Agenda Item	6.9
Report No	PLS-012-21

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date:03 February 2021

Report Title: 20/02318/FUL: Mr A Hornby

Land 330M NE of Purple Lodge, Gorthleck

Report By: Area Planning Manager – South

Purpose/Executive Summary

- **Description:** Erection of house and micro distillery with storage shed
- Ward: 12 Aird and Loch Ness

Development category: Local

Reason referred to Committee: 5 or more objections

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** planning permission as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

- 1.1 The proposal is for the erection of a micro-distillery, harvest shed, store and manager's house set within woodland to the north east of Gorthleck. The distillery is for the distillation of vodka and the production of Birch Water as a soft drink on a "micro level". The buildings are designed to complement the character of the area. The harvesting shed, and store are of traditional design and finished in darkened vertical larch timber cladding with a dark profiled metal sheet pitched roof. The store is largely based on providing storage for raw materials.
- 1.2 The proposed distillery and managers house are located to the north of the site within an existing clearing. This building is contemporary in design and again finished in larch cladding and metal profiled sheeting roof. The accommodation for the house is set over two levels taking advantage of the natural slope of the land which results in a building equivalent to 1½ storey in height with a maximum ridge of 7.1 metres although much of the building is single storey only. It comprises 3 bedrooms, a living room and kitchen and toilet facilities. The still is located within an adjoining building and comprises a copper still, 4 fermentation tanks, 4 receiving tanks and a spirit safe. A bottling area is located within the lower ground floor area. The harvest shed is located to the south west of the site in the centre of the woodland and the store is located closer to the southern access.
- 1.3 An existing access located to the north of the site will not be used and closed for security. Rather an existing access will be improved to the south of the site thereby ensuring there is no conflict with the more recently created bus lay by at the north end of the site. This improved point will provide safe access to the store and woodland area. A new access will be formed off a side road to the B862 to the north of the site giving access to the distillery and house element.
- 1.4 Pre Application Consultation: None
- 1.5 Supporting Information: Design and Planning Statement, Arboricultural Impact Assessment, Distillery production guide, Ecological Survey, Private Access Checklist, Supporting Statement, Tree Management Plan, Tree Survey Assessment, Woodland Management Plan, Environmental Map, Tree Survey Data, Distillery Feed By-products briefing.
- 1.6 Variations: Amendments have been made to the position of access tracks to the house and ancillary building to take account of the Forestry Officer and Transport Planning requirements.

2. SITE DESCRIPTION

2.1 The site is located to the north east of Lyne of Gorthleck within a 12-acre site on the east side of the main public road, the B862. The site is bounded to the east by the shores of Loch Mhor and comprises an area of mature self-seeded birch woodland interspersed with natural clearings. The site is generally of level ground although it gradually slopes eastwards down to the level of the loch.

2.2 As the business enterprise is based on the existing birch woodland as a product source, care has been taken to minimise tree loss by the new development.

3. PLANNING HISTORY

3.1 22 May 2020 18/05921/FUL - Erection of a house and a micro distillery with storage shed and warehouse Withdrawn

4. PUBLIC PARTICIPATION

4.1 Advertised: Schedule 3 and Unknown Neighbour

Date Advertised: 10.07.2020

Representation deadline: 24.07.2020

Timeous representations: 18 (from 17 households)

Late representations: 4 (from 4 households)

- 4.2 Material considerations raised are summarised as follows:
 - a) compliance with development plan policy
 - b) citing and design
 - c) access and roads
 - d) impact on the woodland
 - e) drainage
 - f) habitat and ecology
 - g) business
 - h) visibility of the development
 - i) noise
 - j) any other material considerations
- 4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet <u>www.wam.highland.gov.uk/wam</u>.

5. CONSULTATIONS

- 5.1 **Stratherrick & Foyers Community Council:** Object on the basis of adverse impact on the war memorial therefore contrary to Policy 3; siting and design due to lack of sympathy with traditional house designs in the area and few houses on that side of the road; access and impact on roads around the site; and large scale tree felling.
- 5.2 **Transport Planning Team:** No objection following various amendments to the application involving the upgrade of the public road near the junction of the B862 and U1092. The access arrangements servicing the development proposal and associated visibility splays and construction details are considered acceptable.

The secondary access serving the development off the B862 is an existing access following a site investigation, albeit one that has not been used in some time. This original gate and access provision are visible on the site and therefore its use and the manner this is done as agreed and shown in the relevant drawings is considered acceptable. The access junction arrangement is somewhat non-standard, however,

the provision of an SDB type arrangement would have an adverse effect on boundary walls but more importantly tree retention and management. The proposed arrangement will, along with the enhancement of the existing passing place, adequately serve the proposal and with the provision of the required visibility splays fit with current and future use of the B862. The required visibility splays of 2.4m by 160m should be conditioned and referenced to these drawings. The setting back and/or lowering of the adjacent masonry walls to no higher than 600mm into the vertical plane of the visibility splays is required. The applicant has demonstrated these can be provided.

The works to the U1092 are considered beneficial and welcomed by the Council. Visibility splays from 2.4m x 51m to the B862/U1092 junction must be provided and maintained and is considered acceptable. The 2.4m x 215m to the east is acceptable and if problematic due to trees etc this could safely be reduced to 2.4m x 160m based on indicative speeds on this unclassified, rural, minor road.

The works required and proposed to the B862/U1092 junction will bring the junction to the appropriate standard as currently it is sub-standard. This will adequately cater for the development proposal, improve the operation and safety of this junction and fit with the Council's aims under the established South Loch Ness – Road Improvement Strategy. This junction upgrade was previously sought but not realised so this work is a significant benefit and greatly welcomed.

Transport Planning are happy to support these proposals providing the details in the attached drawings and the requirements for access geometry and visibility splays and works to the B862 and U1092, as shown on the attached drawings, can be suitably applied as conditions. The access, visibility and public road works must be completed and approved prior to operation of the development.

5.3 **Forestry Officer:** No objection but request various conditions relating Tree Protection and future Woodland Management.

Over the course of the application the access tracks have changed to accommodate the Forestry Officer's concerns such that the number of trees needing removed has greatly reduced and the Forestry Officer has been able to remove his objection.

- 5.4 **Flood Risk Management Team:** No objection.
- 5.5 **Environmental Health:** No objection, but primary concerns would relate to noise and odour from the site and private water supply. Conditions and informatives should be included to cover these aspects.
- 5.6 **SEPA:** No objection but required two modifications to the plans relating to land soakaway and filter trenches that the applicant has carried out and a condition relating to the depths of excavations of tracks in relation to Ground Water Dependent Terrestrial Ecosystems (GWDTE).
- 5.7 **Scottish Water:** No objection.

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
- 30 Physical Constraints
- 31 Developer Contributions
- 36 Development in the Wider Countryside
- 51 Trees and Development
- 52 Principle of Development in Woodland
- 56 Travel
- 58 Protected Species
- 64 Flood Risk
- 65 Waste Water Treatment
- 66 Surface Water Drainage

6.2 Inner Moray Firth Local Development Plan 2015

No specific policies apply

6.3 Highland Council Supplementary Planning Policy Guidance

Access to Single Houses and Small Housing Developments (May 2011) Developer Contributions (March 2013) Flood Risk and Drainage Impact Assessment (Jan 2013) Housing in the Countryside and Siting and Design (March 2013) Physical Constraints (March 2013) Sustainable Design Guide (Jan 2013) Trees, Woodlands and Development (Jan 2013)

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 Scottish Government Planning Policy and Guidance

No applicable

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.

Determining Issues

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.

Planning Considerations

- 8.3 The key considerations in this case are:
 - a) compliance with the development plan and other planning policy
 - b) siting and design
 - c) forestry
 - d) access
 - e) flooding and drainage
 - f) any other material considerations.

Development plan/other planning policy

- 8.4 This site is located within the Wider Countryside area as defined in the Highlandwide Local Development Plan and Policy 36 Development in the Wider Countryside is the most relevant policy in the first instance. The policy supports development proposals where they are not judged to be significantly detrimental in terms of siting and design, respect existing patterns of development, are compatible with landscape character and capacity, avoids incremental expansion of one particular development type, avoids locally important croft land and can address drainage constraints without impacting the rural character of the area.
- 8.5 It is acknowledged that there have been applications in the past for housing on the south side of the B862 through Gorthleck. In general terms, the Council has resisted applications for the construction of buildings on land that obstructs views from the public road over bodies of water like Loch Mhor. However, this application is for buildings within woodland, which, due to the density of the trees, will have very limited visibility from the public road and will not block any views over Loch Mhor.
- 8.6 Properties along the B862 tend to be located within fairly large land holdings with good separation and generally set back a little from the public road. The proposed house is set within a clearing back from the public road in a large woodland land holding. On this basis it is considered that the proposed development is sympathetic to the existing pattern of development in the area.
- 8.7 There are no specific special landscape or heritage designations. The site is outwith any Special Landscape Area designation. Nevertheless, Policy 57 requires a development to demonstrate that it will not have an adverse impact on the natural environment. In this instance, the development is set into the landscape, is screened by the existing woodland and will, in the longer term, result in the overall enhancement, through proper and careful management, of the woodland resource.

Siting and Design

8.8 In this instance, the proposed development is located on a site which is screened from both the public road and from the east across the loch. The design of the buildings is traditional in form for the warehouse and workshop and similar to an agricultural building. The dark stained larch cladding ensures that the building is

visually unobtrusive. The house and distillery are similarly clad and located within clearing in the woodland.

- 8.9 The development introduces a new rural enterprise, based on locally sourced natural ingredients, set within a site which enables a development footprint in keeping with the landscape and settlement pattern in general. The process is not labour intensive and will not involve a significant amount of additional traffic to and from the site. The discreet location of the buildings is shown to sit into the landscape and the proposal is compatible with public service provision. The development will not have any adverse impact on the flora or fauna or habitats of the area in general.
- 8.10 The house and distillery are very contemporary in design and have been planned to retain a low profile within the site and below the level of the trees reducing the possibility of the building being visible from the public road. The buildings have an irregular geodesic shape, which help to break up their overall mass and form. This is assisted by the dark grey/black metal sheet roof and dark vertical clad timber walls. Windows have vertical emphasis, following the profile, curves and folds of the walls and roof. The height of the house equates approximately to a 1½ storey house. The dark larch cladding is appropriate at this location and again helps the buildings to sit unobtrusively within the landscape.

