

THE HIGHLAND COUNCIL

**NORTH PLANNING APPLICATIONS COMMITTEE
18 OCTOBER 2016**

Agenda Item	5.2
Report No	PLN/051/16

**16/00966/FUL: Glen Wyvis Community Benefit Society
Glen Wyvis, Scroggie Farm, Dingwall IV15 9UF**

Report by Area Planning Manager

SUMMARY

Description: Erection of house

Recommendation - REFUSE

Ward: 9 – Dingwall and Seaforth

Development category: Local

Pre-determination hearing: Not required

Reason referred to Committee: At the request of Ward Members.

1. PROPOSED DEVELOPMENT

- 1.1 The application seeks full planning permission for the erection of a one and a half storey four bedroom house, installation of private drainage arrangements and extension of existing access road. The proposed house would have a simple contemporary appearance and would be orientated with its principal elevation facing south. It is proposed to have a rectangular shaped footprint with the addition of a single storey lean-to on the north (rear) elevation. Proposed finish materials comprise larch rain screen cladding to external walls and natural slate roof with contrasting grey Eternit boarding and zinc roof sheeting to the lean-to.
- 1.2 No formal pre-application advice was requested.
- 1.3 It is proposed to upgrade an existing access onto the C1071 Heights public road in association with a proposed micro distillery.
- 1.4 Supporting Statements are included on the submitted drawings with regard to Council policy and justification for the house. A Drainage Impact Assessment & SUDS Strategy has been submitted covering all four proposed elements of the distillery project including the house.
- 1.5 **Variations:** Amended Site Layout Plan 2013 065-010 Rev A received 12.09.2016

2. SITE DESCRIPTION

- 2.1 The site lies at the top (north) edge of an existing field in grazing use. It is proposed to serve this site by way of a short spur from the existing access track to the north-west to Scroggie Farm. This access currently serves a house, farm steading, wind turbine and micro-hydro scheme. Detailed Planning Permission has recently been granted for a micro distillery and bonded warehouse to share this access; and for a second warehouse with a separate access further down the hill.

3. PLANNING HISTORY

- 3.1 None on this site. History of development at Scroggie Farm:
12/02800/PIP Erection of house – Planning In Principle granted 20.09.2012
12/02452/FUL Erection of house – Planning Permission granted 14.01.2013
14/00576/PREAPP Erection of distillery – Pre-application advice issued 14.03.2014
14/03201/PIP Erection of distillery – Planning Permission in Principle granted 26.01.2015
16/00951/FUL Erection of warehouse building – Planning Permission granted 27.09.2016
16/00965/FUL Erection of warehouse building – Planning Permission granted 27.09.2016
16/00967/FUL Erection of distillery – Planning Permission granted 27.09.2016

4. PUBLIC PARTICIPATION

- 4.1 Advertised: Potential Departure and Schedule 3
Representation deadline: 25.03.2016
Timeous representations: 0
Late representations: 1
- 4.2 Material considerations raised are made in response to the four applications lodged for the distillery, two bonded warehouses and house; and are summarised as follows:
- Impact on landscape – concerns that the development as a whole will destroy a picturesque and scenic area, prominent from miles around;
 - Impact on road safety – concerns over safety of existing access point to Scroggie Farm and potential increase in risk of accidents due to slow moving machinery required for distillery activity;
 - Impact on amenity due to smells and hazards such as fire associated with such a development;
 - Impact on water sources and drainage;
 - Impact on neighbouring deer farm;
 - Stability of hillside – pointing out proximity of site to area of previous landslides

- 4.3 The letter of representation is available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam. Access to computers can be made available via Planning and Development Service offices.

5. CONSULTATIONS

5.1 Transport Planning

Objects to the application on road safety grounds, due to the increase on traffic at an access onto the public road where there is a significant shortfall in visibility.

