THE HIGHLAND COUNCIL

NORTH PLANNING APPLICATIONS COMMITTEE 4 April 2017

16/05498/FUL: Diageo Scotland Ltd Talisker Distillery Carbost Isle Of Skye IV47 8SR

Report by Area Planning Manager

SUMMARY

Description :Construction of car park and associated works.

Recommendation - GRANT

Ward : 11 - Eilean A' Cheò

Development category : Local Development

Pre-determination hearing : Hearing not required

Reason referred to Committee :5 or more third party objections .

1. PROPOSED DEVELOPMENT

- 1.1 Planning permission is sought by Diageo Scotland Ltd to extend the existing overspill visitors car to provide a total of 56 car parking spaces and 5 campervan spaces and to provide safer pedestrian access from the car park to the Visitor Centre which is within the existing Distillery at Carbost.
- 1.2 The development will include alterations to the entrance into the existing overspill car park from the public road, the reconfiguration of the layout and an extension to the overspill car park including a dedicated pedestrian footpath lit by low level lights.
- 1.3 The application is supported by a Transport Statement which was submitted in response to the initial consultation comments from the Transport Planning Team. The statement sets out the reasoning behind the proposals to provide additional parking provision and responds to the request for information about traffic movements to and from the distillery complex. The proposed increase in parking capacity is sought due to the increase in annual visitor numbers to the distillery.
- 1.4 **Variations**: Revised plans were submitted in March 2017 to address technical specifications regarding the reconfiguration of the access junction to ensure that the development meets the requirements of the council as Roads Authority and the initial comments received from SEPA.

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2. SITE DESCRIPTION

2.1 The application site consists of the existing over spill car park which is located on the seaward side of the public road and an area of open ground which lies immediately to the north of the car park. The open ground is currently maintained under grass by the Distillery. The entrance into the car park also provides vehicular access to Carbost slipway and pier which is situated 50m, or thereby beyond the grassed area. The nearest residential property is located 40m or so on higher ground overlooking the site, this property is known as the Managers House and is occupied by the manager of the Distillery. Within the application site is a single mature tree situated on the east side of the entrance into the car park.

3. PLANNING HISTORY

3.1 14/01050/FUL – Upgrading of hardstanding area to provide parking for 11 vehicles.

4. PUBLIC PARTICIPATION

4.1 Advertised : Unknown Neighbour

Representation deadline : 18.01.2017

Timeous representations : 23 representations from a total of 21 addresses, including a representation from Minginish Community Council.

- 4.2 Material considerations raised are summarised as follows:
 - Additional car parking is necessary given the increase in visitor numbers.
 - The development will result in the loss of a valued green space which is used by locals and visitors to Carbost and which enhances the waterfront of the village.
 - An alternative location should be found, either adjacent to the existing car park or on other land rear of the distillery. Wider collaboration is required between the community and the Distillery to secure a solution which works for everyone.
 - Increase usage of the existing access off the public road will lead to an increase in the risk of vehicular and pedestrian accidents given the poor geometry and narrow width of the B8009 and the reduce visibility to the north.
 - Safety of pedestrians is at risk given the remoteness of the cark park from the Visitor Centre and its location adjacent to the entrance to the distillery used by commercial traffic including HGV's.
 - Development will impact on the commercial operations at Carbost Pier with the potential that the access to the pier will be blocked by vehicles and overspill visitor parking will occur at the pier.
 - Risk of exposing hazardous material during the construction given that the area of ground to be developed was formed when distillery warehouses were demolished and dumped on the foreshore in the 1960s.
 - Site is at risk from flooding.

- Information provided in traffic statement about current vehicle movements is misleading as there is a greater number of vehicles movements than described.
- Construction will disturb wildlife in the area.
- 4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam. Access to computers can be made available via Planning and Development Service offices.