Access and Roads

- 8.11 The applicant has discussed the proposals with the Transport Planning Team, particularly in relation to the upgrades to the South Loch Ness Road Improvement Strategy. Significantly, the applicant has agreed to upgrade the sub-standard junction from the U1092 with the B862. Transport Planning commented "The works required and proposed to the B862/U1092 junction will bring the junction to the appropriate standard as currently it is sub-standard. This will adequately cater for the development proposal, improve the operation and safety of this junction and fit with the Council's aims under the established South Loch Ness Road Improvement Strategy. This junction upgrade was previously sought but not realised so this work is a significant benefit and greatly welcomed."
- 8.12 In order to reduce the impact on the habitat within the site and the impact on trees, the applicant has amended access to the site from the previously withdrawn application. Two accesses are proposed. One new access from the U1092 into the house and distillery, and one access into the south of the site to the warehouse utilising an existing access, albeit one that has not been used in some time.
- 8.13 The applicant has now complied with all requests from the Transport Planning Team in relation to improvements and addressed all technical issues, subject to conditions ensuring the various elements are carried out prior to the development coming into operation.

Forestry

8.14 The applicant has liaised closely with the Council's Forestry Officer in relation to this application. The Forestry Officer requested various reports be submitted to support the application, which the applicant was willing to do.

- 8.15 The applicant has now provided new or updated Arboricultural Impact Assessment (AIA) Method Statement; Site Plan; Tree Protection Plans, Road Access Plans; Tree Planting Plan, and Woodland Management Plan. The AIA identifies 146 trees in the tree schedule although it is noted that the only trees surveyed are those in the vicinity of proposed structures. Given that development is now generally better located within more open ground this is accepted.
- 8.16 The AIA notes that 11 category B, 8 category C and 3 category U trees would need to be removed. This has reduced significantly from previous layouts and could be accepted providing there is adequate protection of retained trees and adequate compensatory tree planting. The route of proposed servicing would now require the removal of just one U category tree which is accepted.
- 8.17 It is proposed on the Tree Protection Plans and Access drawings to install areas of cellular confinement system (CCS) for the access roads to the house and storage building in order to protect roots of retained trees. This is welcome and accepted.
- 8.18 The Forestry Officer confirmed that the applicant had satisfied all technical concerns relating to the woodland and the application could be supported subject to conditions in relation to tree protection, planting, and woodland management being included.

Flooding and Drainage

- 8.19 There is no evidence of flooding on site and the buildings are set above the loch side outwith any potential flood risk area.
- 8.20 Waste water will be dealt with by Anaerobic Membrane Bioreactor technology which can be accommodated within the site. The Anaerobic Digester (AD) would process organics (Chemical Oxygen Demand) to produce biogas which could then be converted to electricity via a Combined Heat & Power (CHP) unit. This energy would then be fed back into the Distillery operating processes. Spent solid waste from the AD would be spread to land following regulatory guidelines. The Digestate (liquid stream) from the AD unit would then be fed to the Membrane Bioreactor (MBR) stage of the system where further reduction of the remaining dissolved organics and filtration of the liquid effluent stream would take place. The MBR stage would produce a minimal amount of waste sludge (approximately 5% of total liquid waste stream) which would be dewatered and would form part of the spent solid waste to be spread to land, following regulatory guidelines.
- 8.21 The MBR effluent (filtrate) could then be reused to feed a Reverse Osmosis (RO) system, the permeate of which is of an excellent quality, to feed to non-product contact steam raising equipment in the distillery process. Otherwise, the MBR filtrate is of a quality to be discharged to a surface watercourse as per European Wastewater Framework Directive Guidelines. No objections have been raised from technical consultees in relation to the proposed system and SEPA have indicated no objection in regard to this aspect of the proposal.
- 8.22 The site is of sufficient size, including the land within the ownership of the applicant, to enable appropriate measures to be installed to deal with surface water drainage. The new access junctions will be designed to Council guideline standards to ensure

no discharge of surface water on to the public road. Again, SEPA have indicated no objection in regard to this aspect of the proposal.

Habitat and Ecology

- 8.23 There is no evidence of the presence of protected species. An over ground survey has not indicated presence of badgers or otters. It is anticipated that before any development commences on site that a more detailed survey will be undertaken, including of any trees to be felled to ensure that neither squirrel dreys nor bats are present. Appropriate mitigation will be provided should it prove necessary. An informative reminding the applicant of their responsibilities regarding protected species shall be included on any decision notice.
- 8.24 In relation to Ground Water Dependent Terrestrial Ecosystems, SEPA notes that "the internal access road has been removed from the previously proposed quad track between the warehouse/store and the workshop is now a track for foot traffic. We welcome these further reductions in internal tracks which will further avoid and reduce the environmental impact on these habitats." SEPA go on to agree, in this site-specific circumstance, that mitigation can be agreed when required and details can be sought through a condition.

Other material considerations

8.25 The issue of noise from the site can be addressed through condition and can appropriately be dealt with by Environmental Health legislation.

Non-material considerations

8.26 The issue of security is not a material planning consideration, but the applicant has advised that the operations and product security will be dealt with in a sympathetic way, no alarm sirens will be installed, light sensors will not point towards any roads, coast lines or properties and a new stock proof fence around the road edges of the site will be erected which will not affect the right to roam along the shore line.

Developer Contribution

8.27 Policy 31 requires all developments to make fair and reasonable contributions towards improved public services as required. Developer contributions are required for Inverness Royal Academy as per Appendix 2.

9. CONCLUSION

9.1 During the period between the last withdrawn application (18/05921/FUL) and this application, the applicant has considered the objections received and advised that "we looked carefully at those we considered constructive and helpful and used these to help us address any perceived or indeed actual shortfalls in our initial approach. In so doing we revisited some aspects of our design and whilst we felt our original proposal presented a sympathetic workable solution to our aspirations, we realised there was room for improvement and if we addressed these; the projects long term viability would be further enhanced. Whilst this approach has resulted in our adopting a significantly more expensive and advanced green technology approach (over and

above those originally proposed) such choice will further enhance care for the environment, habitat, fauna and the environment as a whole and greatly reduce the costs in use, ultimately taking the development close to an annual cost neutral operation and exportation potential to the national grid a reality."

- 9.2 The applicant further advised that "In this instance, the business model demonstrates that proximity to the birch woodland as the key ingredient, is essential to the efficient development of the rural enterprise. Production of locally made spirits is an important developing business and is recognised as important to the local economy."
- 9.3 It is considered that the proposals are sympathetic to the existing woodland and environment, the trees and surrounding area will be managed in a sustainable way and to its long-term benefit and protection. The applicant has addressed and fully satisfied all technical issues in regard to the preservation of the existing environment and all the operations and technical requirements associated with the proposals have been carefully considered and designed to integrate into the existing environment with minimal impact. The Council is supportive of local businesses that boost the local economy and on the basis of all of the above, it is considered that the application can be supported.
- 9.4 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.

10. IMPLICATIONS

- 10.1 Resource: Not applicable
- 10.2 Legal: Not applicable
- 10.3 Community (Equality, Poverty and Rural): Not applicable
- 10.4 Climate Change/Carbon Clever: Not applicable
- 10.5 Risk: Not applicable
- 10.6 Gaelic: Not applicable

11. RECOMMENDATION

Action required before decision issued Y

Notification to Scottish Ministers N

Payment of Developer Contribution Y

Revocation of previous permission

Subject to the above, it is recommended that planning permission be **GRANTED** subject to the following:

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Conditions and Reasons

- 1. No development shall commence until the applicant has submitted the following information for the approval in writing of the Planning Authority:
 - A completed private water supply questionnaire (Form PWS 1)
 - A plan of the development and the water supply
 - A written report from a competent person which demonstrates that there will be a sufficient piped supply of wholesome water to meet the demands of all properties on the supply.
 - Details of any water treatment systems, and

Thereafter, the development shall not be occupied until a wholesome supply of water has been provided to the development. A water test shall be required to determine the water quality.

The development shall thereafter be undertaken in accordance with the agreed details.

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.

- 2. No development shall commence until a Noise Impact Assessment, carried out by a suitably qualified and competent person which assesses the likely impact of noise emanating from the development on neighbouring properties has been submitted to, and received the approval in writing of, the Planning Authority. The assessment should include but is not limited to the following:
 - A description of the proposed development in terms of noise sources and the proposed locations and operating times of the same.
 - A detailed plan showing the location of noise sources, noise sensitive premises and survey measurement locations. *
 - A description of any noise mitigation methods that will be employed. The effect of mitigation methods on the predicted levels should be reported where appropriate.
 - A survey of current ambient (LAeq) and background (LA90) noise levels at appropriate locations neighbouring the proposed site.
 - A prediction of noise levels resultant at neighbouring noise sensitive premises, for the operational phase of the proposed development. The raw data and equations used in the calculations should be made available on request.
 - An assessment of the predicted noise levels in comparison with relevant standards. *

*Relevant standards and monitoring locations must be agreed beforehand with the Council's Environmental Health Officer

The development shall thereafter be undertaken in accordance with the agreed details.

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

3. Track excavations through the wet woodland (W4b) habitat shall not exceed 1m in depth or use materials that will chemically alter the existing conditions of the GWDTE without written permission from the Planning Authority in consultation with SEPA.

Reason: To ensure adequate protection of this habitat.

- 4. No development shall commence on site until:
 - the footprint of the house, distillery, storage shed, harvest shed and access roads are accurately pegged out on the ground, along with any underground services due to be excavated; and
 - all trees proposed for removal

are clearly marked out on site for the inspection of and agreement in writing by the Planning Authority. For the avoidance of doubt, no other trees are to be cut down, uprooted, topped, lopped (including roots) or wilfully damaged in any way, without the prior written permission of the Planning Authority.