Vehicular access from the C1071 local public road is via an existing private access track. The proposed new house is intended to share access with the proposed distillery and an existing farmhouse. The speed of traffic measured for the previous application was 37mph in a southerly direction and 31mph in a northerly direction. The standard visibility splays based on these speeds are 4.5m x 120m to the north and 4.5m x 90m to the south. In this instance a relaxation of the x distance to 2.4m is acceptable. However, the visibility to the north is not achievable due to the brow of the hill.

It had been indicated by the applicant in the previous application that visibility splays of 2.4m x 77m to the north and 2.4m x 90m to the south could be achieved at the existing access. Further detailed information on how the splay to the north was to be improved has now been submitted. The visibility to the north remains substandard even with the improvement and as previously advised any significant increase in traffic at this junction would raise concerns regarding road safety.

The existing access also serves a farm which generates HGVs traffic movements. The traffic count taken for the previous application showed that the existing average volume of traffic is 13 vehicles per day. The average traffic movement generated by a single house is around 5 movements per day. This represents an average increase of around 38% and is judged significant.

For clarification, in response to the application 14/03201/PIP it was made clear to the applicant that the improved visibility splay proposed was significantly substandard to the north (120m is required and only 77m can be achieved). It was stated that any significant increase in traffic above the existing volumes on the access (a 5 day daily average of 13 with a peak flow of 22 per day) would be likely to attract an objection on road safety grounds due to the substandard visibility.

Permission in Principle has already been given for the distillery taking into account the traffic movements generated by that application. The house cannot be legally tied to the adjacent distillery therefore it has to be considered on its own merits. As an indicative estimate a house will generate around 5 traffic movements a day which is a significant increase (38%) on the existing use of the access.

Development Plans

- 5.2 **No objections** on the following basis: The proposal is for the erection of a house linked to GlenWyvis Distillery as accommodation for a Master Distiller.

The site is located in the hinterland area where new housing is only supported by Policy 35 of the Highland-wide Local Development Plan (April 2012) where it meets at least one of the exceptional circumstances outlined in the policy. In considering whether the proposal would accord with Policy 35, the relevant exception to

consider is: "Housing is essential in association with an existing or new rural business". The Housing in the Countryside and Siting and Design Supplementary Guidance (March 2013), in particular paragraphs 6.44 to 6.48, provides further information.

In essence, in order to support a proposal under that part of Policy 35 the policy/guidance require us to be satisfied that the business is viable and that it is necessary to the business that accommodation is actually needed on site.

The Feasibility Study supplied with the application for the distillery indicates viability of the business. Furthermore it is understood that the existing businesses at Scroggie Farm are to continue and it is therefore taken that they remain viable.

It is understood that the master distiller will be recruited and will not be the operator of the existing businesses on the farm. On that basis it is concluded that the existing farm dwelling will not be available for the master distiller.

This leads to the matter of whether it is necessary to the business that accommodation is actually needed on site. Notes provided on the Location Plan for the Master Distiller House provide the applicant's supporting statement in this regard. It says:

"It is important for the Glen Wyvis operation that on site living is provided for the 'Master Distiller'. This is to ensure correct procedures are followed during the distillation process and critically to ensure that the prospect of developing the GlenWyvis brand is incentivised with a modern home on site."

The desirability of incentivising in this way the prospect of developing the brand is understood but in itself is not compelling in terms of the planning considerations; a high quality home could be provided elsewhere which could still provide substantial incentive. However bearing in mind the additional operational information provided in the applicant's statement, the need to ensure correct procedures are followed during the distillation process is, I consider, a compelling case demonstrating the need for accommodation to be on site.

Subject to the Council being satisfied about the continued viability of the existing businesses then there is sufficient information to demonstrate that the proposed house may be supported in principle as an exception to the hinterland area restraint under Policy 35. I have not considered detailed matters of siting and design.

