

Agenda Item	6.12
Report No	PLN/017/24

HIGHLAND COUNCIL

Committee: North Planning Applications Committee
Date: 30th January 2024
Report Title: 23/03272/FUL: North West Highlands Plumbing Services Ltd
2 Caberfeidh, Smoo, Durness, Lairg, IV27 4QA
Report By: Area Planning Manager – North

Purpose/Executive Summary

Description: Erection of takeaway building
Ward: 01 – North, West and Central Sutherland
Development category: Local

Reason referred to Committee: Community Council Objection

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

Recommendation

Members are asked to agree the recommendation to **GRANT** the application as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

- 1.1 The application seeks full planning permission for the erection of a takeaway building to be located at 2 Caberfeidh, Smoo, Durness, Lairg. It is proposed for a new building to be erected on site which measures an approximate footprint of 6.3m x 5.2m with a ground to roof ridge height of 3.8m. The new takeaway building will be situated upon the existing concrete slab on site, with a vertically arranged larch cladded exterior and a turfed pitched roof proposed. The proposal includes a veranda and an insulated serving hatch to the front of the new structure to serve any customers.
- 1.2 Previously the site contained a semi derelict building with the remainder of the site appearing as wasteland. The previous rundown property was demolished, with a parking area, laundry and utilities shed constructed on site within the last 3 years. The site is currently used for the siting of seasonal catering vans, which were granted planning consent under application refs 21/01848/FUL and 22/011221/FUL. With the success of the seasonal mobile catering vans and the fact the original 3-year consent is about to expire, the applicant proposes to remove the existing mobile vans and replace these with a permanent takeaway building. The applicant aims to add to the key service infrastructure already provided to support the growing seasonal demand from tourists and at the same time create an additional permanent facility for the local community to use.
- 1.3 Pre Application Consultation: None
- 1.4 Supporting Information: Industrial and Commercial Questionnaire, Supporting Statement, and Response to Transport Planning Comments of 8 Nov 2023.
- 1.5 Variations: On the 15th November 2023 an amended site layout plan was uploaded to the planning portal to address concerns raised by Transport Planning.
- On the 21st August 2023 an amended location plan and general plan was uploaded to the planning portal which detailed the relocation of the proposed building, the alteration of the redline boundary, the removal of additional parking provision and the relocation of rainwater goods.

2. SITE DESCRIPTION

- 2.1 The new building is to be sited within the developed parking and utilities area to the northeast of Druim Bhlair and south of the public A838 public road. There is an existing neighbouring dwelling in close proximity to the application site, situated immediately to the northeast of the new takeaway building proposed, with the category C listed Smoo Lodge situated to the north on the opposite side of the public road. The A838 is part of the NC500 tourist route, with the application site located in the designated Growing Settlement of Durness and the Special Landscape Area of Oldshoremore, Cape Wrath and Durness.

3. PLANNING HISTORY

- 3.1 3 July 2020 20/01978/FUL - Demolition of ruin, erection of utility building and siting of laundry kiosk, PERMISSION GRANTED

		formation of car park and associated landscaping	
3.2	18 July 2021	21/01848/FUL - Siting of catering van (retrospective)	TEMPORARY PERMISSION
3.3	26 May 2022	22/01121/FUL - Proposed temporary siting of seasonal catering van	PERMISSION GRANTED

4. PUBLIC PARTICIPATION

4.1 Advertised: Schedule 3 Development (14 Days) & Unknown Neighbour 14 Days

Date Advertised: 28.07.2023

Representation deadline: 11.08.2023

Timeous representations: 2

Late representations: 0

4.2 Material considerations raised are summarised as follows:

- a) Land ownership discrepancies
- b) Privacy and amenity concerns with neighbouring properties, remarkably from additional car parking spaces proposed.
- c) Neighbour has right of access to access the road to the northwest which cannot be blocked.
- d) Access restrictions to neighbouring property.
- e) Proposed parking spaces will result in a greater hazard for all A838 road users and pedestrians alike.
- f) Health concerns with the proposal including a lack of toilet and hand washing facilities which has adverse effects on neighbours and surrounding properties, increased noise issues, contaminated land and impacts of dog walkers.
- g) Car parking issues with people parking in neighbouring car park to avoid paying parking fees.
- h) Increased littering.

4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam.

5. CONSULTATIONS

5.1 **Durness Community Council:** Object to the application, grave concerns with regards to pedestrian safety in the area of this application. Stated that the access from the A838 to the access road is now not suitable for the amount and type of traffic and that further development would be detrimental. Raised concerns with regards to the disruption caused to local residents with regards to parking, particularly coaches and camper vans, in addition to concerns with regards of the shared access for an adjacent property.

- 5.2 **Environmental Health Officer:** No objection subject to the attachment of requested informatives.
- 5.3 **Contaminated Land Officer:** No objection. Stated that the parking area of the development overlies the former petrol filling station at this site, with the applicant advised during previous applications on the site. Contamination may be present from the former use of the site as a petrol station, which can be a risk to human health and the environment. Site investigation, and if necessary, remediation is required to demonstrate that the site is suitable for the proposed use. Requested a condition is attached to any consent granted and advised the Applicant is contacted with a request that they provide, by way of an assessment of potential contamination issues, evidence that the site is suitable for its proposed use.
- 5.4 **Transport Planning:** Initially provided two responses which objected to the proposed development. Following requested amendments, Transport Planning removed their objection stating that a parking layout with provision for 21 parking spaces and 2 electric car charging spaces is shown on amended drawing no. 03 Rev E titled 'Building Warrant Site Plan'. Based on a review of 'March 2013 street view images', it appears that the 21 parking spaces have not been delineated. The latest information provided appears to demonstrate that 21 parking spaces are sufficient to support this application and the laundry kiosk business. Transport Planning stated that drivers should only be able to access the site via the car park access. However, it appears that the previously approved traffic management measures haven't been fully implemented and therefore traffic can enter the site from the car park and the informal access. Revised access proposals are detailed on drawing no. 03 Rev E titled 'Building Warrant Site Plan'. The access proposals are a barrier erected to prevent public vehicular access to the car park via the informal access referenced above.
- 5.5 **Scottish Water:** No objection, development will be fed from both the public fresh water supply and public foul drainage network.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

- 28 - Sustainable Design
- 29 - Design Quality & Place-making
- 34 - Settlement Development Areas
- 42 - Previously Used Land
- 43 - Tourism
- 57 - Natural, Built & Cultural Heritage
- 61 - Landscape
- 66 - Surface Water Drainage

