

Executive Manager: Jan-Robert Riise
Director: Christine Ferguson

Governance and Law
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If calling please ask for
Louise Adamson
Direct Dial: 01595 744555

Date: 3 April 2018

Dear Sir/Madam

You are invited to the following meeting:

Planning Committee
Council Chamber, Town Hall, Lerwick
Tuesday 10 April 2018 at 2pm

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 the minutes of the meeting held on 18 January 2018 (enclosed)

Items

Local Reviews 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:

1. Local Review Ref: 2017/247/AMSC – LR31 - Application to discharge conditions 3a – 3d, as specified under approved Planning Permission in Principle 2016/280/PPP: Site 2, Strait, Mossbank, Shetland, ZE2 9RB.



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: 2017/247/AMSC – LR31 - Application to discharge conditions 3a – 3d, as specified under approved Planning Permission in Principle 2016/280/PPP: Site 2, Strait, Mossbank, Shetland, ZE2 9RB.

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, although the Review Body can still decide whether or not they wish to proceed on the basis of the papers before them. In addition the Review Body can decide to set some other procedures, such as a site visit (either accompanied or unaccompanied). The procedure by which the case is to be reviewed

however should be confirmed by the Review Body before proceeding to consider evidence.

- 2.2 If the Review Body decide as a preliminary matter, before parties begin presenting their evidence, that a site visit will be necessary it can simply adjourn without hearing evidence. If the site visit process is adopted only those members of the Local Review Body that attend the site visit should then take part in the subsequent decision making meeting. Any members not present when preliminary matters are dealt with can still attend the site visit and hearing provided they have been present when all evidence and submissions have been made. Notice of the date, time and place of the adjourned hearing session to follow the site visit may be announced before the adjournment.
- 2.3 In respect of review in this case the applicant has indicated that in the event the Review Body decides to have a site visit, the site can be viewed entirely from public land, and that it is possible for the site to be accessed safely, and without barriers to entry. Where the Review Body decide to make an unaccompanied site visit the applicant is to be informed of the proposal. Where the Review Body decide to make an accompanied site visit the applicant and any interested party is to be given such notice of the date and time of the proposed inspection as may appear to the Review Body to be reasonable in the circumstances. It should be noted however that neither an applicant or any interested party is permitted to address the Review Body on the merits of the review during an accompanied site visit.
- 2.4 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.
- 2.5 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 out the persons entitled to appear have been informed that they will each be given a maximum of 5 minutes.
- 2.6 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.

- 2.7 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 and representations 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); any representations or comments made under Regulation 10(4) or (6); and any 'hearing statement' served in relation to the review.
- 2.8 In order to be able to give notice of their decision in accordance with the regulations, the 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 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.

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: 2017/247/AMSC
Application to discharge conditions 3a - 3d, as specified under approved
Planning Permission in Principle 2016/280/PPP
By Mr & Mrs Chris & Stacey Giblin

Contents Page

Section 1.	Planning Submission – 2017/247/AMSC
Section 2.	Statutory Advert (if applicable)
Section 3.	Consultation Responses
Section 4.	Report of Handling
Section 5.	Decision Notice
Section 6.	Notice of Review
Section 8.	Representations/Hearing Statements

Section 1. Planning Submission – 2017/247/AMSC



Shetland Islands Council

Train Shetland North Gremista Industrial Estate Lerwick Shetland ZE1 0PX Tel: 01595 744293 Email: planning.control@shetland.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100060757-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

- ☐ Application for planning permission (including changes of use and surface mineral working).
- ☐ Application for planning permission in principle.
- ☐ Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- ☒ Application for Approval of Matters specified in conditions.

Please give the application reference no. of the previous application and date when permission was granted.

Application Reference No: *

2016/280/PPP

Date (dd/mm/yyyy): *

03/10/2016

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Erection of a 1.5 storey dwelling house with attached double garage

Is this a temporary permission? *

☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) *

☐ Yes ☒ No

Has the work already been started and/or completed? *

☒ No ☐ Yes - Started ☐ Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	Plarmigan Homes		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Andrew	Building Name:	
Last Name: *	Mowat	Building Number:	8
Telephone Number: *		Address 1 (Street): *	Lotland Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Inverness
Fax Number:		Country: *	Scotland
		Postcode: *	IV1 1PA
Email Address: *			
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity			

Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	Mr & Mrs	Building Name:	
First Name: *	Chris & Stacey	Building Number:	8
Last Name: *	Giblin	Address 1 (Street): *	Lotland Street
Company/Organisation	C/O Plarmigan Homes Ltd	Address 2:	
Telephone Number: *		Town/City: *	Inverness
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	IV1 1PA
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Shelland Islands Council

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

1175559

Easting

444993

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☐ Yes ☒ No

Site Area

Please state the site area:

0.11

Please state the measurement type used:

☒ Hectares (ha) ☐ Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Building plot with outline planning

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

☒ Yes ☐ No

If Yes please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? * ☐ Yes ☒ No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

0

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *

4

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? * ☒ Yes ☐ No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *

- ☐ Yes – connecting to public drainage network
☒ No – proposing to make private drainage arrangements
☐ Not Applicable – only arrangements for water supply required

As you have indicated that you are proposing to make private drainage arrangements, please provide further details.

What private arrangements are you proposing? *

- ☒ New/Altered septic tank.
☐ Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).
☐ Other private drainage arrangement (such as chemical toilets or composting toilets).

What private arrangements are you proposing for the New/Altered septic tank? *

- ☐ Discharge to land via soakaway.
☒ Discharge to watercourse(s) (including partial soakaway).
☐ Discharge to coastal waters.

Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: *

Discharge to watercourse

Do your proposals make provision for sustainable drainage of surface water?? * ☒ Yes ☐ No
(e.g. SUDS arrangements) *

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

- ☒ Yes
☐ No, using a private water supply
☐ No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? *

☐ Yes ☒ No ☐ Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? *

☐ Yes ☒ No ☐ Don't Know

Trees

Are there any trees on or adjacent to the application site? *

☐ Yes ☒ No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *

☒ Yes ☐ No

If Yes or No, please provide further details: * (Max 500 characters)

Suitable hardstanding will be provided within the site

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

☒ Yes ☐ No

How many units do you propose in total? *

1

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) *

☐ Yes ☒ No ☐ Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning services or an elected member of the planning authority? *

☐ Yes ☒ No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

☒ Yes ☐ No

Is any of the land part of an agricultural holding? *

☐ Yes ☒ No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Andrew Mowat

On behalf of: Mr & Mrs Chris & Stacey Giblin

Date: 25/07/2017

☒ Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

☐ Yes ☐ No ☒ Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- ☒ Site Layout Plan or Block plan.
- ☒ Elevations.
- ☒ Floor plans.
- ☐ Cross sections.
- ☒ Roof plan.
- ☐ Master Plan/Framework Plan.
- ☐ Landscape plan.
- ☐ Photographs and/or photomontages.
- ☐ Other.

If Other, please specify. * (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. *

☐ Yes ☒ N/A

A Flood Risk Assessment. *

☐ Yes ☒ N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *

☐ Yes ☒ N/A

Drainage/SUDS layout. *

☒ Yes ☐ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. *

☐ Yes ☒ N/A

Habitat Survey. *

☐ Yes ☒ N/A

A Processing Agreement. *

☐ Yes ☒ N/A

Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

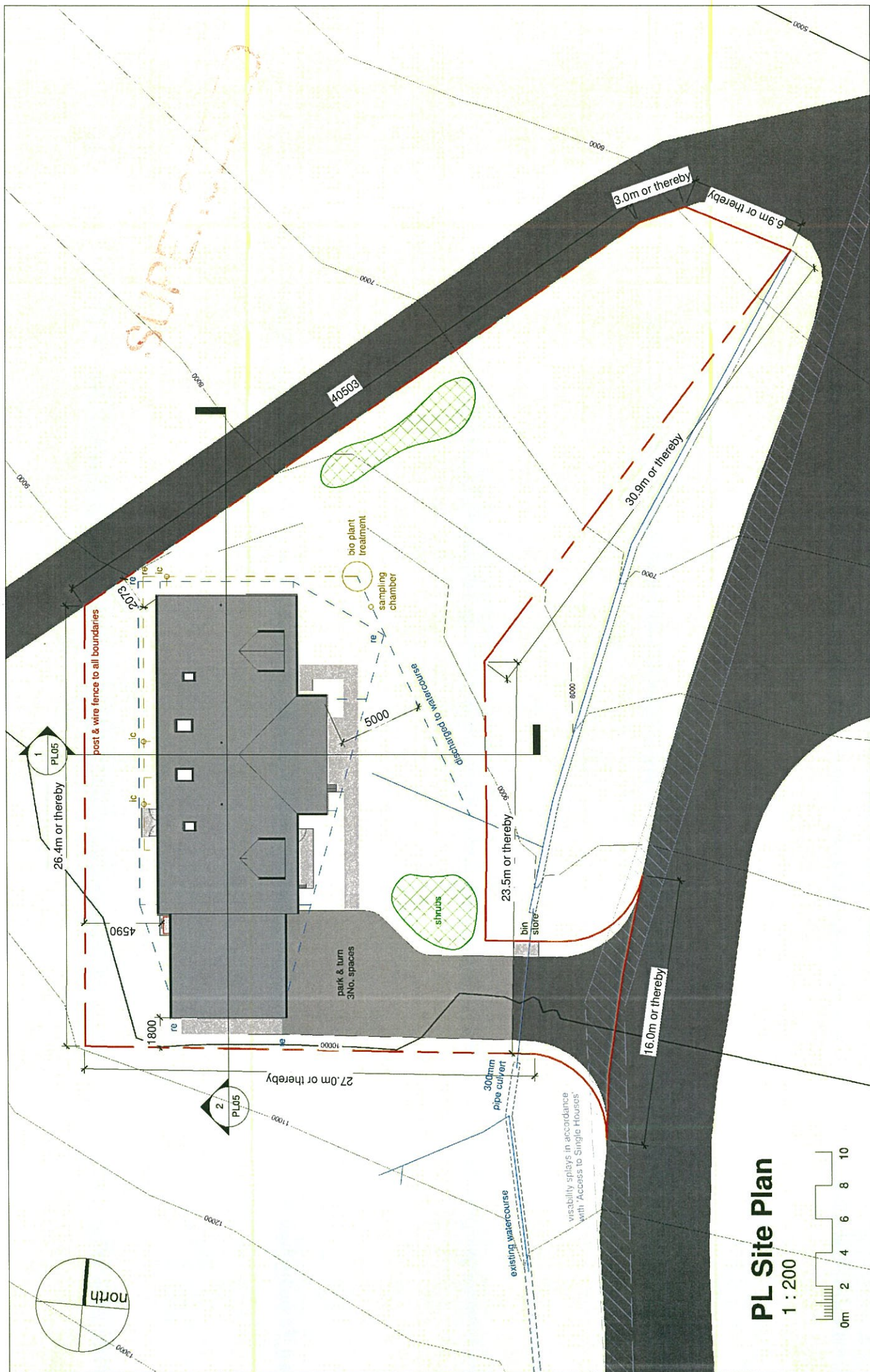
Declaration Name: Mr Andrew Mowat

Declaration Date: 25/07/2017

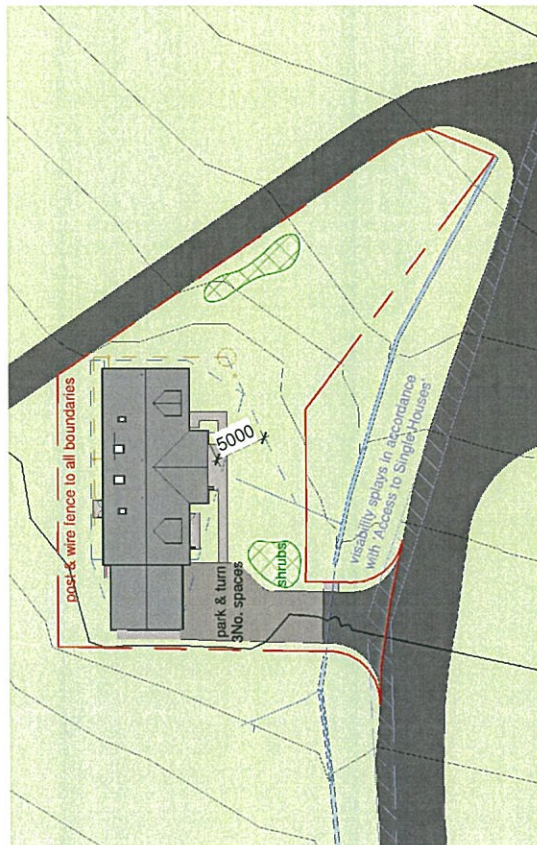
Payment Details

Cheque: Plarmigan Homes Ltd, 000072

Created: 25/07/2017 15:09



<div>PTARMIGAN HOMES</div> <div>A Castle House, Fairways Business Park, Inverness, IV2 6AA T 01463 611050 W Ptarmigan-homes.com</div> <div>This drawing is Copyright © Ptarmigan Homes Ltd. All Rights Reserved</div>	<div>CLIENT</div> <div>Chris & Stacey Giblin</div> <div>PROJECT</div> <div>Site 2, Strait, Mossbank, Shetland, ZE2 9RB Bute (Amended)</div>	<div>PROJECT No.</div> <div>F170215</div>				<div>DRAWING No.</div> <div>PL09</div>		
		<div>SCALE</div> <div>1 : 200</div>				<div>DRAWN</div> <div>AM</div>	<div>CHECKED</div> <div>MR</div>	<div>APPROVED</div> <div>MR</div>
		<div>DATE</div> <div>24 Jul 2017</div>						
		<div>REV.</div> <div></div>				<div>ISSUED</div> <div></div>	<div>DATE</div> <div></div>	
		<div>DESCRIPTION</div> <div></div>				<div>AM</div>	<div>19 Aug 2017</div>	

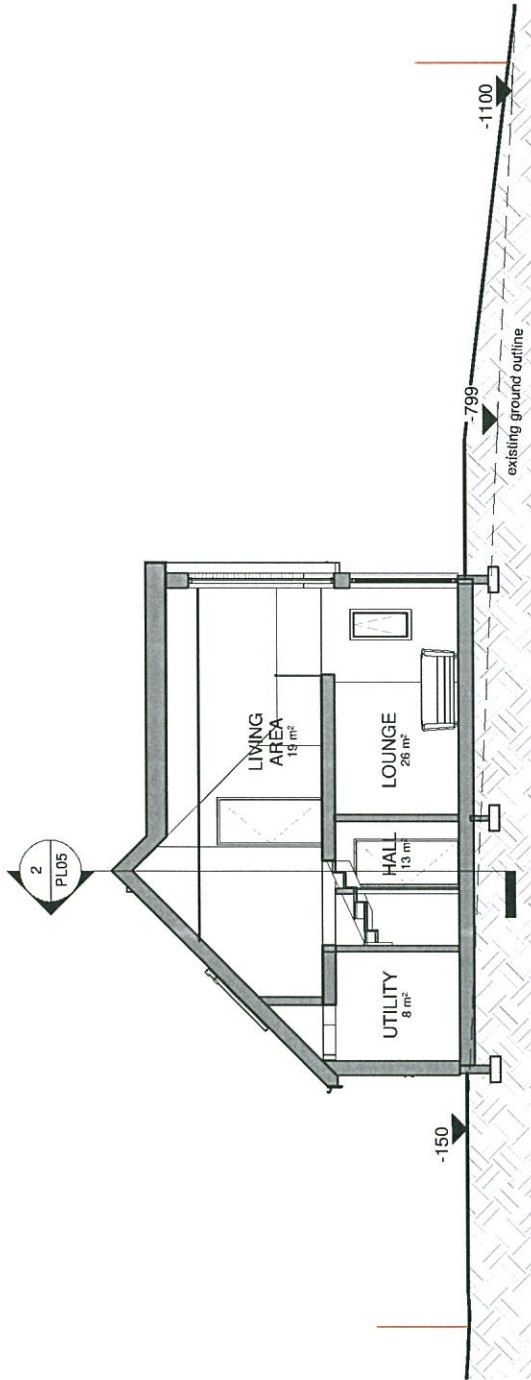


PL Site Plan (1-500)
1 : 500

SUPERSEDED

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	<div>PROJECT</div> <div>Site 2, Strait, Mossbank, Shetland, ZE2 9RB Bute (Amended)</div>		<div>SCALE</div> <div>1 : 500</div>	<div>DRAWN</div> <div>AM</div>	<div>CHECKED</div> <div>MR</div>	<div>APPROVED</div> <div>MR</div>
			<div>DATE</div> <div>01 Aug 2017</div>			
	<div>REV.</div>		<div>DESCRIPTION</div>	<div>ISSUED</div>	<div>DATE</div>	

SUPPLEMENTED

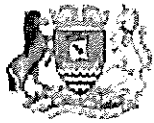


PL Section 1
1 : 100



PL Section 2
1 : 100

PTARMIGAN HOMES Castle House, Fairways Business Park, Inverness, IV2 6AA T 01463 611050 W PtarmiganHomes.com This drawing is Copyright © Ptarmigan Homes Ltd. All Rights Reserved	CLIENT Chris & Stacey Giblin		PROJECT Site 2, Strait, Mossbank, Shetland, ZE2 9RB Bute (Amended)		PROJECT No. F170215		DRAWING No. PL05	
	REV.		DESCRIPTION		SCALE 1 : 100		DRAWN AM	
	DATE 01 Aug 2017		ISSUED		CHECKED MR		APPROVED MR	



Shetland Islands Council

Train Shetland North Gremista Industrial Estate Lerwick Shetland ZE1 0PX Tel: 01595 744293 Email: planning.control@shetland.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100060757-003

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Site Address Details

Planning Authority:

Shetland Islands Council

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

1175559

Easting

444993

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	Plarmigan Homes		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Andrew	Building Name:	Castle House
Last Name: *	Mowat	Building Number:	
Telephone Number: *		Address 1 (Street): *	Fairways Business Park
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Inverness
Fax Number:		Country: *	Scotland
		Postcode: *	IV2 6AA
Email Address: *			

Is the applicant an individual or an organisation/corporate entity? *

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	Mr & Mrs	Building Name:	Castle House
First Name: *	Chris & Stacey	Building Number:	
Last Name: *	Giblin	Address 1 (Street): *	Fairways Business Park
Company/Organisation	C/O Plarmigan Homes Ltd	Address 2:	
Telephone Number: *		Town/City: *	Inverness
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	IV2 6AA
Fax Number:			
Email Address: *			

Proposal/Application Details

Please provide the details of the original application(s) below:

Was the original application part of this proposal? *

☒ Yes ☐ No

Application Details

Please select which application(s) the new documentation is related to.

Application: * 100060757-001, application for Planning Permission, submitted on 25/07/2017

Document Details

Please provide an explanation as to why the documentation is being attached after the original application was submitted: * (Max 500 characters)

Requested information from Planning letter, dated 31 July 2017. Description of application to be changed to: Application to discharge conditions 3a - 3d, as specified under approved Planning Permission in Principle, 2016/280/PPP. Please note our address has also been revised within this post submission application (Agent).

Checklist – Post Submission Additional Documentation

Please complete the following checklist to make sure you have provided all the necessary information in support of your application.

The additional documents have been attached to this submission. *

☒ Yes ☐ No

Declare – Post Submission Additional Documentation

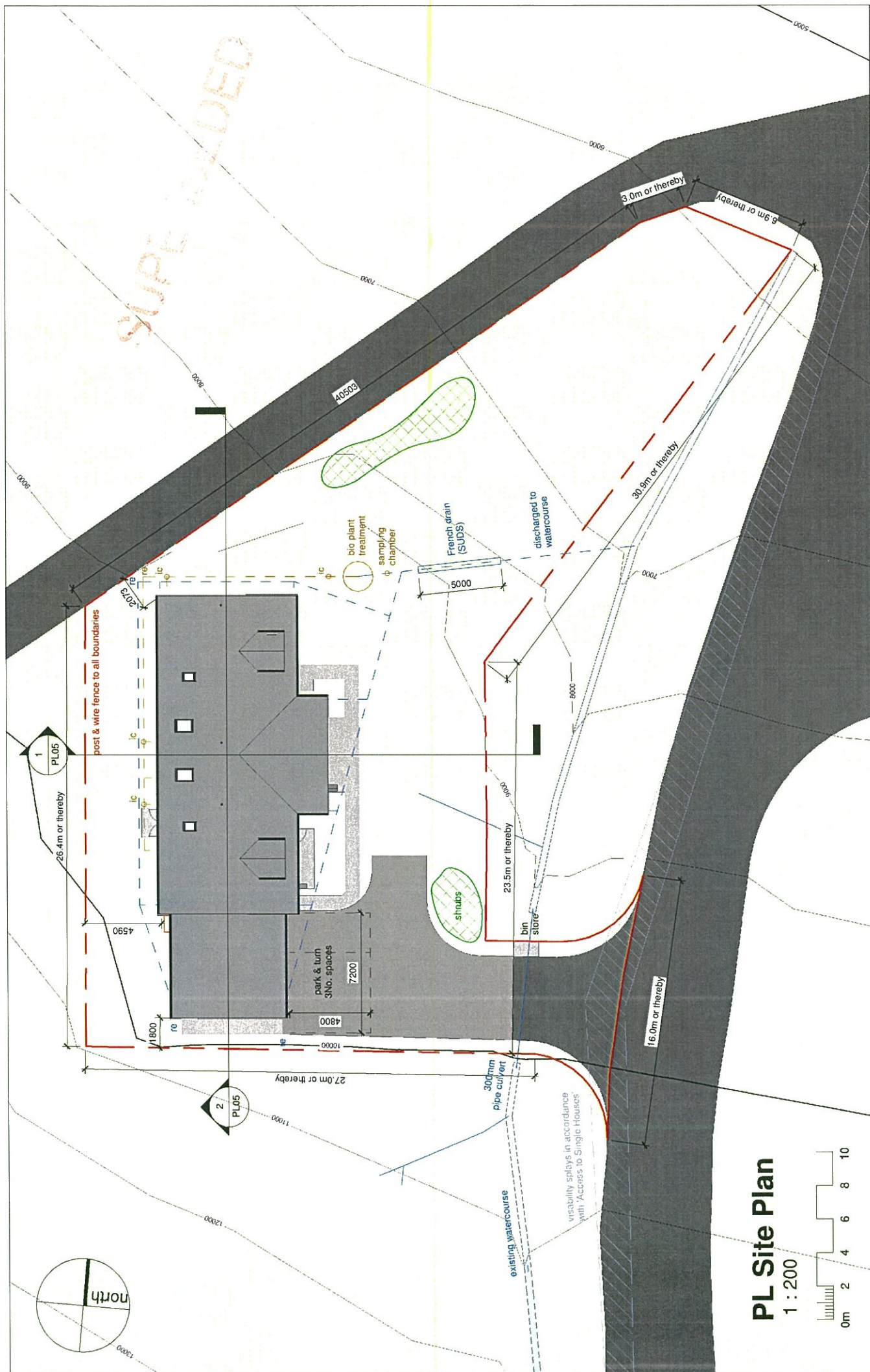
I/We the applicant/agent certify that this is a submission of Additional Documentation, and that all the information given in this submission is true to the best of my/the applicants knowledge.

Declaration Name: Mr Andrew Mowat

Declaration Date: 01/08/2017



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			SCALE 1 : 500	DRAWN AM	CHECKED MR	APPROVED MR
			DATE 01 Aug 2017			



PL Site Plan 1 : 200



PTARMIGAN HOMES

A Castle House, Fairways Business Park, Inverness, IV2 6AA
T: 01463 611050
W: PtarmiganHomes.com

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CLIENT
Chris & Stacey Giblin

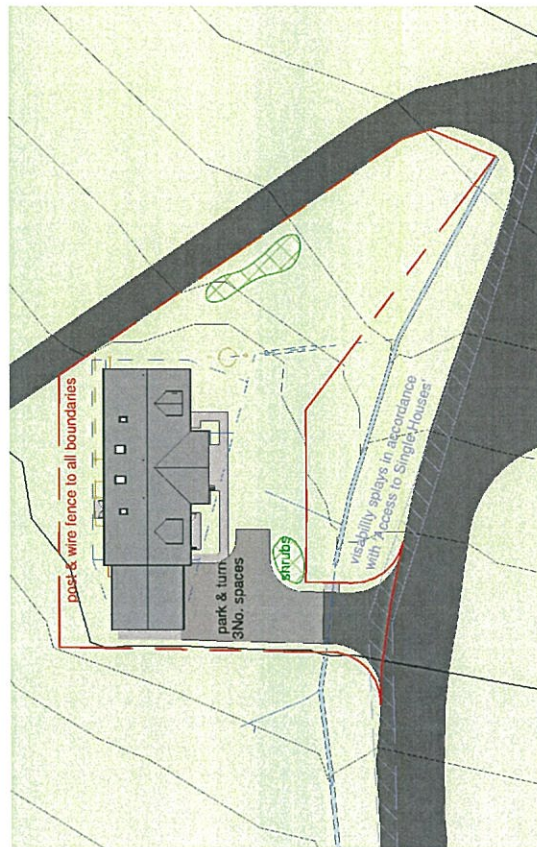
PROJECT
Site 2, Strait, Mossbank, Shetland, ZE2 9RB
Bute (Amended)

PROJECT No.	DRAWING No.	CHECKED	APPROVED
F170215	PL09	MR	MR
SCALE	DATE	ISSUED	DESCRIPTION
1 : 200	24 Jul 2017		

REV.	DESCRIPTION	DATE
1	Issued for construction	24 Jul 2017
2	Issued for construction	24 Jul 2017
3	Issued for construction	24 Jul 2017



SUPERSEDED



PL Site Plan (1:500)

1 : 500



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		SCALE 1 : 500		DRAWN AM	CHECKED MR
		DATE 01 Aug 2017		ISSUED AM	APPROVED MR

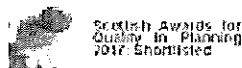
From: Hunter Dale@Development Management
Sent: 17 Oct 2017 09:57:49 +0000
To: [REDACTED]
Subject: RE: K170215 Giblin - PL Observations (Ref 2017/247/AMSC)

Hi Ian,

Thanks for the confirmation, I will await a response from them.