The Supplementary Guidance indicates that a Section 75 legal agreement will be required to tie the house to the business enterprise. In this regard please note that a report is due to be considered by the Planning, Development and Infrastructure Committee concerning the Council's practice of using such legal agreements for this purpose. Account should be taken of the outcomes of Committee's consideration of that report, in moving forward with this application.

(Note – A decision was taken by PDI Committee on 11 May 2016 to discontinue the use of legal agreements to tie a new house to the business that justifies the house in Hinterland areas.)

Dingwall Community Council

5.3

No Objections – The Community Council is supportive of the four elements of the proposed distillery development.

The general consensus was that they are good for the town, will provide employment opportunities (albeit perhaps not many), and that the business will enhance those already available in and around the town.

All the applications have been taken together as all would need to be advanced in order for the whole development to be viable. The location of the development is outwith the major settlement area, and mostly well screened from main public viewpoints. The house in any case has finishes which will complement the landscape.

The only concern relates to possible traffic generated by the distillery project as a tourist attraction, which it is understood is part of the intention. However if tourists are to be taken to the site by minibus from the town, which has been heard may be the case, it is not considered to be a problem.

6. DEVELOPMENT PLAN

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 and Place Making
35	Housing in Countryside (Hinterland)
56	Travel
66	Surface Water Drainage

6.2 Inner Moray Firth Local Development Plan (2015)

Outwith Dingwall Settlement Development Area – No site specific policies.

7. OTHER MATERIAL CONSIDERATIONS

7.1 Highland Council Supplementary Planning Policy Guidance

Housing in the Countryside and Siting and Design (March 2013)

Access to Single Houses and Small Housing Developments (May 2011)

Sustainable Design Guide (Jan 2013)

7.2 Scottish Government Planning Policy and Guidance

Scottish Planning Policy (June 2014)

8. PLANNING APPRAISAL

8.1 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.

8.2 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.

8.3 **Development Plan Policy Assessment**

8.3.1 This site is located within one of the areas of Highland which fall within the “hinterland of towns”, which are areas of countryside under greatest pressure for housing development. Hinterland areas are identified within the Highland-wide Local Development Plan and the Inner Moray Firth Local Development Plan. These areas are identified in order to safeguard against the impact that housing development within pressurised areas can have, such as landscape impacts, unsustainable growth in car based commuting and erosion of land for traditional agricultural uses.

8.3.2 The Highland-wide Local Development Plan Policies 28, 29 and 35, and the Interim Supplementary Guidance on Housing in the Countryside and Siting and Design, are the lead planning policies in the assessment of the proposal. Policy 35, which deals with development in the hinterland, is particularly applicable. This policy states that new housing is only supported where it meets at least one of the exceptional circumstances outlined in the policy. In considering whether the proposal would accord with Policy 35, the relevant exception to consider is: “Housing is essential in association with an existing or new rural business”. The Housing in the Countryside and Siting and Design Supplementary Guidance (March 2013), in particular paragraphs 6.44 to 6.48, provides further information.

8.3.3 As can be noted at para. 5.3 above, the Council’s Development Plans team has stated no over-riding objection on the basis that a compelling case has been made to justify the need for a manager’s house on site to deal with the day to day operation of the distillery. However the previous Planning in Principle Permission for the distillery was based on the operation as a farm diversification project managed from the existing farmhouse (See paras. 8.4.1 – 8.4.4 below) and thus whilst a compelling case may have been made for accommodation on site, it is argued that the project could have been designed to allow the existing house to be utilised for this purpose. Indeed, the house is presently used by Mr Mackenzie as an office to promote the distillery project and has been designed internally with the potential for sub-division, which would allow for the creation of modest accommodation and office to supervise day to day processes. The applicant’s agent has noted that the house currently lets two rooms under the rent a room scheme however this is due to cease in 2017 when the distillery building is constructed. It is submitted that this on site supervision would not necessarily need to be undertaken by a ‘Master Distiller’ or manager, who could separately be recruited with the incentive of accommodation elsewhere within the locality however the applicant’s agent states that off site housing is not considered appropriate. He claims that the aim is to continue to develop an internationally acclaimed product and the operation of the business wholly contained on site is part of the Glen Wyvis ethos.

