Shetland Islands Council

Executive Manager: Jan-Robert Riise
Director of Corporate Services: Christine Ferguson

Governance & Law
Corporate Services Department
Montfield
Burgh Road
Lerwick
Shetland, ZE1 0LA

Telephone: 01595 744550
Fax: 01595 744585
committee.services@shetland.gov.uk
www.shetland.gov.uk

If calling please ask for
Louise Adamson
Direct Dial: 01595 744555
Email: louise.adamson@shetland.gov.uk

Date: 3 September 2018

Dear Sir/Madam

You are invited to the following meeting:

Reconvened Planning Committee
Council Chamber, Town Hall, Lerwick
Tuesday 11 September 2018 at 3pm

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.

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: 2018/027/PPF – LR34 - Single storey extension to north and east elevations: Ivy Cottage, Hoswick, Sandwick, Shetland, ZE2 9HL.

Shetland Islands Council

Agenda Item

1

Meeting(s):	Planning Committee (sitting as Local Review Body)	3 September 2018
Report Title:	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: 2018/027/PPF – LR34 - Single storey extension to north and east elevations: Ivy Cottage, Hoswick, Sandwick, Shetland, ZE2 9HL (Planning Application Ref. 2018/027/PPF).	
Reference Number:	2018/027/PPF – LR34	
Author / Job Title:	John Holden – Team Leader, Development Management	

1.0 Decisions / Action required:

1.1 Review the decision on an application for planning permission for a local development that has been taken by an officer (the appointed person) under the Planning Scheme of Delegations in terms of Sections 43A(8) to (16) of the Town and Country Planning Scotland Act 1997 (as amended), and in so doing:

1) Decide as a preliminary matter the procedure to be followed and, in particular, (a) whether to determine the review on the basis of the papers before them without further procedure, or to hold a public hearing, and (b) whether to undertake a site visit (either accompanied or unaccompanied) or other procedure and, where a site visit is to be undertaken, whether to adjourn for that purpose before hearing evidence.

2) After all relevant evidence and submissions have been received and considered, determine whether to uphold, reverse or vary the decision under review, giving reasons for the Local Review Body's decision by reference to the relevant sections of the development plan and any other material considerations to which they had regard in determining the application.

2.0 High Level Summary:

2.1 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.

2.2 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 except as regards the method of 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 to review these decisions instead.

2.3 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.

2.4 The Council as planning authority has received a notification of review in respect of a planning application for proposed development described as “Single storey extension to north and east elevations: Ivy Cottage, Hoswick, Sandwick, Shetland, ZE2 9HL” (Planning Application Ref. 2018/027/PPF).”

2.5 The proposal was found by the appointed person to be unacceptable when considered against the policies contained within the Shetland Local Development Plan (2014), and refusal of permission by them was given, reason being “The proposed development would be a significant addition to the principal elevation of a traditional dwelling. Based on the proposed 'modernist' design, scale of the proposal and prominent siting, the proposal would appear incongruous with, and detrimentally effect the distinctiveness and character of the area, and detract from Hoswick's local identity. The submitted amendments have not resolved these concerns and whilst an exception to Shetland Local Development Plan Policy WD3 can be afforded because there is likely to be no flood risk associated with there being a lack of SUDS, the proposal is contrary to Shetland Local Development Plan 2014 Policies GP2 and GP3.”

3.0 Corporate Priorities and Joint Working:

3.1 A decision made on the review that accords with the development plan and any other material considerations would contribute directly to the Single Outcome Agreement through the outcome that we live in well designed, sustainable places.

4.0 Key Issues:

4.1 Review proceedings require to follow the provisions of the Town and Country Planning (Schemes of Delegation and Local Review Procedure)(Scotland) Regulations 2013. Those regulations allow the Local Review Body a certain amount of discretion in determining its procedure. If the Review Body considers that the review documents before it provide sufficient information to enable it to determine the review, the Review Body may determine the review without further procedure. Otherwise the Review Body may require further representations or information by means of either written submissions, or holding one or more hearing sessions, or a site visit, or a combination of any of these methods. The procedure by which the case is to be reviewed however should be confirmed by the Review Body before proceeding to consider evidence.

4.2 The necessary administrative steps and intimations have been made to allow the present meeting to proceed as a hearing session. However, the Review Body may still determine the review on the basis of the review documents as outlined above if it sees fit. 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 for that purpose before hearing evidence. If the site visit process is adopted only those members of the 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.

4.3 In respect of review in this case the applicant has indicated that in the event the Review Body decides to have a site visit, that 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 decides to make an unaccompanied site visit the applicant is to be informed of the proposal. Where the Review Body decides 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 nor any interested party is permitted to address the Review Body on the merits of the review during an accompanied site visit.

4.4 Where a decision has been taken that the review is to follow the public hearing procedure, the Review Body is 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.

4.5 Such hearing sessions are usually 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. Persons entitled to appear have been informed that they will each be given a maximum of 5 minutes.

4.6 The Hearing Session Rules prescribe that the hearing shall take the form of a discussion led by the Review Body and cross-examination shall not be permitted unless the 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 Review Body consider it to be irrelevant or repetitious. The Review Body may also refuse to permit the cross-examination of persons giving evidence, or the presentation of any matter where it similarly considers them to be irrelevant or repetitious.

4.7 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.

4.8 In making a decision, as well as having regard to the review documents, and, in the case of a public hearing, any hearing statements served, the Review Body needs to take into consideration any new evidence which is material (a planning consideration) to the determination of the review that it finds through conducting any further procedure of a site visit and/or public hearing. The Review Body needs also to be minded that the application must be individually decided on its merits, and be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise.

4.9 The Local Review Body then needs to give notice of its decision, which can be to uphold, reverse or vary the decision under review, in accordance with The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013, giving reasons for its determination by reference to the relevant provisions of the development plan and any other material considerations to which it had regard in determining the application. Where relevant, the decision notice the Local

Review Body resolves to issue shall: 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.
5.0 Exempt and/or confidential information:
5.1 None.

6.0 Implications :	
6.1 Service Users, Patients and Communities:	None.
6.2 Human Resources and Organisational Development:	None.
6.3 Equality, Diversity and Human Rights:	None.
6.4 Legal:	The Town and Country Planning (Scotland) Act 1997 (as amended) permits appeals against the decision of the Local Review Body to the Court of Session, but only on the grounds of legal or procedural error, not on the merits of the planning application. Decisions of the Local Review Body may also be subject to judicial review.
6.5 Finance:	None.
6.6 Assets and Property:	None.
6.7 ICT and new technologies:	None.
6.8 Environmental:	There are no adverse environmental impacts arising from this report.
6.9 Risk Management:	If Members are minded to approve the application, it is imperative that clear reasons for proposing the approval of planning permission contrary to the development plan policy and the Appointed Person's decision be given and minuted. This is in order to provide clarity in the case of a subsequent judicial review against the Local Review Body's decision. Failure to give clear planning reasons for the decision could lead to the

	decision being overturned or quashed. In addition, an award of costs could be made against the Council. This could be on the basis that it is not possible to mount a reasonable defence of the Council's decision.	
6.10 Policy and Delegated Authority:	The application is for planning permission made under the terms of the Town and Country Planning (Scotland) Act 1997. As an appeal has been lodged against the decision taken by the Appointed Person on the proposal that is classed as Local Development, the decision to review the decision is delegated to the Planning Committee sitting as the Local Review Body under the Planning Scheme of Delegations that has been approved by the Scottish Ministers.	
6.11 Previously considered by:	Not previously considered.	

Contact Details:
John Holden, Team Leader – Development Management, Development Services
john.holden@shetland.gov.uk
Report written: 27 August 2018

Appendices:
Local Review documentation

Background Documents: Shetland Local Development Plan (2014)

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: 2018/027/PPF

Single storey extension to north and east elevations

Ivy Cottage

Hoswick

Sandwick

By Colin Dalziel

Contents Page

Section 1.

Planning Submission – 2018/027/PPF

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 100082592-001

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.

Description of Proposal

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

Proposal seeks to create a new single storey extension to the existing Ivy Cottage dwellinghouse , which incorporates a new entrance and a new master bedroom with en-suite.

Is this a temporary permission? * ☐ Yes ☒ No

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

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:	Richard Gibson Architects Ltd.		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Marc	Building Name:	
Last Name: *	Williamson	Building Number:	72a
Telephone Number: *	[redacted]	Address 1 (Street): *	Commercial Street
Extension Number:		Address 2:	Lerwick
Mobile Number:		Town/City: *	Shetland
Fax Number:		Country: *	Shetland Islands
		Postcode: *	ZE1 0DL
Email Address: *	[redacted]		

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Ivy Cottage
First Name: *	Colin	Building Number:	
Last Name: *	Dalziel	Address 1 (Street): *	Hoswick
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Sandwick
Extension Number:		Country: *	Shetland
Mobile Number:		Postcode: *	ZE2 9HL
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority: Shetland Islands Council

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

Address 1: IVY COTTAGE

Address 2: STOVE

Address 3: SANDWICK

Address 4:

Address 5:

Town/City/Settlement: SHETLAND

Post Code: ZE2 9HL

Please identify/describe the location of the site or sites

Northing 1123787 Easting 441527

Pre-Application Discussion

Have you discussed your proposal with the planning authority? * ☐ Yes ☒ No

Site Area

Please state the site area: 227.00

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)

Current use is a private dwellinghouse which includes the following accommodation: - open living / dining room with 2 bedrooms on first floor (in main house) - rear lean-to extension houses a kitchen, shower room, services cupboard.

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? 2

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)? * 2

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

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)

Provision for this is already existing on site.

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? * ☐ Yes ☒ No

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? * ☐ Yes ☒ No

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

Do you have any agricultural tenants? * ☐ Yes ☒ No

Are you able to identify and give appropriate notice to ALL the other owners? * ☒ Yes ☐ No

Certificate Required

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

Certificate B

Land Ownership Certificate

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

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] 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;

or –

(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner [Note 4] of any part of the land to which the application relates.

Name:	Mr John Flaws
Address:	Northlea, Swinister , Sandwick, Shetland , ZE2 9HH
Date of Service of Notice: *	01/02/2018

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

or –

(2) - The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have/the applicant has served notice on every person other than myself/himself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. These persons are:

Name:	
Address:	
Date of Service of Notice: *	

Signed:	Marc Williamson
On behalf of:	Mr Colin Dalziel
Date:	30/01/2018

☒ 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 principal 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 Marc Williamson

Declaration Date: 05/02/2018

Payment Details

Cheque: Mr Colin W Dalziel & Mrs Agnes D Dalziel , 000119

Created: 05/02/2018 10:41

From: Marc Williamson
Sent: Fri, 9 Feb 2018 12:34:18 +0000
To: Bryant Marion@Development Management
Subject: 947-1-2mwEM180209 2018/027/PPF Revised Land Ownership Certificate

Hi Marion,

Validation of Planning Application 2018/027/PPF

Following my meeting with planners this morning in relation to the above application, please not that the initial land ownership certificate for this application has now changed.

All land for this planning application is owned by the applicant, and no part of land relating to the application is owned by Mr John Flaws as originally stated. Please ensure this is update in line with the revised application.

Regards,

Marc

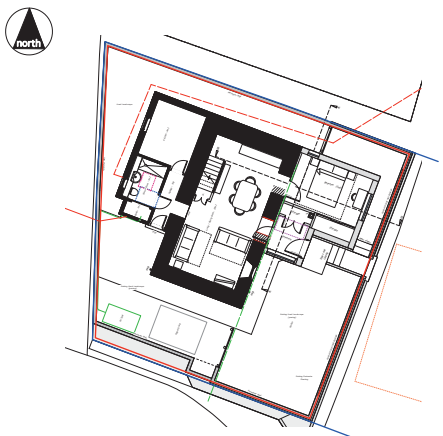
Marc Williamson | Architect | ARB, RIBA, RIAS

for **Richard Gibson Architects Ltd**

72a commercial street | lerwick | shetland | ZE1 0DL

[redacted]

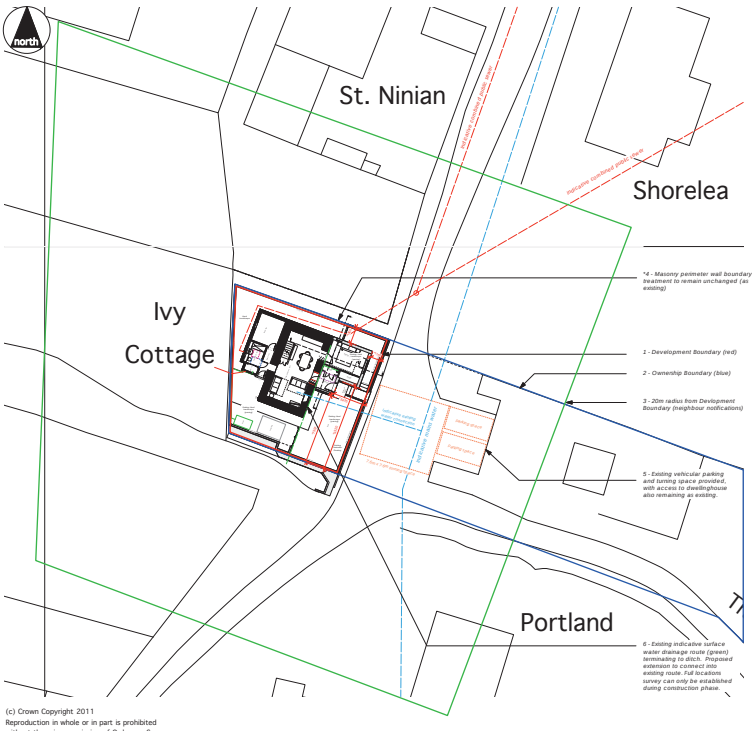
Location Plan - Scale 1:1250



Proposed Plan / 1:100

0 5 10

Proposed Site Plan - Scale 1:200



Proposed Section AA / 1:100

0 5 10

Proposed Section BB / 1:100

0 5 10

NOTES :
1 - Devlopment boundary
2 - Ownership boundary
3 - Neighbour notification boundary
*4 - Boundary treatment
5 - Existing vehicular parking / turning provision provided
6 - Existing surface water drainage + proposed connection

AREAS :
Ground floor gross internal floor area:
Existing Ground floor / 74m2
*Proposed Extension / 8m2

Total/ 82m2

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

TEAM LEADER DEVELOPMENT MANAGEMENT
02 July 2018

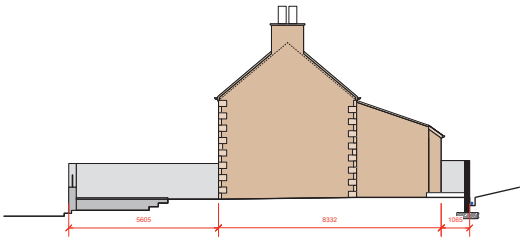
B / 180327 / Proposed site plan design + annotations revised, Proposed Plan amended, Proposed Section AA amended.
A / 180208 / Development lines amended to all plans, Proposed site plan, annotations revised, Proposed Plan amended along with roof point.
REV / DATE / REVISION

FULL PLANNING

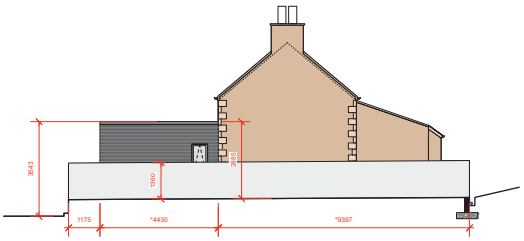
Project **Proposed New Extension to Ivy Cottage**
Hoswick,
Shetland

Drawing Existing + Proposed Plans / Proposed Sections
Scale As shown Jan 18 **RGA 947(FPP)02B**

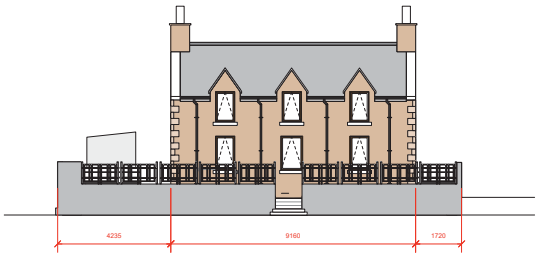
Richard Gibson Architects
Ltd Co. 72a Commercial Street Lerwick Shetland ZE1 0DL
t: 01595 695300 f: 01595 694117 e: mail@rg-architects.com www.rg-architects.com



Existing North Elevation / 1:100

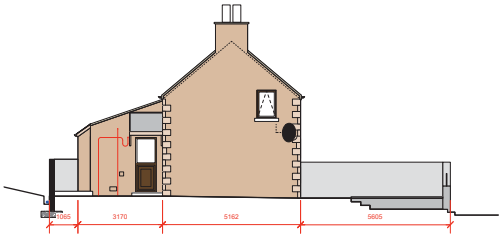


Proposed North Elevation / 1:100

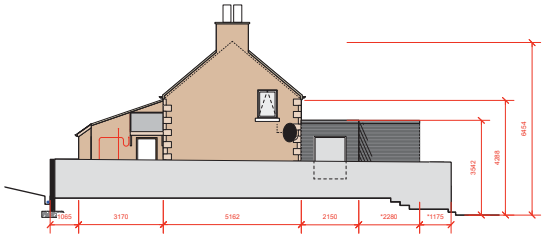


Existing East Elevation / 1:100

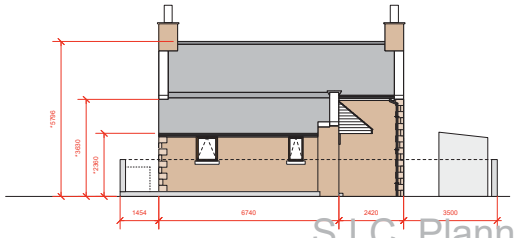
Proposed East Elevation / 1:100



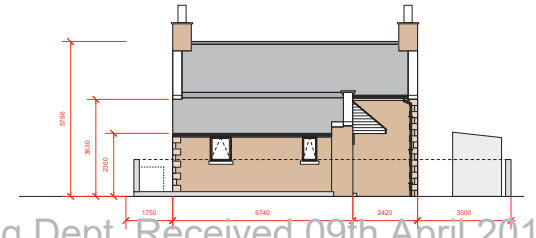
*Existing South Elevation / 1:100



*Proposed South Elevation / 1:100



Existing West Elevation / 1:100



Proposed West Elevation / 1:100

EXISTING FINISHES :
Walls / coloured harl render finish
Roof / Cement tiles - colour / ark grey
Windows / timber framed double glazed - colour / brown
Doors / timber framed locally made - colour / brown
Rainwater goods / uPVC down pipes - colour / black

***PROPOSED FINISHES (EXTENSION):**
Flat roof / single ply membrane - colour / grey
Cladding / Cedral weatherboard - colour / slate grey
Windows / Upvc framed double glazed - colour / white
Doors / timber framed - colour / light blue (NCS S1040-R80B)
Underbuilding / masonry walls with smooth plaster - colour / self coloured grey
Boundaries / existing block and render walls

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

TEAM LEADER DEVELOPMENT MANAGEMENT

02 July 2018

0 5 10

B / 180327 / Proposed elevations updated; Existing and proposed materials added/updated.
A / 180209 / Existing and proposed elevations updated; Existing and proposed materials added/updated.
REV / DATE / REVISION

FULL PLANNING

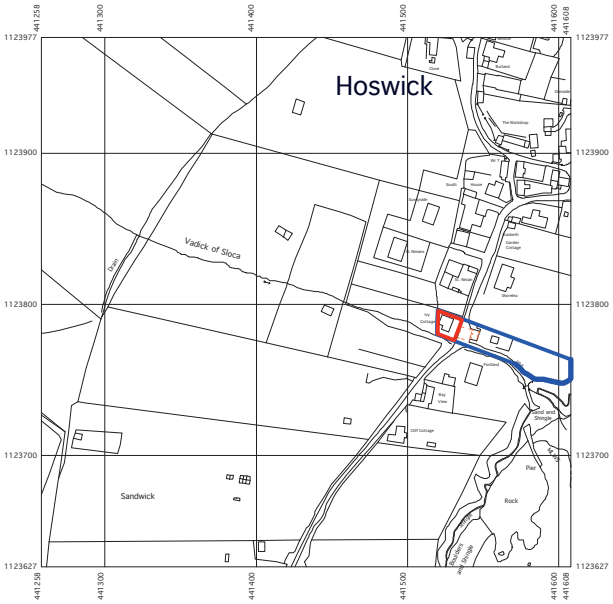
Project **Proposed New Extension to Ivy Cottage Hoswick, Shetland**

Drawing Existing / Proposed Elevations
Scale As shown Jan 18 **RGA 947(FPP)03B**

Richard Gibson Architects
Ltd Co. 72a Commercial Street Lerwick Shetland ZE1 0DL
t: 01595 695000 f: 01595 694117 e: mail@rg-architects.com www.rg-architects.com

Location Plan - Scale 1:5000

north



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

TEAM LEADER DEVELOPMENT MANAGEMENT

02 July 2018

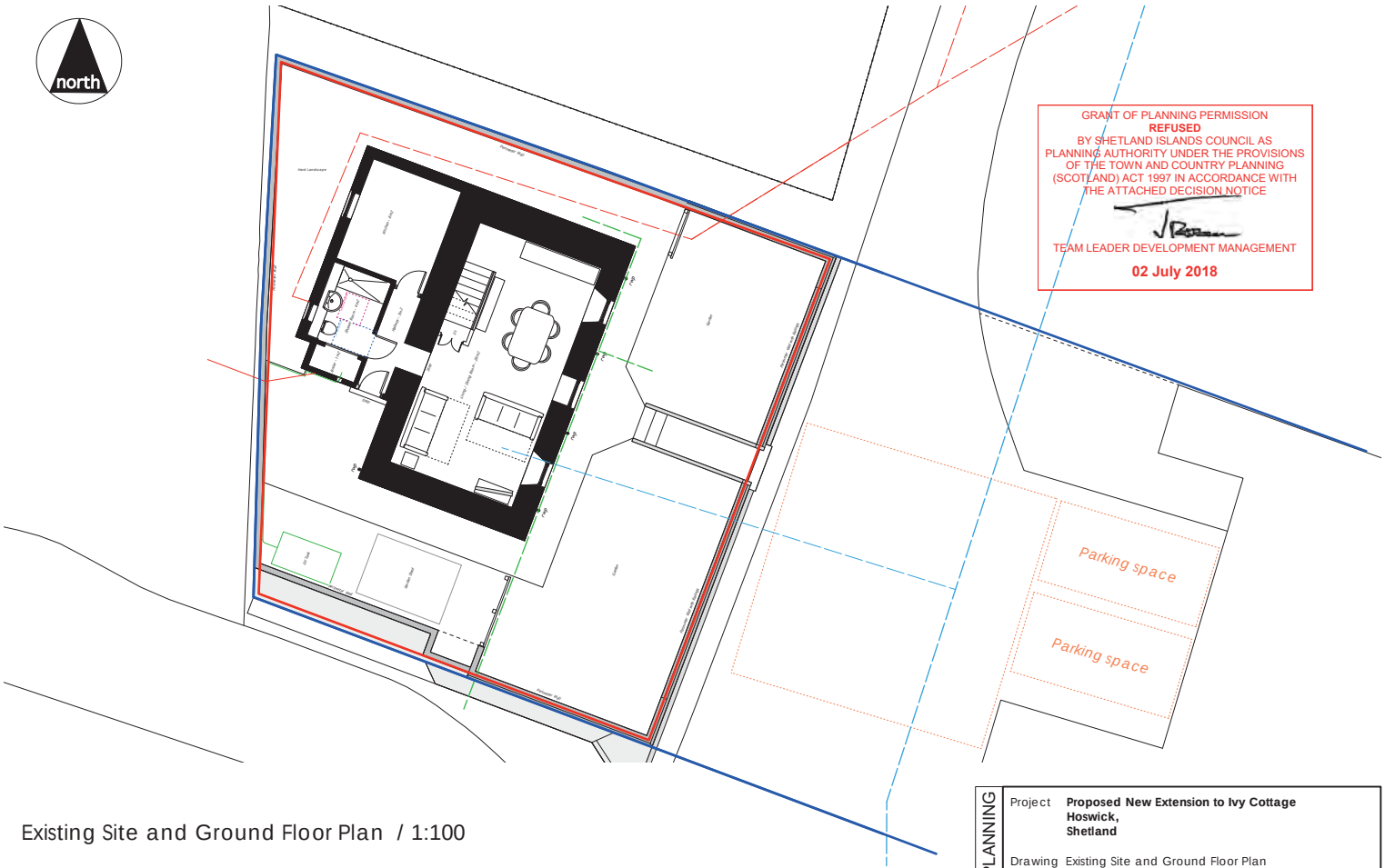
FULL PLANNING

A / 180209 / Land ownership / development bounary amended.
REV / DATE / REVISION

Proposed New Extension to Ivy Cottage Hoswick, Shetland

Drawing Location Pan
Scale 1:5000
Date Jan18
RGA 947(FPP)01A

Richard Gibson Architects
Ltd Co. 72a Commercial Street Lerwick Shetland ZE1 0DL
t: 01595 695000 e: mail@rg-architects.com www.rg-architects.com



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

TEAM LEADER DEVELOPMENT MANAGEMENT

02 July 2018

Existing Site and Ground Floor Plan / 1:100

0 5 10

FULL PLANNING

Project **Proposed New Extension to Ivy Cottage Hoswick, Shetland**

Drawing Existing Site and Ground Floor Plan
Scale 1:100 Feb 18 **RGA 947(FPP)04**

Richard Gibson Architects
Ltd Co. 72a Commercial Street Lerwick Shetland ZE1 0DL
t: 01595 695000 e: mail@rg-architects.com www.rg-architects.com

Proposal to extend Ivy Cottage, Hoswick, Sandwick, Shetland
Design development and justification for current proposal dated 17.4.18.
Planning Ref: 2018/027/PPF

The requirement: The applicants spend most of their time in their home following retirement. They both have on-going physical mobility issues and are receiving medical treatment for this. They wish to improve their long term home to improve access within their small, traditional two-storey Shetland house. The only bedrooms are on the upper floor via a steep, narrow staircase. The toilet, shower and kitchen are also on a on a different level to the living area via a step and narrow doorway. Therefore, they wish to build a new double bedroom and en suite WC & shower on the same level as the living area, and improve access within the house where possible.