Reason: To ensure the protection of retained trees during construction and thereafter.

5. Prior to any site excavation or groundworks, all retained trees are to be protected against construction damage using protective barriers located as per the Tree Protection Plan (in accordance with BS5837:2012 Trees in Relation to Design, Demolition & Construction). Barriers are to remain in place throughout the construction period and must not be moved or removed without the prior written approval of the Planning Authority.

Reason: To ensure the protection of retained trees throughout the construction period.

6. A suitably qualified Arboricultural Consultant shall be employed by the applicant to update the Arboricultural Method Statement (AMS) and also to ensure that the Approved Tree Protection Plans are implemented to the agreed standard. Stages requiring supervision are to be set out in the AMS for the written agreement of the Planning Authority and certificates of compliance for each stage are to be submitted for approval.

Reason: To ensure the protection of retained trees throughout the construction period.

7. The tree planting and protection measures for natural regeneration areas identified in the Tree Planting Plan and Woodland Management Plan shall be implemented in full during the first planting season following commencement of development or as otherwise agreed in writing by the Planning Authority.

Reason: In the interests of amenity.

8. The submitted Woodland Management Plan shall be implemented following commencement of development and as per the terms of the Plan thereafter.

Reason: To ensure that woodland areas are satisfactorily safeguarded, managed and maintained in the long term /in perpetuity, in the interest of nature conservation and the visual amenity of the area.

- 9. The development shall not be occupied or brought into use until the site access, as demonstrated in Drawing Nos: MRH-108-101-P1 Rev B, MRH-108-101-02 Rev B and MRH-108-101 Rev G, from the B862 has been constructed in accordance with these drawings including:
 - i. visibility splays of 2.4m x 160m (the X dimension and Y dimension respectively) in each direction formed from the centre line of the junction.

Within the stated visibility splays, at no time shall anything obscure visibility between a driver's eye height of 1.05m positioned at the X dimension and an object height of 0.60m anywhere along the Y dimension.

Reason: To ensure that an adequate level of access is timeously provided for the development; in the interests of road safety and amenity.

10. The development shall not be occupied or brought into use until the works to the junction of the B862/U1092, as demonstrated in Drawing Nos: MRH-108-101-P1 Rev B, MRH-108-101-02 Rev B and MRH-108-101 Rev G, have been constructed in accordance with these drawings.

Reason: In order to ensure the safety and free flow of traffic on the public road.

- 11. The development shall not be occupied or brought into use until the site access, as demonstrated in Drawing Nos: MRH-108-101-P1 Rev B, MRH-108-101-02 Rev B and MRH-108-101 Rev G, from the U1092 has been constructed in accordance with these drawings including:
 - i. visibility splay of 2.4m x 51m (the X dimension and Y dimension respectively) in each direction formed from the centre line of the junction to the junction with the B862; and
 - ii. visibility splay of 2.4m x 160m (the X dimension and Y dimension respectively) in each direction formed from the centre line of the junction to the east.

Within the stated visibility splays, at no time shall anything obscure visibility between a driver's eye height of 1.05m positioned at the X dimension and an object height of 0.60m anywhere along the Y dimension.

Reason: To ensure that an adequate level of access is timeously provided for the development; in the interests of road safety and amenity.

12. No development shall commence until full details of all foul drainage infrastructure (including treatment plant and soakaway locations) 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 is suitably catered for, in the interests of public health and environmental protection.

13. No development shall commence until full details of all surface water drainage provision within the application site (which should accord with the principles of Sustainable Urban Drainage Systems (SUDS) and be designed to the standards outlined in Sewers for Scotland Fourth Edition, or any superseding guidance prevailing at the time) have been submitted to, and approved in writing by, the Planning Authority. Thereafter, only the approved details shall be implemented, and all surface water drainage provision shall be completed prior to the first occupation of any 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.

14. No development shall commence until full details of any external lighting to be used within the site and/or along its boundaries and/or access have been submitted to, and approved in writing by, the Planning Authority. Such details shall include full details of the location, type, angle of direction and wattage of each light which shall be so positioned and angled to prevent any direct illumination, glare or light spillage outwith the site boundary. Thereafter only the approved details shall be implemented.

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.

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.

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

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

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.

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.

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).

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at: <u>http://www.highland.gov.uk/yourenvironment/roadsandtransport</u>

Application forms and guidance notes for access-related consents can be downloaded from:

http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_for_wor king_on_public_roads/2

Mud & Debris on Road

Please note that it 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 <u>env.health@highland.gov.uk</u> 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

Private Water Supply

The applicant should be informed that if the premises is to be used for a commercial purposes, then, under the requirements of The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017, The Highland Council must add it to the register of private water supplies, to risk assess the supply and to sample and test it on an annual basis to ensure the water provided meets the regulatory standard. The applicant should be informed that there is a charge for this statutory function. The applicant should inform the Environmental Health Service that the property is used for a commercial purpose.

Food Safety

The distillery will require to comply with food safety, food hygiene and Health & Safety Legislation. The applicant should contact the Environmental Health Office for further advice.

Designation:	Area Pla	Area Planning Manager – South							
Author:	Elaine V	Elaine Watt							
Background Papers:	Docume	ents referred to in report and in case file.							
Relevant Plans:	Plan 1	- 16-09-MRH-2002 Overall Development and Location Plan							
	Plan 2	- 16-09-MRH-1001 REV A Site Layout Plan							
	Plan 3	- 16-09-MRH-1000 REV A General Plan							
	Plan 4	- 2016-09-MRH-100 Elevation Plan							
	Plan 5	- 2016-09-MRH-101 Floor Plan							
	Plan 6	- 2016-09-MRH-500 Elevation Plan							
	Plan 7	- 2016-09-MRH-501 Elevation Plan							
	Plan 8	- 16-09-MRH-2001 REV A Tree Protection Plan							
	Plan 9	- MRH-108-101-P1 Rev B Access Plan							

- Plan 10 MRH-108-101-02 Rev B Access Plan
- Plan 11 MRH-108-101 Rev G Access Plan
- Plan 12 2016-09-MRH-505 Visual information

Appendix 2

	COMPLETE FOR LEGAL AGREEMENTS AND UPFRONT PAYMENTS				REQUIRED FOR LEGAL AGREMEENTS ONLY				
Туре					Index Linked ¹	Base Date ^{*2}	Payment Trigger* ³	Accounting Dates ^{*4}	Clawback Period* ⁵
Schools ²									
Secondary – Build Costs	Inverness Royal Academy	£764	£0.00	£764	BCIS	Q2 2018	TOC/CC	Apr/Oct	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 & 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

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MICRO DISTILLERY - BIRCHWOOD CROFT- GORTHLECK

TREE PROTECTION MEASURES

This Tree Protection Plan shows the position of tree protective fencing and other protective measures to be observed during development of the site. All the protective measures must be installed prior to any of the following taking place: plant and material delivery

demolition work

- soil stripping/excavations construction works
- installation of utilities

KEY

quality grading:

Grey: Low quality

Blue: Moderate quality

Tree To Be Removed:

Green: High quality

Red: Unsuitable for retention

Tree Reference, Common

Ref: T001 Silver Birch 2.3m

Tree Canopy

Ref: T001 Silver Birch 2.3m

Site Boundary

Tree Protection Fencing

- Root Protection Area (RPA)

- Stem

radius

Colours are in accordance with BS5837:2012

Root Protection Area (RPA): The minimum

maintain the tree's viability, and where the

protection of the roots and soil structure is

area around a tree deemed to contain

sufficient roots and rooting volume to

treated as a priority (BS5937:2012)

Name and Root Protection Area

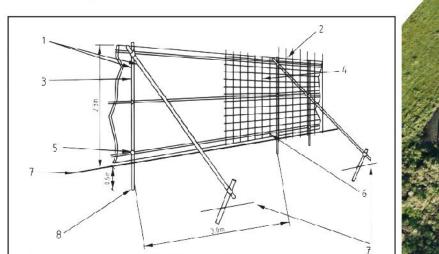
Once erected the area protected by protective fencing is to be regarded as sacrosanct. The fencing must not be removed or altered without prior approval of the appointed arboricultural advisor or the planning authority's tree officer.

Typical tree protective fencing shall comprise of interlocking weldmesh panels supported by a well braced scaffold set firmly into the ground (see specifications below). Any proposals for alternative barrier specifications must first be approved by the local planning authority. Further guidance on generally accepted alternatives can be provided by the project arboricultural advisor.

Once the Root Protection Areas have been protected by barriers and/or ground protection, construction work can commence. Weatherproof notices must be attached to the barriers clearly indicating their purpose (see examples in Figure 1 below).



Figure 1: Tree Protective Fence Signage



Protective Barrier compliant with BS5837. – 1 = Standard scaffold poles. 2 = Uprights to be driven into the ground, 3 = Panels secured to uprights with wire ties and where necessary standard scaffold clamps, 4 = Weld mesh or %² plywood wired/clamped to uprights and horizontais, 5 = Standard elamps, 6 = Wire twisted and secured on inside face to avoid dismantling, 7 = ground level, 8 = Approx. 0.6m driven into ground Figure 2: BS5837- Tree Protective Fence Specification

TREE PROTECTIVE FENCING - SPECIFICATION

The protective fencing must consist of either a timber or steel scaffold framework comprising horizontal and vertical timbers/scaffold tubes well braced to resist impacts. British standard requires this Old tube framework fencing panels attached (see Figure 2 below). However, the Highland Council will accept a fence based on the same design but constructed with timber.

For a timber framework the vertical posts (at least 100 mm²) must be spaced that the maximum interval of 3m. The barrier should comprise Heras® type fence panels, three-quarter inch timber sheets or chain link fencing securely fastened to the three horizontal rails (at least 25 mm x 100 mL in cross-section). Timber braces must be added to give the fence rigidity. The overall dimensions of the fence and closely correlate with those given in Figure 2, which is based on the steel scaffold specification outlined in British Standard BS 5837 2012.

PHASING AND MONITORING OF DEVELOPMENT

If any changes are required to the schedule outlined below then the projects arboricultural advisor and Local Planning Authority must be notified. Only once all parties are in agreement shall any changes be implemented.