8.3.4 The applicant’s agent argues the need to retain the house for management of the separate farm unit, green energy and ‘Flying Farmer’ businesses. It is submitted that the total farm area is 15.9ha and the effective land lost to the distillery project is 0.4ha which represents 2.5% of the land area. It is submitted that this has an

insignificant effect on the farming practice and combined livestock, hydro, PV and wind enterprises. Thus the separate existing businesses remain viable in their own right and require retention of the house which was originally approved for this purpose.

- 8.3.5 The farm unit will be managed by Mr Mackenzie from the existing farmhouse and the distillery will be managed on behalf of the Glen Wyvis Community Benefit Company by a 'master distiller' yet to be appointed. Whilst Mr Mackenzie is leading on the distillery development and is providing the land for the enterprise, the Community Benefit Company will be managing the distillery project and it is submitted by the applicant's agent that they therefore need separate accommodation.

8.4 **Material Considerations**

8.4.1 **Planning History**

The planning history for development at Scroggie Farm is also a material planning consideration. An Outline Planning Permission was first granted by Committee for a house on this landholding in 2009 contrary to planning and roads officers' advice (09/00001/OUTRC). This permission was renewed in 2012 (12/02800/PIP) and a detailed permission was granted in 2013 (12/02452/FUL). The supporting statement which accompanied this application reiterated the management reasons for this house, as detailed at the original outline application stage, as a property required by the land owner, Mr John Mackenzie, to manage Scroggie Farm. This house is complete and occupied.

- 8.4.2 In 2014 an application for Planning Permission in Principle was submitted for a micro distillery. As part of the supporting information submitted with this application it was stated that the distillery would fit well within the existing farm business as a diversification project. A Transport Statement was also submitted, given concerns over the substandard visibility at the junction with the public road. This reinforced the stated intention of the distillery as a diversification project very much related to the farm holding. Specifically it was noted that there were two tenants presently living in the existing farmhouse and their roles would expand once the proposals became operational to include day to day running of the distillery. On this basis it was claimed that the distillery would result in very little change to traffic movements to and from the site. The application and supporting information made no reference to the need for a 'master distiller's' or manager's house on site.

- 8.4.3 In response, the Council's Transport Planning team concluded reluctantly that whilst visibility at the road junction fell far short of the standard visibility splays of 4.5m x 120m (only 2.4m x 77m north and 2.4m x 90m south can be achieved), as there were no additional staff proposed; no visitor centre; the farm already has timber deliveries for biofuel; and the distillery by-product is proposed to be used on the farm itself; then it was accepted that the increase in traffic will be relatively low and therefore use of the substandard visibility junction was not judged to present a significant additional risk to road safety. It was stressed that this advice was given on the basis of the low volumes of traffic proposed and that any significant increase would be likely to attract an objection on road safety grounds.

8.4.4 It is therefore concluded that the current application for the house does not accord with the previous justification for the development on which the principle of the distillery was approved.

8.4.5 **Siting and Design**

The proposed house has been positioned on the site of a former croft house and historic maps have been provided as part of supporting information showing a building on this site dating back to 1876. There is no building in this location now. The proposed house has been orientated in a southerly direction with its rectangular footprint running with the contours to minimise cut and fill and maximise natural solar gain. The design concept proposed represents a contemporary twist on a broadly traditional building form. Within the context of scattered buildings existing on the wider hillside, the design and materials do not give rise to any concerns. The proposed house is proposed to be accessed from a new driveway formed as a short spur off the existing track to Scroggie Farmhouse and the proposed distillery site. It is proposed that the access and parking/turning area will be formed with recycled granular construction, with a series of filter trenches located to the low side of the access with outfall from this discharging into the watercourse to the south of the development site. Proposed planting of trees along the southern edge of the access track will help reduce the visual impact of this roadway.