As requested, the following reiterates what has already been explained in our various correspondences on this application:

1.0 Site & Boundary restrictions

The house is restricted on all boundaries in terms of space to extend as follows:

1.1 To the rear (West):
Has approx. 1m width between house & boundary; a steep hill behind with field ditches running immediately behind the boundary wall; Breaching this boundary to extend would incur significant cost to a) purchase b) excavate into the hill + tipping charges off site c) diverting field ditches d) use of more complex retaining wall construction to either boundary wall or extension walls. Extending here is simply not viable for the applicant.

1.2 To the South:
Although having approx. 3m width, this is barely enough to achieve an average size double bedroom after including depth of external wall construction and complex foundation integration with existing concrete water defenses.
There is a significant watercourse that runs hard against the applicant's boundary wall, which has been bolstered up with heavy concrete construction over the years. This adds complexity and cost if trying to incorporate new foundations for an extension.

1.3 To the North:
Has approx.1.8m width between house and boundary. This would be the easier and preferred side for extending, subject to purchasing more land. Following enquiry with the adjoining landowner, they are willing to sell their 3m strip of land on basis that this access to the field beyond is somehow replaced elsewhere. The only option to achieve this is to also buy some of the land beyond, however the owner is unwilling to sell. Extending here is not viable for the applicant.

1.4 To the front (East):
Has the most available space to extend however it is the 'Principal Elevation' which has further limitation of development, hence our being asked to provide this document. This is the elevation which has been developed due to the issues highlighted above for the other sides of the house.

2.0 Design Development

2.1 The south and north elevations have been identified as being most developable in item 1.0 above. Having carefully considered variations (demonstrated in section 4.0 Designs 1,2,3 & 4) for the design & layout of extending off the **south elevation/ end** we discarded this approach due to the following issues:

2.1.1 Space restrictions explained in items 1.1 & 1.2 above.

2.1.2 Any extension on the south side of the house was considered obstructive to the original house and its southerly aspect, as caused unwanted shading and overshadowing of existing house windows.

2.1.3 Any new circulation spaces required to serve a south gable extension would close-off existing and potentially new window openings to the ground floor living area. This left the Sitting room in particular with no direct day-lighting, of window which contravenes Building Regulations.

2.1.4 The applicant wished to retain their current entrance, which is at the rear of the house, regardless of whether a new design provided a new second entrance. This was for improved fire escape to the house with two external doors. Extending on the south gable became difficult to achieve this due to the restricted space to the rear of the building.

2.1.5 Extending off the south gable would require removal and relocation of the existing garden shed and associated underground pipework. Besides the added expense of the relocation, there is little convenient space to relocate it to, which may even require planning permission.

2.1.6 The preferred approach of locating an extension purley to the gable side of the main house is not possible as the available width is insufficient to achieve the applicant's main aim of a new ground floor, wheel chair accessible bedroom.

2.1.7 We therefore considered the bedroom location off the south east corner of the house where there was more space. This was deemed unsuitable due to item 2.1.2 above, and clearly had a detrimental effect on the original house's appearance.

2.1.8 All of the options considered for extending off the south gable required circulation through the original house at the living room end. This was the most detrimental to the continued usefulness of the existing Sitting room. By turning the window into a door, the already small sitting room became a corridor. It is considered more appropriate and efficient to use the other end of the ground floor which already serves as circulation to the stair.

3.0 Current proposals

3.1 Having carefully considered variations for the design & layout of extending off the **East & North elevations/ end** (demonstrated in section 4.0 Designs 5,6 & 7), we consider this approach most appropriate for this building, as justified below:

3.1.1 The current proposal has developed into being a smaller and less impactful addition to the original house when taking into consideration the southerly aspects (see comment in 2.1.2 above).

3.1.2 Access to the proposed extension utilizes the existing window to the dining room. Circulation to this new door way also utilizes existing circulation way to the stairs. Circulation is a significant consideration when dealing with houses with very small internal floor space.

3.1.3 The new porch provides a larger porch to the existing one and closer to the applicant's drive which is at the other side of the public road. Access between the new porch and main house is achieved by reinstating the original doorway to the house, via the ground floor central window.

3.1.4 The existing Sitting room has been left unchanged by this proposal in that no windows or day-lighting have been reduced, and there is no need for new circulation to pass through the room.

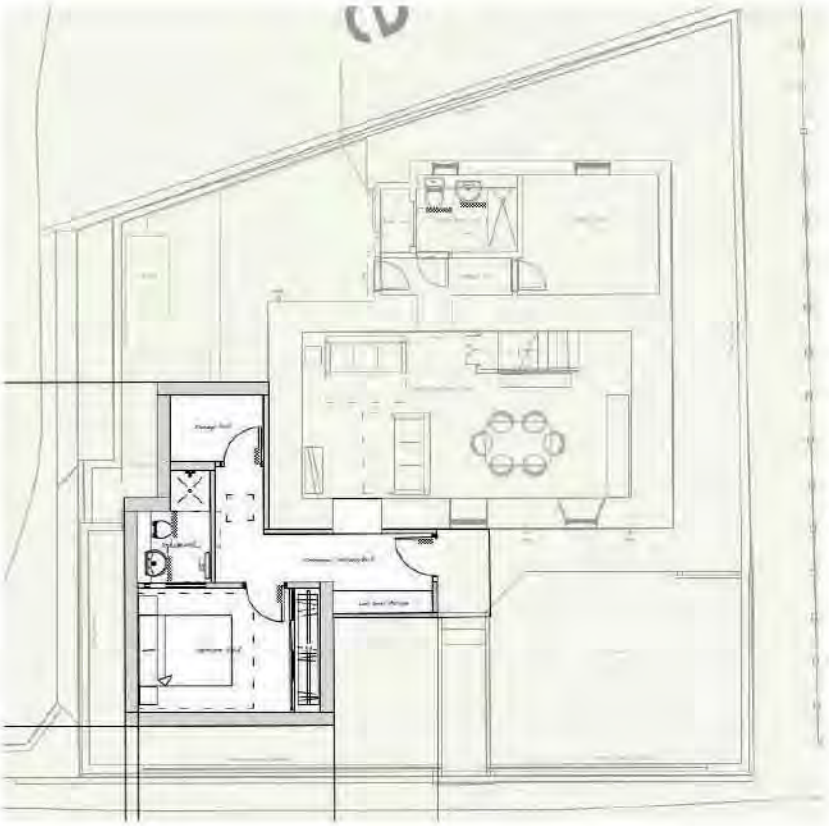
3.1.5 The narrow space available on the North elevation has been utilized to provide the applicant's other main aim of an accessible en suite WC & Shower room. This avoids their having to continue to use the existing WC which is at the opposite side of the house, via very narrow door and step, both of which restrict 'accessible' movement for people with mobility issues such as the applicants.

3.1.6 Windows openings to the extension have already been modified inline with suggestions from the Planning Officer. Whilst we have managed to accommodate their suggestion of horizontal openings, it should be appreciated that we also have to factor-in minimum opening area for day-lighting and natural ventilation. We have minimized opening on boundary walls due to cost and complexity of having to use fire rated, unopenable windows.

3.1.7 A flat roof is proposed for practical reasons of maintaining all of the existing windows to the upper floor rooms, and therefore preserving the character of the 'Principal Elevation' as much as possible. The extension has a modern and simplistic appearance, which is often a more honest approach than trying to incorporate sympathetically pitched roofs that are not practical, can create new issues and look architecturally poor.

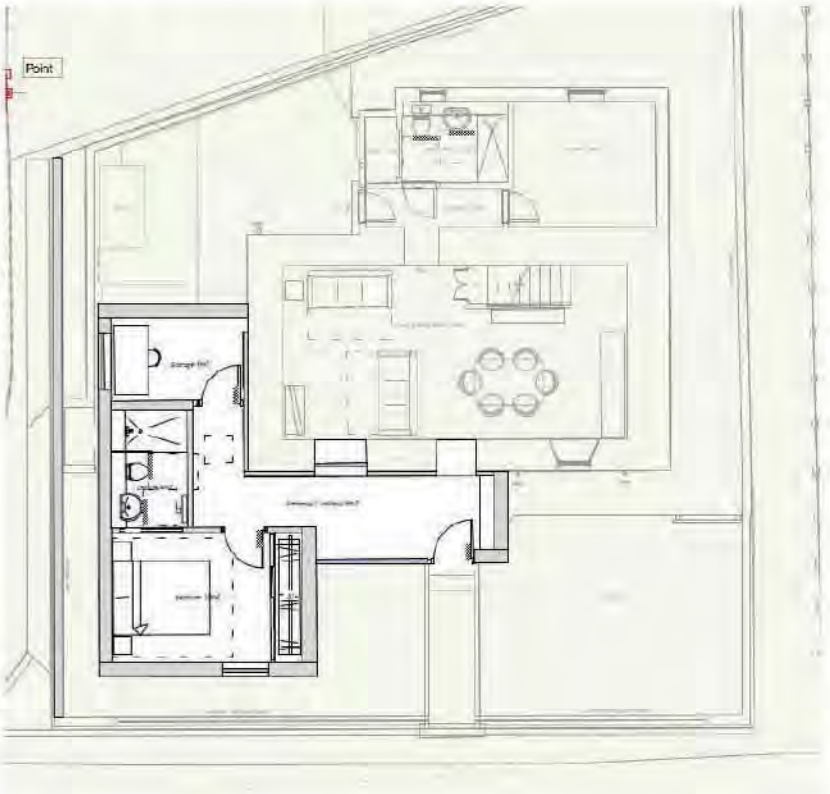
4.0 Design Development layouts (Indicative only and not to scale).

Design 1



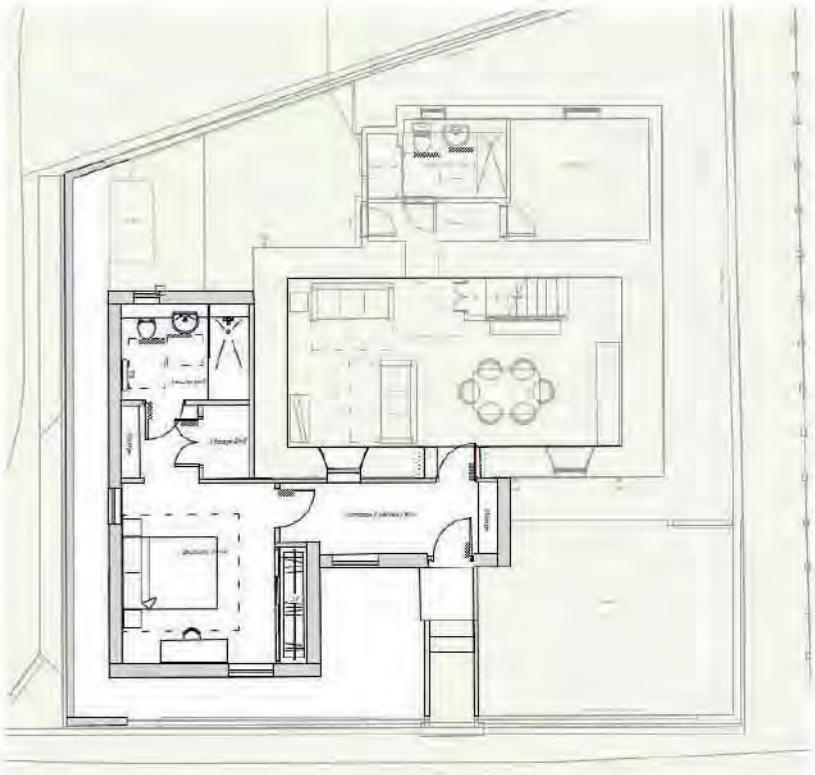
Comment:
✗ Large extension area with much higher amount of circulation space - a less efficient design.
✓Req'd new bedroom and WC on same level.
✗ Restricts access to existing rear door entry.
✗ Sitting room suffers by lose of only window and daylighting, as becomes door way to link house to extension.
✗ Sitting room is ruined by access to extension.
✗ Obscures southerly aspect of main house.
✗ Requires more complex & costly foundation design next to reinforced wall to burn side.

Design 2



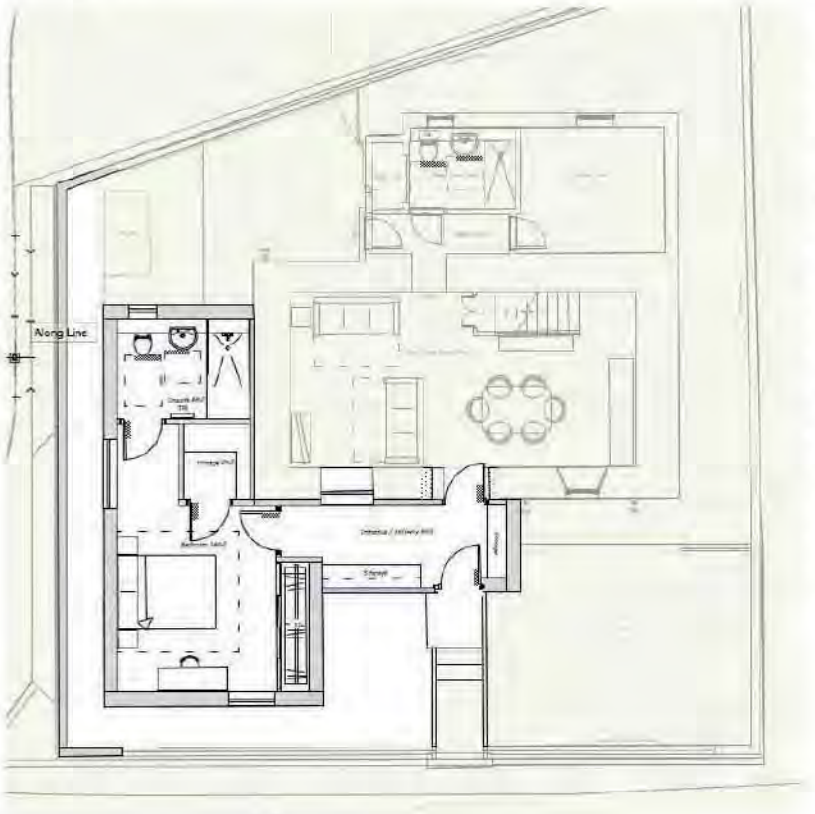
Comment:
Variation on design 1.
✓Even larger floor area with new entrance porch included to avoid passing through Sittingroom.
✓A larger more usable room added to rear.
Req'd new bedroom and WC on same level.
✗ Restricts access to existing rear door entry.
✗ Sitting room suffers by loss of only window and daylighting.
✗ Obscures southerly aspect of main house.
✗ Requires more complex & costly foundation design next to reinforced wall to burn side.

Design 3



Comment:
✓An enlargement on Designs 1 & 2 to provide more storage as requested by the client.
✓Req'd new bedroom and WC on same level.
✗ Restricts access to existing rear door entry.
✗ Sitting room suffers by loss of only window and daylighting.
✗ Obscures southerly aspect of main house.
✗ Requires more complex & costly foundation design next to reinforced wall to burn side.

Design 4

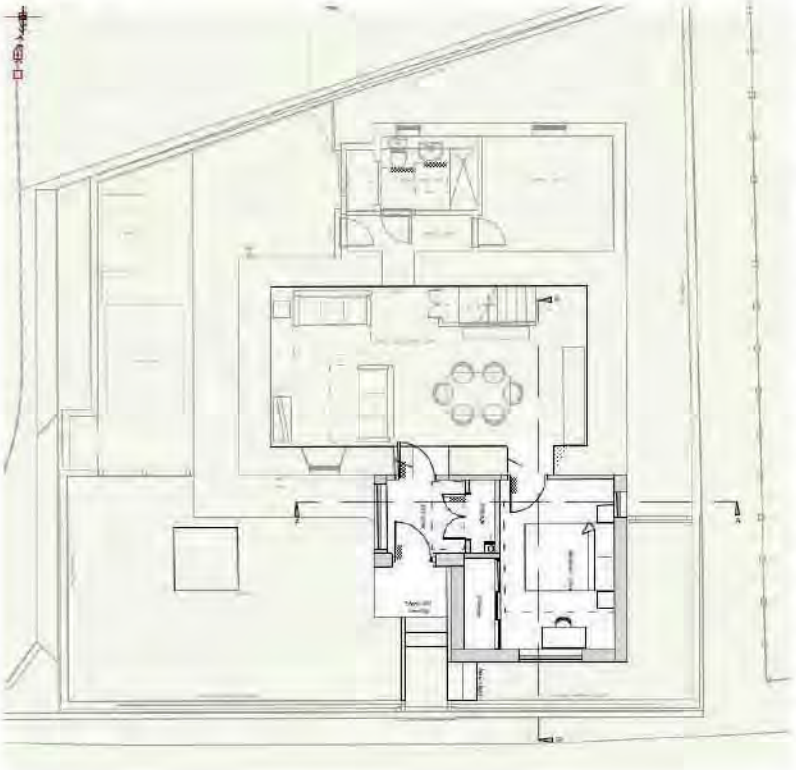


Comment:
A slight enlargement on
✓Designs 3 to provide more storage in the porch.
✓Req'd new bedroom and WC on same level.
✗ Restricts access to existing rear door entry.
✗ Sitting room suffers by loss of only window and daylighting.
✗ Obscures southerly aspect of main house.
✗ Requires more complex & costly foundation design next to reinforced wall to burn side.

Design 5

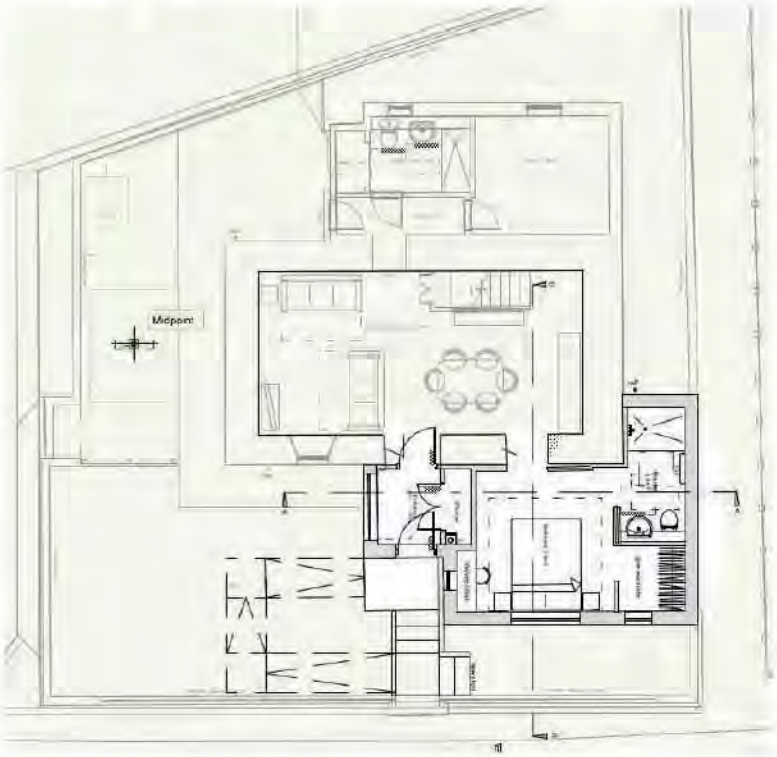
Comment:
✓New location to north end of house to lessen impact on the southerly aspect of the house.
Overall size lessened to fit within more restricted space.
✓Req'd new bedroom and WC on same level.
✓Maintains access to existing rear door entry.
✓Maintains daylighting to Sitting room.
✓Maintains full use of Sittingroom as a room and utilizes existing circulation within the diningroom.
✓Requires normal foundation design.
This design was the first to be submitted for Planning approval.

Design 6



Comment:
Variation on Design 5, lessened in area as suggested by Planning.
✓Maintains access to existing rear door entry.
✓Maintains daylighting to Sitting room.
✓Maintains full use of Sittingroom as a room and utilizes existing circulation within the diningroom.
✓Requires normal foundation design.
✗ Client has compromised their required ensuite WC next to the proposed bedroom.
✗ Difficult access remains from new Bedroom to existing WC on upper level (step) and narrow doorway.
This design submtd. As amendment to Planning.

Design 7 – Current Proposal



Comment:
Variation on Design 5.
✓Extension's protrusion from main house has been lessened in line with suggestion from Planning consultation.
✓The req'd ensuite has been added back to North gable following Planning consultation.
✓Req'd new bedroom and WC on same level.
✓Maintains access to existing rear door entry.
✓Maintains daylighting to Sitting room.
✓Maintains full use of Sittingroom as a room and utilizes existing circulation within the diningroom.
✓Requires normal foundation design.

