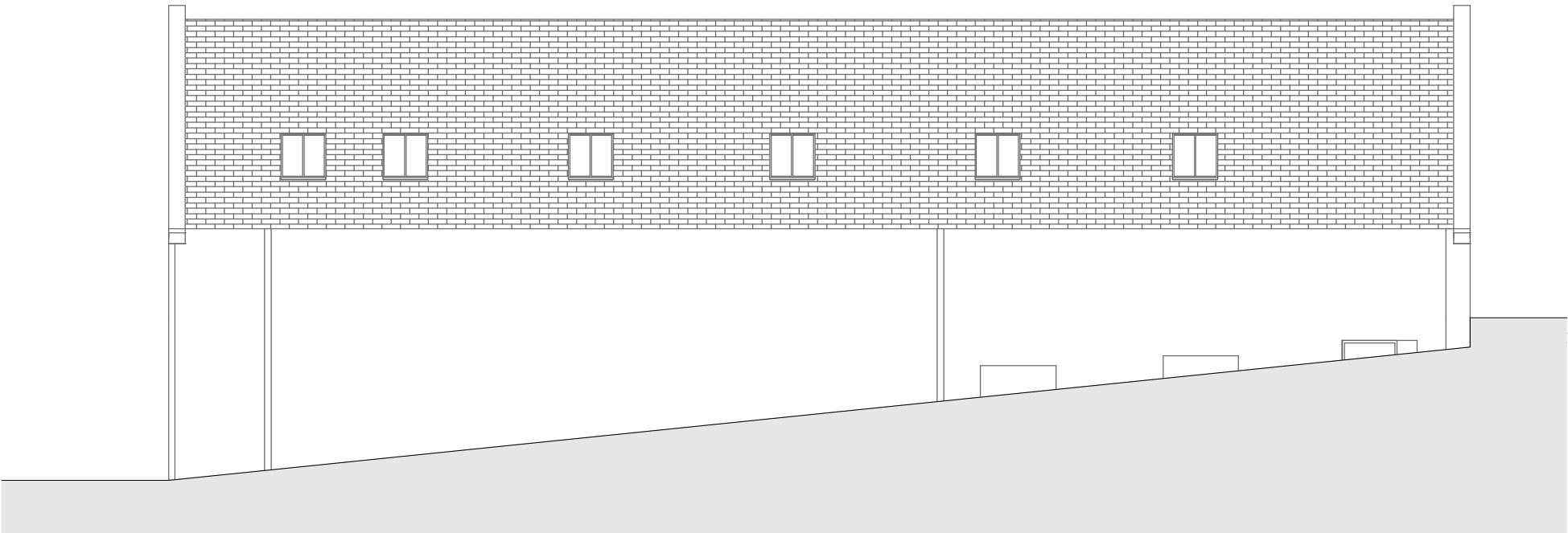
 <div>Redman Sutherland architects</div>		Main Street Scalloway Shetland ZE1 0TR  01595 880885 redmansutherland.co.uk	
GEOFF JUKES		DRAWN BY	DATE
HILLSWICK STORE		DRAWING SCALE(S) @ A3	
SITE INFORMATION		DRAWING NUMBER / REV	
		413/P/001/A	

