

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 8 MARCH 2022

PLANNING APPLICATION - LAND AT SHANK OF OMACHIE

GRID REF: 347892 : 736899

REPORT BY SERVICE LEAD – PLANNING & SUSTAINABLE GROWTH

**Abstract:** This report deals with application No. [21/00872/MSC](#), submitted by Mr Mike Forbes (The Angus Venture Limited), which relates to land at Shank of Omachie, Wellbank. It is an application for approval of matters specified in conditions relating to the Formation of 18 Hole Championship Golf Course, Golf Academy, Hotel Spa and Lodges, Golf Clubhouse, 160 Residential Plots and Associated Accesses. It seeks authorisation for the approval of condition 1A (overall development), condition 1B (leisure/golf development zone), condition 1C (hotel & spa), Condition 1D (iii), (iv), and (vi), and Condition 2 (technical requirements) compliant with conditions 3, 4, 5 and 6 of planning permission in principle 19/00095/PPPM. The application is recommended for conditional approval.

**1. RECOMMENDATION**

It is recommended that the application be approved for the reason and subject to the conditions given in Section 10 of this report.

**2. ALIGNMENT TO THE ANGUS LOCAL OUTCOMES IMPROVEMENT PLAN/CORPORATE PLAN**

This report contributes to the following local outcome(s) contained within the Angus Local Outcomes Improvement Plan and Locality Plans:

- Safe, secure, vibrant and sustainable communities
- A reduced carbon footprint
- An enhanced, protected and enjoyed natural and built environment

**3. INTRODUCTION**

3.1 Planning permission in principle for the formation of an 18 hole championship golf course, golf academy, hotel, spa and lodges, golf clubhouse, 160 residential plots and associated accesses on land at Shank of Omachie, Wellbank was granted by Angus Council at its meeting of 9 May 2019 ([Report No. 149/19](#)). A plan showing the location and extent of the site is provided at Appendix 1 and a copy of the conditions attached to the planning permission in principle is provided at Appendix 2.

3.2 The planning permission in principle requires the submission of further applications for the approval of matters specified in condition 1 along with information to assist in the determination of those matters as detailed in condition 2. This application seeks approval of the matters detailed in condition 1A relating to the overall development, condition 1B relating to the leisure development zone, and condition 1C relating to the hotel and spa zone and some limited details relating to the residential development plots 1D. This would allow the formation of the 18-hole championship golf course with associated maintenance building and golf clubhouse, golf academy, hotel, spa and lodges, with associated access and it provides a masterplan that includes an indication of the location of the 160 residential plots. A copy of the masterplan layout is provided at Appendix 3.

- 3.3 The application has been advertised in the press and subject of statutory neighbour notification as required by legislation.
- 3.4 The application has been varied to delete a domestic recycling facility and turning area adjacent to the B961 public road and to provide additional planting at that location.

#### **4. RELEVANT PLANNING HISTORY**

- 4.1 Angus Council, at its meeting of 22 November 2010, resolved to grant planning permission in principle 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).
- 4.2 Further permissions have been granted in the intervening period that have essentially provided for amendment to conditions of the original planning permission in principle and extended the duration. In addition, at its meeting on 18 February 2014, this committee resolved to grant approval of detailed matters relating to the masterplan for the site, the general layout and distribution of uses, and for detailed design on the leisure zone, including the hotel and its associated buildings (application [13/00843/MSCM](#) and [Report No 98/14](#) refer).
- 4.3 Angus Council, at its meeting of 9 May 2019, considered an application under Section 42 of the Town and Country Planning (Scotland) Act 1997 which sought modification of the terms of the planning permission in principle. The modification effectively sought to allow the delivery of the hotel and spa or golf course in advance of any residential development and to reflect changes in developer contributions required for the development. That application was approved resulting in the grant of a new planning permission in principle (application [19/00095/PPPM](#) and [Report No. 149/19](#) refer),
- 4.4 The planning obligation relating to the site incorporates a number of requirements including provision for 30 affordable houses (up to 10 of which could be provided by developer contribution) (Clauses 1 to 4); a financial contribution towards primary and secondary education (Clause 5); provision of land to facilitate an expansion of primary school accommodation (Clause 6); provision of a hotel with a minimum of 150 bedrooms, spa, leisure and conference facilities and restaurant and graded as 5 star (clause 8); and a Local Training and Staff Recruitment Strategy (Clause 9).

#### **5. APPLICANT'S CASE**

- 5.1 The following documents have been submitted in support of the application: -
- Design Statement
  - Development Brief
  - Travel Plan Framework;
  - Outline Landscape Specification;
  - Bat Activity and Tree Survey Report
  - Habitat Enhancement Plan
  - Environmental Management Plan
  - Lighting Impact Assessment
  - Sustainability and Low Carbon Statement
  - 5 Star Rating Report
  - Assessment of Environmental Impact of Blasting
  - Drainage Strategy Report

- Flood Risk Assessment
- Noise Impact Assessment
- Air Quality Assessment
- Archaeological Written Scheme of Investigation
- Construction Management Plan
- Golf Safety Assessment

5.2 The information submitted in support of the application is available to view on the [Public Access](#) system and is summarised at Appendix 4.

