

ANGUS COUNCIL

SPECIAL MEETING – 26 APRIL 2016

PLANNING APPLICATION - LAND AT SHANK OF OMACHIE WELLBANK

GRID REF: 347892 : 736899

REPORT BY HEAD OF PLANNING AND PLACE

Abstract:

This report deals with planning application No. 15/01045/PPPM for an application under Section 42 of the Town and Country Planning (Scotland) Act 1997 for the Formation of 18 Hole Championship Golf Course, Golf Academy, Hotel Spa and Lodges, Golf Clubhouse, 160 Residential Plots and Associated Accesses at Land at Shanks of Omachie, Wellbank Without Complying with Conditions Subject to Which Planning Permissions 09/00695/OUT and 13/00086/FULM Were Granted Condition - 1 Timescales and Other Limitations Imposed by Section 59(2) of that Act. This application is recommended for conditional approval subject to the conclusion of a Planning Obligation.

1. RECOMMENDATION

It is recommended that the Council approve the application subject to conditions and the modification of an existing Section 75 Planning Obligation (required by condition) as detailed in Section 11 of this report.

2. ALIGNMENT TO THE ANGUS COMMUNITY PLAN/SINGLE OUTCOME AGREEMENT/ CORPORATE PLAN

This report contributes to the following local outcome(s) contained within the Angus Community Plan and Single Outcome Agreement 2013-2016:

- We have a sustainable economy with good employment opportunities
- Angus is a good place to live in, work in and visit
- Our communities are developed in a sustainable manner
- Our natural and built environment is protected and enjoyed

3. BACKGROUND

3.1 At its meeting on 22 November 2010 Angus Council considered an application for planning permission in principle for a major golf resort and residential development on land at Shanks of Omachie Wellbank (Report No 836/10 refers). The masterplan accompanying the application indicated that the development would comprise of:

- 18 hole championship standard golf course;
- Golf academy incorporating a driving range and 3 practice holes;
- New golf clubhouse;
- 2 new replacement holes for the existing 9 hole golf course;
- 150 bedroom five star hotel with spa, leisure and associated conference facilities;
- eighteen holiday lodges – 10 associated with the proposed hotel and 8 associated with the existing 9 hole golf course and fishing resort;
- 160 houses, comprising of 85 fairway homes and 75 market value properties, including 20 homes at low cost for first time buyers; and
- new vehicular access routes to the hotel, golf course and residential properties.

- 3.2 In its consideration of the application Council accepted that the golf resort related elements of the proposal received support from relevant development plan policies. Council recognised that this element of the proposal would bring significant economic benefits to the area including the creation of additional direct tourism expenditure to the Angus economy of £10million per annum (increasing to £16million after 3 years) on an ongoing basis throughout the operation of the resort and creation of significant employment opportunities (over 130 new full time posts). The development of the proposed 150 bed 5 star hotel would provide much needed high quality hotel accommodation which is vital to the future diversification of the Angus economy and the need for the hotel accommodation, to be provided as part of a golf resort with a championship standard golf course and associated facilities. However, it was also accepted that the overall application was significantly contrary to development plan policy given the number of houses required in order to cross subsidise the golf resort element of the proposal.
- 3.3 Council ultimately resolved to approve the application and grant planning permission in principle given it would bring significant economic benefits and employment opportunities to the area and would provide much needed high quality hotel accommodation which would be of benefit to the future diversification of the Angus economy. Planning permission in principle was subsequently granted subject to a number of conditions and a planning obligation.
- 3.4 During the intervening period a number of further permissions/consents have been granted, including approval of for the detailed design of a number of leisure elements of the proposal, including the detailed design of a 5 star hotel. However, the time period for submission of further applications for approval of matters contained in conditions attached to the planning permission in principle, and for the implementation of the permission is now due to expire.

4. INTRODUCTION

- 4.1 The current application for Planning Permission in Principle has been submitted under the provisions of Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended). Accordingly, the applicant seeks permission to develop the land without complying with conditions subject to which a previous planning permission was granted, namely Condition 1 of planning permissions refs: 09/00695/OUT and 13/00086/FULM and other limitations imposed by Section 59(2) of that Act (which relates to time allowed for submission of further applications and the commencement of development). In this case the application proposes to vary the time limit conditions attached to the previous permissions to allow further time for the submission of further applications and for the development to commence. The conditions relevant to the previous approvals are stated in Appendix 2.
- 4.2 For this type of application the legislation (Section 42) indicates that the planning authority must only consider the question of the conditions subject to which planning permission should be granted and if they decide that permission should be granted subject to the same conditions as detailed on the earlier permission, they shall refuse the application (Section 42(2)(b)). If they decide that planning permission should be granted subject to conditions differing from those previously attached to the permission, they shall grant planning permission accordingly (Section 42(2)(a)). The effect of granting permission for a Section 42 application is such that a new and separate permission exists, with any conditions attached as appropriate.
- 4.3 The application site, which extends to approximately 127.5 hectares, predominantly comprises of agricultural land centred on Shanks of Omachie, Wellbank. The application site is located to the immediate north and west of the village of Wellbank. The site is bounded to the north by agricultural land, to the west by the B978, to the south by Wellbank, agricultural land and the existing Forbes of Kingennie development and to the east by agricultural land and Cunmont quarry. A number of residential properties lie within the area of the application site or are contiguous with its boundary. The site broadly slopes from the north to the south, with the north most extent of development below the visible hill ridgeline.
- 4.4 The development can be divided into two main parts, the golf course and resort development, including the hotel, and the private housing development. The submitted masterplans and layout plans, whilst indicative, provide an understanding of the development proposed. The Hotel, Spa, 10 lodges and Golf Club House are proposed to be located in a central position within the north of

the site in the approximate area occupied by the existing buildings forming part of existing Shank of Omachie Farm. The golf offering on the site centres around 20 proposed holes - 18 of which will serve as the championship standard course for the new resort and 2 will separately offer replacement holes for the nearby Forbes of Kingennie site to the south - which stretch from east to west in the southern part of the site. A golf academy - which would house a driving range and teaching facility - is to be located on the western edge of the site. Adjacent and to the west of academy lies an open grass area identified for informal sport and leisure use. The golf facilities are to be maintained from a dedicated golf maintenance facility building, located behind the first green in the central, southern part of the site.

- 4.5 The housing component of the development is proposed as cross funding to support the development of the wider golf course and resort development. This is indicated to comprise the development of 75 mainstream housing plots (which would include some affordable housing provision) immediately to the north of Wellbank at Mattocks Road and 85 large high quality "Fairway houses" on large plots clustered around the periphery of the golf course within 6 identified zones. Significant areas of landscaping and open space are proposed around the development to the north of the site including an offset in the northeast corner between the nearest residential properties (within Zone 6) and the boundary with Cunmont Quarry to the east. The mainstream housing would be accessed from two new accesses from Mattocks Road with the main access to the Hotel and the housing to the north of the site proposed via a new junction from the Kellas Road (B978). A new access is also proposed off Drumsturdy Road (B961) to serve the proposed fairway housing located in the south eastern corner of the site. This access will also serve the proposed green keeping accommodation and an existing residential property "Blawearie".
- 4.6 The application has been advertised in the press and subject of statutory neighbour notification as required by legislation. The application has not been subject of variation.
- 4.7 The application requires to be determined by Angus Council because it is a 'Major' development, as defined in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, which is significantly contrary to the development plan.

5. RELEVANT PLANNING HISTORY

- 5.1 Angus Council, at its meeting of 22 November 2010, resolved to grant planning permission for application 09/00695/OUT which provided for Formation of 18 Hole Championship Golf Course, Golf Academy, Hotel Spa and Lodges, Golf Clubhouse, 160 Residential Plots and Associated Access. The approval was issued following the conclusion of the Section 75 Planning Obligation (Agreement) on 9 February 2012 (Report No 836/10 refers).
- 5.2 On 8 January 2013 the Development Standards Committee agreed Report No 3/13. That report advised Committee that a Proposal of Application Notice had been received which sought to vary conditions attached to permission 09/00695/OUT. The purpose of the variation was to allow staged submission of detailed design information in respect of the overall scheme. The report also confirmed that subsequent applications for approval of matters specified in conditions would be presented to Committee for determination.
- 5.3 The Development Standards Committee, at its meeting on 23 April 2013, resolved to grant planning permission for application 13/00086/FULM which provided for Variation in Conditions 1, 2, 4, 5, 6, 9, 16, 18, 22 and 29 on Planning Permission 09/00695/OUT, to allow the staged submission of detailed design information (Report No 273/13 refers). The variation allowed for a greater flexibility in the conditions in order to facilitate a quicker initiation of, and phased approach to, the development.
- 5.4 The Development Standards Committee, at its meeting of 18 February 2014, resolved to grant Approval of Matters Specified in Conditions for application 13/00843/MSCM, which led to permission being granted for all matters specified in Conditions 1(a) and 1(b) of Planning Permission in Principle 09/00695/OUT (the relevant conditions for which were amended by planning permission: 13/00086/FULM). This approval in effect granted the detail for all of the overall development design and infrastructure elements (Condition 1a) and the siting and design detail for all of the leisure development elements (Condition 1b). Further, it also granted approval

for the masterplanning - that is the number and general locations - for most of the residential development (Condition 1c).