REV A - BUILDING OWNER UPDATED

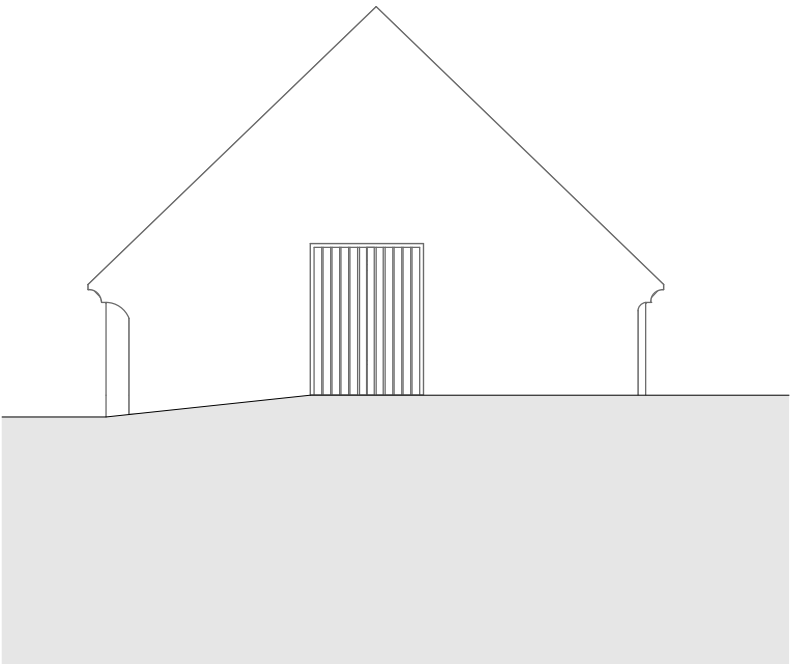




WEST ELEVATION  
1:100

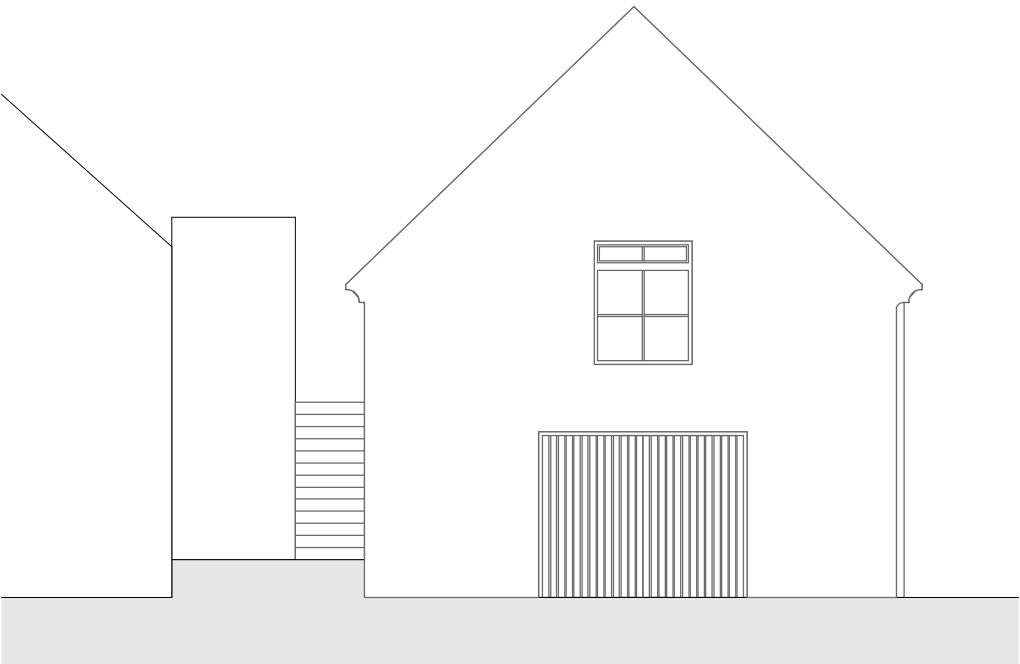


EAST ELEVATION  
1:100



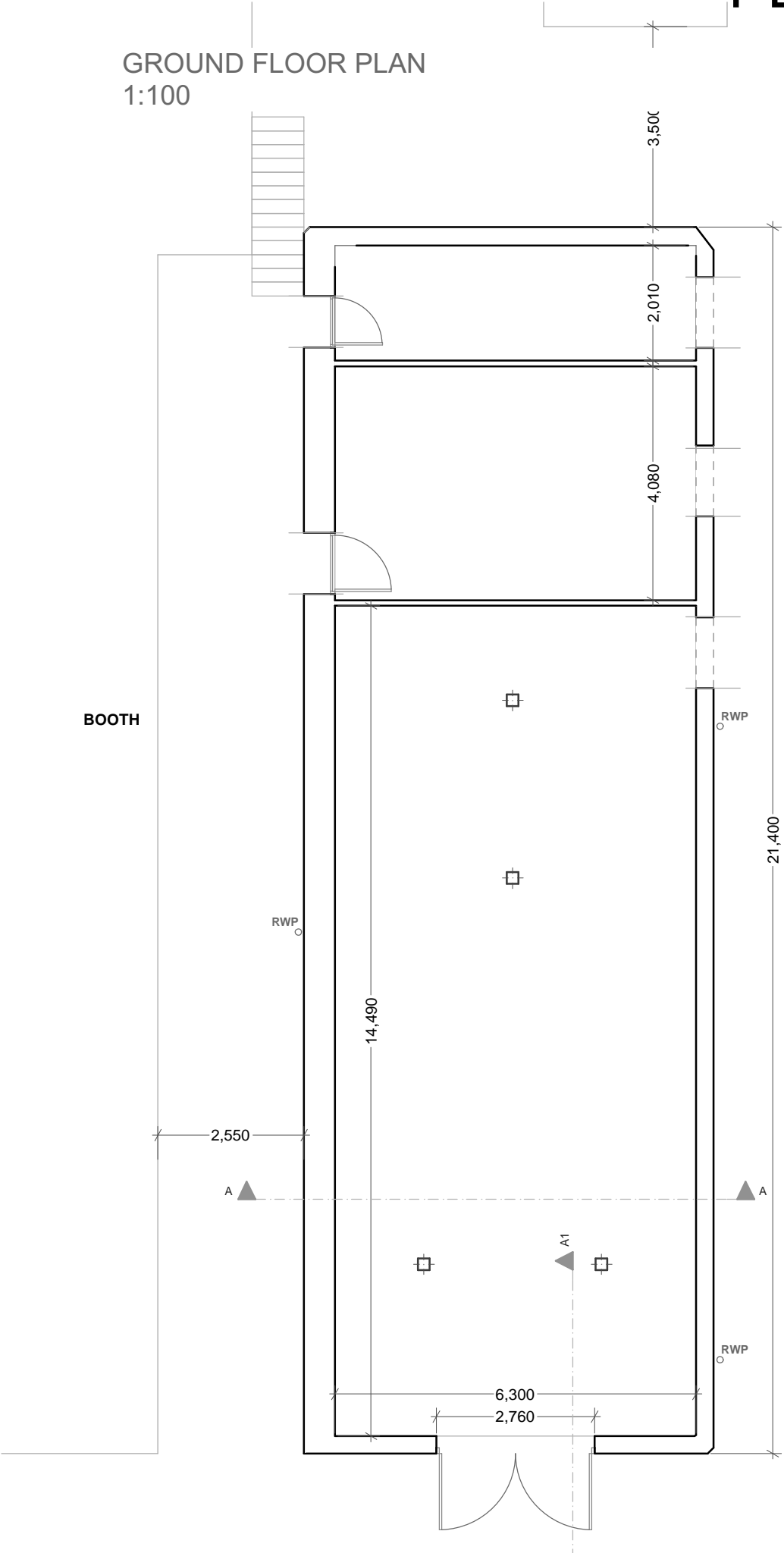
NORTH ELEVATION  
1:100

EXISTING BUILDING SURVEY

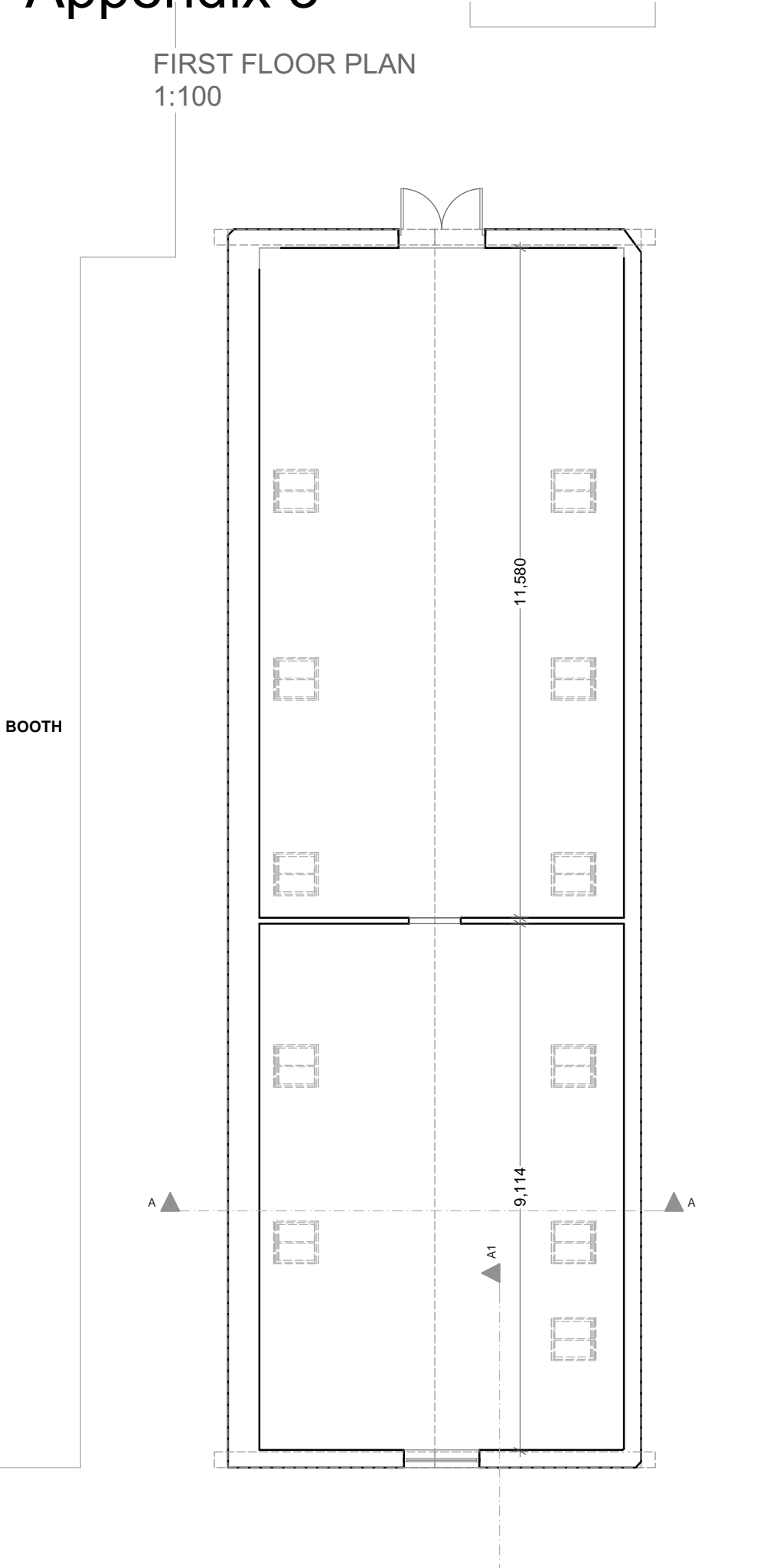


SOUTH ELEVATION  
1:100

GROUND FLOOR PLAN  
1:100



FIRST FLOOR PLAN  
1:100



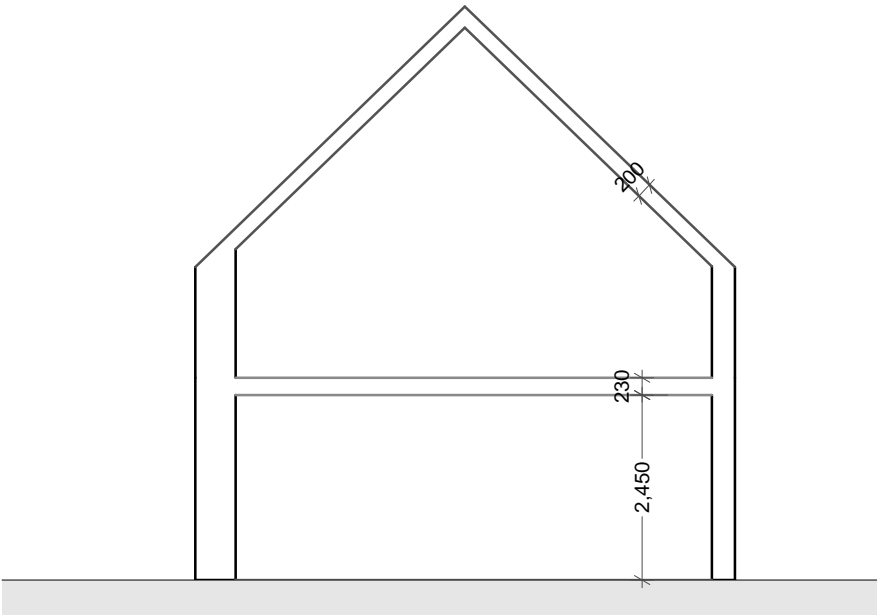
EXISTING MATERIALS

- ROOF
- WALLS
- WINDOWS
- ROOFLIGHTS
- DOORS
- RWP/GUTTERS


- Natural Slate, Grey