Bryant Marion@Development Management

From: Hunter Dale@Development Management
Sent: 01 March 2018 15:36
To: [redacted]
Subject: FW: 2018/027/PPF - Ivy Cottage, Hoswick

Categories: Blue Category

Hi Marc,

Further to our discussions yesterday, if you are looking to submit a supporting statement with the issues that we discussed, you may want to look at addressing the other outstanding issue which we did not discuss. There is no proposed SUDS device with the new extension and the Drainage Engineers consultation response highlights the requirements. If you are looking for the application to be determined I would encourage you to look to resolve that aspect.

Kind 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: Hunter Dale@Development Management
Sent: 27 February 2018 14:41
To: [redacted]
Subject: FW: 2018/027/PPF - Ivy Cottage, Hoswick

Hi Marc,

Thanks for your call earlier. I have room available here at Train Shetland at 3.30pm tomorrow (Wednesday 28th).

Kind Regards
Dale

From: Hunter Dale@Development Management
Sent: 26 February 2018 11:52
To: [redacted]
Subject: 2018/027/PPF - Ivy Cottage, Hoswick

Hi Marc,

I have been allocated the above planning application and have some concerns about the proposed design. We are always wary about front extensions to traditional dwellinghouses given the potential effect on the character of the dwelling. While it is a constrained site, I would appreciate if you could consider other approaches to extending the

dwelling which have less effect on the traditional frontage. I'm more than happy to discuss this over the phone or arrange a meeting.

The consultation response from the Drainage Engineer highlighted that there are no proposed SUDS in the application. I would appreciate if you could look into this element as well.

Kind 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: Hunter Dale@Development Management
Sent: 7 Mar 2018 13:04:37 +0000
To: 'Marc Williamson'
Subject: RE: 2018/027/PPF - Ivy Cottage, Hoswick

Hi Marc,

No problem. No rush on our part because I can't make a recommendation before 23/03/2018 (statutory advertisement period).

Regards
Dale

From: Marc Williamson [redacted]
Sent: 07 March 2018 12:57
To: Hunter Dale@Development Management <Dale.Hunter@shetland.gov.uk>
Subject: Re: 2018/027/PPF - Ivy Cottage, Hoswick

Hi Dale,

Apologies for the delayed response, however we are only meeting with the client this Thursday, so I will be in touch after this meeting.

Regards,
Marc

> On 2 Mar 2018, at 12:13, dale.hunter@shetland.gov.uk wrote:
>
> Hi Marc,
>
> Thanks for the update.
>
> Regards
> Dale
>
> **From:** Marc Williamson [redacted]
> **Sent:** 02 March 2018 09:09
> **To:** Hunter Dale@Development Management <Dale.Hunter@shetland.gov.uk>
> **Subject:** Re: 2018/027/PPF - Ivy Cottage, Hoswick
>
> Morning Dale,
>
> I am meeting with the client today, and will be in touch soon after we know how they would like to proceed.
>
> Regards,

Marc

On 1 Mar 2018, at 15:36, dale.hunter@shetland.gov.uk wrote:

Hi Marc,

Further to our discussions yesterday, if you are looking to submit a supporting statement with the issues that we discussed, you may want to look at addressing the other outstanding issue which we did not discuss. There is no proposed SUDS device with the new extension and the Drainage Engineers consultation response highlights the requirements. If you are looking for the application to be determined I would encourage you to look to resolve that aspect.

Kind 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: Hunter Dale@Development Management
Sent: 27 February 2018 14:41
To: [redacted]
Subject: FW: 2018/027/PPF - Ivy Cottage, Hoswick

Hi Marc,

Thanks for your call earlier. I have room available here at Train Shetland at 3.30pm tomorrow (Wednesday 28th).

Kind Regards
Dale

From: Hunter Dale@Development Management
Sent: 26 February 2018 11:52
To: [redacted]
Subject: 2018/027/PPF - Ivy Cottage, Hoswick

Hi Marc,

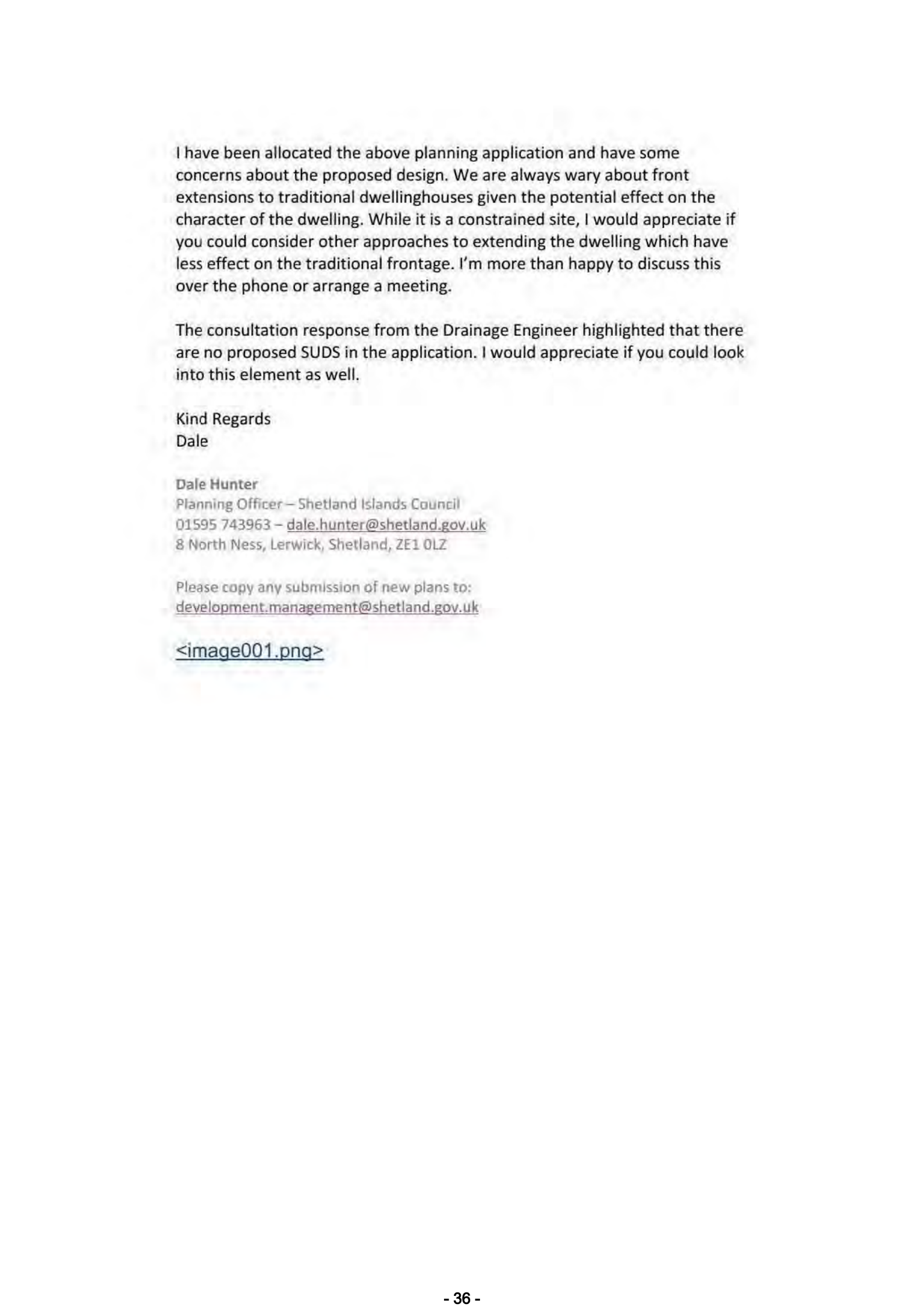
I have been allocated the above planning application and have some concerns about the proposed design. We are always wary about front extensions to traditional dwellinghouses given the potential effect on the character of the dwelling. While it is a constrained site, I would appreciate if you could consider other approaches to extending the dwelling which have less effect on the traditional frontage. I'm more than happy to discuss this over the phone or arrange a meeting.

The consultation response from the Drainage Engineer highlighted that there are no proposed SUDS in the application. I would appreciate if you could look into this element as well.

Kind 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: Marc Williamson
Sent: Wed, 14 Mar 2018 09:31:44 +0000
To: Development Management@Development
Subject: 947-4-1mwEM180314 Application reconsideration

Good morning,

Planning Application - 2018 / 027 / PPF

With reference to the above planning application, and the current recommendation for probable refusal, RGA would like some clarity for the reasons behind this, given that approval was given to a very similar project - Planning Reference: 2016 / 212 / PPF. This previous application proposes to erect a large two storey extension to the front (principle elevation) of the dwelling house.

There a number of similarities between this application and our current proposal which includes:

- both applications are to extend the principle elevation
- there is a similar architectural vernacular style between the existing buildings being extended
- both located in the same village (within approx. 100m from one another)
- both are hugely constrained in terms of available site space and boundaries
- the case officer is the same for both applications

As this application was grated planning permission and you are recommending the above planning application for refusal, please clarify how this decision was reached given the similarities listed above. We feel our current proposal has been designed for a specific need, i.e an extension for an ageing couple with mobility issues.

We consider our design the best solution possible given the constrains of the site and current house design, and is less of a visual intervention than that of application 2016 / 212/ PPF.

We believe our application should be reconsidered on this basis.

Please call to discuss this further.

Regards,

Marc

Marc Williamson | Architect | ARB, RIBA, RIAS

for **Richard Gibson Architects Ltd**

72a commercial street | lerwick | shetland | ZE1 0DL

From: Hunter Dale@Development Management
Sent: 20 Mar 2018 16:13:53 +0000
To: 'Marc Williamson'
Subject: FW: 947-4-1mwEM180314 Application reconsideration

Hi Marc,

Thanks for your call earlier and your email below. The meeting we had was very helpful in highlighting the areas of constraint within the site and I appreciate you laying them out for me.

You noted the application nearby at Southerhouse that I was also the case officer for and that it was for a front extension to a similar dwelling. That application is part of the context of the area and is part of the assessment but that in itself does not mean that the application should be approved.

Each application needs to be assessed separately but taking into account other development in the area. The site at Ivy Cottage is in a far more prominent position in relation to the main road than the site at Southerhouse. In this context, any proposed front or side extension would need to be unobtrusive and every effort made to move it away from the front elevation.

In terms of the modern style of the proposed extension, these can be appropriate for traditional dwellings where the extension is clearly distinguished from the original house and the extension is clearly 'subservient to the host property' – sited to the side or rear and not affecting how the original house is read. One way of ensuring that distinction between old and new is through horizontally emphasised windows on the modern extension rather than the vertically emphasised windows of the current proposal and existing house.

If the proposed extension can less prominent and more distinct from the original house I should be able to recommend approval.

There is also the SUDS issue that I raised in my last email to look into.

I hope this helps explain.

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

Scottish Awards for Quality in Planning 2017: Shortlisted

From: Marc Williamson [redacted]
Sent: 14 March 2018 09:32
To: Development Management@Development <development.management@shetland.gov.uk>
Subject: 947-4-1mwEM180314 Application reconsideration

Good morning,

Planning Application - 2018 / 027 / PPF

With reference to the above planning application, and the current recommendation for probable refusal, RGA would like some clarity for the reasons behind this, given that approval was given to a very similar project - Planning Reference: 2016 / 212 / PPF. This previous application proposes to erect a large two storey extension to the front (principle elevation) of the dwelling house.

There a number of similarities between this application and our current proposal which includes:

- both applications are to extend the principle elevation
- there is a similar architectural vernacular style between the existing buildings being extended
- both located in the same village (within approx. 100m from one another)
- both are hugely constrained in terms of available site space and boundaries
- the case officer is the same for both applications

As this application was grated planning permission and you are recommending the above planning application for refusal, please clarify how this decision was reached given the similarities listed above. We feel our current proposal has been designed for a specific need, i.e an extension for an ageing couple with mobility issues.

We consider our design the best solution possible given the constrains of the site and current house design, and is less of a visual intervention than that of application 2016 / 212/ PPF.

We believe our application should be reconsidered on this basis.

Please call to discuss this further.

Regards,

Marc
Marc Williamson | Architect | ARB, RIBA, RIAS
for **Richard Gibson Architects Ltd**
72a commercial street | lerwick | shetland | ZE1 0DL
t [redacted]

From: Marc Williamson
Sent: Wed, 14 Mar 2018 09:31:44 +0000
To: Development Management@Development
Subject: 947-4-1mwEM180314 Application reconsideration

Good morning,

Planning Application - 2018 / 027 / PPF

With reference to the above planning application, and the current recommendation for probable refusal, RGA would like some clarity for the reasons behind this, given that approval was given to a very similar project - Planning Reference: 2016 / 212 / PPF. This previous application proposes to erect a large two storey extension to the front (principle elevation) of the dwelling house.

There a number of similarities between this application and our current proposal which includes:

- both applications are to extend the principle elevation
- there is a similar architectural vernacular style between the existing buildings being extended
- both located in the same village (within approx. 100m from one another)
- both are hugely constrained in terms of available site space and boundaries
- the case officer is the same for both applications

As this application was grated planning permission and you are recommending the above planning application for refusal, please clarify how this decision was reached given the similarities listed above. We feel our current proposal has been designed for a specific need, i.e an extension for an ageing couple with mobility issues.

We consider our design the best solution possible given the constrains of the site and current house design, and is less of a visual intervention than that of application 2016 / 212/ PPF.

We believe our application should be reconsidered on this basis.

Please call to discuss this further.

Regards,

Marc

Marc Williamson | Architect | ARB, RIBA, RIAS

for **Richard Gibson Architects Ltd**

72a commercial street | lerwick | shetland | ZE1 0DL

From: Marc Williamson
Sent: Thu, 22 Mar 2018 10:25:02 +0000
To: Hunter Dale@Development Management
Subject: Re: 947-4-1mwEM180314 Application reconsideration
Attachments: 947-6-2mwDR180322(SK)01 New Proposal.pdf

Hi Dale,

Following on from your last email with regards to the proposed extension to Ivy Cottage, please see attached a revised scheme for comment.

You state below that you should be able to recommend approval if the proposed extension can be made less prominent. We have reduced the size of the proposal by 20% and have amended the window design (specifically to the East Elevation) to include more horizontal windows as suggested. You will see from the proposed elevations the extension's overall prominence is reduced as all sides of the extension are now set behind the boundary wall. We agree this reduces the overall appearance of the extension, however, unfortunately the client has lost the new en-suite WC / storage, which was a vital part of their initial scheme to improve the ground floor access due to mobility issues.

Before we invest even more time in this idea, we would like some assurance from yourself that this new proposal will gain approval as you suggested in your email.

I hope to hear from you soon. Please call to discuss if you prefer.

Regards,

Marc

> On 20 Mar 2018, at 16:13, dale.hunter@shetland.gov.uk wrote:
>
> Hi Marc,
>
> Thanks for your call earlier and your email below. The meeting we had was very helpful in highlighting the areas of constraint within the site and I appreciate you laying them out for me.
>
> You noted the application nearby at Southerhouse that I was also the case officer for and that it was for a front extension to a similar dwelling. That application is part of the context of the area and is part of the assessment but that in itself does not mean that the application should be approved.

Each application needs to be assessed separately but taking into account other development in the area. The site at Ivy Cottage is in a far more prominent position in relation to the main road than the site at Southerhouse. In this context, any proposed front or side extension would need to be unobtrusive and every effort made to move it away from the front elevation.

In terms of the modern style of the proposed extension, these can be appropriate for traditional dwellings where the extension is clearly distinguished from the original house and the extension is clearly 'subservient to the host property' – sited to the side or rear and not affecting how the original house is read. One way of ensuring that distinction between old and new is through horizontally emphasised windows on the modern extension rather than the vertically emphasised windows of the current proposal and existing house.

If the proposed extension can less prominent and more distinct from the original house I should be able to recommend approval.

There is also the SUDS issue that I raised in my last email to look into.

I hope this helps explain.

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: Marc Williamson [redacted]
Sent: 14 March 2018 09:32
To: Development Management@Development <development.management@shetland.gov.uk>
Subject: 947-4-1mwEM180314 Application reconsideration

Good morning,

Planning Application - 2018 / 027 / PPF

With reference to the above planning application, and the current recommendation for probable refusal, RGA would like some clarity for the reasons behind this, given that approval was given to a very similar project -

Planning Reference: 2016 / 212 / PPF. This previous application proposes to erect a large two storey extension to the front (principle elevation) of the dwelling house.

There a number of similarities between this application and our current proposal which includes:

- both applications are to extend the principle elevation
- there is a similar architectural vernacular style between the existing buildings being extended
- both located in the same village (within approx. 100m from one another)
- both are hugely constrained in terms of available site space and boundaries
- the case officer is the same for both applications

As this application was grated planning permission and you are recommending the above planning application for refusal, please clarify how this decision was reached given the similarities listed above. We feel our current proposal has been designed for a specific need, i.e an extension for an ageing couple with mobility issues.

We consider our design the best solution possible given the constrains of the site and current house design, and is less of a visual intervention than that of application 2016 / 212/ PPF.

We believe our application should be reconsidered on this basis.

Please call to discuss this further.

Regards,

Marc
Marc Williamson | Architect | ARB, RIBA, RIAS
for **Richard Gibson Architects Ltd**
72a commercial street | lerwick | shetland | ZE1 0DL
[redacted] www.rg-architects.com

From: Hunter Dale@Development Management
Sent: 27 Mar 2018 13:23:24 +0000
To: 'Marc Williamson'
Subject: 2018/027/PPF - Ivy Cottage

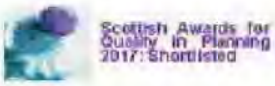
Hi Marc,

Apologies for missing your call today. We have a lot of things going on in the office at the moment and I have not been able to progress the application. Apologies for delay. I should be able to get back to you by this time next week.

Kind 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: Hunter Dale@Development Management
Sent: 30 Mar 2018 13:47:41 +0000
To: 'Marc Williamson'
Subject: RE: 947-4-1mwEM180314 Application reconsideration

Hi Marc,

We have had rather extensive discussions about the proposed amended design in the team at our team meeting today. It has been suggested that I should bring this to the planning liaison meeting on Wednesday afternoon before progressing with the application. We have a target determination date of 9th April and we can hopefully have the application concluded before then.

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: Marc Williamson [redacted]
Sent: 22 March 2018 10:25
To: Hunter Dale@Development Management <Dale.Hunter@shetland.gov.uk>
Subject: Re: 947-4-1mwEM180314 Application reconsideration

Hi Dale,

Following on from your last email with regards to the proposed extension to Ivy Cottage, please see attached a revised scheme for comment.

You state below that you should be able to recommend approval if the proposed extension can be made less prominent. We have reduced the size of the proposal by 20% and have amended the window design (specifically to the East Elevation) to include more horizontal windows as suggested. You will see from the proposed elevations the extension's overall prominence is reduced as all sides of the extension are now set behind the boundary wall. We agree this reduces the overall appearance of the extension, however, unfortunately the client has lost the new en-suite WC / storage, which was a vital part of their initial scheme to improve the ground floor access due to mobility issues.

From: Hunter Dale@Development Management
Sent: 11 Apr 2018 11:10:03 +0000
To: 'Adrian Wishart'
Subject: RE: 947-4-1mwEM180409 Revised scheme submitted.

Hi Adrian,

That would be fine. I have booked a room here for tomorrow at 12:30.

See you then.

Regards
Dale

From: Adrian Wishart [redacted]
Sent: 11 April 2018 11:58
To: Hunter Dale@Development Management <Dale.Hunter@shetland.gov.uk>
Subject: Re: 947-4-1mwEM180409 Revised scheme submitted.

HI

Your welcome to come here, but I've to do an errand out your end of town and so I'm happy to come along to a meeting at TrainShetland. Say 12:30 tomorrow?

regards

Adrian

Adrian Wishart | Architect & Director | Dip.Arch.(Dstn).BSc(Hons) ARB RIAS RIBA
for **Richard Gibson Architects Ltd**
72a commercial street | lerwick | shetland | ZE1 0DL
[redacted]

> On 11 Apr 2018, at 11:33, Dale.Hunter@shetland.gov.uk wrote:
>
> Hi Adrian,
>
> Would it be easier to meet at your office? If not I can look at booking a room here for Thursday 12-1 or Friday afternoon.
>
> Regards
> Dale
>
> **From:** Adrian Wishart [redacted]
> **Sent:** 11 April 2018 11:28
> **To:** Hunter Dale@Development Management <Dale.Hunter@shetland.gov.uk>
> **Subject:** Re: 947-4-1mwEM180409 Revised scheme submitted.

Hi,

Yes that would be ok. When are you free?

I'm tied to the office until Friday while the others are all on leave, but I can manage meetings between 12 & 1 tomorrow if possible, failing that, it would be some time on Friday afternoon.

Adrian

Adrian Wishart | Architect & Director | Dip.Arch.(Dstn).BSc(Hons) ARB RIAS RIBA
for **Richard Gibson Architects Ltd**
72a commercial street | lerwick | shetland | ZE1 0DL
t [redacted]

On 11 Apr 2018, at 10:52, <Dale.Hunter@shetland.gov.uk> <Dale.Hunter@shetland.gov.uk> wrote:

Hi Adrian,

Thanks for getting back to me on this. Would it be possible to have a quick meeting? I think it would be helpful for us to get up to speed on this and hopefully find a solution.

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

<image001.png>

From: Marc Williamson [redacted]
Sent: 10 April 2018 18:14
To: Hunter Dale@Development Management <Dale.Hunter@shetland.gov.uk>
Subject: Re: 947-4-1mwEM180409 Revised scheme submitted.

Hi Dale,

Marc is on leave now, but I'm monitoring his email and overseeing this application. I note your comment, but as I understood from your

meeting with Marc, reducing the sized of the extension where possible was the jist of it as well as chasing window orientation where we could, and that is what we have done.

As you know, we have explained over various previous emails how, due to the obvious restrictions this site / building has, that there is a very limited choice of options available in achieving what the applicant set out to achieve i.e. a more accessible ground floor bedroom and ensuite.

Any further reduction in size or variance to design renders their aim unachievable. We feel they have compromised their proposals as far as is possible, so hopefully your assessment will reflect this.

Hoping for a resolution shortly….

regards

Adrian

On 10 Apr 2018, at 15:50, dale.hunter@shetland.gov.uk wrote:

Hi Marc,

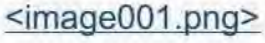
I have just returned from annual leave and planning committee. I will be able to work on the application soon.

I would note that the changes made to the application did not reflect the discussion we had at our meeting. This means that I will have to look carefully at whether it is possible to make an exception to the policies and approve the application and if so what implications it would have on wider design issues.

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: Marc Williamson [redacted]
Sent: 09 April 2018 17:00
To: Hunter Dale@Development Management <Dale.Hunter@shetland.gov.uk>
Subject: 947-4-1mwEM180409 Revised scheme submitted.

Hi Dale,

Planning Application - 2018 / 027 / PPF

Following on from our last email (22/03/2018) on the proposed revised design for the above application, we are yet to receive any feedback from you on this, of which was offered.

As you previously stated, the revised scheme was going to be presented at the planning liaison meeting on 04/04/2018. Having waited for your response but not hearing anything, we were informed by planning that the meeting scheduled for Wednesday had in fact been cancelled. We were advised that the next planning liaison meeting would be 3 weeks away, which would take us over the 2 month deadline in determining the application, as well as being well over your target date for determination of 9th April.

Due to the issues above, and in an attempt to not delay the application any further, we have formally submitted the revised plans, unfortunately without the benefit of feedback from the liaison meeting.