6. APPLICANT'S CASE

6.1 The applicant has submitted a number of technical and supporting statements, in addition to application drawings. These documents include:

- Noise Impact Assessment (including an Environmental Noise Assessment);
- Review of Blast Vibration Report;
- Drainage Details and Calculations;
- Light Pollution Studies;
- Archaeology Desk Based Assessment;
- Archaeology Scheme of Investigation;
- Design and Access Statement;
- A 5 Star Checklist;
- Residential Development Brief; and
- Travel Plan Framework.

These documents replicate those provided in support of the Approval of Matters Specified in Conditions application (13/00843/MSCM) unless otherwise stated.

6.2 The Noise Assessments concern possible noise impacts on the proposed development (leisure and housing) given the proximity of, and operations undertaken at, Cunmont Quarry. The studies present findings in relation to separation distances for amenity impacts for the proposed housing plots in the north east of the site.

6.3 The vibration assessments have regard to the activity within Cunmont Quarry. The studies present findings in relation to separation distances to respect safety and amenity of the proposed housing plots in the north east of the site.

6.4 The Drainage Details and Calculations are in support of the overall approach to the surface and foul water drainage systems and suggest that there is adequate capacity and no adverse consequences. The figures and conclusions are based on the indicative masterplan layout.

6.5 Supporting documents in relation to lighting for golfing activity have been submitted (Light Pollution Studies); which illustrate that amenity safety for users and neighbouring land uses will not be adversely affected by the proposals.

6.6 The Archaeology information presents a scheme for monitoring and review throughout the construction phase and where necessary propose mitigation measures.

6.7 The Design and Access Statement, Residential Development Brief and 5 Star Checklist support the design approach taken and illustrate the quality and features of the leisure (and in principle the residential) aspect of the scheme.

6.8 The Travel Plan framework identifies measures to encourage the use of sustainable modes of transport, such as public transport, walking and cycling, and to minimise use of the private car. The document concludes that the available options can be used to inform an effective travel plan.

6.9 The applicant has also submitted updated supporting information specifically for this planning application. These documents are:

- Planning Statement
- Supporting Statement
- Updated European Protected Species Survey
- Transport Assessment
- Business Case Update

- 6.10 The Planning Statement seeks to support the nature of the application made under Section 42 of the Town and Country Planning (Scotland) Act 1997. As part of this application the statement set out that the applicant is seeking variation to the statutory time periods for the duration of any permission granted, to be varied to 5 years for the duration of the planning permission in principle (compared to the statutory period of 3 years) and 3 years for the submission of matters specified in condition (compared with the statutory 2 year period). The statement provides a schedule of suggested planning conditions for any permission granted in Appendix 3 - these conditions reflect the additional period for the commencement of development sought as well as conditions that were attached to permissions 09/00695/OUT and the conditions amended by permission 13/00086/FULM.
- 6.11 The applicant has provided a further statement in support of the application, which advises that since 2012 the applicant has been proactively seeking investment partners to deliver the development. This has involved commissioning a market study on the hotel element of the proposal and selective promotion of 'The Angus' development at international events. A number of reasons for the development not progressing to date have been provided, including: other 5 star hotels in Scotland being sold; political uncertainty impacting investor confidence; uncertainty over nearby attractions; and financial investment generally not fully recovered since the financial turmoil since 2008.
- 6.12 An updated European Protected Species study was submitted at the request of the Planning Service. This document seeks to confirm the position for such species having regard to the any changes in the period since the last studies were undertaken (with otters and bats last surveyed in 2009). The phase 1 survey undertaken in 2009 was used as the base for the updated appraisal, with further ground assessment being undertaken in December 2015. This report concludes that otter continue to use the Kingennie fishing pools and there are no known holts or shelters on the application site there are no licensing obligations. A review of bat data indicates no change to the existing bat habitat resource and therefore no likely change in use patterns or bat behaviour. Implementation of the planning permission may require a disturbance licence at Shanks of Omachie farmhouse; the displacement of two male soprano pipistrelle bats would, with appropriate mitigation, not have a significant adverse impact on the local or national population and would meet Test 3 of the European Protected Species licence.
- 6.13 An updated Transportation Assessment (TA) was submitted at the request of the Planning Service. This assessment predicts that all of the scoped junctions within Angus will continue to operate well within their capacities at 2018, the year of opening. As before, the junction of Kellas Road with Drumgeith Road in Dundee continues to operate above capacity in the AM peak hour. The addition of increased traffic growth to 2018 will further burden the junction, however, the TA concludes that as the junction currently operates over capacity, the difference made by the development traffic will remain minimal.
- 6.14 An updated Business Case was submitted at the request of the Planning Service. This document and its appendices support the current Section 42 application and updates the business case prepared in June 2009 for the previous application. Appendix 1 is a report by Barclays Bank on UK Tourism Dynamics which covers the period 2013-2017; which gives a positive outlook for Scotland and in particular the spend from international tourists on accommodation and leisure activities is strong. The report states that this assessment supports the predicted target market for The Angus. The Angus Development Market Study provided in Appendix 2 is an independent report examining the potential for the development and this report concludes "that provided the offer is fully delivered with an international brand it will prove to be financially and economically viable and feasible". Appendix 3 contains an extract from the original business plan supporting the submission. This plan predicted trading revenue from the golf and hotel operations of £2.6 million and £10.2 million respectively. The financial projections within The Angus study (Appendix 2) show hotel revenues of £19 million. The increase is attributable to additional rooms, higher specification and assumes an international brand for the hotel. It is presented that the economic benefits are stronger than originally shown. In terms of construction costs these are comparable to the original plan, however, infrastructure costs (including planning conditions) are higher and as the intention is to sell the land, these costs must be included in the total cost to the buyer. Consequently, it is presented that, the cross funding from the residential component remains essential to the viability of the development.

7. CONSULTATIONS

- 7.1 **Angus Council - Flood Prevention** - Note that the applicant submitted a Drainage Impact Assessment (DIA) and hydrological reports previously. The applicant is required to review and update these documents prior to the commencement of development.
- 7.2 **Angus Council Environmental Health** - Have no objection to the proposal subject to planning conditions to protect residential amenity for future occupants from noise and vibration from the nearby quarry operations. Further assessment in respect of air quality is also sought through a planning condition and in terms of public safety a condition is requested for fencing to mitigate ball strikes.
- 7.3 **Angus Council - Education** - Have advised that updated contributions would be sought towards improving both primary and secondary school provision, of £5,570 and £5,100 per unit respectively (excluding and units designated as affordable housing).
- 7.4 **Angus Council - Economic Development Unit** - Have indicated support for this development. This position is based on the assessment undertaken as part of the Angus Accommodation Audit 2015 and the increase of visitor numbers to Angus and the shortage of hotels generally and there being no provision for a 5 star hotel in Angus. The development proposed is identified the audit as being a means to address this shortage.
- 7.5 **Angus Council - Transport Section** - Have no additional comments to make on the application beyond comment provided for the previous application.
- 7.6 **Angus Council - Landscape Services Manager** – Have advised that open space and play park provision would be sought in accordance with Policy SC33 of the Angus Local Plan Review – which would equate to 0.97 hectares of usable. Details for the specification of these requirements are detailed as well as the requirement for the function, design and maintenance of these facilities.
- 7.7 **Aberdeenshire Council Archaeology Service** - Have considered the Written Scheme of Investigation submitted and would request that the negative suspensive condition for archaeological works previously applied to earlier permissions be applied any permission granted here.
- 7.8 **Scottish Natural Heritage** - Provide no objection to the application. They have indicated that the updated survey information is acceptable on the basis that the surveys recorded no substantial changes to habitats, buildings, trees or other features that would alter the patterns of use by wildlife.
- 7.9 **Scottish Environment Protection Agency** - In respect of flood risk SEPA highlight that there were previously uncertainties with the initial Flood Risk Assessment (FRA) submitted. Since providing previous comments in 2013 SEPA have updated their fluvial flood map and released a surface water flood map. This information suggests that surface water flood risk on low points in the site adjacent to a watercourse not identified on OS maps. SEPA would object to the application in this respect unless a condition is attached requiring an updated FRA prior to the commencement of development. In terms of drainage, SEPA indicated that foul drainage should be directed to the Wellbank Pumping Station to the satisfaction of Scottish Water. SEPA requires further information in respect of the proposed SUDS and would request by condition a drainage masterplan to be submitted as part of any subsequent application.
- 7.10 **Community Council** - There was no response from this consultee at the time of report preparation.
- 7.11 **Angus Council Housing Service** - Have confirmed that a contribution towards affordable housing should be sought. The 25% level stated in Scottish Planning Policy and the Proposed Local Development Plan would ordinarily apply. However, the status of the extant permission and viability of the hotel and leisure elements are recognised. A contribution of 30 affordable housing units is therefore sought, a minimum of 20 of these units should be on site as social rented housing or affordable housing for sale and the remaining 10 units could be on alternative sites or

addressed by means of a commuted sum.