## 6. CONSULTATIONS

6.1 **Angus Council – Roads** – has no objection to the proposal. Roads notes the position of the main site access onto the B978, the secondary access onto Drumsturdy Road and the new access that would be created for Blawearie. It considers the proposed travel plan framework to be acceptable. Roads considers the position of bus laybys and shelters to be acceptable and has indicated that the detailed design and specification of internal roads can be resolved through road construction consent procedures. Roads has indicated that the visibility splays of 2.4m x 215m onto Drumsturdy Road to the south of the site can be achieved and conform to council standards. It has requested a planning condition requiring a scheme of improvements to the Shank of Omachie Farm access from Mattocks Road to ensure it is constructed to a standard suitable to accommodate the additional traffic it would serve. It has no objection to the proposal in relation to flooding or drainage matters but has requested planning conditions to secure further information relating to surface water flood risk and surface water management.

6.2 **Community Council** – has not commented.

6.3 **Scottish Water** – has no objection. It has indicated that there is currently sufficient water supply and wastewater capacity in the public network to serve the development.

6.4 **Archaeology** – notes the content of the written scheme of investigation and has indicated that the pre commencement aspects of the condition are satisfactorily addressed and offers no objection.

6.5 **Angus Council - Environmental Health** - has considered the application in respect of matters including noise, vibration, air quality, lighting and golf ball safety. It notes that conditions were attached to the planning permission in principle regulating the hours of operation of the golf driving range, regulating noise from plant and equipment associated with the hotel and leisure facilities, and regulating noise from amplified sound. It also notes that details relating to the residential development will be subject to a separate application which will require careful siting of housing in Area 3 to ensure it is not subject to adverse impacts from vibration associated with blasting in Cunmont Quarry. Environmental health has offered no objection to the proposal subject to planning conditions requiring the installation of noise barriers, regulating construction noise, air quality, dust mitigation and external lighting. *Issues regarding the detail of the residential development plots and the requirement for supporting information/ mitigation for that area will be addressed through applications for that zone.*

6.6 **SEPA** – has no objection. It notes that foul drainage would be discharged into the public sewer and sustainable drainage would be provided for surface water. SEPA has considered the flood risk assessment submitted and is satisfied with its methodology and conclusions. SEPA requests a planning condition to secure a CCTV survey of cundy culvert and an update to the masterplan layout to confirm the precise route of this culvert relative to buildings within the site to ensure that the

development is not subject to an unacceptable level of flood risk.

## 7. REPRESENTATIONS

7.1 15 letters of representation have been received from nine households. Six households object, two offer support, and one provides general comment. The letters are provided at Appendix 5 and are available to view on the council's [Public Access](#) website.

7.2 The matters raised in objection are summarised as follows: -

- **Proposal contrary to development plan**
- **Road safety and lack of sustainable travel options**
- **Impact on residential amenity**
- **Impact on natural environment (trees and protected species)**
- **Lack of landscaping**
- **Flood risk and drainage issues**
- **Impact on drainage of existing housing**
- **Landscape and visual impact of the development**
- **Inappropriate to locate refuse area on Drumsturdy Road**
- **Insufficient school capacity**
- **Insufficient capacity at medical centre**
- **Impact on infrastructure**
- **Light pollution**
- **Lack of information relating to proposed solar panels**
- **Air pollution**
- **Impact on climate change**
- **Use of marquee**
- **Impact of mis-hit golf balls/safety**
- **Lack of open space**
- **Impact on core path**

7.3 The matters raised in support are summarised as follows: -

- **Economic benefits to other local businesses**
- **Job creation**
- **High quality design**
- **General support subject to impact on drainage on existing housing being rectified by developer**

7.4 The general comment is summarised as follows: -

- **Request steps are taken to ensure impacts on 3/4 Shank of Omachie are minimised through appropriate design to reduce flood risk, control light spill, and protect stone dykes surrounding that property.**

7.5 The matters are discussed below.

## 8. PLANNING CONSIDERATIONS

8.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.

8.2 In this case the development plan comprises: -

- [TAYplan](#) (Approved 2017)

- [Angus Local Development Plan \(ALDP\)](#) (Adopted 2016)

- 8.3 The development plan policies relevant to the determination of the application are reproduced at Appendix 6 and have been considered in preparing this report.
- 8.4 As indicated above the principle of this development has already been established by the grant of planning permission in principle 19/00095/PPPM. That permission was granted as a departure from the development plan on the basis that it would bring significant economic benefits and employment opportunities to the area and would provide much needed high quality hotel accommodation which would benefit the future diversification of the Angus economy.
- 8.5 The principle of this development has been established and cannot be revisited through the consideration or determination of this application. This application seeks approval of matters specified in conditions 1(a), 1(b), 1(c) and some limited aspects of 1(d) of permission 19/00095/PPPM and it is only the matters for which approval is sought and matters that are relevant to their consideration that can be taken into account.
- 8.6 Condition 1(a) of permission 19/00095/PPPM requires approval of matters relating to the overall development. These include provision of a masterplan for all elements of the entire development; site access; a drainage masterplan; whole site phasing; provision of a travel plan; and details relating to the provision of bus lay-bys and shelters on the B978.
- 8.7 Condition 1(b) deals with the leisure development zone and requires approval of all matters relating to the detailed layout and design of those elements including the golf course, golf academy and driving range, practice holes, golf clubhouse and associated buildings, and replacement holes for the existing course.
- 8.8 Condition 1(c) deals with the hotel and spa zone and requires approval of all matters relating to the detailed layout and design of those elements including the 5-star hotel and spa and holiday lodges and associated works.
- 8.9 Condition 1(d) deals with the residential development plots and requires approval of all matters relating to the detailed layout and design of those elements. In this case, the only matters for which approval is sought in this application relate to the provision of open space (1(d)(iii)), landscaping (1(d)(iv)) and walls and fencing (1(d)(vi)). The application does not seek approval for the design and detailed layout of housing within plots and the housing element will be subject of a separate application for approval of those matters in the future.
- 8.10 The application is supported by detailed technical information as required by condition 2 of the planning permission in principle. This report deals with each condition in turn.