We hope it is appreciated that both the client and ourselves have been very patient, and have been as proactive as possible in trying to design a scheme which satisfies both client and planner requirements.

We look forward to hearing from you soon on this.

Regards,

Marc

Marc Williamson | Architect | ARB, RIBA, RIAS
for **Richard Gibson Architects Ltd**
72a commercial street | lerwick | shetland | ZE1 0DL

From: Hunter Dale@Development Management
Sent: 11 Apr 2018 09:52:58 +0000
To: 'Marc Williamson'
Cc: 'Adrian Wishart'
Subject: RE: 947-4-1mwEM180409 Revised scheme submitted.

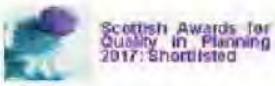
Hi Adrian,

Thanks for getting back to me on this. Would it be possible to have a quick meeting? I think it would be helpful for us to get up to speed on this and hopefully find a solution.

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: Marc Williamson [redacted]
Sent: 10 April 2018 18:14
To: Hunter Dale@Development Management <Dale.Hunter@shetland.gov.uk>
Subject: Re: 947-4-1mwEM180409 Revised scheme submitted.

Hi Dale,

Marc is on leave now, but I'm monitoring his email and overseeing this application. I note your comment, but as I understood from your meeting with Marc, reducing the sized of the extension where possible was the jist of it as well as chasing window orientation where we could, and that is what we have done.

As you know, we have explained over various previous emails how, due to the obvious restrictions this site / building has, that there is a very limited choice of options available in achieving what the applicant set out to achieve i.e. a more accessible ground floor bedroom and ensuite.

Any further reduction in size or variance to design renders their aim unachievable. We feel they have compromised their proposals as far as is possible, so hopefully your assessment will reflect this.

Hoping for a resolution shortly….

regards

Adrian

On 10 Apr 2018, at 15:50, dale.hunter@shetland.gov.uk wrote:

Hi Marc,

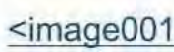
I have just returned from annual leave and planning committee. I will be able to work on the application soon.

I would note that the changes made to the application did not reflect the discussion we had at our meeting. This means that I will have to look carefully at whether it is possible to make an exception to the policies and approve the application and if so what implications it would have on wider design issues.

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: Marc Williamson [[redacted]
Sent: 09 April 2018 17:00
To: Hunter Dale@Development Management <Dale.Hunter@shetland.gov.uk>
Subject: 947-4-1mwEM180409 Revised scheme submitted.

Hi Dale,

Planning Application - 2018 / 027 / PPF

Following on from our last email (22/03/2018) on the proposed revised design for the above application, we are yet to receive any feedback from you on this, of which was offered.

As you previously stated, the revised scheme was going to be presented at the planning liaison meeting on 04/04/2018. Having waited for your response but not hearing anything, we were informed by planning that the meeting scheduled for Wednesday had in fact been cancelled. We were advised that the next planning liaison meeting would be 3 weeks away, which would take us over the 2 month deadline in determining the application, as well as being well over your target date for determination of 9th April.

Due to the issues above, and in an attempt to not delay the application any further, we have formally submitted the revised plans, unfortunately without the benefit of feedback from the liaison meeting.

We hope it is appreciated that both the client and ourselves have been very patient, and have been as proactive as possible in trying to design a scheme which satisfies both client and planner requirements.

We look forward to hearing from you soon on this.

Regards,

Marc

Marc Williamson | Architect | ARB, RIBA, RIAS
for **Richard Gibson Architects Ltd**
72a commercial street | lerwick | shetland | ZE1 0DL
t. 01595 69 5000 | f. 01595 69 4117 | w. www.rg-architects.com

From: Hunter Dale@Development Management
Sent: 16 Apr 2018 12:23:48 +0000
To: [redacted]
Subject: RE: 947-4-1awEM180416 Ivy Cottage 2018/027/PPF

Hi Adrian,

That would be great.

Regards
Dale

From: Marc Williamson [redacted]
Sent: 16 April 2018 12:36
To: Hunter Dale@Development Management <Dale.Hunter@shetland.gov.uk>
Subject: Re: 947-4-1awEM180416 Ivy Cottage 2018/027/PPF

HI

I'll try to gather together the past justifications in to a single document by Wednesday.

Regards the ramp, this is purely indicative at this stage and not included in the application. It was more to demonstrate how the garden space may have to be used in the future.

regards

Adrian

> On 16 Apr 2018, at 11:29, dale.hunter@shetland.gov.uk wrote:
>
> Hi Adrian,
>
> Thanks for providing the sketch. We have a liaison meeting on Wednesday afternoon between Development Management and Development Planning and I've been asked to bring the application along so it can be discussed there.
>
> I understand the frustrations your client has over the requested amendments. We wholly support inclusive design and the difficulties arise because it is as yet unclear why a similar extension to the property cannot be placed on the south or west and remain equally as accessible. This is why the written justification is required. I know we have discussed this and many of the points that you and Marc made during our meetings would be helpful in our assessment. I can only assess things that are in writing in the case file so that there is a paper trail for the decision. If you could provide that written supporting/justification statement before the liaison meeting on Wednesday afternoon that would be helpful.

I would just note that the indicative layout for an access ramp may be permitted development. You can confirm this by looking on page 37 and 38 here: http://www.gov.scot/Resource/0050/00502133.pdf

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

<image001.png>

From: Marc Williamson [redacted]
Sent: 16 April 2018 10:21
To: Hunter Dale@Development Management <Dale.Hunter@shetland.gov.uk>
Cc: [redacted]
Subject: 947-4-1awEM180416 Ivy Cottage 2018/027/PPF

Hi Dale,

Ivy Cottage, Hoswick, Ref: 2018/027/PPF

Further to our meeting last week regarding the above. As you'd suggested, I have attached a sketch formalising the amendments we discussed at the meeting. This was to lessen the projection of the extension off the main house, which you considered would finally address your remaining concerns for this application.

I have considered it in more detail and have pulled the extension frontage back to now achieve 1640mm off the front wall instead of the 900mm previously. Hopefully you can appreciate that achieving an accessible layout within the extension has now been seriously compromised.

The applicant (Mr & Mrs Dalziel) has advised us that any further compression of the plan will render the project unviable for them and they will have to abandon the whole proposal, leaving them with no plans to adapt their house to aid their ongoing mobility issues.

As you had advised at the meeting, you would now provide feedback on whether the attached plan was likely to meet your requirements. We will await your comment before providing any further information. If this proposal is acceptable, we can then follow up with justification statements, however this is perhaps less urgent as

the justification have already been covered in the various correspondences over the development of the application.

We look forward to hearing from you shortly.

regards

AW

Marc Williamson | Architect | ARB, RIBA, RIAS

for **Richard Gibson Architects Ltd**

72a commercial street | lerwick | shetland | ZE1 0DL

t [redacted]

From: Hunter Dale@Development Management
Sent: 25 Apr 2018 13:35:46 +0000
To: 'Marc Williamson'
Cc: 'Adrian Wishart'
Subject: FW: 947-4-1awEM180418 Ivy Cott, Hoswick/ 2018/027/PPF

Hi Adrian,

Thanks for your submission. The design statement is certainly helpful in highlighting the design iterations and constraints. The formal submission of the supporting statement allows us to take this information into account as part of the assessment.

While the reduction of the footprint of the front extension has reduced the prominence of the extension to a degree, it is still a significant addition to the principle elevation of the traditional dwelling. From our discussions and the supporting statement, it does not appear that any proposals are forthcoming which would be to the side or rear of the dwelling, or that would be sufficiently less prominent on the principle elevation of the dwelling. As such I am minded to recommend refusal. I will begin drafting my report to reflect that.

The current formally submitted plans are RGA 947(FPP)03B and RGA 947(FPP)02B. I would appreciate if you could confirm whether the decision should be taken on these plans or others.

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: Marc Williamson [redacted]
Sent: 18 April 2018 11:19
To: Holden John@Development Management <john.holden@shetland.gov.uk>
Cc: Hunter Dale@Development Management <Dale.Hunter@shetland.gov.uk>; [redacted]
Subject: 947-4-1awEM180418 Ivy Cott, Hoswick/ 2018/027/PPF

Hi John,

Extension to Ivy Cott, Hoswick/ 2018/027/PPF

I understand Dale is off sick today. I'm not sure if he has been keeping you up to speed on the above.

He called me in for a meeting last week to discuss how to change the design to be more acceptable to you all, as it appears you have discussed this project at length within your department.

We agreed an approach of which I have since developed and emailed to Dale on 16th April. I have also just emailed Dale his requested justification statement. Dale said a floor plan was sufficient at this stage to check if you were all happy, before spending more time on elevations, however the elevations will not have changed significantly.

He asked me to get this in for this morning so that it could be discussed at a meeting you were holding this afternoon. We are short staffed however I have prioritised this and tried to get everything sent by this morning.

I have been advised by your admin to resend everything to you, while Dale is off.

Hopefully, we can still make head way or even a permission this week, to keep the momentum up. See my message to dale below.

PS I resent the justification document as the first one was corrupted.

regards

Adrian

Hi Dale,

Sending again as the formatting in the last attachment was bad. Please discard and use the document attached to this email. The text next to the plans should not be overlapping.

As you had requested, I have attached a comprehensive justification document for the above and to be read in conjunction with the layout plan I sent you on 16th April.

Hopefully we have now supplied you with the required information in sufficient time for you to table at your internal meeting this afternoon.

We look forward to hearing feedback from you soon, as we have prioritised this application rather than wait 2/3 weeks until staff holidays are over. One of the applicants is currently south for an operation and we'd like to be able to provide them with good news on their return.

regards

Adrian

Marc Williamson | Architect | ARB, RIBA, RIAS

for **Richard Gibson Architects Ltd**

72a commercial street | lerwick | shetland | ZE1 0DL

[redacted]

From: Marc Williamson
Sent: 27 Apr 2018 15:52:48 +0100
To: Hunter Dale@Development Management
Cc: [redacted]
Subject: 947-4-1mwEM180427 Feedback / Justifications required.

Hi Dale,

Ivy Cottage Extension

Following on from our telephone call this afternoon, we ask that detailed feedback is provided to us on exactly why the proposal is being recommended for refusal.

In this instance, we are unsure as to why an exception to planning policy cannot be made in this case, given that we have followed your guidance and amended the scheme to suit (on more than one occasion), and more importantly, that this is the only location on site where the extension can feasibly go (as highlighted to you both verbally and through our written justification). Please advise on why this is the case.

As was agreed, we will stall the application for two weeks, so that we can discuss all options with our client before deciding on a way forward.

I hope to hear from you soon.

Regards,

Marc

Marc Williamson | Architect | ARB, RIBA, RIAS

for **Richard Gibson Architects Ltd**

72a commercial street | lerwick | shetland | ZE1 0DL

[redacted]

Hunter Dale@Development Management

From: [redacted]
Sent: 03 May 2018 12:22
To: Hunter Dale@Development Management
Subject: 947-4-1mwEM180503 Proceed to Planning Committee

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Dale,

Planning Application 2018 / 027 / PPF - Extension to Ivy Cottage

Having spoken to our client, they have confirmed that they wish to proceed and take this application to planning committee.

Please confirm receipt of this email and also confirm that this request will be processed. We are aware that the next committee meeting is on 05/06/2018 and request that this application is processed so that it will be ready for discussion at this next meeting.

Hope to hear from you soon.

Regards,

Marc

Marc Williamson | Architect | ARB, RIBA, RIAS

for Richard Gibson Architects Ltd

72a commercial street | lerwick | shetland | ZE1 0DL

[redacted]

From: Marc Williamson
Sent: 7 May 2018 16:36:41 +0100
To: Holden John@Development Management
Subject: 947-4-1mwEM180507 2018/027/PPF Planning Committee

Good afternoon John,

Planning Application 2018 / 027 / PPF - Extension to Ivy Cottage

As you have made us aware, Dale is currently on annual leave. In his absence we would like confirmation that our request to present the application to Planning Committee is acknowledged and actioned (previously emailed to Dale on 03/05/2018). We ask only because there were issues on another recent application where dates may have missed due to staff being on leave.

All that we require here is confirmation that this application will be ready for the Planning Committee meeting on 05 / 06 /2018.

Regards,

Marc

Marc Williamson | Architect | ARB, RIBA, RIAS

for **Richard Gibson Architects Ltd**

72a commercial street | lerwick | shetland | ZE1 0DL

t. 01595 69 5000 | f. 01595 69 4117 | w. www.rg-architects.com

From: Marc Williamson [redacted]
Sent: 08 May 2018 15:56
To: Hunter Dale@Development Management <Dale.Hunter@shetland.gov.uk>
Cc: Holden John@Development Management <John.holden@shetland.gov.uk>; colin.dalziel474@btinternet.com
Subject: 947-4-1mwEM180508 Ivy Cottage, Hoswick 2018/027/PPF

Hi Dale,

In response to your last email (below). We want to ensure you that we have done everything we can do to help this application be successful and that you are not waiting on any further information from us.

Therefore, to reply to your question in the last paragraph of your email below; we find this a difficult one to answer because we have been given no clear indication which design may be most favourable to promote for consideration.

The earlier design (RGA 947(FPP)02B and RGA 947(FPP)03B) followed directly from your design suggestions during our conversation on 20th March, where all your suggestions were accommodated to a high degree, for an extension in this position. Likewise, the revised design submitted by Adrian to you on 18th April was also amended very closely to your suggestions to him during a meeting on 12th April.

Unfortunately it seems to us that we have both been asked to achieve differing requirements on each occasion, and the goal posts keep changing!

Therefore, both designs were considered to be very close to what you required for approval. We shall leave it to your discretion to choose the design you and John Holden consider the least problematic design for you. Hopefully you can justify approving the chosen design.

Please do not hesitate to contact me, should you require any further information. In the meantime, our client eagerly awaits your formal decision.

Regards,

Marc

On 25 Apr 2018, at 14:35, Dale.Hunter@shetland.gov.uk wrote:

Hi Adrian,

Thanks for your submission. The design statement is certainly helpful in highlighting the design iterations and constraints. The formal submission of the supporting statement allows us to take this information into account as part of the assessment.

While the reduction of the footprint of the front extension has reduced the prominence of the extension to a degree, it is still a significant addition to the principle elevation of the traditional dwelling. From our discussions and the supporting statement, it does not appear that any proposals are forthcoming which would be to the side or rear of the dwelling, or that would be sufficiently less

prominent on the principle elevation of the dwelling. As such I am minded to recommend refusal. I will begin drafting my report to reflect that.

The current formally submitted plans are RGA 947(FPP)03B and RGA 947(FPP)02B. I would appreciate if you could confirm whether the decision should be taken on these plans or others.

Regards
Dale

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

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

<image001.png>

From: Marc Williamson [redacted]
Sent: 18 April 2018 11:19
To: Holden John@Development Management <john.holden@shetland.gov.uk>
Cc: Hunter Dale@Development Management <Dale.Hunter@shetland.gov.uk>; [redacted]
Subject: 947-4-1awEM180418 Ivy Cott, Hoswick/ 2018/027/PPF

Hi John,

Extension to Ivy Cott, Hoswick/ 2018/027/PPF

I understand Dale is off sick today. I'm not sure if he has been keeping you up to speed on the above.

He called me in for a meeting last week to discuss how to change the design to be more acceptable to you all, as it appears you have discussed this project at length within your department.

We agreed an approach of which I have since developed and emailed to Dale on 16th April. I have also just emailed Dale his requested justification statement. Dale said a floor plan was sufficient at this stage to check if you were all happy, before spending more time on elevations, however the elevations will not have changed significantly.

He asked me to get this in for this morning so that it could be discussed at a meeting you were holding this afternoon. We are short staffed however I have prioritised this and tried to get everything sent by this morning.

I have been advised by your admin to resend everything to you, while Dale is off.

Hopefully, we can still make head way or even a permission this week, to keep the momentum up. See my message to dale below.

PS I resent the justification document as the first one was corrupted.

regards

Adrian

Hi Dale,

Sending again as the formatting in the last attachment was bad. Please discard and use the document attached to this email. The text next to the plans should not be overlapping.

As you had requested, I have attached a comprehensive justification document for the above and to be read in conjunction with the layout plan I sent you on 16th April.

Hopefully we have now supplied you with the required information in sufficient time for you to table at your internal meeting this afternoon.

We look forward to hearing feedback from you soon, as we have prioritised this application rather than wait 2/3 weeks until staff holidays are over. One of the applicants is currently south for an operation and we'd like to be able to provide them with good news on their return.

regards

Adrian

Marc Williamson | Architect | ARB, RIBA, RIAS

for Richard Gibson Architects Ltd

72a commercial street | lerwick | shetland | ZE1 0DL

[redacted]

From: Holden John@Development Management
Sent: 8 May 2018 09:21:38 +0000
To: [redacted]
Subject: RE: 947-4-1mwEM180507 2018/027/PPF Planning Committee

Good morning Marc,

As the development proposed falls within the Local Development category in the Hierarchy of Developments, under the Planning Scheme of Delegations that has been approved by both the Council and the Scottish Ministers the determination will, unless a consultee (SNH, SEPA, HES, HSE, Scottish Water, the Community Council, the Crofting Commission, Marine Scotland or sportscotland) has specifically objected to a proposal, and conditions cannot address those issues, and the recommendation is for approval, the determination will be made by a suitable officer who the Executive Manager – Planning has appointed (the 'Appointed Person'). Where the recommendation of the Planning Officer handling the particular application is that the proposal should be refused permission this 'Appointed Person' is myself.

You may be interested to learn that in the last full Planning Performance Framework monitoring year for which statistics are available (2016/2017), the determination of 98.4% of applications was made by officers under delegated powers.

It may be that the recent application where Planning Committee dates were missed was of a different type (listed building consent and/or advertisement consent), in relation to which the Planning Scheme of Delegations does not give the 'Appointed Person' the power to refuse such type applications. This is because unlike planning applications for developments that fall in the Local Development category, refusals of listed building and advertisement consent applications are appealed to the Scottish Ministers. If a Local Development planning application is refused by the 'Appointed Person' and the applicant is aggrieved by the decision the appeal is to the Local Review Body, which is the Planning Committee carrying out the function reviewing the decision taken. Sections 43A(8) to (16) of the Town and Country Planning (Scotland) Act 1997 remove the right of appeal to the Scottish Ministers, and put in place arrangements for the planning authority reviewing these such Local Development decisions instead.

I hope this explains the position.

Yours sincerely

John

John Holden
Team Leader – Development Management

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

Shetland
ZE1 0PX

Tel: (01595) 743898

From: Marc Williamson [redacted]
Sent: 07 May 2018 16:37
To: Holden John@Development Management <john.holden@shetland.gov.uk>
Subject: 947-4-1mwEM180507 2018/027/PPF Planning Committee

Good afternoon John,

Planning Application 2018 / 027 / PPF - Extension to Ivy Cottage

As you have made us aware, Dale is currently on annual leave. In his absence we would like confirmation that our request to present the application to Planning Committee is acknowledged and actioned (previously emailed to Dale on 03/05/2018). We ask only because there were issues on another recent application where dates may have missed due to staff being on leave.

All that we require here is confirmation that this application will be ready for the Planning Committee meeting on 05 / 06 /2018.

Regards,

Marc

Marc Williamson | Architect | ARB, RIBA, RIAS
for **Richard Gibson Architects Ltd**
72a commercial street | lerwick | shetland | ZE1 0DL
[redacted] | w. www.rg-architects.com

From: Holden John@Development Management
Sent: 15 May 2018 08:59:41 +0000
To: 'Marc Williamson'
Cc: Hunter Dale@Development Management
Subject: FW: 947-4-1mwEM180508 Ivy Cottage, Hoswick 2018/027/PPF

Good morning Marc,

Thank you for confirming that there is no further information from yourselves being waited on.

It is not appropriate that officers make a choice between alternatives in the assessment and consideration of proposals that are the subject of a planning application. All parties to the planning process, including consultees and interested neighbours, need to be certain what the proposals to be the subject of determination are in deciding what if any comments or representation they make. As you will recognise revised drawings submitted are made publicly available both on the planning file and online, where the ability exists for people to track the progress of an application, and if there are revisions therefore have the opportunity to comment or revise those already made. The decision on what plans are to be considered firmly rests with the applicant and/or their agent through the submission of plans.

Therefore, in the absence of further submissions the planning officer will complete his assessment and make a recommendation on the basis of the current submitted plans being RGA(FPP)01A, RGA 947(FPP)02 B, RGA 947(FPP)03 B, and RGA(FPP)04.

I hope this clarifies the position.

Regards

John

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 a planning application, please make your response to development.management@shetland.gov.uk .

John Holden
Team Leader – Development Management

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

Tel: (01595) 743898

From: Hunter Dale@Development Management
Sent: 15 May 2018 09:26
To: Holden John@Development Management <john.holden@shetland.gov.uk>
Subject: FW: 947-4-1mwEM180508 Ivy Cottage, Hoswick 2018/027/PPF

From: Marc Williamson [redacted]
Sent: 08 May 2018 15:56
To: Hunter Dale@Development Management <Dale.Hunter@shetland.gov.uk>
Cc: Holden John@Development Management <john.holden@shetland.gov.uk>; [redacted]
Subject: 947-4-1mwEM180508 Ivy Cottage, Hoswick 2018/027/PPF

Hi Dale,

In response to your last email (below). We want to ensure you that we have done everything we can do to help this application be successful and that you are not waiting on any further information from us.

Therefore, to reply to your question in the last paragraph of your email below; we find this a difficult one to answer because we have been given no clear indication which design may be most favourable to promote for consideration.

The earlier design (RGA 947(FPP)02B and RGA 947(FPP)03B) followed directly from your design suggestions during our conversation on 20th March, where all your suggestions were accommodated to a high degree, for an extension in this position. Likewise, the revised design submitted by Adrian to you on 18th April was also amended very closely to your suggestions to him during a meeting on 12th April.

Unfortunately it seems to us that we have both been asked to achieve differing requirements on each occasion, and the goal posts keep changing!

Therefore, both designs were considered to be very close to what you required for approval. We shall leave it to your discretion to choose the design you and John Holden consider the least problematic design for you. Hopefully you can justify approving the chosen design.

Please do not hesitate to contact me, should you require any further information. In the meantime, our client eagerly awaits your formal decision.

Regards,

Marc

On 25 Apr 2018, at 14:35, Dale.Hunter@shetland.gov.uk wrote:

Hi Adrian,

Thanks for your submission. The design statement is certainly helpful in highlighting the design iterations and constraints. The formal submission of the supporting statement allows us to take this information into account as part of the assessment.

While the reduction of the footprint of the front extension has reduced the prominence of the extension to a degree, it is still a significant addition to the principle elevation of the traditional dwelling. From our discussions and the supporting statement, it does not appear that any proposals are forthcoming which would be to the side or rear of the dwelling, or that would be sufficiently less prominent on the principle elevation of the dwelling. As such I am minded to recommend refusal. I will begin drafting my report to reflect that.

The current formally submitted plans are RGA 947(FPP)03B and RGA 947(FPP)02B. I would appreciate if you could confirm whether the decision should be taken on these plans or others.

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

<image001.png>

From: Marc Williamson [redacted]
Sent: 18 April 2018 11:19
To: Holden John@Development Management <john.holden@shetland.gov.uk>
Cc: Hunter Dale@Development Management <Dale.Hunter@shetland.gov.uk>; [redacted]
Subject: 947-4-1awEM180418 Ivy Cott, Hoswick/ 2018/027/PPF

Hi John,

Extension to Ivy Cott, Hoswick/ 2018/027/PPF

I understand Dale is off sick today. I'm not sure if he has been keeping you up to speed on the above.

