

PLANNING PERMISSION

Reference No: 20/01354/FUL

To:
The National Trust for Scotland
Quay 5
Cultins Road
Edinburgh
EH11 4DF

Per:
LDN Architects LLP
The Elms
29 St Leonard's Road
Forres
IV36 1EN

**Town and Country Planning (Scotland) Act 1997 (As Amended)
Planning Etc. (Scotland) Act 2006**

DECISION NOTICE

Creation of a temporary site compound with staff accommodation Land 385M SE Of Canna House Isle of Canna PH44 4RS

The Highland Council in exercise of its powers under the above Acts **grants planning permission** for the above development in accordance with the particulars given in the application and the following documents:

Document Type	Document No.	Version No.	Date Received
Site Layout Plan	000001		25.03.2020
Location Plan	000002		25.03.2020
General Plan	DQ2690 REV G		17.04.2020
General Plan	DQ2692 REV G		17.04.2020
General Plan	DQ2696 REV F		17.04.2020
Floor/Elevation Plan	PL101 REV A		17.04.2020

CONDITIONS AND REASONS

This permission is granted subject to the following conditions and reasons:

1. Planning permission is hereby granted for a temporary period only and shall cease to have effect on 31.03.22 (the 'cessation date'). Prior to the cessation date, the application site shall be cleared of all development approved under the terms of this permission (including any subsequent ancillary works, infrastructure, fixtures, fittings and any temporary developments permitted under Class 14 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended)) and reinstated in accordance with a scheme approved in writing by the Planning Authority under condition 2 of this permission.

Reason: *In recognition of the temporary nature of the proposed development, and to secure its removal and restoration.*

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2. No development shall commence until full details of a scheme for restoring the application site to its condition prior to the temporary development being carried out, have been submitted to, and approved in writing by, the Planning Authority. Thereafter, the site shall be reinstated in accordance with these approved details prior to the cessation of this permission.

Reason: *To ensure that any development which has ceased to serve its intended purpose is removed from the site, in the interests of visual amenity.*

3. No development or work (including site clearance) shall commence until proposals for an archaeological watching brief to be carried out during site clearance and excavation works, has been submitted to, and approved in writing by, the Planning Authority. Thereafter, the watching brief shall be implemented as approved.

Reason: *In order to protect the archaeological and historic interest of the site, in accordance with policy 57 of the Highland wide Local Development Plan.*

4. No development shall commence until an appraisal to demonstrate that a sufficient private water supply can serve the development has been submitted to, and approved in writing by, the Planning Authority. This appraisal shall be carried out by an appropriately qualified person(s) and shall specify the means by which a water supply shall be provided and thereafter maintained to the development. Such appraisal shall also demonstrate that the sufficiency of any other supply in the vicinity of the development, or any other person utilising the same source or supply, will not be compromised by the proposed development. The development itself shall not be occupied until the supply has been installed in accordance with the approved specification.

Reason: *To ensure that an adequate private water supply can be provided to meet the requirements of the proposed development and without compromising the interests of other users of the same or nearby private water supplies. in accordance with policy 28 of the Highland wide Local Development Plan.*

5. No development shall commence until full details of all foul drainage infrastructure and/or portaloo/composting toilet provision (including treatment plant and soakaway locations if proposed) have been submitted, to, and approved in writing by, the Planning Authority. Thereafter, development shall progress in accordance with the approved details.

Reason: *In order to ensure that private foul drainage infrastructure/provision is suitably catered for, in the interests of public health and environmental protection, in accordance with policies 57 and 65 of the Highland wide Local Development Plan.*

6. No development shall commence until details of a scheme for the storage, recycling and disposal of waste arising from the construction activities and workers accommodation has been submitted to, and approved in writing by, the Planning Authority. The approved scheme shall thereafter be implemented and maintained for the duration of the development.

Reason: *To ensure that waste on the site is managed in a sustainable manner in accordance with policies 28 and 57 of the Highland wide Local Development Plan.*

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7. No development shall commence until details of the power supplies and any fuel storage requirements for the accommodation, office and storage units hereby approved has been submitted to, and approved in writing by, the Planning Authority. The approved scheme shall thereafter be implemented prior to the first use of the development and thereafter maintained for the duration of the development.

Reason: *In order to ensure that power supplies and fuel storage is suitably catered for, in the interests of public health and environmental protection, in accordance with policies 28 and 57 of the Highland wide Local Development Plan.*

Variations

During the processing of the application the following variations were made to the proposal: None.

Section 75 Obligation

None.

IMPORTANT INFORMATIVES

Please read the following informatives and, where necessary, act upon the requirements specified:

REASON FOR DECISION

The proposals accord with the provisions of the Development Plan and there are no material considerations which would warrant refusal of the application.

TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

FOOTNOTE TO APPLICANT

Initiation and Completion Notices

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

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Copies of the notices referred to are attached to this decision notice for your convenience.

Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (paragraph 259), planning permission does not remove the liability position of developers or owners in relation to flood risk.

Septic Tanks & Soakaways

Where a private foul drainage solution is proposed, you will require separate consent from the Scottish Environment Protection Agency (SEPA). Planning permission does not guarantee that approval will be given by SEPA and as such you are advised to contact them direct to discuss the matter (**01349 862021**).

Construction Hours and Noise-Generating Activities

You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended). Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact **env.health@highland.gov.uk** for more information.

Protected Species - Halting of Work

You are advised that work on site must stop immediately, and Scottish Natural Heritage must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from SNH: **www.snh.gov.uk/protecting-scotlands-nature/protected-species**

Building Regulations

Please note that Building Regulations and/or a Building Warrant may be applicable to some or all of the works described in this decision notice. You must check with the Council's Building Standards service prior to work commencing to establish what compliance or approval is necessary. If a warrant is required, you must not commence work until one has been applied for and issued. For more information, please contact Building Standards at **Building.Standards@highland.gov.uk** or on **01349 886608**.

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Land Ownership/Planning Permission

For the avoidance of doubt, the existence of planning permission does not affect or supersede an individual's ownership or other legal rights. Please be advised that this permission does not entitle you to build on, under or over ground outwith your ownership or to enter private ground to demolish, construct or maintain your property.

Accordance with Approved Plans & Conditions

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action.

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RIGHT OF APPEAL, REVIEW ETC

1. If the applicant is aggrieved by the decision to refuse permission for, or approval required by a condition in respect of the proposed local development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended) within three months beginning with the date of this notice. Notices of Review can be submitted by an email to review.body@highland.gov.uk or addressed to:

**Highland Council Review Body
eProcessing Centre
Council Headquarters
Glenurquhart Road
Inverness
IV3 5NX**

Please quote the relevant application reference number with any submission.

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

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