### **Condition 1(a) - Overall Development**

- 8.11 A masterplan (Appendix 3) has been submitted in respect of the requirements of Condition 1(a)i. The submitted masterplan identifies the location of different land uses, landscaping for the site and provides access and circulation detail. The masterplan is therefore central to the consideration of each aspect of the scheme and is interlinked with the matters specified and related planning conditions.
- 8.12 The masterplan provides for a new access on the B978, approximately 160 metres to the south of the property known as Rigside. This would provide the main access to the northern area of the site, including the hotel and golf course. The existing access to Shank of Omachie farm would be upgraded and this would serve as a secondary access for the northern section of the site. An access is also proposed from the B961

(Drumsturdy Road) which would serve the southern section of the site and an existing residential property known as Blawearie (Firview). Each of these accesses would be tree lined and would also have an adjacent pedestrian footway. Two new accesses are shown from Mattocks Road which would serve the 75 mainstream houses in that area. The access from the B978 would also serve as an access for buses and coaches and a bus/ coach turning facility would be provided within the site. Conditions attached to the planning permission in principle specify sightline requirements associated with the new junctions from the B978 and B961 and the roads service has indicated that it finds the proposed detail acceptable, subject to a condition requiring a scheme of improvements to the Shank of Omachie farm access from Mattocks Road. The accesses and roads would be designed to meet relevant roads standards and the provision of the footways should minimise the potential for vehicle/ pedestrian conflict. The proposed access arrangements are consistent with the requirements of the planning permission in principle.

- 8.13 The masterplan demonstrates that the golf course would be the single largest land use. It would occupy the central area of the site and extend from the existing Shank of Omachie access road in the west to the boundary with Cunmont Quarry in the east. The hotel and club house would be located to the north of the golf course again in a central area of the site with holiday lodges located around the hotel complex. The golf driving range would be in the western area of the site, extending from the existing Shank of Omachie access road to the boundary with the B978. An area of open space in the region of 1ha in area would be located to the southwest of the hotel. The masterplan also provides for 160 residential units with the majority of the large fairway plots located to the north of the site, along the main internal road network, and adjacent to the hotel and leisure facilities. A further zone of fairway housing would be located to the east of Mattocks Road. The remaining fairway homes would lie to the south of the golf course in the southeast area of the site. Two replacement holes for the existing 9-hole golf course at Kingennie would be relocated to an area of land lying to the south of this housing zone. Finally, in terms of housing, the masterplan makes provision for some 75 more modest housing plots in the western area of the site to the north of Mattocks Road. This area also makes provision for a potential extension to the primary school as required by the planning obligation. The exact size of any area is not known at this stage, but the masterplan indicates that there is potential to accommodate this within the area if required. The masterplan also demonstrates that the overall development would sit within a landscaped framework with substantial areas of planting on the boundaries and within the site.
- 8.14 In general landscape terms the distribution of land uses does not give rise to any specific concerns. The hotel's siting strikes a satisfactory balance between the desired prominence within the resort and the site's natural resources in respect of topography and landscape. The northern area of the site is elevated and therefore prominent. In this respect the provision of planting along the northern boundary of the site will assist in integrating the development into the wider landscape. Similarly, the provision of the smaller house plots to the north of Wellbank would effectively act as an extension to the village and link the new development with the existing settlement. The generality of the masterplan provides sufficient confidence that an acceptable design solution could be achieved as details of both the leisure and residential phases of the scheme come forward.
- 8.15 The masterplan requires to be considered in terms of the impact of the distribution of the proposed uses on neighbouring land uses and the amenity of existing properties, and the resultant amenity that would be created given the proposed distribution.
- 8.16 There are residential properties located within and adjacent to the area covered by the masterplan. Those properties are either currently located on the periphery of the village or in what would be regarded as countryside locations. The character of the currently isolated properties would change substantially as they will become part of a

wider development. This would be a significant change for the occupants of those properties but this scenario can occur at any time when a settlement expands. It was an impact that was known when the planning permission in principle was approved. However, the proximity of new uses to existing properties and the associated amenity impacts are matters that require further consideration. A number of the existing houses would be located close to proposed houses, and these are land uses that are considered to be compatible. The impact of new properties on the amenity of the existing will be considered when details of the proposed housing are submitted, but at this stage there is no reason to consider that the new housing cannot be provided in a manner that would give rise to unacceptable amenity impacts for the occupants of existing houses. The garden of 3/4 Shank of Omachie would be in the region of 60 metres from the hotel location and would be separated from it and its associated car parking areas by landscaping. This type of relationship between uses is not uncommon and not one that is unacceptable.