6.2 Caithness and Sutherland Local Development Plan 2018

- 3 – Growing Settlements

6.5 **Highland Council Supplementary Planning Policy Guidance**

Highland Historic Environment Strategy (Jan 2013)
Managing Waste in New Developments (March 2013)
Special Landscape Area Citations (June 2011)
Sustainable Design Guide (Jan 2013)

7. **PLANNING APPRAISAL**

7.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

Determining Issues

7.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

Planning Considerations

7.3 The key considerations in this case are:

- a) compliance with the development plan and other planning policy
- b) Siting & Design
- c) Amenity
- d) Environmental Health
- e) Access & Parking
- f) Drainage
- g) Climate & Nature Crises
- h) Contaminated Land
- i) Other
- j) Impact on infrastructure and services and proposed mitigation (developer contributions)
- k) any other material considerations

Development plan/other planning policy

7.4 As an application for the erection of a takeaway building within the Growing Settlement of Durness, the proposal requires to be primarily assessed against Policy 29 – Rural Development of the National Planning Framework 4. This policy states that development proposals in remote rural areas, where new development can often help to sustain fragile communities, will be supported where the proposal: i.) will support local employment; ii.) supports and sustains existing communities; and iii.) is suitable in terms of location, access, siting, design and environmental impact. Policy 26 – Business and Industry also requires to be considered which states that proposals for business and industry will take into account: i. Impact on surrounding

residential amenity; sensitive uses and the natural and historic environment; ii. The need for appropriate site restoration at the end of a period of commercial use. Due to the location of the proposal upon the NC500 route, Policy 30 is also of relevance which states that tourism related development will take into account criteria including the contribution made to the local economy, and compatibility with the surrounding area in terms of the nature and scale of the activity and impacts of increased visitors. Additionally in response to the ongoing climate and nature crises, and to enhance biodiversity, policies; 1 – Tackling the Climate and Nature Crises, 2 – Climate Mitigation and Adaptation, and 3 – Biodiversity, of the NPF4 require to be considered. These policies state that when considering all development proposals, significant weight will be given to the global climate and nature crises, with development encouraged to minimise emissions, adapt to current and future risks of climate change, and include appropriate measures to conserve, restore and enhance biodiversity. Other pertinent policy consideration from the NPF4 includes policies: 5 – Soils, 7 – Historic Assets and Places, 9 – Brownfield, Vacant and Derelict Land and Empty Buildings, 12 – Zero Waste, 13 – Sustainable Transport, 14 – Design, Quality and Place, 15 - Local Living and 20 Minute Neighbourhoods, 19 – Heat and Cooling, 22 – Flood Risk and Water Management.

- 7.5 As an application is to be located within the Sutherland Growing Settlement Area of Durness, the proposal needs to be primarily assessed against Policy 3 of the Caithness and Sutherland Local Development Plan. Policy 3 states that proposals will be assessed for the extent to which they take account of issues and placemaking priorities identified within the individual ‘Sutherland Growing Settlement’. The policy also details proposals should be compatible in terms of use, spacing and local character, demonstrating high quality design, whilst avoiding a net loss of amenity and adverse impact on surrounding heritage. Other pertinent policy considerations include Policy 43 – Tourism and Policy 57 – Natural, Cultural and Built Heritage of the HwLDP, due to the location of the proposal within the Oldshoremore, Cape Wrath and Durness SLA.

Siting & Design

- 7.6 Firstly, the application site is recognised as within a remote rural area according to the SG Urban Rural Classification. In accordance with Policy 29 of the NPF4, it is considered that the new permanent takeaway building will help to create job provision within the local community as well as supporting and sustaining the existing community of Durness by enticing further tourists and visitors along the NC500 route to the area, bringing many social and economic benefits to local business and services. In addition, a new permanent takeaway building in the chosen location will also provide the community with an additional catering facility serving the local area. Given that the proposed development will be compatible with the existing catering use established on the site, with the continuation of facilities, in the permanent form, to serve the local community and high number of tourists, along with compliance in addition to the nearby utilities and laundry shed, the chosen siting of the proposal can be considered suitable. In accordance with Policy 3 of CaSPlan, as the proposed takeaway building will replace seasonal catering vans, it can be deemed that the development is compatible in terms of use, spacing and local character by continuing the existing use established within the site. As stated within the Placemaking Priorities for the Durness Growing Settlement, the proposal will help to continue to

support the role of the settlement as a local and visitor service centre. The wider site is used as a stopover and utilities area for people on the NC500 route, and it is deemed that the proposal will appropriately add to the services on offer.

- 7.7 The application site is recognised as designated Croftland and requires to be assessed in accordance with Policy 5 – Soils of the NPF4. Scotland’s National scale land capability for agriculture map distinguishes the site to be predominantly Class 5.2 - Land capable of use as improved grassland. Few problems with pasture establishment but may be difficult to maintain. Therefore, it is considered that the application site is not prime agricultural land and as such, the proposed development is considered compatible with Policy 5 of the NPF4.
- 7.8 In terms of design, the proposed takeaway building can be considered an aesthetically pleasing and sustainable approach, which will enhance the area in which it is situated within, considering it will replace two existing catering vans which are considered to be of a significantly less visual appearance value. The chosen vertical larch cladding exterior, and the turfed roof is welcomed as this naturalistic approach to the design will ensure the new building does not become visually obtrusive, whilst bring both sustainable and biodiversity benefits to the site which is welcomed during the current climate emergency. The scale and massing of the new building is considered to be appropriate for the site, and therefore it is considered that the proposal will not have an adverse impact on the setting of the nearby Listed Smoo Lodge or the Special Landscape Area of Oldshoremore, Cape Wrath and Durness that the development is situated within. Overall, in siting and design terms the proposed development can be considered acceptable.

Amenity

- 7.9 Given the small scale of the proposal, which will provide a permanent structure in comparison to seasonal catering vans, that coheres to the current use of the site, it is considered that the proposal will have no adverse effect on neighbouring amenity in comparison to the existing use of the site. The proposed takeaway building is to be located further to the southwest of the existing dwelling on site, with no new direct line of sight into this property created by the development in comparison to the use of the site currently. Given the historical use of the site, most recently a restaurant previously situated in close proximity to this dwelling, which has since been demolished, a welcome diversification of the site has been provided with the laundry and catering trailers, and the implementation of a takeaway building to replace the existing catering trailers is not anticipated to result in any increase in overlooking or invasion of privacy issues with neighbours. A condition is recommended to be attached below to secure provision of a revised proposed site layout plan which shall detail the exact layout of the outdoor seating provision associated to the development to ensure this does not project beyond the northern building of the neighbouring dwelling, in the interests of amenity. Revisions to the parking and access layout as set out below ensure access to the premises will mainly be from the parking area to the south thus reducing impact on the immediately adjoining dwelling. Regarding the concerns raised within the representations that the proposed development will impact on neighbouring privacy levels, it is considered that the proposal will cohere with the established uses of the site, particularly in providing services to locals and tourists, with the new takeaway building deemed to cohere and be an appropriate upgrade on the existing catering vans in which the proposal

will replace, and as such, it is considered that the proposed development will not result in any increase of invasion of privacy issues with neighbours.