1 - Pre-development Stage

• Pre-commencement site meeting between LPA client and project arboricultural advisor. • Tree removals/pruning. • Tree protection measures installed. • Site inspection by project arboricultural advisor. 2 - Development Stage • This period is subject to monthly site monitoring visits by the project arboricultural advisor. • Establishment of site compound/hygiene facilities/materials storage. • Site accessible to construction traffic.

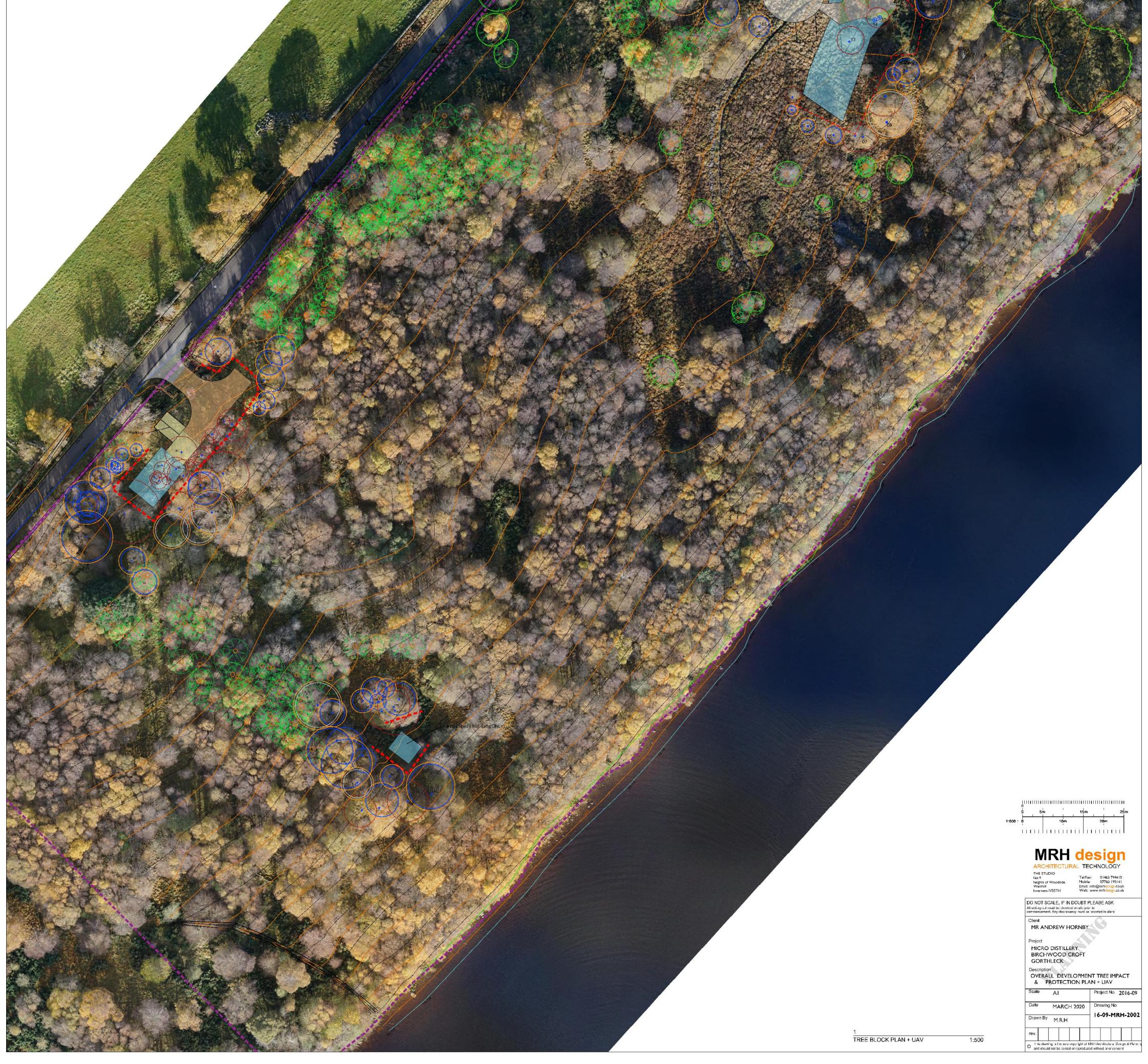
• Ground works and service installation (subject to arboricultural supervision where

- Site inspection by project arboricultural advisor.
- 3 Post-development Stage.

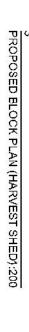


encroaching on root protection areas). Completion of development. Removal of protective fencing.