Regards
Dale

Dale Hunter
Planning Officer - Shetland Islands Council
01595 743963 - dale.hunter@shetland.gov.uk
8 North Ness, Lerwick, Shetland, ZE1 0LZ



From: Ian Corner [mailto:[REDACTED]]
Sent: 17 October 2017 10:09
To: Hunter Dale@Development Management <Dale.Hunter@shetland.gov.uk>
Subject: RE: K170215 Giblin - PL Observations (Ref 2017/247/AMSC)

Dale,

I have passed your e-mail to Ptarmigan Homes in order for them to take whatever action they deem is necessary.

Regards

Ian Corner
JIG Ltd
[REDACTED]

From: Dale.Hunter@shetland.gov.uk [mailto:Dale.Hunter@shetland.gov.uk]
Sent: 16 October 2017 14:48
To: Ian Corner [REDACTED]
Subject: RE: K170215 Giblin - PL Observations (Ref 2017/247/AMSC)

Hi Ian,

In response to your email I would advise that the best way forward is to ensure that the proposed development complies with the development plan. If a connection to the public sewer is provided, I will recommend approval of the application.

Shetland Local Development Plan 2014 (SLDP) Policy WD2 does not include a clause stating 'unless financially unviable for the applicant' because this is not material in determining planning applications.

In considering the wording of Policy WD2, the site is within a settlement and it has not yet been shown in material planning terms that the connection to the public sewer is unachievable. Cost estimates have been provided for the connection to the public sewer and I understand that it is your view that this cost estimate makes it unachievable. However, as Planning Authority we must determine for ourselves whether the connection to the public sewer is achievable when only looking at material planning considerations only. We have not yet received a submission which justifies the use of a private treatment system

The Draft Supplementary Guidance on Water and Drainage can be found on our website at the link below.

<http://www.shetland.gov.uk/planning/LocalDevelopmentPlan.asp>

SEPA and Planning Authorities operate under separate regulatory functions. Permission from one body does not remove the requirements under other bodies. Further information on the creation of the SLDP can be found on our website at the same link as above. It is noted that SEPA did not object to the Shetland Local Development Plan 2014 and was approved in its current form by Councillors and Ministers. I do not propose to further discuss, as part of the assessment of this application, the process by which the SLDP was created.

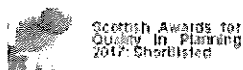
As before, I would suggest looking into communal waste water connections to the public sewer with neighbouring housing development sites. This would likely be more efficient than several individual connections and hopefully lower individual costs.

Regards

Dale

Dale Hunter

Planning Officer – Shetland Islands Council
01595 743963 dale.hunter@shetland.gov.uk
8 North Ness, Lerwick, Shetland, ZE1 0LZ



From: Ian Corner [mailto:ian.corner@shetland.gov.uk]
Sent: 06 October 2017 16:38
To: Hunter Dale@Development Management <Dale.Hunter@shetland.gov.uk>
Cc: Martin Roy [mailto:martin.roy@shetland.gov.uk]; Andrew Mowat [mailto:andrew.mowat@shetland.gov.uk]
Subject: FW: K170215 Giblin - PL Observations (Ref 2017/247/AMSC)

Dale,

Following our discussion and acting as the consultant who supplied the drainage solution for this development we have the following comments to make in response to your e-mail below to Ptarmigan Homes.

Firstly I have to ask – why, as you advised, has the Council chosen to specifically exclude cost as a reason as to why a connection “... it is not achievable”?

Council Policy WD2 Waste Water is attached below and it clearly opens the door to a private sewage treatment solution as being acceptable where a connection to the public sewer it is not “achievable”

provided "*there should be no detrimental effect etc etc....*". We have clearly shown that a connection to the public sewer is not "achievable" due to cost considerations and, by way of receipt of our communications with SEPA and the subsequent issuing of a discharge Registration, also demonstrated the proposed drainage solution will have no detrimental effect, at least on the aquatic environment.

It is noted that the Supplementary Guidance as regards Water and Drainage is not contained within the electronic version of the Local Plan. This is found elsewhere on the Council's website Local Development Plan - NEWSLETTER MAY 2017 but is recorded as being a Draft document only and in any case links to the Development Plan date 2012 which then again refers to a Supplementary Guidance as regards Water and Drainage. Comment on private drainage within the 2012 Plan simply refers back to compliance with WD2. All in all not very helpful.

WD2 Waste Water

New developments which require waste water disposal and are located within or adjacent to settlements are expected to connect to the public sewer .

Where a connection to the public sewer is not achievable and a wastewater system such as a private septic tank is proposed the developer should demonstrate that:

- ♦ There should be no detrimental effect, including cumulative effect, on the surrounding uses, natural, built environment and cultural heritage.

Further policy guidance can be found in Supplementary Guidance Water and Drainage

List of Supplementary Guidance

Business and Industry

Local Landscape Areas

Local Nature Conservation Sites

Natural Heritage

Historic Environment

Parking Standards

Residential Access

Water and Drainage

Aquaculture Policy

Works Licence Policy

You mention in your e-mail that “*The response from SEPA confirms that a connection is technically achievable*”. We have no record of such a comment from SEPA’s regulatory team whom we consulted in respect of a potential private sewage treatment solution. Copies of our submissions to SEPA and their comments are attached for your information. As a result of this consultation SEPA accepted the premise of a private sewage treatment solution and subsequently authorised the discharge by way of a Registration issued under the auspices of The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (see attached).

SEPA is well aware of local Council policy and presumably took this into account when arriving at the decision they did. That and consideration of the Urban Waste Water Directive (UWWTD) and The Water Environment (Controlled Activities) (Scotland) Regulations 2011. It appears the Council, by excluding costs as a consideration, has its own interpretation of the requirements of the UWWTD which does not quite square with the interpretation by SEPA. This is slightly perplexing given that SEPA and the Councils throughout Scotland spent some considerable time drawing up Policy based on that Directive, amongst other legal requirements. Cost is an imperative factor to be considered in the provision of a private sewage treatment solution under the requirements of the UWWTD – to see that element missing in the Council's policy does raise questions as to why such a fundamental piece of legislation appears to have been ignored when the Council was preparing its policy.

As regards your e-mail below; we would ask that you take this submission into account together with anything else submitted by the client/Ptarmigan Homes in respect of this planning application.

Regards

Ian Corner
JIG Ltd

From: Andrew Mowat [mailto: [REDACTED]]
Sent: 06 October 2017 13:36
To: Ian Corner [REDACTED]
Cc: Martin Roy [REDACTED]
Subject: FW: K170215 Giblin - PL Observations (Ref 2017/247/AMSC)

Good afternoon Ian,

New response from Shetland Council regarding the drainage solution for above Client.

The house within Planning 2012/090/PPF is about 180m from the public sewer and Planning 2016/280/PPP is the site adjacent to our Clients to which no one has bought.

Obviously there policy dictates this above SEPAs approval, however are you aware of any further justification for our current proposal?

'It is also in a different context because it is potentially outwith the settlement in our current policy context' is also not a very convincing reason...

We appreciate any response you may have.

Thanks,



Andrew Mowat
Architectural Technician

D
W





Ptarmigan Homes Ltd | Castle House Fairways Business Park Inverness IV2 6AA | [REDACTED]
Company registered in Scotland (SC393327) | VAT 260 1532 43

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From: Dale.Hunter@shetland.gov.uk [mailto:Dale.Hunter@shetland.gov.uk]
Sent: 05 October 2017 16:36
To: Andrew Mowat [REDACTED]
Subject: FW: K170215 Giblin - PL Observations (Ref 2017/247/AMSC)

Hi Andrew,

I have looked into the foul water issues with the site and it has become clear that a connection to the public sewer will be required. The reason for this is that we have a policy (Shetland Local Development Plan 2014 Policy WD2) which says that sites within settlements are expected to connect to public sewers unless it can be shown that it is not achievable. The response from SEPA confirms that a connection is technically achievable. I understand that there will be a difficult cost implication for this but our policies do not allow us to make exceptions on that basis.

I discussed these issues with the applicant who highlighted a case in the area where a connection to the public sewer was not required (2012/090/PPF). That application was under a previous generation of policy and the report of handling for that application states that the connection point is 180 metres away and that further private foul water treatment should not be supported. It is also in a different context because it is potentially outwith the settlement in our current policy context.

I would advise you to discuss the above with Scottish Water to look into whether there are more cost effective methods for connecting to the public sewer and potentially to contact the landowner of the neighbouring plot to the south. This was also proposed under the 2016/280/PPP planning permission in principle and will inevitably require to deal with the same issue. If shared infrastructure could be included I'm sure this would be beneficial and drive down the costs.

If you wish to discuss this, feel free to call on [REDACTED]

Kind Regards
Dale

Dale Hunter
Planning Officer - Shetland Islands Council
01595 743963 dale.hunter@shetland.gov.uk
8 North Ness, Lerwick, Shetland, ZE1 0JZ



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From: Hunter Dale@Development Management
Sent: 02 October 2017 16:18
To: 'Andrew Mowat' [REDACTED]
Subject: FW: K170215 Giblin - PL Observations (Ref 2017/247/AMSC)

Hi Andrew,

I have just had my draft report back to me from my Team Leader who highlighted that the site is within the vicinity of the public sewer and the Planning Permission in Principle and consultation response from Scottish Water require it to connect into that public sewer.

I would appreciate if you could look into this and amend the proposal to suit.

Kind Regards
Dale

Dale Hunter
Planning Officer - Shetland Islands Council
01595 743963 dale.hunter@shetland.gov.uk
8 North Ness, Lerwick, Shetland, ZE1 0LZ



Scottish Awards for
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2017: Shortlisted

From: Hunter Dale@Development Management
Sent: 26 September 2017 17:32
To: 'Andrew Mowat' [REDACTED]
Subject: RE: K170215 Giblin - PL Observations (Ref 2017/247/AMSC)

Hi Andrew,

That would be excellent, I'll keep an eye out for it coming through to me and hopefully the application can be approved in the coming days.

Kind Regards
Dale

Dale Hunter
Planning Officer - Shetland Islands Council
01595 743963 dale.hunter@shetland.gov.uk
8 North Ness, Lerwick, Shetland, ZE1 0LZ



Scottish Awards for
Quality in Planning
2017: Shortlisted

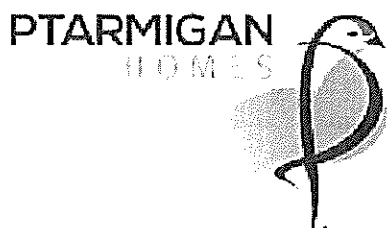
From: Andrew Mowat [REDACTED]
Sent: 26 September 2017 17:13
To: Hunter Dale@Development Management <Dale.Hunter@shetland.gov.uk>
Subject: K170215 Giblin - PL Observations (Ref 2017/247/AMSC)

Good evening Dale,

Just to let you know we have submitted our observations via ePlanning as requested below.

- Revised site plan incorporating SUDS device (5m French Drain as discussed with Colin Smith).
- 3No parking spaces individually indicated with dashed lines.

Regards,



Andrew Mowat
 Architectural Technician

D
 W



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From: Dale.Hunter@shetland.gov.uk [<mailto:Dale.Hunter@shetland.gov.uk>]
Sent: 21 September 2017 16:29
To: [REDACTED]
Subject: FW: 2017/247/AMSC - Site 2, Strait, Mossbank

Hi Andrew,

Thank you for the submission of amended drawings for the above application.

I would note that the amended plans do not provide for a SUDS device and the proposal is still contrary to Shetland Local Development Plan WD3. I would appreciate if you would look into this. It may be helpful to discuss this with the Council's Drainage Engineer, Colin Smith on [REDACTED]

In addition, it would be helpful if the parking spaces are individually indicated on the site plans with perhaps a dashed boundary around each space. This allows consideration of whether the spaces have sufficient distances to solid structures, boundaries or accesses and allows us to look at whether the turning head is sufficient when the spaces are shown.

Kind Regards
Dale

Dale Hunter
Planning Officer - Shetland Islands Council
01595 743963 - dale.hunter@shetland.gov.uk
8 North Ness, Lerwick, Shetland, ZE1 0LZ



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From: Hunter Dale@Development Management
Sent: 18 September 2017 12:14
To: [REDACTED]
Subject: 2017/247/AMSC - Site 2, Strait, Mossbank

FAO: Andrew Mowat

Hi Andrew,

I was allocated the above planning application on Friday and I've had a look into the consultation responses. These can be found on our website using the reference number above.

We currently have a request from the Roads Service for an amendment to the site plans to show the three parking spaces and ensure that the dimensions of the parking and turning area can be met.

The consultation response from the Council's Drainage Engineer highlighted that no SUDs device has been provided on the submitted plans. Without this, the proposal would not meet the requirements of our policy WD3 and we would not be able to support it.

I would appreciate if you look into these issues. If you wish to discuss this feel free to call on 01595 743963.

Kind Regards
Dale

Dale Hunter
Planning Officer - Shetland Islands Council
01595 743963 - dale.hunter@shetland.gov.uk
8 North Ness, Lerwick, Shetland, ZE1 0LZ



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From: Andrew Mowat
Sent: 26 Oct 2017 14:30:20 +0000
To: Hunter Dale@Development Management
Cc: Barry.Hardy@SCOTTISHWATER.CO.UK
Subject: K170215 Giblin - Drainage (Ref: 2017/247/AMSC)

Good afternoon Dale,

As discussed, please see email correspondence below from Scottish Water.

I have spoken with Barry and would appreciate if you could urgently progress this consultation process.

Regards,

PTARMIGAN
HOMES



Andrew Mowat
Architectural Technician

D 01463 611055
W PtarmiganHomes.com



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From: Barry Hardy [REDACTED]
Sent: 24 October 2017 15:50
To: Ian Corner [REDACTED]
Subject: RE: Shetland

Ian,

The public sewered area does not extend to the development site which is approx 100m from the nearest sewer. Should you wish to connect to the public sewer you may do so but at your own expense. Should you wish those sections of the connecting pipework, out-with the curtilage of the new property, to be vested with Scottish Water (SW) you would need to design to our adoptable standard. You would need to make an approach via the connections team for details of this process and you would need to obtain Deed of Servitude from third party landowners to permit SW access to maintain the adopted sewer.

Please note SW will accept foul flows only from this development. If connecting flows to the public sewer can only be achieved by pumping, probably the cheapest solution would be to install a small package pump and locate within the curtilage of the property. The pump would remain a private asset and would not be maintained by SW.

I hope this goes some way to answering your questions. If I can be of further help please get in touch.

Regards

Barry

Barry Hardy

Asset Planner – North
WW Risk and Lifecycle Planning
Scottish Water
Henderson Drive
INVERNESS IV1 1TR

From: Ian Corner [REDACTED]
Sent: 23 October 2017 20:35
To: Barry Hardy
Subject: RE: Shetland

Barry,

Thanks very much for getting back to me so promptly, it is much appreciated.

The NGR for the site is HU44993 75548 and I've attached a site and location plan to help find the site. Any comments you may wish to make about the fact any connection could only be achieved by pumping, i.e. what section would remain private, etc. or indeed any other positive or negative comment you wish to make would be much appreciated.

Regards

Ian Corner

From: Barry Hardy [REDACTED]
Sent: 23 October 2017 09:40
To: Ian Corner [REDACTED]
Cc: Ian Corner [REDACTED]
Subject: RE: Shetland

Hi Ian,

I am currently Asset Planner for Shetland. I would consider a small headroom of up to seven houses available capacity at Hamarsgarth Mossbank ST subject to confirmation. Can you confirm the NGR for this development?

Kind regards

Barry

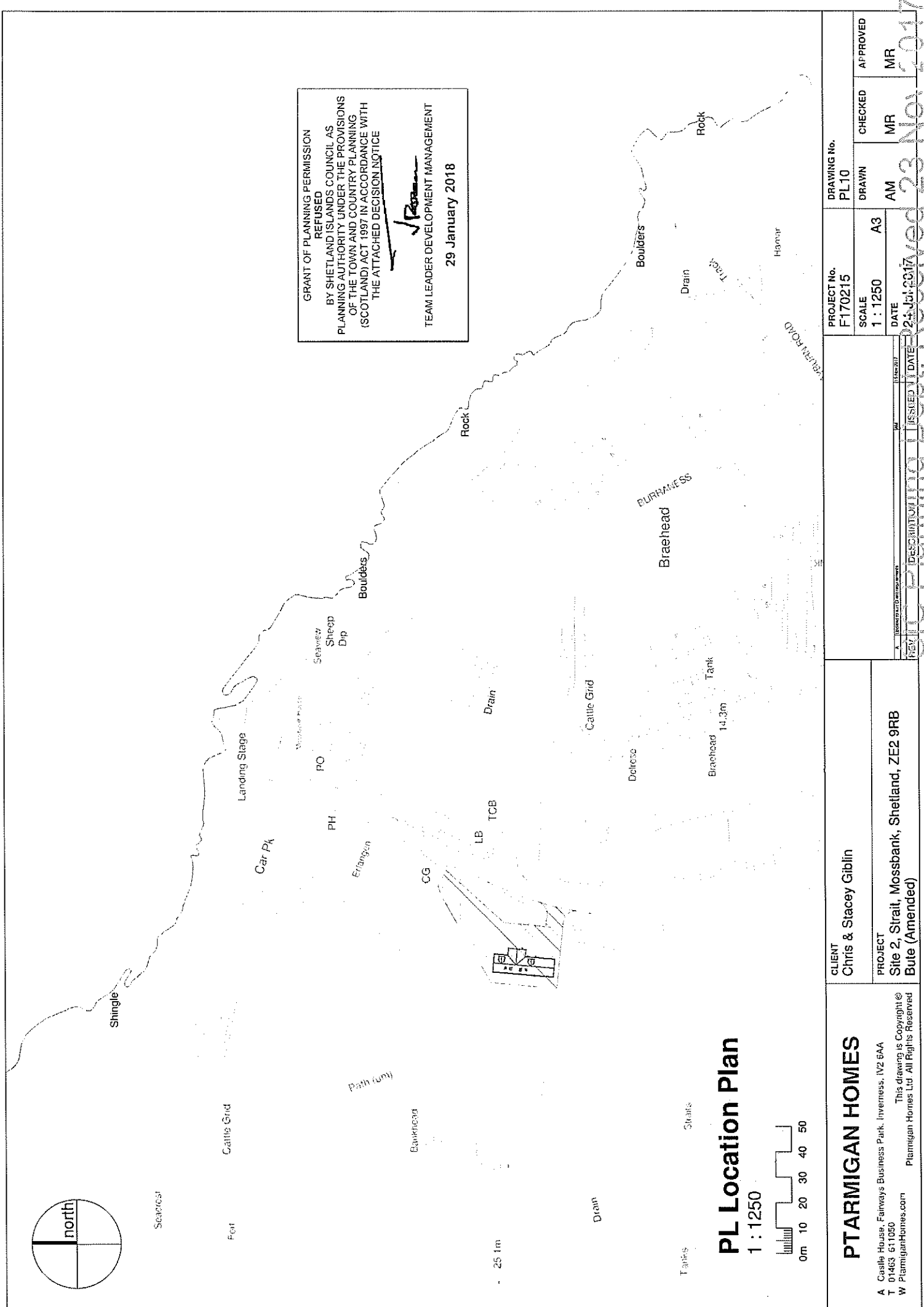
Barry Hardy
Asset Planner – North
WW Risk and Lifecycle Planning
Scottish Water
Henderson Drive
INVERNESS IV1 1TR

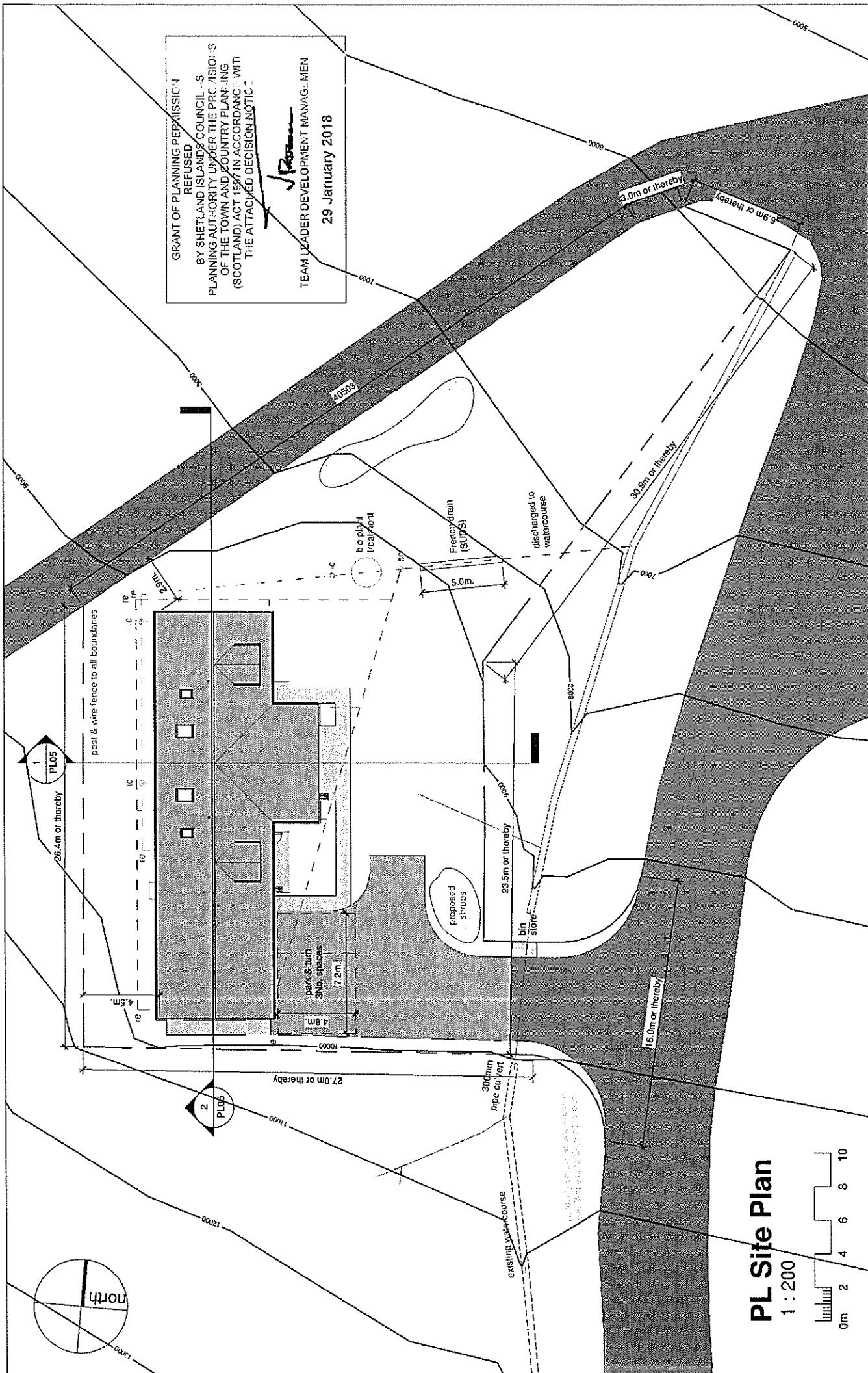
From: Kevin Clifton
Sent: 23 October 2017 09:03
To: Barry Hardy
Cc: Ian Corne
Subject: FW: Shetland

Hi Barry,

As planner for Shetland can you provide a response in connection with the email below regarding asset capacity.