5. CONSULTATIONS

- 5.1 Transport Planning Team: No objections. Two consultation responses received Initial response: Sought additional information and clarification regarding details of junction improvements, surface water drainage, bus drop off point and that consideration given to segregated footpath over the full length of the car park. Second response: Comments received following submission of revised plans, February 2017. Revised plans and additional information address the previous concerns. "Zebra crossing " markings required to be omitted from plan.
- 5.2 **SEPA**: No objection provided that reference to 1m wide 0.6m high bund is removed from the proposal.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 **Highland Wide Local Development Plan 2012**

Policy 28	Sustainable development
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- Policy 34 Settlement Development Area
- Policy 57 Natural, built and Cultural Heritage
- Policy 64 Flood Risk
- 6.2 West Highland and Islands Local Plan, as remains in force April 2012

Carbost Settlement Development Area

7. OTHER MATERIAL CONSIDERATIONS

7.2 Highland Council Supplementary Planning Policy Guidance

Flood Risk and Drainage

7.3 **Scottish Government Planning Policy and Guidance**

Scottish Planning Policy – Supporting Business and Employment , Managing Flood risk and Drainage, Valuing the natural environment

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**

- 8.4 The application site falls within the defined Settlement Development Area for Carbost, and therefore, Policy 34 of the Highland-wide Local Development Plan applies. Policy 34 supports development proposals within Settlement Development Areas, if they are compatible with the existing pattern of development, landscape character, surrounding land uses, and meet the Design for Sustainability requirements of Policy 28.
- 8.5 Policy 28 of the Highland Wide Local Development Plan requires sensitive siting and high quality design in keeping with local character and historic and natural environments, and the use of appropriate materials. This Policy also requires proposed developments to be assessed on the extent to which they are compatible with service provision, as well as their impact on individual and community residential amenity.
- 8.6 The site falls within an area of protected views over open water and within the Duirinish Special Landscape Area the aim of Policy 57 is to take into account the quality of the landscape and the impact that the development will have on this feature.
- 8.7 Finally, the site lies partially within an area identified as being susceptible to coastal flooding. Policy 64 of the HwLDP states that a Flood Risk Assessment or other suitable information which demonstrates compliance with Scottish Planning Policy in respect of this issue is required where a site lies within an indicative flood zone

8.8 Background

8.9 The proposal to provide additional parking facilities for the distillery is in direct response to the increasing visitor numbers and the associated need for parking. The distillery is currently served by two car parks both of which are in the ownership of the Distillery. The largest of these is immediately adjacent to the visitor centre and can accommodate in the region of 45 vehicles, the second car park is referred to as the overspill car park and accommodates 11 vehicles and is also used as a bus drop off point.

8.10 Material Considerations

8.11 Siting and design

- 8.12 The proposed site lies within the settlement development area of Carbost. The land has no specific allocation in the development plan. The Community Council and other third parties have commented that the development will result in the loss of a recreational area used by the public. It is acknowledged that the land is used by the community and visitors to Carbost for recreational purposes such as picnics and dog walking however as the land is in private ownership this is on a grace and favour basis. The land is not in public ownership and there is no legal agreement in place requiring it to be maintained in its present form.
- 8.13 Alternative locations for the car park have been suggested by the Community Council and in other representations. The applicant has responded to this confirming that only one other site lies within their ownership. This ground is to the rear of the distillery and was not considered suitable as a visitor car park for the following reasons:

• Vehicle access through the distillery entrances and roads system would not be not possible for safety reasons as there would be no way of separating distillery traffic and visitor traffic.

• Only other means of possible access is from further up the single track road B8009, at a point considerably higher than where the parking area would be, and therefore impracticable.

• Due to the sloping site, the formation of a car park in this area would be complex and considerably more expensive.

• The route to the Visitor Centre would be through the distillery roads system, which would be neither practical nor safe.

• From a visitor view point, arriving at the back of the distillery would not deliver the image that the company wish to portray.

- 8.14 The applicant has confirmed that following an issue that occurred last summer with the number of visitor cars looking for parking in the village options were considered and the current proposal was discussed at a Minginish Community Council meeting. As a consequence of this, the Distillery Manager hosted representatives of the community council on site, to show them the other potential alternatives explored. The Distillery has donated a significant sum to the play park and the Community Council have been advised that supporting other amenities is something that the applicant can look at in the future. In addition to this, and in the recent past, the applicant has worked closely with the community and in particular with the pier group when ownership of the pier was transferred to the local community and additional funding was provided.
- 8.15 It is considered that siting additional car parking provision by extending the existing car park is acceptable in principal. The layout and the design of the car park will have minimal visual or landscape impact and views over open water will not be

impinged upon. The layout includes the retention of an area of open space along the loch site which, subject to the owners agreement, can continue to be used by the public.