He called me in for a meeting last week to discuss how to change the design to be more acceptable to you all, as it appears you have discussed this project at length within your department.

We agreed an approach of which I have since developed and emailed to Dale on 16th April. I have also just emailed Dale his requested justification statement. Dale said a floor plan was sufficient at this stage to check if you were all happy, before spending more time on elevations, however the elevations will not have changed significantly.

He asked me to get this in for this morning so that it could be discussed at a meeting you were holding this afternoon. We are short staffed however I have prioritised this and tried to get everything sent by this morning.

I have been advised by your admin to resend everything to you, while Dale is off.

Hopefully, we can still make head way or even a permission this week, to keep the momentum up. See my message to dale below.

PS I resent the justification document as the first one was corrupted.

regards

Adrian

Hi Dale,

Sending again as the formatting in the last attachment was bad. Please discard and use the document attached to this email. The text next to the plans should not be overlapping.

As you had requested, I have attached a comprehensive justification document for the above and to be read in conjunction with the layout plan I sent you on 16th April.

Hopefully we have now supplied you with the required information in sufficient time for you to table at your internal meeting this afternoon.

We look forward to hearing feedback from you soon, as we have prioritised this application rather than wait 2/3 weeks until staff holidays are over. One of the applicants is currently south for an operation and we'd like to be able to provide them with good news on their return.

regards

Adrian

Marc Williamson | Architect | ARB, RIBA, RIAS

for **Richard Gibson Architects Ltd**

72a commercial street | lerwick | shetland | ZE1 0DL

[redacted]

From: Marc Williamson
Sent: 17 May 2018 12:41:54 +0100
To: Holden John@Development Management
Subject: Re: 947-4-1mwEM180508 Ivy Cottage, Hoswick 2018/027/PPF

Hi John,

We acknowledge your comments below, with regards to the assessment / recommendation being made on the following plans:

- 947(FPP)01A / 947(FPP)02B / 947(FPP)03B / 947(FPP)04

We would, however, request that a decision is made on this application as soon as possible. We have made you aware that we would like to proceed to Planning Committee, given that we have been informed that the application will probably be recommended for refusal. We are now well over the recommended 8 week timeline for a decision, and we trust you will appreciate our clients frustrations with how this is being dealt with and the time this is taking.

We would also appreciated acknowledgment that our recent submission of Doctor's letters has been received, and, that this will form part of the decision making process.

Regards,

Marc

On 15 May 2018, at 09:59, john.holden@shetland.gov.uk wrote:

Good morning Marc,

Thank you for confirming that there is no further information from yourselves being waited on.

It is not appropriate that officers make a choice between alternatives in the assessment and consideration of proposals that are the subject of a planning application. All parties to the planning process, including consultees and interested neighbours, need to be certain what the proposals to be the subject of determination are in deciding what if any comments or representation they make. As you will recognise revised drawings submitted are made publicly available both on the planning file and online, where the ability exists for people to track the progress of an application, and if there are revisions therefore have the opportunity to comment or revise those already made. The decision on what plans

From: Holden John@Development Management
Sent: 18 May 2018 08:08:53 +0000
To: [redacted]
Cc: Hunter Dale@Development Management
Subject: RE: 947-4-1mwEM180508 Ivy Cottage, Hoswick 2018/027/PPF

Hello Marc,

The application continues to be part of Dale Hunter's caseload. Seeing this email he will complete his assessment and report on handling, and make his recommendation.

I can confirm that the Doctor's letter has been received. It is not available to view on the Council's website because of the nature of its content. Planning relates to the use of land rather than to the user, and the general rule is that the personal circumstances or attributes of the applicant should be ignored by the authority. There is case law that points to where personal circumstances may be taken into account in exceptional cases, and Dale in carrying out his assessment and reporting will come to a conclusion on whether in this case your client's personal circumstances may be taken into account.

Regards

John

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 a planning application, please make your response to development.management@shetland.gov.uk .

John Holden
Team Leader – Development Management

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

Tel: (01595) 743898

From: Marc Williamson [redacted]
Sent: 17 May 2018 12:42
To: Holden John@Development Management <john.holden@shetland.gov.uk>
Subject: Re: 947-4-1mwEM180508 Ivy Cottage, Hoswick 2018/027/PPF

Hi John,

We acknowledge your comments below, with regards to the assessment / recommendation being made on the following plans:

- 947(FPP)01A / 947(FPP)02B / 947(FPP)03B / 947(FPP)04

We would, however, request that a decision is made on this application as soon as possible. We have made you aware that we would like to proceed to Planning Committee, given that we have been informed that the application will probably be recommended for refusal. We are now well over the recommended 8 week timeline for a decision, and we trust you will appreciate our clients frustrations with how this is being dealt with and the time this is taking.

We would also appreciated acknowledgment that our recent submission of Doctor's letters has been received, and, that this will form part of the decision making process.

Regards,

Marc

> On 15 May 2018, at 09:59, john.holden@shetland.gov.uk wrote:
>
> Good morning Marc,
>
> Thank you for confirming that there is no further information from yourselves being waited on.
>
> It is not appropriate that officers make a choice between alternatives in the assessment and consideration of proposals that are the subject of a planning application. All parties to the planning process, including consultees and interested neighbours, need to be certain what the proposals to be the subject of determination are in deciding what if any comments or representation they make. As you will recognise revised drawings submitted are made publicly available both on the planning file and online, where the ability exists for people to track the progress of an application, and if there are revisions therefore have the opportunity to comment or revise those already made. The decision on what plans are to be considered firmly rests with the applicant and/or their agent through the submission of plans.
>
> Therefore, in the absence of further submissions the planning officer will complete his assessment and make a recommendation on the basis of the current submitted plans being RGA(FPP)01A, RGA 947(FPP)02 B, RGA 947(FPP)03 B, and RGA(FPP)04.
>
> I hope this clarifies the position.
>
> Regards

John

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 a planning application, please make your response to development.management@shetland.gov.uk .

John Holden
Team Leader – Development Management

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

Tel: (01595) 743898

From: Hunter Dale@Development Management
Sent: 15 May 2018 09:26
To: Holden John@Development Management <john.holden@shetland.gov.uk>
Subject: FW: 947-4-1mwEM180508 Ivy Cottage, Hoswick 2018/027/PPF

From: Marc Williamson [m[redacted]
Sent: 08 May 2018 15:56
To: Hunter Dale@Development Management <Dale.Hunter@shetland.gov.uk>
Cc: Holden John@Development Management
<[redacted]
Subject: 947-4-1mwEM180508 Ivy Cottage, Hoswick 2018/027/PPF

Hi Dale,

In response to your last email (below). We want to ensure you that we have done everything we can do to help this application be successful and that you are not waiting on any further information from us.

Therefore, to reply to your question in the last paragraph of your email below; we find this a difficult one to answer because we have been given no clear indication which design may be most favourable to promote for consideration.

The earlier design (RGA 947(FPP)02B and RGA 947(FPP)03B) followed directly from your design suggestions during our conversation on 20th March, where all your suggestions were accommodated to a high degree, for an extension in this position. Likewise, the revised design submitted by Adrian to you on 18th April was also amended very closely to your suggestions to him during a meeting on 12th April.

Unfortunately it seems to us that we have both been asked to achieve differing requirements on each occasion, and the goal posts keep changing!

Therefore, both designs were considered to be very close to what you required for approval. We shall leave it to your discretion to choose the design you and John Holden consider the least problematic design for you. Hopefully you can justify approving the chosen design.

Please do not hesitate to contact me, should you require any further information. In the meantime, our client eagerly awaits your formal decision.

Regards,

Marc

On 25 Apr 2018, at 14:35, Dale.Hunter@shetland.gov.uk wrote:

Hi Adrian,

Thanks for your submission. The design statement is certainly helpful in highlighting the design iterations and constraints. The formal submission of the supporting statement allows us to take this information into account as part of the assessment.

While the reduction of the footprint of the front extension has reduced the prominence of the extension to a degree, it is still a significant addition to the principle elevation of the traditional dwelling. From our discussions and the supporting statement, it does not appear that any proposals are forthcoming which would be to the side or rear of the dwelling, or that would be sufficiently less prominent on the principle elevation of the dwelling. As such I am minded to recommend refusal. I will begin drafting my report to reflect that.

The current formally submitted plans are RGA 947(FPP)03B and RGA 947(FPP)02B. I would appreciate if you could confirm whether the decision should be taken on these plans or others.

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

<image001.png>

From: Marc Williamson [redacted]
Sent: 18 April 2018 11:19
To: Holden John@Development Management <john.holden@shetland.gov.uk>
Cc: Hunter Dale@Development Management <Dale.Hunter@shetland.gov.uk>; [redacted] com
Subject: 947-4-1awEM180418 Ivy Cott, Hoswick/ 2018/027/PPF

Hi John,

Extension to Ivy Cott, Hoswick/ 2018/027/PPF

I understand Dale is off sick today. I'm not sure if he has been keeping you up to speed on the above.

He called me in for a meeting last week to discuss how to change the design to be more acceptable to you all, as it appears you have discussed this project at length within your department.

We agreed an approach of which I have since developed and emailed to Dale on 16th April. I have also just emailed Dale his requested justification statement. Dale said a floor plan was sufficient at this stage to check if you were all happy, before spending more time on elevations, however the elevations will not have changed significantly.

He asked me to get this in for this morning so that it could be discussed at a meeting you were holding this afternoon. We are short staffed however I have prioritised this and tried to get everything sent by this morning.

I have been advised by your admin to resend everything to you, while Dale is off.

Hopefully, we can still make head way or even a permission this week, to keep the momentum up. See my message to dale below.

PS I resent the justification document as the first one was corrupted.

regards

Adrian

Hi Dale,

Sending again as the formatting in the last attachment was bad. Please discard and use the document attached to this email. The text next to the plans should not be overlapping.

As you had requested, I have attached a comprehensive justification document for the above and to be read in conjunction with the layout plan I sent you on 16th April.

Hopefully we have now supplied you with the required information in sufficient time for you to table at your internal meeting this afternoon.

We look forward to hearing feedback from you soon, as we have prioritised this application rather than wait 2/3 weeks until staff holidays are over. One of the applicants is currently south for an operation and we'd like to be able to provide them with good news on their return.

regards

Adrian

Marc Williamson | Architect | ARB, RIBA, RIAS

for **Richard Gibson Architects Ltd**

72a commercial street | lerwick | shetland | ZE1 0DL

[redacted]

From: Hunter Dale@Development Management
Sent: 25 May 2018 15:31:52 +0000
To: 'Marc Williamson'
Subject: FW: 947-4-1mwEM180508 Ivy Cottage, Hoswick 2018/027/PPF

Good Afternoon Marc,

I have progressed with the report for Ivy Cottage this week and it is nearing completion. Unfortunately I have not been able to pass my report to my team leader today as I had hoped but I will be able to pass it through early in the week. The report is more complex than anticipated and it will be available to view on our website once the application has been determined.

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: Hunter Dale@Development Management
Sent: 18 May 2018 10:14
To: 'Marc Williamson' <[redacted]
Cc: Holden John@Development Management <john.holden@shetland.gov.uk>
Subject: FW: 947-4-1mwEM180508 Ivy Cottage, Hoswick 2018/027/PPF

Good Morning Marc,

I have a number of applications that are needing progressed and I will make my recommendation on this application when I can. The timescales for determination have been pushed back because I have been on sick leave. In general I would rather keep an application beyond the 8 week target and be able to recommend approval than make recommendations for refusal before the 8 week deadline.

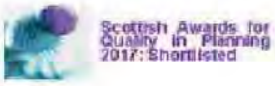
I will require to research case law into when personal circumstances can be material planning considerations to ensure the assessment is legally correct. As John explained below exceptions due to personal circumstances must relate to the use of land, more specifically the personal circumstances must have a direct effect on the character of the use of land and any exceptions to policy on this basis would need to be for a planning purpose. I will look into this further and come to a view on it in my report of handling. This may take some time given the complexity.

I will hopefully be able to make my recommendation by Friday 25th.

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: Holden John@Development Management
Sent: 18 May 2018 09:09
To: Marc Williamson [redacted]
Cc: Hunter Dale@Development Management <Dale.Hunter@shetland.gov.uk>
Subject: RE: 947-4-1mwEM180508 Ivy Cottage, Hoswick 2018/027/PPF

Hello Marc,

The application continues to be part of Dale Hunter's caseload. Seeing this email he will complete his assessment and report on handling, and make his recommendation.

I can confirm that the Doctor's letter has been received. It is not available to view on the Council's website because of the nature of its content. Planning relates to the use of land rather than to the user, and the general rule is that the personal circumstances or attributes of the applicant should be ignored by the authority. There is case law that points to where personal circumstances may be taken into account in exceptional cases, and Dale in carrying out his assessment and reporting will come to a conclusion on whether in this case your client's personal circumstances may be taken into account.

Regards

John

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 a planning application, please make your response to development.management@shetland.gov.uk .

John Holden
Team Leader – Development Management

Shetland Islands Council
Planning
Development Services

c/o Train Shetland
North Gremista Industrial Estate
Lerwick
Shetland
ZE1 0PX

Tel: (01595) 743898

From: Marc Williamson [redacted]
Sent: 17 May 2018 12:42
To: Holden John@Development Management <john.holden@shetland.gov.uk>
Subject: Re: 947-4-1mwEM180508 Ivy Cottage, Hoswick 2018/027/PPF

Hi John,

We acknowledge your comments below, with regards to the assessment / recommendation being made on the following plans:

- 947(FPP)01A / 947(FPP)02B / 947(FPP)03B / 947(FPP)04

We would, however, request that a decision is made on this application as soon as possible. We have made you aware that we would like to proceed to Planning Committee, given that we have been informed that the application will probably be recommended for refusal. We are now well over the recommended 8 week timeline for a decision, and we trust you will appreciate our clients frustrations with how this is being dealt with and the time this is taking.

We would also appreciated acknowledgment that our recent submission of Doctor's letters has been received, and, that this will form part of the decision making process.

Regards,

Marc

> On 15 May 2018, at 09:59, john.holden@shetland.gov.uk wrote:
>
> Good morning Marc,
>
> Thank you for confirming that there is no further information from yourselves being waited on.
>
> It is not appropriate that officers make a choice between alternatives in the assessment and consideration of proposals that are the subject of a planning application. All parties to the planning process, including consultees and interested neighbours, need to be certain

what the proposals to be the subject of determination are in deciding what if any comments or representation they make. As you will recognise revised drawings submitted are made publicly available both on the planning file and online, where the ability exists for people to track the progress of an application, and if there are revisions therefore have the opportunity to comment or revise those already made. The decision on what plans are to be considered firmly rests with the applicant and/or their agent through the submission of plans.

Therefore, in the absence of further submissions the planning officer will complete his assessment and make a recommendation on the basis of the current submitted plans being RGA(FPP)01A, RGA 947(FPP)02 B, RGA 947(FPP)03 B, and RGA(FPP)04.

I hope this clarifies the position.

Regards

John

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 a planning application, please make your response to development.management@shetland.gov.uk .

John Holden
Team Leader – Development Management

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

Tel: (01595) 743898

From: Hunter Dale@Development Management
Sent: 15 May 2018 09:26
To: Holden John@Development Management <john.holden@shetland.gov.uk>
Subject: FW: 947-4-1mwEM180508 Ivy Cottage, Hoswick 2018/027/PPF

From: Marc Williamson [redacted]
Sent: 08 May 2018 15:56

To: Hunter Dale@Development Management <Dale.Hunter@shetland.gov.uk>
Cc: Holden John@Development Management
<john.holden@shetland.gov.uk>; [redacted]
Subject: 947-4-1mwEM180508 Ivy Cottage, Hoswick 2018/027/PPF

Hi Dale,

In response to your last email (below). We want to ensure you that we have done everything we can do to help this application be successful and that you are not waiting on any further information from us.

Therefore, to reply to your question in the last paragraph of your email below; we find this a difficult one to answer because we have been given no clear indication which design may be most favourable to promote for consideration.

The earlier design (RGA 947(FPP)02B and RGA 947(FPP)03B) followed directly from your design suggestions during our conversation on 20th March, where all your suggestions were accommodated to a high degree, for an extension in this position. Likewise, the revised design submitted by Adrian to you on 18th April was also amended very closely to your suggestions to him during a meeting on 12th April.

Unfortunately it seems to us that we have both been asked to achieve differing requirements on each occasion, and the goal posts keep changing!

Therefore, both designs were considered to be very close to what you required for approval. We shall leave it to your discretion to choose the design you and John Holden consider the least problematic design for you. Hopefully you can justify approving the chosen design.

Please do not hesitate to contact me, should you require any further information. In the meantime, our client eagerly awaits your formal decision.

Regards,

Marc

> On 25 Apr 2018, at 14:35, Dale.Hunter@shetland.gov.uk wrote:
>
> Hi Adrian,
>
> Thanks for your submission. The design statement is certainly helpful in highlighting the design iterations and constraints. The

formal submission of the supporting statement allows us to take this information into account as part of the assessment.

While the reduction of the footprint of the front extension has reduced the prominence of the extension to a degree, it is still a significant addition to the principle elevation of the traditional dwelling. From our discussions and the supporting statement, it does not appear that any proposals are forthcoming which would be to the side or rear of the dwelling, or that would be sufficiently less prominent on the principle elevation of the dwelling. As such I am minded to recommend refusal. I will begin drafting my report to reflect that.

The current formally submitted plans are RGA 947(FPP)03B and RGA 947(FPP)02B. I would appreciate if you could confirm whether the decision should be taken on these plans or others.

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

<image001.png>

From: Marc Williamson [redacted]
Sent: 18 April 2018 11:19
To: Holden John@Development Management <john.holden@shetland.gov.uk>
Cc: Hunter Dale@Development Management <Dale.Hunter@shetland.gov.uk>; [redacted] com
Subject: 947-4-1awEM180418 Ivy Cott, Hoswick/ 2018/027/PPF

Hi John,

Extension to Ivy Cott, Hoswick/ 2018/027/PPF

I understand Dale is off sick today. I'm not sure if he has been keeping you up to speed on the above.

He called me in for a meeting last week to discuss how to change the design to be more acceptable to you all, as it appears you have discussed this project at length within your department.

We agreed an approach of which I have since developed and emailed to Dale on 16th April. I have also just emailed Dale his requested justification statement. Dale said a floor plan was sufficient at this stage to check if you were all happy, before spending more time on elevations, however the elevations will not have changed significantly.

He asked me to get this in for this morning so that it could be discussed at a meeting you were holding this afternoon. We are short staffed however I have prioritised this and tried to get everything sent by this morning.

I have been advised by your admin to resend everything to you, while Dale is off.

Hopefully, we can still make head way or even a permission this week, to keep the momentum up. See my message to dale below.

PS I resent the justification document as the first one was corrupted.

regards

Adrian

Hi Dale,

Sending again as the formatting in the last attachment was bad. Please discard and use the document attached to this email. The text next to the plans should not be overlapping.

As you had requested, I have attached a comprehensive justification document for the above and to be read in conjunction with the layout plan I sent you on 16th April.

Hopefully we have now supplied you with the required information in sufficient time for you to table at your internal meeting this afternoon.

We look forward to hearing feedback from you soon, as we have prioritised this application rather than wait 2/3 weeks until staff holidays are over. One of the applicants is currently south for an operation and we'd like to be able to provide them with good news on their return.

regards

Adrian

Marc Williamson | Architect | ARB, RIBA, RIAS

for **Richard Gibson Architects Ltd**

72a commercial street | lerwick | shetland | ZE1 0DL

t. 01595 69 5000 | f. 01595 69 4117 | w. www.rg-architects.com

From: Hunter Dale@Development Management
Sent: 7 Jun 2018 11:15:03 +0000
To: 'Marc Williamson'
Subject: 2018/027/PPF - Ivy Cottage

Good Afternoon Marc,

I have passed my report through to my team leader for review and determination following the final update from the Drainage Engineer yesterday. Hopefully a decision can be made soon.

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: Hunter Dale@Development Management
Sent: 2 Jul 2018 11:54:36 +0000
To: [redacted]
Cc: Holden John@Development Management
Subject: FW: Planning Application 2018/027/PPF

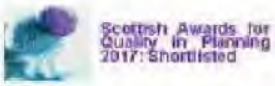
Hi Marc,

Thanks for your call today. Just to summarise, you asked what the reasons for refusal would be and about the contents of the report. I highlighted that the reasons for refusal and contents of the report follow on from concerns raised in previous correspondence and discussed during meetings. You asked why I couldn't tell you more about the contents of the report given that the report had already been drafted. I highlighted some of the topics that were previously discussed but reiterated the comments from John below. It is not standard practice to send out reports of handling before the decision is made.

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: Holden John@Development Management
Sent: 02 July 2018 11:36
To: Marc Williamson [redacted]
Cc: Development Management@Development <development.management@shetland.gov.uk>; Hunter Dale@Development Management <Dale.Hunter@shetland.gov.uk>
Subject: Planning Application 2018/027/PPF

Hello Marc,

I understand you have just tried to contact me regarding the above planning application. I confirm that having carried out my review of the assessment Dale is finalising the Report on Handling, and a decision notice should be issued before the close of business today.

Given that you have said that it is your client's intention to give notification of review of the decision, to assist, please find attached the relevant form and guidance for doing so. Notices of Review can also be lodged through the ePlanning.scot website: https://www.eplanning.scot/ePlanningClient/default.aspx

Regards

John

John Holden
Team Leader – Development Management

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

Tel: (01595) 743898

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 County Planning (Development Management Procedure) (Scotland) Regulations 2013

Format: Ref No; Proposal & Address

2018/025/PPF; Installation of Replacement Plant within New Enclosure, Installation of 2 Trolley Bays, Colour Change to Shopfront and Installation of Wind Break to Front Entrance; Co-op Ltd, Holmsgarth Road, Lerwick, Shetland, ZE1 0PW

2018/027/PPF; Single storey extension to north and east elevations; Ivy Cottage, Hoswick, Sandwick, Shetland, ZE2 9HL

2018/005/MAR; To relocate four 220m twin-headline longlines at an existing site; Swinister Voe, Delting

2018/035/PPF; Erect steel portal frame building for use as an Agricultural Museum and install access and parking areas; North of Gaet-a-Gott, Gott, Tingwall, Shetland

2018/039/PPF; Change of use of part of building from Class 4 to Class 1 shop; Unit 1, Hagdale Industrial Estate, Baltasound, Unst, Shetland, ZE2 9TW

2018/042/PPF; Change of use from agricultural and stables use to boarding kennels; Brunt Hamarsland, Wadbister, Girlsta, Shetland, ZE2 9SQ

Written comments may be made to Iain McDiarmid, Executive Manager, at the above address, email development.management@shetland.gov.uk by 16/03/2018

Section 3.

Consultation Responses

From: Smith Colin@Marine Planning on behalf of Planning Flooding Drainage Coastal
Sent: Thu, 22 Feb 2018 11:17:30 +0000
To: Development Management@Development
Subject: RE: Planning Consultation 2018/027/PPF

Background

This is an application to construct and extension to an existing dwelling house at Hoswick.
The supporting information does not include any drainage information.

Comments

Surface Water Drainage
The submitted information states that SUDs will not be provided and does not include any information on existing drainage.

