

ANGUS COUNCIL



TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
(AS AMENDED)
TOWN AND COUNTRY PLANNING (DEVELOPMENT
MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2013

APPROVAL OF MATTERS SPECIFIED IN CONDITIONS
REFERENCE 13/00843/MSCM

To: MAP PLD Angus Ltd & MB Forbes & Company
c/o Hardies LLP
Per James McArthur
Swilken House
35 Largo Road
St Andrews
KY16 8NJ
St Andrews

With reference to your application dated **2 October 2013** for planning permission under the above mentioned Acts and Regulations for the following development viz:-

Approval of Matters Specified in Conditions for All Matters in Conditions 1(a) (Overall Development) and 1(b) (Leisure Development Zone) of Outline Planning Permission (09/00695/OUT) (the relevant conditions for which were amended by Planning Permission: 13/00086/FULM) for Formation Of 18 Hole Championship Golf Course With Associated Maintenance Building And Golf Clubhouse, Golf Academy, Hotel Spa And Lodges, Associated Access and Including Masterplanning Of 160 Residential Plots. at Land At Shank Of Omachie Wellbank for MAP PLD Angus Ltd & MB Forbes & Company

The Angus Council in exercise of their powers under the above mentioned Acts and Regulations hereby **Grant Approval of Matters Specified in Conditions (Committee Decision)** for the said development in accordance with the particulars given in the application and plans docqueted 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 notwithstanding the terms of the masterplan (Drawing No. 12008E-100-Revision P15), all roads that exclusively serve residential zones are not approved, and further the plot subdivisions of the residential zones are not approved. For the avoidance of any doubt the road layout within Zone 3, in so far as it relates to those areas identified as Plots 44 - 53 and 63 - 66 inclusive, the road layout within Zone 6 identified as the market housing plots, and the detail of the new access road serving Zone 5 are not approved.
- 2 That the 160 dwellings shall be located within the housing zones as identified on the masterplan (Drawing No. 12008E-100-Revision P15). The prior written approval of the planning authority shall be obtained before development commences in any housing zone identified within this permission.
- 3 No residential development/use shall take place in the area identified as Plots 44 - 53 and 63 - 66 inclusive on the approved masterplan, until such time as a scheme has been submitted to and approved in writing by the planning authority that demonstrates vibration and noise levels at any dwelling to be built in that area can meet the following criteria: -
 1. Vibration levels resulting from the operation of Cunmont Quarry and any ancillary use shall not exceed 12mms-1 PPV at a confidence level of 99.9% and 7.6mms-1 PPV at a confidence level of 90%;
 2. Air over pressure levels resulting from the operation of Cunmont Quarry and any ancillary use shall not exceed 120dB;
 3. Noise levels associated with the operation of Cunmont Quarry and any ancillary use shall not exceed 55dBA Leq 1-hour or background noise level +10dBA, whichever is the lesser.

Thereafter any mitigation measures as approved by the planning authority to achieve these levels shall be in place before the commencement of construction of any dwelling in the area identified above. The approved mitigation measures shall be retained in situ until the operation of Cunmont Quarry and any ancillary use or operation has permanently ceased as agreed in writing with the planning authority.