- Profiled Metal Sheet
- Mass Concrete
- Timber
- Timber/Metal
- Timber
- UPVC

AREAS

- GROUND FLOOR 124SQ/M
- FIRST FLOOR 124SQ/M



CROSS SECTION  
1:100

 <div>Redman Sutherland architects</div>		Main Street Salloway Shetland ZE1 0TR  01595 880 885 redmansutherland.co.uk	
GEOFF JUKES		DRAWN BY	DATE
HILLSWICK STORE		DRAWING SCALE(S) @ A2	
EXISTING PLANS, SECTION AND ELEVATIONS		DRAWING NUMBER / REV	413/P/003







VIEW ALONG WATERFRONT TO EAST



ELEVATION NEXT TO BOOTH



WEST ELEVATION



LANE TO THE WEST



NORTH GABLE



LANE TO THE WEST



SOUTH GABLE



GROUND FLOOR STORE



FIRST FLOOR -VIEW NORTH




ROOF STRUCTURE



roof structure



TIMBER COLUMNS

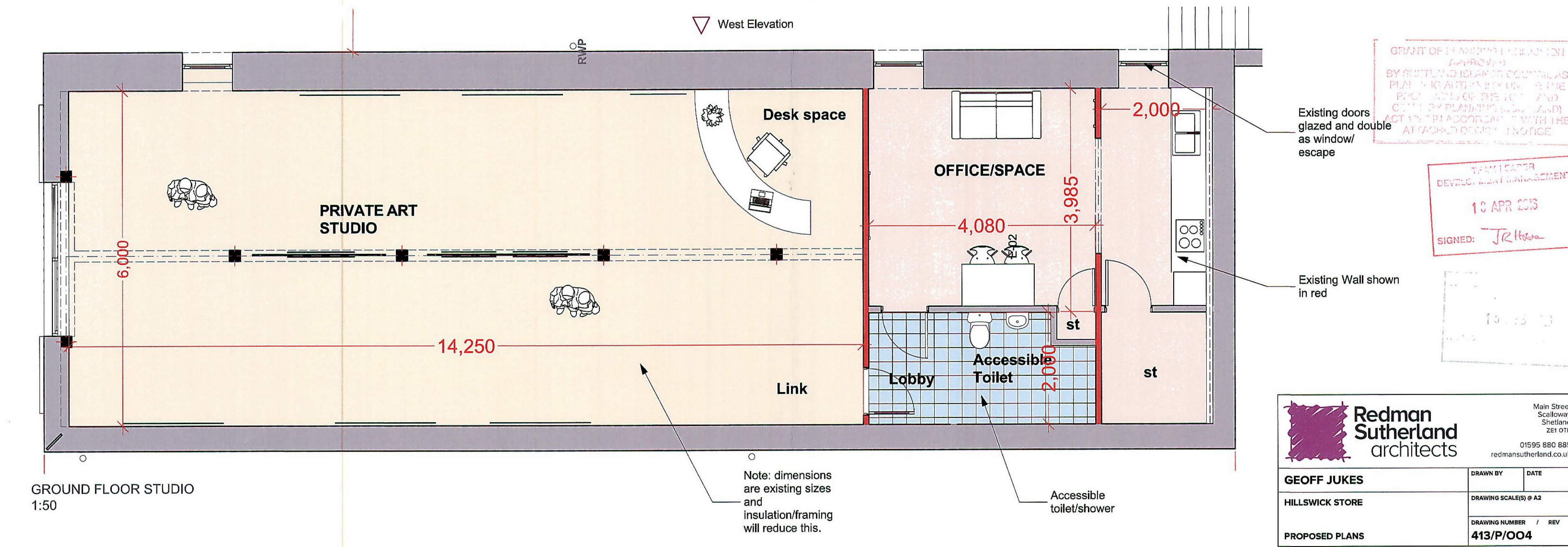
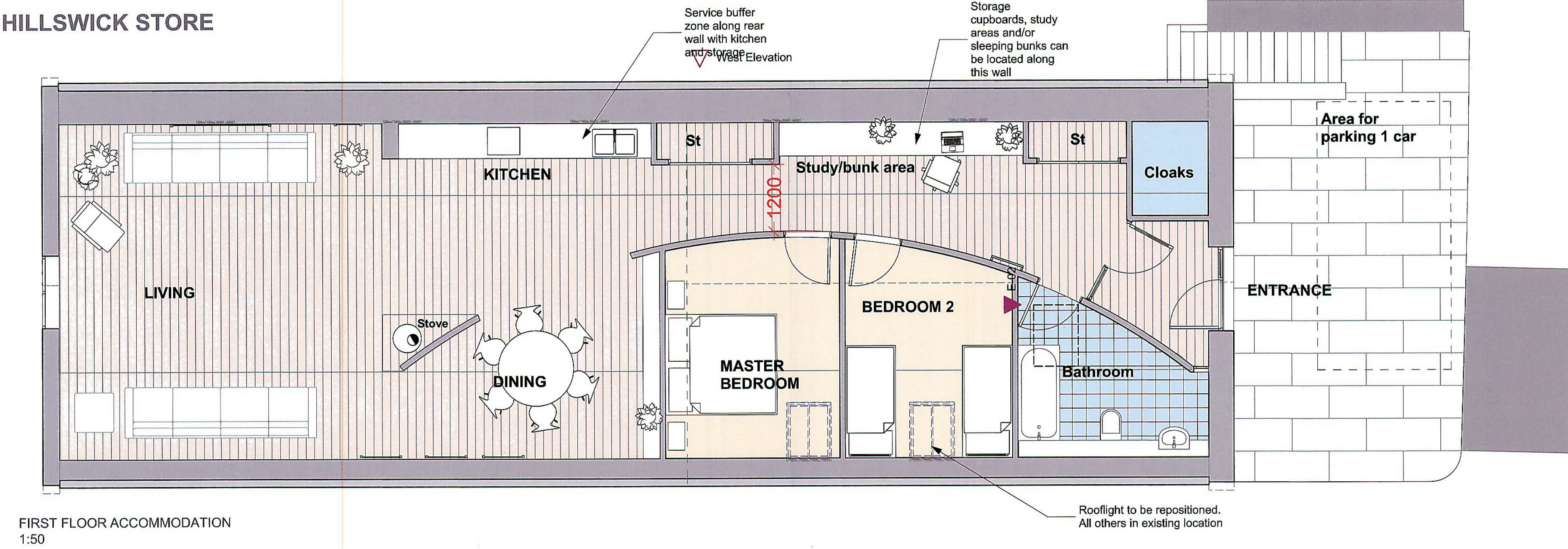
 <b>Redman Sutherland architects</b> Main Street Scalloway Shetland ZE1 0TR 01595 880885 redmansutherland.co.uk		
<b>GEOFF JUKES</b>	<b>DRAWN BY</b>	<b>DATE</b>
<b>HILLSWICK STORE</b>	<b>DRAWING SCALE(S) @ A3</b>	
<b>PHOTOGRPAHS OF EXISTING BUILDING</b>	<b>DRAWING NUMBER</b>	<b>REV</b>
	413/P/002	