Environmental Health

- 7.10 The councils Environmental Health team were consulted on the application and raised no objection as long as stated informatives are attached to any consent granted.
- 7.11 Regarding noise levels, a condition is attached below to ensure noise levels associated to the operation of the new takeaway are kept to an acceptable standard to prevent any adverse impact on the amenity of neighbours. A further condition is also attached regarding the provision of details for the storage of refuse and recycling within the application site, that will also be agreed with the Planning Authority to ensure of a sufficient number of bins within the site to mitigate against any potential associated littering.

Access & Parking

- 7.12 Transport Planning were consulted on the application and initially raised an objection stating that the application fails to demonstrate that 20 parking spaces are available on the site, as well as detailing that this level of parking proposed is sufficient to support this application and the laundry kiosk business. In terms of access, it is the Councils understanding that drivers should only be able to access the site via the car park access. However, it appears that the previously approved traffic management measures have not been fully implemented and therefore traffic can enter the site from the car park and the informal access to the northwest of the site. Following the submission of an amended site layout plan and response to the comments received, Transport Planning removed their objection, stating that the latest information provided appears to demonstrate that 21 parking spaces are sufficient to support this application and the laundry kiosk business. Transport Planning stated that drivers should only be able to access the site via the car park access and not the informal access serving the adjacent property. Revised access proposals are detailed on drawing no. 03 Rev E titled 'Building Warrant Site Plan'. The access proposals are a barrier erected to prevent public vehicular access to the car park via the informal access to the northwest which shall prevent drivers from utilising the shared access with the adjacent property. Both the access and parking arrangements are recommended to be secured by condition to any consent granted.
- 7.13 In relation to the access point made within the representation received, although these concerns are noted by the Planning Authority, the site and immediate surroundings has suitable access arrangements following the amendments secured. Driver behaviour is out with the remit of planning control, and therefore it is up to the applicant to ensure suitable access and parking is extant to allow no adverse effects on neighbouring properties. Regarding the parking of vehicles immediately to the north of the application site, the provision of parking spaces in this location has been removed from the application as advised by the Planning Authority, alleviating any concerns.

Drainage

- 7.14 Scottish Water have confirmed the proposed development will be fed by the public fresh water supply and public foul drainage network. As such, the new takeaway building will connect onto the existing public water supply and public foul drainage

connections serving the site which is welcomed. In terms of Surface Water Drainage, pursuant to Policy 22 of the NPF4, the proposal shall not increase the risk of surface water flooding to others, or itself be at risk, and shall seek to minimise the use of impermeable surfacing with all rain and surface water managed through sustainable urban drainage systems (SUDS). The application proposes for a surface water drain to connect the new building to an existing SUDS infiltration trench to the rear of the existing utilities shed, immediately to the east of the site, which is considered a suitable surface water drainage arrangement. Furthermore, the turfed roof and inclusion of permeable surfacing within the site will further manage roof runoff and help to deal with surface water drainage. Therefore, the surface water drainage arrangements are recommended to be secured by condition to be fully implemented prior to the first use of the takeaway.

Climate & Nature Crises

- 7.15 As already mentioned, the recently adopted NPF4 sets out that when considering all development proposals significant weight will be given to the global climate and nature crises, with development encouraged to minimise emissions and adapt to current and future risks of climate change. This proposed development includes the adoption of larch cladding which is welcomed as this natural material is effectively carbon neutral with minimal energy usage and pollution associated during the construction process. In addition, the provision of a turfed roof and promotion of electric car charging measures in the wider area under the ownership of the applicant, demonstrates further ways the applicant aims to help combat the current climate emergency which is encouraged.
- 7.16 In terms of Biodiversity, to ensure the proposed development implements measures to conserve, restore and enhance biodiversity, in accordance with NPF4, the proposal includes a turfed roof. Given the scale of the development proposed there is considered to be limited scope to secure any additional measures to promote biodiversity gain, however, the turfed roof is welcomed and is considered appropriate as this will help to offset any biodiversity loss during the construction of the proposal and help to conserve, restore and enhance biodiversity within the site by providing food, shelter and safe corridors for movement, encouraging priority species and creating a suitable habitat location.

Contaminated Land

- 7.17 In consultation with the councils Contaminated Land Team the parking area of the development overlies the former petrol filling station at this site. The Applicant was previously informed on the presence of the former petrol filling station through previous application on the site. The former underground storage tanks are known to be filled with diesel and the current condition of the underground tanks and connecting pipework to the location of the former pumps is unknown. The Contaminated Land Team note it is likely that the whole former petrol station area will be used for informal parking during busy periods. Contamination may be present from the former use of the site as a petrol station, which can be a risk to human health and the environment. Therefore, as advised, site investigation, and if necessary, remediation is required to demonstrate that the site is suitable for the proposed use. A condition is recommended to be attached below regarding the submission of a scheme to deal with potential contamination on site which requires to be submitted to and agreed in writing by the Planning Authority. The applicant was

contacted with a request that they provide, by way of an assessment of potential contamination issues, evidence that the site is suitable for its proposed use, however, no further details have been provided and therefore the relevant condition will be attached to this consent.

- 7.18 In response to the point made within the representations relating to potential contamination of the site, the requested measures and consultation with the councils Contaminated Land Team will ensure appropriate mitigation is undertaken where necessary

Other

- 7.19 It is noted within the representations received that there seems to be a dispute regarding landownership, common access and rights of access of areas included within and immediately out with the redline site boundary, although all wholly detailed to be within land under the applicant's ownership denoted by the blue line boundary. The applicant has certified that he owns the land and submitted documentation to verify this. The issue of access itself over the land is a civil matter. The site redline boundary is noted to be contained wholly within land under the applicant's ownership.

