The Highland Council
Comhairle na Gàidhealtachd

PLANNING PERMISSION IN PRINCIPLE

Reference No: 14/03201/PIP

To:
Capt. J.F. Mackenzie
c-o agent
1 Tulloch Street
Dingwall
IV15 9JY

Per:
Reynolds Architecture Ltd.
William Reynolds
1 Tulloch Street
Dingwall
IV15 9JY

Town & Country Planning (Scotland) Act 1997 as amended by the Planning Etc. (Scotland) 2006 Act

DECISION NOTICE

Erection of micro whisky distillery
Scroggie Farm Dochcarty Dingwall

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

Type of Plan	Plan Number	Version No.	Date Plan Received
Location Plan	2013 065 - 006		18.08.2014
Site Layout Plan	2013 065 - 007		18.08.2014
Access Layout	107075/001		19.01.2015

This permission is granted subject to the following conditions: -

1. **No development shall commence until all of the matters specified below have been approved on application to the Planning Authority:**

   i. **a detailed layout of the site of the proposed development (including site levels as existing and proposed);**
   ii. **the design and external appearance of the proposed development;**
   iii. **landscaping proposals for the site of the proposed development (including boundary treatments);**
   iv. **details of access and parking arrangements; and**
   v. **details of the proposed water supply and drainage arrangements.**

   Reason : Planning permission is granted in principle only and these specified matters must be approved prior to development commencing.

Dated: 26th January 2015

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2. **Any details pursuant to Condition 1 above shall show a development featuring the following elements:**

   i. **single storey in height and orientated in line with the contours reflecting the siting of the established recently constructed house at Scroggie Farm;**
   ii. **predominantly rectangular in shape with traditional gable ends and design elements to break up the massing of the building;**
   iii. **design and finishes which reflect and complement adjacent rural domestic and agricultural setting;**
   iv. **building set down into the site and design making use of existing topography and to help the development to be recessive in the landscape.**

   Reason : In order to respect the vernacular building traditions of the area and integrate the proposal into its landscape setting; in the interests of visual amenity.

3. **For the avoidance of doubt, permission is granted for a micro distillery only with a maximum gross footprint of 400m². No part of the development hereby approved shall be used as a visitor centre.**

   Reason : In accordance with the terms of the application submitted and on which basis the supporting Transport Statement and access and parking conditions attached are based.

4. **Any details pursuant to condition 1 above shall include a detailed Landscape Plan and Maintenance Programme. The Landscape Plan shall be implemented in full during the first planting season following commencement of development, with maintenance thereafter being carried out in accordance with the Maintenance Programme. For the avoidance of doubt, any trees or plants which within a period of five years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species.**

   Reason : In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.

5. **Any details pursuant to condition 1 above shall include:**

   a) **a drainage plan which shows how surface water run-off from the access road, yard areas, storage areas, parking areas and roof water will be treated and how and where it will be discharged;**

   b) **a drainage plan showing how waste water effluent (including spent lees and washings) will be treated and how and where it will be discharged;**

   Such details will require to be approved by SEPA and the Planning Authority prior to any work commencing on site and thereafter implemented in accordance with the details as approved..

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

Dated: 26th January 2015

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6. Any details pursuant to condition 1 above shall include:

   a) Provision and maintenance of visibility splays of 2.4x77m to the north and 2.4x90 m to the south.

   b) Provision of plans and details of the works required to provide the required visibility splays including a consideration of the road drainage impact.

   c) A dimensioned plan of the external layout of the development indicating parking, turning and servicing to comply with Roads Authority Guidelines.

   d) Provision of swept paths indicating the proposed vehicle movements during servicing and turning for the development.

   e) Engineering details of the existing access point as proposed to be upgraded, including details of access drainage as well as consideration of road drainage impact.

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

7. Any details pursuant to condition 6 above shall provide further detail regarding the required visibility splay to determine whether the existing beech tree to the north of the access can be retained. The findings of this further investigation shall be submitted to the Planning Authority who will decide whether the tree is retained. With effect from the date of this permission, no 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.

REASON FOR DECISION

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

TIME LIMITS

In accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended), an application or applications for the approval of matters specified in conditions attached to this planning permission in principle must be made no later than whichever is the latest of the following:

I. The expiration of THREE YEARS from the date on this decision notice;
II. The expiration of SIX MONTHS from the date on which an earlier application for the requisite approval was refused; or
III. The expiration of SIX MONTHS from the date on which an appeal against such refusal was dismissed.

Dated: 26th January 2015

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The development to which this planning permission in principle relates must commence no later than TWO YEARS from the date of the requisite approval of any matters specified in conditions (or, in the case of approval of different matters on different dates, from the date of the requisite approval for the last such matter being obtained), whichever is the later. If development has not commenced within this period, then this planning permission in principle shall lapse.

FOOTNOTE TO APPLICANT

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.

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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: http://www.highland.gov.uk/yourenvironment/roadsandtransport

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_working_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 & 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.

SEPA Regulatory requirements
The proposed water abstraction and waste water discharge will require authorisation under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (As Amended) (CAR).

Details of regulatory requirements and good practice advice can be found on SEPA website at www.sepa.org.uk/planning.aspx. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the operations team in your local SEPA office at Graesser House, Fodderty Way, Dingwall Business Park, Dingwall IV15 9XB Tel: 01349 862 021.

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Schedule 3 Development Site Notice
Prior to the commencement of this development, the attached Site Notice must be posted in a publicly accessible part of the site and remain in place until the development is complete. This is a statutory requirement of the Town and Country Planning (Scotland) Acts and associated regulations.

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

Variations
None.

Section 75 Agreement
None.

Dated: 26th January 2015

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NOTIFICATION TO APPLICANT

1. If the applicant is aggrieved by the decision of the planning authority -
   a to refuse planning permission for the proposed development;
   b to refuse approval, consent or agreement required by a condition imposed on a grant of planning permission;
   c to grant planning permission or any approval, consent or agreement subject to conditions;

   the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended) within three months beginning with the date of this notice. The notice of review should be addressed to:

   Planning Review Body Administration Team
   The Highland Council
   Corporate Development Service (Legal Services)
   Council Headquarters
   Glenurquhart Road
   Inverness, IV3 5NX
   (Review.Body@highland.gov.uk)

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997 (as amended).

Dated: 26th January 2015

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Notice for Display while Development in Progress

NOTICE

Development at **Scroggie Farm Dochcarty Dingwall**

Notice is hereby given that has been granted subject to conditions to:

(a)	Capt. J.F. Mackenzie Scroggie Farm Dochcarty Dingwall
(b)	Permission 14/03201/PIP was granted on by Highland Council
(c)	The development comprises Erection of micro whisky distillery

Further information regarding the including the conditions on which it has been granted can be viewed online at the following link http://wam.highland.gov.uk using the application number 14/03201/PIP and at all reasonable hours (generally 9am to 5pm Monday to Friday) at:

(By appointment only) Ross Planning and Building Standards Office,
Council Offices, 84 High Street, Dingwall IV15 9QN
Tel: (01349) 868600
Email: planning.ross&cromarty@highland.gov.uk

Note to Developer
This Notice must be displayed while development is carried out. It must be displayed in a prominent place at or in the vicinity of the site of the development, be readily visible to the public and be printed on durable material e.g. be laminated.