- 7.12 **Community Council** - There was no response from this consultee at the time of report preparation.
- 7.13 **Angus Council - Roads** - Have considered the drawings and supporting information, including the updated Transport Assessment (TA). It is highlighted that since the previous approval The National Roads Development Guide has been adopted by the Council and it is necessary to have regard to this document. In light of all of the above no objection to the proposal is made, subject to the roads infrastructure conditions proposed by the applicant being applied to permission granted (with an amendment to the stated visibility splays to 2.4 metres by 43 metres to reflect national guidance).
- 7.14 **Scottish Water** - There was no response from this consultee at the time of report preparation.

8. REPRESENTATIONS

Five letters of representation have been received from 4 properties, all of which object to the proposal. The letters of representation will be circulated to Members and a copy will be available to view in the local library or on the council's Public Access website. The main issues raised relate to:

- Conflict with development plan policy;
- Overprovision of housing in the local area;
- Overprovision of leisure facilities;
- Golf courses are struggling elsewhere;
- Inappropriate use of viable prime agricultural land;
- Safety concerns from golf ball strike;
- Amenity impacts from light and noise;
- Levels of traffic and road safety concerns; and
- Unacceptable location of proposed access on to Mattocks Road.

9. PLANNING CONSIDERATIONS

- 9.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.
- 9.2 In this case the development plan comprises:-
- TAYplan (Approved 2012)
 - Angus Local Plan Review (Adopted 2009)
- 9.3 The following development plan policies are relevant to the determination of the application and are reproduced at Appendix 3:-
- TAYplan: Policies 1, 2 (A, B, C and E), 3 (A), 4 (A), 5 (A and C) and 8.
- Angus Local Plan Review (ALPR): Policies S1, S2, S3, S4, S6, SC1, SC6, SC9, SC19, SC20, SC31, SC32, SC35, SC36, ER4, ER5, ER10, ER11, ER22, ER24, ER28, ER30, ER33 and Imp1.
- 9.4 Angus Council is progressing with preparation of a Local Development Plan to provide up to date Development Plan coverage for Angus. When adopted, the Angus Local Development Plan (ALDP) will replace the current adopted Angus Local Plan Review (ALPR). The Proposed Angus Local Development Plan was approved by Angus Council at its meeting on 11 December 2014 and subsequently published for a statutory period for representations. The statutory period for representation has now expired and unresolved representations have been submitted to Scottish Ministers for consideration at an Examination. The Proposed ALDP sets out policies and proposals for the 2016-2026 period consistent with the strategic framework provided by the approved TAYplan SDP (June 2012) and Scottish Planning Policy (SPP) published in June 2014.

The Proposed ALDP represents Angus Council's settled view in relation to the appropriate use of land within the Council area. As such, it is a material consideration in the determination of planning applications. The Proposed ALDP is, however, at a stage in the statutory process of preparation where it may be subject to further modification. Limited weight can therefore currently be attached to policies and proposals of the plan that are subject to unresolved objection. The policies of the Proposed Plan are only referred to where they would materially alter the recommendation or decision.

- 9.5 As advised above, the current application is made under Section 42 of the above Act as it constitutes an application to develop land without compliance with conditions previously attached to planning permissions 09/00695/OUT and 13/000086/FULM. For an application made under Section 42 the planning authority typically must only consider the question of the conditions subject to which planning permission should be granted, however, Government guidance does indicate that this does not preclude consideration of the overall effect of granting a new planning permission in some cases.
- 9.6 In this case application has been made to undertake the development without complying with conditions, most specifically the conditions that deal with timescales for submission of applications for approval of matters specified in conditions and implementation of the permission, that were attached to previous permissions. Granting approval of this application would effectively allow a renewal of the existing planning permission in principle and a further period for submission of applications for approval of the detail of the development and subsequent implementation of the permission.
- 9.7 In considering whether to extend the time limits it is relevant to have regard to the development plan and to any other material impacts that could arise by allowing a longer period for commencement of development.
- 9.8 The leisure and holiday accommodation golf resort elements of the proposal continue to attract general support from relevant development plan policy. In addition, the Tourism Accommodation Audit May 2015 which was undertaken on behalf of the Council states that the area would benefit from the creation of a high profile, quality destination / signature hotel property that has a standalone reputation and awareness. In that respect the Audit makes specific reference to the proposal subject of the current application and suggests that it could assist in terms of delivering that outcome. The Business Case submitted with the original application indicated that the overall development was likely to generate £19.2million in total revenue and create additional direct tourism expenditure to the Angus economy of £10million per annum increasing to £16million after 3 years. In addition it is estimated that the development will create over 130 new full time jobs. The updated Business case submitted with this application suggests that hotel revenues alone are projected to be in excess of £19m after five years of trading. It remains evident that a development of this nature has potential to offer significant economic benefits to the area and granting permission for an extended period of time for the development to commence allows greater opportunity for those benefits to be delivered.
- 9.9 The residential element of the proposal comprising 160 houses remains significantly contrary to development plan policy. The development plan framework does not make provision for this scale of greenfield housing development in a rural area. Notwithstanding that, it has previously been accepted that this scale of development is necessary in order to help deliver the golf resort and the significant economic benefits and employment opportunities that it would bring to the area. Permission has previously been granted for the overall development, including the housing, and the site is identified in the Angus Housing Land Audit 2015 as contributing to the effective housing land supply. Accordingly, the site forms part of the established housing land supply and contributes to ensuring that adequate land is available to meet the requirements of TAYplan. Granting permission for an extended time period for development to commence does not currently give rise to any issues in terms of housing land numbers. The applicant has submitted sufficient information in respect of the total number of houses (160 units) and their general locations that Matters Specified in Conditions for these matters is considered to not be required as part of any permission granted here.

- 9.10 I have discussed the time period for any extension with the applicants agent and indicated that ongoing uncertainty regarding the deliverability of the scheme and its associated housing could give rise to issues in terms of housing land supply and uncertainty regarding the programming of infrastructure. In that respect I have indicated a desire to see any permission limited to a further 5-year period in order that housing numbers can be reviewed in the context of the future local development plan process. This 5-year period to allow commencement is consistent with the period requested in the applicants supporting statement.
- 9.11 This is a sizeable development and it is accepted that progress has been delayed by factors including the prevailing economic climate. The development continues to offer potential for significant economic benefit to the area. Allowing a further period of time for implementation of the permission does not give rise to any additional significant issues in terms of the overall principle. However, it is appropriate to have regard to other development plan matters and material considerations in order to ensure that all conditions attached to a new permission remain appropriate. In that respect, the applicant has submitted a number of revised and updated assessments in order to allow proper consideration of impacts.
- 9.12 The updated European Protected Species study does not identify any significant issues that would warrant a different approach towards this application. It is noted that SNH has offered no objection to the proposal. Granting permission for an extended time period for development to commence does not give rise to any significant additional natural heritage impacts.
- 9.13 The updated Transportation Assessment has been reviewed by the Council's Roads Service and no objection is offered. Conditions regarding access and transportation matters were attached to the previous permissions relating to this development and the Roads Service has again recommended appropriate conditions in relation to this application. Granting permission for an extended time period for development to commence does not give rise to any significant additional transportation or road traffic safety issues.
- 9.14 In the period since the grant of the previous planning permission in principle the Council has reviewed its approach to developer contributions in respect of impacts of development on the school estate (Report 345/15 refers). That report identifies a consistent approach towards dealing with the impact of new housing development on schools that are at or close to capacity. It was recognised during consideration of the previous permissions relating to this site that there would be impacts on both primary and secondary schools by virtue of the scale of the development and the current roll of relevant schools. Developer contributions were accordingly sought and this matter was dealt with by means of a Planning Obligation under section 75 of the Act. The Education Service has again indicated that the development will have an impact on both the primary and secondary school estate and that contributions in respect of both will be required in accordance with the methodologies set out in Report 345/15. For the avoidance of doubt and education contribution will not be sought in respect of affordable housing units that are either provided on-site or as a commuted sum in lieu of on-site affordable housing provision. The applicant has been made aware of this requirement and it is proposed to deal with this matter by attaching a planning condition that requires the existing Planning Obligation to be modified to reflect the current requirements.
- 9.15 The policies of the current Angus Local Plan Review require a 40% contribution towards affordable housing in the South Angus Housing Market Area. However, those policies also allow some flexibility having regard to matters including development viability. In that respect the previous permissions relating to this site and the associated Planning Obligation require the provision of 30 affordable housing units (20 on site and 10 units off-site or via commuted payments). The Housing Service has indicated that it considers that approach remains appropriate.
- 9.16 Development plan policies require consideration of drainage infrastructure and flood risk. Policy ER22 confirms that within areas served by public sewers developments must be connected to the public drainage system and private drainage solutions will not be permitted. Policy ER24 confirms that Sustainable Urban Drainage Systems (SUDS). The applicant has indicated that foul drainage would be directed to public infrastructure and surface water would be addressed through SUDS. Supporting information in respect of these matters has been submitted; however, the application is in principle only and this information does not present a detailed solution. Consultation was

undertaken with the Scottish Environment Protection Agency (SEPA) and the Council's Roads (Flood Prevention) Service; neither raise objection to the proposal subject to these matters being addressed in the form of a Drainage Impact Assessment and Flood Risk Assessment being required as part of any Matters Specified application. It is proposed to address this through planning conditions.