8. CONCLUSION

- 8.1 The proposed development will see existing mobile catering vans removed and replaced with a new permanent takeaway building. In accordance with the principal policy considerations, Policy 29 of the NPF4, it is considered that the new permanent takeaway building will help to create job provision within the local community as well as supporting and sustaining the existing community of Durness by enticing further tourists and visitors along the NC500 route to the area, bringing many social and economic benefits to local business and services. In accordance with Policy 3 of CaSPlan, as the proposed takeaway building will replace seasonal catering vans, it can be deemed that the development is compatible in terms of use, spacing and local character by continuing the existing use established within the site. As stated within the Placemaking Priorities for the Durness Growing Settlement, the proposal will help to continue to support the role of the settlement as a local and visitor service centre. The proposed design is considered to be aesthetically pleasing and a sustainable approach, and given the small scale of the proposal, which will provide a permanent structure in comparison to seasonal catering vans, that coheres to the current use of the site. The new takeaway building is located in close proximity of the neighbouring dwelling located to the northeast however given the welcomed diversification of the application site, and requested details of the outdoor seating area, it is considered that the proposal will have no significant increase in effect on neighbouring amenity in comparison to the existing use of the site, with the proposed takeaway building located beyond the existing property. Following the additional traffic calming and parking measures secured, the proposed development will accommodate an acceptable level of access and parking arrangements and as such, the application can be considered compliant with all material considerations, and therefore can be supported.
- 8.2 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained

within the Development Plan and is acceptable in terms of all other applicable material considerations.

9 IMPLICATIONS

- 9.1 Resource: Not applicable
- 9.2 Legal: Not applicable
- 9.3 Community (Equality, Poverty and Rural): Not applicable
- 9.4 Climate Change/Carbon Clever: Not applicable
- 9.5 Risk: Not applicable
- 9.6 Gaelic: Not applicable

10. RECOMMENDATION

Action required before decision issued	N
Notification to Scottish Ministers	N
Conclusion of Section 75 Obligation	N
Revocation of previous permission	N

Subject to the above actions, it is recommended to **GRANT** the application subject to the following conditions and reasons

1. 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.

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. No development shall commence until a revised Proposed Site Layout Plan has been submitted to, and approved in writing by the Planning Authority, which details the exact layout of the outdoor seating provision associated to the new takeaway building. In the avoidance of doubt, no outdoor seating arrangements shall project beyond the northern building line of the dwellinghouse located immediately to the northeast of the takeaway building proposed.

Reason: In order to safeguard the amenity of neighbouring properties and occupants.

3. No development shall commence until a scheme to deal with potential contamination on site has been submitted to and agreed in writing by the Planning Authority. The scheme shall include:
- a) the nature, extent and type of contamination on site and identification of pollutant linkages and assessment of risk (i.e. a land contamination investigation and risk assessment), the scope and method of which shall be submitted to and agreed in writing by with the Planning Authority, and undertaken in accordance with PAN 33 (2000) and British Standard BS 10175:2011+A2:2017 Investigation of Potentially Contaminated Sites - Code of Practice;
 - b) the measures required to treat/remove contamination (remedial strategy) including a method statement, programme of works, and proposed verification plan to ensure that the site is fit for the uses proposed;
 - c) measures to deal with contamination during construction works;
 - d) in the event that remedial action be required, a validation report that will validate and verify the completion of the agreed decontamination measures;
 - e) in the event that monitoring is required, monitoring statements shall be submitted at agreed intervals for such time period as is considered appropriate by the Planning Authority.

No development shall commence until written confirmation has been received that the scheme has been implemented, completed and, if required, monitoring measurements are in place, all to the satisfaction of the Planning Authority.

Reason: In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.

4. No development shall commence until a scheme for the storage of refuse and recycling within the application site 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 in perpetuity

Reason: To ensure that suitable provision is made for the storage of refuse and recycling bins within the site to help prevent littering in the surrounding area.

5. Prior to the first use of the new takeaway building hereby approved, the existing catering vans present within and immediately surrounding the site, granted consent under application refs. 21/01848/FUL and 22/011221/FUL, shall be permanently removed.

Reason: In accordance with the approved plans and to ensure that only the new takeaway building is present on the site, in the interests of amenity.

6. All surface water drainage provision within the application site shall be implemented in accordance with the approved plans and shall be completed prior to the first use of the development.

Reason: To ensure that surface water drainage is provided timeously and complies with the principles of SUDS; in order to protect the water environment.

7. Prior to the first occupation of the development hereby approved, the car parking and access arrangements detailed on approved plan ref. 03 REV E shall be completed in full and made available for use. Thereafter, all car parking spaces shall be maintained for this use in perpetuity.

Reason: In the interests of road safety, and that the works involved comply with applicable standards.

8. All plant, machinery and equipment associated with ventilation, air-conditioning, heating and refrigeration services or similar and including fans, ducting and external openings shall be so installed, maintained and operated such that any associated operating noise does not exceed NR 20 when measured or calculated within any noise-sensitive premises with windows open for ventilation purposes. For the purposes of this condition, "noise-sensitive premises" includes, but is not necessarily limited to, any building, structure or other development the lawful use of which a) falls within Classes 7 (Hotels & Hostels), 8 (Residential Institutions) or 9 (Houses) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended), or b) is as a flat or static residential caravan.

Reason: In order to safeguard the amenity of neighbouring properties and occupants.

REASON FOR DECISION

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

INFORMATIVES

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.

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

Environmental Health

The following details should be submitted to the council's Environmental Health Team:

- the approximate number of meals to be served per day;
- the method(s) of preparation and cooking;
- the types of meal served, e.g. fish and chips, Chinese food, Indian food, pizzas or Italian dishes, etc;
- the proposed hours of operation of the business and any ventilation plant;
- detailed layout plans for the kitchen, showing the internal arrangement of the premises specifically, wash up facilities, location of wash hand basin, any mechanical extraction, if appropriate and external refuse storage; and
- confirmation of the number of seats/covers proposed.

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. The granting of planning permission does not remove the liability position of developers or owners in relation to flood risk.