Regards
Kevin Clifton
Asset Planner
North Waste Water Risk and Lifecycle Planning
Strategic Customer Service Planning

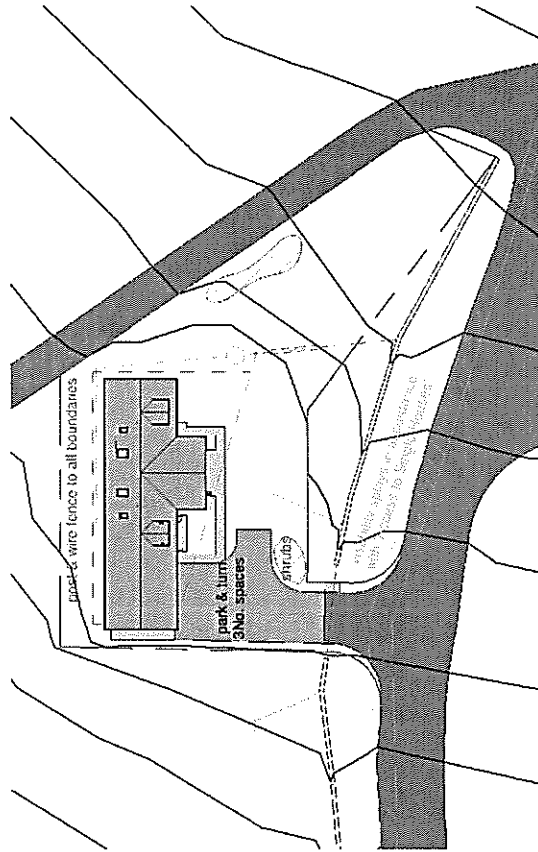
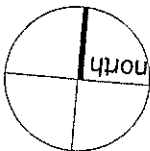




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J. Brown
TEAM LEADER DEVELOPMENT MANAGEMENT
29 January 2018

PROJECT No.		DRAWING No.	
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PL Site Plan (1-500)

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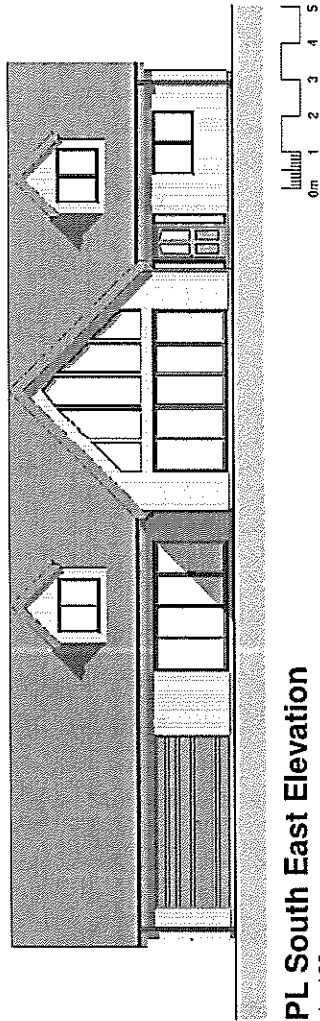


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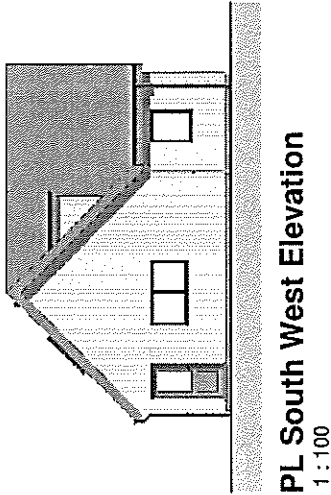
[Signature]
TEAM LEADER DEVELOPMENT MANAGEMENT
29 January 2018

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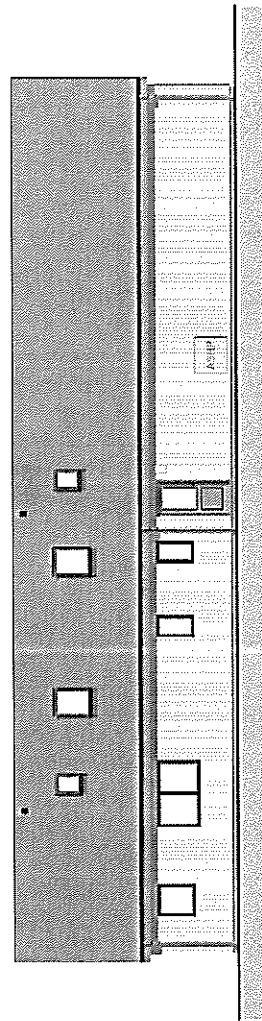
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PL South East Elevation
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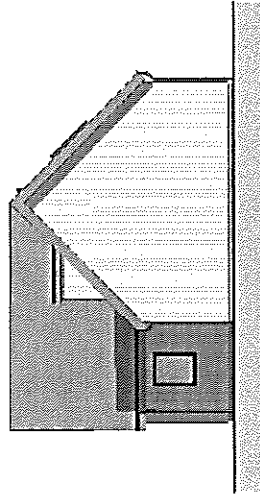


PL South West Elevation
1 : 100



PL North West Elevation
1 : 100

external finishes
roof | concrete tile & solar panels @ 45°
fascia, soffits | gray timber
walls | natural larch cladding
doors & windows | gray timber



PL North East Elevation
1 : 100

COMMITTEE PLANNING PROVIDED
BY: PTARMIGAN HOMES
PLANNING OFFICE
DATE: 24 Jul 2017
SCALE: 1 : 100
DRAWN: AM
CHECKED: MR
APPROVED: MR
29 January 2018

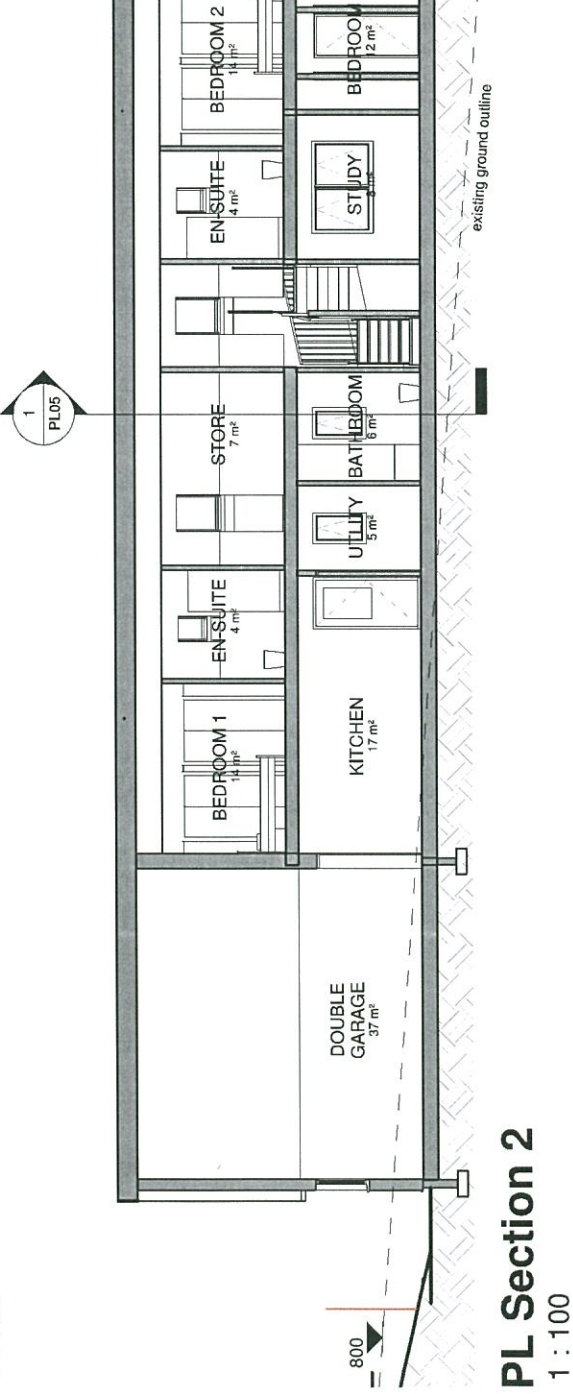
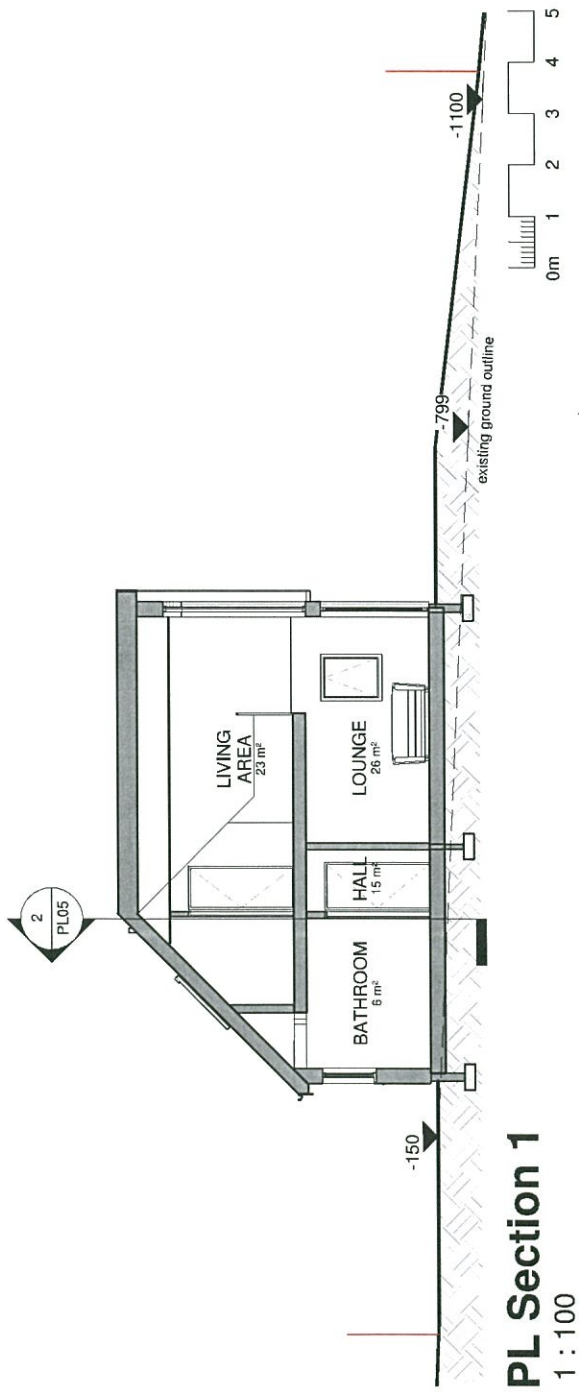
PTARMIGAN HOMES		CLIENT Chris & Stacey Gliblin		PROJECT NO. F170215		DRAWING NO. PL04		APPROVED	
A Caddis House, Farway's Bay, Wex, Ireland, W2 6AA T 01863 811150 W ptarmigan-homes.com		PROJECT Site 2, Cragg, Mossbank, Shilland, ZE2 9RD Bute (North of d)		SCALE 1 : 100		DRAWN AM		CHECKED MR	
				DATE 24 Jul 2017		DRAWING NO. PL04		APPROVED MR	



29 January 2018

Site 2, Strait, Massachusetts, Shetland, ZE2 9RD
Bute (G. worded)

SUPERSEDED



PTARMIGAN HOMES A Castle House, Fairways Business Park, Inverness, IV2 6AA T: 01463 611050 W: PtarmiganHomes.com This drawing is Copyright © Ptarmigan Homes Ltd. All Rights Reserved	CLIENT Chris & Stacey Giblin PROJECT Site 2, Strait, Mossbank, Shetland, ZE2 9RB Bute (Amended)	PROJECT No. F170215 SCALE 1 : 100 DATE 01-Aug-2017	DRAWING No. PL05 DRAWN AM CHECKED MR APPROVED MR	REV 1 DESCRIPTION ISSUED 13-Feb-2017 DATE 01-Aug-2017	RECEIVED 23 Nov 2017

From: Hunter Dale@Development Management
Sent: 28 Nov 2017 15:02:30 +0000
To: [REDACTED]
Subject: RE: K170215 Giblin - Revised PL Drawings (Ref: 2017/247/AMSC)

Good Afternoon Andrew,

Thank you for the submission of the amended drawings and for your call earlier today.

I have reviewed the amended drawings and the consultation response from Scottish Water. The consultation response does not state that a connection to the public sewer is not achievable. As such we are not in a position to accept the installation of the private foul water treatment as a development that complies with Policy WD2. I would encourage you to connect to the public sewer in order to comply with this policy.

We briefly discussed exceptions to the development plan on the phone today. The standard paragraph at the beginning of each of our reports of handling reads "*... 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.*"

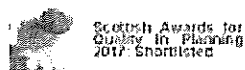
The other material considerations include where a proposed development is overwhelmingly in the public interest. If we were to make a case for why the policy should be set aside, we would consider that as part of our assessment of the application.

I hope this clarifies the position.

Regards
 Dale

Dale Hunter
 Planning Officer - Shetland Islands Council
 01595 743963 - dale.hunter@shetland.gov.uk
 8 North Ness, Lerwick, Shetland, ZE1 0LZ

Please copy any submission of new plans to:
development.management@shetland.gov.uk



From: Andrew Mowat [mailto:[REDACTED]]
Sent: 22 November 2017 17:25
To: Hunter Dale@Development Management <Dale.Hunter@shetland.gov.uk>
Subject: K170215 Giblin - Revised PL Drawings (Ref: 2017/247/AMSC)

Good evening Dale,

Just to let you know and as discussed, we have uploaded the revised drawings via ePlanning.

Hopefully now with the revised Scottish Water response, we have satisfied all outstanding observations.

Regards,



Andrew Mowat
Architectural Technician

D
W



Ptarmigan Homes Ltd | Castle House Fairways Business Park Inverness IV2 6AA | [REDACTED]
Company registered in Scotland (SC393327) | VAT 260 1532 43

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From: Andrew Mowat
Sent: Mon, 22 Jan 2018 14:58:07 +0000
To: Development Management@Development
Cc: Hunter Dale@Development Management; Holden John@Development Management
Subject: K170215 Giblin - PL Observation (Ref: 2017/247/AMSC)
Attachments: F170215-PL05b (Site Sections).pdf

Good afternoon John,

Thank you for the response and as discussed, please find attached revised drawing PL05 addressing the comments below.

As per previous communications with Planning, our Client still request to proceed with the application refusal.

Thanks and please let us know if you require any further information.

**PTARMIGAN
HOMES**



Andrew Mowat
Architectural Technician

D
W



Ptarmigan Homes Ltd | Castle House Fairways Business Park Inverness IV2 6AA | 01463 611050 |
 Company registered in Scotland (SC393327) | VAT 260 1532 43

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From: john.holden@shetland.gov.uk [<mailto:john.holden@shetland.gov.uk>]

Sent: 18 January 2018 09:13

To: PtarmiganHomes

Cc: Dale.Hunter@shetland.gov.uk; development.management@shetland.gov.uk

Subject: Planning Application 2017/247/AMSC - Site 2, Strait, Mossbank, Shetland, ZE2 9RB by Mr & Mrs Chris & Stacey Giblin

FAO Mr Andrew Mowat,

I refer to the above application, with the Planning Officer having prepared a Report and Handling and invited me to make a determination on it under delegated powers.

I understand you are aware that the recommendation is one of refusal. In addition to its having been concluded that the application falls outside of the ambit of the planning permission in principle because the proposal is one of dealing with foul water by means other than connection to the public sewer (a basis

on which the planning permission in principle was determined to comply with Policy WD2 of the Shetland Local Development Plan), in reviewing the submitted plans I have found that the submitted sections plan shows proposals that rely on excavations taking place outside of Site 2 (your client's site), within Site 1 to the south.

Site 1 does not have an approval (either under Approval of Matters Specified in Conditions or by Full Permission) that permits the creation of the slope that would tie in with the proposed slope that is shown on PL Section 2 within your client's site. Your application should confine development works to within the red line application boundary. If your application is to be regarded as being acceptable on the basis that the submitted plans show excavations that are limited to the red line boundary, you will need to submit a revised Drawing PL05. If a retaining wall is required along this boundary to prevent the unexcavated land in Site 1 collapsing into your client's site this should be included in a revised site layout plan in the context of the application seeking to discharge part a) of Condition 3 of the Planning Permission 2016/280/PPP (its being part of the proposed landscaping). The alternative is that a slope with a safe angle is left within your client's site, but this will mean that the path adjacent to the south west facing gable serving the garage will not be able to be formed.

I therefore offer you the opportunity to amend the proposal to address the further issue I have identified (by submitting revised plans) before I make a determination. Not doing so will give rise to an additional reason for refusal.

If when you are sending a response to this email you are making a submission of further information (plans, particulars, documents, materials or evidence) in connection with the planning application, please copy your response to development.management@shetland.gov.uk.

I look forward to your response.

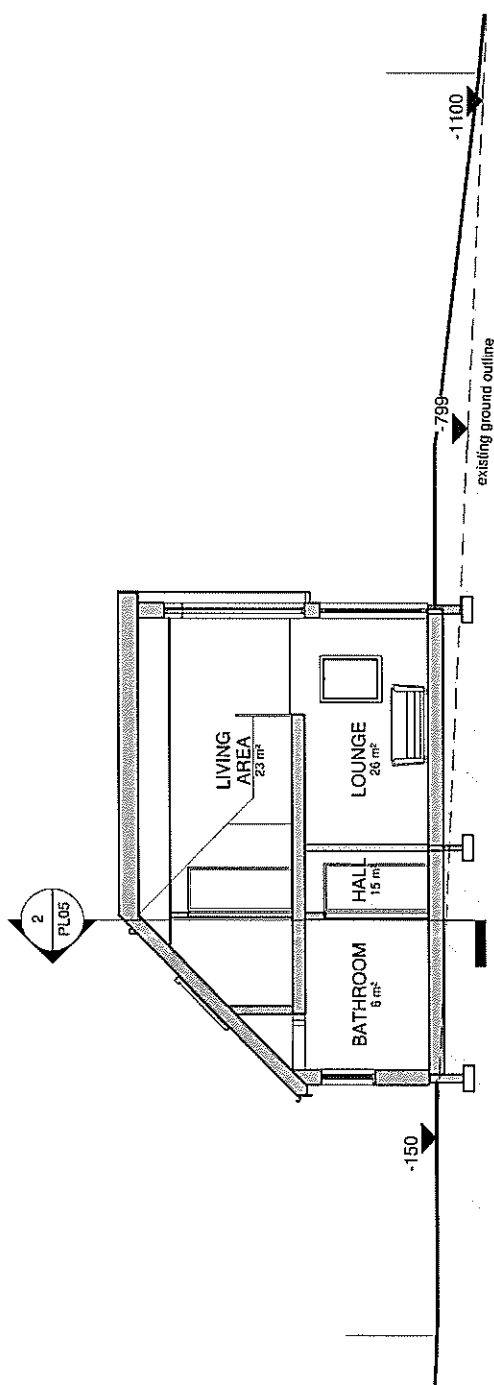
Yours sincerely

John Holden
Team Leader – Development Management
Planning

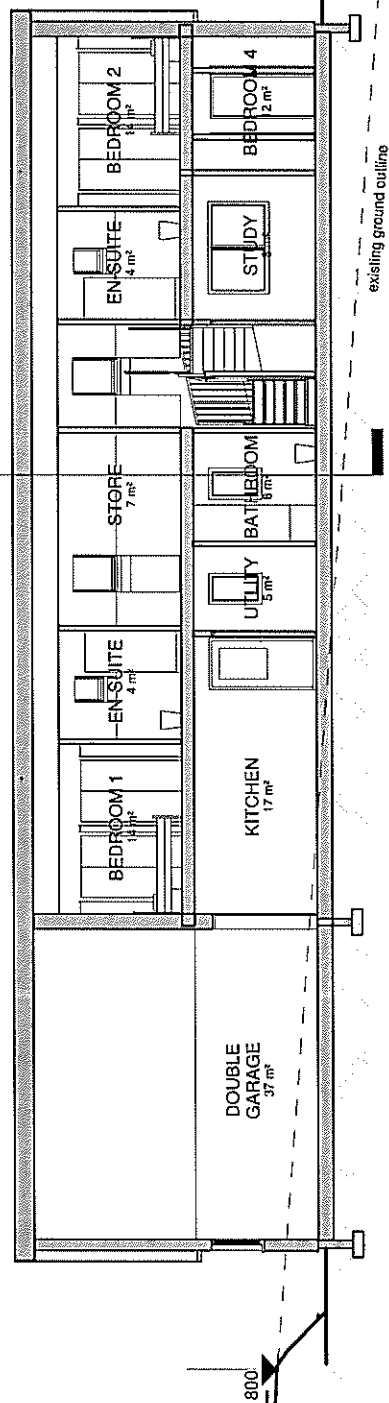
Shetland Islands Council
Planning
Development Services
c/o Train Shetland
North Gremista Industrial Estate
Lerwick
Shetland
ZE1 0PX

Tel: (01595) 743898

Our values: excellent service, taking personal responsibility, working well together



PL Section 1
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PL Section 2
1 : 100

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

Spencer

TEAM LEADER DEVELOPMENT MANAGEMENT
29 January 2018

First Floor Plan
2857

Ground Floor Plan
10000

PTARMIGAN HOMES

A Castle House, Fairways Business Park, Inverness, IV2 6AA
T 01463 611050
W PtarmiganHomes.com

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CLIENT
Chris & Stacey Giblin

PROJECT
Site 2, Strait, Mossbank, Shetland, ZE2 9RB
Bute (Amended)

PROJECT No.
F170215

SCALE
1 : 100

DATE
01-Aug-2017

DRAWING No.
PL05

DRAWN
AM

CHECKED
MR

AT PROVED
MR

DATE
01-Aug-2017

REV	DESCRIPTION	ISSUED	DATE
1	ISSUED FOR PERMIT APPLICATION		01-Aug-2017
2	ISSUED FOR CONSTRUCTION		01-Aug-2017

Section 2. Statutory Advert

Shetland Islands Council

These applications, associated plans and documents can be examined, 09.00-17.00, Mon-Fri, at: Shetland Islands Council, Planning Department, Train Shetland, Gremista Industrial Estate, Gremista, Shetland, ZE1 0PX. Please call 744293 to make an appointment if you wish to discuss any application. Applications, associated plans and documents can also be viewed on the Council website at www.shetland.gov.uk.

Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Format: Ref No; Proposal & Address

2017/254/PPF; Proposed change of use of existing house to a cafe; Roadside, East Burrarlirih, Shetland, ZE2 9NE.

2017/255/PPF; Change of use from Commercial to residential use; Soundview, Uphouse, Bressay, Shetland, ZE2 9ES.

2017/253/PPF; To construct new dwelling house with air source heat pump; House Site North-West Of Kirkabister, Camb, Yell, Shetland, ZE2 9DA.

2017/246/PPF; To erect new house a with new access road, septic tank and sea outfall; Horn Croft, Vidlin, Shetland, ZE2 9QD.

2017/249/PPF; To construct domestic detached garage building and proposed land change of use from agricultural to domestic garden ground; Tarskavaig, Clumliewick, Sandwick, Shetland, ZE2 9HH.

2017/026/MAR; To install a freshwater storage facility in marine water consisting of two 90-circumference cages fitted with tarpaulins and associated 150m abstraction pipe to enable well boats to collect freshwater to be used for fish treatments.; Swining Voe, Settemess.

2017/247/AMSC; Application to discharge conditions 3a - 3d, as specified under approved Planning Permission in Principle 2016/280/PPP; Site 2, Strait, Mossbank, Shetland, ZE2 9RB.

Written comments may be made to Iain McDiarmid, Executive Manager, at the above address, email development.management@shetland.gov.uk by 25/08/2017.

Town and Country Planning (Scotland) Act 1997 and Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) (Scotland) Regulations 1987

Format: Ref No; Proposal & Address

2017/257/PPF; Remove Chimney from 9/11 Queens Place and make good roof and skew to match existing; 11 Queens Place, Lerwick, Shetland, ZE1 0BZ.

Written comments may be made to Iain McDiarmid, Executive Manager, at the above address, email development.management@shetland.gov.uk by 01/09/2017.

Section 3. Consultation Responses

MEMO

To: Development Control

From: Roads

If calling please ask for

Ian Leask

Direct Dial: 4166_

Medium: email

Date: 14th August 2017

Our Ref: IAL/SMG/R/G2/ND

Your Ref:

Application: 2017/247/AMSC**Address: Site 2, Strait, Mossbank, Shetland, ZE2 9RB****Proposal: Application to discharge conditions 3a – 3d, as specified under approved planning permission in principle 2016/280/PPP****Date of Consultation: 8th August 2017**

Recommended Action: REVISED DETAILS REQUIRED

Road Authority Comments:

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 and maintain the required visibility splays.

- a. A visibility splay of 2.5 metres by 90 metres must be provided at the junction of the access with the public road. This is available at present.
2. No fence, wall, bushes or other potential obstruction to visibility should be permitted within 2 metres of the edge of the public road.

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

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. The initial access gradient should be no greater than 3 percent 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.

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.

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

7. The junction onto the public road shall be formed with at least 6 metre minimum radiuses between the access and the public road edge.
8. *This is required to prevent damage to the road edge and verges through over-running by turning vehicles.*
9. The access should be piped with at least a 300mm diameter culvert with concrete headwalls provided at either end of the pipe.

This is required to protect the effectiveness of the public road drainage infrastructure.

10. 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.

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 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.

12. Parking provision should be made within the site for a minimum of 3 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.

The parking and turning area shown on the site plan does not meet our requirements. The area shown has insufficient space available for 3 parking spaces and a turning area.

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.

From: Smith Colin@Marine Planning on behalf of Planning Flooding Drainage Coastal
Sent: 16 Aug 2017 11:43:41 +0100
To: Development Management@Development
Subject: RE: Planning Consultation 2017/247/AMSC

Background

This is an application to discharge conditions specified under a previous application, 2016/280/PPP, for permission in principle for 2 dwelling houses at Mossbank.
 Further information has been received regarding a single proposed house. The submitted information does not include any SUDs drainage proposals.

Comments

To comply with the Water Framework Directive the drainage design should include sufficient attenuation to at least reduce flows during 1 in 10 year rainfall events to the level which would have occurred before the development. Local Plan policy WD3 also requires SUDs drainage to be used for all development. There are a range of SUDs devices which could be specified for this site and which would meet these attenuation requirements.

Any SUDs device using infiltration is generally required to be at least 5m from any house or public road or site boundary.
 There are suitable locations available within the site.

During extreme rainfall events surface water flows may exceed the capacity of the drainage systems and back up, or flow over the ground.
 Flows from higher ground may also exceed the capacity of any cut off ditches or drains which may be proposed to protect the site.

The landscaping / ground levels on the site should therefore be designed to ensure that these potential overland flows of water would not cause a flooding problem to the proposed or surrounding houses:- the site levels should guide water flowing over the ground away from properties and towards a suitable place for them to re-enter a drainage system.

Care should be taken to ensure that proposed ground levels to the rear of the house allow overflowing surface water to drain around the house, without ponding against the rear wall.

Colin Smith
 Planning Engineer

Shetland Islands Council | Train Shetland | Gremista | Lerwick | Shetland
 Tel +44 (0)1595 744881
 Email colin.smith@shetland.gov.uk

From: Development Management@Development
Sent: 08 August 2017 09:03

[REDACTED]

Subject: Planning Consultation 2017/247/AMSC

Dear Sir/Madam,

Planning Ref: 2017/247/AMSC
Proposal: Application to discharge conditions 3a - 3d, as specified under approved Planning Permission in Principle 2016/280/PPP
Address: Site 2, Strait, Mossbank, Shetland, ZE2 9RB
Applicant: Mr & Mrs Chris & Stacey Giblin
Date of Consultation: 8 August 2017

This e-mail is a formal consultation 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

Train Shetland, North Gremista Industrial Estate

Lerwick

ZE1 0LZ

22/08/2017



**Scottish
Water**
Trusted to serve Scotland

Shetland Isles Council
Development Management North Gremista Ind Est
Lerwick
ZE1 0PX

Development Operations
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Stepps
Glasgow
G33 6FB

Development Operations
Freephone Number - [REDACTED]
E-Mail - [REDACTED]
www.scottishwater.co.uk

Dear Local Planner

ZE2 Shetland Mossbank Strait Site 2
PLANNING APPLICATION NUMBER: 2017/247/AMSC
OUR REFERENCE: 749181
PROPOSAL: Application to discharge conditions 3a - 3d, as specified under
approved Planning Permission in Principle 2016/280/PPP

Please quote our reference in all future correspondence

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

Water

- This proposed development will be fed from Eela Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity at this time so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water. The applicant can download a copy of our PDE Application Form, and other useful guides, from Scottish Water's website at the following link
www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms/pre-development-application

Foul

- This proposed development will be fed from Udhouse Mossbank Waste Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity at this time so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water. The applicant can download a copy of our PDE Application Form, and other

useful guides, from Scottish Water's website at the following link
www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms/pre-development-application

The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

Infrastructure close to boundary

According to our records, the development proposals may impact on existing Scottish Water assets.