8.4.6 **Drainage**

The Supporting Drainage Impact Assessment prepared for the four proposed elements of the distillery project notes that the only feasible option for foul water drainage from the house is to install a sewage treatment plant with partial soakaway and discharge into the Dochcarty Burn, located to the west of the site. Approval from SEPA (in accordance with the Controlled Activities Regulations) will be required.

8.4.7 **Representations**

Dingwall Community Council has intimated its support for the house, noting that it has finishes which will complement the landscape.

One third party letter of representation has been received and the points of concern raised are noted at 4.2 above. In response, it is submitted that the design and siting of the building, set down in the landscape on the site of a former building, with rising land behind, is compatible with the adjacent farming landscape. It will be visible in more distant views of the area in the context of the adjacent new distillery and warehouses but the use of recessive colours of finished materials and associated landscaping will help ensure that the building relates well to its surroundings. The applicant has employed surveyors and engineers (Caintech) to advise on construction and drainage and further consents will be required from SEPA and Building Standards to satisfy regulations with regard to foul drainage discharge.

The concerns over impact on road safety are acknowledged and shared, as noted at 5.2 and 8.4.2 – 8.4.4 above.

8.5 **Other Considerations – not material**

None

8.6 **Matters to be secured by Section 75 Agreement**

Not applicable.

9. CONCLUSION

- 9.1 All relevant matters have been taken into account when appraising this application. It is considered that the proposal does not accord with the principles and policies contained within the Development Plan and is unacceptable in terms of applicable material considerations. The current submission from a Community Benefit Company stresses the importance of incentivising the role of ‘master distiller’ with a modern home on site and argues that the existing house which will be held privately is required to manage the existing farm businesses. Nonetheless, it is submitted that this has been a business choice taken as to how the project is financed and managed and does not in itself preclude consideration of using part of the existing large house for management purposes and for the ‘master distiller’ to live elsewhere.

It is recommended that permission be refused.