- 4 That prior to the commencement of use or occupation of any part of the leisure development zone a detailed scheme for the specification, timing of installation and maintenance of fencing or other boundary treatments for the entire leisure development zone and additionally for planting and warning signs for fencing adjacent to Cunmont Quarry shall be submitted to and approved in writing by the Planning Authority. Thereafter the fencing or other boundary treatments shall be erected and maintained in accordance with the approved details.
- 5 That prior to any closure of Core Path Route 200, a detailed scheme for the rerouting (or any temporary diversion) of the path, including phasing of the rerouting/diversion and appropriate signage, shall be submitted to and approved in writing by the planning authority. Once approved the scheme shall be implemented in accordance with the approved details. For the avoidance of any doubt the rerouted Core Path shall be provided in full prior to the opening of any part of the leisure development unless otherwise approved in writing by the planning authority.
- 6 That within 1 month after the first year anniversary of the opening of any part of the leisure facilities a Travel Plan will be submitted to the Planning Authority for written approval. Once approved, the Travel Plan(s) will be monitored and a review of the plan(s) will be prepared and submitted to the Planning Authority on an annual basis. All plans shall meet the standards set out in the Travel Plan Framework dated 26 July 2013, prepared by Sam Shortt Consulting.
- 7 That light spill from the golf driving range floodlights or any other artificial lights within the leisure development zone shall not exceed 5 lux as measured flat on the glazing at the centre of the window of any habitable room in any residential property existing at the time of this permission or approved as part of this development.
- 8 That prior to the construction of any drainage infrastructure details of the drainage infrastructure to be adopted by Scottish Water and/or the Roads Authority, including a plan, shall be submitted to and approved in writing by the Planning Authority. These details should include formal confirmation from Scottish Water that it will adopt the infrastructure.
- 9 That prior to the construction of any surface water drainage infrastructure full details of the Sustainable Urban Drainage System (SUDS), which will, where appropriate, confirm that the scheme is to be constructed to the specification in Sewers for Scotland 2, shall be submitted to and approved in writing by the Planning Authority. Thereafter the surface water drainage system shall be formed in accordance with the approved details.
- 10 That before any external finishing materials are applied to any building within the leisure development zone, precise details of the external material finishes for that building, including any samples that may be requested shall be submitted to and approved in writing by the planning authority. Thereafter only the approved external finishing materials shall be applied to the building unless otherwise approved in writing by the planning authority.
- 11 That within 1-month of identification of any impact on the private drainage system of any existing property arising from development works, a specific scheme to mitigate those impacts, including the timing of implementation of that mitigation shall be submitted to and approved in writing by the planning authority. Should any existing private drainage system be affected by works during the course of development the developer shall provide any temporary measures necessary to maintain functionality of the private drainage system until such time as a permanent system is provided.
- 12 That the 'boundary structure tree planting' and the 'golf course structure tree planting' as shown on Drawing No. 12008E-101 Rev P02 shall be provided before the commencement of use or occupation of any part of the leisure development zone.
- 13 That prior to the commencement of use or occupation of any part of the leisure development zone the bus turning area, bus shelter/s and associated infrastructure shall be formed and constructed in accordance with the standards of Angus Council.

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

- 1 In order to allow full consideration of the suitability of the road layout/detail and plot subdivision in the context of a subsequent application or applications for approval of matters specified in condition 1(c) of planning permission 13/00086/FULM and in relation to the suitability of the proposed layout of zone 3, the provision of information to demonstrate that specified noise and vibration levels can be met at any residential property within that zone or part thereof.
- 2 In order to clarify the terms of this permission and to ensure the phasing of the housing development in a manner that minimises amenity and environmental impacts.

- 3 In order to ensure that residential accommodation is not located in an area where occupants would be adversely affected by unmitigated vibration or noise from activities at or associated with Cunmont Quarry.
- 4 In the interest of visual amenity and public safety.
- 5 In the interest of public safety and to maintain access to the Core Path.
- 6 To ensure that the measures identified in the Travel Plan Framework are implemented, in the interest of promoting the use of sustainable transport.
- 7 To protect the residential amenity of occupants of all nearby residential properties.
- 8 To ensure the ongoing maintenance and effectiveness of the drainage infrastructure.
- 9 To ensure a satisfactory standard of drainage infrastructure construction.
- 10 In order that the planning authority may verify the acceptability of the external material finishes in the interests of the visual amenity of the area.
- 11 In order to ensure that any adverse impact on existing private drainage systems is adequately mitigated in the interests of safeguarding the environment of the area and the amenity of occupants of residential property.
- 12 In order to ensure that the strategic landscaping required to integrate the development in the landscape is provided at an appropriate stage in the phasing of the development.
- 13 In order to ensure that the necessary public transport infrastructure is in place before the development becomes operational.

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

That the details and information submitted demonstrate that the scheme proposed satisfies the requirements set out in Conditions 1(a) and 1(b) of the relevant outline planning permission (ref: 09/00695/OUT, as amended by ref: 13/00053/FULL) in a manner that is compatible with relevant Development Plan policy. Approval of this application will assist in delivering a development that will provide significant economic benefits and employment opportunities for the area and for the Angus economy.

Dated this **25 March 2014**

Iain Mitchell
Service Manager
Angus Council
Communities
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NOTES

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

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