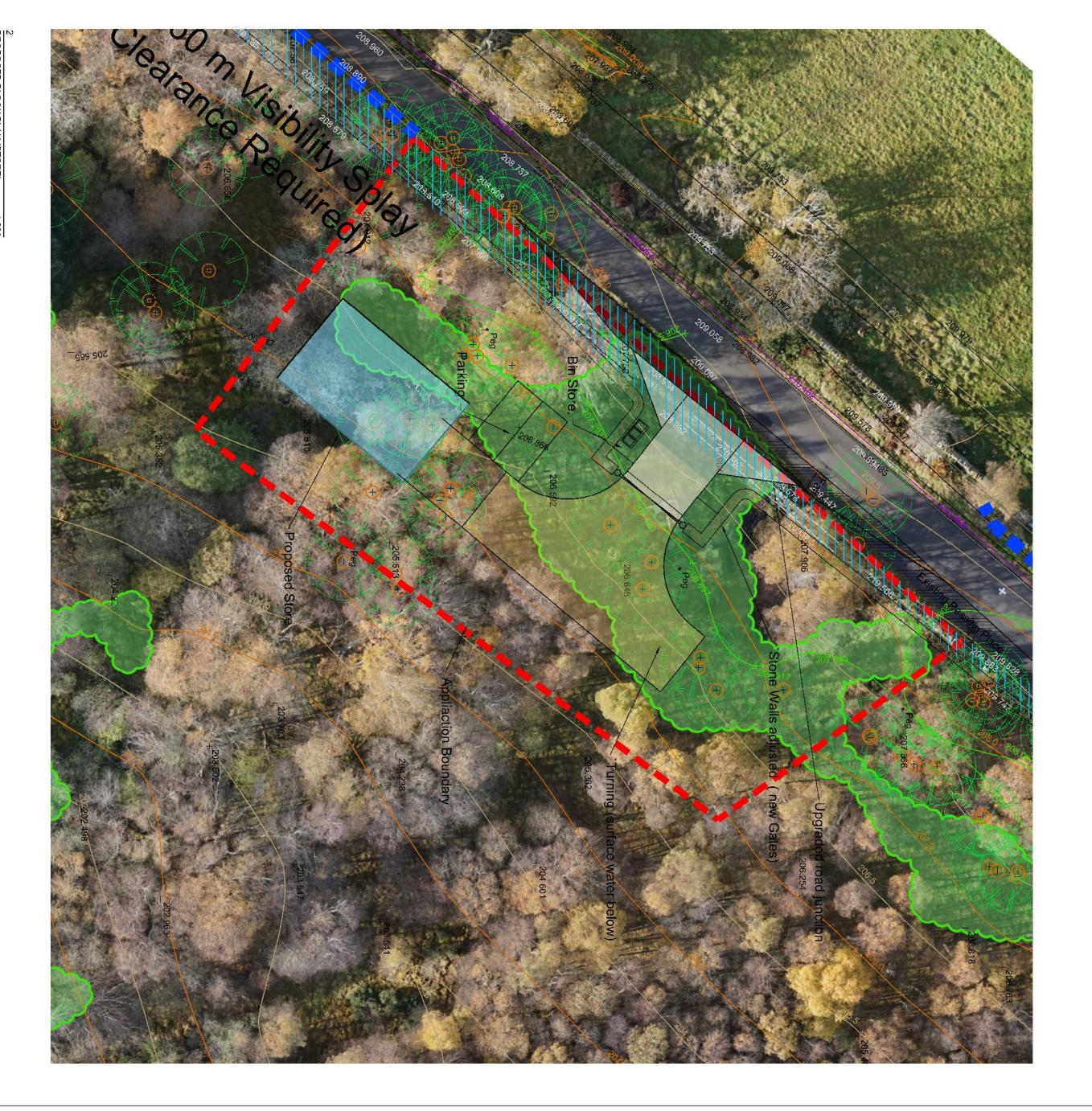








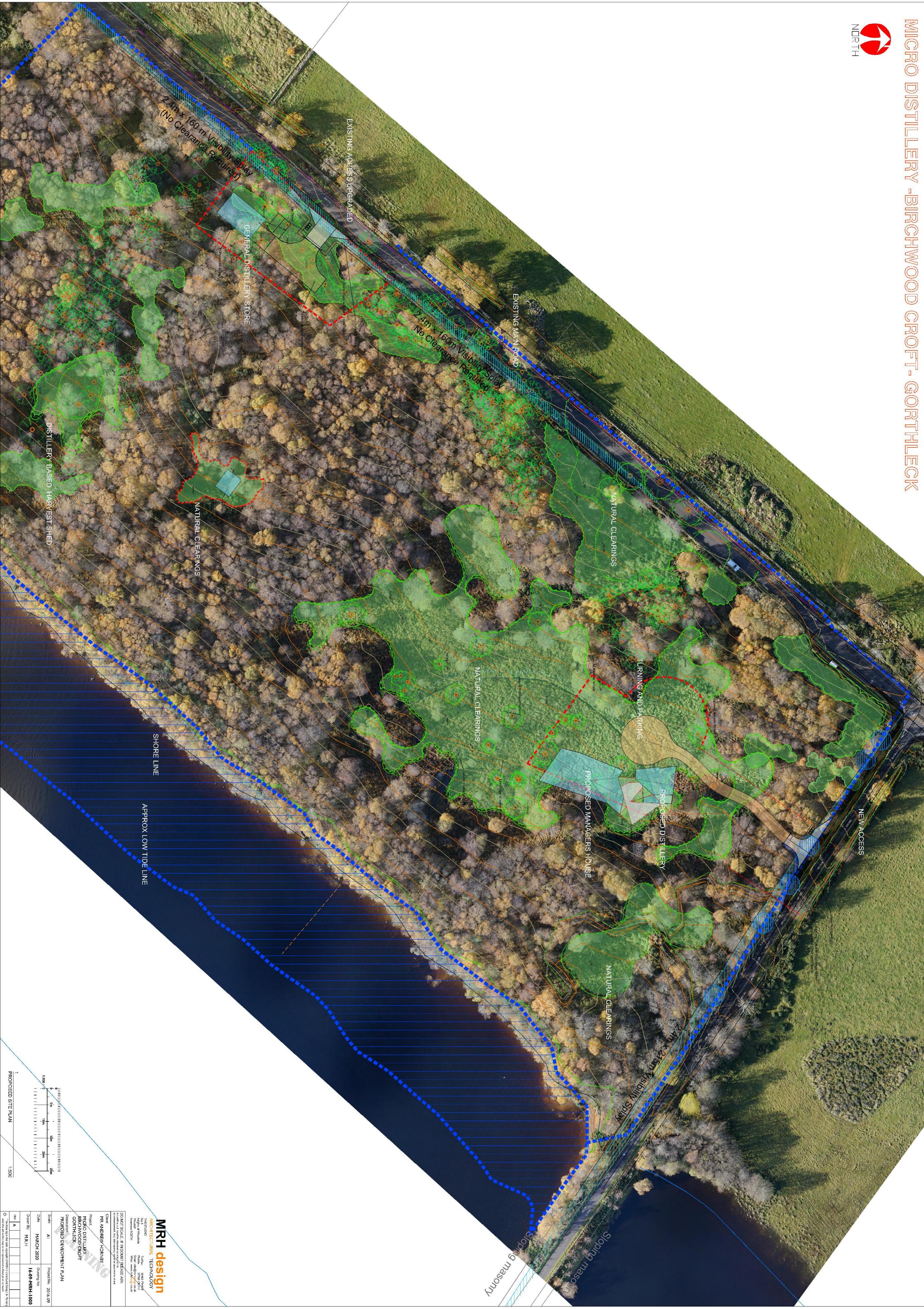
1:20 BLOCK PLAN (STORE)