10. RECOMMENDATION

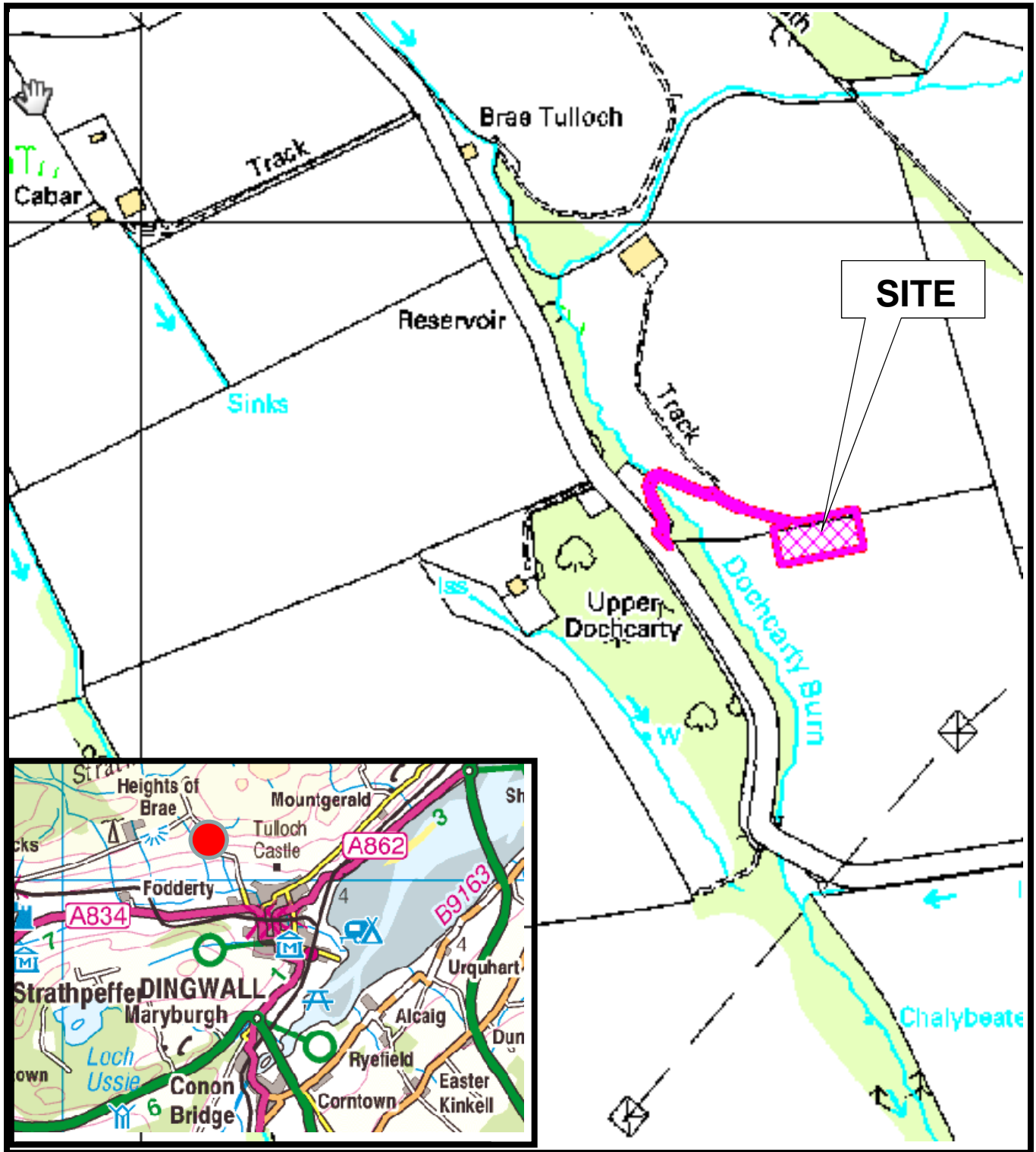
Action required before decision issued N

Subject to the above, it is recommended the application be **REFUSED** for the following reasons:

1. The proposal is contrary to the provisions of the Highland-wide Local Development Plan Policies 28 (Sustainable Design) and Policy 56 (Travel) as the increased use of the existing substandard access would compromise vehicular safety for site traffic as well as for general users of the C1071 public road, due to restricted visibility. The visibility splay to the north (even after the proposed alteration works to improve visibility) is clear for only 2.4m x 77m, falling considerably short of the 4.5m x 120m that is required.
2. The proposal is contrary to Highland-wide Local Development Plan Policy 28 (Sustainable Design) and Policy 35 (Housing in the Countryside – Hinterland) as whilst the submission has demonstrated that accommodation is desirable for business management purposes, justification submitted at Planning in Principle stage set out that existing accommodation would be used for this purpose. It is submitted that the existing and proposed future use of the existing farmhouse and

the way in which the distillery is to be managed has not been sufficiently explored to justify need for a further house on the landholding. Thus whilst an additional house may be desirable it has not been adequately demonstrated that it is essential.