- 9.17 Policy SC33 of the ALPR requires appropriate provision in respect of open and recreational space. The Landscape Services Manager has provided detailed comments on the area and composition of open space and associated play equipment that would be required for a detailed design. It is proposed to address these requirements through a planning condition.
- 9.18 The overall proposal gives rise to other impacts in relation to matters including residential amenity, landscape and visual impact, use of agricultural land, compatibility of land uses, impact on core paths and impact on archaeological interests. However, through the grant of previous permissions for this development it has been determined that those impacts are not unacceptable and can be suitably mitigated by appropriate planning conditions. The proposal to extend the time period for commencement of development does not materially alter that conclusion.
- 9.19 The letters of representation submitted in respect of the application are noted. However, they generally raise matters that relate to the acceptability of the principle of the development on this site. As indicated above, this is an application under Section 42 of the Act and that section clearly states that the planning authority shall consider only the question of the conditions subject to which planning permission should be granted. Therefore it is not appropriate to revisit the principle of the proposed development. However, the conditions proposed below seek to deal with relevant matters and require submission of further applications for approval of requisite matters. Applications for approval of those requisite matters would have to be submitted for the prior approval of the planning authority and will allow further consideration of matters such as impact of specific elements of the proposal on the amenity of occupants of neighbouring property.
- 9.20 The golf resort and associated tourism/leisure elements of this proposed development attract broad support from development plan policy. They also have potential to provide significant economic and employment benefits for the area. The housing element of the proposal remains contrary to development plan policy but is clearly essential to cross subsidise the golf resort elements of the proposal and to allow the entire development to be brought forward. Council has previously granted planning permission in principle for this development recognising that whilst it was a significant departure from the development plan, it merited support given the potential economic benefits it could deliver. The current planning application seeks permission to allow a longer time period for the submission of further applications for approval of requisite matters and for commencement of development. This is effectively a renewal of the existing permission.
- 9.21 It is understood that the applicant has sought to promote the development and obtain investment over the period since the grant of the original permission. The applicant has also submitted further applications and obtained approval for detailed elements of the proposal, including the design of the hotel and associated leisure buildings. Those designs have demonstrated a commitment to a high quality development and it is apparent that this has potential to be a significant development in a regional context. However, it is recognised that the recent economic climate has not been conducive to the delivery of a project of this nature and that this has affected the applicants originally intended timescales for delivery of the development. In these circumstances it is considered appropriate to allow a further period of five years for the applicant to commence development. The conditions below reflect those previously considered necessary by Council but they have been reviewed and updated as appropriate to reflect the current situation. There are no material considerations that justify refusal of planning permission.

10. OTHER MATTERS

HUMAN RIGHTS IMPLICATIONS

The recommendation in this report for grant of planning permission, subject to conditions, has potential implications for neighbours in terms of alleged interference with privacy, home or family life (Article 8) and peaceful enjoyment of their possessions (First Protocol, Article 1). For the reasons referred to elsewhere in this report justifying this recommendation in planning terms, it is

considered that any actual or apprehended infringement of such Convention Rights, is justified. The conditions constitute a justified and proportional control of the use of the property in accordance with the general interest and have regard to the necessary balance of the applicant's freedom to enjoy his property against the public interest and the freedom of others to enjoy neighbouring property/home life/privacy without undue interference.

EQUALITIES IMPLICATIONS

The issues contained in this report fall within an approved category that has been confirmed as exempt from an equalities perspective.

11. CONCLUSION

It is recommended that the application be approved for the following reasons, and subject to the following condition(s):

Reason(s) for Approval:

The development is significantly contrary to the Development Plan; however, it would bring significant economic benefits and employment opportunities to the area and would provide much needed high quality hotel accommodation which would be of benefit to the future diversification of the Angus economy. Potential impacts associated with the development can be appropriately addressed and there are no material planning considerations that justify refusal of the application.

Conditions:

1. No work shall begin on any distinct phase or zone of development until the written approval of the authority has been given and the development shall be carried out in accordance with that approval:
 - (a) Overall Development
 - (a) i. the means of access. The proposed means of access from Drumsturdy Road shall include provision for vehicular access to the existing residential property "Blawearie";
 - (a) ii. a masterplan to include all elements of the development for the whole site, including strategic landscaping, and provide for the total number and location of mainstream and fairway housing plots. The site masterplan SK005 Rev C is not approved. The masterplan amendment – drawing AL0001 Rev C – is approved for the golf course layout only. The total number of dwellings shall not exceed 160; the final number will be dependent on the consideration of relevant matters specified in conditions forming part of this planning permission;
 - (a) iii. a drainage masterplan providing full details of the proposed means of disposal of foul and surface water from the development along with measures to protect and maintain drainage for existing houses immediately adjacent to the development site. Foul drainage should be directed to the Wellbank Pumping Station to the satisfaction of Scottish Water; and
 - (a) iv. a phasing plan for the whole site: the submitted phasing plan SK 007 A is not approved.
 - (a) v. a travel plan which shall set out proposals for reducing dependency on the private car, measures to be implemented; the system of management, monitoring, review and reporting;
 - (b) Leisure Development Zone
 - (b) i. road layout design and specification including provision of parking, street lighting and disposal of surface water;
 - (b) ii. details of the siting, design, height and external materials of all buildings or structures on the site;

- (b) iii. details of the hotel to confirm that the design and layout of the building and facilities which are to be provided within the building will support the potential to achieve a 5 star rating;
 - (b) iv. details of all hard and soft landscaping works, planting and screening associated with the development of the site;
 - (b) v. (b) v. for the golf course, a full topographical survey of the site as existing and as proposed, including all engineering works, site levelling and any other works for the formation of the course;
 - (b) vi. for the remainder of the leisure development zone, a detailed levels survey (existing and proposed) and cross sections showing finished ground and floor levels of all buildings forming part of the development, relative to existing ground levels and a fixed datum point;
 - (b) vii. details of any screen walls/fencing to be provided;
 - (b) viii. full details of works proposed to culverts within the site including details to confirm that no buildings are to be located on top of any existing or proposed culverts and that access for maintenance can be achieved;
 - (b) ix. full details of any new crossings to watercourses within the site;
 - (b) x. details of any external lighting installation proposed to illuminate any part of the golf courses and any other golf related development, including the driving range; and
 - (b) xi. measures to maximize environmental sustainability through design, orientation and planting or any other means.
- (c) Residential Development Plots
- (c) i. road layout design and specification including provision of parking, street lighting and disposal of surface water;
 - (c) ii. details of the siting, design, height and external materials of all buildings or structures on the site (which shall be located only within the zones identified on the Residential Masterplan Phasing drawing 1994_300 but shall exclude any areas to the east of Zone 3 where the assessments required under Condition 2 of this permission demonstrate that an acceptable amenity or safety standard cannot be achieved);
 - (c) iii. the means of access and all other matters relating to road layout design and specification including provision of parking, street lighting and disposal of surface water;
 - (c) iv. details of all hard and soft landscaping works, planting and screening associated with the development of the site;
 - (c) v. a detailed levels survey (existing and proposed) and cross sections showing finished ground and floor levels of all buildings forming part of the development, relative to existing ground levels and a fixed datum point;
 - (c) vi. details of any screen walls/fencing to be provided;
 - (c) vii. measures to maximize environmental sustainability through design, orientation and planting or any other means.
 - (c) viii. full details of works proposed to culverts within the site including details to confirm that no buildings are to be located on top of any existing or proposed culverts and that access for maintenance can be achieved; and
 - (c) ix. full details of any new crossings to watercourses within the site.

Reason: To ensure that the matters referred to are given full consideration and to accord with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

2. That any application for approval of details in condition 1 above shall, unless otherwise agreed in writing by the planning authority, be accompanied by the following:-
 - i. A noise impact assessment in accordance with a method statement approved in writing by the Planning Authority;
 - ii. A blast vibration assessment in accordance with a method statement approved in writing by the Planning Authority;

- iii. An air quality assessment in accordance with a method statement approved in writing by the Planning Authority;
- iv. A safety assessment to address the risk from miss hit golf shots in accordance with a method statement approved in writing by the Planning Authority;
- v. An assessment of light spill, intrusion and source intensity/glare in accordance with a method statement approved in writing by the Planning Authority;
- vi. A design statement in accordance with Planning Advice Note 68 and which takes account of Scottish Government Planning Policy Statements Designing Places and Designing Streets;
- vii. A Drainage Impact Assessment and Flood Risk Assessment to update the assessments undertaken in 2009; which should consider current legislation, policy, guidance and methodologies.