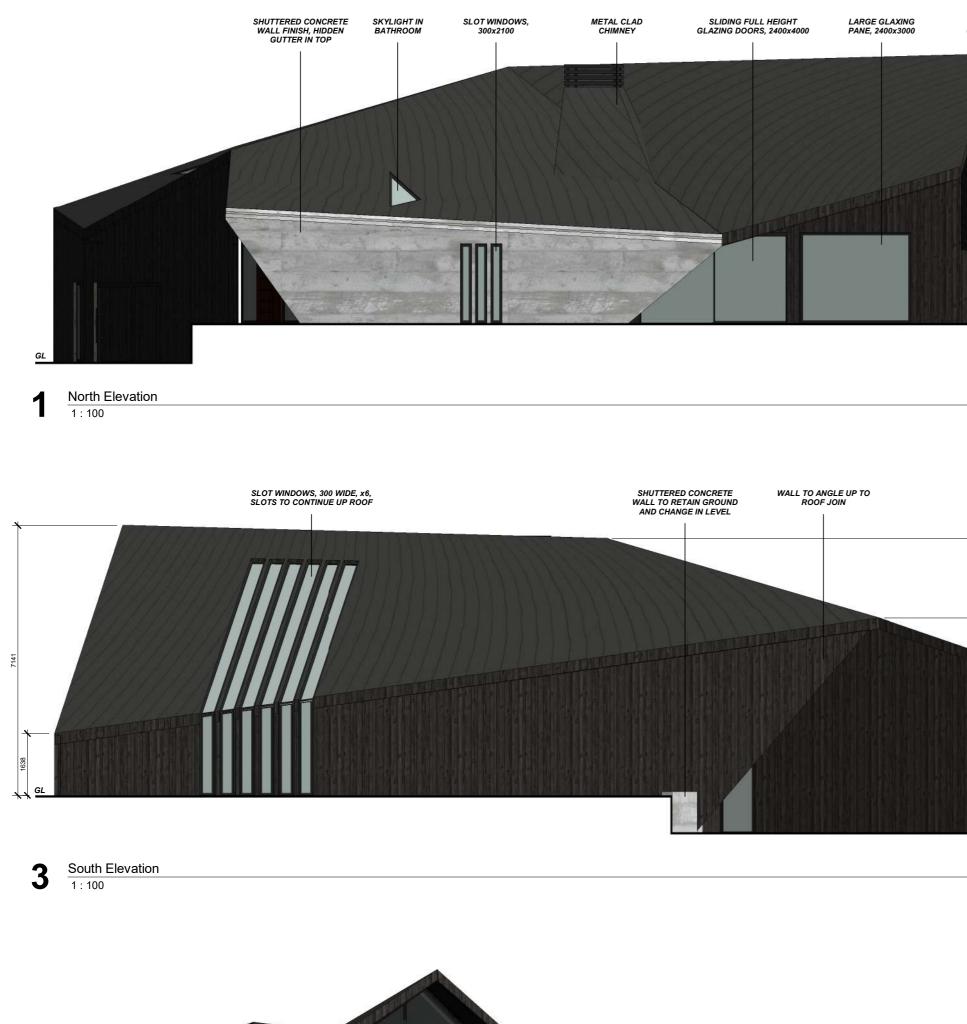






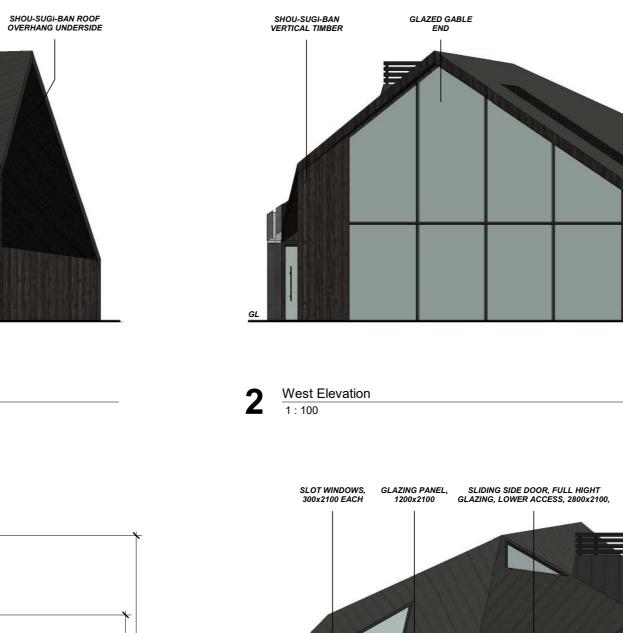


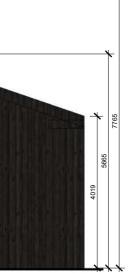
PLANNING - NAIGH MANAGER HOUSE

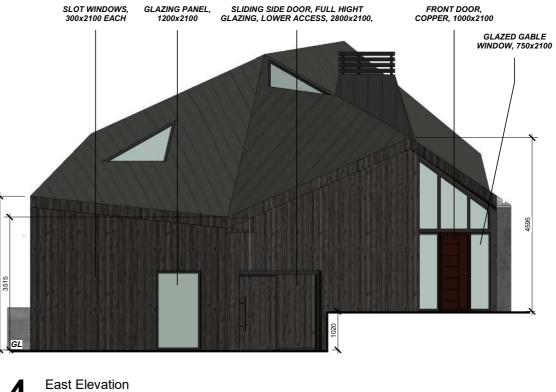


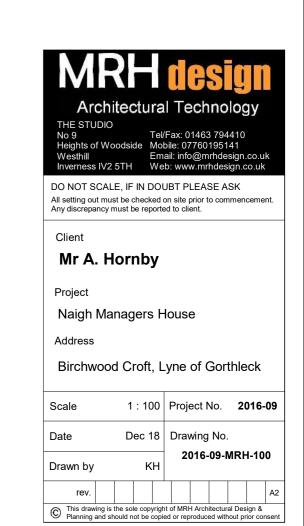


3D Isometric Interpretation









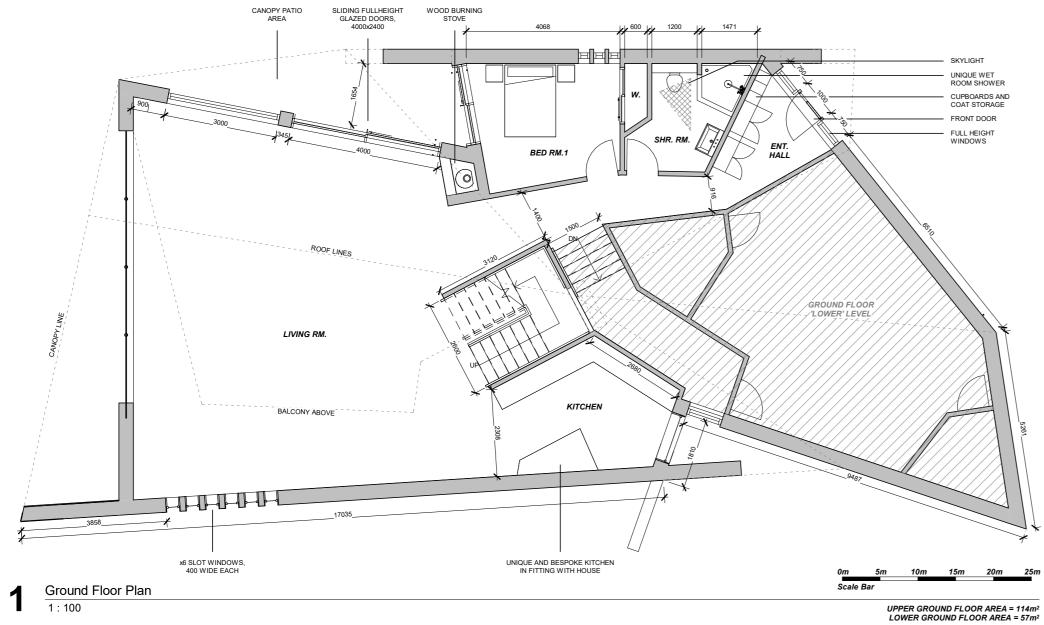


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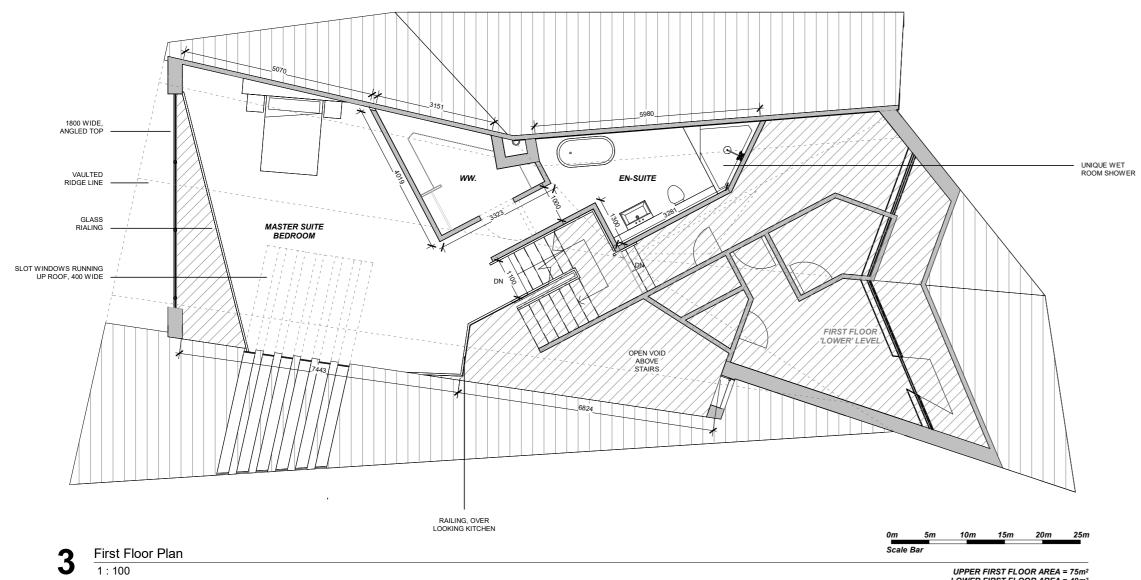
1:100

3D Isometric Interpretation 2

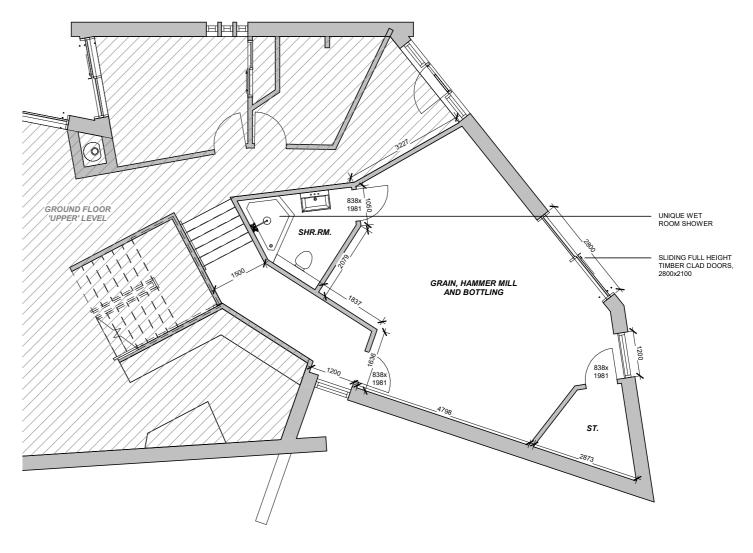
PLANNING - NAIGH MANAGER HOUSE



LOWER GROUND FLOOR AREA = 174m LOWER GROUND FLOOR AREA = 57m² TOTAL GROUND FLOOR AREA = 171m² TOTAL FLOOR AREA = 295m²

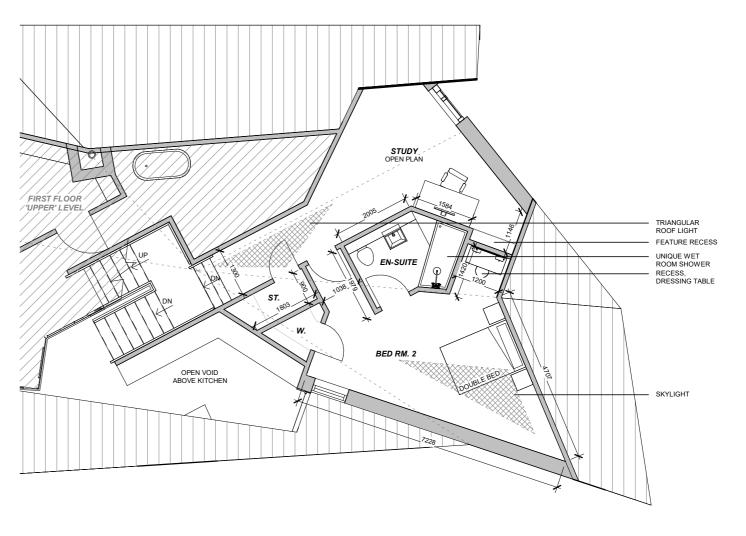


UPPER FIRST FLOOR AREA = 75m² LOWER FIRST FLOOR AREA = 49m² TOTAL FIRST FLOOR AREA = 124m²



2 Ground Floor 'Lower' 1:100

LOWER GROUND FLOOR AREA = 57m²