- 8.17 Two existing properties would be close to the proposed golf driving range and a third would be close to the golf course. Safety assessment information (in respect of golf ball stray) and a lighting impact assessment have been submitted. The golf safety assessment indicates that recognised industry standards for safety margins for the golf course design are comfortably met, and golf safety fencing is proposed adjacent to the driving range. The lighting assessment indicates that there will be no significant impacts at sensitive receptors in proximity to the proposed development and suggests that the lighting design ensures that levels of light spill outside the site are mitigated and controlled. The environmental health service has indicated that the proposal should not give rise to any unacceptable impacts on neighbouring properties subject to the submission of precise details of the location and specification of external lighting. It is also relevant to note that there is a planning condition attached to the existing permission which limits the hours of operation of the golf driving range. The landscape scheme also makes provision for landscaping between the golf driving range and the neighbouring properties.
- 8.18 The masterplan shows an area of housing identified as Area 3 which is in the region of 200m from the west boundary of Cunmont Quarry. The application is supported by information relating to noise and vibration. Environmental health officers have indicated that acoustic barriers are likely to be required at housing closest to the quarry to mitigate noise from quarry operations. They have also indicated that vibration associated with blasting at the quarry could impact on the housing in Area 3, some of which is predicted to be subject to vibration levels in excess of those normally considered to be acceptable. The various zones identified for housing in the masterplan are large enough that any houses that could not be accommodated in the eastern part of Area 3 could be redistributed. The precise location of housing and the final distribution of units in each respective area would be considered through a separate application for the approval of matters specified in conditions for the residential development plots (condition 1D of the planning permission in principle). The general design concept, number of houses, and location for the housing zones is broadly acceptable. However, the detail of these zones and the specific distribution of house plots would be considered as part of a subsequent application.
- 8.19 A network of formal access paths is provided within the masterplan, both alongside the internal road network and in addition to them. Core Path Route 200 - Shank of Omachie to Kingennie Fishings - circulates through the central section of the site, including in the vicinity of the proposed hotel and across several holes on the championship golf course. The core path is an important resource, and it would be re-routed as part of the development. The nature of the route would be altered, but that has generally been accepted through the grant of previous permissions. The proposed route is similar to that previously approved by committee. Sections would be in the proximity of the golf course but that is the case at present and is not uncommon. A formal diversion order for the rerouting of the core path would be required.

- 8.20 Overall the generality of the masterplan is considered acceptable and capable of providing an acceptable development subject to the detailed design of the various elements.
- 8.21 The drainage masterplan indicates that foul drainage from the development would connect to the public drainage network at Wellbank Waste Water Treatment Works, which is located to the west of the existing Forbes of Kingennie resort adjacent to U307 public road. Surface water would be managed by sustainable drainage methods ultimately feeding into the inter-connected ponds contained within the golf course and discharging into the Buddon Burn at the southeast of the site. Relevant consultation bodies have indicated no objection to the proposed arrangements but have requested conditions to deal with residual matters.
- 8.22 The applicant has identified that all existing properties that have private drainage infrastructure within the site could be connected to the new foul and surface water drainage system. The applicant notes that this will require agreement with individual owners and suggests that if those parties wish to retain existing arrangements, they would not be impacted. The generality of this arrangement is acceptable and would ensure that the drainage arrangements for existing properties are not compromised. A planning condition is proposed which requires the implementation of mitigation where development impacts on the drainage systems of existing properties.
- 8.23 The site phasing information indicates that the development would be delivered in five phases with the golf course, driving range, core path works and planting falling into phase 1; the site entrance and gatehouse, access road, clubhouse, golf academy and maintenance facility falling within phase 2; and the hotel, lodges and associated landscaping falling into the phase 3. The final phases (4 & 5) would be the residential development with fairway housing developed in phase 4 and the mainstream housing in phase 5. Condition 3 of the planning permission in principle includes obligations in terms of the delivery of the hotel and leisure elements of the development and provides limits (or rights) as to the number of houses that can be developed prior to those obligations being met.
- 8.24 The phasing information submitted by the applicant through the masterplan programme indicates an intention to develop all of the hotel and leisure aspects of the scheme (hotel, lodges, academy, golf clubhouse, maintenance building and 18-hole golf course) and associated access and landscaping by January 2025. No specific timescale is provided for the delivery of the housing, but that would be controlled by the generality of condition 3 of the planning permission in principle and the detail is a matter that would require submission of an application for further approval as part of any application for the residential zone. The approach to phasing set out is considered to be acceptable and it would result in the delivery of the elements of the scheme which would deliver the greatest economic benefits early in the site development.
- 8.25 The final aspect of matters specified in Condition 1(a) is the requirement for a travel plan to set out proposals for reducing dependency on the private car and how this will be managed, reviewed and reported, along with a requirement for details of bus lay-bys and shelters on the B978. The Travel Plan Framework submitted with the application is acceptable to the roads service. It highlights a range of initiatives and opportunities that can be developed. The use of buses as part of the public transport system, which passes the entrance of the site on the B978 or serves nearby Wellbank is specifically identified. The planning permission in principle requires the provision of bus lay-bys and shelters at either side of the B978 and the location of these is identified on the masterplan. The masterplan provides for a turning circle for buses within the development. The travel plan as submitted is a framework and identifies the need for further review of travel arrangements as and when the site is occupied, to tailor the needs for users. The submission recommends the preparation



of a targeted travel plan once the site is operational with a review one year after to respond to specific needs. This approach is considered acceptable in the context of this overall development and a planning condition is proposed to ensure that follow-up travel plans are prepared in a meaningful way.