Scottish Water

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

Mud and Debris on Road

Please note that it is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

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 NatureScot 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 NatureScot: <https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species>

Signature:	Dafydd Jones
Designation:	Area Planning Manager – North
Author:	Liam Burnside
Background Papers:	Documents referred to in report and in case file.
Relevant Plans:	Plan 1 - 01 REV B - Location Plan
	Plan 2 - 02 REV C – General Plan – Elevations, Floor Plans and Section
	Plan 3 - 03 REV E – Site Layout Plan

Appendix 2

	COMPLETE FOR LEGAL AGREEMENTS AND UPFRONT PAYMENTS				REQUIRED FOR LEGAL AGREEMENTS ONLY				
Type	Contribution	Rate (per house)	Rate (per flat)	Total Amount*1	Index Linked ¹	Base Date*2	Payment Trigger*3	Accounting Dates*4	Clawback Period*5
Schools²									
Primary – Build Costs	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS	Q2 2018	TOC/CC	Apr/Oct	15 or 20
Primary – Land Costs	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS	Q2 2018	TOC/CC	Apr/Oct	15 or 20
Secondary – Build Costs	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS	Q2 2018	TOC/CC	Apr/Oct	15 or 20
Secondary – Land Costs	Insert what contribution is for	£0.00	£0.00	£0.00	No		TOC/CC	Apr/Oct	15 or 20
Community Facilities	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS	Q2 2018	TOC/CC	Apr/Oct	15 or 20
Affordable Housing									
On-site provision ³	X units. Insert details of unit size and timescale for delivery if agreed	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Off-site provision ⁴	X units. Insert details of location, unit size and timescale for delivery if agreed	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Commuted Sum ⁵	£0.00 per affordable unit not delivered on/off site. Insert expected timescale for payment - can be in installments	N/A	N/A	£0.00	N/A	N/A	Insert specific payment date	N/A	5 Years
Agreement for Delivery Needed	Y/N. If delivery for affordable housing has not yet been agreed, enter Y and specify the date/timescale that the scheme for delivery is to be submitted for approval	N/A	N/A	N/A	N/A	N/A	Insert date for submission to Planning Authority	N/A	N/A

¹ If the contribution is to be used towards infrastructure projects involving building e.g. new school, new cycle route etc BCIS ALL IN TENDER will be the index, if it doesn't involve building then another appropriate index may need to be chosen with the agreement of Team Leader

² Indicate whether or not 1 bed houses/flats are exempt

³ Indicate whether a penalty payment due for late delivery (and, if so, what it is based upon).

⁴ As above

⁵ Indicate whether a penalty payment is due for late payment of commuted sum (and, if so, what it is based upon)

Type	COMPLETE FOR LEGAL AGREEMENTS AND UPFRONT PAYMENTS				REQUIRED FOR LEGAL AGREEMENTS ONLY				
	Contribution	Rate (per house)	Rate (per flat)	Total Amount*1	Index Linked ¹	Base Date*2	Payment Trigger*3	Accounting Dates*4	Clawback Period*5
Transport									
Active Travel	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Safer Routes to Schools	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Public Realm	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Wayfinding	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Public Transport	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
School Transport	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Road Improvements	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Parking	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
EV Charging	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Traffic Signals	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Lighting	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Road Traffic Orders	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Cumulative Transport Contributions	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Green Infrastructure									
Open Space	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Green Network	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Built/Natural Heritage	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Water and Waste									
Catchment Improvement Works	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Strategic Flood Scheme	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Maintenance of SuDs	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Off Street Waste Storage	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Recycling Point Provision	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Glass Banks	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
		£0.00	£0.00	£0.00					
Public Art	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Other (Please Specify)	Insert what contribution is for	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20

*1 Adjust total to take account of flat exemptions

*2 Base Date – Set out in Supplementary Guidance on Developer Contributions

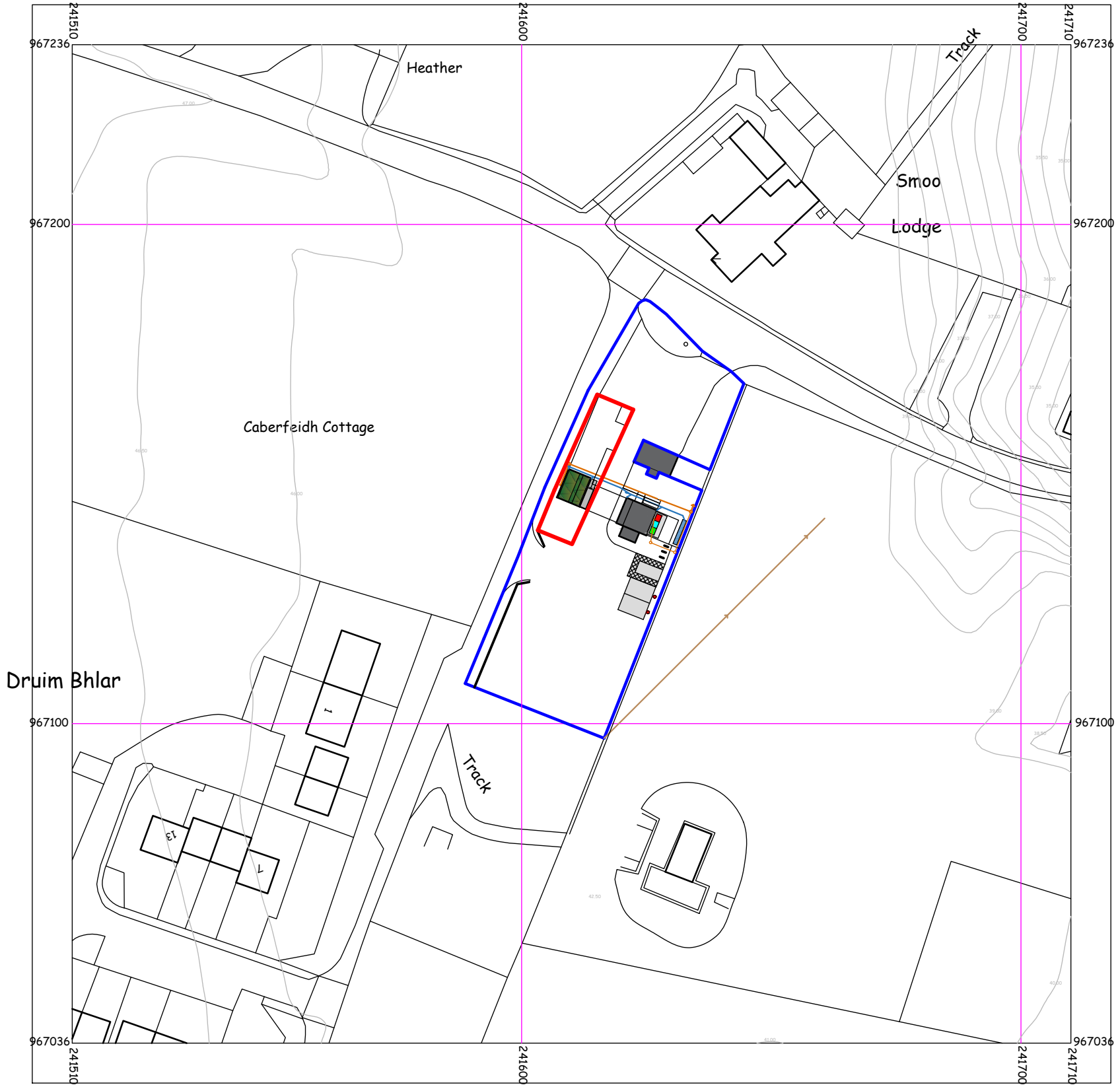
*3 TOC/CC – The earlier of the issue of either a temporary occupation certificate or a completion certificate – or specify alternative time if appropriate