Reason: In order to ensure the provision of adequate information for the planning authority to consider the matters detailed in condition 1 above in the interests of safeguarding the amenity of nearby properties which may be affected by vibration, noise, light or ball strike, to ensure the operation of the adjacent quarry is not adversely affected, to ensure that the design and layout of the development can be adequately assessed and to establish that satisfactory drainage arrangements can be provided.

- 3. Prior to the commencement of any works in connection with the area covered by the particular brief (apart from the golf course) two development briefs, as detailed below shall be prepared for the further approval of the Planning Authority. The briefs shall specify:
 - i. The height and appearance of all new structures;
 - ii. The use of appropriate external materials including walls, fences and other boundary enclosures;
 - iii. The surfacing of all new roads, parking areas, cycleways and footpaths;
 - iv. The lighting of all streets and footpaths; and
 - v. The maintenance of all open space and treed areas not included in private house plots.

The briefs shall be prepared for the following areas within the site:

- vi. The areas proposed for private housing for sale; and
- vii. All other buildings within the site.

Once approved the development in respective areas shall be carried out in accordance with the approved briefs.

Reason: In order to give further consideration to those details which have still to be submitted.

- 4. That prior to the start of any work on site an agreed construction programme shall be submitted to and approved in writing by the Planning Authority. The construction programme shall accord with the phasing plan to be submitted as part of condition 1 ((a) iv) above. For clarification, the phasing plan will require to include conditions attaching to each phase as follows:-

Phase	Obligations	Rights (these rights will only be granted to allow construction on the houses to commence after the planning authority certifies that the corresponding phased obligation has been fully complied with)
Phase 1	Legally binding contract for the erection of the proposed five-star, 150 bedroom hotel in accordance with a valid planning permission and building warrant (for the avoidance of doubt the building warrant shall be for the entire building) and certificated completion of the foundations of the aforementioned hotel all to the written satisfaction of the planning authority. There shall also be legally binding contracts for the construction of the 18 hole championship golf course in accordance with a valid planning permission and for construction of the golf academy in accordance with a valid planning permission and building warrant.	Construct 35 private houses
Phase 2	Certificated structural and practical completion, of the completed and operationally ready five-star, 150 bedroom hotel in accordance with a valid planning permission and building warrant and certificated completion of the golf course and golf academy to an operationally ready condition.	Construct a further 25 private houses
Phase 3	That there shall be in place a legally binding contract for the operation of the proposed five-star, 150 bedroom hotel and the aforementioned hotel shall be fully operational, there shall also be legally binding contracts for the operation of the golf course and golf academy and both shall be fully operational.	Construct all remaining private houses.

Reason: In order to ensure the implementation and completion of the golf course resort components of the proposal, as these are the elements of the proposed development which the Planning Authority considers will bring economic benefits to the area.

5. That no works in connection with the development hereby approved shall take place until such time as bonds have been concluded and lodged with the Planning Authority which shall be of sufficient value to ensure that:
 - i. The landscaping works required under conditions 1 ((b) iv) and 18 can be completed in full. The value of the bond shall be determined following approval of the landscaping works under the terms of that condition; and

- ii. To ensure that any land on which works have been undertaken to construct the championship golf course can be restored in accordance with a scheme to be agreed by the Planning Authority. The value of the bond shall be determined following approval of the matters specified in condition 1 ((b) iv).

Reason: To ensure the completion of the agreed landscaping scheme in the interests of the visual amenity of the area and to ensure that in the event that the championship golf course is not completed, the site can be restored to an appropriate condition.

6. The development permitted by this planning permission shall not be initiated by the undertaking of a material operation as defined in section 26(4)(a)-(f) of the Town and Country (Scotland) Planning Act 1997 in relation to the development, until an application under s.75(2)(a) of the said Act to modify the Agreement made under s.75(1)(a) of the said Act among Angus Council; Alistair Graham Milne Forbes, Mrs Cynthia Bartow or Forbes; Michael Bartow Forbes and Gail Forbes (as the Partners of and Trustees for the Firm of Forbes of Kingennie); Michael Bartow Forbes and Gail Forbes and M B Forbes Limited (as the Partners of and Trustees for the Firm of M B Forbes & Company); Shank of Omachie Limited; Barclays Bank Plc and Michael Bartow Forbes, Gail Forbes and M B Forbes Limited (as Partners and Trustees for the Firm of M B Forbes & Company) relating to the land in respect of the Planning Permission 09/00695/OUT dated 4th and recorded in the Division of the General Register of Sasines applicable to the County of Angus on 30th, both dates January 2012, has been approved and registered in the Land Register of Scotland or recorded in the General Register of Sasines, as appropriate, to the written satisfaction of the planning authority. The said modification will provide that:
 - a) The modified obligation applies to the planning application permission hereby granted (registered with the Authority on 30 December 2015);
 - b) Clause FIFTH is amended to require a financial contribution to be paid towards primary and secondary school infrastructure in respect of every house that is not designated as an affordable housing unit amounting to the sum of £5,750 per unit for primary education and £5,100 per unit in respect of secondary education; and
 - c) Clause SEVENTH is deleted.

Reason: To ensure the obligation applies to the extant permission (a); to ensure that the proposed development does not put undue pressure on the existing education facilities (b); and because this contribution is no longer considered necessary (c).

7. That foul drainage for the site shall be drained to the mains sewerage system by means of adoptable sewerage and plant, the details of which shall be submitted to and approved in writing by the Planning Authority in consultation with Scottish Water on each phase or zone of development prior to any works taking place in connection with that part of the development hereby approved. Thereafter the development shall be carried out in accordance with the approved details and no building shall be occupied until such time as it is connected to the public sewerage system.

Reason: In the interests of public health and to prevent pollution.

8. That no works in connection with the development hereby approved shall take place until details of the location and configuration of all sustainable urban drainage systems to be provided on site and the arrangements for the maintenance thereof, shall be submitted to and approved in writing by the Planning Authority in consultation with SEPA and Scottish Water.

Reason: To ensure the provision of an acceptable drainage system in the interests of the amenity of the area.

9. That no works in connection with the housing development hereby approved shall take place until details of the location and nature of public open space to be provided within this part of the development, at a minimum of 2.43 hectares per 100 head of population and to include play equipment, and arrangements for the provision and maintenance in perpetuity thereof, have been submitted to and approved in writing by the Planning Authority. Once agreed the scheme shall be carried out in complete accordance with the approved details.

Reason: To ensure that public open space is provided and maintained to an acceptable standard throughout the development.

10. That prior to any works on the golf course commencing, an environmental management plan shall be submitted to and approved in writing by the Planning Authority. The plan shall relate to both the construction and operational phases of the development and shall provide for the enhancement of the biodiversity of all habitats within the development and shall include full details of:-

- i. Routing of the course including reference to tracks, paths and any other ancillary requirements;
- ii. Specification of grass types, vegetation, seed mixes to be used and identification of planting areas;
- iii. Compliance with best practice in relation to soil and turf stripping and storage including details of proposed storage areas;
- iv. Identification of areas and methods of mitigation of habitat loss;
- v. A phasing plan which specifies timing and duration of construction aspects for the golf course
- vi. Management of areas of fairway, greens, tees, transition rough and rough;
- vii. Water irrigation and abstraction rates;

Reason: In order to protect and enhance the biodiversity of the site.

11. That prior to any works commencing on site a habitat management and enhancement plan incorporating mitigation and compensatory measures for birds, bats, otters, invertebrates and plants shall be submitted to and approved in writing by the Planning Authority. For bats the plan shall include the installation of 12 bat boxes at the locations identified in the submitted bat survey report.

Reason: In the interests of protecting the biodiversity of the site and to enhance habitats.

12. That the lodges hereby approved shall be occupied on a holiday letting or fractional ownership basis only and none of these units of accommodation shall be occupied by any group or individual for more than a total of 12 weeks in any one calendar year.

Reason: In order that the buildings are occupied as holiday accommodation only.

13. That the hours of operation of the golf driving range shall be restricted to 0800-2100 hours Monday to Sunday inclusive.

Reason: In the interests of the amenity of the area.

14. That noise from any ventilation, extraction or refrigeration plant associated with the hotel, spa, golf clubhouse and golf academy shall not give rise to a noise level assessed with windows open within any dwelling or noise sensitive building in excess of that equivalent to NR curve 20 between 0700 and 2200 and NR curve 30 at all other times.

Reason: To prevent disturbance from noise.

15. That all amplified music or vocals associated with the hotel, spa, golf clubhouse and golf academy shall be inaudible when assessed within any habitable room of a dwelling or other room of a noise sensitive premise with the receiver room windows partially open for ventilation.

Reason: To prevent disturbance from noise.