### **Condition 1(b) - Leisure Development Zone**

- 8.26 Condition 1(b) requires approval of matters relating to the leisure development zone including the 18-hole championship golf course, golf academy and driving range, new golf clubhouse and two replacement holes for the existing golf course.
- 8.27 The new golf course and two replacement holes for the existing course has been assessed in terms of the overall masterplan in Condition 1(a) above and as such the principle of the location of the course, the associated landscaping and its overall role in the scheme is regarded as being acceptable. The golf course layout and design mirrors the scheme previously approved in 2014 and utilises the existing sloping landform within the site. In support of the scheme, a contour plan providing finished levels of the course has been submitted and is generally acceptable although a condition is proposed that requires further precise detail. Similarly, the landscaping associated with this element of the proposal is considered acceptable. Safety issues associated with the course relative to existing and proposed properties have been considered and there are not considered to be any significant adverse amenity impacts on existing or proposed properties in the vicinity.
- 8.28 The golf clubhouse is a relatively modest building in terms of scale and mass. The building would be integrated into the slope with two levels on the south elevation and one on the north elevation. The majority of facilities would be located on the upper ground floor with the bar, restaurant, lobby, retail, and external terrace overlooking the course; and the lower ground floor would accommodate changing facilities, staff facilities and a plant room. The form and appearance of the building replicates and complements the hotel building with a pitched slate roof, white harl and building features picked out in natural stone. This is considered to successfully tie the two elements together as part of the masterplan and results in a building that is appropriate in all aspects of design which would benefit from a landscaped setting. The adjacent cart store is a more functional building but would be sited in a manner where it would be secondary to the clubhouse in views.
- 8.29 The golf course maintenance facility is located in a relatively isolated location to the south of the site. This building has limited visibility from outwith the existing or proposed Kingennie facilities, but its design is typical of the functional nature of the building and is acceptable. The golf academy would be located to the west of the hotel. Its reception building ties into the design of the hotel and clubhouse, and the training and driving range bays to its rear (west) would be contained within a more functional structure facing west onto the range. The design and location of these buildings is acceptable and would also benefit from an existing landscape framework. Amenity issues associated with the driving range are considered in the assessment of the overall development above. Safety fencing would be erected close to residential property and hours of operation are already regulated under the planning permission in principle. Having regard to the advice provided by environmental health, a planning condition is proposed requiring further information to demonstrate that external lighting associated with the development, including lighting associated with the driving range, complies with recognised standards for protecting the night-time environment.
- 8.30 Boundary walls and fences are proposed to demarcate specific areas, including a natural stone wall and gate house as an entrance feature at the main B978 entrance, and ball stop fences at the golf academy. Fencing and warning signage is proposed at the interface and boundary of the core path at Cunmont Quarry. All of these elements are considered to be acceptable. Information relating to the remaining

matters is generally acceptable including details of the measures contained within the sustainability and low carbon statement, although details of any photovoltaic arrays to be used on the roofs of buildings is not provided and a planning condition is proposed to secure that information. Further information relating to the location of culverts is also sought by condition. The general maintenance schedule for open spaces and outdoor areas is acceptable, but no information is provided about how that would be secured, and this is addressed by proposed condition. Matters relating to drainage for this element are addressed as part of the overall development site requirements above and have been found to be acceptable by relevant consultees. The drainage strategy recommends that a suitable maintenance strategy will be adopted by the developer to ensure the drainage network is cleaned regularly, and the roads service has requested a condition to secure details of the maintenance responsibilities for all surface water drainage infrastructure.

### **Condition 1(c) – Hotel and Spa Zone**

- 8.31 Condition 1(c) requires approval of matters relating to the hotel and spa zone including a 5-star hotel, spa, leisure and associated conference facilities, and holiday lodges.
- 8.32 The hotel acts as the central feature of the development from which all activity and movement revolves around. The siting and design of the hotel building is therefore important in this regard but equally for providing an acceptable and appropriate standard within the site and wider landscape context; and providing the quality of product required to make a significant contribution to the Angus economy. In that regard the standard of the proposed hotel and its associated facilities represented a significant material consideration and was central to the justification for granting planning permission in principle for the development. The hotel is required to have the potential to be a 5-star facility and the applicant has appointed a hotel advisory business to inform the design and a document has been submitted which sets out the principles of the hotel design and facilities supporting a 5-star rating. This information suggests that the hotel, as proposed, would be capable of achieving that rating although it is noted that this cannot be confirmed until the hotel is operational as eventual rating depends on service delivery as well as availability and quality of facilities.
- 8.33 The Design Statement suggests that the hotel seeks to focus on traditional materials and forms alongside the spectacular views surrounding the resort. The statement indicates that the desire to create a luxury resort showcasing Scotland has led to inspiration being drawn from more traditional buildings with a focus on the Scotland's baronial style buildings. The design approach seeks to replicate the prominent entrance block evident in most of the traditional building on which the design was based, with adjacent wings reduced in scale to emphasise the importance of the entrance. This is described as an approach which leads to a relatively formal appearance with a clear focus on the primary block and emphasis on the main entrance point.
- 8.34 A selection of traditional materials that complement the style of the building and surrounding area are proposed, including natural stone on the ground floor and on the central entrance block and turret features, white harling on the upper floors and natural slate on the roof with metal clad dormers. The integration of the building is supported by an extensive scheme of soft landscaping around the building and open spaces.
- 8.35 The applicants design ambitions are noted and there is some merit in the design approach adopted which would result in a prominent landmark building incorporating traditional design features and external finishes. At 28m to ridge height (with 22m wings either side) the building would be significantly higher than other structures in the area and would be of greater mass and scale than other buildings that are

typically found in the rural area.