8.16 Access, vehicular and pedestrian safety

- 8.17 The development includes proposals to carry out works at the existing entrance into the car park, to improve vehicular and pedestrian safety. The proposals are welcomed.
- 8.18 The existing junction is in excess of 7m wide, whilst this allows two vehicles to access and egress the parking at the same time and also provides a bus drop off point, its results in poor driver behaviour with vehicles cutting across the entrance at speed. There is also a lack of a defined pedestrian footpath and crossing point which results in vehicles and pedestrians sharing the same space. These concerns have been highlighted by the Community Council.
- 8.19 The proposed layout will reduce the width of the entrance and form a junction which is a right angels to the public road, the junction will be white lined, give way signs will be installed and a footway will be provided at the junction directing pedestrians to a crossing point, which will take them to a refuge point on the opposite side of the public road. The applicant also proposes to erect signage within the car park to direct pedestrians to the crossing point. The existing textured surfacing which runs along the side of the public road adjacent to the distillery will be renewed with the addition of white lining. It is considered that all of these works will significantly improve the movement of vehicles and pedestrians.
- 8.20 It is acknowledged that the additional parking will increase vehicle and pedestrian activity at this location. The Community Council and others highlighted that the entrance to the car park is opposite the entrance to the distillery yard which is used on a daily basis by heavy goods vehicles, that the narrow width of the public road causes congestion as cars are unable to pass each other and the lack of a footpath is a danger for pedestrians. It is important that these concerns are acknowledged and understood.
- 8.21 It is considered that there will be an overall benefit to the village by the provision of the additional parking provision. It will ease pressure within the village as visitors park on the street. The improvements to the junction with the public road and the work to improve the pedestrian journey between the car park and the entrance to the visitor centre will be very beneficial.
- 8.22 Comment has been made by one of the third parties that the information contained within the transport statement about the type and number of vehicles using the distillery access are incorrect. The information has been reviewed by the applicant and they have confirmed that the following reflects the current situations.
 - 5 or 6 loads of malt per week
 - 1 yeast delivery per week
 - 2 oil deliveries per week

- 3 spirit tankers per week (every 2-3 months, a fourth is required)
- 1 draff wagon, twice a day on average, equivalent to 14 per week

• Any other movements are completely sporadic apart from the postman who attends site most days in his van

This equates to a total of 26 heavy vehicle movements in a week which is less than 4 per day on average.

The information has been the subject of review by the Transport Planning Team. The Transport Planning Team are content that the increase in vehicles and pedestrian movement in this location is acceptable based on the improvements that will be carried out at the entrance to the car park.

8.23 It has been suggested by parties objecting to the planning application that the development of the additional parking area will lead to the access to Carbost pier. The layout of the car park as proposed will maintain access to the pier and the parking spaces within the car park will be clearly delineated thereby directing drivers to park in an orderly manner which does not block the access.

8.24 Flood risk

In response to a consultation on the planning application an initial comment from SEAP noted that parts of the application site lies adjacent to and within the medium likelihood (0.5% annual probability or1 in 200 year) flood extent of the SEPA Coastal Flood Map, and may therefore be at medium to high risk of flooding.

8.25 The plans submitted with the application at the time of registration indicated that a 1 m wide 0.6m high bund was is proposed along the eastern, loch side edge of the car park. SEPA indicated that this is bund could affect or exacerbate localised flooding problems and recommended that it be removed. Revised plans submitted in March 2017 removed the bund as requested. It is considered that base on the revised plans the development of the site in the manner proposed will safeguard flood storage and conveying capacity and therefore not increase the risk of flooding to other more areas of the village.