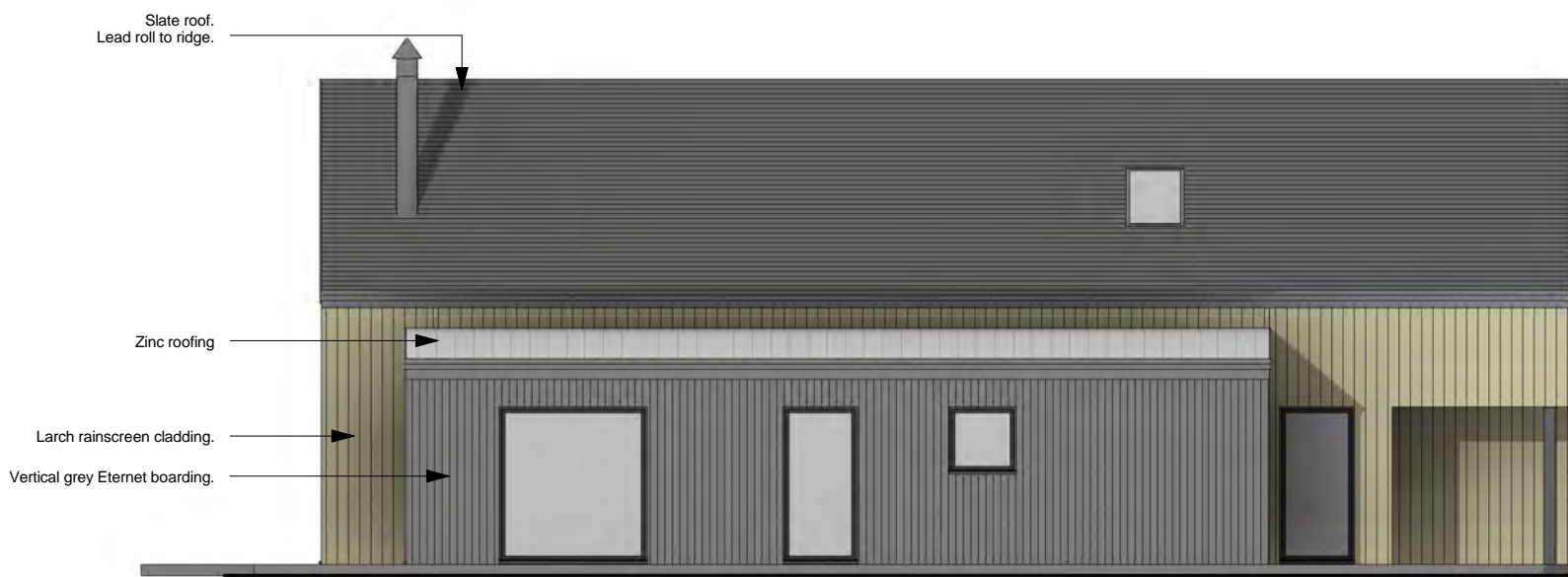
Signature: Dafydd Jones
Designation: Area Planning Manager – North
Author: Dorothy Stott
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – Location Plan
Plan 2 – Site Layout Plan – Distillery Masterplan (2013 065 010 Rev A)
Plan 3 – Site Layout Plan and Section (2013 065 054)
Plan 4 – Elevation Plan (2013 065 051)
Plan 5 – Visualisations (2013 065 052 Rev A)



The Highland Council
Comhairle na Gàidhealtachd

Planning & Development Service

16/00966/FUL
Erection of house
at GlenWyvis Scroggie Farm,
Upper Dochcarty, Dingwall



North
1 : 100



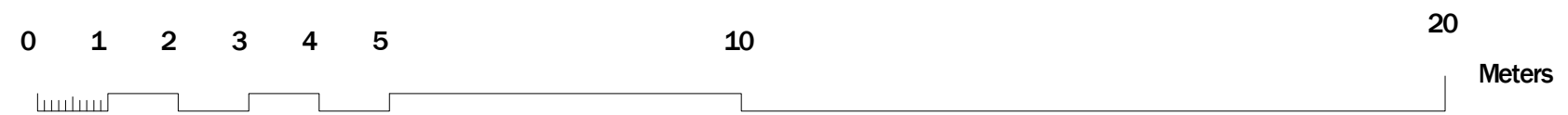
South
1 : 100



East
1 : 100



West
1 : 100



Planning issue

reynolds architecture ltd.
1 tulloch street, dingwall. IV15 9JY
tel. 01349 867766 fax. 01349 867769
www.reynolds-architecture.com

No.	Description	Date

GlenWyvis Distillery Community Benefit Society
Glen Wyvis Distillery, Dingwall.