The applicant should identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team directly at service.relocation@scottishwater.co.uk.

The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction.

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not normally accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

- **Scottish Water asset plans can be obtained from our appointed asset plan providers:**

Site Investigation Services (UK) Ltd

Tel: [REDACTED]

Ema [REDACTED]

www.sisplan.co.uk

749181_Local Planner_P2 DOM Capacity Available_Applicant_09-43-43.doc

- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.
- If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
- Please find all of our application forms on our website at the following link <https://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms>

Next Steps:

- **Single Property/Less than 10 dwellings**

For developments of less than 10 domestic dwellings (or non-domestic equivalent) we will require a formal technical application to be submitted directly to Scottish Water or via the chosen Licensed Provider if non domestic. once full planning permission has been granted. Please note in some instances we will require a Pre-Development Enquiry Form to be submitted (for example rural location which are deemed to have a significant impact on our infrastructure) however we will make you aware of this if required.

- **10 or more domestic dwellings:**

For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer,

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which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

- **Non Domestic/Commercial Property:**

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

- **Trade Effluent Discharge from Non Dom Property:**

Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.

If you are in any doubt as to whether or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found using the following link <https://www.scottishwater.co.uk/business/our-services/compliance/trade-effluent/trade-effluent-documents/trade-effluent-notice-form-h>

Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.

For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

If the applicant requires any further assistance or information, please contact our Development Operations Central Support Team on [REDACTED] or at [REDACTED]

Yours sincerely

Angela Allison
[REDACTED]

From: Alison Foyle
Sent: 1 Sep 2017 11:22:35 +0100
To: Development Management@Development
Subject: RE: Planning Consultation 2017/247/AMSC

Dear Sir/Madam,

Delting Community Council met yesterday and discussed this planning application. Members have no objections to this application, but given the location of the site, would like knowledge of how sewage discharges will be handled.

Yours faithfully,

Alison Foyle
Clerk
Delting Community Council.

From: development.management@shetland.gov.uk
[mailto:development.management@shetland.gov.uk]
Sent: 08 August 2017 09:03
To: [REDACTED]
Subject: Planning Consultation 2017/247/AMSC

Dear Sir/Madam,

Planning Ref: 2017/247/AMSC
Proposal: Application to discharge conditions 3a - 3d, as specified under approved Planning Permission in Principle 2016/280/PPP
Address: Site 2, Strait, Mossbank, Shetland, ZE2 9RB
Applicant: Mr & Mrs Chris & Stacey Giblin
Date of Consultation: 8 August 2017

This e-mail is a formal consultation 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
Train Shetland, North Gremista Industrial Estate
Lerwick
ZE1 0LZ

Bryant Marion@Development Management

From: Smith Colin@Marine Planning on behalf of Planning Flooding Drainage Coastal
Sent: 29 September 2017 16:37
To: Development Management@Development
Subject: RE: Planning Re-Consultation 2017/247/AMSC

Background

This is an application to discharge conditions specified under a previous application, 2016/280/PPP, for permission in principle for 2 dwelling houses at Mossbank.
 Further information has now been received regarding a single proposed house, and this now includes a French drain as SUDs attenuation.

Comments

To comply with the Water Framework Directive the drainage design should include sufficient attenuation to at least reduce flows during 1 in 10 year rainfall events to the level which would have occurred before the development. Local Plan policy WD3 also requires SUDs drainage to be used for all development.
 The revised plan now shows a French drain providing attenuation of the piped surface water drainage, before discharge to the watercourse east of the site.

Generally any SUDs device making use of infiltration should be at least 5m from any house or public road or site boundary, to ensure suitable hydraulic performance.
 The location shown appears to be less than 5m from the site boundary, although in this case the French Drain would appear likely to perform more as an attenuation device than an infiltration device, and there is no flood risk created below the discharge.
 I consider the location shown to be acceptable.

During extreme rainfall events surface water flows may exceed the capacity of the drainage systems and back up, or flow over the ground.
 Flows from higher ground may also exceed the capacity of any cut off ditches or drains which may be proposed to protect the site.

The landscaping / ground levels on the site should therefore be designed to ensure that these potential overland flows of water would not cause a flooding problem to the proposed or surrounding houses:- the site levels should guide water flowing over the ground away from properties and towards a suitable place for them to re-enter a drainage system.

Care should be taken to ensure that proposed ground levels to the rear of the house allow overflowing surface water to drain around the house, without ponding against the rear wall.

Colin Smith
 Planning Engineer

Shetland Islands Council | Train Shetland | Gremista | Lerwick | Shetland
 Tel +44 (0)1595 744881
 Email colin.smith@shetland.gov.uk

From: Development Management@Development
Sent: 28 September 2017 11:34
To: Planning Flooding Drainage Coastal <Planning.Flooding.Drainage.Coastal@shetland.gov.uk>
Cc: Hunter Dale@Development Management <Dale.Hunter@shetland.gov.uk>
Subject: Planning Re-Consultation 2017/247/AMSC

Dear Sir/Madam,

Planning Ref: 2017/247/AMSC
Proposal: Application to discharge conditions 3a - 3d, as specified under approved Planning Permission in Principle 2016/280/PPP
Address: Site 2, Strait, Mossbank, Shetland, ZE2 9RB
Applicant: Mr & Mrs Chris & Stacey Giblin
Date of Consultation: 28 September 2017

This e-mail is a formal consultation 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
Train Shetland, North Gremista Industrial Estate
Lerwick
ZE1 0LZ

From: Angela Allison
Sent: Tue, 31 Oct 2017 16:27:24 +0000
To: Development Management@Development
Subject: FW: Planning Re-Consultation 2017/247/AMSC

Good Afternoon,

A connection to the public sewer, for foul only, is possible, however the cost and design of the connection would rest with the applicant/developer. The applicant would be responsible for securing permission for crossing 3rd party land and the pipework would remain private.

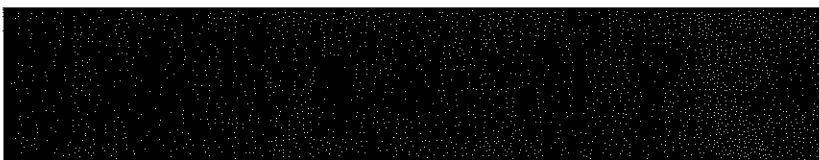
The applicant could submit a Pre-Development Enquiry to Scottish Water, and request a site visit to discuss any issues on site.

Kind regards,

Angela

Angela Allison

Technical Analyst
Scottish Water



The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Stepps
Glasgow G33 6FB
Scottish Water
Trusted to serve Scotland

Please consider the environment before printing this e-mail.

From: development.management@shetland.gov.uk
[\[mailto:development.management@shetland.gov.uk\]](mailto:development.management@shetland.gov.uk)
Sent: 27 October 2017 12:57
To: Planning Consultations
Subject: FW: Planning Re-Consultation 2017/247/AMSC

Dear Sir/Madam,

Following discussions with the agent, supporting correspondence between the agent and the Scottish Water Asset Planner for Shetland was submitted which can be found on our website dated 26/10/2017. Can it be concluded from a Scottish Water perspective, and on the basis of the information submitted, that a connection from the proposed development to the public sewer is not achievable?

Planning Ref: 2017/247/AMSC
Proposal: Application to discharge conditions 3a - 3d, as specified under approved Planning Permission in Principle 2016/280/PPP
Address: Site 2, Strait, Mossbank, Shetland, ZE2 9RB
Applicant: Mr & Mrs Chris & Stacey Giblin
Date of Consultation: 27 October 2017

This e-mail is a formal consultation 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.

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

Iain McDiarmid

Executive Manager - Planning Service

Shetland Islands Council

Train Shetland, North Gremista Industrial Estate

Lerwick

ZE1 0LZ

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Scottish Water

www.scottishwater.co.uk

Section 4. Representations

Section 5. Report of Handling

Delegated Report of Handling

Development: Application to discharge conditions 3a - 3d, as specified under approved Planning Permission in Principle 2016/280/PPP

Location: Site 2, Strait, Mossbank, Shetland, ZE2 9RB

By: Mr & Mrs Chris & Stacey Giblin

Application Ref: 2017/247/AMSC

1. Introduction

The application, for approval of matters specified in conditions, proposes to discharge all parts of condition 3 attached to the Planning Permission in Principle 2016/280/PPP in respect of part of the larger area of land at Strait, Mossbank it concerns.

Planning Permission 2016/280/PPP was for the erection of two dwellinghouses, and was granted after the Planning Committee resolved on 27th September 2016 that the proposal was considered to comply with the Shetland Local Development Plan Policies GP1, GP2, GP3, H3, H5, WD2, and TRANS3. The proposal is for the erection of a one and a half storey 3 bedroomed dwellinghouse on the northernmost of the two sites it approved.

The site features no other relevant planning history.

2. Statutory Development Plan Policies

Shetland 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

WD2 - Waste Water

WD3 - SuDs

TRANS 3 - Access and Parking Standards

W5 - Waste Management Plans and facilities in all new developments

3. Safeguarding

- SVT Features - Details: Sullom Voe Terminal COMAH Zone
- Sites with Development Potential - Sites with Development Potential:
Mossbank and Firth
Landowner: SIC
- 30km Radius Scatsta - 30km Sumburgh Scatsta: 2
- Scatsta Safeguard - Height: 90m
- Scatsta 13km Zone - Scatsta 13km Zone: 13km Consultation Zone Bird

Page | 1

Strike Zone

- Core Paths - Core Paths: CPPDe03
- Landscape Character Assessment - Landscape Character Assessment: Farmed and Settled Voes and Sounds

4. Consultations

Planning - Flooding Drainage Coastal was consulted on the 28 September 2017. Their comments dated 29 September 2017 can be summarised as follows:

Background

This is an application to discharge conditions specified under a previous application, 2016/280/PPP, for permission in principle for 2 dwelling houses at Mossbank.

Further information has now been received regarding a single proposed house, and this now includes a French drain as SUDs attenuation.

Comments

To comply with the Water Framework Directive the drainage design should include sufficient attenuation to at least reduce flows during 1 in 10 year rainfall events to the level which would have occurred before the development. Local Plan policy WD3 also requires SUDs drainage to be used for all development.

The revised plan now shows a French drain providing attenuation of the piped surface water drainage, before discharge to the watercourse east of the site.

Generally any SUDs device making use of infiltration should be at least 5m from any house or public road or site boundary, to ensure suitable hydraulic performance.

The location shown appears to be less than 5m from the site boundary, although in this case the French Drain would appear likely to perform more as an attenuation device than an infiltration device, and there is no flood risk created below the discharge.

I consider the location shown to be acceptable.

During extreme rainfall events surface water flows may exceed the capacity of the drainage systems and back up, or flow over the ground.

Flows from higher ground may also exceed the capacity of any cut off ditches or drains which may be proposed to protect the site.

The landscaping / ground levels on the site should therefore be designed to ensure that these potential overland flows of water would not cause a flooding problem to the proposed or surrounding houses:- the site levels should guide water flowing over the ground away from properties and towards a suitable place for them to re-enter a drainage system.

Care should be taken to ensure that proposed ground levels to the rear of the house allow overflowing surface water to drain around the house, without ponding against the rear wall.

Planning - Flooding Drainage Coastal was consulted on the 8 August 2017. Their comments dated 16 August 2017 can be summarised as follows:

Background

This is an application to discharge conditions specified under a previous application, 2016/280/PPP, for permission in principle for 2 dwelling houses at Mossbank.

Further information has been received regarding a single proposed house. The submitted information does not include any SUDs drainage proposals.

Comments

To comply with the Water Framework Directive the drainage design should include sufficient attenuation to at least reduce flows during 1 in 10 year rainfall events to the level which would have occurred before the development. Local Plan policy WD3 also requires SUDs drainage to be used for all development.

There are a range of SUDs devices which could be specified for this site and which would meet these attenuation requirements.

Any SUDs device using infiltration is generally required to be at least 5m from any house or public road or site boundary.

There are suitable locations available within the site.

During extreme rainfall events surface water flows may exceed the capacity of the drainage systems and back up, or flow over the ground.

Flows from higher ground may also exceed the capacity of any cut off ditches or drains which may be proposed to protect the site.

The landscaping / ground levels on the site should therefore be designed to ensure that these potential overland flows of water would not cause a flooding problem to the proposed or surrounding houses:- the site levels should guide water flowing over the ground away from properties and towards a suitable place for them to re-enter a drainage system.

Care should be taken to ensure that proposed ground levels to the rear of the house allow overflowing surface water to drain around the house, without ponding against the rear wall.

Roads Traffic was consulted on the 8 August 2017. Their comments dated 14 August 2017 can be summarised as follows:

REVISED DETAILS REQUIRED

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 and maintain the required visibility splays.
 - a. A visibility splay of 2.5 metres by 90 metres must be provided at

the junction of the access with the public road. This is available at present.

2. No fence, wall, bushes or other potential obstruction to visibility should be permitted within 2 metres of the edge of the public road.
Adequate visibility splays are required to ensure that vehicles can enter the public road safely.
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. The initial access gradient should be no greater than 3 percent 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.
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.
This is required to prevent damage to the road edge and minimise the possibility of loose material being dragged onto 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. 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.
7. The junction onto the public road shall be formed with at least 6 metre minimum radiuses between the access and the public road edge.
8. This is required to prevent damage to the road edge and verges through over-running by turning vehicles.
9. The access should be piped with at least a 300mm diameter culvert with concrete headwalls provided at either end of the pipe.
This is required to protect the effectiveness of the public road drainage infrastructure.
10. 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.
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 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.
12. Parking provision should be made within the site for a minimum of 3 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.

The parking and turning area shown on the site plan does not meet our requirements. The area shown has insufficient space available for 3 parking spaces and a turning area.

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.

Delting Community Council Clerk was consulted on the 8 August 2017. Their comments dated 1 September 2017 can be summarised as follows:

Delting Community Council met yesterday and discussed this planning application. Members have no objections to this application, but given the location of the site, would like knowledge of how sewage discharges will be handled.

Scottish Water Customer Connections was consulted on the 8 August 2017. Their comments dated 22 August 2017 can be summarised as follows:

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

Water

This proposed development will be fed from Eela Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity at this time so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water. The applicant can download a copy of our PDE Application Form, and other useful guides, from Scottish Water's website at the following link

www.scottishwater.co.uk/business/connections/connecting-your-property/newdevelopment-process-and-applications-forms/pre-development-application

Foul

This proposed development will be fed from Udhouse Mossbank Waste Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity at this time so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water. The applicant can download a copy of our PDE Application Form, and other 749181_Local Planner_P2 DOM Capacity Available_Applicant_09-43-43.doc

Development Operations, The Bridge, Buchanan Gate Business Park, Cumbernauld Road, Stepps, Glasgow, G33 6FB, Development Operations, Freephone Number - 0800 3890379, E-Mail - DevelopmentOperations@scottishwater.co.uk, www.scottishwater.co.uk useful guides, from Scottish Water's website at the following link www.scottishwater.co.uk/business/connections/connecting-your-

property/newdevelopment-
process-and-applications-forms/pre-development-application

The applicant should be aware that we are unable to reserve capacity at our water, and/or waste water treatment works for their proposed development. Once a formal, connection application is submitted to Scottish Water after full planning permission, has been granted, we will review the availability of capacity at that time and advise the, applicant accordingly.

Infrastructure close to boundary

According to our records, the development proposals may impact on existing Scottish Water, assets.

The applicant should identify any potential conflicts with Scottish Water assets and contact, our Asset Impact Team directly at service.relocation@scottishwater.co.uk.

The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction.

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not normally accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

Scottish Water asset plans can be obtained from our appointed asset plan providers: Site Investigation Services (UK) Ltd, Tel: 0333 123 1223, Email: sw@sisplan.co.uk, www.sisplan.co.uk, 749181_Local Planner_P2 DOM Capacity Available_Applicant_09-43-43.doc

Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.

If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.

Scottish Water may only vest new water or waste water infrastructure which

is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.

The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.

Please find all of our application forms on our website at the following link
<https://www.scottishwater.co.uk/business/connections/connecting-yourproperty/new-development-process-and-applications-forms>

Next Steps:

Single Property/Less than 10 dwellings

For developments of less than 10 domestic dwellings (or non-domestic equivalent) we will require a formal technical application to be submitted directly to Scottish Water or via the chosen Licensed Provider if non domestic, once full planning permission has been granted. Please note in some instances we will require a Pre-Development Enquiry Form to be submitted (for example rural location which are deemed to have a significant impact on our infrastructure) however we will make you aware of this if required.

Scottish Water Customer Connections was consulted on the 27 October 2017. Their comments dated 31 October 2017 can be summarised as follows:

A connection to the public sewer, for foul only, is possible, however the cost and design of the connection would rest with the applicant/developer. The applicant would be responsible for securing permission for crossing 3rd party land and the pipework would remain private.

The applicant could submit a Pre-Development Enquiry to Scottish Water, and request a site visit to discuss any issues on site.

Scottish Water Customer Connections was consulted on the . Their comments dated 15 November 2017 can be summarised as follows:

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

Water

- This proposed development will be fed from Eela Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity at this time so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre- Development Enquiry (PDE) Form and submits it directly to Scottish Water. The applicant can download a copy of our PDE Application Form, and other useful guides, from Scottish Water's website at the following link
- www.scottishwater.co.uk/business/connections/connecting-yourproperty/new-development-process-and-applications-forms/pre-development-application

Foul

- This proposed development will be fed from Udhouse Mossbank Waste Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity at this time so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water. The applicant can download a copy of our PDE Application Form, and other

Asset planner's comments: The public sewer does not extend to the development site which is approx 100m from the nearest sewer. Should you wish to connect to the public sewer, you may do so but at your own expense. Should you wish those sections of connecting pipework out-with the curtilage of the new property, to be vested with Scottish Water (SW) you would need to design to our adoptable standard. You would need to make an approach via the Development Operations team and you would need to obtain a Deed of Servitude from third-party landowners to permit Scottish Water access to maintain the adopted sewer. Scottish Water will only accept foul flows from this development. If the flows can only be achieved by pumping, the cheapest option would be to install a small package pump and locate within the curtilage of the property. The pump would remain private.

The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

Infrastructure close to boundary

According to our records, the development proposals may impact on existing Scottish Water assets.

The applicant should identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team directly at service.relocation@scottishwater.co.uk.

The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction.

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not normally accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our

combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

- Scottish Water asset plans can be obtained from our appointed asset plan providers: Site Investigation Services (UK) Ltd Tel: 0333 123 1223, Email: sw@sisplan.co.uk www.sisplan.co.uk
- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.
- If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
- Please find all of our application forms on our website at the following link <https://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms>

Next Steps:

- o Single Property/Less than 10 dwellings

For developments of less than 10 domestic dwellings (or non-domestic equivalent) we will require a formal technical application to be submitted directly to Scottish Water or via the chosen Licensed Provider if non domestic, once full planning permission has been granted. Please note in some instances we will require a Pre- Development Enquiry Form to be submitted (for example rural location which are deemed to have a significant impact on our infrastructure) however we will make you aware of this if required.

5. Statutory Advertisements

The application was advertised in the Shetland Times on 11.08.2017

A site notice was not required to be posted.

6. Representations

None.

7. Report

Section 25 of the Town and Country Planning (Scotland) Act 1997 (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 principle of the use of the site and neighbouring site to the south for two dwellings was established in application 2016/280/PPP and as such the proposal complies with Shetland Local Development Plan 2014 (SLDP) Policy H3.

SLDP Policies H5 and GP3 requires development to be appropriately sited and designed. The application for the planning permission in principle was of a size to accommodate two dwellinghouses. The proposal, the subject of this report is located in the northern half of the planning permission in principle application site and it is considered that the proposal will not sterilise future development of another dwelling within the site boundary of the planning permission in principle, and therefore the proposal complies with SLDP Policy GP1. The proposed dwelling is sited appropriately within its plot, in a location which will not have adverse impacts on the neighbouring dwellings or breach any building lines. The proposed design is one and a half stories in height while other dwellings in the area are generally between one storey and two storeys in height. The proposed natural larch cladding will weather to a silvery grey colour and this will not appear prominent within the established character of the area. A large atrium protrusion on the front elevation of the dwelling will face over the public road and, while it will appear prominent within central Mossbank, it will not appear dominant given its separation distance from the public road and the muted colour choices for the proposed dwelling. The proposal complies with SLDP Policies GP3 and H5.

Concerns were raised within the consultation response from the Roads Service regarding the parking and turning provisions as shown on the originally submitted site plan. Following discussions with the agent, an amended site plan (the subject of this report) was submitted which resolved those concerns. The consultation from the Roads Service included a number of conditions which it recommended should be applied to an approval to ensure safe access and appropriate parking. Subject to these conditions, the proposal satisfies SLDP Policy TRANS3.

The application proposes the installation of a bio plant treatment tank to the south east of the proposed dwelling to deal with foul water, the discharges from which would then enter an unnamed watercourse via a partial soakaway which is also proposed to provide SUDS for the site. SLDP Policy WD2 requires developments which are in settlements that have access to a public sewer to connect to that infrastructure. The planning permission in principle (as applied for and granted) proposed that foul drainage from the 2 no. dwellinghouses would be to the public sewer. It was identified during the Planning Committee's consideration of the application that for the proposal to go ahead it was possible that the developer would have to pump sewerage. This wastewater aspect of the proposal was raised with the agent for the application, and after extensive discussions and requests no amendment has been submitted to make provision for an eventual connection to the public sewer. The agent indicated that they intended on making a case for which the provision of the development plan policies could be set aside.

The information submitted includes a SEPA CAR licence that authorises the discharge of sewage effluent by the means proposed, subject to conditions restricting the number of people to be served by the treatment system to a maximum of 7, as well as the ammoniacal nitrogen content of the treated effluent, and requiring that the treatment system is operated in accordance with the manufacturer's or designer's recommendations and in any event maintained in good working order. The licence also requires that other than as specifically permitted or limited by condition as to the content, the discharge shall not have a significant adverse impact on, or cause pollution of the water environment.

The agent has submitted that for the 100 metre length of pipe required to connect the proposed dwelling to the public sewer, the applicant found it less expensive to install the private foul water treatment than to connect to the nearby public sewer, and therefore has determined that while the application may be contrary to SLDP Policy WD2, they wish the application to be determined on the basis of the information that has been submitted.

While the cost of proposed development and individual financial implications of a development are not a material consideration in the determination of an application, the wider economic viability of development is. It is noted that a recent development proposal to the south of the application site for the erection of a five bedroomed dwellinghouse (2017/292/PPF) on land to the west of 'The Pund' was granted planning permission on 19th November 2017

with its having a connection to the public sewer proposed which is 168 metres from the dwellinghouse it approved. Scottish Water have confirmed that a connection to the public sewer, for foul only, is possible, however the cost and design of the connection is something that would rest with the developer. This is standard practice for connections of the type. It is considered that in terms of economic viability, the evidence of other proposed development close by points to requirements for the provision of the connection to the public sewer do not adversely affect economic viability of development in the area generally.

The development is contrary to SLDP Policy WD2. No material information has been submitted with the application which would allow the provisions of the development plan to be set aside.

The initial proposal did not include any SUDS, and this was raised as a concern within the Council's Planning Engineer's consultation response. After discussions with the agent for the application, an amended site plan was provided which included appropriate SUDS and the Planning Engineer provided an updated consultation response which confirmed the acceptability of the proposed SUDS. Subject to conditions the proposal satisfies the requirements of SLDP Policy WD3.

The proposal as submitted also relied upon excavations taking place outside of the application site, within the adjacent site to the south also approved under the planning permission in principle. As this other site did not have an approval under either an application for approval of matters specified in conditions or full permission to create the slope that was shown would tie in with the proposed slope in the application site, the fact that the proposed development works under the application should confine themselves to being within the red line application boundary was taken up with the agent. As a result a revised section drawing was submitted showing the creation of a steeper angled slope wholly within the application site.

The proposed site is considered to be sufficiently separated from the neighbouring properties that there will not be adverse privacy, overlooking, loss of daylight or overshadowing impacts and the proposed development complies with SLDP Policy GP2.

In conclusion, albeit the application does provide details that meet with requirements of condition 3 parts a) – d) of the planning permission in principle (2016/280/PPP), the proposal to deal with foul drainage by a means other than a piped connection to the public sewer (which would require a separate planning application) departs from the ambit of the planning permission in principle granted, and the flow attenuation measure within the site to control both the flow of treated effluent and surface water from the site prior discharge to the watercourse as proposed is unacceptable under its terms. The details as submitted will result in development that does not comply with Shetland Local Development Plan 2014 Policy WD2.

8. **Recommendation**

Application refused

Reasons for Council's decision:

Albeit the application does provide details that meet with requirements of condition 3 parts a) – d) of the planning permission in principle (2016/280/PPP), the proposal to deal with foul drainage by a means other than a piped connection to the public sewer (which would require a separate planning application) departs from the ambit of the planning permission in principle granted, and the flow attention measure within the site to control both the flow of treated effluent and surface water from the site prior discharge to the watercourse as proposed is unacceptable under its terms. The details as submitted will result in development that does not comply with Shetland Local Development Plan 2014 Policy WD2.

9. **List of refused plans:**

•	Ground Floor Plan PL01 B	23.11.2017
•	First Floor Plan PL02 A	23.11.2017
•	Elevations PL04 A	23.11.2017
•	Section Plan PL05 B	22.01.2018
•	Site Plan PL08 C	23.11.2017
•	Site Plan PL09 D	23.11.2017
•	Location Plan PL10 A	23.11.2017

10. **Further Notifications Required**

None.