*4 Accounting dates - 1 April and 1 October each year of development (if the contribution is to be paid on a basis other than related to units completed in the preceding 6 months (e.g. lump sum on a specific date) then indicate this instead of the Apr/Oct payment dates)

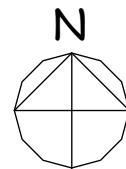
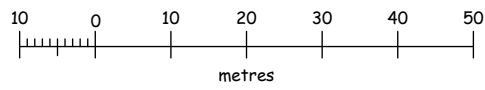
*5 Clawback – 15 years for Major development; 20 years for Local development

Other Legal Agreement requirements

Type	Details
Bond	1. Describe the purpose of the Bond
	2. Specify the amount to be secured
	3. Restriction on Bond provider
	4. Set the review date and mechanism for review
	5. Describe the call on circumstances
	6. Any other relevant details
Habitat Management Plan	1. Describe what the Plan is to cover
	2. Describe the area the Plan is to cover (and provide a plan)
	3. Set the timetable for submission of the Plan
	4. Set the timescale for implementation of the Plan
	5. Describe requirements to consult third parties
	6. Specify the financial contribution (if any)
	7. Specify the clawback period (if any)
	8. Any other relevant details
Road Survey	1. Specify the timescale for the initial survey
	2. Describe which roads are to be surveyed (provide a plan)
	3. Specify an interim survey date (if required)
	4. Specify the final survey requirements and timescale
	5. Any other relevant details
Land and Asset Transfer	1. Describe the area of land / asset to be transferred (provide a plan)
	2. Describe the use of the land / asset
	3. Specify the cost of transfer
	4. Any other relevant details



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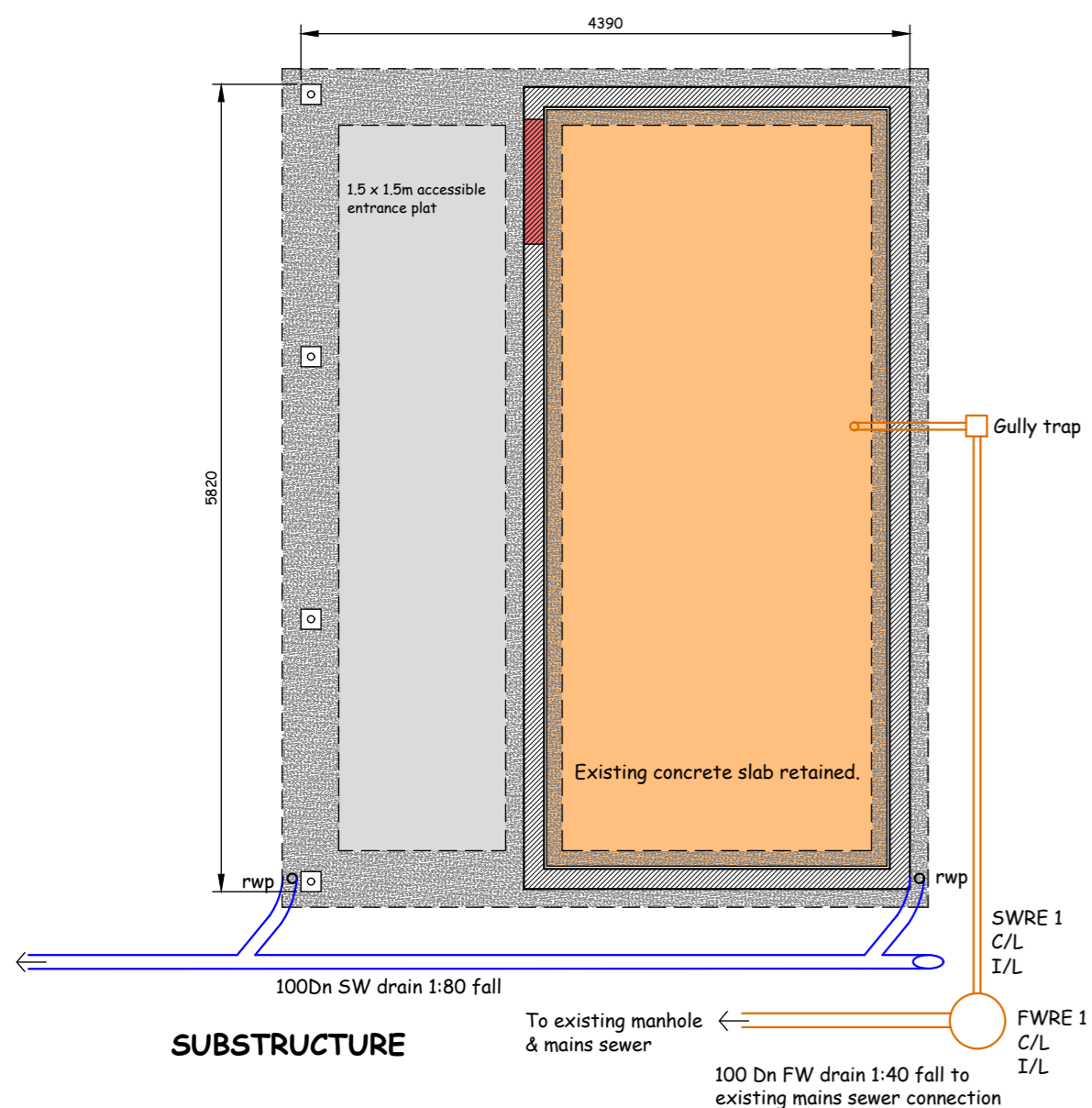


- Rev A: 07.08.23 - DM
- Snack shack relocated on site
 - Red line boundary altered
 - Parking spaces removed from potentially contaminated land area.
- Rev B: 21.08.23 - DM
Snack shack relocated on site