First Floor 'Lower' 1 : 100

LOWER FIRST FLOOR AREA = 49m²

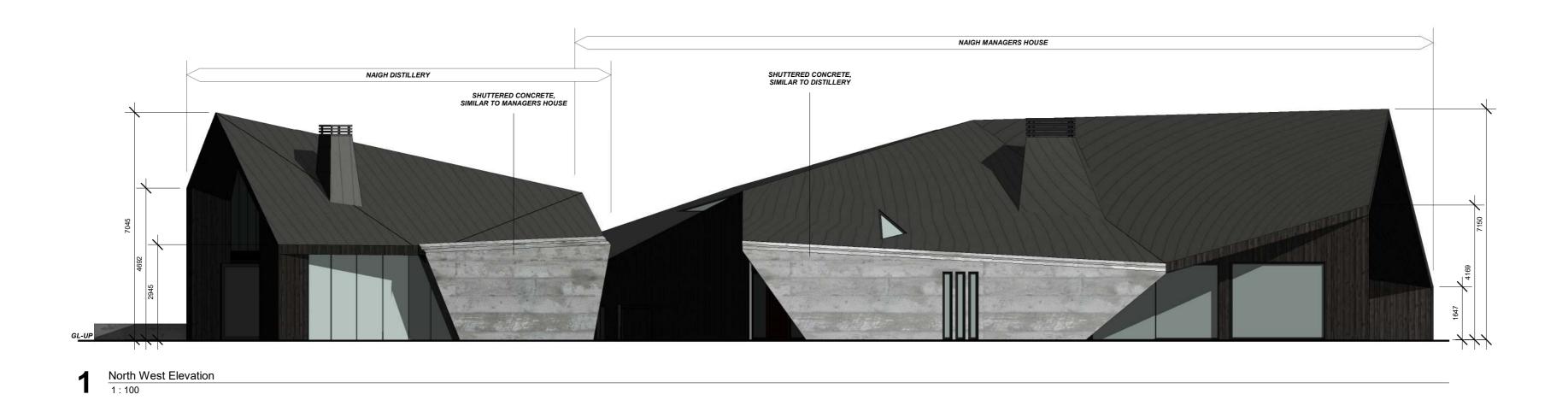
Architectural Technology THE STUDIO No 9 Tel/Fax: 01463 794410 Heights of Woodside Mobile: 07760195141 Inverness IV2 5TH Web: www.mrhdesign.co.uk DO NOT SCALE, IF IN DOUBT PLEASE ASK All setting out must be checked on site prior to commencement. Any discrepancy must be reported to client. Client Mr A. Hornby Project Naigh Managers House Address Birchwood Croft, Lyne of Gorthleck 1:100 Project No. 2016-09 Scale Date Dec 18 Drawing No. 2016-09-MRH-101 Drawn by KH

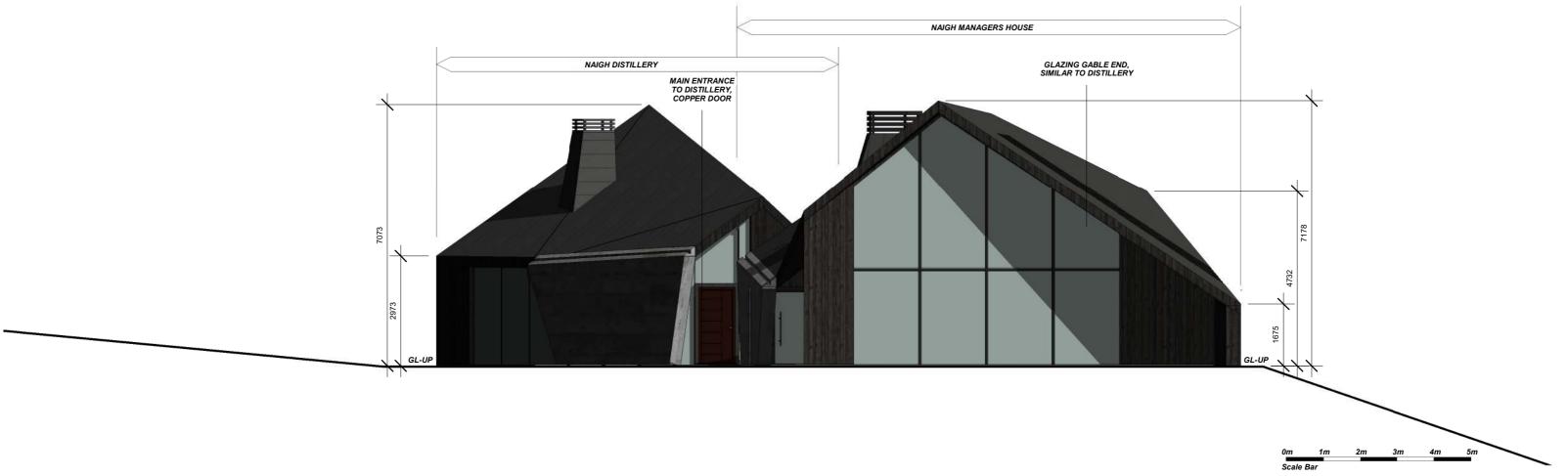
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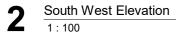
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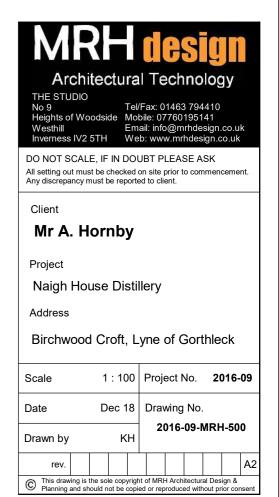
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PROPOSED - NAIGH DISTILLERY COMBINED