16. That as part of the masterplan required by condition 1(a) ii) a plan shall be submitted to and approved in writing by the Planning Authority which sets out details of how public rights of access in accordance with the Land Reform (Scotland) Act 2003 will be met. The plan shall:-

- i. Provide full details of the retention of core paths within the site;
- ii. Integrate provision for public access across all sectors of the public who are participating in open air recreation – those at the resort, the visiting public and local residents;
- iii. Show any routes proposed for public access and provide details of how these routes will be constructed and implemented;
- iv. Provide details of maintenance proposals for any non-adoptable paths and access routes across the site.

Reason: In order to promote compliance with Part I of the Land Reform (Scotland) Act 2003 and to secure and enhance existing public access.

17. No works shall take place within the development site until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the Aberdeenshire Council Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the Aberdeenshire Council Archaeology Service.

Reason: To safeguard and record the archaeological potential of the area.

18. That the schemes of hard and soft landscaping which shall be submitted as required by condition 1 which shall include:

- i. Existing and proposed finished ground levels relative to a fixed datum point;
- ii. Existing landscape and vegetation to be retained;
- iii. Existing and proposed services including cable routes and substations;
- iv. The location of new trees, shrubs, hedges, grassed areas, and water features;
- v. A schedule of plants to comprise species, plant sizes and proposed numbers and density;
- vi. The location, design and materials of all hard landscaping including walls, fences, gates; any other means of enclosure, street furniture and play equipment;

- vii. An indication of existing trees, shrubs and hedges to be removed;
- viii. A programme for the completion and subsequent maintenance of the proposed landscaping.

All soft and hard landscaping which within a period of 5 years from the completion of the respective phase of development in the opinion of the Planning Authority is dying, has been severely damaged or is becoming seriously diseased, shall be replaced by plants of a similar size and species to those originally required to be planted. No felling of trees shall take place during the bird breeding season (April – August).

Reason: To ensure the implementation of satisfactory schemes of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area and to ensure that tree felling works do not adversely affect protected species.

- 19. That prior to commencement of use of any of the Phase 1 development bus lay-bys and bus shelters shall be provided at locations to be agreed in writing with the Planning Authority on the east and west sides of the B978. No works in connection with the development hereby approved shall take place until full details of the bus shelters and lay-bys has been submitted to and approved in writing by the Planning Authority.

Reason: In order to ensure provision of suitable and safe infrastructure for public transport.

- 20. That, the access position on the B978 Wellbank – Draffin Road as shown on the plans is not approved and the precise location shall be approved as part of condition 1 above.

Reason: In the interests of road safety.

- 21. That, prior to the commencement of any other works hereby approved, visibility splays shall be provided at the junction of the proposed main access with the B978 Wellbank–Draffin Road, giving a minimum sight distance of 215 metres in each direction at a point 4.5 metres from the adjacent channel line of the B978 Wellbank–Draffin Road.

Reason: In the interests of road safety.

- 22. That before the new access onto the B961 Drumsturdy Road is brought in to use, visibility splays of 215 metres in each direction at a point 2.4 metres from the adjacent channel of the B961 Drumsturdy Road shall be provided in accordance with details that have been approved in writing by the Planning Authority.

Reason: In the interests of road safety.

- 23. That, prior to the commencement of any other works hereby approved, visibility splays shall be provided at the junction of the Omachie Farm access with Mattocks Road, giving a minimum sight distance of 43 metres in each direction at a point 2.4 metres from the adjacent channel line of Mattocks Road.

Reason: In the interests of road safety.

- 24. That, prior to the commencement of house building adjacent to Mattocks Road, visibility splays shall be provided at the junction of the proposed accesses with the Mattocks Road, giving a minimum sight distance of 43 metres in each direction at a point 2.4 metres from the adjacent channel line of Mattocks Road.

Reason: In the interests of road safety.

25. That, within the visibility splays detailed in Conditions 21 - 24 above, nothing shall be erected or planting permitted to grow to a height in excess of 1050mm above the adjacent road channel.

Reason: In the interests of road safety.

26. That, prior to the commencement of use of any of the Phase 1 development the junction of the existing access to Omachie Farm with Mattocks Road shall be improved/upgraded in accordance with the standards of Angus Council.

Reason: In the interests of road safety.

27. That, prior to the commencement of use of any of the Phase 1 development, accessed from the B978 Wellbank – Draffin Road, a footway shall be provided on the east side of the B978 Wellbank – Draffin Road between the site access and the south-west corner of the site ex adverso the B978 in accordance with the standards of Angus Council.

Reason: In the interests of pedestrian safety.

28. That, prior to the occupation of the first dwelling house adjacent to Mattocks Road, a footway shall be provided on the north side of Mattocks Road along the entire site frontage in accordance with the standards of Angus Council.

Reason: In the interests of pedestrian safety.

29. That prior to any works commencing on site for each phase or zone of development, a detailed construction method statement which takes account of the environmental management plan (condition 10) and the habitat management and enhancement plan (condition 11) shall be submitted to and approved in writing by the Planning Authority. The construction method statement shall, unless otherwise agreed in writing by the planning authority, include:

- i. Details of buffer zones and public access arrangements during construction;
- ii. Details of storage areas to be utilized during the construction period which shall not be on the site access road or any other access roads serving the development;
- iii. Details of the installation of an effective wheel washing facility, which shall be retained in working order throughout the construction period and used so that no vehicle shall leave the site carrying earth and mud on its wheels in such a quantity that causes a hazard on the surrounding local road network;
- iv. Details of dust suppression measures to be employed during the construction period;
- v. Proposed hours of working;
- vi. Details of any proposed construction access routes; and
- vii. Details of procedures for stopping work if bats are found during any of the proposed tree felling works.

Once approved the construction of the development on the site shall be undertaken entirely in accordance with the provisions of the approved method statement, which shall be reviewed prior to the commencement of each phase of development and amended as required with the written approval of the Planning Authority and following appropriate consultation.

Reason: To ensure that all construction activity is undertaken so as to protect the biodiversity of the site and the amenity of neighbouring properties.

NOTE: No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

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Date: 18 April 2016

Appendix 1 – Location Plan
Appendix 2 – Previous Planning Permission Decision Notices
Appendix 3 – Relevant Development Plan Policies

Relevant Development Plan Policies

Angus Local Plan Review 2009

Policy S1 : Development Boundaries

(a) Within development boundaries proposals for new development on sites not allocated on Proposals Maps will generally be supported where they are in accordance with the relevant policies of the Local Plan.

(b) Development proposals on sites outwith development boundaries (i.e. in the countryside) will generally be supported where they are of a scale and nature appropriate to the location and where they are in accordance with the relevant policies of the Local Plan.

(c) Development proposals on sites contiguous with a development boundary will only be acceptable where there is a proven public interest and social, economic or environmental considerations confirm there is an overriding need for the development which cannot be met within the development boundary.

Policy S2 : Accessible Development

Development proposals will require to demonstrate, according to scale, type and location, that they:-

- are or can be made accessible to the existing or proposed public transport networks and make provision for suitably located public transport infrastructure such as bus stops, shelters, lay-bys, turning areas which minimise walking distances and allow easy access for the mobility impaired.
- provide and/or enhance paths for walking and cycling which are safe, provide pleasant routes, are suitable for use by the mobility impaired, and link existing and proposed path networks;
- are located where there is adequate local road network capacity or where capacity can be made available.

Policy S3 : Design Quality

A high quality of design is encouraged in all development proposals. In considering proposals the following factors will be taken into account:-

- site location and how the development fits with the local landscape character and pattern of development;
- proposed site layout and the scale, massing, height, proportions and density of the development including consideration of the relationship with the existing character of the surrounding area and neighbouring buildings;
- use of materials, textures and colours that are sensitive to the surrounding area; and
- the incorporation of key views into and out of the development.

Innovative and experimental designs will be encouraged in appropriate locations.

Policy S4 : Environmental Protection

Where development proposals raise issues under environmental protection regimes, developers will require to demonstrate that any environmental protection matter relating to the site or the development has been fully evaluated. This will be considered alongside planning matters to ensure the proposal would not unacceptably affect the amenity of the neighbourhood.

Policy S6 : Development Principles (Schedule 1)

Proposals for development should where appropriate have regard to the relevant principles set out in Schedule 1 which includes reference to amenity considerations; roads and parking; landscaping, open space and biodiversity; drainage and flood risk, and supporting information.

Schedule 1 : Development Principles

Amenity

- (a) The amenity of proposed and existing properties should not be affected by unreasonable restriction of sunlight, daylight or privacy; by smells or fumes; noise levels and vibration; emissions including smoke, soot, ash, dust, grit, or any other environmental pollution; or disturbance by vehicular or pedestrian traffic.
- (b) Proposals should not result in unacceptable visual impact.
- (c) Proposals close to working farms should not interfere with farming operations, and will be expected to accept the nature of the existing local environment. New houses should not be sited within 400m of an existing or proposed intensive livestock building. (Policy ER31).