11. **Background Information Considered**

Planning Permission File 2016/280/PPP
Planning Permission File 2017/292/PPF

2017/247/AMSC_Delegated_Report_of_Handling.doc

Officer: Dale Hunter

Date: 24/1/2018

Section 6. Decision Notice

Date of Local Review Body meeting 10/04/2018



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

Mr & Mrs Chris & Stacey Giblin
Castle House
Fairways Business Park
Inverness
Scotland
IV2 6AA

Agent

Andrew Mowat
Castle House
Fairways Business Park
Inverness
Scotland
IV2 6AA

Development	Application to discharge conditions 3a - 3d, as specified under approved Planning Permission in Principle 2016/280/PPP
Location	Site 2, Strait, Mossbank, Shetland ZE2 9RB
Application No.	2017/247/AMSC

Details of Refused Plans and Drawings:

- Ground Floor Plan Drawing No. PL01
Stamped Received 23.11.2017
- First Floor Plan Drawing No. PL02
Stamped Received 23.11.201
- Elevations Drawing No. PL04
Stamped Received 23.11.2017
- Site Plan Drawing No. PL08
Stamped Received 23.11.2017
- Site Plan Drawing No. PL09
Stamped Received 23.11.2017
- Location Plan Drawing No. PL10
Stamped Received 23.11.2017
- Section Plan Drawing No. PL05
Stamped Received 22.01.2018

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.

Reasons for Council's decision:

Albeit the application does provide details that meet with requirements of condition 3 parts a) – d) of the planning permission in principle (2016/280/PPP), the proposal to deal with foul drainage by a means other than a piped connection to the public sewer (which would require a separate planning application) departs from the ambit of the planning permission in principle granted, and the flow attention measure within the site to control both the flow of treated effluent and surface water from the site prior discharge to the watercourse as proposed is unacceptable under its terms. The details as submitted will result in development that does not comply with Shetland Local Development Plan 2014 Policy WD2.

29 January 2018

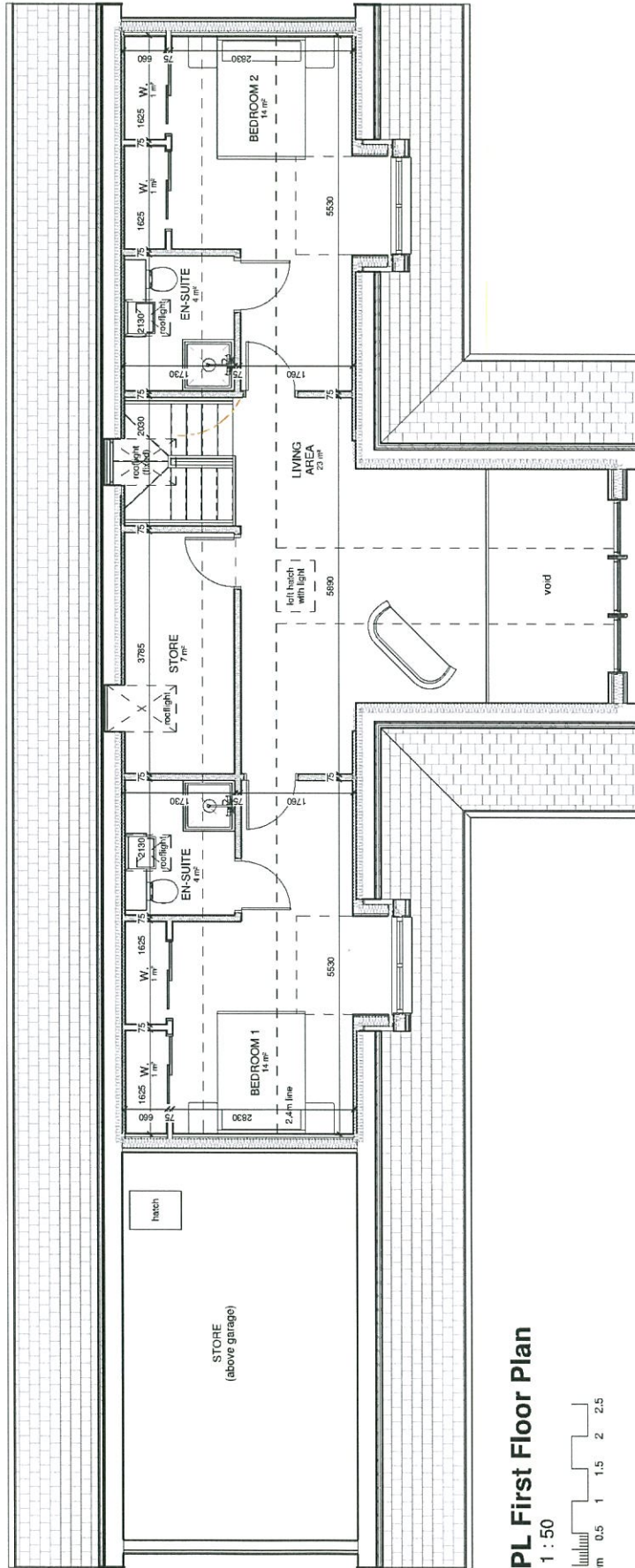


Executive Manager - Planning



TEAM LEADER DEVELOPMENT MANAGEMENT
29 January 2018

T 01403 611050
W PlamiganHomes.com



PL First Floor Plan
1 : 50

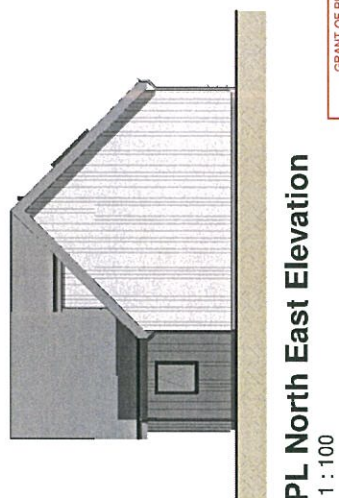
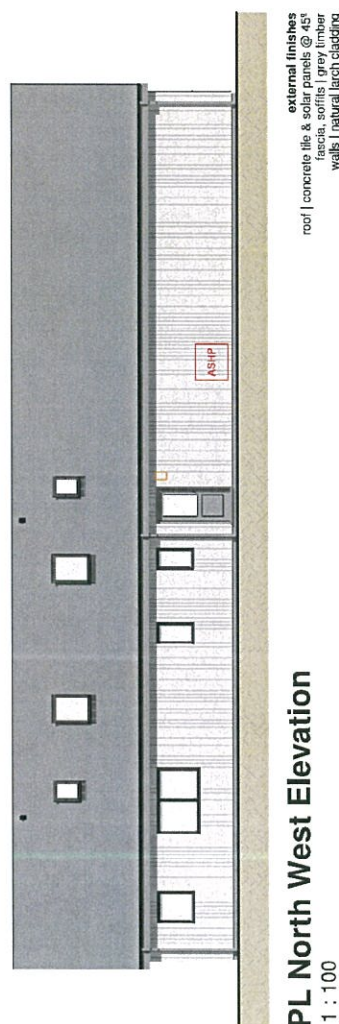
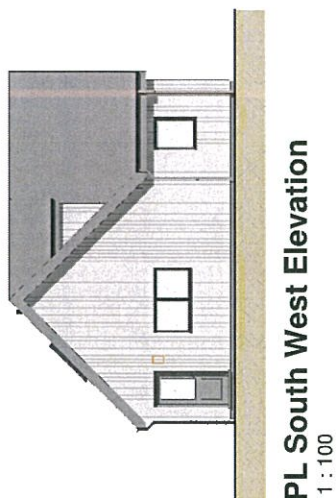
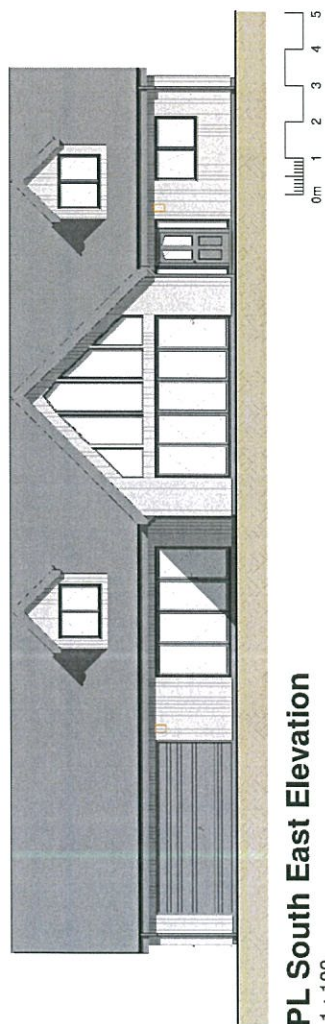


GRANT OF PLANNING PERMISSION
HAS BEEN GRANTED BY SHEETLAND ISLANDS COUNCIL AS
PLANNING AUTHORITY UNDER THE PROVISIONS
OF THE TOWN AND COUNTRY PLANNING
(SCOTLAND) ACT 1997 IN ACCORDANCE WITH
THE ATTACHED DECISION NOTICE

[Signature]
TEAM LEADER DEVELOPMENT MANAGEMENT
29 January 2018

<div>PTARMIGAN HOMES</div> <div>A Castle House, Fairways Business Park, Inverness, IV2 6AA T 01463 810000 W ptarmiganhomes.com</div>	<div>CLIENT</div> <div>Chris & Stacey Giblin</div>	<div>PROJECT</div> <div>Site 2, 'Crail', Moorsbarrow, Shetland, ZE2 9RD Bute (Amended)</div>	PROJECT No.	DRAWING No.
			F170215	PL02
			SCALE	DRAWN
			1 : 50	A2
			DATE	CHECKED
24 Jul 2017	MR			
REV	DISCUSSION	DATE	MR	

Site Planning Dept: Received 23 Nov 2017



external finishes
roof | concrete tile & solar panels @ 45°
fascia, soffits | grey timber
walls | natural larch cladding
doors & windows | grey timber

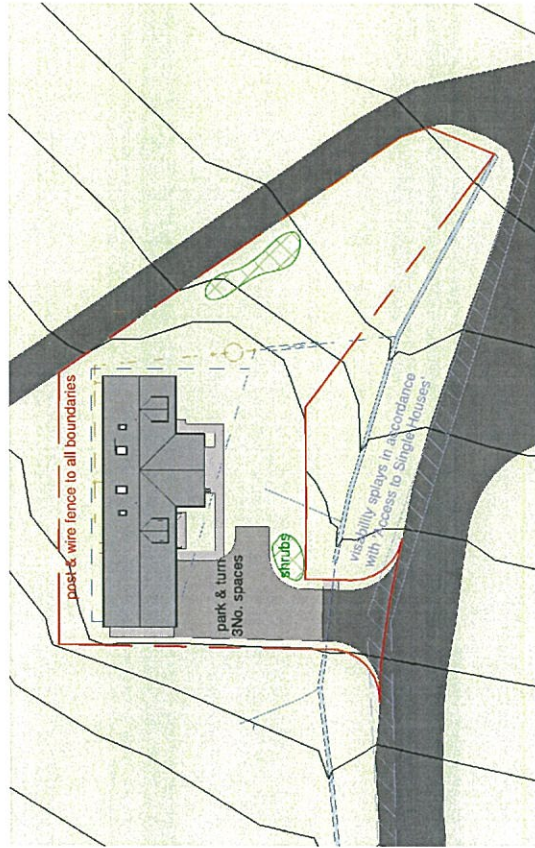
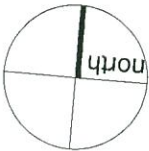
GRANT OF PLANNING PERMISSION
REFUSED
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OF THE TOWN AND COUNTRY PLANNING
(SCOTLAND) ACT 1987 IN ACCORDANCE WITH
THE ATTACHED DECISION NOTICE

[Signature]

TEAM LEADER DEVELOPMENT MANAGEMENT

29 January 2018

<div><div>PTARMIGAN HOMES</div><div><div>A</div><div>Cuthbert House, Fairways Business Park, Inverness, IV2 6AA</div><div>T 01463 811060</div><div>E info@ptarmiganhomes.com</div><div>W ptarmiganhomes.com</div></div><div><div>This drawing is Copyright ©</div><div>Ptarmigan Homes Ltd. All Rights Reserved</div></div></div> <tr><td><div>CLIENT</div><div>Chris & Stacey Giblin</div></td><td><div>PROJECT</div><div>Site 2, Craik, Mossbank, Shetland, ZE2 9RD</div><div>Bute (Amey-Jack)</div></td><td><table><tr><th>REV</th><th>DATE</th><th>DESCRIPTION</th><th>SCALE</th><th>DATE</th><th>SCALE</th></tr><tr><td>1</td><td>20/07/20</td><td>Issue for tender</td><td>1:100</td><td>24/07/20</td><td>1:100</td></tr></table></td><td><table><tr><th>PROJECT No.</th><th>DRAWING No.</th><th>CHECKED</th><th>APPROVED</th></tr><tr><td>F170215</td><td>PL04</td><td>MR</td><td>MR</td></tr></table></td></tr> <tr><td></td><td></td><td><table><tr><th>SCALE</th><th>DATE</th></tr><tr><td>1:100</td><td>A2</td></tr></table></td><td></td></tr>	<div>CLIENT</div> <div>Chris & Stacey Giblin</div>	<div>PROJECT</div> <div>Site 2, Craik, Mossbank, Shetland, ZE2 9RD</div> <div>Bute (Amey-Jack)</div>	<table><tr><th>REV</th><th>DATE</th><th>DESCRIPTION</th><th>SCALE</th><th>DATE</th><th>SCALE</th></tr><tr><td>1</td><td>20/07/20</td><td>Issue for tender</td><td>1:100</td><td>24/07/20</td><td>1:100</td></tr></table>	REV	DATE	DESCRIPTION	SCALE	DATE	SCALE	1	20/07/20	Issue for tender	1:100	24/07/20	1:100	<table><tr><th>PROJECT No.</th><th>DRAWING No.</th><th>CHECKED</th><th>APPROVED</th></tr><tr><td>F170215</td><td>PL04</td><td>MR</td><td>MR</td></tr></table>	PROJECT No.	DRAWING No.	CHECKED	APPROVED	F170215	PL04	MR	MR			<table><tr><th>SCALE</th><th>DATE</th></tr><tr><td>1:100</td><td>A2</td></tr></table>	SCALE	DATE	1:100	A2	
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1:100	A2																															



PL Site Plan (1-500)
1 : 500



GRANT OF PLANNING PERMISSION
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(SCOTLAND) ACT 1997 IN ACCORDANCE WITH
THE ATTACHED DECISION NOTICE

[Signature]
TEAM LEADER DEVELOPMENT MANAGEMENT
29 January 2018

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A Castle House, Fairways Business Park, Inverness, IV2 6AA
T 01463 611050
W PtarmiganHomes.com
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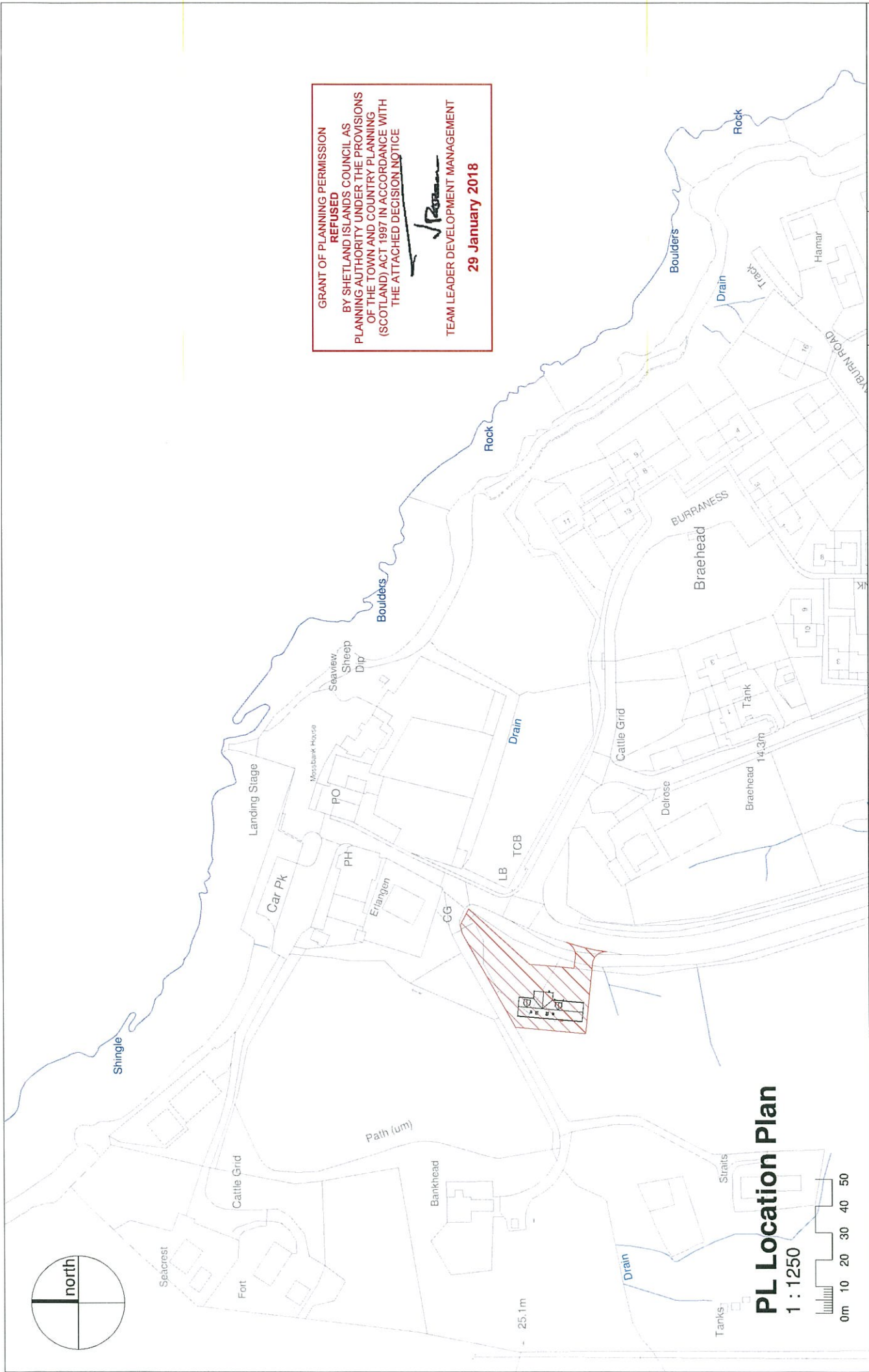
CLIENT
Chris & Stacey Giblin

PROJECT
Site 2, Strait, Mossbank, Shetland, ZE2 9RB
Bute (Amended)

REV.	DESCRIPTION	DATE	ISSUED	DATE
C	Updated to reflect current requirements	14 Nov 2017	AM	14 Nov 2017
B	Revised to reflect current requirements	14 Nov 2017	AM	14 Nov 2017
A	Original design	14 Nov 2017	AM	14 Nov 2017

PROJECT No.	DRAWING No.	CHECKED	APPROVED
F170215	PL08	MR	MR
SCALE	DRAWN	MR	MR
1 : 500	AM	MR	MR
DATE			
01 Aug 2017			

REV. DESCRIPTION DATE ISSUED DATE

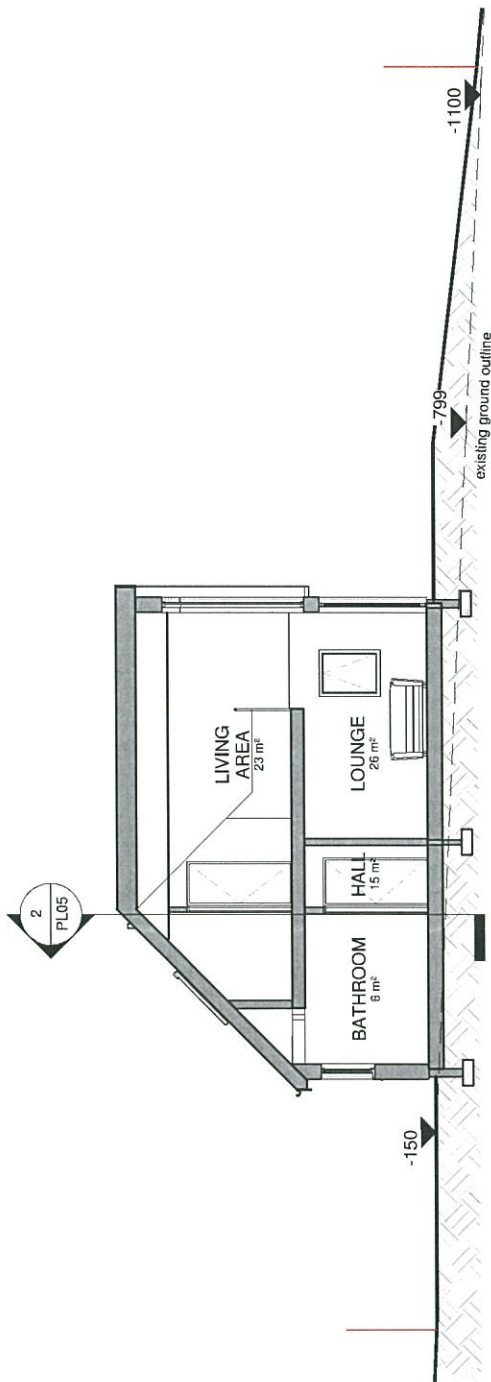


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J. Raman
TEAM LEADER DEVELOPMENT MANAGEMENT
29 January 2018

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			SCALE 1 : 1250	A3	DATE 24 Jun 2017	ISSUED 15 Dec 2017	AM	MR	CHECKED	APPROVED

SHETLAND ISLANDS COUNCIL
PLANNING DEPARTMENT
23 Nov 2017



PL Section 1
1 : 100



PL Section 2
1 : 100

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(SCOTLAND) ACT 1987 IN ACCORDANCE WITH
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[Signature]
TEAM LEADER DEVELOPMENT MANAGEMENT
29 January 2018

First Floor Plan
2657

Ground Floor Plan
10000

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						<div>SCALE</div> <div>1 : 100</div>		<div>DRAWN</div> <div>AM</div>		<div>CHECKED</div> <div>MR</div>		<div>APPROVED</div> <div>MR</div>
					<div>DATE</div> <div>01-Aug 2017</div>							
					<div>ISSUED</div> <div>15 Nov 2017</div>							
					<div>DESCRIPTION</div> <div></div>							

Section 7. Notice of Review

Date of Local Review Body meeting 10/04/2018

From: Andrew Mowat
Sent: Mon, 5 Feb 2018 14:26:23 +0000
To: Development Management@Development
Subject: K170215 Giblin - PL Appeal (Ref: 2017/247/AMSC)
Attachments: F170215-PL04a (Elevations).pdf, F170215-PL05b (Site Sections).pdf, F170215-PL08c (Site Plan 500).pdf, F170215-PL09d (Site Plan).pdf, F170215-PL10a (Location Plan).pdf, K170215-PL 08 (Appeal).pdf, SEPA Registration.pdf, SUDS Compliant Correspondence.pdf, SW Asset Planner Correspondence.pdf, K170215-PL 09 (Appeal Letter).pdf, K170215-PL 09 (Appeal Application).pdf, 247 Decision Notice.pdf, 247 Planning_Permission.pdf, 247_AMSC-REPORT-240759.pdf, 2016_280_PPP-DECISION_NOTICE-191197.pdf, 170726sgiw01 - Mossbank Summary Report FIN.PDF, F170215-PL01b (Ground Floor Plan).pdf, F170215-PL02a (First Floor Plan).pdf

Good afternoon,

Please find attached appeal application and supporting information, for the refusal to application 2017/247/AMSC.

Hopefully that is all the information required, however please get in touch for anything further.

Thanks,


PTARMIGAN
HOMES



Andrew Mowat
Architectural Technician

D
W



Ptarmigan Homes Ltd | Castle House Fairways Business Park Inverness IV2 6AA |  |
Company registered in Scotland (SC393327) | VAT 260 1532 43

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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

Address
Castle House
Fairways Business Park
Inverness
Postcode

Contact Telephone 1
Contact Telephone 2
Fax No

E-mail*

2. Agent (if any)

Name

Address
Fairways Business Park
Inverness
IV2 6AA
Postcode

Contact Telephone 1
Contact Telephone 2
Fax No

E-mail*

Mark this box to confirm all contact should be
through this representative: ☒

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

Yes ☒ No ☐

3. Application Details

Planning authority's application reference number

2017/247/AMSC

Site address

Site 2, Strait, Mossbank, Sheltand, ZE2 9RB

Description of proposed development

Erection of 1.5 storey dwelling house with attached double garage

Date of application

25/07/2017

Date of decision (if any)

24/01/2018

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.

The site is out with what is considered by SEPA and Scottish Water (SW) to be the "sewered area". Shetland Council (SC) appears to have its own description of "sewered area" and it doesn't match with the Government allocated regulators.

Additional information outlined within attached letter.

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.

247 Decision Notice	247 Planning_Permission
247 AMSC-Report of Handling	2016_280_PPP- DECISION_NOTICE-191197
170726sgiw01 - Mossbank Summary Report FIN	
F170215-PL01b (Ground Floor Plan)	F170215-PL02a (First Floor Plan)
F170215-PL04a (Elevations)	F170215-PL05b (Site Sections)
F170215-PL08c (Site Plan 500)	F170215-PL09d (Site Plan)
F170215-PL10a (Location Plan)	K170215-PL 08 (Appeal Letter)
SEPA Registration	SUDS Compliant Correspondence
SW Asset Planner Correspondence	

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

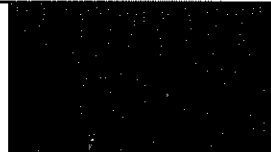
Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- ☒ 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	05/02/2018
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Please send this completed form to:

Shetland Islands Council Planning Local Review Body, c/o Planning, Development Services Department, c/o Train Shetland, North Gremista Industrial Estate, Lerwick, Shetland, ZE1 0PX.