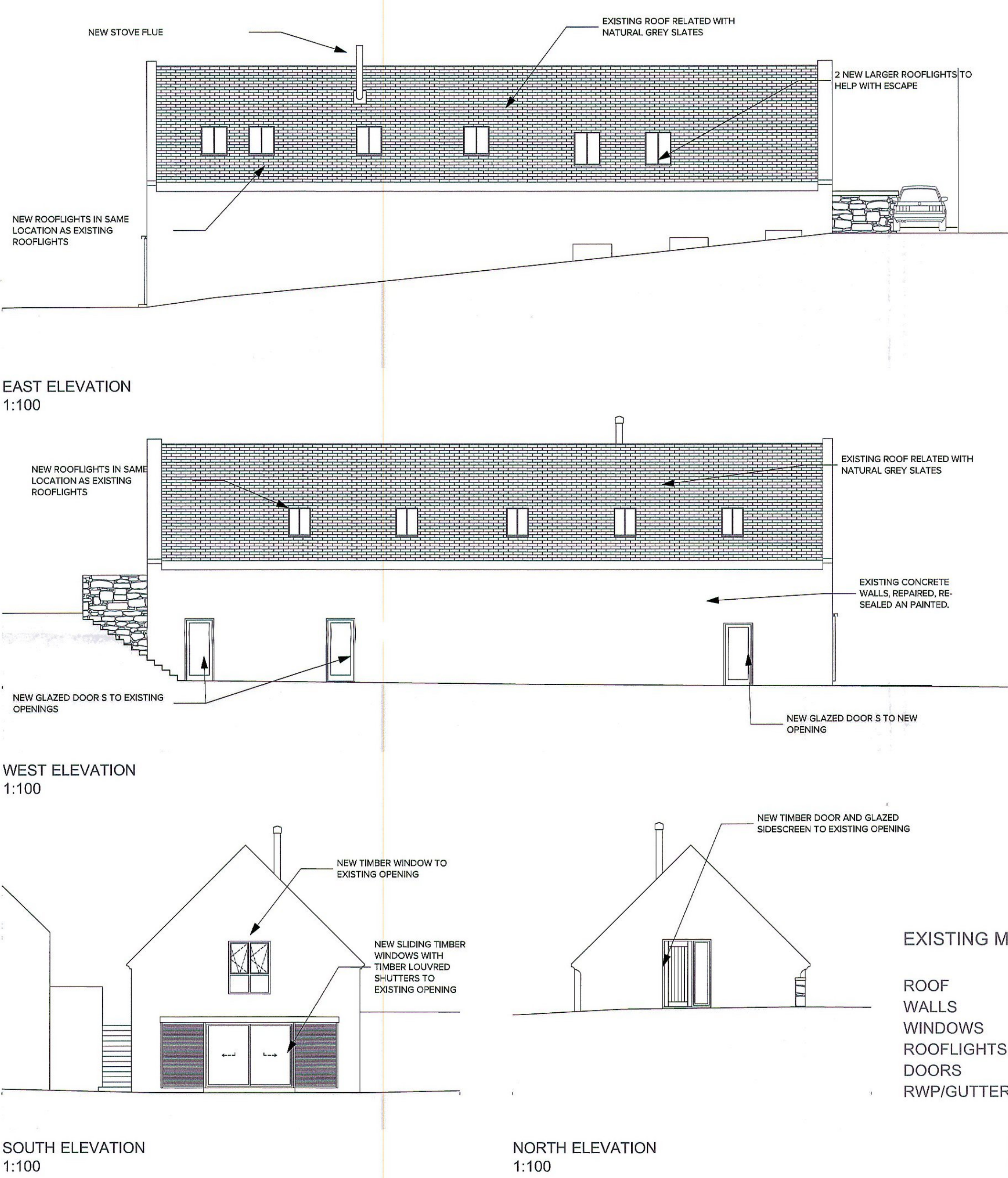




HILLSWICK STORE



CURRENT APPROVED PLANS



EXISTING MATERIALS

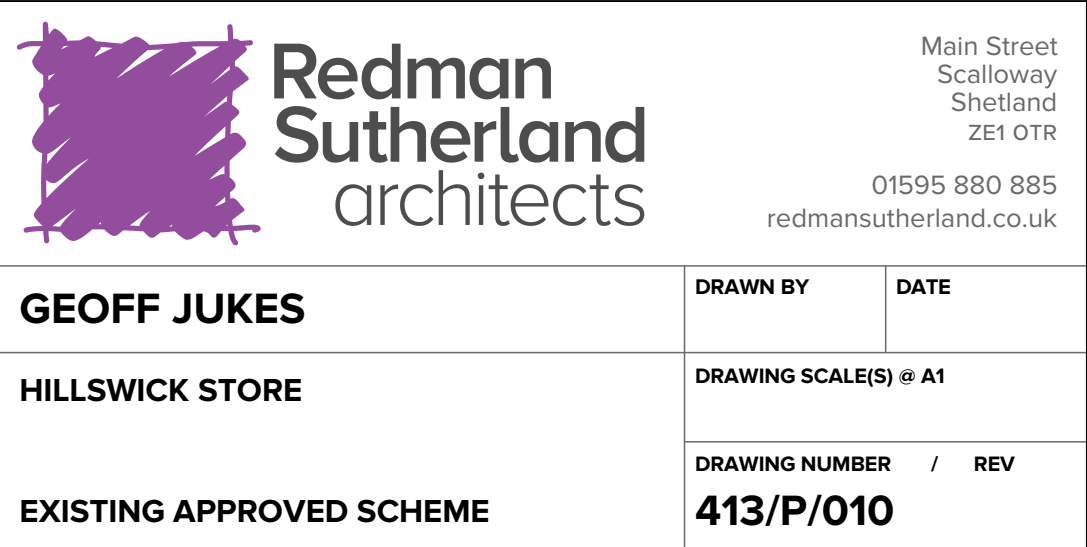
ROOF  
WALLS  
WINDOWS  
ROOFLIGHTS  
DOORS  
RWP/GUTTERS

Natural Slate, Grey  
Mass Concrete (Painted)  
Timber, double glazed  
Timber/Metal  
Timber with Timber Shutter  
UPVC, Black