8.26 **Protective Species**

8.27 Comment has been made by a third party that otters are seen on the loch shore and that the construction work will disturbance these animals. An inspection of the site did not suggest that there are any holts or lay ups within or close to the site. It is the developers responsibility to ensure that appropriate precautionary measure are put in place such as securing the ends of open pipes to prevent otters entering and getting trapped and covering open excavations at night to prevent otters from being trapped. An advisory note informing the applicant of their legal responsibilities is recommended to be attached to the planning permission.

8.28 Contaminated Land

8.29 In 2014 when planning permission was issued for the formation of the existing over flow car park a condition was attached to the planning permission requiring information to be submitted to the Planning Authority regrading potential contamination. Records held by the contaminated land team indicated an historic use of the site as a refuse tip. Given that the current proposal is to develop land immediately next to the existing car park it is considered pertinent to attach a condition which requires the same level of investigation to be undertaken.

8.30 **Other Considerations – not material**

A number of comments have been made which are not material to the determination of the application. Concern has been expressed about the lack of toilet facilities within the distillery visitor centre. This is a matter that the Distillery requires to be address. Driver behaviour on single track roads has been highlighted as an issue. Whilst it is recognised that some motorists are challenged by the road infrastructure in many parts of the Highlands including at Carbost this is not material to the determination of this planning application.

9. CONCLUSION

- 9.1 In summary planning permission is sought for an area of land within the settlement development area which has no specific allocation in the development plan and which is in private ownership. The application has attracted public interest and concern and through the assessment process it has been important to ensure that the concerns which are within the scope of the planning application process have been considered and addressed. The outcome of this process is a development that is considered to meet the requirements of the development plan by delivering a development which will contribute towards the provision of off street parking to the overall betterment of the village.
- 9.2 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

10. **RECOMMENDATION**

Action required before decision issued N

Subject to the above, it is recommended the application be Granted subject to the following conditions and reasons / notes to applicant:

1. Prior to any other development commencing all vegetation which lies within the visibility splays as shown on drawing plan AZ70566:90:005 A shall be removed. Thereafter visibility splays of not less than 4.5m by 90m shall be maintained in perpetuity free from any obstructions exceeding a height of 1 metre above the adjacent road channel levels.

Reason : In the interests of road safety.

2. No development shall commence until a scheme to deal with potential contamination on site has been submitted to and agreed in writing by the Planning Authority. The scheme shall include:

a) the nature, extent and type of contamination on site and identification of pollutant linkages and assessment of risk (ie. a land contamination investigation and risk assessment), the scope and method of which shall be submitted to and agreed in writing by with the Planning Authority, and undertaken in accordance with PAN 33 (2000) and British Standard BS 10175:2011 +A 1 :2013 Investigation of Potentially Contaminated Sites - Code of Practice;

b) the measures required to contamination (remedial strategy) including a method statement, programme of works, and proposed verification plan to ensure that the site is fit for the uses proposed;

c) measures to deal with contamination during construction works;

d) in the event that remedial action be required, a validation report that will validate and verify the completion of the agreed decontamination measures;

e) in the event that monitoring is required, monitoring statements shall be submitted at agreed intervals for such time period as is considered appropriate by the Planning Authority.

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

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

3. Prior to the commencement of development specifications for the pedestrian path lighting columns shall be submitted for the consideration and written approval of the Planning Authority. Thereafter the development shall be carried out in accordance with the agreed specifications.

Reason: In the interest of visual amenity.

4. Prior to first use of the car park hereby approved the alterations to the junction with the B8009 as well as the installation of the traffic and pedestrian signage on drawing AZ70566-90-004 A shall be completed to the satisfaction of the Planning Authority. Details of the pedestrian signage shall be as agreed with the Planning Authority.

Reason : In the interest of road and pedestrian safety.

5. Prior to first occupation of the car park the "green walkway" and white lining shall be completed in accordance with the details on drawing AZ70566-90-004 A to the satisfaction of the Planning Authority.

Reason : In the interest of pedestrian safety.

REASON FOR DECISION

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

TIME LIMIT DIRECTION

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 and 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 (p.198), planning permission does not remove the liability position of developers or owners in relation to flood risk.