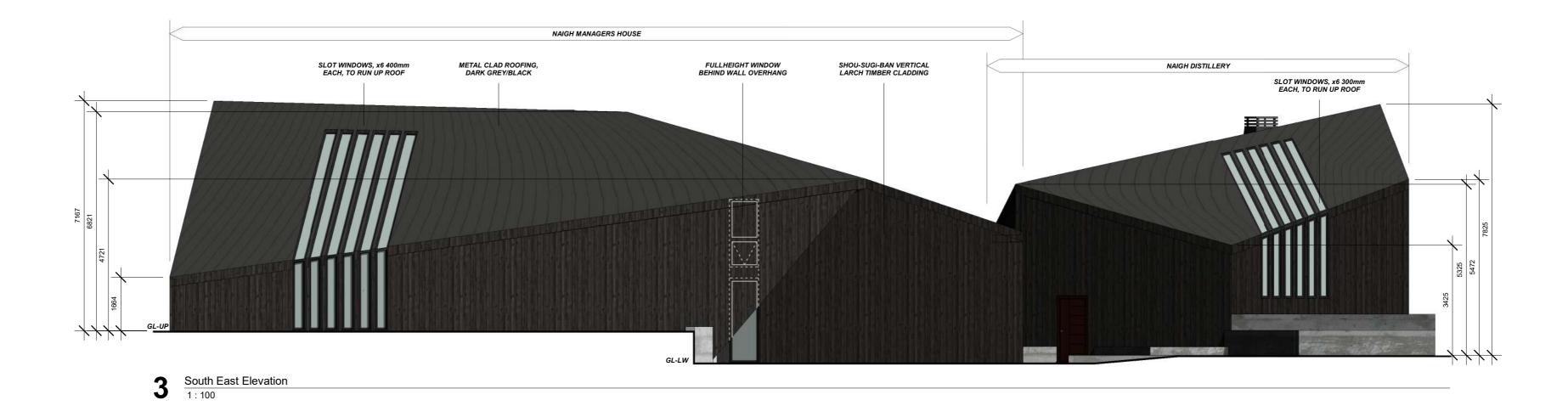


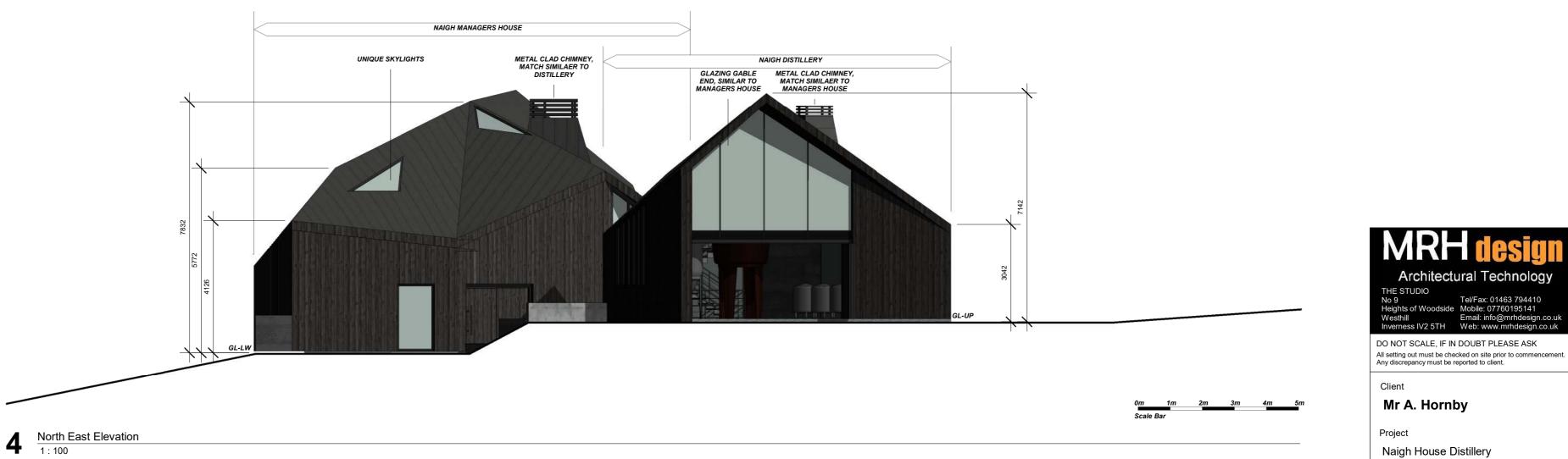






PROPOSED - NAIGH DISTILLERY COMBINED



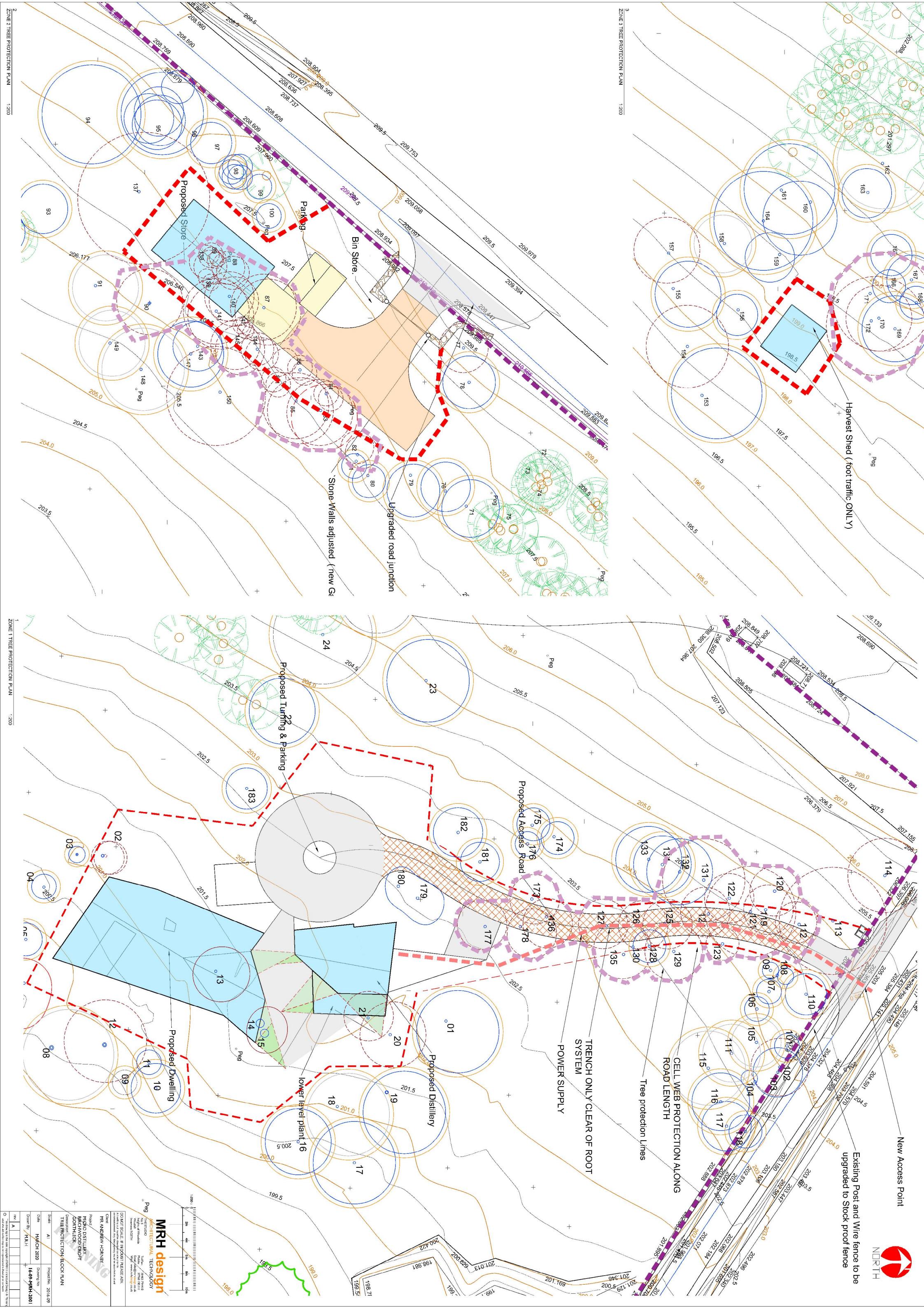


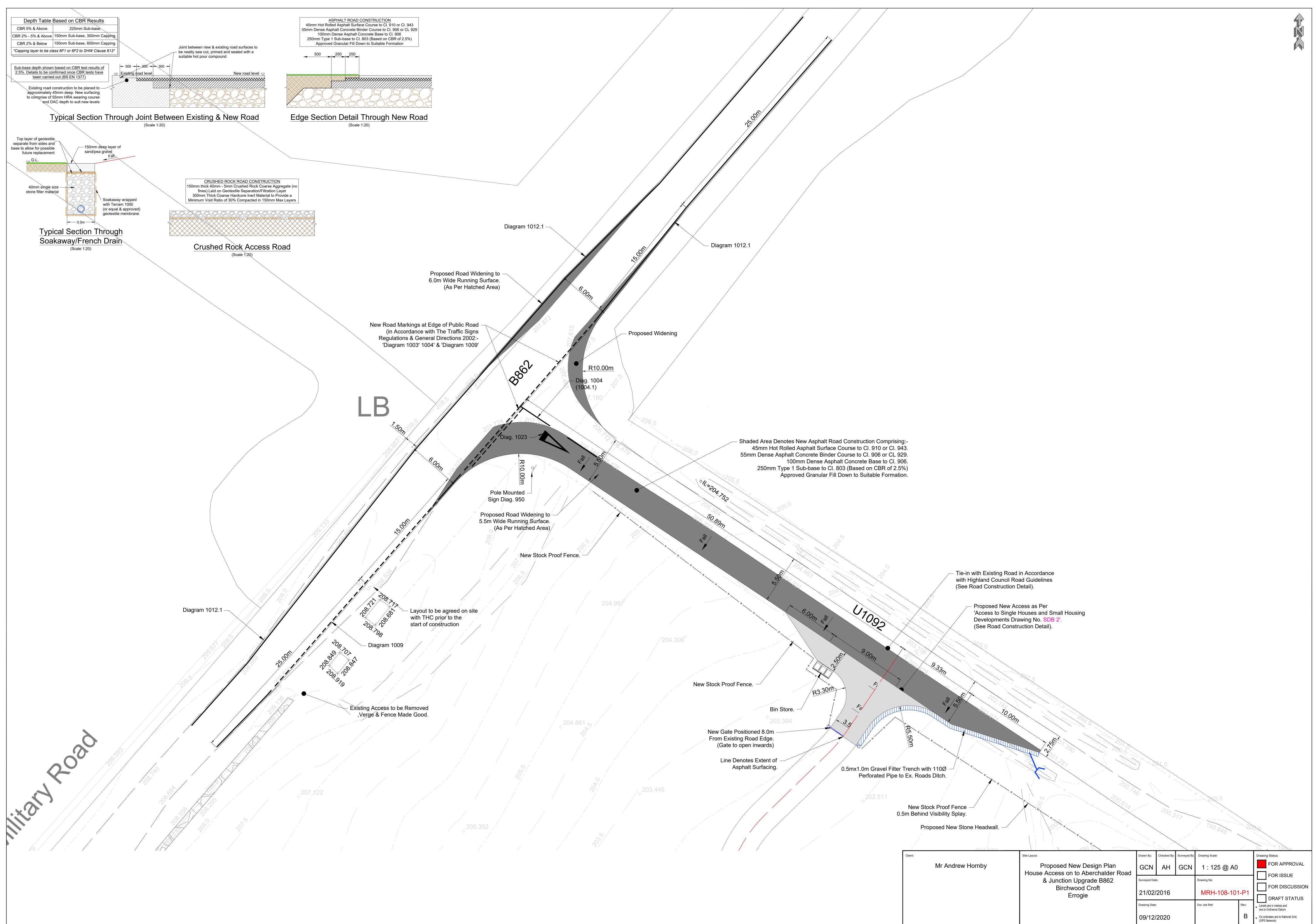
Naigh House Distillery

Address

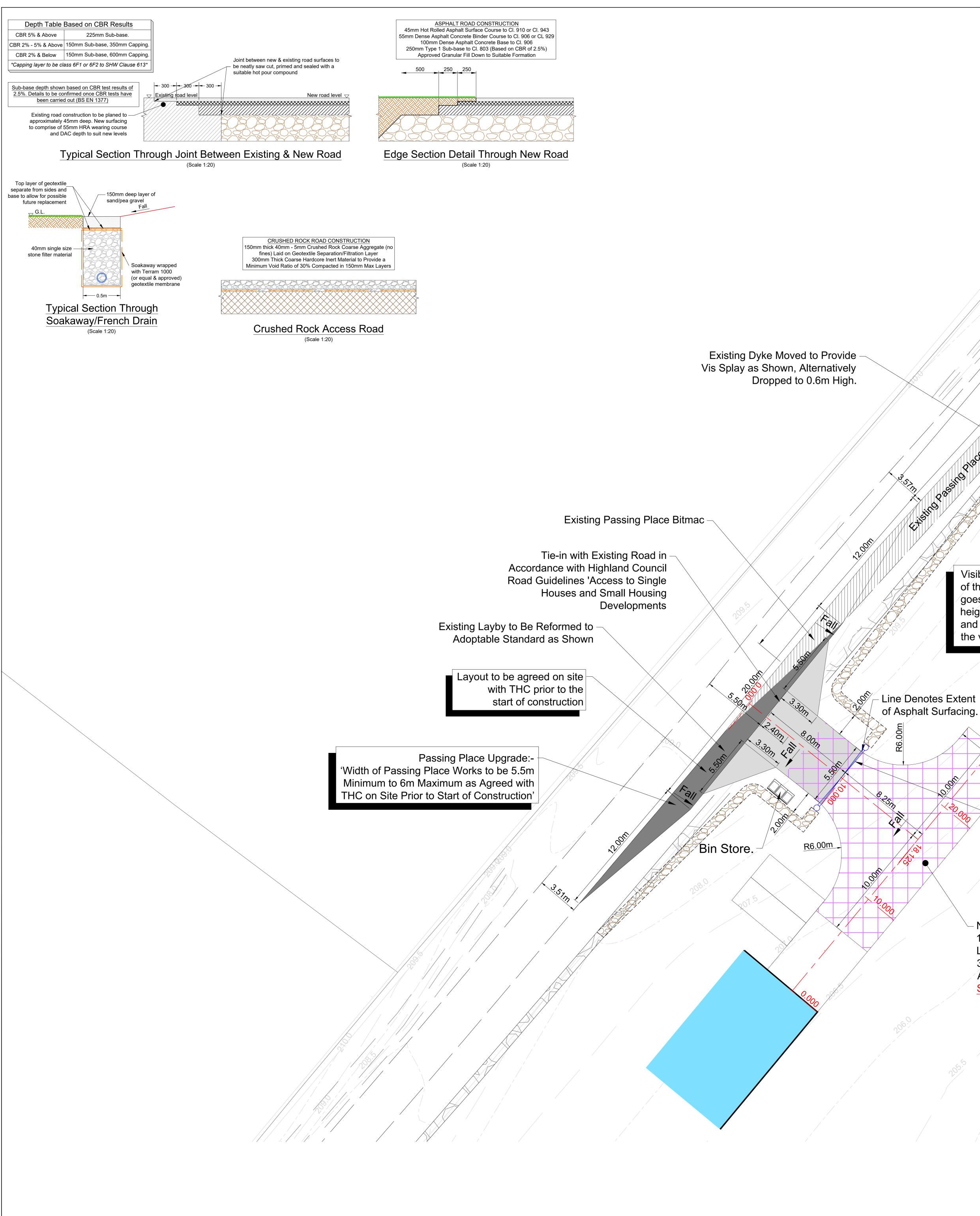
Birchwood Croft, Lyne of Gorthleck

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Visibility splays of 160m from 2.4m back from the rear of the passing place must be provided. Where that goes over the masonry walls they must be reduced in $^{\mathcal{V}}$ height to 600mm above adjacent carriageway level and to maintain no higher than 600mm interference in the vertical plane.

010

 Purple Hatching Denotes Residential Turning
Area for Refuse Collection & Vehicle Turning Within the Site (Not to be Adopted).

1A2m

- New Gate Positioned 8.4m From Existing Road Edge. (Gate to open inwards)

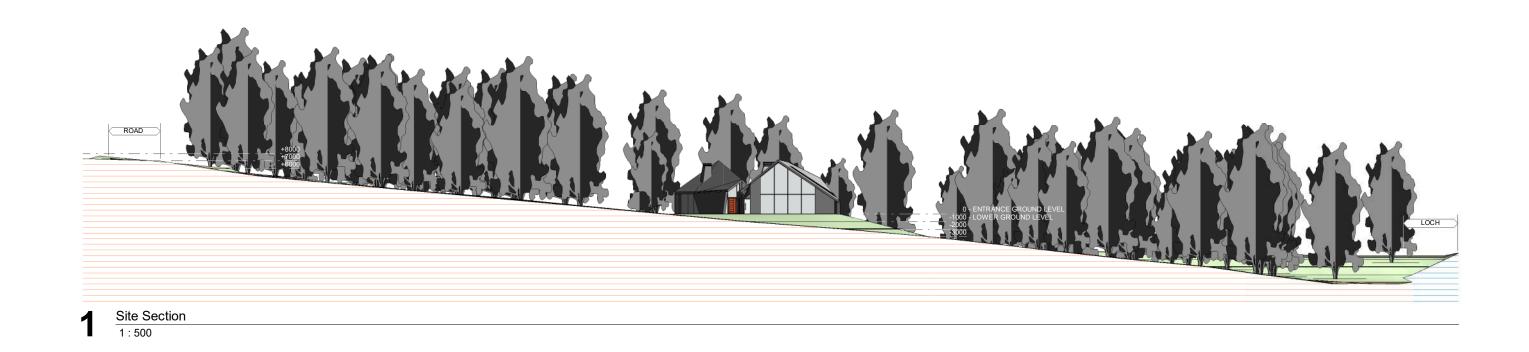
- New Unsurfaced Access Construction Comprising:-150mm thick 40mm-5mm Crushed Rock Coarse Aggregate (no fines) Laid Upon Geotextile Filtration/Separation Membrane. 300mm Type 1 Sub-base to Cl. 803. Approved Granular Fill Down to Suitable Formation. Specification to be Confirmed By Architect/Client.

Mr Andrew Hornby

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PROPOSED - NAIGH DISTILLERY PLAN







Architectural Technolog

DO NOT SCALE, IF IN DOUBT PLEASE ASK All setting out must be checked on site prior to co Any discrepancy must be reported to client.

Client

Mr A. Hornby

Project

Naigh House Distillery

Address

Birchwood Croft, Lyne of Gorthleck

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