To comply with the Water Framework Directive and policy WD3 the drainage design should include sufficient attenuation to at least reduce flows from the additional proposed hard areas during 1 in 10 year rainfall events to the level which would have occurred before the development.
There are a range of SUDs drainage devices which could provide the required attenuation.
The undeveloped land within the house boundaries is constrained and that would appear likely to limit the desirable options. Incorporating drainage into the parking area would appear to be worth consideration.
Further information on SUDs selection and drainage design is available in CIRIA's document, C753 "The SUDs Manual".

River Flood Risk

There is no river flood risk for this site identified on the SEPA flood maps.
I am aware of historic flooding issues when the culvert on the burn immediately west of the site blocked during the 2003 landslides, but overflows at that point would appear unlikely to create a flood risk to the site directly.
I am satisfied that no additional consideration of river flood risk is required for this site.

General good practice for site drainage should be followed:
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 site drainage features 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.

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: 21 February 2018 09:29
To: Planning Flooding Drainage Coastal <Planning.Flooding.Drainage.Coastal@shetland.gov.uk>
Subject: Planning Consultation 2018/027/PPF

Dear Sir/Madam,

Planning Ref: 2018/027/PPF
Proposal: Single storey extension to north and east elevations
Address: Ivy Cottage, Hoswick, Sandwick, Shetland, ZE2 9HL
Applicant: Mr Colin Dalziel
Date of Consultation: 21 February 2018

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: Smith Colin@Marine Planning
Sent: 6 Jun 2018 13:03:07 +0100
To: Hunter Dale@Development Management
Subject: RE: 947-4-1mwEM180321 SUDS Device Solution

Hi Dale,
Sorry, I thought there was to be a consultation email coming through.

As we discussed my comments haven't changed from my last formal reply, but to summarise:

The proposals don't include any SUDs drainage.
SUDs drainage could be fitted into the application area, but space is limited and a design specific to the site would be needed
A drainage system without SUDs does not appear to create any flood risk, but would need a departure from policy to be agreed.

I hope that's a help.
Regards,

Colin Smith
Planning Engineer

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

From: Hunter Dale@Development Management
Sent: 06 June 2018 11:27
To: Smith Colin@Marine Planning <colin.smith@shetland.gov.uk>
Subject: FW: 947-4-1mwEM180321 SUDS Device Solution

Hi Colin,

Did you get a chance to look at this?

Thanks
Dale

From: Hunter Dale@Development Management
Sent: 31 May 2018 15:09
To: Smith Colin@Marine Planning <colin.smith@shetland.gov.uk>
Subject: FW: 947-4-1mwEM180321 SUDS Device Solution

Hi Colin,

I had received the email below a while ago and should have reconsulted you. Should I put that through now?

Many Thanks
Dale

From: Marc Williamson [mailto:marc@rg-architects.com]
Sent: 28 March 2018 10:50
To: Hunter Dale@Development Management <Dale.Hunter@shetland.gov.uk>
Subject: Re: 947-4-1mwEM180321 SUDS Device Solution

Hi Dale,

We would also agree that there appears to be no major concerns here.

As stated in Colin's initial comments on 22/02/2018, connecting into the existing surface water drainage system is possible. As requested, to confirm, our existing proposal is to connect into the existing surface water drainage system (without attenuation). This is shown on our current drawings, and our reasoning for this is stated on our previous email.

We hope this confirmation will allow your acceptance for our SUDS drainage for this application.

Regards,

Marc

> On 27 Mar 2018, at 15:47, dale.hunter@shetland.gov.uk wrote:
>
> Hi Marc,
>
> Apologies for the delay in forwarding this through to you. Thanks for reminding me.
>
> I would appreciate you could provide some confirmations in line with the comments from the Drainage Engineer below. I get the impression that there are no major concerns in this area.
>
> 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
>
> <image002.png>

From: Smith Colin@Marine Planning **On Behalf Of** Planning Flooding Drainage Coastal
Sent: 22 March 2018 13:38
To: Hunter Dale@Development Management <Dale.Hunter@shetland.gov.uk>
Subject: RE: 947-4-1mwEM180321 SUDS Device Solution

Hi Dale,

As discussed I can confirm that an impermeable SUDs attenuation volume in the garden area, with a discharge to the burn through the wall would be acceptable and would meet policy WD3.

The attenuation device should have a suitable volume and throttle specification to act to provide attenuation of 1 in 10 year events to the greenfield run off rate for at least the roof area of the extension.

I also confirm that, provided the attenuation device is of impermeable construction, that there is no minimum spacing requirements to site boundaries, and spacing to building foundations would not have any drainage spacing requirements, with only structural stability to be considered.

Regards,

Colin Smith
Planning Engineer

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

From: Hunter Dale@Development Management
Sent: 21 March 2018 17:34
To: Smith Colin@Marine Planning <colin.smith@shetland.gov.uk>
Subject: FW: 947-4-1mwEM180321 SUDS Device Solution

Hi Colin,

Are you free for a chat about this tomorrow (Thurs 22nd)?

Thanks
Dale

From: Marc Williamson [mailto:marc@rg-architects.com]
Sent: 21 March 2018 10:54
To: Hunter Dale@Development Management
Subject: 947-4-1mwEM180321 SUDS Device Solution

Hi Dale,

2018 / 027 / PPF - Proposed Extension to Ivy Cottage, Hoswick

We have been in contact with Colin Smith as you suggested, with regards to the SUDS design for the above application. He confirmed that the applicant could proceed in using a designed attenuation device instead of a typical SUDS system, due to the restrictions on site. He advised, however, that the planning officer would have to agree to this approach.

As you are aware, due to the constrained nature of the site, it is difficult to incorporate a SUDS device which will be 5m from any boundary. This would also mean finding a suitable termination point, which may be some distance from the chamber itself (and therefore excessive excavations given the proposed size of the extension).

A possible solution could be as follows:

- Please see attached a marked up image which shows 2no existing surface water drainage outlets. These terminate straight into the large ditch / existing culvert to the south of the site. We would propose to connect into the existing surface water drainage system, which was discussed with Colin Smith and he agreed that this was possible in principle.

Please advise if you are happy with this proposal given the tight parameters and existing provisions available on site.

Please call to discuss if you prefer.

Hope to hear from you soon.

Regards,

Marc
Marc Williamson | Architect | ARB, RIBA, RIAS
for **RichardGibsonArchitectsLtd**
72a commercial street | lerwick | shetland | ZE1 0DL
t. 01595 69 5000 | f. 01595 69 4117 | w. www.rg-architects.com

<image001.jpg>

Section 4.

Representations

There were no representations received.

Section 5.

Report of Handling

Delegated Report of Handling

Development: Single storey extension to north and east elevations

Location: Ivy Cottage, Hoswick, Sandwick, Shetland, ZE2 9HL,

By: Mr Colin Dalziel

Application Ref: 2018/027/PPF

1. **Introduction**

The application proposes the extension of the dwellinghouse at Ivy Cottage, Hoswick. The proposed extension is modernist in design and extends from the front elevation by 4.4 metres. The extension features a flat roof and upvc windows.

The site features no relevant planning history.

2. **Statutory Development Plan Policies**

Shetland Local Development Plan

GP2 - General Requirements for All Development
GP3 - All Development: Layout and Design
WD3 – SuDs

3. **Safeguarding**

30km Radius Scatsta - 30km Sumburgh Scatsta: 1

Access Routes - Access Route: ARS02

Burn Buffer - Name: Vadik of Sloca

Canmore - Canmore: 180978

Crofts - Holding ID: 7393

Landscape Character Assessment - Landscape Character Assessment: Farmed Settled Lowland and Coast

Rights of Way - Right of Way: 83
Right of Way Ref:: SK035

4. **Consultations**

Planning - Flooding Drainage Coastal was consulted on the 5 June 2018.Their comments dated 6 June 2018 can be summarised as follows:

The proposals don't include any SUDs drainage.

SUDs drainage could be fitted into the application area, but space is limited and a design specific to the site would be needed
A drainage system without SUDs does not appear to create any flood risk, but would need a departure from policy to be agreed.

Planning - Flooding Drainage Coastal was consulted on the 21 February 2018.Their comments dated 22 February 2018 can be summarised as follows:

Background
This is an application to construct and extension to an existing dwelling house at Hoswick.
The supporting information does not include any drainage information.

Comments
Surface Water Drainage
The submitted information states that SUDs will not be provided and does not include any information on existing drainage.

To comply with the Water Framework Directive and policy WD3 the drainage design should include sufficient attenuation to at least reduce flows from the additional proposed hard areas during 1 in 10 year rainfall events to the level which would have occurred before the development.
There are a range of SUDs drainage devices which could provide the required attenuation.
The undeveloped land within the house boundaries is constrained and that would appear likely to limit the desirable options. Incorporating drainage into the parking area would appear to be worth consideration.
Further information on SUDs selection and drainage design is available in CIRIA's document, C753 "The SUDs Manual".

River Flood Risk

There is no river flood risk for this site identified on the SEPA flood maps.
I am aware of historic flooding issues when the culvert on the burn immediately west of the site blocked during the 2003 landslides, but overflows at that point would appear unlikely to create a flood risk to the site directly.
I am satisfied that no additional consideration of river flood risk is required for this site.

General good practice for site drainage should be followed:
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 site drainage features 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.

5. **Statutory Advertisements**

The application was advertised in the Shetland Times on 02.03.2018

A site notice was not required to be posted.

6. **Representations**

Representations were received from the following properties:

None.

7. **Report**

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

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

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

Shetland Local Development Plan Policy 2014 (SLDP) GP2 requires proposed developments to be compatible with existing neighbouring uses i.e. that the existing built and natural environment is not negatively affected by new development. The nearest neighbouring property is 24.9 metres from the proposed extension. Given that the site is across the main road, no overlooking, overshadowing or loss of daylight at neighbouring residential properties are anticipated, and the proposed development complies with SLDP Policy GP2 in these amenity respects.

SLDP Policy WD3 requires development to have appropriate surface water drainage. The consultation response from the Council's Drainage Engineer highlighted concerns in relation to the existing burn to the south. After discussions with the applicant's agent and following further consultation responses from the Council's Drainage Engineer, no SUDS device has been provided for this site and the application is contrary to SLDP Policy WD3. However, the Drainage Engineer confirmed that there is likely to be no flood risk associated with there being a lack of SUDS in this particular case given the outflow directly to the adjacent burn. It is considered therefore that whilst the proposal

represents a departure from SLDP Policy WD3 an exception can be afforded in this instance.

SLDP Policy GP3 requires proposed developments to be sited and designed in a way which respects the character and local distinctiveness of its surroundings and should make a positive contribution to: maintaining the identity and character of the area; ensuring a safe and pleasant space; ensuring ease of movement and access for all; a sense of welcome; long term adaptability and represent a good use of resources. The Council has a Draft Supplementary Guidance on Placemaking, which is a material consideration, and its main aim and message is to ensure high quality design and thoughtful layout for all new development in Shetland, and make sure the developer adopts within their designs the Scottish Government's six key qualities. The Government has identified the six qualities of successful places as: Distinctive; Safe and pleasant; Easy to move around; Welcoming; Adaptable; and Resource efficient. For a place to be distinctive the Supplementary Guidance states that any new development should be designed to consider the context and local identity - new development must complement the local identity and not detract from it.

The existing dwelling is a two storey, three bay traditional dwelling facing east with twin chimney stacks on either gable. The style appears to be from around 1900. The central bay has been changed at some point from a door to a third window. The dwelling features a slate roof and dry dash rendered exterior. There is a small lean-to extension at the rear with a garden shed and oil tank to the south of the dwelling.

The proposed development is a large modernist extension to the dwelling's principal elevation and placed over the central and northern bays of the front elevation facing the public road. It is proposed that the central bay will be enclosed as a new front entrance as part of the extension with a large window facing south and a timber front door facing east. The remainder of the proposed extension extends 4.4 metres from the northern part of the front elevation of the dwelling over the front garden. The proposal features a flat roof and single, small, centrally located eye-level window on the east elevation 1.175 metres from the site boundary with the public road, and one small window on the north elevation. The proposed windows are white upvc. The proposed extension will be clad in timber painted slate grey.

The proposal must be considered both in relation to the existing dwelling and in relation to the character of the area.

In general terms, modernist extensions can appear appropriate on traditional buildings where they are clearly distinct and subservient to the host dwellinghouse. This distinction can be provided, for example, through materials, window orientations, glazed links separating the structures, colours, reversible effects on the original dwelling and discreet siting.

The proposed extension is located on the most prominent part of the site and would appear to dominate the front elevation of the dwelling. The window on the eastern elevation appears odd in its location - the principal elevation of dwellings generally adds a sense of welcome, with the largest glazing units providing a welcoming entrance. The proposed window is a small proportion of the front elevation and appears inappropriate. The extension contains a bedroom and it is understood that the size of the window is to prevent privacy impacts. However, this reinforces the concerns regarding the siting of the proposal to extend in the most prominent location within the site. The use of dark painted horizontal timber weatherboarding would provide a distinction from the materials and colours of the existing dwelling, but given the expanse of timber cladding on the front elevation proposed, this appears a bold statement and would contribute to the sense that the extension would dominate the front elevation of the dwelling.

The specific alterations to the front of the existing dwelling include removal of the building fabric around two of the existing windows. While it is inevitable that traditional buildings will be the subject of alteration over time, the proposed development is not reversible and the traditional fabric of the building would need extensive repairs in the future if the proposal was to go ahead and then be removed. There is a duty to preserve the character and appearance of traditional buildings for future generations.

In relation to the character of the area, and the impact that the proposal would have on local identity as determined by the proposed extension's design being informed by the surroundings and the wider context, while there are modern dwellings and extensions in the area, there are no other 'modernist' style, flat roofed extensions or dwellings of this architectural style in the immediate area. It cannot therefore be considered that the proposal fits in the character of the area.

Looking more closely at the character of the area, there are a variety of house designs in Hoswick, but a clear pattern of dwellings of the style of the dwelling that is the subject of this application is present and form a distinctive part of the character of Hoswick. Amongst other dwellinghouses in Hoswick, similar one-and-a-half storey dwellings are common (facing east and with twin chimney stacks on either gable) while more modern houses feature dark, pitched roofs, pastel coloured timber cladding and are generally single storey in height.

The application site is a particularly prominent example of the two storey three bay dwellings in Hoswick and therefore any proposed additions to it requires especially careful consideration within the wider context.

Many of the dwellings of this style in Hoswick have front extensions from the central ground floor bay in a traditional style, many with large areas of glazing to act as a sun room / porch. Most of the extensions do not cover more than the central bay and are located centrally in the principle elevation. Where they do extend further they are of a

traditional style and are located in less prominent parts of those sites when it comes to streetscape views and the visitor and resident experience. The extensions have pitched roofs, with the exception of small, shallow, mono pitched porch extensions.

The supporting statement to the planning application refers to a nearby similar dwelling in design terms which was granted planning permission for a large front extension, Southerhouse (planning permission 2016/212/PPF). It is to be noted that each case is assessed on its own merits. The report of handling for that application highlights that the site at Southerhouse is surrounded by other built development and proposes a traditional, gable ended extension with similar window layout and roof materials to the host property. That approved proposal also extends from an existing large 2 storey front extension via a small link between the dwelling and new, distinct element.

During discussions with the agent, it was highlighted that the proposal was unlikely to be recommended for approval unless the extension was to be moved to the side or rear of the dwelling. In meetings, and later formalised in the amended supporting statement, the agent highlighted the constraints of the site. Seven sketch proposals are included in the amended statement. Options reported to have been explored were on the south east corner and north east corner of the site. Extensions to the south east corner were not pursued because the agent states they would: block access to the existing rear entrance; obscure light to the living room window on the southern bay of the principal elevation; and would obscure the southerly aspect of the house (preventing future windows to be installed if desired).

None of the prepared sketches within the amended supporting statement were principally to the side or rear of the property, with each extending out over the dwelling's front garden from its principal elevation. Sketch proposals were submitted as part of the discussions with the agent during the handling application but none were formally submitted. The agent has been advised that extensions to the side or rear would likely resolve the prominence and character issues that exist with the proposal. The agent made clear that the siting of the proposed extension would not be changed to a less prominent location. It is however to be noted that there are extensive permitted development rights for access ramps and extensions to the side and rear of dwellinghouses.

The agent submitted letters in support of the application from the doctor of the current occupants of the dwelling including the applicant requesting that their content be taken into account in the decision making process. Ease of movement and access for all, which are the matters that are at the heart of the supporting information submitted, are central aspects of SLDP Policy GP3 and Planning Advice Note 78: Inclusive Design. An applicant's personal circumstances and attributes are as a general rule not regarded as material considerations and relevant to the decision on applications, but they may be taken into account in exceptional circumstances, when they are clearly relevant.

Personal circumstances can be considered as material considerations in the assessment of planning applications where the personal circumstances have a material effect on the character of the use of land. This is outlined in case law. To quote Westminster City Council V Great Portland Estates PLC: HL 1985 -

"Personal circumstances of an occupier, personal hardship, the difficulties of businesses which are of value to the character of a community are not to be ignored in the administration of planning control. It would be inhuman pedantry to exclude from the control of our environment the human factor. The human factor is always present, of course, indirectly as the background to the consideration of the character of land use. It can, however, and sometimes should, be given direct effect as an exceptional or special circumstance. But such circumstances, when they arise, fall to be considered not as a general rule but as exceptions to a general rule to be met in special cases."…

Therefore it must be considered whether the personal circumstances of the current occupiers of the dwelling, including the applicant has an effect on the character of the use of land in a sufficient magnitude to warrant being considered as a material planning consideration. The personal circumstances in this instance, which would derive benefit from ground floor living that the proposal by including a bedroom would bring about, has a direct effect on the character of the use of the land and the area by virtue of its prominent location and 'modernist' style.

It must be considered whether the imposition of conditions can bring compliance with SLDP Policy GP3. In other circumstances, conditions have been imposed on planning permissions restricting them to personal use of the applicant - in effect giving temporary consent in association with the specific user. This can be appropriate where the impact of the development principally resides with the applicant themselves. However, in this case the impact would be on the character of the area and character of the existing dwelling. These impacts would not be experienced solely by the current occupants of the property including the applicant. It is considered therefore that the imposition of a controlling condition for personal permission is not appropriate in this instance.

It must be considered whether an exception to the design policies is warranted on the material ground of the personal circumstances of the current occupiers of the dwelling including the applicant and the choice of siting and design of the proposed extension. It is not considered that there is an overwhelming public interest in the setting aside of the policy in this instance, and no other material considerations are apparent.

The site is within a number of safeguarding areas as identified in section 2 of this report. The proposal is not anticipated to affect any rights of way or access routes. The above assessment considers all relevant safeguarding.

The proposed development would be a significant addition to the principal elevation of a traditional dwelling. Based on the proposed 'modernist' design, scale of the proposal and prominent siting, the proposal would appear incongruous with, and detrimentally effect the distinctiveness and character of the area, and detract from Hoswick's local identity. The submitted amendments have not resolved these concerns and whilst an exception to Shetland Local Development Plan Policy WD3 can be afforded because there is likely to be no flood risk associated with there being a lack of SUDS, .the proposal is contrary to Shetland Local Development Plan 2014 Policies GP2 and GP3.

8. **Recommendation**

Application Refused

Reasons for Council's decision:

(1.) The proposed development would be a significant addition to the principal elevation of a traditional dwelling. Based on the proposed 'modernist' design, scale of the proposal and prominent siting, the proposal would appear incongruous with, and detrimentally effect the distinctiveness and character of the area, and detract from Hoswick's local identity. The submitted amendments have not resolved these concerns and whilst an exception to Shetland Local Development Plan Policy WD3 can be afforded because there is likely to be no flood risk associated with there being a lack of SUDS, the proposal is contrary to Shetland Local Development Plan 2014 Policies GP2 and GP3.

9. **List of refused plans:**

- Existing Plan Drawing No. 947(FPP)04
  Stamped Received. 09.02.2018
- Location Plan Drawing No. 947(FPP)01A
  Stamped Received. 09.02.2018
- Elevations Drawing No. 947(FPP)03 B
  Stamped Received. 09.04.2018
- Site Plan, Elevations & Floor Plan Drawing No. 947(FPP)02 B
  Stamped Received. 09.04.2018

11. **Further Notifications Required**

None.

12. **Background Information Considered**

Letters from the doctor of the current occupiers of the dwelling including the applicant (Confidential).

Section 6.

Decision Notice

SHETLAND ISLANDS COUNCIL

Town and Country Planning (Scotland) Acts

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

Applicant Name and Address
Mr Colin Dalziel
Ivy Cottage
Hoswick
Sandwick
Shetland
ZE2 9HL

Agent Name and Address
Marc Williamson
72a Commercial Street
Lerwick
Shetland
Shetland Islands
ZE1 0DL

Reference Number: 2018/027/PPF
Single storey extension to north and east elevations: Ivy Cottage, Hoswick, Sandwick, Shetland, ZE2 9HL

Details of Refused Plans and Drawings:

- Existing Plan Drawing No. 947(FPP)04
  Stamped Received. 09.02.2018
- Location Plan Drawing No. 947(FPP)01A
  Stamped Received. 09.02.2018
- Site Plan, Elevations & Floor Plan Drawing No. 947(FPP)02 B
  Stamped Received. 09.04.2018
- Elevations Drawing No. 947(FPP)03 B
  Stamped Received. 09.04.2018

Reasons for Council's decision:

The proposed development would be a significant addition to the principal elevation of a traditional dwelling. Based on the proposed 'modernist' design, scale of the proposal and prominent siting, the proposal would appear incongruous with, and detrimentally effect the distinctiveness and character of the area, and detract from Hoswick's local identity. The submitted amendments have not resolved these concerns and whilst an exception to Shetland Local Development Plan Policy WD3 can be afforded because there is likely to be no flood risk associated with there being a lack of SUDS, the proposal is contrary to Shetland Local Development Plan 2014 Policies GP2 and GP3.

2 July 2018

Executive Manager

IMPORTANT INFORMATION

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

If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable or 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.

Section 7.

Notice of Review

2018 / 027 / PPF

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	MR AND MRS DALZIEL
Address	IVY COTTAGE HOSWICK SANDWICK ZE2 9HL
Postcode	
Contact Telephone 1	
Contact Telephone 2	
Fax No	
E-mail*	

2. Agent *(if any)*

Name	RICHARD GIBSON ARCHITECTS LTD.
Address	72A COMMERCIAL STREET LERWICK SHETLAND
Postcode	ZE1 0DL
Contact Telephone 1	[redacted]
Contact Telephone 2	
Fax No	
E-mail*	[redacted]

Mark this box to confirm all contact should be through this representative: [X]

* Do you agree to correspondence regarding your review being sent by e-mail? Yes [X] No [ ]

3. Application Details

Planning authority's application reference number: 2018 / 027 / PPF

Site address: IVY COTTAGE, HOSWICK, SANDWICK, ZE2 9HL.

Description of proposed development: PROPOSAL SEEKS TO CREATE A NEW SINGLE STOREY EXTENSION TO THE EXISTING DWELLINGHOUSE.

Date of application: 21/02/2018 (validated) Date of decision (if any): 02/07/2018 (decision)

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)	X
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	X
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?	X	
2	Is it possible for the site to be accessed safely, and without barriers to entry?	X	

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.

PLEASE REFER TO RICHARD GIBSON ARCHITECTS FULL SUPPORTING STATEMENT, ENCLOSED WITH THIS APPLICATION.

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.