Roads/Parking/Access

- (d) Access arrangements, road layouts and parking should be in accordance with Angus Council's Roads Standards, and use innovative solutions where possible, including 'Home Zones'. Provision for cycle parking/storage for flatted development will also be required.
- (e) Access to housing in rural areas should not go through a farm court.
- (f) Where access is proposed by unmade/private track it will be required to be made-up to standards set out in Angus Council Advice Note 17 : Miscellaneous Planning Policies. If the track exceeds 200m in length, conditions may be imposed regarding widening or the provision of passing places where necessary.
- (g) Development should not result in the loss of public access rights. (Policy SC36)

Landscaping / Open Space / Biodiversity

- (h) Development proposals should have regard to the Landscape Character of the local area as set out in the Tayside Landscape Character Assessment (SNH 1998). (Policy ER5)
- (i) Appropriate landscaping and boundary treatment should be an integral element in the design and layout of proposals and should include the retention and enhancement of existing physical features (e.g. hedgerows, walls, trees etc) and link to the existing green space network of the local area.
- (j) Development should maintain or enhance habitats of importance set out in the Tayside Local Biodiversity Action Plan and should not involve loss of trees or other important landscape features or valuable habitats and species.
- (k) The planting of native hedgerows and tree species is encouraged.
- (l) Open space provision in developments and the maintenance of it should be in accordance with Policy SC33.

Drainage and Flood Risk

- (m) Development sites located within areas served by public sewerage systems should be connected to that system. (Policy ER22)
- (n) Surface water will not be permitted to drain to the public sewer. An appropriate system of disposal will be necessary which meets the requirements of the Scottish Environment Protection Agency (SEPA) and Angus Council and should have regard to good practice advice set out in the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland 2000.
- (o) Proposals will be required to consider the potential flood risk at the location. (Policy ER28)
- (p) Outwith areas served by public sewerage systems, where a septic tank, bio-disc or similar system is proposed to treat foul effluent and /or drainage is to a controlled water or soakaway, the consent of SEPA and Angus Council will be required. (Policy ER23).
- (q) Proposals should incorporate appropriate waste recycling, segregation and collection facilities (Policy ER38)
- (r) Development should minimise waste by design and during construction.

Supporting Information

- (s) Where appropriate, planning applications should be accompanied by the necessary supporting information. Early discussion with Planning and Transport is advised to determine the level of supporting information which will be required and depending on the proposal this might include any of the following: Air Quality Assessment; Archaeological Assessment; Contaminated Land Assessment; Design Statement; Drainage Impact Assessment; Environmental Statement; Flood Risk Assessment; Landscape Assessment and/or Landscaping Scheme; Noise Impact Assessment; Retail Impact Assessment; Transport Assessment.

Policy SC1 : Housing Land Supply

Adequate land has been allocated in the Local Plan to meet the allowances of the Dundee and Angus Structure Plan up to 2011 as illustrated in Table 2.1. Land identified for residential development will be safeguarded from alternative uses, and its effectiveness will be monitored through the annual audit of housing land. Where sites allocated in the Plan are phased to extend beyond 2011 they will contribute towards meeting the indicative allowances for the 2011-2016 period.

Policy SC6 : Countryside Housing New Houses

- (a) Building Groups – One new house will be permitted within an existing building group where proposals meet Schedule 2 : Countryside Housing Criteria and would round off or consolidate the group.
- (b) Gap Sites – In Category 1 RSU's a single new house will be permitted on a gap site with a maximum road frontage of 50 metres; and in Category 2 RSU's up to two new houses will be permitted on a gap site with a maximum road frontage of 75 metres. Proposals must meet Schedule 2 : Countryside Housing Criteria as appropriate.
- (c) Rural Brownfield Sites – Redevelopment of redundant rural brownfield sites will be encouraged where they would remove dereliction or result in a significant environmental improvement. A statement of the planning history of the site/building, including the previous use and condition, must be provided to the planning authority. In addition, where a site has been substantially cleared prior to an application being submitted, or is proposed to be cleared, a statement by a suitably qualified professional justifying demolition must also be provided. Proposals should be small scale, up to a maximum of four new houses and must meet Schedule 2 : Countryside Housing Criteria as appropriate.

Exceptionally this may include new build housing on a nearby site where there is a compelling environmental or safety reason for removing but not redeveloping the brownfield site.

Large scale proposals for more than four new houses on rural brownfield sites will only be permitted exceptionally where the planning authority is satisfied that a marginally larger development can be acceptably accommodated on the site and it can be demonstrated beyond reasonable doubt that there are social, economic or environmental reasons of overriding public interest requiring such a scale of development in a countryside location.

- (d) Open Countryside - Category 2 RSU's - Development of a single house will be supported where Schedule 2 : Countryside Housing Criteria is met.

Policy SC9 : Affordable Housing

Angus Council will seek to secure the provision of affordable housing from housing developments on allocated sites, opportunity and windfall sites which will contribute towards meeting identified needs in each Housing Market Area as follows:-

- Arbroath – 20% LCHO housing;
- Brechin/ Montrose – 25% LCHO housing;
- Forfar, Kirriemuir and Glens – 15% LCHO housing;
- South Angus – 40% social rented and/or LCHO housing.

The requirement for affordable housing in each Housing Market Area will be applied to the overall capacity of sites of 10 or more units, or a site size equal to or exceeding 0.5 hectares. Where a site is being developed in phases of less than 10 units or less than 0.5 hectares the affordable housing requirement will still be applied.

Affordable housing developments may be permitted on sites outwith but adjacent to development boundaries provided it can be demonstrated that:-

- there is an identified local need that cannot be met on a suitable site within defined development boundaries;
- the proposal takes account of the provisions of Policy S6: Development Principles; and

- proposals are in accord with other relevant policies of the Local Plan.

In all circumstances, Section 75 or other legal agreements may be used to secure the delivery of affordable housing.

Policy SC19 : Rural Employment

Employment opportunities throughout rural Angus will be supported where they make a positive contribution to the rural economy and are of a scale and nature appropriate to the location. Proposals which reuse existing buildings and sites and those which assist diversification of an existing rural business will be encouraged. There may also be scope for mixed use developments incorporating staff accommodation and/or home/work units.

Policy SC20 : Tourism Development

Development proposals to provide new or improved tourist related facilities/attractions and accommodation will be permitted and encouraged where they:-

- improve the range and quality of visitor attractions and tourist facilities and/or extend the tourist season;
- have no unacceptable detrimental effect on the local landscape or rural environment;
- are in keeping with the scale and character of adjacent buildings or surrounding countryside;
- are generally compatible with surrounding land uses; and
- accord with other relevant policies of the Local Plan.

Policy SC31 : Sports and Recreation Facilities

Development proposals for new and/or enhanced sport and recreational facilities should be located within the existing development boundaries, unless requiring a countryside location. Proposals will be supported where they:

- would significantly improve the range and/or quality of sport and recreational opportunity; or
- would meet an identified community need; and
- are of an appropriate scale and nature, and in a location which would not have a significant detrimental impact on residential amenity;
- would accord with other relevant policies of this Local Plan.

Policy SC32 : Open Space Protection

There is a general presumption against development of open spaces of sporting, recreational, amenity or nature conservation value including those shown on the Proposals Maps, for other forms of development. The loss of open space will only be considered acceptable where:

- the retention or enhancement of existing facilities in the area can best be achieved by the redevelopment of part of the site where this would not affect its sporting, recreational, amenity or nature conservation value or compromise its setting; or
- replacement open space of the same type and of at least equal quality, community benefit and accessibility to that being lost will be provided within the local area; or
- it is demonstrated through an open space audit that there is an identified excess of open space provision in the local area to meet existing and future requirements taking account of the sporting, recreational and amenity value of the site.

Policy SC35 : New Golf Course Development

Angus Council will only support proposals for additional golf courses where it can be demonstrated that the development:-

- would meet unfulfilled local and/or visitor demand, and
- is consistent with other relevant policies of this Local Plan.

Housing and/or other land uses proposed in support of a new golf course will only be supported where it accords with the development strategy and relevant policies of this Local Plan.

Policy SC36 : Access Rights

Development proposals, which will result in a significant loss to the public of linear access, area access or access to inland water will be resisted.

Policy ER4 : Wider Natural Heritage and Biodiversity

The Council will not normally grant planning permission for development that would have a significant adverse impact on species or habitats protected under British or European Law, identified as a priority in UK or Local Biodiversity Action Plans or on other valuable habitats or species.

Development proposals that affect such species or habitats will be required to include evidence that an assessment of nature conservation interest has been taken into account. Where development is permitted, the retention and enhancement of natural heritage and biodiversity will be secured through appropriate planning conditions or the use of Section 75 Agreements as necessary.

Policy ER5 : Conservation of Landscape Character

Development proposals should take account of the guidance provided by the Tayside Landscape Character Assessment and where appropriate will be considered against the following criteria:

- (a) sites selected should be capable of absorbing the proposed development to ensure that it fits into the landscape;
- (b) where required, landscape mitigation measures should be in character with, or enhance, the existing landscape setting;
- (c) new buildings/structures should respect the pattern, scale, siting, form, design, colour and density of existing development;
- (d) priority should be given to locating new development in towns, villages or building groups in preference to isolated development.