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

YOUR REF 2017/247/AMSC
OUR REF K170215
DATE 05 February 2018



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

Castle House
Fairways Business Park
Inverness, IV2 6AA



FAO Case Officer

PROJECT APPEAL FOR APPLICATION TO DISCHARGE CONDITIONS 3a – 3d AMSC (REF: 2016/280/PPP)
ADDRESS SITE 2, STRAIT, MOSSBANK, SHETLAND, ZE

Supporting statement outlining matters we consider to be taken into account in determining the appeal:

The site is out with what is considered by SEPA and Scottish Water (SW) to be the “sewered area”. Shetland Council (SC) appears to have its own description of “sewered area” and it doesn’t match with the Government allocated regulators (Approval documentation/ correspondence has been attached with this application).

Although the outline planning permission contained a condition to connect to mains sewer, the Client was advised it was considerably closer to the site, therefore it is unfair that SC can sell sites that aren’t accessible to a local sewer without a cost prohibitive pump.

A mains connection option was considered once SC outlined the requirement, however after cost analysis the whole project became financially unviable, due to the requirement of a pumping package, 100m of adaptable standard pipework and potential costs for Deeds of Servitude from third party landowners.

Our Client is always willing to work with SC and although SUDS is not a requirement for single houses, SC local policies requested it, where the drawings & specification were revised to comply. They are a young family trying to build an affordable house, which would support the housing shortage within Shetland and enhance the area, contributing to the regeneration.

We look forward to receiving your response and in-the-mean-time, please feel free to contact us for any further information

Yours sincerely,



Andrew Mowat
Architectural Technician



PTARMIGAN
HOMES

premier
QUALITY



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

Mr & Mrs Chris & Stacey Giblin
Castle House
Fairways Business Park
Inverness
Scotland
IV2 6AA

Agent

Andrew Mowat
Castle House
Fairways Business Park
Inverness
Scotland
IV2 6AA

Development	Application to discharge conditions 3a - 3d, as specified under approved Planning Permission in Principle 2016/280/PPP
Location	Site 2, Strait, Mossbank, Shetland ZE2 9RB
Application No.	2017/247/AMSC

Details of Refused Plans and Drawings:

- Ground Floor Plan Drawing No. PL01
Stamped Received 23.11.2017
- First Floor Plan Drawing No. PL02
Stamped Received 23.11.201
- Elevations Drawing No. PL04
Stamped Received 23.11.2017
- Site Plan Drawing No. PL08
Stamped Received 23.11.2017
- Site Plan Drawing No. PL09
Stamped Received 23.11.2017
- Location Plan Drawing No. PL10
Stamped Received 23.11.2017
- Section Plan Drawing No. PL05
Stamped Received 22.01.2018

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.

Reasons for Council's decision:

Albeit the application does provide details that meet with requirements of condition 3 parts a) – d) of the planning permission in principle (2016/280/PPP), the proposal to deal with foul drainage by a means other than a piped connection to the public sewer (which would require a separate planning application) departs from the ambit of the planning permission in principle granted, and the flow attention measure within the site to control both the flow of treated effluent and surface water from the site prior discharge to the watercourse as proposed is unacceptable under its terms. The details as submitted will result in development that does not comply with Shetland Local Development Plan 2014 Policy WD2.

29 January 2018



Executive Manager - Planning



Shetland Islands Council

Train Shetland North Gremista Industrial Estate Lerwick Shetland ZE1 0PX Tel: 01595 744293 Email: planning.control@shetland.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100060757-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

- ☐ Application for planning permission (including changes of use and surface mineral working).
- ☐ Application for planning permission in principle.
- ☐ Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- ☒ Application for Approval of Matters specified in conditions.

Please give the application reference no. of the previous application and date when permission was granted.

Application Reference No: *

2016/280/PPP

Date (dd/mm/yyyy): *

03/10/2016

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Erection of a 1.5 storey dwelling house with attached double garage

Is this a temporary permission? *

☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) *

☐ Yes ☒ No

Has the work already been started and/or completed? *

☒ No ☐ Yes – Started ☐ Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	Plarmigan Homes		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Andrew	Building Name:	
Last Name: *	Mowat	Building Number:	8
Telephone Number: *		Address 1 (Street): *	Lotland Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Inverness
Fax Number:		Country: *	Scotland
		Postcode: *	IV1 1PA
Email Address: *			
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity			

Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	Mr & Mrs	Building Name:	
First Name: *	Chris & Stacey	Building Number:	8
Last Name: *	Giblin	Address 1 (Street): *	Lotland Street
Company/Organisation	C/O Plarmigan Homes Ltd	Address 2:	
Telephone Number: *		Town/City: *	Inverness
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	IV1 1PA
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Shetland Islands Council

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

1175559

Easting

444993

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☐ Yes ☒ No

Site Area

Please state the site area:

0.11

Please state the measurement type used:

☒ Hectares (ha) ☐ Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Building plot with outline planning

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

☒ Yes ☐ No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these

Are you proposing any change to public paths, public rights of way or affecting any public right of access? * ☐ Yes ☒ No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

0

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *

4

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

☒ Yes ☐ No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *

- ☐ Yes – connecting to public drainage network
☒ No – proposing to make private drainage arrangements
☐ Not Applicable – only arrangements for water supply required

As you have indicated that you are proposing to make private drainage arrangements, please provide further details.

What private arrangements are you proposing? *

- ☒ New/Altered septic tank.
☐ Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed)
☐ Other private drainage arrangement (such as chemical toilets or composting toilets).

What private arrangements are you proposing for the New/Altered septic tank? *

- ☐ Discharge to land via soakaway.
☒ Discharge to watercourse(s) (including partial soakaway).
☐ Discharge to coastal waters.

Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: *

Discharge to watercourse

Do your proposals make provision for sustainable drainage of surface water?? *
(e.g. SUDS arrangements) *

☒ Yes ☐ No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

- ☒ Yes
☐ No, using a private water supply
☐ No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site)

Assessment of Flood Risk

Is the site within an area of known risk of flooding? *

☐ Yes ☒ No ☐ Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? *

☐ Yes ☒ No ☐ Don't Know

Trees

Are there any trees on or adjacent to the application site? *

☐ Yes ☒ No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *

☒ Yes ☐ No

If Yes or No, please provide further details: * (Max 500 characters)

Suitable hardstanding will be provided within the site

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

☒ Yes ☐ No

How many units do you propose in total? *

1

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013? *

☐ Yes ☒ No ☐ Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

☐ Yes ☒ No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

☒ Yes ☐ No

Is any of the land part of an agricultural holding? *

☐ Yes ☒ No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Andrew Mowat

On behalf of: Mr & Mrs Chris & Stacey Giblin

Date: 25/07/2017

☒ Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

☐ Yes ☐ No ☒ Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

☒ Site Layout Plan or Block plan.

☒ Elevations.

☒ Floor plans

☐ Cross sections

☒ Roof plan.

☐ Master Plan/Framework Plan.

☐ Landscape plan.

☐ Photographs and/or photomontages.

☐ Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. *

☐ Yes ☒ N/A

A Flood Risk Assessment. *

☐ Yes ☒ N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *

☐ Yes ☒ N/A

Drainage/SUDS layout. *

☒ Yes ☐ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. *

☐ Yes ☒ N/A

Habitat Survey. *

☐ Yes ☒ N/A

A Processing Agreement. *

☐ Yes ☒ N/A

Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Andrew Mowat

Declaration Date: 25/07/2017

Payment Details

Cheque: Plarmigan Homes Ltd, 000072

Created: 25/07/2017 15:09

Delegated Report of Handling

Development: Application to discharge conditions 3a - 3d, as specified under approved Planning Permission in Principle 2016/280/PPP

Location: Site 2, Strait, Mossbank, Shetland, ZE2 9RB

By: Mr & Mrs Chris & Stacey Giblin

Application Ref: 2017/247/AMSC

1. Introduction

The application, for approval of matters specified in conditions, proposes to discharge all parts of condition 3 attached to the Planning Permission in Principle 2016/280/PPP in respect of part of the larger area of land at Strait, Mossbank it concerns.

Planning Permission 2016/280/PPP was for the erection of two dwellinghouses, and was granted after the Planning Committee resolved on 27th September 2016 that the proposal was considered to comply with the Shetland Local Development Plan Policies GP1, GP2, GP3, H3, H5, WD2, and TRANS3. The proposal is for the erection of a one and a half storey 3 bedroomed dwellinghouse on the northernmost of the two sites it approved.

The site features no other relevant planning history.

2. Statutory Development Plan Policies

Shetland 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

WD2 - Waste Water

WD3 - SuDs

TRANS 3 - Access and Parking Standards

W5 - Waste Management Plans and facilities in all new developments

3. Safeguarding

- SVT Features - Details: Sullom Voe Terminal COMAH Zone
- Sites with Development Potential - Sites with Development Potential: Mossbank and Firth
Landowner: SIC
- 30km Radius Scatsta - 30km Sumburgh Scatsta: 2
- Scatsta Safeguard - Height: 90m
- Scatsta 13km Zone - Scatsta 13km Zone: 13km Consultation Zone Bird

Page | 1

- Strike Zone
- Core Paths - Core Paths: CPPDe03
- Landscape Character Assessment - Landscape Character Assessment: Farmed and Settled Voes and Sounds

4. Consultations

Planning - Flooding Drainage Coastal was consulted on the 28 September 2017. Their comments dated 29 September 2017 can be summarised as follows:

Background

This is an application to discharge conditions specified under a previous application, 2016/280/PPP, for permission in principle for 2 dwelling houses at Mossbank.

Further information has now been received regarding a single proposed house, and this now includes a French drain as SUDs attenuation.

Comments

To comply with the Water Framework Directive the drainage design should include sufficient attenuation to at least reduce flows during 1 in 10 year rainfall events to the level which would have occurred before the development. Local Plan policy WD3 also requires SUDs drainage to be used for all development.

The revised plan now shows a French drain providing attenuation of the piped surface water drainage, before discharge to the watercourse east of the site.

Generally any SUDs device making use of infiltration should be at least 5m from any house or public road or site boundary, to ensure suitable hydraulic performance.

The location shown appears to be less than 5m from the site boundary, although in this case the French Drain would appear likely to perform more as an attenuation device than an infiltration device, and there is no flood risk created below the discharge.

I consider the location shown to be acceptable.

During extreme rainfall events surface water flows may exceed the capacity of the drainage systems and back up, or flow over the ground.

Flows from higher ground may also exceed the capacity of any cut off ditches or drains which may be proposed to protect the site.

The landscaping / ground levels on the site should therefore be designed to ensure that these potential overland flows of water would not cause a flooding problem to the proposed or surrounding houses:- the site levels should guide water flowing over the ground away from properties and towards a suitable place for them to re-enter a drainage system.

Care should be taken to ensure that proposed ground levels to the rear of the house allow overflowing surface water to drain around the house, without ponding against the rear wall.

Planning - Flooding Drainage Coastal was consulted on the 8 August 2017. Their comments dated 16 August 2017 can be summarised as follows:

Background

This is an application to discharge conditions specified under a previous application, 2016/280/PPP, for permission in principle for 2 dwelling houses at Mossbank.

Further information has been received regarding a single proposed house. The submitted information does not include any SUDs drainage proposals.

Comments

To comply with the Water Framework Directive the drainage design should include sufficient attenuation to at least reduce flows during 1 in 10 year rainfall events to the level which would have occurred before the development. Local Plan policy WD3 also requires SUDs drainage to be used for all development.

There are a range of SUDs devices which could be specified for this site and which would meet these attenuation requirements.

Any SUDs device using infiltration is generally required to be at least 5m from any house or public road or site boundary.

There are suitable locations available within the site.

During extreme rainfall events surface water flows may exceed the capacity of the drainage systems and back up, or flow over the ground.

Flows from higher ground may also exceed the capacity of any cut off ditches or drains which may be proposed to protect the site.

The landscaping / ground levels on the site should therefore be designed to ensure that these potential overland flows of water would not cause a flooding problem to the proposed or surrounding houses:- the site levels should guide water flowing over the ground away from properties and towards a suitable place for them to re-enter a drainage system.

Care should be taken to ensure that proposed ground levels to the rear of the house allow overflowing surface water to drain around the house, without ponding against the rear wall.

Roads Traffic was consulted on the 8 August 2017. Their comments dated 14 August 2017 can be summarised as follows:

REVISED DETAILS REQUIRED

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 and maintain the required visibility splays.

- a. A visibility splay of 2.5 metres by 90 metres must be provided at

the junction of the access with the public road. This is available at present.

2. No fence, wall, bushes or other potential obstruction to visibility should be permitted within 2 metres of the edge of the public road.
Adequate visibility splays are required to ensure that vehicles can enter the public road safely.
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. The initial access gradient should be no greater than 3 percent 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.
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.
This is required to prevent damage to the road edge and minimise the possibility of loose material being dragged onto 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. 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.
7. The junction onto the public road shall be formed with at least 6 metre minimum radiuses between the access and the public road edge.
8. This is required to prevent damage to the road edge and verges through over-running by turning vehicles.
9. The access should be piped with at least a 300mm diameter culvert with concrete headwalls provided at either end of the pipe.
This is required to protect the effectiveness of the public road drainage infrastructure.
10. 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.
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 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.
12. Parking provision should be made within the site for a minimum of 3 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.

The parking and turning area shown on the site plan does not meet our requirements. The area shown has insufficient space available for 3 parking spaces and a turning area.

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.

Delting Community Council Clerk was consulted on the 8 August 2017. Their comments dated 1 September 2017 can be summarised as follows:

Delting Community Council met yesterday and discussed this planning application. Members have no objections to this application, but given the location of the site, would like knowledge of how sewage discharges will be handled.

Scottish Water Customer Connections was consulted on the 8 August 2017. Their comments dated 22 August 2017 can be summarised as follows:

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

Water

This proposed development will be fed from Eela Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity at this time so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water. The applicant can download a copy of our PDE Application Form, and other useful guides, from Scottish Water's website at the following link

www.scottishwater.co.uk/business/connections/connecting-your-property/newdevelopment-process-and-applications-forms/pre-development-application

Foul

This proposed development will be fed from Udhouse Mossbank Waste Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity at this time so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water. The applicant can download a copy of our PDE Application Form, and other 749181_Local Planner_P2 DOM Capacity Available_Applicant_09-43-43.doc

Development Operations, The Bridge, Buchanan Gate Business Park, Cumbernauld Road, Stepps, Glasgow, G33 6FB, Development Operations, Freephone Number - 0800 3890379, E-Mail - DevelopmentOperations@scottishwater.co.uk, www.scottishwater.co.uk useful guides, from Scottish Water's website at the following link [Page | 5](http://www.scottishwater.co.uk/business/connections/connecting-your-</p></div><div data-bbox=)

property/newdevelopment-
process-and-applications-forms/pre-development-application

The applicant should be aware that we are unable to reserve capacity at our water, and/or waste water treatment works for their proposed development. Once a formal, connection application is submitted to Scottish Water after full planning permission, has been granted, we will review the availability of capacity at that time and advise the, applicant accordingly.

Infrastructure close to boundary

According to our records, the development proposals may impact on existing Scottish Water, assets.

The applicant should identify any potential conflicts with Scottish Water assets and contact, our Asset Impact Team directly at service.relocation@scottishwater.co.uk.

The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction.

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not normally accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

Scottish Water asset plans can be obtained from our appointed asset plan providers: Site Investigation Services (UK) Ltd, Tel: 0333 123 1223, Email: sw@sisplan.co.uk, www.sisplan.co.uk, 749181_Local Planner_P2 DOM Capacity Available_Applicant_09-43-43.doc

Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.

If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.

Scottish Water may only vest new water or waste water infrastructure which

is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.

The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.

Please find all of our application forms on our website at the following link
<https://www.scottishwater.co.uk/business/connections/connecting-yourproperty/new-development-process-and-applications-forms>

Next Steps:

Single Property/Less than 10 dwellings

For developments of less than 10 domestic dwellings (or non-domestic equivalent) we will require a formal technical application to be submitted directly to Scottish Water or via the chosen Licensed Provider if non domestic, once full planning permission has been granted. Please note in some instances we will require a Pre-Development Enquiry Form to be submitted (for example rural location which are deemed to have a significant impact on our infrastructure) however we will make you aware of this if required.

Scottish Water Customer Connections was consulted on the 27 October 2017. Their comments dated 31 October 2017 can be summarised as follows:

A connection to the public sewer, for foul only, is possible, however the cost and design of the connection would rest with the applicant/developer. The applicant would be responsible for securing permission for crossing 3rd party land and the pipework would remain private.

The applicant could submit a Pre-Development Enquiry to Scottish Water, and request a site visit to discuss any issues on site.

Scottish Water Customer Connections was consulted on the . Their comments dated 15 November 2017 can be summarised as follows:

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

Water

- This proposed development will be fed from Eela Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity at this time so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre- Development Enquiry (PDE) Form and submits it directly to Scottish Water. The applicant can download a copy of our PDE Application Form, and other useful guides, from Scottish Water's website at the following link
- www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms/pre-development-application

Foul

- This proposed development will be fed from Udhouse Mossbank Waste Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity at this time so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water. The applicant can download a copy of our PDE Application Form, and other

Asset planner's comments: The public sewer does not extend to the development site which is approx 100m from the nearest sewer. Should you wish to connect to the public sewer, you may do so but at your own expense. Should you wish those sections of connecting pipework out-with the curtilage of the new property, to be vested with Scottish Water (SW) you would need to design to our adoptable standard. You would need to make an approach via the Development Operations team and you would need to obtain a Deed of Servitude from third-party landowners to permit Scottish Water access to maintain the adopted sewer. Scottish Water will only accept foul flows from this development. If the flows can only be achieved by pumping, the cheapest option would be to install a small package pump and locate within the curtilage of the property. The pump would remain private.

The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

Infrastructure close to boundary

According to our records, the development proposals may impact on existing Scottish Water assets.

The applicant should identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team directly at service.relocation@scottishwater.co.uk.

The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction.

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not normally accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our

combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

- Scottish Water asset plans can be obtained from our appointed asset plan providers: Site Investigation Services (UK) Ltd Tel: 0333 123 1223, Email: sw@sisplan.co.uk www.sisplan.co.uk
- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.
- If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
- Please find all of our application forms on our website at the following link <https://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms>

Next Steps:

- o Single Property/Less than 10 dwellings

For developments of less than 10 domestic dwellings (or non-domestic equivalent) we will require a formal technical application to be submitted directly to Scottish Water or via the chosen Licensed Provider if non domestic, once full planning permission has been granted. Please note in some instances we will require a Pre- Development Enquiry Form to be submitted (for example rural location which are deemed to have a significant impact on our infrastructure) however we will make you aware of this if required.

5. Statutory Advertisements

The application was advertised in the Shetland Times on 11.08.2017

A site notice was not required to be posted.

6. Representations

None.

7. Report

Section 25 of the Town and Country Planning (Scotland) Act 1997 (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 principle of the use of the site and neighbouring site to the south for two dwellings was established in application 2016/280/PPP and as such the proposal complies with Shetland Local Development Plan 2014 (SLDP) Policy H3.

SLDP Policies H5 and GP3 requires development to be appropriately sited and designed. The application for the planning permission in principle was of a size to accommodate two dwellinghouses. The proposal, the subject of this report is located in the northern half of the planning permission in principle application site and it is considered that the proposal will not sterilise future development of another dwelling within the site boundary of the planning permission in principle, and therefore the proposal complies with SLDP Policy GP1. The proposed dwelling is sited appropriately within its plot, in a location which will not have adverse impacts on the neighbouring dwellings or breach any building lines. The proposed design is one and a half stories in height while other dwellings in the area are generally between one storey and two storeys in height. The proposed natural larch cladding will weather to a silvery grey colour and this will not appear prominent within the established character of the area. A large atrium protrusion on the front elevation of the dwelling will face over the public road and, while it will appear prominent within central Mossbank, it will not appear dominant given its separation distance from the public road and the muted colour choices for the proposed dwelling. The proposal complies with SLDP Policies GP3 and H5.

Concerns were raised within the consultation response from the Roads Service regarding the parking and turning provisions as shown on the originally submitted site plan. Following discussions with the agent, an amended site plan (the subject of this report) was submitted which resolved those concerns. The consultation from the Roads Service included a number of conditions which it recommended should be applied to an approval to ensure safe access and appropriate parking. Subject to these conditions, the proposal satisfies SLDP Policy TRANS3.

The application proposes the installation of a bio plant treatment tank to the south east of the proposed dwelling to deal with foul water, the discharges from which would then enter an unnamed watercourse via a partial soakaway which is also proposed to provide SUDS for the site. SLDP Policy WD2 requires developments which are in settlements that have access to a public sewer to connect to that infrastructure. The planning permission in principle (as applied for and granted) proposed that foul drainage from the 2 no. dwellinghouses would be to the public sewer. It was identified during the Planning Committee's consideration of the application that for the proposal to go ahead it was possible that the developer would have to pump sewerage. This wastewater aspect of the proposal was raised with the agent for the application, and after extensive discussions and requests no amendment has been submitted to make provision for an eventual connection to the public sewer. The agent indicated that they intended on making a case for which the provision of the development plan policies could be set aside.

The information submitted includes a SEPA CAR licence that authorises the discharge of sewage effluent by the means proposed, subject to conditions restricting the number of people to be served by the treatment system to a maximum of 7, as well as the ammoniacal nitrogen content of the treated effluent, and requiring that the treatment system is operated in accordance with the manufacturer's or designer's recommendations and in any event maintained in good working order. The licence also requires that other than as specifically permitted or limited by condition as to the content, the discharge shall not have a significant adverse impact on, or cause pollution of the water environment.

The agent has submitted that for the 100 metre length of pipe required to connect the proposed dwelling to the public sewer, the applicant found it less expensive to install the private foul water treatment than to connect to the nearby public sewer, and therefore has determined that while the application may be contrary to SLDP Policy WD2, they wish the application to be determined on the basis of the information that has been submitted.

While the cost of proposed development and individual financial implications of a development are not a material consideration in the determination of an application, the wider economic viability of development is. It is noted that a recent development proposal to the south of the application site for the erection of a five bedroomed dwellinghouse (2017/292/PPF) on land to the west of 'The Pund' was granted planning permission on 19th November 2017

with its having a connection to the public sewer proposed which is 168 metres from the dwellinghouse it approved. Scottish Water have confirmed that a connection to the public sewer, for foul only, is possible, however the cost and design of the connection is something that would rest with the developer. This is standard practice for connections of the type. It is considered that in terms of economic viability, the evidence of other proposed development closeby points to requirements for the provision of the connection to the public sewer do not adversely affect economic viability of development in the area generally.

The development is contrary to SLDP Policy WD2. No material information has been submitted with the application which would allow the provisions of the development plan to be set aside.

The initial proposal did not include any SUDS, and this was raised as a concern within the Council's Planning Engineer's consultation response. After discussions with the agent for the application, an amended site plan was provided which included appropriate SUDS and the Planning Engineer provided an updated consultation response which confirmed the acceptability of the proposed SUDS. Subject to conditions the proposal satisfies the requirements of SLDP Policy WD3.

The proposal as submitted also relied upon excavations taking place outside of the application site, within the adjacent site to the south also approved under the planning permission in principle. As this other site did not have an approval under either an application for approval of matters specified in conditions or full permission to create the slope that was shown would tie in with the proposed slope in the application site, the fact that the proposed development works under the application should confine themselves to being within the red line application boundary was taken up with the agent. As a result a revised section drawing was submitted showing the creation of a steeper angled slope wholly within the application site.

The proposed site is considered to be sufficiently separated from the neighbouring properties that there will not be adverse privacy, overlooking, loss of daylight or overshadowing impacts and the proposed development complies with SLDP Policy GP2.

In conclusion, albeit the application does provide details that meet with requirements of condition 3 parts a) – d) of the planning permission in principle (2016/280/PPP), the proposal to deal with foul drainage by a means other than a piped connection to the public sewer (which would require a separate planning application) departs from the ambit of the planning permission in principle granted, and the flow attention measure within the site to control both the flow of treated effluent and surface water from the site prior discharge to the watercourse as proposed is unacceptable under its terms. The details as submitted will result in development that does not comply with Shetland Local Development Plan 2014 Policy WD2.

8. Recommendation

Application refused

Reasons for Council's decision:

Albeit the application does provide details that meet with requirements of condition 3 parts a) – d) of the planning permission in principle (2016/280/PPP), the proposal to deal with foul drainage by a means other than a piped connection to the public sewer (which would require a separate planning application) departs from the ambit of the planning permission in principle granted, and the flow attenuation measure within the site to control both the flow of treated effluent and surface water from the site prior discharge to the watercourse as proposed is unacceptable under its terms. The details as submitted will result in development that does not comply with Shetland Local Development Plan 2014 Policy WD2.

9. List of refused plans:

•	Ground Floor Plan PL01 B	23.11.2017
•	First Floor Plan PL02 A	23.11.2017
•	Elevations PL04 A	23.11.2017
•	Section Plan PL05 B	22.01.2018
•	Site Plan PL08 C	23.11.2017
•	Site Plan PL09 D	23.11.2017
•	Location Plan PL10 A	23.11.2017

10. Further Notifications Required

None.

11. Background Information Considered

Planning Permission File 2016/280/PPP
Planning Permission File 2017/292/PPF

2017/247/AMSC_Delegated_Report_of_Handling.doc

Officer: Dale Hunter

Date: 24/1/2018



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

Shetland Islands Council
8 North Ness
Asset And Properties
Lerwick
Shetland
ZE1 0LZ

Reference Number: 2016/280/PPP

To erect 2no dwellinghouses (planning permission in principle): Straits, Mossbank, Shetland, ZE2 9RB

Details of Approved Plans and Drawings:

- Site and Location Plan Drawing No. MOSSBANK 1 - PLANNING
Stamped Received 28.06.2016.