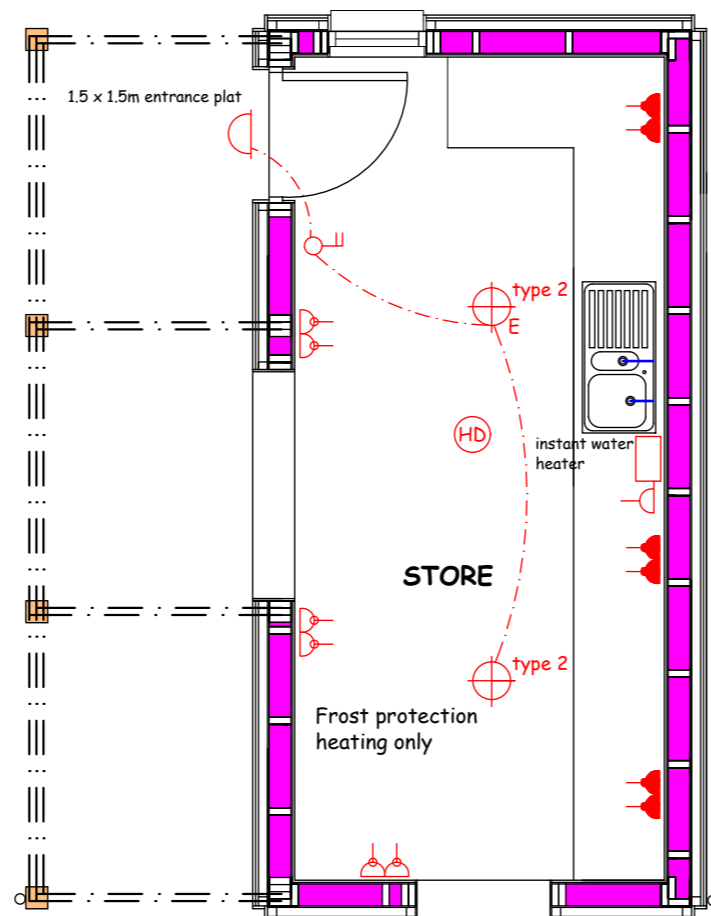
KNIGHT & McDONALD ARCHITECTS			
6 Princes Street, Thurso, Caithness, KW14 7BQ			
Tel: 01847 893811			
Fax: 01847 893152			
E-mail: admin@knightandmcdonald.co.uk			
Project: 2 Caberfeidh, Smoo, Durness - Formation of Snack Shack in existing Car Park			
Client: Mr Kris Scott			
Drawing Title: LOCATION PLAN			
Scale	1:1000	Date	26.06.23
Drawn	DM	Checked	
Job No	17524	Code	AL(0)
Dwg No	01	Rev	B

To SUDS infiltration trench designed and installed to BRE Digest 365

Existing concrete slab removed outwith building.

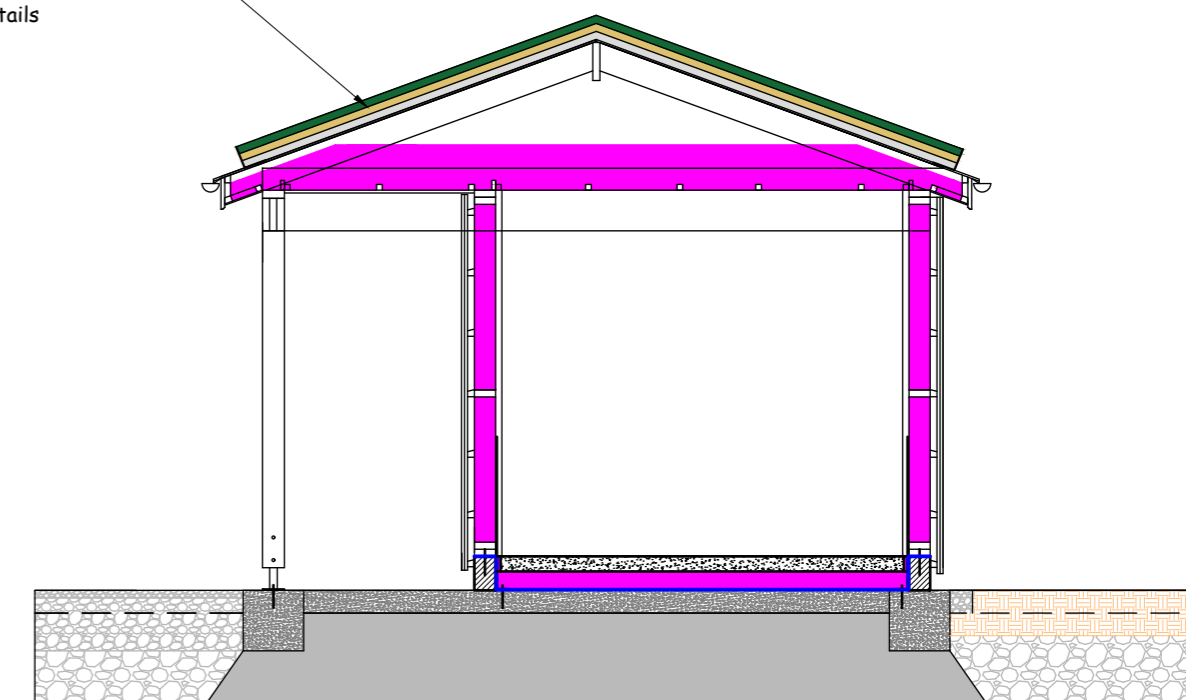


SUBSTRUCTURE

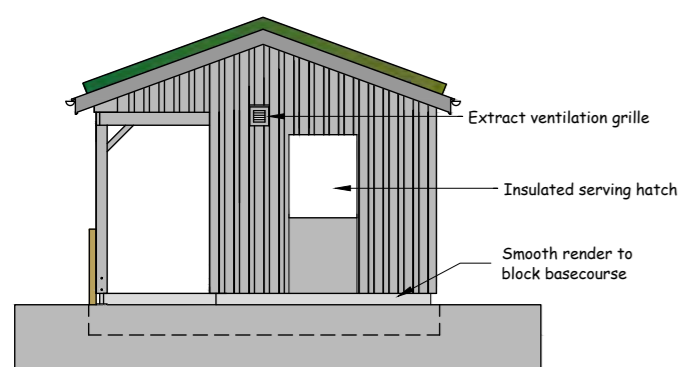


FLOOR PLAN

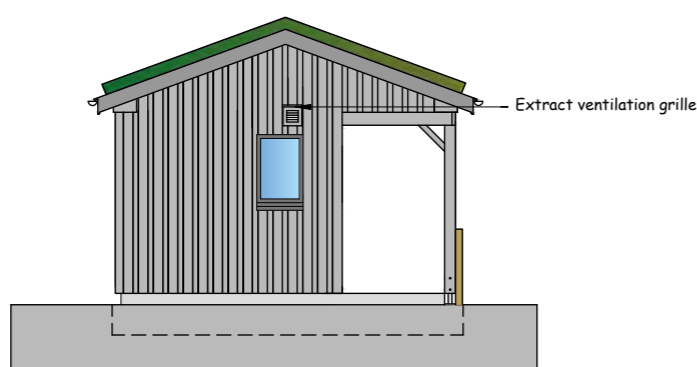
Proprietary turf/Sedum green roof installation to manufacturers details