- 8.36 Notwithstanding this, the building would be located towards the central section of the site and away from the ridgeline to the north. While the building would be highly visible from some locations, particularly in the immediate vicinity, it is not unusual for buildings of this nature and design to occupy prominent locations. The height of the building would allow it to maximise views over and outwith the site and the landscaping scheme provided would deliver a high-quality setting that would help integrate the development into the landscape through time. The building design features traditional elements which are characteristic of other large-scale buildings found in the Scottish countryside and includes high quality materials. It would become a landmark in the area. The location of the building should not give rise to any unacceptable impacts on the amenity of existing or proposed buildings within the wider area, with the closest existing dwelling located some 60 metres to the west, separated by existing and proposed landscaping. As indicated above the building has been designed to offer potential for a 5-star rating and its overall size is in part dictated by the desire for it to provide 175 bedrooms. Inevitably a building of this size will give rise to some significant visual impact but that needs to be balanced against the economic benefits that would be delivered through the provision of a facility of this quality.
- 8.37 The 10 holiday lodges located to the immediate north of the hotel would complement the accommodation offering of the hotel. The lodges provide accommodation over two levels each providing 2 bedrooms and living accommodation. As is typical of their function these buildings are of a more residential scale in contrast to the hotel. The design and appearance of the lodges replicates the external finishes used in the hotel with slate on the roof and white harl and feature stonework.
- 8.38 The roads service has considered the information submitted and raise no objection in relation to access and parking. Similarly, the scheme of road lighting raises no concern. Consideration of the surface water drainage of roads is addressed in the drainage masterplan. The roads service has indicated that the precise detail of the provision of roads would be dealt with through roads construction consent.
- 8.39 The landscaping strategy for the hotel frontage seeks to create a tree lined avenue on approach to the hotel leading to a large semi-circular open space of formal lawns adjacent to the main entrance. Formal lawns and informal gardens would be introduced into the areas to the northeast and southeast of the hotel between it and the golf clubhouse. The parking areas would be subject to reasonably extensive landscaping. The terraces and paths surrounding the hotel would allow easy circulation between the various elements of the development close to the hotel and the hard and soft landscaping arrangements are considered to be acceptable in that area. Given the scale of the hotel, the structural landscaping around the perimeter of the site shown on the masterplan, and particularly the areas to the north on higher ground are important in providing a landscape framework for the hotel building and landscaping associated with the golf course will provide an attractive setting for the building when viewed from lower ground to the south and southwest. An area of open space measuring around 1ha is included within the phasing plan for this zone and would sit on land between the hotel and golf academy. This location would assist in providing setting for the hotel, an open outlook for the property at 3/4 Shank of Omachie, and it would serve as an open space for the residential element of the development.

#### **Condition 1(d) – Residential Development Plots**

- 8.40 The proposal seeks approval for three limited elements of the residential development plots, specifically the provision of public open space, including the provision of play equipment and maintenance (1(d)(iii)); details of hard and soft landscaping works (1(d)(iv)); and details of screen walls/ fencing to be provided

(1(d)(vi)). The remaining matters relating to the precise design and location of residential development would be subject to a separate application in future and it is indicated in the phasing information that the residential development would fall into the final phase of the overall development.

- 8.41 The general approach towards open space identified in the masterplan is broadly acceptable. However, precise detail in relation to the amount and location of open space, and the detail of play equipment provision and its location cannot be determined in the absence of the detailed information that is required for the residential zone. Accordingly, while the 1ha open space that forms part of the hotel phasing is acceptable, the detail in relation to the remainder of condition 1(d)(iii) should not be approved at this time. The matters can more appropriately be considered when an application is made for approval of specified matters relative to zone D – residential development plots.
- 8.42 The landscaping and boundary arrangements for residential plots are proposed to be a combination of traditional metal estate fences with gates to match, post and wire fences, mixed species hedgerows and single species beech, copper beech or laurel hedgerows along plot frontages. Mixed broadleaf and conifer trees are proposed to define plots boundaries, establish character and provide screening for residential plot boundaries. Acoustic barriers may be required in addition to those boundary treatments listed for residential property closest to Cunmont Quarry. While the generality of that arrangement is acceptable, the detail cannot be approved in the absence of the detailed information that is required for the residential zone. Accordingly, the detail in relation to condition 1(d)(iv) and (vi) is not approved at this time. These matters can more appropriately be considered when an application is made for approval of specified matters relative to zone D – residential development plots. However, in general terms, the landscaping arrangements and structure woodland planting around the site would enable the residential development to integrate successfully into the landscape.

### **Remaining matters**

- 8.43 Condition 2 of the planning permission in principle requires the submission of technical information in support of applications submitted to deal with the matters identified in condition 1. The supporting information submitted is generally adequate to allow for the discharge of the matters specified in condition 1 in so far as they relate to this application although planning conditions are proposed requiring the submission of additional information where it is considered necessary.
- 8.44 There are also a number of other planning conditions attached to the planning permission in principle which regulate the development including limits on the number of houses that can be completed prior to different stages of the hotel and leisure elements being completed (condition 3); the provision of suitable visibility splays, footway improvements, a bond to secure completion of strategic landscaping works and to secure restoration of the golf course if it is not completed in accordance with the approved details of phasing (conditions 5 and 6); controlling occupation of the holiday lodges (condition 7); controlling hours of operation at the golf driving range (condition 8); and controlling noise associated with the development (conditions 9 and 10). These conditions remain relevant and continue to regulate the development.

### **Material Considerations**

- 8.45 In respect of material considerations, it is relevant to have regard to the planning history, matters raised in representations, the content of Scottish Planning Policy, and NPF4.
- 8.46 The site has planning permission in principle for the development proposed and the principle of the development is established. Committee has previously granted

approval for a masterplan and detailed design of the leisure development and hotel and spa zones. The basic detail and distribution of uses provided in the current masterplan is similar to that previously approved. While the policy basis for consideration of that detail has changed in the intervening period, the basic policy objectives have not changed fundamentally, and the previous approval of that detail is a material consideration that merits some weight. The design of the hotel and the associated buildings throughout the proposed resort is different to that previously approved. The revised hotel building would be of broadly similar height, but of greater apparent mass given the design changes. However, the principle of a large structure at a central location within the site has previously been accepted and the revised design is of reasonably high quality.