CURRENT APPROVED ELEVATIONS & SECTIONS

HILLSWICK STORE

PLANNING REFERENCE NUMBER : 2016/069/PPF  
LISTED BUILDING REF NUMBER : 2016/081/LBC  
APPROVAL : APRIL 2016





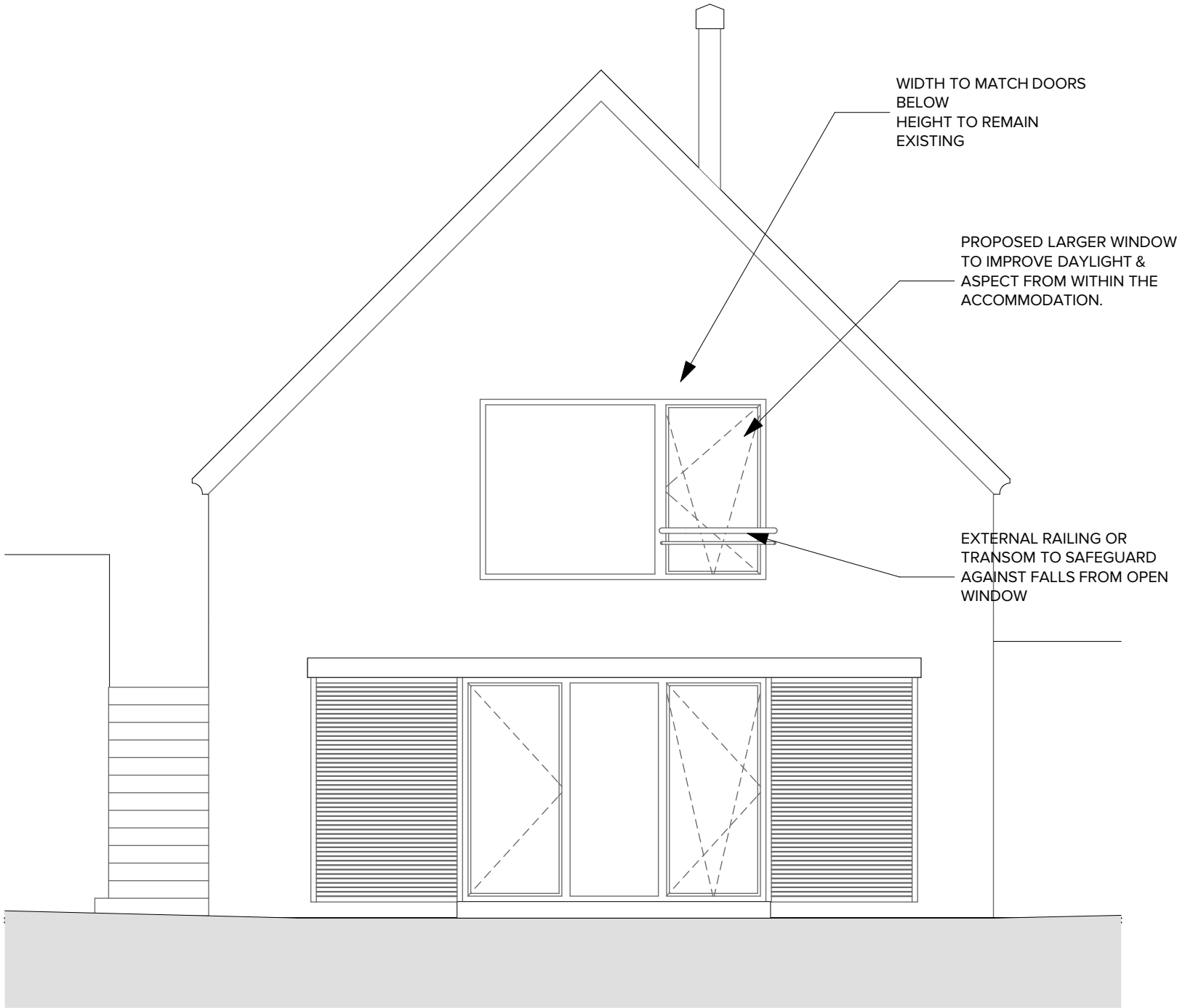




VIEW FROM SOUTH




PHOTOMONTAGE FROM SOUTH



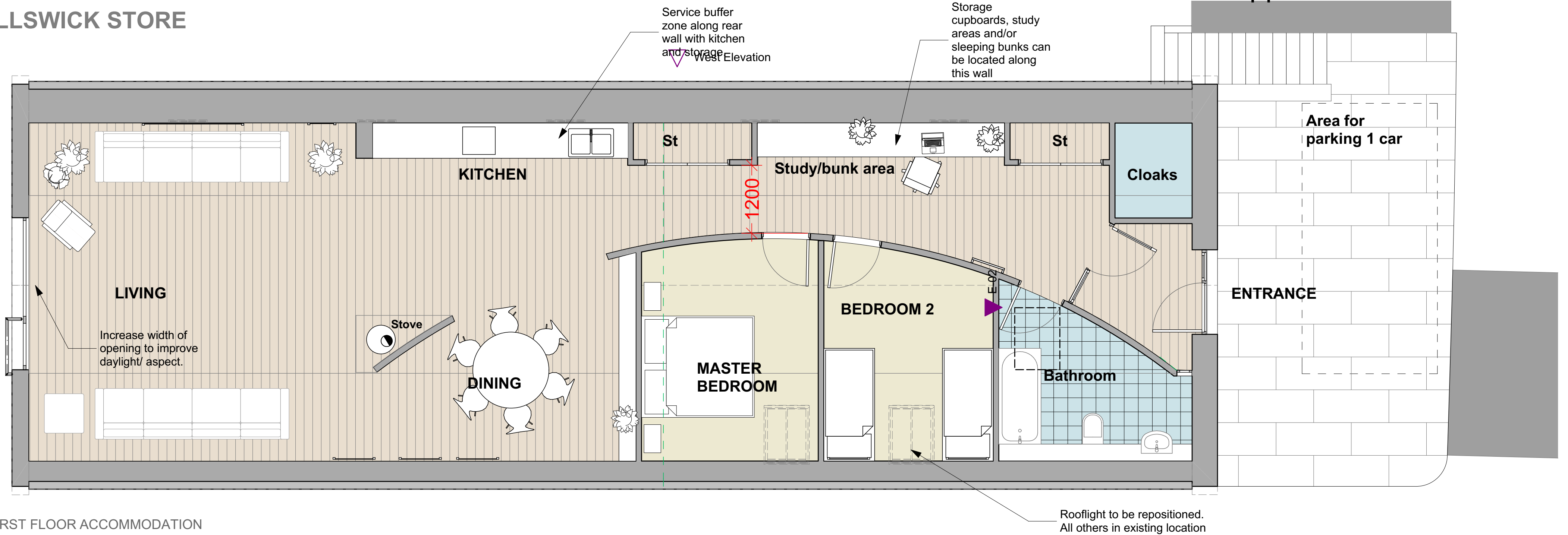
SOUTH ELEVATION  
1:50

REV A - FIRST FLOOR WINDOW INCREASED IN WIDTH

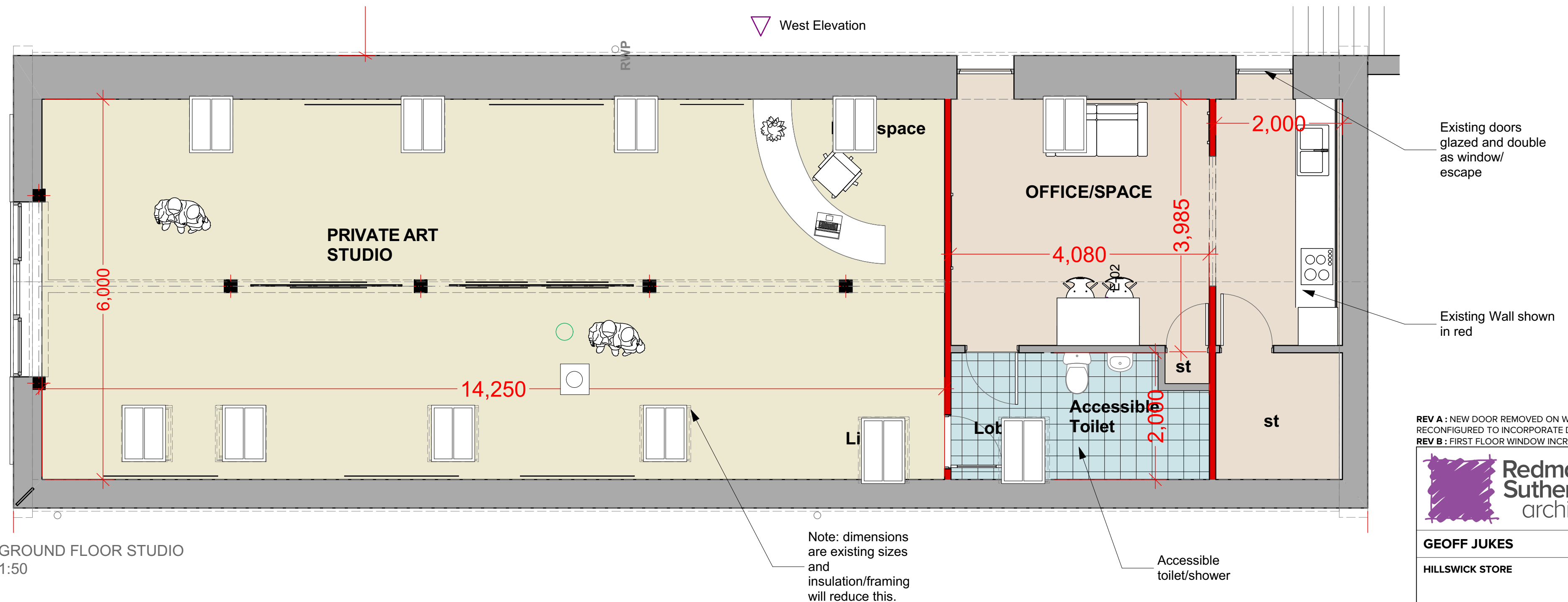
<div><div></div><div><div>Redman Sutherland</div><div>architects</div></div></div> <div><div>Main Street Scalloway Shetland ZE1 0TR</div><div>01595 880885 redmansutherland.co.uk</div></div>		
GEOFF JUKES	DRAWN BY	DATE
HILLSWICK STORE	DRAWING SCALE(S) @ A3	
SOUTH ELEVATION - PROPOSED WINDOW	DRAWING NUMBER	REV
	413/P/009	