Master Distiller's house, Elevation 1

Date 30.09.15
Drawn by GIR
Scale 1 : 100

2013 065 - 051

1. Protected by copyright, no reproduction without express permission from architect.
2. Contractor is responsible for checking all dimensions prior to construction.
3. Discrepancies to be referred to architect for decision.
4. Must be read in conjunction with written specification and engineers/sub contractors construction information.

House looking south east



Planning Notes

Site Selection

The site and access route are located per the original croft house on existing stone ruins.

It has an open aspect and is sufficiently separated from the existing farm hub to read as a separate rural dwelling.

Policy justification

Scottish planning policy is supportive of the establishment of new enterprises in rural locations

These new enterprises may include farm diversification directly related to agriculture or for example, tourism

The provision of housing to support these enterprises may be required and national policy recognises the role of the planning system in enabling this.

1. The business is described in the 'Feasibility Study' appended to the planning applications.
2. Funding is to be provided via community crowd funding and the formation of a community benefit company. A full business plan for the distillery, master distiller's house and long term establishment of an off site visitor centre is available on request.
3. The house will be attached to the distillery business and occupied by the 'Master Distiller' this is consistent with the aim of producing a world class product and attracting a high caliber employee for the community benefit company. The benefit is for the local community.
4. Off site housing provision is not appropriate. The aim is to continue to develop an internationally acclaimed product, distilled and distributed from Dingwall. The operation of the business wholly contained on site is part of the GlenWyvis ethos. A local product produced from a single agricultural site in the town of Dingwall. The future offsite visitor centre will provide a further expansion which is not considered to be appropriate at Scroggie Farm.

Planning Notes

Road Safety

Planning in principal for the distillery building was supported by a traffic speed analysis on the ground and subsequent report. Access arrangements and visibility splays thereafter were agreed with the transport planning team.

As part of the detailed planning application for the distillery building the details of the visibility splays and works required to raised areas of ground have been clarified in the submission. The access has therefore been proven to be technically feasible as accepted and approved in the planning in principal consent.

The objection relates to an increase in traffic due to the proposal to erect a master distiller's house.

Currently the farm house lets two rooms under the rent a room scheme. i.e. it is / can be occupied by three separate family units with associated vehicle movements. This scheme to rent a room will cease in 2017 when the distillery building is constructed, thereafter the farm house will be occupied solely by the applicant. The net effect in terms of dwelling houses is therefore that traffic movement will be reduced or at the very least neutralised.

The master distiller's house is a unit tied to the distillery as part of the Community Benefit Society. An on site manager will reduce vehicle movements to and from the site commuting to work.


Policy (further) Clarification

The distillery proposed is the first of its type in Scotland run by green energy. Wind, hydro, PV and most importantly biomass.

It is critical for the operation of the biomass system that there is full time attendance at the site i.e. living on site. This is in order to manage the system correctly to protect the output / production of the spirit. The aim of the Community Benefit Society is to provide a locally owned company where the profits are used for community benefit and based on sustainable enterprise. This is jeopardised without the implementation of the master plan i.e. the support facility that is the master distiller's house.

House looking west



Planning issue		
 reynolds architecture ltd. 1 tulloch street, dingwall. IV15 9JY tel. 01349 867766 fax. 01349 867769 www.reynolds-architecture.com		
No.	Description	Date
A	Transport objection response, planning policy clarification	17.05.16
GlenWyvis Distillery Community Benefit Society Scroggie Farm, Dingwall		
Master Distiller House, external views		
Date	18.02.16	
Drawn by	GIR	
Scale	2013 065-052	
<small> 1. Protected by copyright, no reproduction without express permission from architect. 2. Contractor is responsible for checking all dimensions prior to construction. 3. Discrepancies to be referred to architect for decision. 4. Must be read in conjunction with written specification and engineers/sub contractors construction information. </small>		