- 8.47 There are objections which raise concerns relating to the principle of the development but planning permission in principle has been granted and issues related to the principle of the development are not relevant in the determination of this application. Matters regarding impact on infrastructure were considered at the time of the grant of the planning permission in principle and there is a requirement for financial contributions towards improvements to primary and secondary school infrastructure as well as the provision of land within the site to facilitate an expansion of primary school accommodation should that be required. The planning permission in principle does not require contributions in relation to other infrastructure improvements.
- 8.48 Issues relating to traffic likely to be generated by the development were considered as part of the planning permission in principle. Detailed matters regarding this proposal are addressed above, but as indicated the roads service finds them consistent with the requirements of the planning permission in principle and otherwise acceptable. The visibility splays on Drumsturdy Road would be formed in accordance with the requirements of the existing permission. The roads service has also requested a scheme of improvements to the Shank of Omachie road access to accommodate traffic using that route into the site. A gate house is proposed at the entrance from the B978, but it is indicated that gates would only be utilised during major events at the resort. Any proposed closure or obstruction of the roadway would require approval of the roads authority.
- 8.49 While the proposal will result in significant change to the environs of property in the vicinity of the development, those impacts were recognised in the context of the planning permission in principle. Conditions are proposed requiring further information relating to artificial lighting associated with the development to regulate impacts. Golf safety fencing is proposed adjacent to the golf academy/ driving range which would be augmented by new landscaping to provide a buffer between the adjacent property and the driving range. Golf safety information submitted indicates that alignment of golf holes observes suitable safety margins. The hours of operation of the driving range are controlled by the planning permission in principle, as are noise emissions from the hotel.
- 8.50 A landscaped buffer would be provided around the house adjacent to the hotel and its car park (3/4 Shank of Omachie) and its aspect would be partially maintained by the position of the main area of public open space within the site. Potential for damage to property is a civil matter but there is no reason to consider that the landscaping areas cannot be formed without causing damage to neighbouring boundaries. A new access would be provided for Blawearie and the belt of trees to its immediate east are shown on the site masterplan as being retained, helping to safeguard its amenity. The landscaping shown on the masterplan which screens the new access to the southern part of the site from Drumsturdy Road and a small part of an area identified for domestic recycling facility is outwith the application site. A planning condition is proposed to ensure that this landscaping is carried out alongside the other structure woodland around the site periphery. The recycling facility is unnecessary given current kerbside domestic recycling arrangements, and it

does have the potential to have some adverse amenity impact. In those circumstance a condition is proposed to indicate that the facility is not approved and that it should be landscaped. The occasional erection of a temporary marquee within the hotel environs is not a matter of planning consequence. Precise details of the measures to deal with impacts on the drainage of existing property with drainage infrastructure within the site can be secured by planning condition having regard to the applicant's proposal to connect existing property to site drainage infrastructure where possible.

- 8.51 Impacts on the natural environment and protected species have been considered. The habitat survey information indicates that the development would result in the loss of bat roosts in Shank of Omachie Farmhouse, but mitigation is proposed to offset that impact. The development would also result in the loss of some trees and hedgerows, particularly in the vicinity of Shank of Omachie farm complex, to accommodate the hotel. However, the proposal would result in significant native planting provision across the whole site with opportunities for biodiversity improvement in the planting of new hedgerows, trees and water features associated with the golf course. In the longer term, the proposal is likely to result in a greater biodiversity offer than currently provided by agricultural use. The areas of open space within the development are satisfactory. The realigned core path will maintain public access through the site and there would be additional routes as a result of the development. The supporting information indicates that steps would be taken during the development process to maintain public access through the site and to ensure the safety of members of the public.
- 8.52 Mattes relating to flooding and drainage have been assessed and flooding and drainage information has been submitted. That information has been considered by consultees who are satisfied that, subject to the proposed conditions, the development could be accommodated with causing an unacceptable level of flood risk. Landscape and visual impacts associated with the proposal are addressed earlier in this report. The hotel building will be significantly higher than other structures in the area and will be of greater mass and scale than other buildings that are typically found in the rural area. However, the principle of a large hotel building at this location has been approved and the overall design is considered acceptable. Any adverse impacts associated with the scale of the building are outweighed by the economic benefits the proposal will deliver.
- 8.53 The environmental health service has considered issues in relation to air quality and is satisfied that impacts are unlikely to be significant but request a condition to ensure that the dust mitigation measures described in the air quality assessment are followed during the construction of the development. Any issues associated with the construction of the residential zone will be considered as and when an application for that zone is submitted.
- 8.54 The location, nature, and scale of the development has already been established through the grant of planning permission in principle. However, the applicant has voluntarily submitted a Sustainability and Low Carbon Statement which sets out measures to limit CO<sub>2</sub> emissions, energy losses, and resource consumption associated with the development. There is limited information regarding the solar panels that would be accommodated on buildings within the development, but this can be addressed by a planning condition. The travel plan framework sets out opportunities for travel to and from the site by means other than the private car and the roads service considers that framework to be acceptable.
- 8.55 The economic benefits associated with the proposal were considered at the time of the grant of planning permission in principle. Other issues raised in support do not alter the conclusion that the detail provided in association with this application is acceptable.