# HILLSWICK STORE



FIRST FLOOR ACCOMMODATION  
1:50



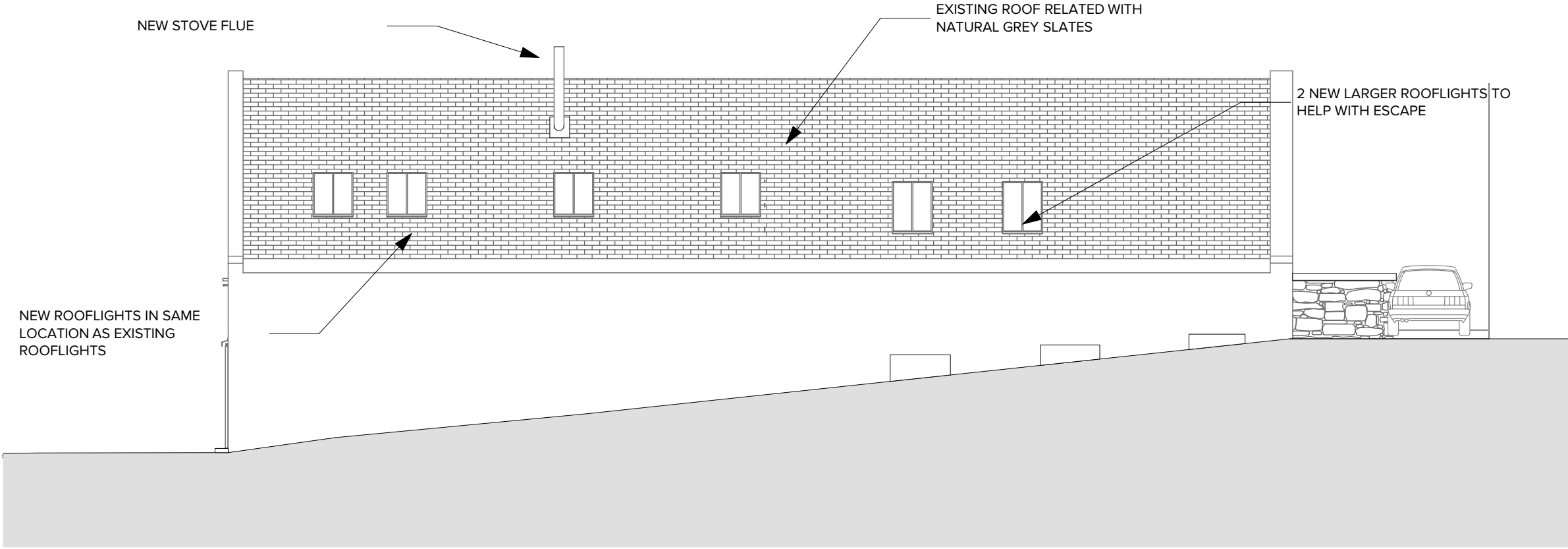
GROUND FLOOR STUDIO  
1:50

REV A : NEW DOOR REMOVED ON WEST ELEVATION. FRONT WINDOW RECONFIGURED TO INCORPORATE DOOR  
REV B : FIRST FLOOR WINDOW INCREASED IN WIDTH

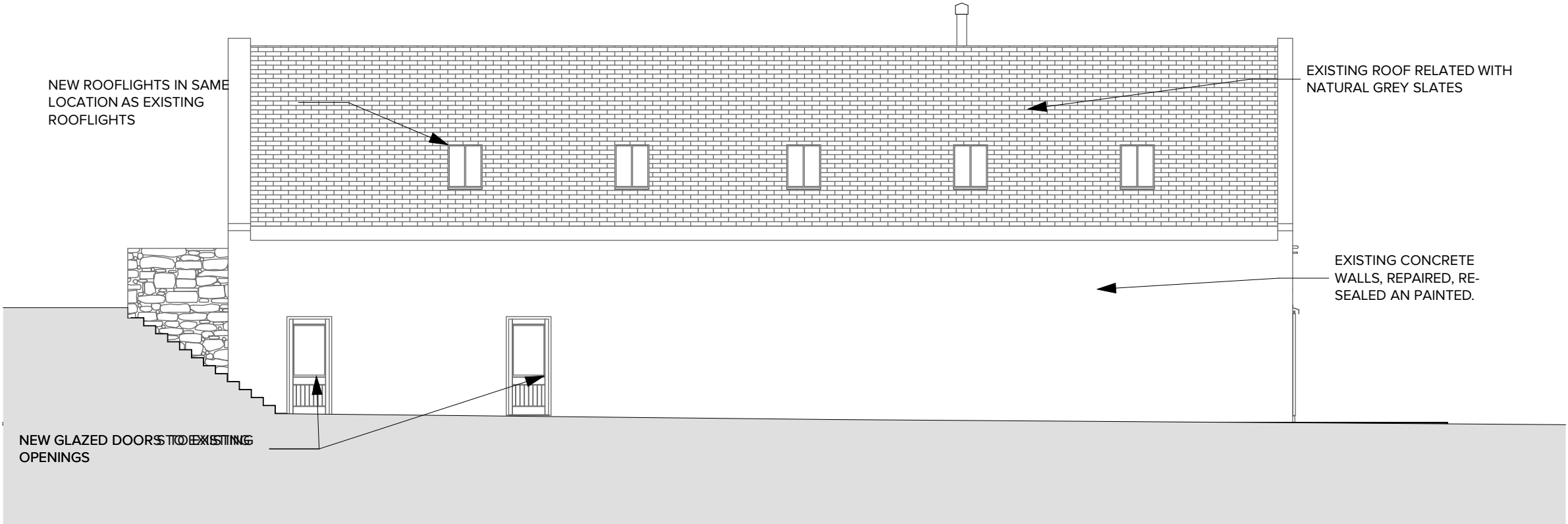
	Main Street Salloway Shetland ZE1 0TR 01595 880 885 redmansutherland.co.uk	
	DRAWN BY	DATE
	HILLSWICK STORE	DRAWING SCALE(S) @ A2
	PROPOSED PLANS	DRAWING NUMBER / REV 413/P/004/B