Reasons for Council's decision:

The development of this site to provide 2no. dwellinghouses will not have a detrimental impact on the existing settlement pattern. Provided that a high standard of design is executed following on from any future application for approval of matters specified in conditions to ensure that: the scale, form and design of the dwellinghouses respects and enhances those of the existing built form and landscape; and that access, parking and turning arrangements are designed in accordance with the Roads Service comments and appropriate policy, the proposal will have no adverse impact upon the natural and built environment or upon the amenity of neighbouring properties. Subject to controlling conditions, the proposal complies with the Shetland Local Development Plan (2014) Policies GP1, GP2, GP3, H3, H5, WD2, and TRANS3.

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, 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.

Conditions:

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

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

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

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

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

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

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

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

(3) The development shall not commence until an application for Approval of Matters Specified in Conditions for the following matter(s) has been submitted to and approved by the Planning Authority:

- a. a site layout plan at a scale of 1:500 showing the position of all buildings, access roads, vehicle circulation and parking areas, external storage facilities, fencing, any proposed landscaping and any surface water drainage proposals, including details of any flow attenuation measures within the area of the development site;
- b. plans and elevations of the proposed building and any other proposed structures, indicating their dimensions and type and colour of external materials;
- c. a plan identifying the vehicular access to the development site from the main public road;
- d. site levels and section(s) through the development site showing the extent of any proposed underbuilding or excavation.

Reason: To comply with the provisions of Part 3 Section 12 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

Notes to Applicant:

Duration of Planning Permission in Principle

By virtue of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended, application for the approval of matters specified in conditions shall be made before the expiration of 3 years from the date of the grant of planning permission in principle, unless an earlier application for such approval has been refused or an appeal against such refusal has been dismissed, in which case application for the approval of all outstanding matters specified in conditions must be made within 6 months of the date of such refusal or dismissal.

The approved development shall be commenced not later than the expiration of 3 years from the date of grant of planning permission in principle or 2 years from the final approval of matters specified in conditions, whichever is later.

Applicants are advised that should their application for Approval of Matters specified be refused and/or their appeal against such refusal dismissed outwith the three year time limit they are entitled to submit a revised application for Approval of Matters specified within six months after the date of refusal of the earlier application or of the dismissal of an appeal against such refusal.

Building Warrant

You are advised to contact the Building Standards Service on 01595 744293 to discuss any building warrant requirements for your development.

Scottish Water

In terms of planning consent, Scottish Water did not respond to a consultation on this planning application. However, please note that any planning approval granted by the Local Authority, does not guarantee a connection to their infrastructure. Approval for connections can only be given by Scottish Water when the appropriate application and technical details have been received.

Roads Access

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;
 - a. A visibility splay of 2.5 metres by 90 metres must be provided at the junction of the access with the public road. This is available at present.
2. No fence, wall, bushes or other potential obstruction to visibility should be permitted within 2 metres of the edge of the public 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. The initial access gradient should be no greater than 3 percent more or less than the crossfall/ camber of the public road at the junction;
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. 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;
7. The access should be piped with at least a 300mm diameter culvert with concrete headwalls provided at either end of the pipe.;
8. 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.
9. For full planning permission, design details for the access will be 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.

Car Parking

Car parking spaces shall be provided within the site as detailed below. Turning provision for cars should also be provided within the development site in the form of a standard hammer head or a manoeuvring space at least 7.6m x 7.6m.

- 2-3 bedroomed dwellinghouse: 2 car parking spaces
- 4 bedrooms or more: 3 spaces

Road Opening Permit

The Shetland Islands Council Roads Service have advised that the length of access that crosses the public road verge shall be constructed to their satisfaction. A Road Opening Permit must be obtained from the Roads Service prior to carrying out any works to form an access onto the public road. You are advised to contact them prior to the commencement of any development: Roads Services, SIC Department of Infrastructure Services, Gremista, Lerwick, ZE1 0PX. Tel: 01595 744866.

Design

In order for the Planning Authority to be satisfied that the development will not have an adverse impact on the visual amenity of the area or the amenity of any neighbouring properties and so that there is compliance with Shetland Local Development Plan (2014) Policy GP3, the details of the building and other structures that are required to be submitted prior to commencement of the development should not incorporate any substantive underbuilding, including underbuilding for the purposes of the provision of a garage, workshop, other habitable room or useable space.

Drainage

To comply with the Water Framework Directive the drainage design should include sufficient attenuation to at least reduce flows during 1 in 10 year rainfall events to the level which would have occurred before the development.

There are a range of SUDs devices which could be specified for this site and which would meet this attenuation requirement.

Any SUDs device using infiltration is generally required to be at least 5m from any house or public road or site boundary.

There are suitable locations available within the site, although there may be some restrictions in site layout, e.g. it may be difficult to achieve 5m spacing to the boundary near the north end of the site.

During extreme rainfall events surface water flows may exceed the capacity of the drainage systems and back up, or flow over the ground. Flows from higher ground may also exceed the capacity of any cut off ditches or drains which may be proposed to protect the site.

The landscaping / ground levels on the site should therefore be designed to ensure that these potential overland flows of water would not cause a flooding problem to the proposed or surrounding houses:- the site levels should guide water flowing over the ground away from properties and towards a suitable place for them to re-enter a drainage system.

There does not appear to be any site specific issues in this regard, although the site layout and drainage proposals should consider how to accommodate the existing land drainage.

3 October 2016

A black rectangular box redacting the signature of the Executive Manager - Planning.

Executive Manager - Planning

JIG SUMMARY REPORT:

TITLE:	NEW DWELLING; SITE 2, STRAIT, MOSSBANK, SHETLAND, PROVISION OF A SOLUTION FOR THE TREATMENT AND DISPOSAL OF FOUL DRAINAGE.
DATE:	26 July 2017
PREPARED BY:	Sean Garrett (Bsc Hons) for and on behalf of JIG Ian Corner (MCIWEM, dipWEM)

1. Introduction

JIG Ltd was employed by Ptarmigan Homes to assess the options available for the treatment and disposal of foul drainage from a proposed 5-bedroom dwelling to be built at Site 2, Strait, Mossbank, Shetland. Our investigations elicited the fact that a Scottish Water combined sewer existed to the west of the site and preliminary discussions with SEPA confirmed this option required to be investigated and discounted before consideration would be given by that Agency to a private sewage treatment solution. Subsequently it was proved a connection to the public sewer was not financially feasible and that the site would not support a total soakaway or a raised mound infiltration system, thus a solution based on achieving a discharge of appropriately treated sewage effluent to a watercourse had to be pursued. The solution had to be acceptable to the Scottish Environment Protection Agency and Building Control.

2. Connection to the Public Combined Sewer

SEPA policy dictates that if a development is within reasonable reach of a Scottish Water foul sewer then the option of connection to the public sewer must be considered as the first option for the disposal of foul drainage. JIG was aware that a Scottish Water combined sewer existed approximately 100m west of the site and thus consideration was given to the implications of achieving a connection to the public sewer. The location of the sewer meant that pumping would be required and this was taken into account when obtaining indicative costs for a sewer connection. The estimated costs to achieve a sewer connection were put at approximately £39,000 and thus, for a single dwelling, far in excess of that required for a private sewage treatment solution. This cost estimate was submitted to SEPA for consideration and agreement reached that in this instance a private sewage treatment solution would be acceptable, see Appendix 2.

Registered Office

JIG Limited

23 Westminster Terrace

Glasgow G3 7RU

Telephone: [REDACTED]

Facsimile: [REDACTED]

E-mail: [REDACTED]

Registered in Scotland No. SC231093

VAT Registration No. 796 9192 56

3. Investigations & Findings

Following consideration of the geological map of the area it was considered the site did not lend itself to a solution based on a traditional soakaway or raised mound system primarily as a result of the peat deposits present at the site and the likelihood of encountering clay and shallow bedrock. These factors meant that no proposed soakaway design would comply with the Technical Handbook and BS6297:2007 and thus it was concluded the only feasible sewage treatment and disposal solution would be to achieve a discharge of appropriately treated sewage effluent to the small burn that flows through the site before heading in a northerly direction to the sea.

3.1. Scottish Environment Protection Agency

SEPA was consulted by way of an e-mail on 10 July 2017 in which it was proposed that the development be served by way of an EN12566 compliant communal package biological treatment plant. SEPA requested costings for a connection to the public sewer which were provided and demonstrated the unfeasibility of such a solution. An in-principle agreement was subsequently received from SEPA on 18 July 2017, see Appendix 2, indicating the proposed discharge was likely to be authorisable. The sewage treatment plant would need to be capable of achieving an effluent quality of 12mg/l BOD and 5mg/l ammonia or less as a mean with the discharge being made to the watercourse via no less than 25m² of partial soakaway.

3.2. Capacity of the Treatment Plant

Assuming the new development has a population equivalent of 7, based on 5-bedrooms, the treatment plant supplied should be capable of treating 0.42kg BOD per day.

4. SEPA Authorisation

It is advised that under the terms of the Water Environment (Controlled Activities) (Scotland) Regulations 2011, the activity of discharging sewage effluent must be approved by SEPA and an application for authorisation must be made and a discharge licence obtained prior to the sewage treatment system being used. The application was submitted to SEPA on 24 July 2017.

SK Location Plan
1:1250

PTARMIGAN HOMES

Project: Site 2, Small, Massbank, Shetland, ZE2 9RB
Rupe (Amended)

Client: Chris & Suzy Chalm

Project: Site 2, Small, Massbank, Shetland, ZE2 9RB
Rupe (Amended)

Scale: 1:1250

North Arrow: North

Scale Bar: 0 0.5 1 1.5 2 2.5

Legend:

- Proposed Development
- Existing Development
- Proposed Access
- Proposed Parking
- Proposed Footpath
- Proposed Boundary
- Proposed Fencing
- Proposed Landscaping
- Proposed Water Features
- Proposed Other

Table:

Item	Description	Quantity	Unit
1	Proposed Development	1	Unit
2	Existing Development	1	Unit
3	Proposed Access	1	Unit
4	Proposed Parking	1	Unit
5	Proposed Footpath	1	Unit
6	Proposed Boundary	1	Unit
7	Proposed Fencing	1	Unit
8	Proposed Landscaping	1	Unit
9	Proposed Water Features	1	Unit
10	Proposed Other	1	Unit

Appendix 2: Correspondence with SEPA

From: Giblin, Louise [mailto: [REDACTED]]
Sent: 18 July 2017 12:15
To: Ian Corner < [REDACTED]>
Cc: Sean Garret [REDACTED]
Subject: RE: K170215 Giblin - Drainage

Good afternoon,

Please include all of this information in the application form to register the discharge with SEPA.

You may mark the application for my attention.

Regards

Louise

From: Ian Corner [REDACTED]
Sent: 17 July 2017 21:57
To: Giblin, Louise
Cc: Sean Garret
Subject: RE: K170215 Giblin - Drainage

Louise,

I appreciate it's not been that long since we submitted the info below but I was hoping you may be in a position to let us know whether SEPA would be willing to accept the premise of a private sewage treatment solution for this site?

I've copied Sean Garrett into this e-mail in the event you are able to reply tomorrow, Tues, as I'll be out on site all day.

Regards

Ian Corner

From: Ian Corner
Sent: 12 July 2017 17:45
To: 'Giblin, Louise' < [REDACTED]>
Subject: FW: K170215 Giblin - Drainage

Louise,

Please find attached below an estimate of costing to achieve a connection to the public combined sewer serving Mossbank. Assuming of course that SW sanction the principle of connection in the 1st place. In view of the cost of connection when compared to a cost of approximately £8,000 - £9,000 (supply and installation) for a private sewage treatment solution based on installing a package sewage treatment plant capable of achieving at least 5mg/l Ammonia as a mean (if SEPA considered this still too high a Vortex plant could be used thus the Ammonia could be as low as 0.4mg/l).

To put these costs into comparison we obtained some costs submitted by SW for the provision of a public sewer on the Isle of Iona off Mull. 100m of 100mm diameter rising main was costed at £26,216 - in comparison, it's clear our estimate of cost is not inflated!

Given the great disparity in costs we have not yet progressed a PDE submission to SW as it appears the cost of a sewer connection, even if it was acceptable to SW, would be unfeasible for a single dwelling. We look forward to your response.

Regards

Ian Corner
JIG Ltd

From: Andrew Mowat [REDACTED]
Sent: 12 July 2017 10:17
To: Ian Corner [REDACTED]
Subject: K170215 Giblin - Drainage
below
Good morning Ian,

As discussed, approximate cost for mains connection for above.

Giblin	
Site 2, Straits, Mossbank, Shetland, ZE2 9RB	
Sewage & Storm Water Connection	
High Level Estimate - NO INFO PROVIDED	
Based on 100m distance to nearest manhole	
Item	Total
Excavation and Preparation Trenches	14,076.00
Road Crossing (including permits and traffic management)	8,050.00
Sewage Pumping Station	8,525.00
Disconnecting manhole	1,840.00
Wayleaves	4,000.00
Others	2,000.00
Total £38,591.00	

Regards,



Andrew Mowat
Architectural Technician

D
W



From: Ian Corner
Sent: 10 July 2017 11:59
To: 'Giblin, Louise' [REDACTED]
Subject: Site 2, Strait, Mossbank, Shetland, ZE2 9RB

Louise,

Thanks for speaking to me last week about this site in Shetland. Since our conversation we have been appointed by Ptarmigan Homes of Inverness to progress an environmentally acceptable solution for the treatment and disposal of foul and surface water from the proposed dwelling. It is that regard that we write to you.

The dwelling, which will have 5-bedrooms thus 7PE, is located within a relatively constrained site (see attached location plan) at Mossbank. Constrained in as much as the site is triangular in shape, is bounded by two roads

170726sgiw01 – Mossbank

JIG
ENVIRONMENT

along the long sides of the triangle, and is bisected by a watercourse on the NE end of the site. We are aware there is a public sewer serving Mossbank to the SE of the site. However, it's apparent that the nearest manhole to which a physical connection could be made (assuming there is capacity within the public sewer network) is in excess of 100m from the site and up a hill thus pumping would be required. When consideration is given to the physical impediments of achieving a sewer connection and the costs associated with that it's apparent a connection to the public sewer is not a viable option when compared to the provision of a private sewage treatment solution.

When consideration is given to the ground conditions on the site (peat underlain by boulder clay with rock head at shallow depth – as can be seen on the Geological map of the area) it's apparent that it would not be possible to locate a soakaway compliant with BS6297:2007 or the requirements of Building Control or SEPA within the confines of the site. While this is regrettable (clearly a s.t. and soakaway provides our client with the cheapest, most environmentally acceptable private sewage treatment and disposal solution) it is the reality of the situation.

This leaves us with only one other solution for the development and that is to service the site by way of an EN12566 compliant package sewage treatment plant discharging to the small watercourse that passes through the NE end of the site. This watercourse is shown on the 1:2,000 map and flows north from the site to the sea approximately 70m away. Effluent quality would be no less than 5mg/l ammonia and indeed, if the site lends itself to a Biorock plant, the Ammonia would be 3mg/l as per the PIA for that system. If possible 25m² pf partial soakaway would be incorporated into the outfall from the treatment plant. The NGR for the site is HU44993 75548 and the proposed discharge location would be NGR HU45008 75568.

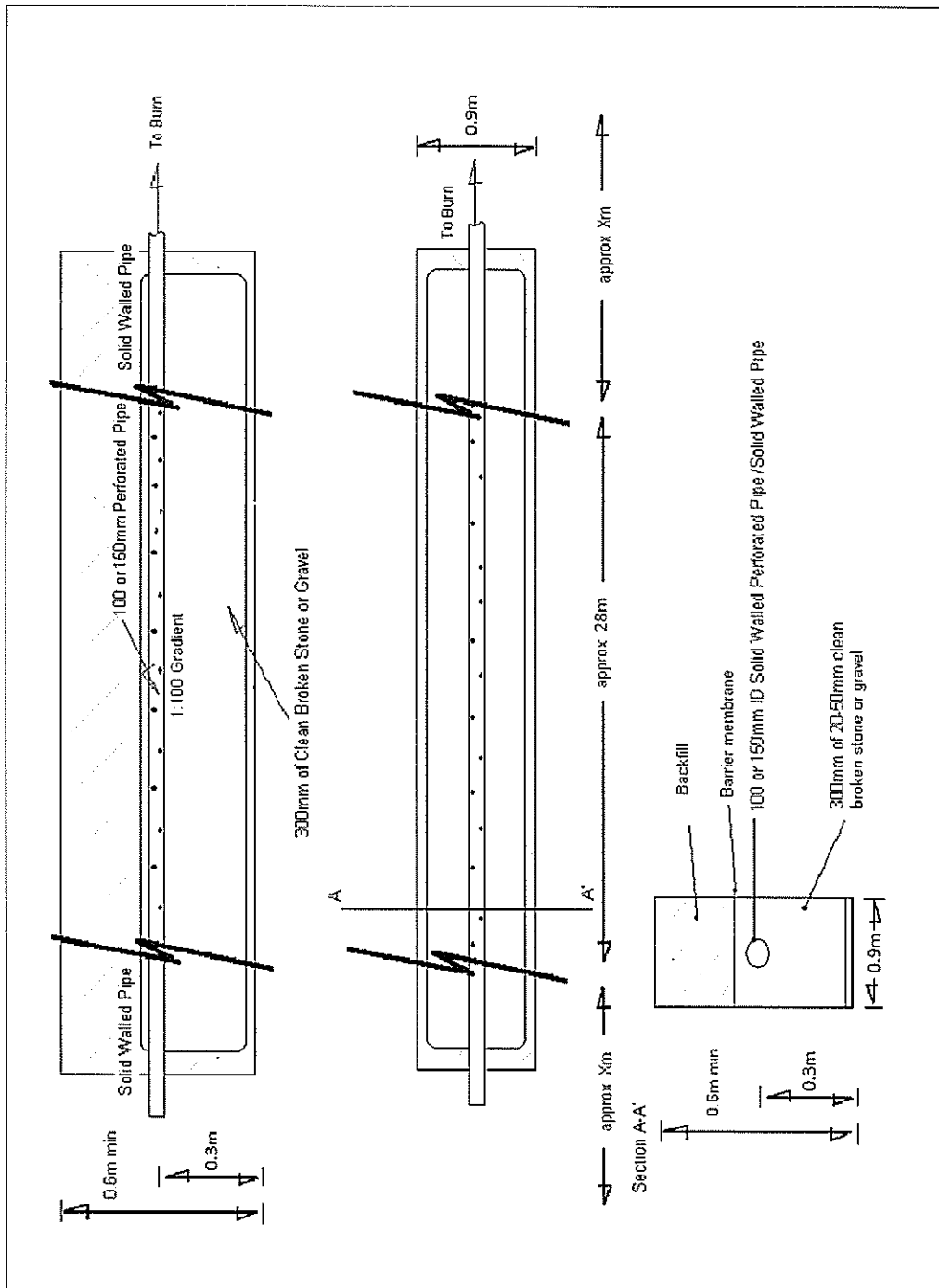
We would be obliged if you would consider our proposal and indicate whether, at least in principle, the effluent quality and discharge location would meet with SEPA's approval. Should you wish to discuss the proposal further please don't hesitate to contact me directly.

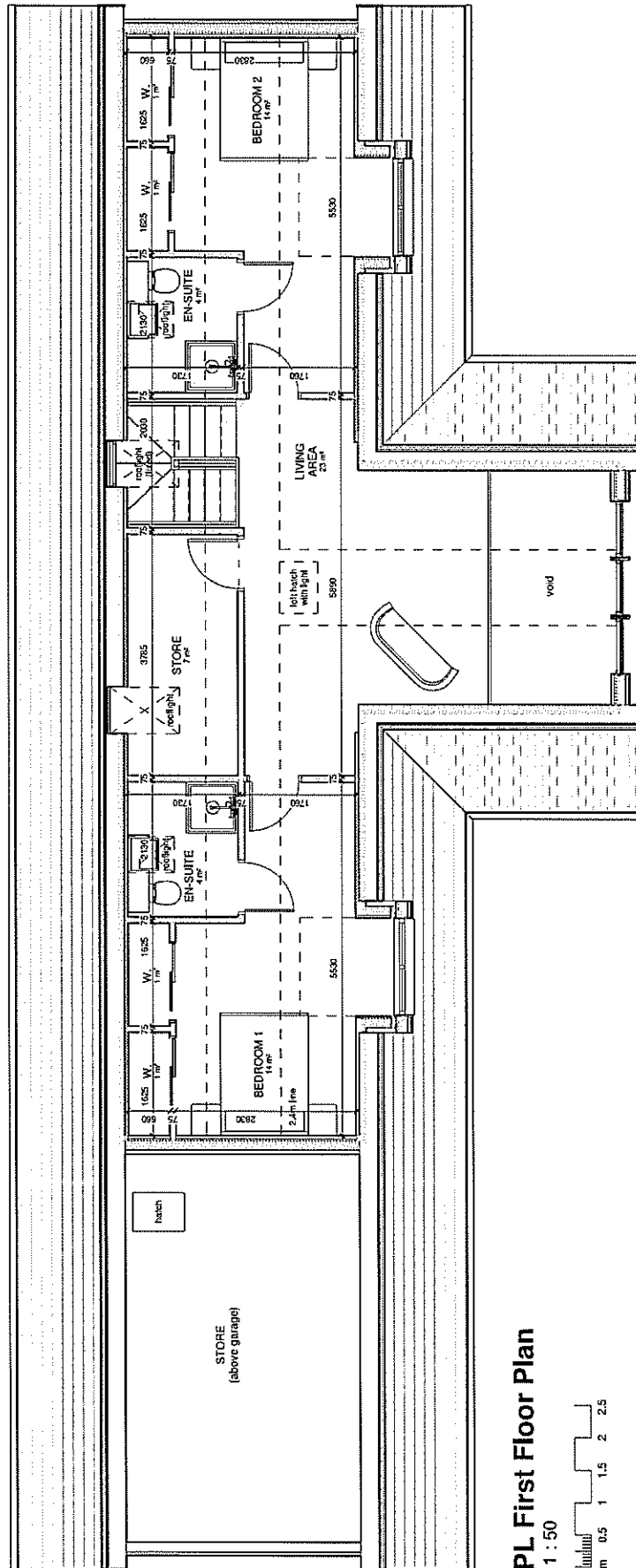
Regards

Ian Corner
JIG Ltd



Appendix 3: Indicative Partial Soakaway Design

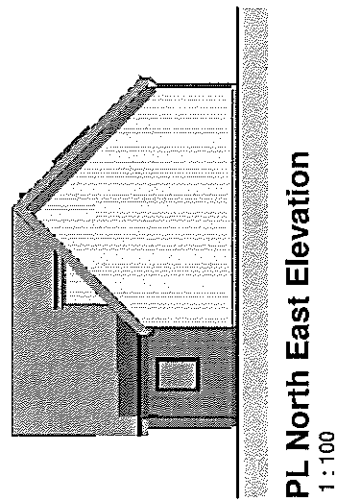
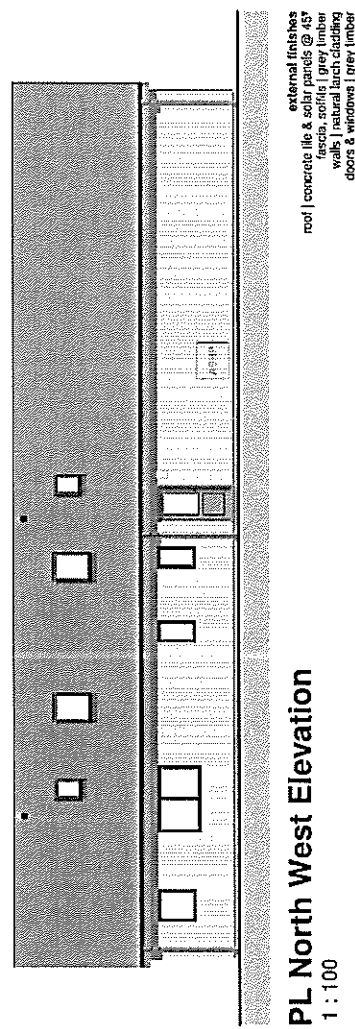
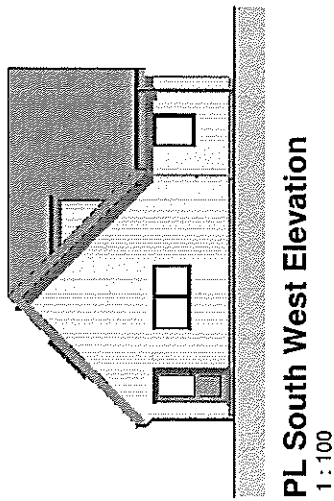
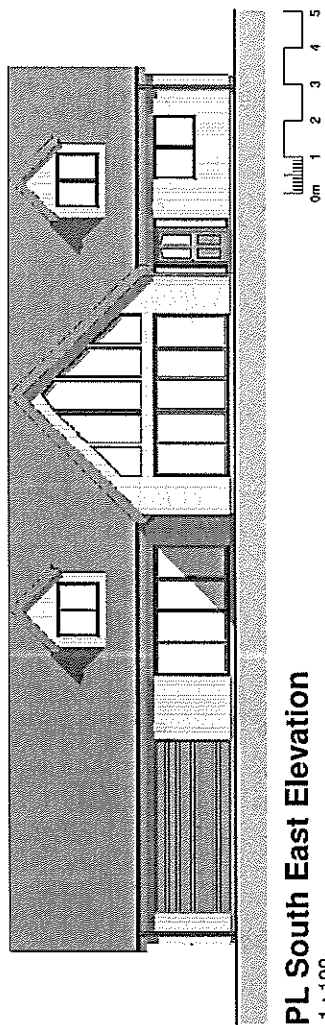