Policy ER10 : Light Pollution

Where developments incorporate exterior lighting, Angus Council will require designs which minimise light spillage through use of low pressure sodium lights, full cut-off lanterns and other measures as appropriate. Where floodlighting is needed for sports pitches, golf driving ranges etc, it should be directed and hooded in such a way that the light source is not seen from any neighbouring properties, roads, or paths.

Policy ER11 : Noise Pollution

Development which adversely affects health, the natural or built environment or general amenity as a result of an unacceptable increase in noise levels will not be permitted unless there is an overriding need which cannot be accommodated elsewhere.

Proposals for development generating unacceptable noise levels will not generally be permitted adjacent to existing or proposed noise-sensitive land uses. Proposals for new noise-sensitive development which would be subject to unacceptable levels of noise from an existing noise source or from a proposed use will not be permitted.

Policy ER22 : Public Drainage Systems

Within towns and villages served by public sewers all development proposals requiring drainage must be connected to the public drainage system. Private drainage solutions will not be permitted within areas served by public sewers, even where they are subject to constraint.

Policy ER24 : Surface Water Disposal

Sustainable Urban Drainage Systems are preferred in dealing with surface water drainage from all new development. In considering development proposals Angus Council will consult and liaise closely with SEPA, Scottish Water and developers in order to ensure that appropriate methods of surface water run-off collection, treatment, decontamination and disposal are implemented to minimise the risk of flooding and the pollution of water courses, lochs and ground water.

Proposals that adopt ecological solutions to surface water management which promote local biodiversity by the formation of ponds and/or wetlands for example, and create or improve habitats will also be encouraged.

Policy ER28 : Flood Risk Assessment

Proposals for development on land at risk from flooding, including any functional flood plain, will only be permitted where the proposal is supported by a satisfactory flood risk assessment. This must demonstrate to the satisfaction of Angus Council that any risk from flooding can be mitigated in an environmentally sensitive way without increasing flood risk elsewhere. In addition, limitations will be placed on development according to the degree of risk from coastal, tidal and watercourse flooding. The following standards of protection, taking account of climate change, will be applied:-

- In Little or No Risk Areas where the annual probability of flooding is less than 0.1% (1:1000 years) there will be no general constraint to development.
- Low to Medium Risk Areas where the annual probability of flooding is in the range 0.1% - 0.5% (1:1000 – 1:200 years) are suitable for most development. Subject to operational requirements these areas are generally not suitable for essential civil infrastructure. Where such infrastructure has to be located in these areas, it must be capable of remaining operational during extreme flood events.
- Medium to High Risk Areas (see 2 sub areas below) where the probability of flooding is greater than 0.5% (1:200 years) are generally not suitable for essential civil infrastructure, schools, ground based electrical and telecommunications equipment.
 - (a) Within areas already built up sites may be suitable for residential, institutional, commercial and industrial development where an appropriate standard of flood prevention measures exist, are under construction or are planned.
 - a. Undeveloped or sparsely developed areas are generally not suitable for additional development.

Policy ER30 : Agricultural Land

Proposals for development that would result in the permanent loss of prime quality agricultural land and/or have a detrimental effect on the viability of farming units will only normally be permitted where the land is allocated by this Local Plan or considered essential for implementation of the Local Plan strategy.

Policy ER33 : Energy Efficiency

Angus Council will encourage energy efficiency through the promotion of:

- siting, form, orientation and layout of buildings to maximise the benefits of solar energy, passive solar gain, natural ventilation and natural light;
- the use of landscaping and boundary treatment to modify temperature extremes, minimise heat loss due to exposure and create shelter on inner faces and entrances to buildings;
- optimum provision of insulation and the use of energy efficient heating/cooling systems;
- the re-use of building materials;
- local sourcing of materials;
- the use of a flexible design to facilitate possible future adaptation for other uses;
- renewable energy generation and energy efficient systems in domestic and commercial buildings where appropriate, which reduce demand for power from non-renewable sources.

Policy Imp1 : Developer Contributions

Developer contributions will be required in appropriate circumstances towards the cost of public services, community facilities and infrastructure and the mitigation of adverse environmental impacts that would not have been necessary but for the development. Such contributions will be consistent with the scale and effect of the development and may relate to both on-site and off-site items that are required to produce an acceptable development in the public interest.

TAYplan Strategic Development plan

Policy 1A : Settlement Concentration

Strategies, plans, programmes and development proposals shall focus the majority of development in the region's principal settlements as follows:-

Tier 1 settlements have the potential to accommodate the majority of the region's additional development over the plan period and make a major contribution to the region's economy.

- Dundee Core Area: (Dundee City, Dundee Western gateway, Invergowrie, Monifieth, Tayport/Newport/Wormit, Birkhill/Muirhead) and,
- Perth Core Area: (Perth, Scone, Almondbank, Bridge of Earn, Oudenarde, Methven, Stanley, Luncarty, Balbeggie, Perth Airport).

Tier 2 settlements have the potential to make a major contribution to the regional economy but will accommodate a smaller share of the region's additional development.

Tier 3 settlements have the potential to play an important but more modest role in the regional economy and will accommodate a small share of the region's additional development which is more about sustaining them.

Policy 2A : Build in Resilience

Ensure that climate change resilience is built into the natural and built environments through:-

- (i) a presumption against development in areas vulnerable to coastal erosion, flood risk and rising sea levels; including the undeveloped coast. To ensure flood risk is not exacerbated, mitigation and management measures; such as those envisaged by Scottish Planning Policy, should be promoted;
- (ii) reducing surface runoff including through use of sustainable drainage systems;
- (iii) protecting and utilising the water and carbon storage capacity of soils, such as peatlands, and woodland/other vegetation; and,
- (iv) identifying, retaining and enhancing existing green infrastructure and spaces whilst making the best use of their multiple roles.

Policy 2B : Integrate Co-locate Infra

Integrate new development with existing community infrastructure and work with other delivery bodies to integrate, concentrate and co-locate additional new infrastructure to optimise its coverage and capability.

Policy 2C : Integration of Transport

Ensure the integration of transport and land use to:-

- reduce the need to travel and improve accessibility by foot, cycle and public transport; make the best use of existing infrastructure to achieve a walkable environment combining different land uses with green space; and, support land use and transport development by transport assessments/appraisals and travel plans where appropriate, including necessary on and offsite infrastructure.

Policy 2E : Energy Efficiency/Embedded

Ensure that high resource efficiency is incorporated within development through the orientation and design of buildings, the choice of materials and the use of low and zero carbon energy generating technologies to reduce carbon emissions and energy consumption to meet the Scottish Government's standards.

Policy 3A : Employment Land

Identifying and safeguarding at least five years supply of employment land within principal settlements to support the growth of the economy and a diverse range of industrial requirements:-

- safeguarding areas identified for Class 4 office type uses in principal settlements; and,
- further assisting in growing the year-round role of the tourism sector.

Policy 4A : Specific Sites

Identify specific sites for the Strategic Development Areas and allocate land for the uses set out in table 1, below and identified in the Proposals Map of this Plan:-

Strategic Development Areas	Type and Indicative Scale of Development
Orchard Bank, Forfar	25ha. of employment land.
Forfar Regional Agricultural Services Centre	Employment land for agricultural services.
Montrose Port	Employment land for port related land uses.

Policy 5A ; Build Rates, HMA Shift

Allocate land which is effective or capable of becoming effective to meet the housing land requirement up to year 10 from the predicted date of adoption, ensuring a minimum of five years effective land supply at all times, and work towards the provision of a seven years supply of effective housing land by 2015, to support economic growth. Land should be allocated within each Housing Market Area (Proposal 2) through Local Development Plans to provide an effective and generous supply of land to assist in the delivery of in the order of 26,000 units up to year 2024 across TAYplan. Average annual build rates are illustrated*. In the period 2024 to 2032 in the order of 17,400 units may be required. To assist the delivery of these build rates, Local Development Plans shall allocate sufficient land to ensure a generous supply of effective housing sites and to provide for flexibility and choice.

- in serious cases of appropriately evidenced environmental or infrastructure capacity constraints, provide for up to 10% of the housing provision for one market area to be shared between one or more neighbouring housing market areas within the same authority taking account of meeting needs in that housing market area.
- ensure that the mix of housing type, size and tenure meets the needs and aspirations of a range of different households throughout their lives, including the provision of an appropriate level of affordable housing based on defined local needs. Local Development Plans (where applicable) will need to set affordable housing requirements for or within each housing market area.

Policy 5C : Dundee & Perth Core Areas

Ensure there is a presumption against land releases in areas surrounding the Dundee and Perth Core Areas, including the Carse of Gowrie, where it would prejudice the delivery of Strategic Development Areas or regeneration within the core areas or conflict with other parts of this Plan.

Policy 8 : Deliver Strategic Development

To ensure that quality is designed-in to development and places developer contributions shall be sought for new developments:-

to mitigate any adverse impact on infrastructure, services and amenities brought about by development including contributions towards schools, affordable housing, transport infrastructure and facilities (including for road, rail, walking, cycling and public transport), and other community facilities in accordance with the Scottish Government Circular 1/2010.