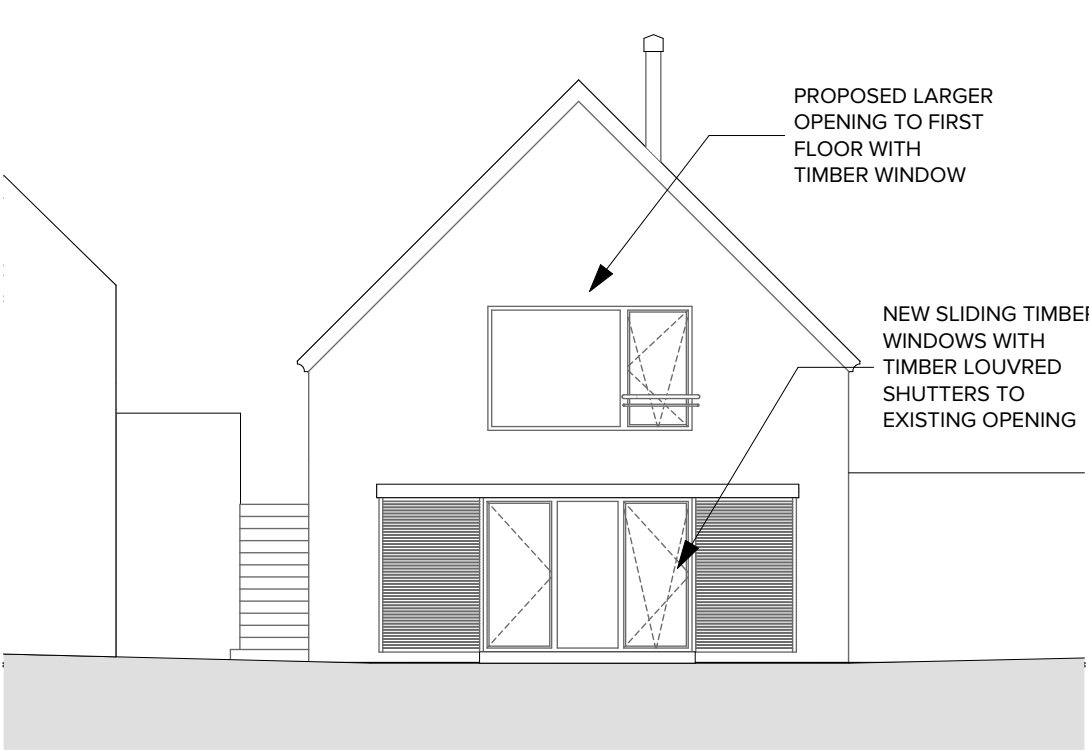




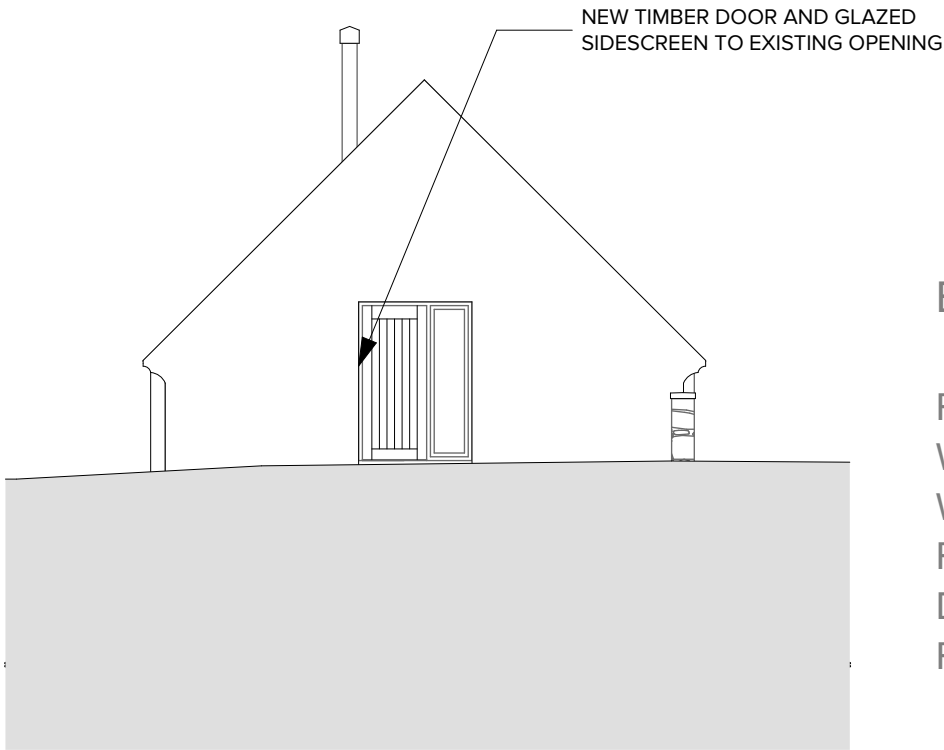
EAST ELEVATION  
1:100



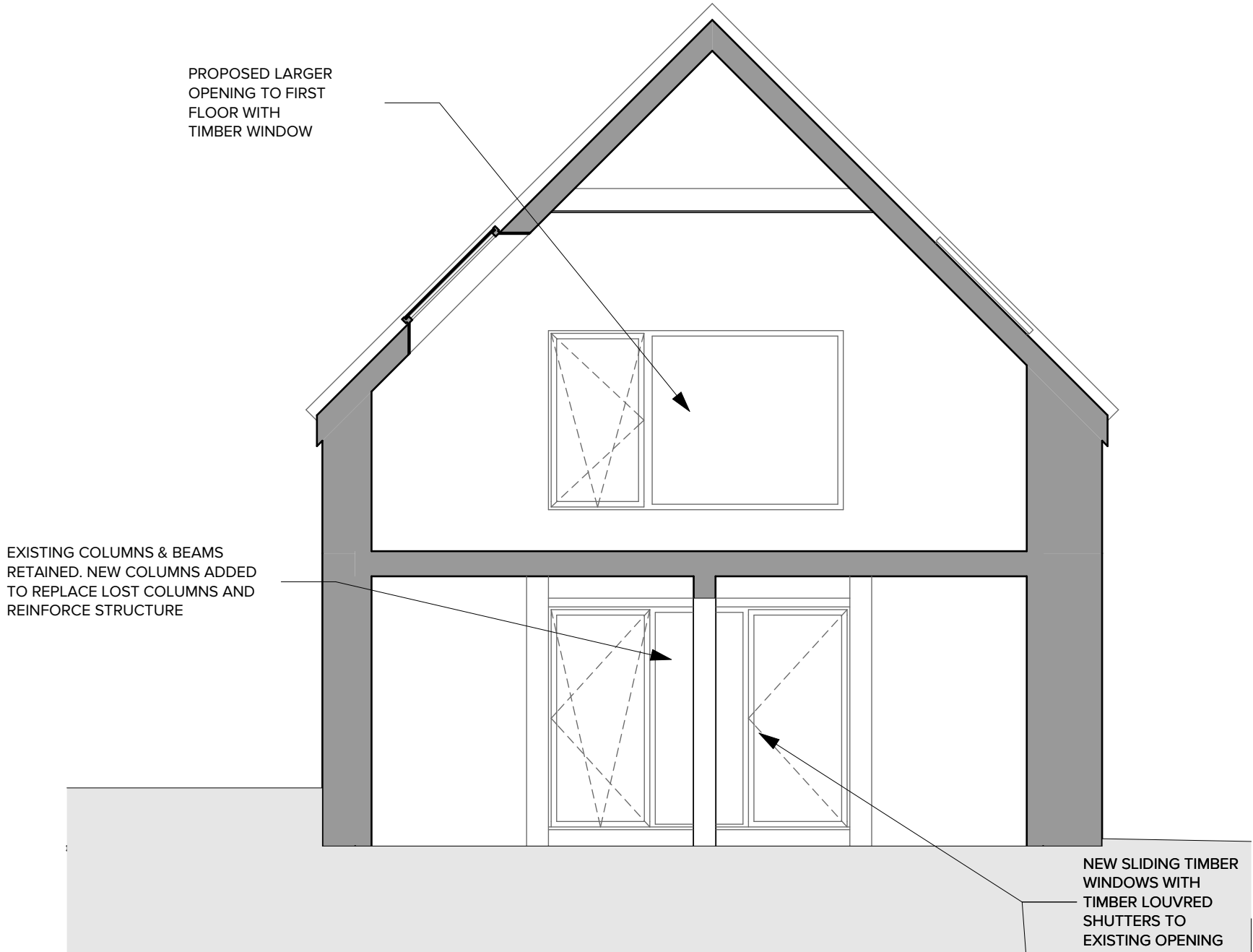
WEST ELEVATION  
1:100



SOUTH ELEVATION  
1:100



NORTH ELEVATION  
1:100



SECTION AA  
1:50



VIEW FROM SOUTH



PHOTOMONTAGE FROM SOUTH

EXISTING CONCRETE  
WALLS, REPAIRED, RE-  
SEALED AN PAINTED.


PROPOSED LARGER  
OPENING TO FIRST  
FLOOR WITH  
TIMBER WINDOW

EXISTING MATERIALS

ROOF  
WALLS  
WINDOWS  
ROOFLIGHTS  
DOORS  
RWP/GUTTERS

Natural Slate, Grey  
Mass Concrete ( Painted)  
Timber, double glazed  
Timber/Metal  
Timber with Timber Shutter  
UPVC, Black

REV A - NEW DOOR REMOVED ON WEST ELEVATION. FRONT WINDOW  
RECONFIGURED TO INCORPORATE DOOR  
REV B - FIRST FLOOR WINDOW INCREASED IN WIDTH

 <div>Redman Sutherland architects</div>		Main Street Scalloway Shetland ZE1 0TR	
		01595 880 885 redmansutherland.co.uk	
GEOFF JUKES		DRAWN BY	DATE
HILLSWICK STORE		DRAWING SCALE(S) @ A2	
PROPOSED ELEVATIONS & SECTIONS		DRAWING NUMBER / REV	413/P/005/B