

ANGUS COUNCIL

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
(AS AMENDED)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT
PROCEDURE) (SCOTLAND) REGULATIONS 2013

PLANNING PERMISSION - CONDITIONAL APPROVAL
Reference 13/00086/FULM



To: **Bruadair Ltd**
c/o Adam And McPhail Chartered Architects
Merchant's House, Laws Close
339-343 High Street
Kirkcaldy
KY1 1JL

With reference to your application dated **11 February 2013** for planning permission under the above mentioned Acts and Regulations for the following development viz:-

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 at Land At Shank Of Omachie Wellbank for Bruadair Ltd

The Angus Council in exercise of their powers under the above mentioned Acts and Regulations hereby **Grant Planning Permission (Committee Decision)** for the said development in accordance with the particulars given in the application and plans docketed as relative hereto in paper or identified as approved on the Public Access portal.

The permission is subject to the following conditions, namely:-

- 1 That plans and particulars of the matters listed below shall be submitted for consideration by the Planning Authority in accordance with the timescales and other limitations in Section 59(2) of the Town and Country Planning (Scotland) Act 1997 (as amended). No work shall begin on any distinct phase or zone of development until details have been submitted to, and approved in writing by, the Planning Authority, in consultation where relevant (as specified in parentheses below for each particular criterion). 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 C is not approved;
 - (a) iii. 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 (SEPA);
 - (a) iv. a phasing plan for the whole site: the submitted phasing plan SK 007 A is not approved; and
 - (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 and street lighting;
 - (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. 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 (SEPA);
- (b) ix. full details of any new crossings to watercourses within the site (SEPA);
- (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;
- (b) xi. measures to maximize environmental sustainability through design, orientation and planting or any other means; and
- (b) xii. details of measures to ensure that 9 holes at the existing golf course remain playable during all construction.

(c) Residential Development Plots

- (c) i. road layout design and specification including provision of parking and street lighting;
- (c) ii. details of the siting, design, height and external materials of all buildings or structures on the site;
- (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 (SEPA); and
- (c) ix. full details of any new crossings to watercourses within the site (SEPA).

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; and
- 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.

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. |

- 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), 1(c)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).
- 6 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.
- 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 and arrangements for maintenance thereof, have been submitted to and approved in writing by the Planning Authority.

- 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; and
 - iv. Provide details of maintenance proposals for any non adoptable paths and access routes across the site.
- 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; and
 - 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).

- 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.
- 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) and the habitat management and enhancement plan (condition) 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.

The foregoing conditions are imposed by the Council for the following reasons:-

- 1 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 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 and to ensure that the design and layout of the development can be adequately assessed.
- 4 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 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 In the interests of public health and to prevent pollution.
- 9 To ensure that public open space is provided and maintained to an acceptable standard throughout the development.
- 16 In order to promote compliance with Part I of the Land Reform (Scotland) Act 2003 and to secure and enhance existing public access.
- 18 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.
- 22 In the interests of road safety.
- 29 To ensure that all construction activity is undertaken so as to protect the biodiversity of the site and the amenity of neighbouring properties.

The reason(s) for the foregoing decision by the Council are as follows:-

The proposed revisions to the planning conditions attached to permission 09/00695/OUT will allow for early delivery of those parts of the approved development that will provide the most significant economic and social benefits for Angus. The revised conditions will ensure sufficient control for the planning authority to regulate the development and to ensure that the details of the proposal comply with relevant policies of the development plan and minimise impact on infrastructure and the environment. There are no material considerations that justify refusal of the application.

Dated this **2 May 2013**

Head of Planning & Transport,
Communities,
County Buildings,
Market Street,
Forfar
DD8 3LG

NOTES

The decision was based on the following amendment(s):-

1. The application has not been subject of variation.

It should be understood that this permission does not carry with it any necessary consent or approval to the proposed development under other statutory enactments e.g. the Building (Scotland) Act 2003 and the Building (Scotland) Regulations 2004 as amended.

WARNING ANY ALTERATIONS MADE TO THE APPROVED PLANS OR STATED CONDITIONS WITHOUT THE PRIOR CONSENT OF THE LOCAL PLANNING AUTHORITY COULD LEAD TO ENFORCEMENT ACTION BEING TAKEN TO REMEDY OR REINSTATE THE UNAUTHORISED ALTERATIONS