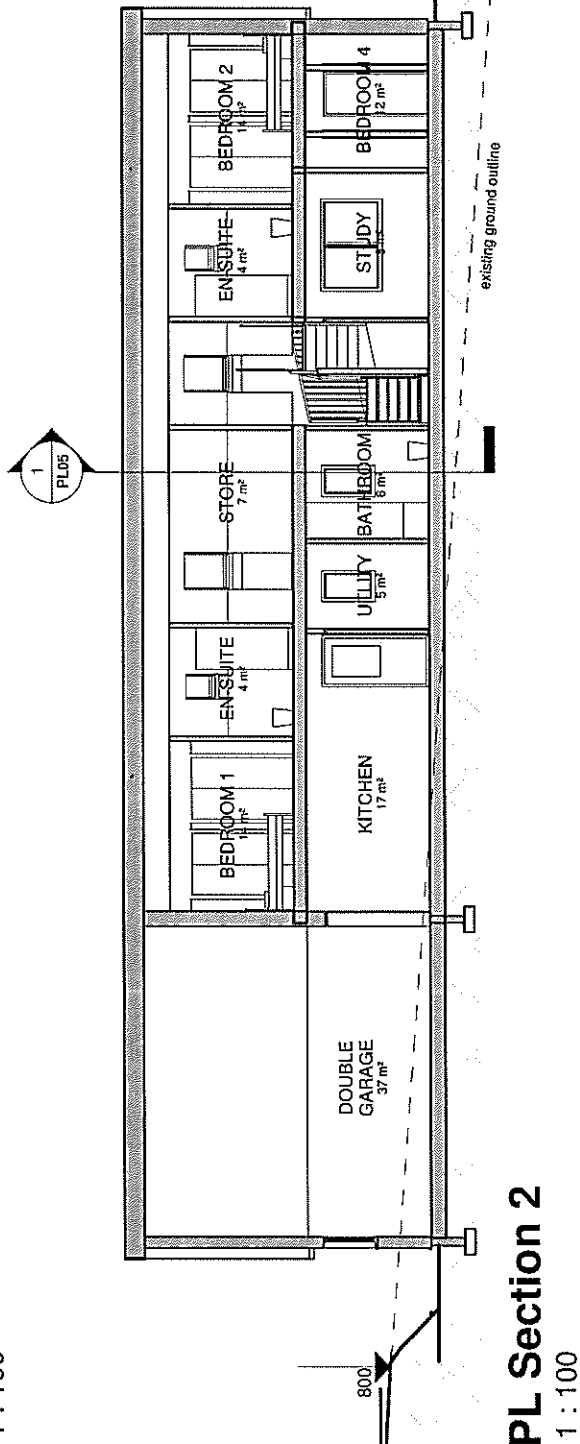
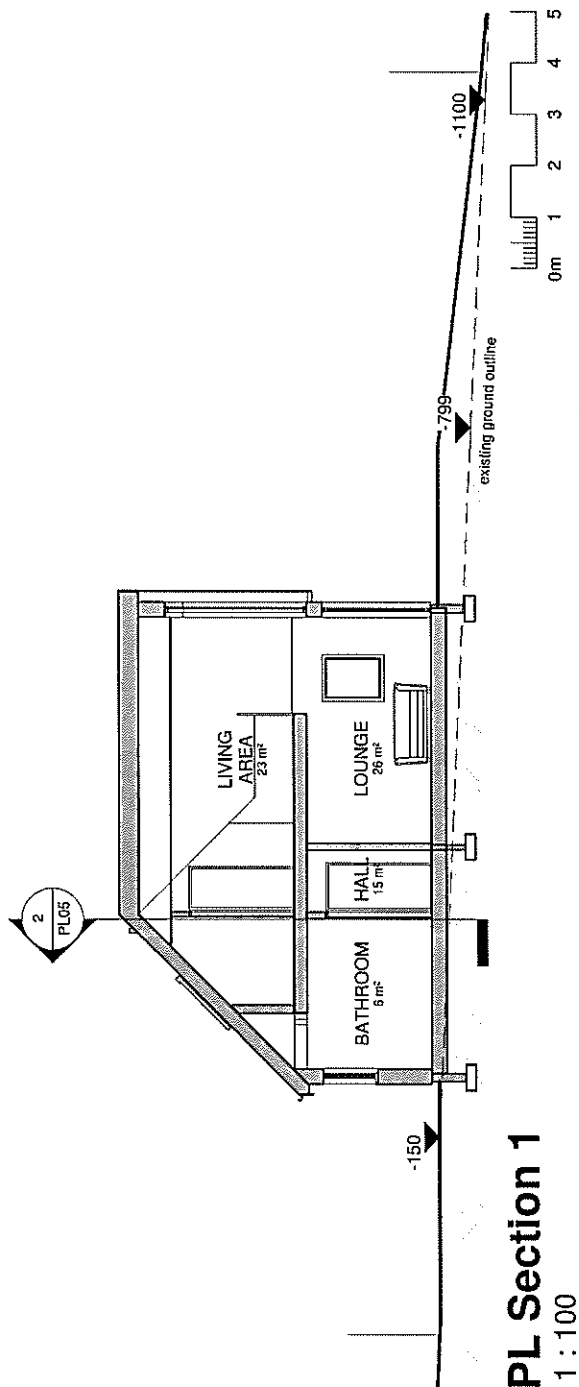
PL First Floor Plan
1 : 50



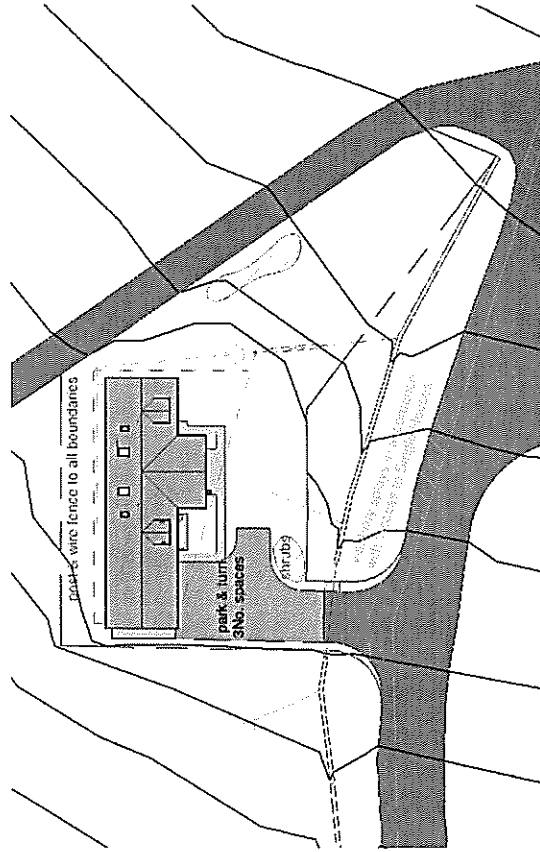
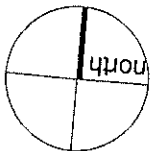
PTARMIGAN HOMES		CLIENT Chris & Stacey Giblin		PROJECT Site 2, Strail, Mossbank, Shelland, ZE2 9RB Bute (Amended)		PROJECT No. F170215		DRAWING No. PL02		APPROVED	
A Castle House, Fairways Business Park, Farnham, W2 6AA Tel: 01443 611630 www.ptarmigan-homes.co.uk		The design is Copyright © Ptarmigan Homes Ltd. All Rights Reserved		SCALE 1 : 50		DATE 24 Jul 2017		DRAWN AM		CHECKED MR	
				ISSUED		DATE		REV		DATE	



<div><div>PTARMIGAN HOMES</div><div><div>A 17311-44000 Fawcett Road, P.O. Box 100, P.O. Box 100</div><div>T 01632 811400</div><div>W www.ptarmiganhomes.co.uk</div></div><div>The following is a Certificate of Completion of the works described in the Contract Documents. The works have been completed in accordance with the Contract Documents.</div></div>	<div>CLIENT</div> <div>Chris & Stacey Glibin</div>					<div>PROJECT NO.</div> <div>F170215</div> <div><div>DRAWING NO.</div><div>PL04</div></div>	<div>APPROVED</div> <div>MR</div>
	<div>PROJECT</div> <div>S110 2, Stratford Messbank, Shireland, ZE2 9RB</div> <div>Bute (Amended)</div>	<div>SCALE</div> <div>1:100</div> <div><div>DATE</div><div>24 Jul 2017</div></div>	<div>CHECKED</div> <div>MR</div>	<div>APPROVED</div> <div>MR</div>			

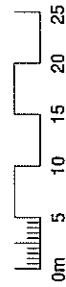


PTARMIGAN HOMES A Castle House, Fairways Business Park, Inverness, IV2 6AA T 01463 611050 W PtarmiganHomes.com	CLIENT Chris & Stacey Giblin	PROJECT Site 2, Strait, Mossbank, Shetland, ZE2 9RB Bute (Amended)	PROJECT No. F170215				DRAWING No. PL05	
			SCALE 1 : 100		DATE 01 Aug 2017		DRAWN AM	CHECKED MR
			DESCRIPTION		ISSUED		APPROVED MR	

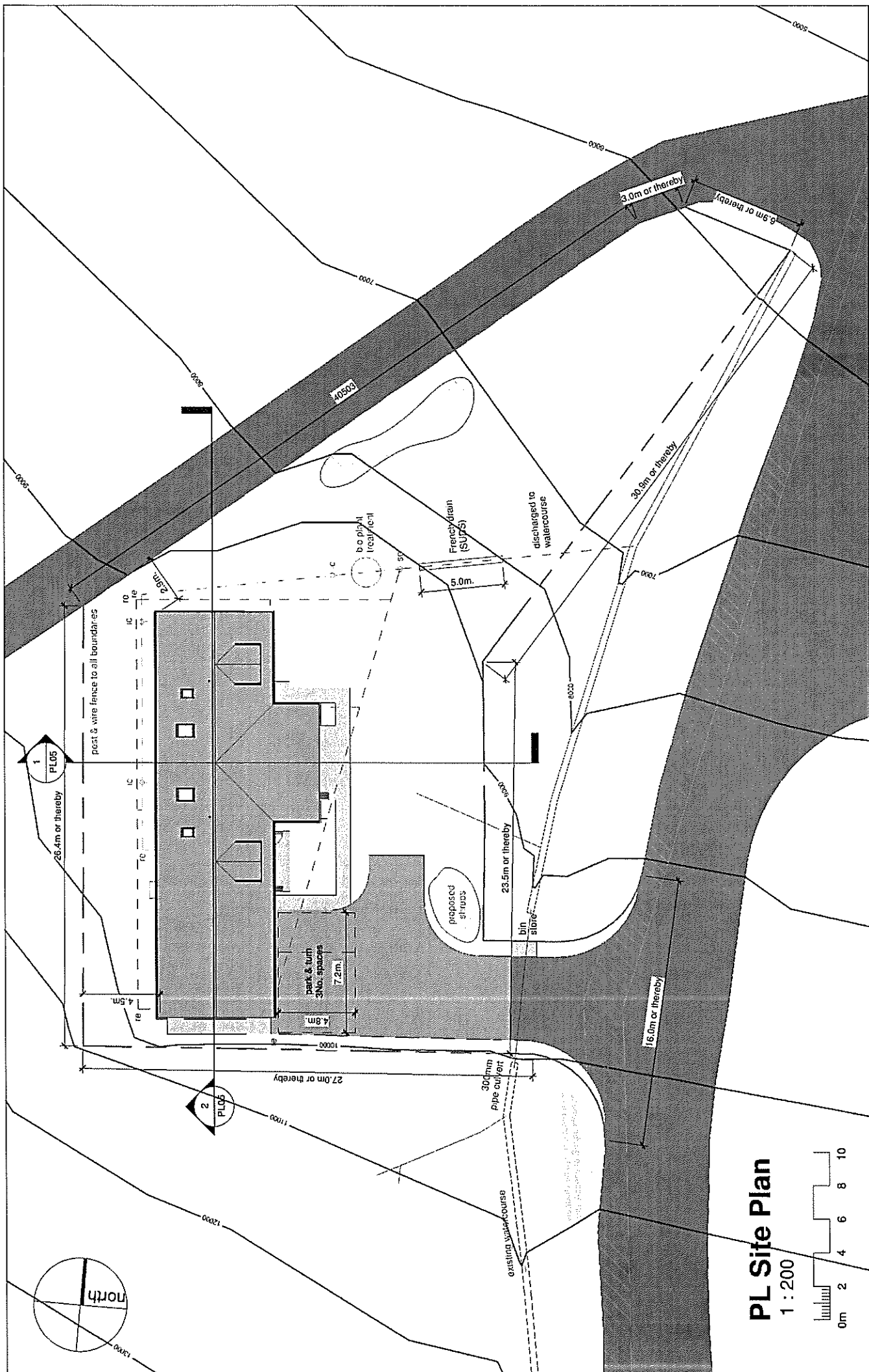


PL Site Plan (1-500)

1 : 500



<div>PTARMIGAN HOMES</div> <div>A Castle House, Fairways Business Park, Inverness, IV2 6AA T 01463 611050 W PtarmiganHomes.com</div> <div>This drawing is Copyright © Ptarmigan Homes Ltd. All Rights Reserved</div>		<div>CLIENT</div> <div>Chris & Stacey Giblin</div> <div>PROJECT</div> <div>Site 2, Strait, Mossbank, Shetland, ZE2 9RB</div> <div>Bute (Amended)</div>		<div>PROJECT No.</div> <div>F170215</div>				<div>DRAWING No.</div> <div>PL08</div>			
				<div>SCALE</div> <div>1 : 500</div> <div>A3</div>		<div>DRAWN</div> <div>AM</div>		<div>CHECKED</div> <div>MR</div>		<div>AT PROVED</div> <div>MR</div>	
				<div>REV</div>		<div>DESCRIPTION</div>		<div>ISSUED</div>	<div>DATE</div>		



PROJECT No. F170215		DRAWING No. PL09		PROJECT Chris & Stacey Giblin	
SCALE 1 : 200		DRAWN AM		PROJECT Site 2, Strait, Mossbank, Shetland, ZE2 9RB Bute (Amended)	
DATE 24 Jul 2017		CHECKED MR		This drawing is Copyright © Plarmigan Homes Ltd All Right is Reserved	
ISSUED		DATE		A Castle House, Fairways Business Park, Inverness, IV2 8AA T 01463 611050 W PlarmiganHomes.com	
DESCRIPTION		REV		A Plarmigan Homes Ltd All Right is Reserved	

YOUR REF 2017/247/AMSC
OUR REF K170215
DATE 31 January 2018



Castle House
Fairways Business Park
Inverness, IV2 6AA

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



FAO Case Officer

PROJECT APPEAL FOR APPLICATION TO DISCHARGE CONDITIONS 3a – 3d AMSC (REF: 2016/280/PPP)
ADDRESS SITE 2, STRAIT, MOSSBANK, SHETLAND, ZE

Supporting statement outlining matters we consider to be taken into account in determining the appeal:

The site is out with what is considered by SEPA and Scottish Water (SW) to be the “sewered area”. Shetland Council (SC) appears to have its own description of “sewered area” and it doesn’t match with the Government allocated regulators (Approval documentation/ correspondence has been attached with this application).

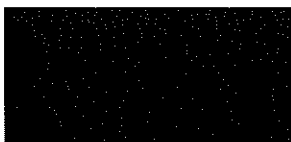
Although the outline planning permission contained a condition to connect to mains sewer, the Client was advised it was considerably closer to the site, therefore it is unfair that SC can sell sites that aren’t accessible to a local sewer without a cost prohibitive pump.

A mains connection option was considered once SC outlined the requirement, however after cost analysis the whole project became financially unviable, due to the requirement of a pumping package, 100m of adaptable standard pipework and potential costs for Deeds of Servitude from third party landowners.

Our Client is always willing to work with SC and although SUDS is not a requirement for single houses, SC local policies requested it, where the drawings & specification were revised to comply. They are a young family trying to build an affordable house, which would support the housing shortage within Shetland and enhance the area, contributing to the regeneration.

We look forward to receiving your response and in-the-mean-time, please feel free to contact us for any further information

Yours sincerely,



Andrew Mowat
Architectural Technician



PTARMIGAN
HOMES

premier
Estate Agents

Our Ref: CAR/R/1160225
Your Ref:

The Occupier
New Dwelling
Site 2
Strait
Mossbank
Shetland
ZE2 9RB

23 August 2017

**WATER ENVIRONMENT (CONTROLLED ACTIVITIES) (SCOTLAND) REGULATIONS 2011
("THE REGULATIONS")**

**NOTIFICATION OF REGISTRATION: DISCHARGE (SEWAGE)
REGISTRATION REFERENCE: CAR/R/1160225**

Further to your application received on 25 July 2017 for authorisation under regulation 7 of the Regulations, the Scottish Environment Protection Agency hereby notifies you that it has granted your application and has authorised the carrying on of the controlled activity specified below at the site specified below ("the Authorised Activity"), subject to the conditions specified below, from the date specified below, by registering the following particulars in the register maintained by it under regulation 37 of the Regulations.

Site Details

Site NEW DWELLING

Address or Location SITE 2
STRAIT
MOSSBANK
SHETLAND

Postcode ZE2 9RB

Authorised Activity

The discharge of sewage effluent from a treatment system serving the above property to enter an un-named watercourse via a partial soakaway at national grid reference HU 45008 75568.

Conditions of Authorisation

1. The discharge of sewage effluent shall be from a population equivalent not exceeding 7.

Cont'd/

2. Prior to discharge, the sewage effluent shall be treated by package treatment plant which is designed to produce an effluent of:

Mean quality not exceeding 5 milligrams per litre of ammoniacal nitrogen

3. Other than as specifically permitted or limited by any condition of this authorisation, the Authorised Activity shall not have a significant adverse impact on, or cause pollution of, the water environment.
4. The treatment system specified in Condition 2 above shall be operated and maintained in accordance with the manufacturer's or designer's recommendations, and in any event, shall be maintained in good working order.

Date of Authorisation

This authorisation will take effect from 23 August 2017.

Should you have any queries regarding this authorisation, please contact the Registry Department at the Dingwall office, Graesser House, Fodderty Way, Dingwall, IV15 9XB or telephone [REDACTED]

Notes

1. It is an offence under regulation 44(1)(c) of the Regulations to fail to comply with or contravene a registration (including any condition imposed).
2. If you are aggrieved by any of the terms and conditions attached to your registration you have a right of appeal to the Scottish Ministers under regulation 50(c) of the Regulations. The bringing of an appeal against a condition will not have the effect of suspending the operation of the condition. You may also appeal if you have been granted a form of authorisation which is different from the form of authorisation which you believe ought to have been granted, under regulation 50(b) of the Regulations. Any such appeal should be made in writing to the Scottish Ministers within 3 months of the date of registration. The detailed provisions for appeals are set out in Schedule 9 of the Regulations. Appeals should be sent to:

Directorate for Planning and Environmental Appeals, 4 The Courtyard, Callendar Business Park,
Callendar Road, Falkirk, FK1 1XR

Tel: [REDACTED]

Email: [REDACTED]

Andrew,

Just off the phone to him.

Local planning policy is to include SUDS even for single dwellings, whether it's a requirement or not under the Controlled Activities Regulations 2011. The rationale is that piecemeal development is the norm on Shetland and, as here, another house, or houses, could be build adjacent and using the same surface water system. Logically it makes sense and is hard to argue against albeit its legally probably unenforceable

I suggested the incorporation of a short (5m) length of French Drain into the surface water drainage system for the house and he agreed that would be acceptable. Can you do that ok??

Regards

Ian

From: Andrew Mowat [mailto: [REDACTED]]
Sent: 22 September 2017 11:06
To: Ian Corner < [REDACTED]>
Subject: K170215 Giblin - Drainage Proposals

Good morning Ian,

Building Control have responded to our drainage proposal for above:

'I would note that the amended plans do not provide for a SUDS device and the proposal is still contrary to Shetland Local Development Plan WD3. I would appreciate if you would look into this. It may be helpful to discuss this with the Council's Drainage Engineer, Colin Smith on [REDACTED]

I have sent them a copy of the drainage assessment with SEPA authorisation, however they are still insisting on SUDS.

Thanks,



Andrew Mowat
Architectural Technician

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W



Ptarmigan Homes Ltd | Castle House Fairways Business Park Inverness IV2 6AA | 01463 611050 | Company registered in Scotland (SC393327) | VAT 260 1532 43

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From: Barry Hardy [mailto: [REDACTED]]
Sent: 24 October 2017 15:50
To: Ian Corner < [REDACTED]>
Subject: RE: Shetland - HELP!

Ian,

The public sewer area does not extend to the development site which is approx 100m from the nearest sewer. Should you wish to connect to the public sewer you may do so but at your own expense. Should you wish those sections of the connecting pipework, out-with the curtilage of the new property, to be vested with Scottish Water (SW) you would need to design to our adoptable standard. You would need to make an approach via the connections team for details of this process and you would need to obtain Deed of Servitude from third party landowners to permit SW access to maintain the adopted sewer.

Please note SW will accept foul flows only from this development. If connecting flows to the public sewer can only be achieved by pumping, probably the cheapest solution would be to install a small package pump and locate within the curtilage of the property. The pump would remain a private asset and would not be maintained by SW.

I hope this goes some way to answering your questions. If I can be of further help please get in touch.

Regards

Barry

Barry Hardy
Asset Planner – North
WW Risk and Lifecycle Planning
Scottish Water
Henderson Drive
INVERNESS IV1 1TR
[REDACTED]

From: Ian Corner [REDACTED]
Sent: 23 October 2017 20:35
To: Barry Hardy
Subject: RE: Shetland - HELP!

Barry,

Thanks very much for getting back to me so promptly, it is much appreciated.

The NGR for the site is HU44993 75548 and I've attached a site and location plan to help find the site. Any comments you may wish to make about the fact any connection could only be achieved by pumping, i.e. what section would remain private, etc. or indeed any other positive or negative comment you wish to make would be much appreciated.

Regards

Ian Corner

From: Barry Hardy ([REDACTED])
Sent: 23 October 2017 09:40
To: Ian Corner ([REDACTED])
Cc: Ian Corner ([REDACTED])
Subject: RE: Shetland - HELP!

Hi Ian,

I am currently Asset Planner for Shetland. I would consider a small headroom of up to seven houses available capacity at Hamarsgarth Mossbank ST subject to confirmation. Can you confirm the NGR for this development?

Kind regards

Barry

Barry Hardy
 Asset Planner – North
 WW Risk and Lifecycle Planning
 Scottish Water
 Henderson Drive
 INVERNESS IV1 1TR
 Mob [REDACTED]
 [REDACTED]

From: Kevin Clifton
Sent: 23 October 2017 09:03
To: Barry Hardy ([REDACTED])
Cc: Ian Corner ([REDACTED])
Subject: FW: Shetland - HELP!

Hi Barry,

As planner for Shetland can you provide a response in connection with the email below regarding asset capacity.

Regards
 Kevin Clifton
 Asset Planner
 North Waste Water Risk and Lifecycle Planning
 Strategic Customer Service Planning
 Mobile [REDACTED]

From: Ian Corner ([REDACTED])
Sent: 18 October 2017 15:25
To: Kevin Clifton
Subject: Shetland - HELP!

Kevin,

Assuming you're still acting as an Asset Planner (it's been a while since last I contacted you) I was wondering whether you may be able to help with a problem that a client of ours is having with Shetland Council's planning department.

Basically we have a client who wants to build a single house at a place called Mossbank on Shetland. The village is served by a SW public sewer and s.t. (Hamarsgarth S.T) which appears to have little, if any spare capacity, see attached Asset Capacity search outcome.

The planner is basically insisting that the client, no matter the cost, connect to the public sewer. SEPA has already been provided with costs that show that such a connection is excessive for a single dwelling and have granted a discharge Registration for a discharge from a private sewage treatment plant to a watercourse that flows through the site. The planner has stated categorically that this doesn't matter and that planning policy does not take account of the cost of connection.

To try to take this forward it would be a great help if we could ascertain from SW just whether there is any spare capacity in the public s.t. to actually accept the flow from a single dwelling and, also, if possible, to ascertain what the total spare capacity is of the s.t., i.e. how many properties could connect?

I doubt that Shetland is in your domain but I was hoping you may be able to facilitate a response from whatever Asset Planner deals with Shetland. I know the route should be via Customer Connections but time is of the essence and I just know that submitting a PDE will not elicit the information we really need, i.e. existing spare capacity of the S.T. Is this something you could help us with? You know I'm only asking because we are at the end of our tether – no-one could have foreseen the planners response at such a late stage in the process, especially after obtaining the relevant Registration from SEPA. Any assistance would be greatly appreciated.

Regards

Ian Corner
JIG Ltd



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Scottish Water

www.scottishwater.co.uk

Section 8. Representations/Hearing Statements

Date of Local Review Body meeting 10/04/2018

Holden John@Development Management

From: Alison Foyle <dcc.alison@btinternet.com>
Sent: 24 February 2018 14:23
To: Holden John@Development Management
Subject: 2017/247/AMSC - LR31
Attachments: Plan app comment 2018-02-10.doc

Dear Mr Holden,

Please see a letter attached from Delting Community Council with regards to 2017/247/AMSC – LR31. The original letter will be sent in the post to you.

Yours sincerely,

Alison Foyle.

Alison Foyle, Clerk
Delting Community Council
Telephone: 01595 890213
E-mail: dcc.alison@btinternet.com

Delting Community Council

Chairman: Mr Alastair Cooper
Linga
MOSSBANK
Shetland
ZE2 9RB
01806 242468
E-mail: alastair.cooper@shetland.gov.uk

Clerk: Mrs Alison Foyle
Grace Dieu
SKELLISTER
Shetland
ZE2 9PP
01595 890213
E-mail: dcc.alison@btinternet.com

Date: 24th February 2018

File Ref: 2018/02/10

Local Review Body
c/o Planning Service
Development Services Department
c/o Train Shetland
North Gremista Industrial Estate
Lerwick
Shetland
ZE1 0PX

Dear Mr Holden

2017/247/AMSC – LR31

Delting Community Council held their monthly meeting recently and Members fully support this appeal. It is ridiculous that the SIC sold a site and did not make the applicant aware of the sewer connection issue and the huge costs associated with this. Given the distance to connect to the sewer, they will need to cut the public highway twice and put in 2 pumps. Members think this is unbelievable.

Yours sincerely

Alison Foyle (Mrs)
Clerk