1) 947-4-1RP DECISION NOTICE
2) REPORT OF HANDLING
3) 947-4-1mw180205 ORIGINAL PLANNING APPLICATION
4) 947-6-2mwDR18040902B SITE PLAN AND SECTIONS
5) 947-6-2mwDR18040903B EXISTING AND PROPOSED ELEVATIONS
6) 947-4-1mwEM180314 DISCUSSION WITH CASE OFFICER
7) 947-4-1mwLT180511 DOCTOR LETTERS
8) 947-4-1awRP180703 DESIGN DEVELOPMENT AND JUSTIFICATION
9) 947-4-1mwLT SUPPORTING ELEVATION INFORMATION
10) 947-4-1mwLT RESPONSE TO PLANNING DECISION
11) LETTER OF SUPPORT

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: Marc Williamson (for Richard Gibson Architects Ltd.)

Date: 16 / 07 / 2018

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

SHETLAND ISLANDS COUNCIL

Town and Country Planning (Scotland) Acts

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

Applicant Name and Address
Mr Colin Dalziel
Ivy Cottage
Hoswick
Sandwick
Shetland
ZE2 9HL

Agent Name and Address
Marc Williamson
72a Commercial Street
Lerwick
Shetland
Shetland Islands
ZE1 0DL

Reference Number: 2018/027/PPF
Single storey extension to north and east elevations: Ivy Cottage, Hoswick, Sandwick, Shetland, ZE2 9HL

Details of Refused Plans and Drawings:

- Existing Plan Drawing No. 947(FPP)04
  Stamped Received. 09.02.2018
- Location Plan Drawing No. 947(FPP)01A
  Stamped Received. 09.02.2018
- Site Plan, Elevations & Floor Plan Drawing No. 947(FPP)02 B
  Stamped Received. 09.04.2018
- Elevations Drawing No. 947(FPP)03 B
  Stamped Received. 09.04.2018

Reasons for Council's decision:

The proposed development would be a significant addition to the principal elevation of a traditional dwelling. Based on the proposed 'modernist' design, scale of the proposal and prominent siting, the proposal would appear incongruous with, and detrimentally effect the distinctiveness and character of the area, and detract from Hoswick's local identity. The submitted amendments have not resolved these concerns and whilst an exception to Shetland Local Development Plan Policy WD3 can be afforded because there is likely to be no flood risk associated with there being a lack of SUDS, the proposal is contrary to Shetland Local Development Plan 2014 Policies GP2 and GP3.

2 July 2018

Executive Manager

IMPORTANT INFORMATION

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

If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable or 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.

Delegated Report of Handling

Development: Single storey extension to north and east elevations

Location: Ivy Cottage, Hoswick, Sandwick, Shetland, ZE2 9HL,

By: Mr Colin Dalziel

Application Ref: 2018/027/PPF

1. **Introduction**

The application proposes the extension of the dwellinghouse at Ivy Cottage, Hoswick. The proposed extension is modernist in design and extends from the front elevation by 4.4 metres. The extension features a flat roof and upvc windows.

The site features no relevant planning history.

2. **Statutory Development Plan Policies**

Shetland Local Development Plan

GP2 - General Requirements for All Development
GP3 - All Development: Layout and Design
WD3 – SuDs

3. **Safeguarding**

30km Radius Scatsta - 30km Sumburgh Scatsta: 1

Access Routes - Access Route: ARS02

Burn Buffer - Name: Vadik of Sloca

Canmore - Canmore: 180978

Crofts - Holding ID: 7393

Landscape Character Assessment - Landscape Character Assessment: Farmed Settled Lowland and Coast

Rights of Way - Right of Way: 83
Right of Way Ref:: SK035

4. **Consultations**

Planning - Flooding Drainage Coastal was consulted on the 5 June 2018.Their comments dated 6 June 2018 can be summarised as follows:

The proposals don't include any SUDs drainage.

SUDs drainage could be fitted into the application area, but space is limited and a design specific to the site would be needed
A drainage system without SUDs does not appear to create any flood risk, but would need a departure from policy to be agreed.

Planning - Flooding Drainage Coastal was consulted on the 21 February 2018.Their comments dated 22 February 2018 can be summarised as follows:

Background
This is an application to construct and extension to an existing dwelling house at Hoswick.
The supporting information does not include any drainage information.

Comments
Surface Water Drainage
The submitted information states that SUDs will not be provided and does not include any information on existing drainage.

To comply with the Water Framework Directive and policy WD3 the drainage design should include sufficient attenuation to at least reduce flows from the additional proposed hard areas during 1 in 10 year rainfall events to the level which would have occurred before the development.
There are a range of SUDs drainage devices which could provide the required attenuation.
The undeveloped land within the house boundaries is constrained and that would appear likely to limit the desirable options. Incorporating drainage into the parking area would appear to be worth consideration.
Further information on SUDs selection and drainage design is available in CIRIA's document, C753 "The SUDs Manual".

River Flood Risk

There is no river flood risk for this site identified on the SEPA flood maps.
I am aware of historic flooding issues when the culvert on the burn immediately west of the site blocked during the 2003 landslides, but overflows at that point would appear unlikely to create a flood risk to the site directly.
I am satisfied that no additional consideration of river flood risk is required for this site.

General good practice for site drainage should be followed:
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 site drainage features 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.

5. **Statutory Advertisements**

The application was advertised in the Shetland Times on 02.03.2018

A site notice was not required to be posted.

6. **Representations**

Representations were received from the following properties:

None.

7. **Report**

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

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

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

Shetland Local Development Plan Policy 2014 (SLDP) GP2 requires proposed developments to be compatible with existing neighbouring uses i.e. that the existing built and natural environment is not negatively affected by new development. The nearest neighbouring property is 24.9 metres from the proposed extension. Given that the site is across the main road, no overlooking, overshadowing or loss of daylight at neighbouring residential properties are anticipated, and the proposed development complies with SLDP Policy GP2 in these amenity respects.

SLDP Policy WD3 requires development to have appropriate surface water drainage. The consultation response from the Council's Drainage Engineer highlighted concerns in relation to the existing burn to the south. After discussions with the applicant's agent and following further consultation responses from the Council's Drainage Engineer, no SUDS device has been provided for this site and the application is contrary to SLDP Policy WD3. However, the Drainage Engineer confirmed that there is likely to be no flood risk associated with there being a lack of SUDS in this particular case given the outflow directly to the adjacent burn. It is considered therefore that whilst the proposal

represents a departure from SLDP Policy WD3 an exception can be afforded in this instance.

SLDP Policy GP3 requires proposed developments to be sited and designed in a way which respects the character and local distinctiveness of its surroundings and should make a positive contribution to: maintaining the identity and character of the area; ensuring a safe and pleasant space; ensuring ease of movement and access for all; a sense of welcome; long term adaptability and represent a good use of resources. The Council has a Draft Supplementary Guidance on Placemaking, which is a material consideration, and its main aim and message is to ensure high quality design and thoughtful layout for all new development in Shetland, and make sure the developer adopts within their designs the Scottish Government's six key qualities. The Government has identified the six qualities of successful places as: Distinctive; Safe and pleasant; Easy to move around; Welcoming; Adaptable; and Resource efficient. For a place to be distinctive the Supplementary Guidance states that any new development should be designed to consider the context and local identity - new development must complement the local identity and not detract from it.

The existing dwelling is a two storey, three bay traditional dwelling facing east with twin chimney stacks on either gable. The style appears to be from around 1900. The central bay has been changed at some point from a door to a third window. The dwelling features a slate roof and dry dash rendered exterior. There is a small lean-to extension at the rear with a garden shed and oil tank to the south of the dwelling.

The proposed development is a large modernist extension to the dwelling's principal elevation and placed over the central and northern bays of the front elevation facing the public road. It is proposed that the central bay will be enclosed as a new front entrance as part of the extension with a large window facing south and a timber front door facing east. The remainder of the proposed extension extends 4.4 metres from the northern part of the front elevation of the dwelling over the front garden. The proposal features a flat roof and single, small, centrally located eye-level window on the east elevation 1.175 metres from the site boundary with the public road, and one small window on the north elevation. The proposed windows are white upvc. The proposed extension will be clad in timber painted slate grey.

The proposal must be considered both in relation to the existing dwelling and in relation to the character of the area.

In general terms, modernist extensions can appear appropriate on traditional buildings where they are clearly distinct and subservient to the host dwellinghouse. This distinction can be provided, for example, through materials, window orientations, glazed links separating the structures, colours, reversible effects on the original dwelling and discreet siting.

The proposed extension is located on the most prominent part of the site and would appear to dominate the front elevation of the dwelling. The window on the eastern elevation appears odd in its location - the principal elevation of dwellings generally adds a sense of welcome, with the largest glazing units providing a welcoming entrance. The proposed window is a small proportion of the front elevation and appears inappropriate. The extension contains a bedroom and it is understood that the size of the window is to prevent privacy impacts. However, this reinforces the concerns regarding the siting of the proposal to extend in the most prominent location within the site. The use of dark painted horizontal timber weatherboarding would provide a distinction from the materials and colours of the existing dwelling, but given the expanse of timber cladding on the front elevation proposed, this appears a bold statement and would contribute to the sense that the extension would dominate the front elevation of the dwelling.

The specific alterations to the front of the existing dwelling include removal of the building fabric around two of the existing windows. While it is inevitable that traditional buildings will be the subject of alteration over time, the proposed development is not reversible and the traditional fabric of the building would need extensive repairs in the future if the proposal was to go ahead and then be removed. There is a duty to preserve the character and appearance of traditional buildings for future generations.

In relation to the character of the area, and the impact that the proposal would have on local identity as determined by the proposed extension's design being informed by the surroundings and the wider context, while there are modern dwellings and extensions in the area, there are no other 'modernist' style, flat roofed extensions or dwellings of this architectural style in the immediate area. It cannot therefore be considered that the proposal fits in the character of the area.

Looking more closely at the character of the area, there are a variety of house designs in Hoswick, but a clear pattern of dwellings of the style of the dwelling that is the subject of this application is present and form a distinctive part of the character of Hoswick. Amongst other dwellinghouses in Hoswick, similar one-and-a-half storey dwellings are common (facing east and with twin chimney stacks on either gable) while more modern houses feature dark, pitched roofs, pastel coloured timber cladding and are generally single storey in height.

The application site is a particularly prominent example of the two storey three bay dwellings in Hoswick and therefore any proposed additions to it requires especially careful consideration within the wider context.

Many of the dwellings of this style in Hoswick have front extensions from the central ground floor bay in a traditional style, many with large areas of glazing to act as a sun room / porch. Most of the extensions do not cover more than the central bay and are located centrally in the principle elevation. Where they do extend further they are of a

traditional style and are located in less prominent parts of those sites when it comes to streetscape views and the visitor and resident experience. The extensions have pitched roofs, with the exception of small, shallow, mono pitched porch extensions.

The supporting statement to the planning application refers to a nearby similar dwelling in design terms which was granted planning permission for a large front extension, Southerhouse (planning permission 2016/212/PPF). It is to be noted that each case is assessed on its own merits. The report of handling for that application highlights that the site at Southerhouse is surrounded by other built development and proposes a traditional, gable ended extension with similar window layout and roof materials to the host property. That approved proposal also extends from an existing large 2 storey front extension via a small link between the dwelling and new, distinct element.

During discussions with the agent, it was highlighted that the proposal was unlikely to be recommended for approval unless the extension was to be moved to the side or rear of the dwelling. In meetings, and later formalised in the amended supporting statement, the agent highlighted the constraints of the site. Seven sketch proposals are included in the amended statement. Options reported to have been explored were on the south east corner and north east corner of the site. Extensions to the south east corner were not pursued because the agent states they would: block access to the existing rear entrance; obscure light to the living room window on the southern bay of the principal elevation; and would obscure the southerly aspect of the house (preventing future windows to be installed if desired).

None of the prepared sketches within the amended supporting statement were principally to the side or rear of the property, with each extending out over the dwelling's front garden from its principal elevation. Sketch proposals were submitted as part of the discussions with the agent during the handling application but none were formally submitted. The agent has been advised that extensions to the side or rear would likely resolve the prominence and character issues that exist with the proposal. The agent made clear that the siting of the proposed extension would not be changed to a less prominent location. It is however to be noted that there are extensive permitted development rights for access ramps and extensions to the side and rear of dwellinghouses.

The agent submitted letters in support of the application from the doctor of the current occupants of the dwelling including the applicant requesting that their content be taken into account in the decision making process. Ease of movement and access for all, which are the matters that are at the heart of the supporting information submitted, are central aspects of SLDP Policy GP3 and Planning Advice Note 78: Inclusive Design. An applicant's personal circumstances and attributes are as a general rule not regarded as material considerations and relevant to the decision on applications, but they may be taken into account in exceptional circumstances, when they are clearly relevant.

Personal circumstances can be considered as material considerations in the assessment of planning applications where the personal circumstances have a material effect on the character of the use of land. This is outlined in case law. To quote Westminster City Council V Great Portland Estates PLC: HL 1985 -

"Personal circumstances of an occupier, personal hardship, the difficulties of businesses which are of value to the character of a community are not to be ignored in the administration of planning control. It would be inhuman pedantry to exclude from the control of our environment the human factor. The human factor is always present, of course, indirectly as the background to the consideration of the character of land use. It can, however, and sometimes should, be given direct effect as an exceptional or special circumstance. But such circumstances, when they arise, fall to be considered not as a general rule but as exceptions to a general rule to be met in special cases."…

Therefore it must be considered whether the personal circumstances of the current occupiers of the dwelling, including the applicant has an effect on the character of the use of land in a sufficient magnitude to warrant being considered as a material planning consideration. The personal circumstances in this instance, which would derive benefit from ground floor living that the proposal by including a bedroom would bring about, has a direct effect on the character of the use of the land and the area by virtue of its prominent location and 'modernist' style.

It must be considered whether the imposition of conditions can bring compliance with SLDP Policy GP3. In other circumstances, conditions have been imposed on planning permissions restricting them to personal use of the applicant - in effect giving temporary consent in association with the specific user. This can be appropriate where the impact of the development principally resides with the applicant themselves. However, in this case the impact would be on the character of the area and character of the existing dwelling. These impacts would not be experienced solely by the current occupants of the property including the applicant. It is considered therefore that the imposition of a controlling condition for personal permission is not appropriate in this instance.

It must be considered whether an exception to the design policies is warranted on the material ground of the personal circumstances of the current occupiers of the dwelling including the applicant and the choice of siting and design of the proposed extension. It is not considered that there is an overwhelming public interest in the setting aside of the policy in this instance, and no other material considerations are apparent.

The site is within a number of safeguarding areas as identified in section 2 of this report. The proposal is not anticipated to affect any rights of way or access routes. The above assessment considers all relevant safeguarding.

The proposed development would be a significant addition to the principal elevation of a traditional dwelling. Based on the proposed 'modernist' design, scale of the proposal and prominent siting, the proposal would appear incongruous with, and detrimentally effect the distinctiveness and character of the area, and detract from Hoswick's local identity. The submitted amendments have not resolved these concerns and whilst an exception to Shetland Local Development Plan Policy WD3 can be afforded because there is likely to be no flood risk associated with there being a lack of SUDS, .the proposal is contrary to Shetland Local Development Plan 2014 Policies GP2 and GP3.

8. **Recommendation**

Application Refused

Reasons for Council's decision:

(1.) The proposed development would be a significant addition to the principal elevation of a traditional dwelling. Based on the proposed 'modernist' design, scale of the proposal and prominent siting, the proposal would appear incongruous with, and detrimentally effect the distinctiveness and character of the area, and detract from Hoswick's local identity. The submitted amendments have not resolved these concerns and whilst an exception to Shetland Local Development Plan Policy WD3 can be afforded because there is likely to be no flood risk associated with there being a lack of SUDS, the proposal is contrary to Shetland Local Development Plan 2014 Policies GP2 and GP3.

9. **List of refused plans:**

- Existing Plan Drawing No. 947(FPP)04
  Stamped Received. 09.02.2018
- Location Plan Drawing No. 947(FPP)01A
  Stamped Received. 09.02.2018
- Elevations Drawing No. 947(FPP)03 B
  Stamped Received. 09.04.2018
- Site Plan, Elevations & Floor Plan Drawing No. 947(FPP)02 B
  Stamped Received. 09.04.2018

11. **Further Notifications Required**

None.

12. **Background Information Considered**

Letters from the doctor of the current occupiers of the dwelling including the applicant (Confidential).

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 100082592-001

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.

Description of Proposal

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

Proposal seeks to create a new single storey extension to the existing Ivy Cottage dwellinghouse , which incorporates a new entrance and a new master bedroom with en-suite.

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:	Richard Gibson Architects Ltd.		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Marc	Building Name:	
Last Name: *	Williamson	Building Number:	72a
Telephone Number: *	[redacted]	Address 1 (Street): *	Commercial Street
Extension Number:		Address 2:	Lerwick
Mobile Number:		Town/City: *	Shetland
Fax Number:		Country: *	Shetland Islands
		Postcode: *	ZE1 0DL
Email Address: *	[redacted]		

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Ivy Cottage
First Name: *	Colin	Building Number:	
Last Name: *	Dalziel	Address 1 (Street): *	Hoswick
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Sandwick
Extension Number:		Country: *	Shetland
Mobile Number:		Postcode: *	ZE2 9HL
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority: Shetland Islands Council

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

Address 1: IVY COTTAGE

Address 2: STOVE

Address 3: SANDWICK

Address 4:

Address 5:

Town/City/Settlement: SHETLAND

Post Code: ZE2 9HL

Please identify/describe the location of the site or sites

Northing 1123787 Easting 441527

Pre-Application Discussion

Have you discussed your proposal with the planning authority? * ☐ Yes ☒ No

Site Area

Please state the site area: 227.00

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)

Current use is a private dwellinghouse which includes the following accommodation: - open living / dining room with 2 bedrooms on first floor (in main house) - rear lean-to extension houses a kitchen, shower room, services cupboard.

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? 2

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)? * 2

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

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)

Provision for this is already existing on site.

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? * ☐ Yes ☒ No

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? * ☐ Yes ☒ No

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

Do you have any agricultural tenants? * ☐ Yes ☒ No

Are you able to identify and give appropriate notice to ALL the other owners? * ☒ Yes ☐ No

Certificate Required

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

Certificate B

Land Ownership Certificate

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

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] 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;

or –

(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner [Note 4] of any part of the land to which the application relates.

Name:	Mr John Flaws
Address:	Northlea, Swinister , Sandwick, Shetland , ZE2 9HH
Date of Service of Notice: *	01/02/2018

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

or –

(2) - The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have/the applicant has served notice on every person other than myself/himself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. These persons are:

Name:	
Address:	
Date of Service of Notice: *	

Signed:	Marc Williamson
On behalf of:	Mr Colin Dalziel
Date:	30/01/2018

☒ 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 principal 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 Marc Williamson

Declaration Date: 05/02/2018

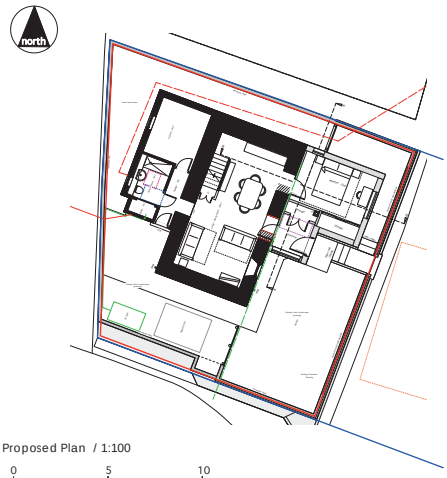
Payment Details

Cheque: Mr Colin W Dalziel & Mrs Agnes D Dalziel , 000119

Created: 05/02/2018 10:41

Location Plan - Scale 1:1250

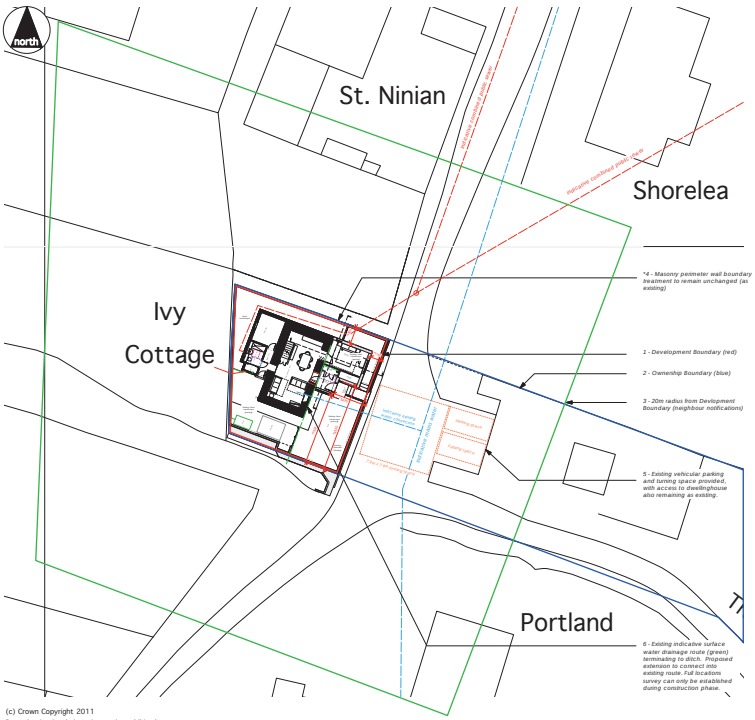
0 50 100



Proposed Plan / 1:100

0 5 10

Proposed Site Plan - Scale 1:200



0 2 10 15 20

Proposed Section AA / 1:100

0 5 10

Proposed Section BB / 1:100

0 5 10

NOTES :
1 - Devlopment boundary
2 - Ownership boundary
3 - Neighbout notification boundary
*4 - Boundary treatment
5 - Existing vehicular parking / turning provision provided
6 - Existing surface water drainage + proposed connection

AREAS :
Ground floor gross internal floor area:
Existing Ground floor / 74m2
*Proposed Extension / 8m2

Total/ 82m2

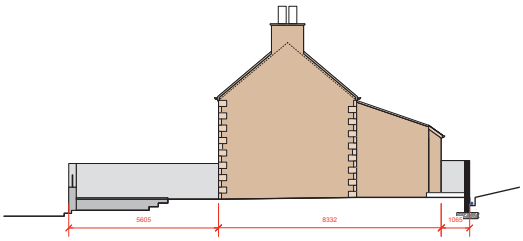
B / 180327 / Proposed site plan design + annotations revised, Proposed Plan amended, Proposed Section AA + BB added.
A / 180208 / Development lines amended to all plans, Proposed site plan annotations revised, Proposed Plan amended along with roof point.
REV / DATE / REVISION

FULL PLANNING

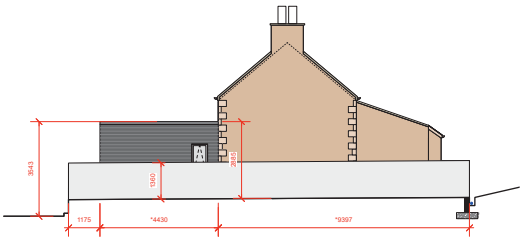
Project **Proposed New Extension to Ivy Cottage Hoswick, Shetland**

Drawing Existing + Proposed Plans / Proposed Sections
Scale As shown Jan 18 **RGA 947(FPP)02B**

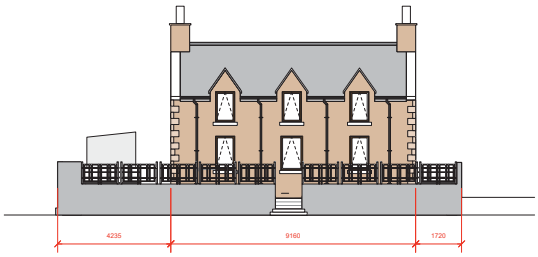
Richard Gibson Architects
Ltd Co. 72a Commercial Street Lerwick Shetland ZE1 0DS
t: 01595 695300 f: 01595 694127 e: mail@rg-architects.com www.rg-architects.com