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_or_wor king_on_public_roads/2

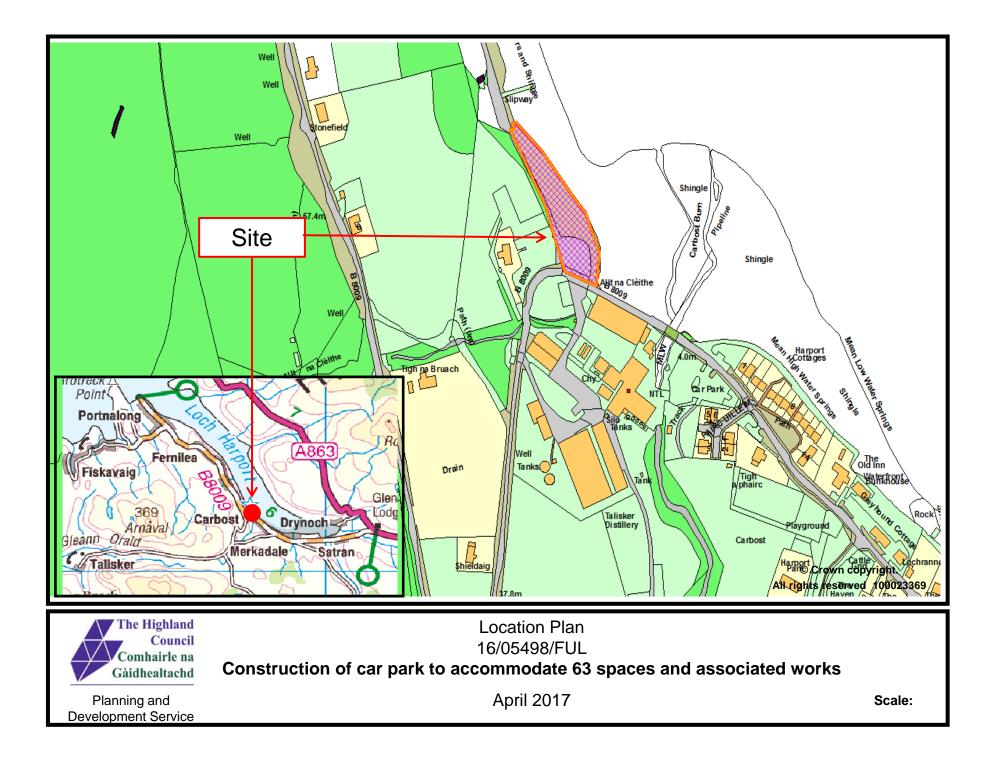
Mud and Debris on Road

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.

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

Signature:	Dafydd Jones	
Designation:	Area Planning Manager - North	
Author:	Erica McArthur	
Background Papers:	Documents referred to in report and in case file.	
Relevant Plans:	Plan 1 –Location Plan	
	Plan 2 –Site Layout Plan AZ70566-90-002 C	
	Plan 3 –Site Layout Plan AZ70566-90-003 B	
	Plan 4 – Site Layout Plan AZ70566-90-004 A	
	Plan 5 – Visibility splay layout AZ70566-90-005 A	