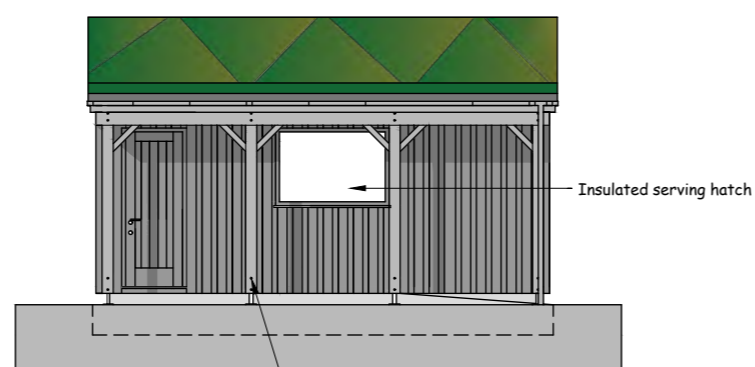
SECTION



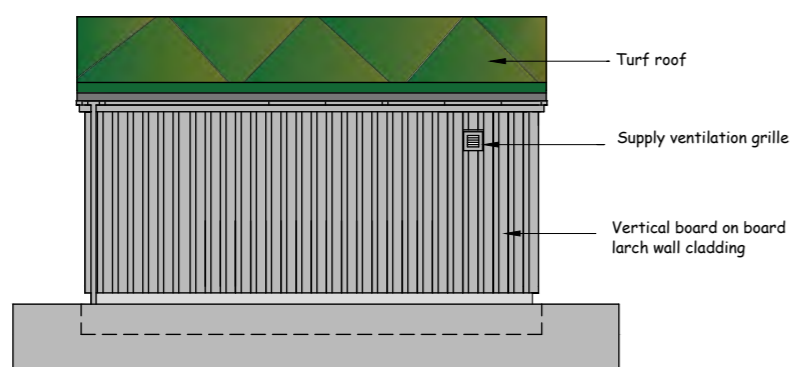
NORTH ELEVATION



SOUTH ELEVATION



EAST ELEVATION



WEST ELEVATION

- Rev A: 10.07.23 - DM
- Window added to south elevation
- Sockets added
- Rev B: 07.08.23 - DM
- Rainwater goods relocated.
- Rev C: 21.08.23 - DM
- Rainwater goods relocated.

KNIGHT & McDONALD ARCHITECTS

"Grianan", 14 Beinn Ratha Court, Reay, Caithness, KW14 7RH
Tel: 01847 893811
E-mail: admin@knightandmcdonald.co.uk

Project: 2 Caberfeidh, Smoo, Durness - Formation of Snack Shack in existing Car Park

Client: Mr Kris Scott

Drawing Title: BUILDING WARRANT SNACK SHACK

Scale 1:50 & 1:100	Date 15.06.23	Drawn DM	Checked
Job No 17524	Code AL(O)	Dwg No 02	Rev C



Existing boundary fence extended (broken purple line) to prevent public vehicular access to car park via this entry point.
 Fence to be timber posts with 3no. horizontal timber rails between posts to match existing fence around carpark - refer image above left.
 2no. lockable gates fitted to maintain legal right of access arrangements.
 Fence positioned to define the adopted road macadam extents and provide additional manoeuvring space - refer image above right

Bollards installed to prevent public vehicular access at this point.

FW inspection chamber
 FW1
 C/I
 I/I

Existing building shown with dashed line demolished down to floor slab level.

PROPOSED SNACK SHACK

SEATING AREA

PRIVATE LAND
 NO PUBLIC PARKING

100m Dn pvc-u waste water drain laid ideally to 1:40 fall connecting to existing site disconnecting chamber

DWELLING

UTILITIES

LAUNDRY KIOSK

To existing FW drain

Existing FW inspection chamber
 C/I
 I/I

Refuse and recycling area. Bins moved to Highland Council collection point at roadside on collection day.

Existing SUDS infiltration trench

Sheffield bicycle stands

Access dimensions and details are as per 17418 SKD 01 Rev E approved under Planning Consent 20/01978/FUL.

CARPARK & SNACK SHACK ACCESS

Parking spaces marked with numbered blocks painted white/ yellow.

PUBLIC CAR PARK

Accessible parking space

2no. electric car charging points

Parking spaces highlighted with numbered white/ yellow paint markers on existing sleepers - refer image below.

- Rev A: 10.07.23 - DM
 - Bins relocated.
- Rev B: 07.08.23 - DM
 - Snack shack relocated on site
 - Red line boundary altered
 - Parking spaces relocated from potentially contaminated land area.
- Rev C: 21.08.23 - DM
 - Snack shack relocated on site
- Rev D: 25.10.23 - DM
 - Parking spaces delineated on site.
 - Barriers shown to north west access point.
- Rev E: 13.11.23 - DM
 - Parking space details added
 - Fence barrier across car park entry points

0m 2.5 5.0 7.5 10.0 12.5m

Scale 1:250

KNIGHT & McDONALD ARCHITECTS
 "Grianan", 14 Beinn Ratha Court, Reay, Caithness, KW14 7RH
 Tel: 01847 893811
 E-mail: admin@knightandmcdonald.co.uk

Project: 2 Caberfeidh, Smoo, Durness - Formation of Snack Shack in existing Car Park
Client: Mr Kris Scott

Drawing Title: BUILDING WARRANT SITE PLAN

Scale	Date	Drawn	Checked
1:250	19.06.23	DM	
Job No	Code	Dwg No	Rev
17524	AL(0)	03	E