Existing North Elevation / 1:100

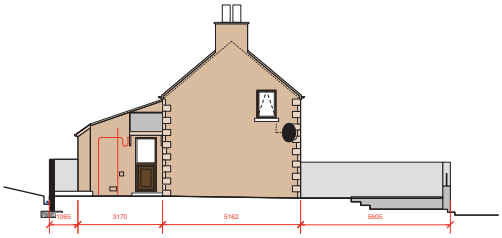


Proposed North Elevation / 1:100

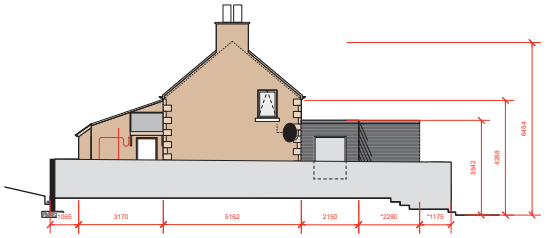


Existing East Elevation / 1:100

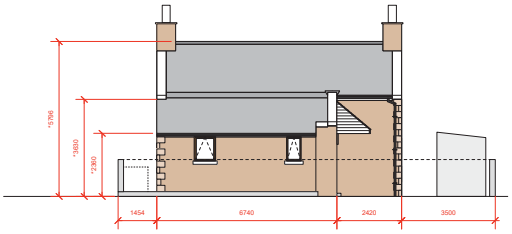
Proposed East Elevation / 1:100



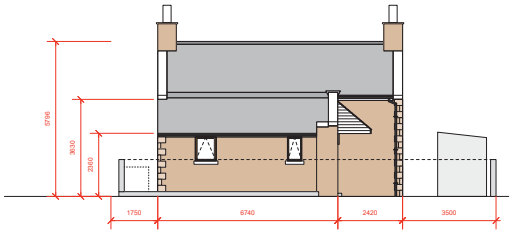
*Existing South Elevation / 1:100



*Proposed South Elevation / 1:100



Existing West Elevation / 1:100



Proposed West Elevation / 1:100

EXISTING FINISHES :
Walls / coloured harl render finish
Roof / Cement tiles - colour / ark grey
Windows / timber framed double glazed - colour / brown
Doors / timber framed locally made - colour / brown
Rainwater goods / uPVC down pipes - colour / black

***PROPOSED FINISHES (EXTENSION):**
Flat roof / single ply membrane - colour / grey
Cladding / Cedral weatherboard - colour / slate grey
Windows / Upvc framed double glazed - colour / white
Doors / timber framed - colour / light blue (NCS S1040-R80B)
Underbuilding / masonry walls with smooth plaster - colour / self coloured grey
Boundaries / existing block and render walls

0 5 10

B / 180327 / Proposed elevations updated;
Existing and proposed materials added/updated.
A / 180209 / Existing and proposed elevations updated;
Existing and proposed materials added/updated.
REV / DATE / REVISION

FULL PLANNING

Project **Proposed New Extension to Ivy Cottage**
Hoswick,
Shetland

Drawing Existing / Proposed Elevations
Scale As shown Jan 18 **RGA 947(FPP)03B**

Richard Gibson Architects
Ltd Co. 72a Commercial Street Lerwick Shetland ZE1 0DL
t: 01595 695000 f: 01595 694117 e: mail@rg-architects.com www.rg-architects.com

From: dale.hunter@shetland.gov.uk
Subject: RE: 947-4-1mwEM180314 Application reconsideration
Date: 30 March 2018 at 14:48
To: [redacted]

Hi Marc,

We have had rather extensive discussions about the proposed amended design in the team at our team meeting today. It has been suggested that I should bring this to the planning liaison meeting on Wednesday afternoon before progressing with the application. We have a target determination date of 9th April and we can hopefully have the application concluded before then.

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

Scottish Awards for Quality in Planning 2017: Shortlisted

From: Marc Williamson [redacted]
Sent: 22 March 2018 10:25
To: Hunter Dale@Development Management <Dale.Hunter@shetland.gov.uk>
Subject: Re: 947-4-1mwEM180314 Application reconsideration

Hi Dale,

Following on from your last email with regards to the proposed extension to Ivy Cottage, please see attached a revised scheme for comment.

You state below that you should be able to recommend approval if the proposed extension can be made less prominent. We have reduced the size of the proposal by 20% and have amended the window design (specifically to the East Elevation) to include more horizontal windows as suggested. You will see from the proposed elevations the extension's overall prominence is reduced as all sides of the extension are now set behind the boundary wall. We agree this reduces the overall appearance of the extension, however, unfortunately the client has lost the new en-suite WC / storage, which was a vital part of their initial scheme to improve the ground floor access due to mobility issues.

Before we invest even more time in this idea, we would like some assurance from yourself that this new proposal will gain approval as you suggested in your email.

I hope to hear from you soon. Please call to discuss if you prefer.

Regards,

Marc

On 20 Mar 2018, at 16:13, dale.hunter@shetland.gov.uk wrote:

Hi Marc,

Thanks for your call earlier and your email below. The meeting we had was very helpful in highlighting the areas of constraint within the site and I appreciate you laying them out for me.

You noted the application nearby at Southerhouse that I was also the case officer for and that it was for a front extension to a similar dwelling. That application is part of the context of the area and is part of the assessment but that in itself does not mean that the application should be approved.

Each application needs to be assessed separately but taking into account other development in the area. The site at Ivy Cottage is in a far more prominent position in relation to the main road than the site at Southerhouse. In this context, any proposed front or side extension would need to be unobtrusive and every effort made to move it away from the front elevation.

In terms of the modern style of the proposed extension, these can be appropriate for traditional dwellings where the extension is clearly distinguished from the original house and the extension is clearly 'subservient to the host property' – sited to the side or rear and not affecting how the original house is read. One way of ensuring that distinction between old and new is through horizontally emphasised windows on the modern extension rather than the vertically emphasised windows of the current proposal and existing house.

If the proposed extension can less prominent and more distinct from the original house I should be able to recommend approval.

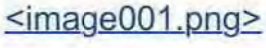
There is also the SUDS issue that I raised in my last email to look into.

I hope this helps explain.

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: Marc Williamson [redacted]
Sent: 14 March 2018 09:32
To: Development Management@Development <development.management@shetland.gov.uk>
Subject: 947-4-1mwEM180314 Application reconsideration

Good morning,

Planning Application - 2018 / 027 / PPF

With reference to the above planning application, and the current recommendation for probable refusal, RGA would like some clarity for the reasons behind this, given that approval was given to a very similar project - Planning Reference: 2016 / 212 / PPF. This previous application proposes to erect a large two storey extension to the front (principle elevation) of the dwelling house.

There a number of similarities between this application and our current proposal which includes:

- both applications are to extend the principle elevation
- there is a similar architectural vernacular style between the existing buildings being extended
- both located in the same village (within approx. 100m from one another)
- both are hugely constrained in terms of available site space and boundaries
- the case officer is the same for both applications

As this application was grated planning permission and you are recommending the above planning application for refusal, please clarify how this decision was reached given the similarities listed above. We feel our current proposal has been designed for a specific need, i.e an extension for an ageing couple with mobility issues.

We consider our design the best solution possible given the constrains of the site and current house design, and is less of a visual intervention than that of application 2016 / 212/ PPF.

We believe our application should be reconsidered on this basis.

Please call to discuss this further.

Regards,

Marc

Marc Williamson | Architect | ARB, RIBA, RIAS

for **Richard Gibson Architects Ltd**

72a commercial street | lerwick | shetland | ZE1 0DL

t [redacted] w. www.rg-architects.com

Proposal to extend Ivy Cottage, Hoswick, Sandwick, Shetland
Planning Ref: 2018/027/PPF.
Supporting Statement for application appeal.
Applicant's Agent: Richard Gibson Architects Ltd. (RGA).

1 - Planning Decision

Following the determination for refusal of the above application, it appears the main issue behind the proposed extension to Ivy Cottage is its siting and "modern design." The siting of the proposed extension was explored extensively, as illustrated in RGA's supporting statement (submitted to planning on 18/04/2018). It appears from the delegated report of handling that planning would accept a proposed extension to the south / east. As explained in the previous information provided, this extension design would be significantly larger than the current proposal, and would cover more of the existing building (specifically the principle elevation). This is illustrated through RGA's supporting elevation study, submitted as part of the formal appeal. Despite RGA submitting a detailed analysis of the various proposed design options to the south / east elevations, it appears that the impact of each proposal has not been fully considered or appreciated by the planning department.

2 – Site Constraints

There are a number of reasons why an extension to the south / east of the property is an inappropriate solution, as it has a significant impact on the existing building:

1. The site constraints identified in RGA's supporting statement make it difficult to create the desired design on the site, never mind where the planning officer would prefer it to go.
2. The space available generates a long, narrow plan, which is an impractical design solution when trying to combine and accommodate all of the client's requirements i.e. a double bedroom and circulation space.
3. Excavation and foundation works along the boundary wall are made significantly more difficult and costly due to the close proximity to the burn.
4. An extension in this location reduces natural day-lighting to the existing property and increases circulation space within an already tight plan (as was highlighted in RGA's justification report).
5. The current proposal is much less intrusive to the existing property in terms of constructional change and day-lighting.
6. The planner's preferred option does not create a "thoughtful layout," which is highlighted as being an important factor in the Council's Guidance on Placemaking.
7. Our proposal has been carefully considered and our evidence demonstrates that the extension is sited in the most logical position.

8. There appears to be a contradiction from the planning department in terms of what is being requested and what will be permitted, versus what will actually work in terms of best design for the site and ultimately the client's needs.

3 – Application Handling Comments

It is important to note that RGA were advised by planning on 20/03/2018 to make the proposal less prominent and more distinct from the original house (email submitted as part of appeal), whereby planning should be able to recommend approval. This is the reason why the proposal has a modernist design aesthetic; yet despite this advice, this is also one of the main reasons why the proposal is being refused. It should also be noted that RGA requested comment / feedback from planning on five separate occasions throughout the design process, however no comments were received. RGA asked for comment on the following dates:

- 14/03/18 (relating to further clarification on why original application would be refused).
- 20/03/18 (relating to new design proposal).
- 28/03/18 (relating to SUDS proposal).
- 16/04/18 (relating to secondary design).
- 27/04/18 (RGA requested further feedback on why a deviation from planning policy could not be made in this instance).

No objections were lodged from the community as part of the consultation process. Moreover, is also important to remember the prime reason for this extension, which is clearly underlined by the Doctor's letters supplied as part of the application process.

Despite planning making recommendations for how the proposal could be approved, RGA believe that the local authority has not carefully considered the wider implications of such a design. RGA feel that they have been given conflicting and contradictory information (which has added approximately 3 months additional time to the planning process for the client), and have not received any clear advice until recently. RGA have continually tried to satisfy the planner's requirements and suggestions, whilst simultaneously ensuring that our own client's needs are met.

RGA request that this application for appeal be tabled at the next planning committee meeting on 14th August 2018, given that the initial application was first validated back on 21st February 2018.

The applicant (Mr and Mrs Dalziel) find, and continue to find this process very stressful during their convalescence, with the protracted decision making of the application being a contributing cause.

Proposal to extend Ivy Cottage, Hoswick, Sandwick, Shetland
Elevation development for current proposal dated 03.07.18.
Planning Ref: 2018/027/PPF.

To be read in conjunction with original design development and justification supporting statement submitted as part of original planning application.

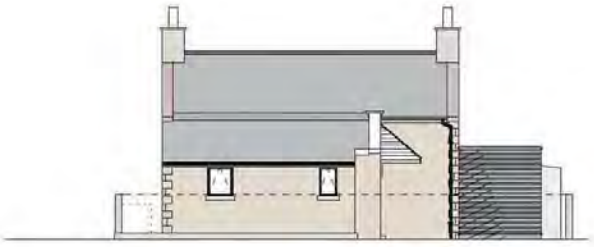
4.0 Design Development Elevations (Indicative only and not to scale).

Design 1

Proposed North Elevation

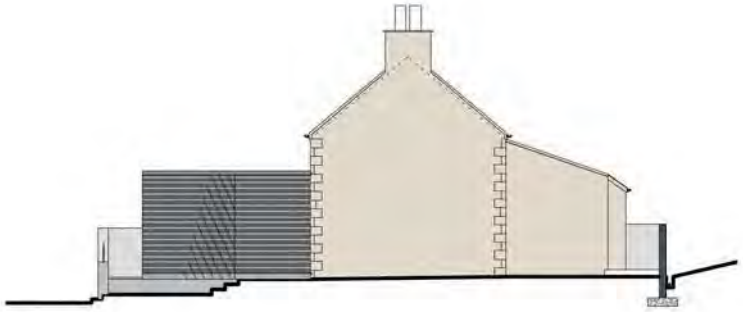
Proposed East Elevation

Proposed South Elevation



Proposed West Elevation

Design 2



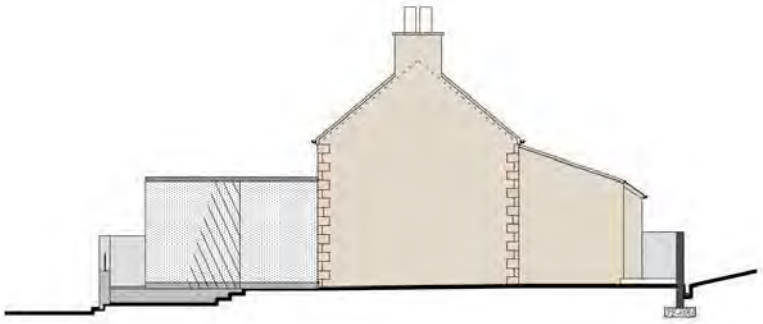
Proposed North Elevation

Proposed East Elevation

Proposed South Elevation

Proposed West Elevation

Design 3



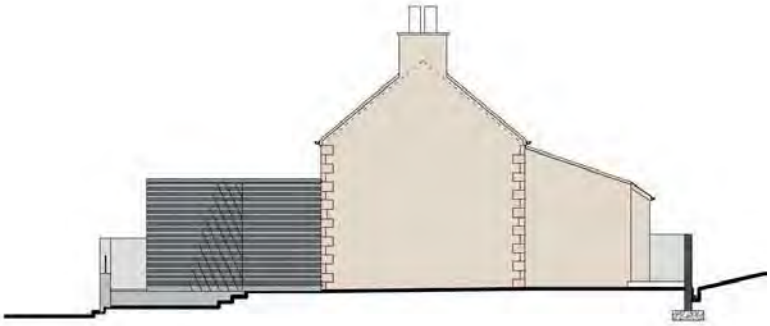
Proposed North Elevation

Proposed East Elevation

Proposed South Elevation

Proposed West Elevation

Design 4



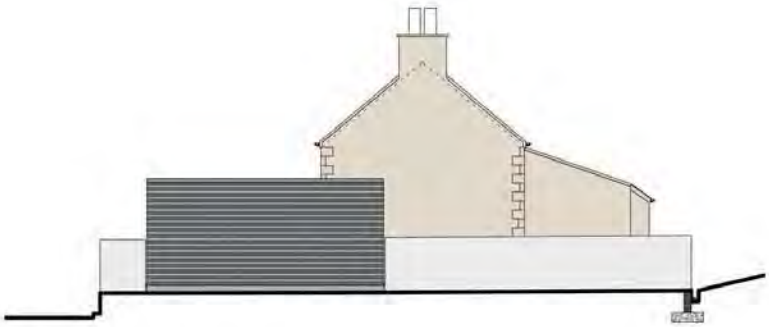
Proposed North Elevation

Proposed East Elevation

Proposed South Elevation

Proposed West Elevation

Design 5



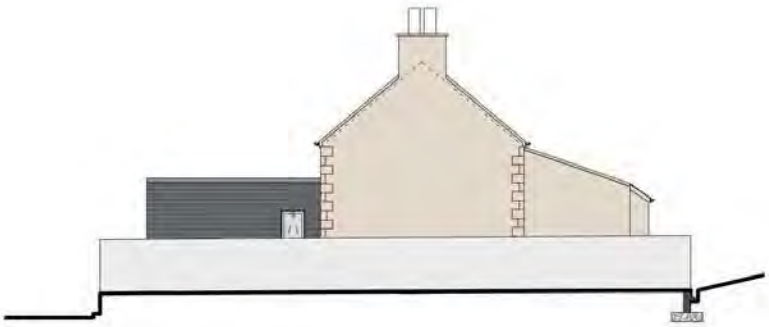
Proposed North Elevation

Proposed East Elevation

Proposed South Elevation

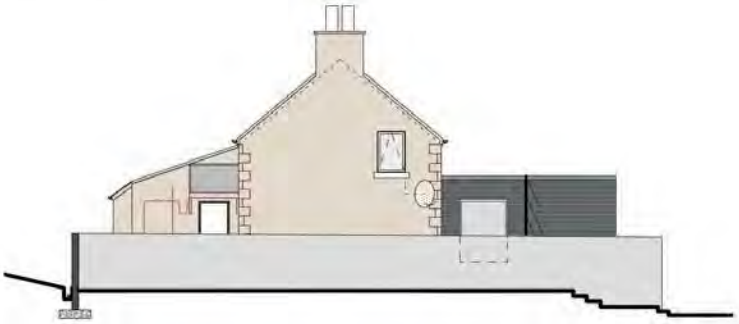
Proposed West Elevation

Design 6

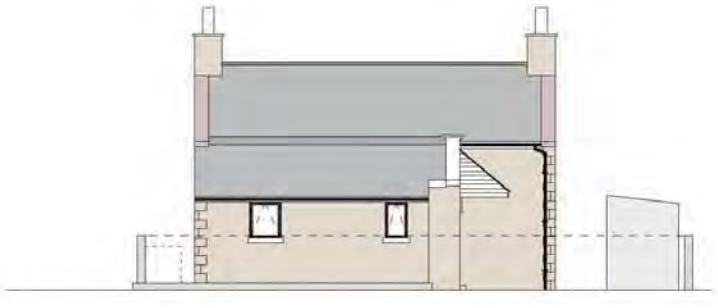


Proposed North Elevation

Proposed East Elevation



Proposed South Elevation



Proposed West Elevation

Proposal to extend Ivy Cottage, Hoswick, Sandwick, Shetland
Planning Ref: 2018/027/PPF.
Supporting Statement for application appeal.
Applicant's Agent: Richard Gibson Architects Ltd. (RGA).

1 - Planning Decision

Following the determination for refusal of the above application, it appears the main issue behind the proposed extension to Ivy Cottage is its siting and "modern design." The siting of the proposed extension was explored extensively, as illustrated in RGA's supporting statement (submitted to planning on 18/04/2018). It appears from the delegated report of handling that planning would accept a proposed extension to the south / east. As explained in the previous information provided, this extension design would be significantly larger than the current proposal, and would cover more of the existing building (specifically the principle elevation). This is illustrated through RGA's supporting elevation study, submitted as part of the formal appeal. Despite RGA submitting a detailed analysis of the various proposed design options to the south / east elevations, it appears that the impact of each proposal has not been fully considered or appreciated by the planning department.

2 – Site Constraints

There are a number of reasons why an extension to the south / east of the property is an inappropriate solution, as it has a significant impact on the existing building:

1. The site constraints identified in RGA's supporting statement make it difficult to create the desired design on the site, never mind where the planning officer would prefer it to go.
2. The space available generates a long, narrow plan, which is an impractical design solution when trying to combine and accommodate all of the client's requirements i.e. a double bedroom and circulation space.
3. Excavation and foundation works along the boundary wall are made significantly more difficult and costly due to the close proximity to the burn.
4. An extension in this location reduces natural day-lighting to the existing property and increases circulation space within an already tight plan (as was highlighted in RGA's justification report).
5. The current proposal is much less intrusive to the existing property in terms of constructional change and day-lighting.
6. The planner's preferred option does not create a "thoughtful layout," which is highlighted as being an important factor in the Council's Guidance on Placemaking.
7. Our proposal has been carefully considered and our evidence demonstrates that the extension is sited in the most logical position.

8. There appears to be a contradiction from the planning department in terms of what is being requested and what will be permitted, versus what will actually work in terms of best design for the site and ultimately the client's needs.

3 – Application Handling Comments

It is important to note that RGA were advised by planning on 20/03/2018 to make the proposal less prominent and more distinct from the original house (email submitted as part of appeal), whereby planning should be able to recommend approval. This is the reason why the proposal has a modernist design aesthetic; yet despite this advice, this is also one of the main reasons why the proposal is being refused. It should also be noted that RGA requested comment / feedback from planning on five separate occasions throughout the design process, however no comments were received. RGA asked for comment on the following dates:

- 14/03/18 (relating to further clarification on why original application would be refused).
- 20/03/18 (relating to new design proposal).
- 28/03/18 (relating to SUDS proposal).
- 16/04/18 (relating to secondary design).
- 27/04/18 (RGA requested further feedback on why a deviation from planning policy could not be made in this instance).

No objections were lodged from the community as part of the consultation process. Moreover, is also important to remember the prime reason for this extension, which is clearly underlined by the Doctor's letters supplied as part of the application process.

Despite planning making recommendations for how the proposal could be approved, RGA believe that the local authority has not carefully considered the wider implications of such a design. RGA feel that they have been given conflicting and contradictory information (which has added approximately 3 months additional time to the planning process for the client), and have not received any clear advice until recently. RGA have continually tried to satisfy the planner's requirements and suggestions, whilst simultaneously ensuring that our own client's needs are met.

RGA request that this application for appeal be tabled at the next planning committee meeting on 14th August 2018, given that the initial application was first validated back on 21st February 2018.

The applicant (Mr and Mrs Dalziel) find, and continue to find this process very stressful during their convalescence, with the protracted decision making of the application being a contributing cause.

1 Hillock,

Dunrossness,

Shetland.

ZE2 9JR

15th July 2018

To whom it may concern

Mr. & Mrs. Colin Dalziel

Ivy Cottage,

Hoswick,

Sandwick,

Shetland ZE2 9HL

Application Reference: 2018/027/PPF

I refer to the above-noted application and the "Delegated Report of Handling" dated 2nd July 2018 and the decision to refuse Planning Permission for the proposed extension on the grounds "the proposal would appear incongruous with, and detrimentally effect the distinctiveness and character of the area, and detract from Hoswick's local identity."

Mr. & Mrs. Dalziel's application is based on the need to extend their house because of both of their medical requirements and to provide adequate access to their property for their older age. This is borne out by the letter of support from their local G.P. which has already been circulated.

I note, too, there were no objections from the Sandwick Community Council, probably more concerned with their local community development then the Shetland Island Council, and more importantly, no objections from neighbours of the development which is an indication that it does not affect them and an indication they are conscious of the needs of the applicants.

I have visited the area of Hoswick and am surprised at the variety of differing housing designs as well as extensions in the area and cannot understand, with that in mind, why this application has been refused. I think this extension will make no difference to the local area and will be no more or less "incongruous" than other developments in Hoswick.

I trust that in the light of my intervention in support of the applicants this will go some way to the local authority reconsidering their decision to refuse this planning application and allow Mr. & Mrs. Dalziel the opportunity to extend their property to cope with their immediate access needs and remain in their property in a safer environment.

A.G.L.D.Duncan

Councillor

Shetland Islands Council

South Mainland Constituency

Section 8.

Representations/Hearing Statements

Please reference documentation submitted as part of Notice of Review