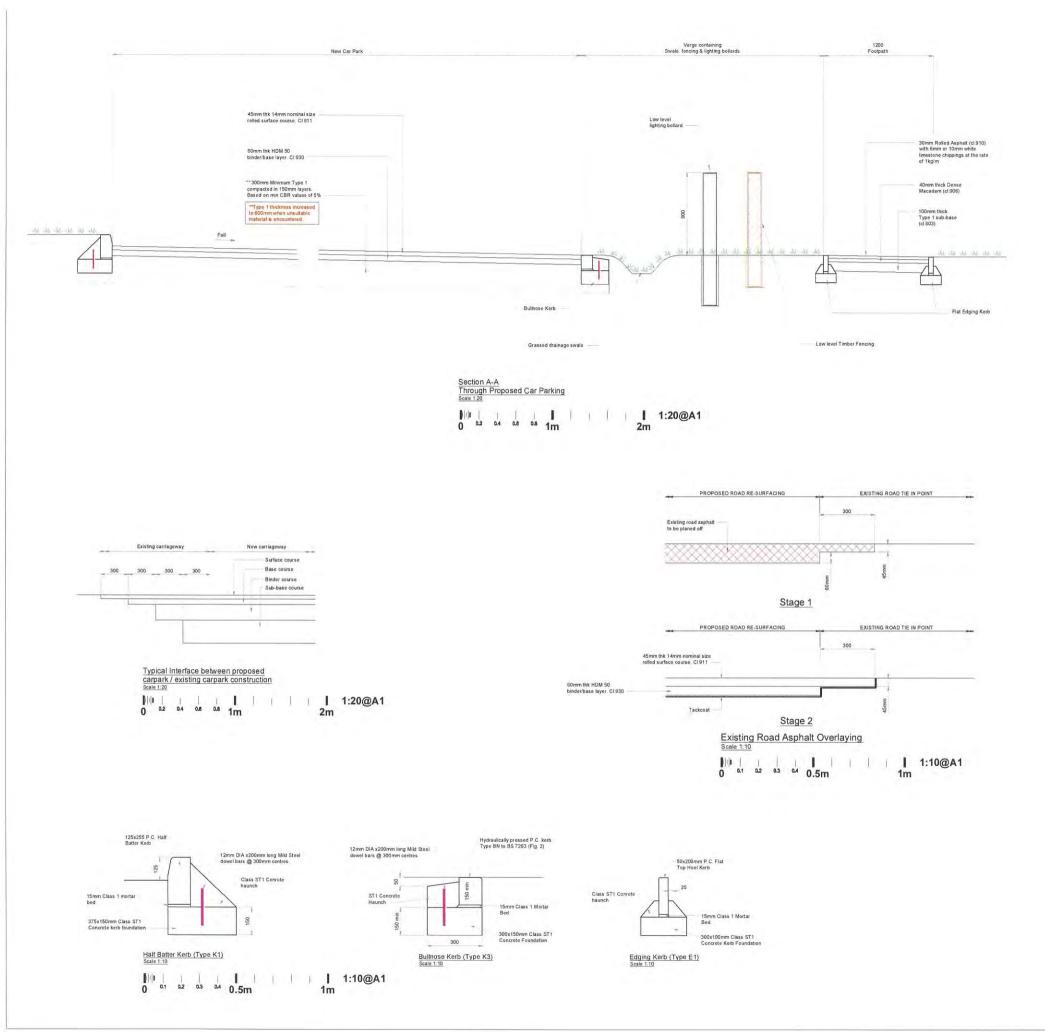
0² 4⁸ 10m 20m

LEGEND

AREA: 2.465m² (0.2465 hectares) (0.609 acres)

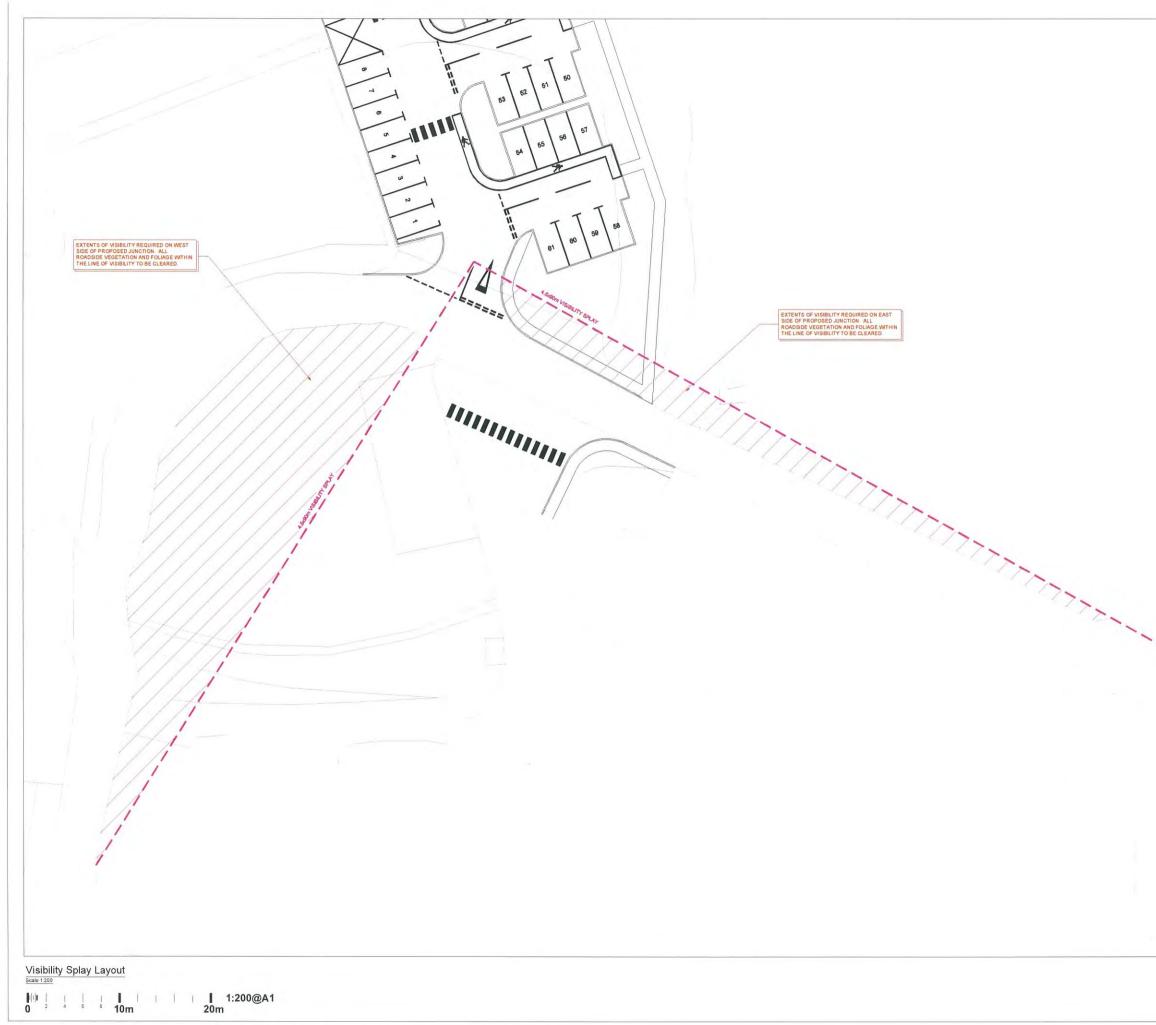
AZ70566:90:001	1	A
Revisions A VISIBILITY SPLAY ADDED.	Date 16.01.17	Drn. KP
PLANN	ING	
DRAW	NG	J
DIAGEO (Sco	tland) Ltd.	
TALISKER DIS CAR PARK EX		
SITE LOCATIO AND EXISTING SI		
Drawn: KP Date: 27.10.16 Ck'd: Date: Date:	Scale: 1:1250, 1:200 @	A1
Cornerstone, 60 South Edinburgh EHI		
Email: edinburgh@blythandblyth.co.uk www.blythandblyth.co.uk	Telephone; 0131	474 270
Drawing No. AZ70566:90:001		A











	Drawing No. Revision AZ70566:90:005 A
	Revisions Date Drm A ZEBRA CROSSING ON PUBLIC ROAD REBNOVED FOLLOWING COMMENTS FROM HIGHLAND COUNCIL 16.03.17 KP
-	PLANNING DRAWING
	DIAGEO (Scotland) Ltd. TALISKER DISTILLERY CAR PARK EXTENSION
N	4.5x90m VISIBILITY SPLAY LAYOUT Drawn: KP CK'd: Scale: 1200 @ A1 1200 @ A1
TW	21.02.17 blyth+blyth Cornerstone, 60 South Gyle Crescent Edinburgh EH12 9EB Email: edinburgh@phanddgh.co.uk www.isyfhandolyn.co.uk
	Drawing No. Revision AZ70566:90:005 A