- 8.56 Paragraph 33 of Scottish Planning Policy (SPP) states that where a development plan is more than 5-years old, the presumption in favour of development that contributes to sustainable development will be a significant material consideration. While TAYplan is less than 5-years old, the ALDP has recently become more than 5-years old as it was adopted in September 2016. In this case the development benefits from planning permission in principle and therefore the principle of the development has been established. The policies of the SPP, in so far as they relate to the detailed matters addressed by this application, do not alter the overall conclusion that the proposals are acceptable.
- 8.57 NPF4 has been published in draft form and contains national planning policy that will form part of the development plan once it is approved. However, it has been published for consultation purposes and therefore the policies it contains merit little weight at this time. Notwithstanding that, the detailed design matters addressed by this proposal do not give rise to any significant conflict with the draft policies.
- 8.58 Council has previously approved the principle of this development recognising the significant economic benefits that it can deliver for the area. This application seeks approval for all 'whole site' matters that require to be addressed to allow the development to progress, but also seeks approval for the specific details of the hotel and leisure elements that are fundamental to delivering the economic benefits that are sought. The overall masterplan that has been submitted to support this application is broadly similar to the masterplan approved by committee in 2014. It continues to provide an acceptable design solution for the site and those issues that require to be addressed on a whole site basis have been resolved to the satisfaction of relevant consultees, subject to the proposed conditions. The details of the leisure development zone, and hotel and spa zone, including the hotel, golf course, and associated facilities and buildings, are acceptable. The hotel will be a substantial building and will be prominent when viewed in the local landscape, but that was recognised when planning permission in principle was granted, and a hotel of similar scale has previously been approved at this location. The current proposal provides a reasonably high-quality design solution and represents an appropriate balance between the environmental constraints of the site and the desire to provide a facility that will be of significant value to the local economy. Approval of this application would represent a significant step in realising the economic potential of this proposal. The submitted detail is compatible with relevant development plan policy and is acceptable to meet the requirements of conditions 1(a), 1(b), 1(c) and the limited aspect of 1(d) of the planning permission in principle. There are no material considerations that justify refusal of this application.

## **9. OTHER MATTERS**

### **HUMAN RIGHTS IMPLICATIONS**

The recommendation in this report for grant of permission/consent, 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.

## 10. CONCLUSION

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

### Reasons for Approval:

The details and information submitted meet the requirements set out in conditions 1(a), 1(b), and 1(c) of the planning permission in principle (ref: 19/00095/PPPM) in a manner that is compatible with relevant development plan policy and associated guidance. The broad detail provided in relation to the matters covered by condition 1(d)(iii), (iv) and (vi) is generally appropriate, but in the absence of full details of all matters related to the Zone D - residential development plots, it is only appropriate to approve the open space identified as being within the hotel phasing area, as it would provide an area of reasonable size and amenity that would also contribute to the setting of the hotel. 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.

### Conditions:

1. That notwithstanding the terms of this approval or the masterplan, the detail provided in relation to conditions 1(d)(iii), (iv) and (vi), in so far as it relates to anything other than the public open space area located within phase 3 - hotel and lodges, is not approved. For the avoidance of doubt, detailed matters related to Zone D - residential development plots are not approved.

*Reason: To allow full consideration of the suitability of the proposed details in the context of the consideration of matters related to the detailed layout and design of the Zone D - residential development plots.*

2. Prior to the commencement of development, the following shall be submitted to and approved in writing by the planning authority: -
  - (a) a scheme for all external lighting associated with the golf driving range floodlights or any other artificial lights within the leisure development zone. The scheme shall include details of light spill, brightness of the lighting, and the proposed hours of operation, and shall demonstrate that light spill 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. External lighting shall thereafter only be installed, maintained, and operated in accordance with the approved scheme.
  - (b) a report assessing the structural condition and capacity of existing culverts through the site. The report shall contain the findings of a CCTV survey to assess the structural condition of the existing (Cundy) culvert running west to east across the site and the two land drainage culverts in the vicinity of North Kingennie. It shall also include an assessment of the estimated flow carrying capacity of the structures as well as any additional measures required to mitigate surface water flood risk associated with those structures. An updated site masterplan which illustrates the position of those culverts within the overall development shall be submitted in support of that assessment. Thereafter the development shall be undertaken only in accordance with the approved details.
  - (c) precise details relating to finished ground levels relative to existing ground levels. Thereafter development shall be carried out in accordance with the approved details.
  - (d) a detailed construction phase management plan containing the location of construction compounds and staff welfare facilities. Thereafter development



in each phase shall be carried out in accordance with that plan.

- (e) a scheme of improvements to the Shank of Omachie Farm access from Mattocks Road. Thereafter, the scheme of improvements shall be completed prior to the opening of the hotel or the occupation of any housing located within residential area 4 as detailed on the submitted phasing plan, whichever occurs first.
- (f) a detailed surface water drainage design which shall demonstrate: -
  - i. a 1 in 30-year Return period storm + 35% climate change capacity contained within the surface water drainage infrastructure on site;
  - ii. a 1 in 200-year return period storm + 35% climate change contained within the site boundary in SUDS;
  - iii. flood routing for exceedance conditions above the 1 in 200-year return period +35% climate change showing no detriment to any neighbouring properties out with or proposed properties within the site;
  - iv. no property or facility should be constructed within 5m of any culvert to allow for access in the event of a blockage occurring; and
  - v. maintenance responsibilities for all surface water drainage infrastructure on site in perpetuity.

Thereafter the development shall be undertaken only in accordance with the approved details.

- (g) a scheme of mitigate impact of the development on existing private drainage infrastructure within the site, or to facilitate the continuation of any such infrastructure. The scheme shall identify the nature and location of all private drainage infrastructure located within the site that is currently used by properties adjacent to the site and shall make provision for its connection to the public sewer. If connection to the public sewer is not possible for any property, the scheme shall: -
  - i. ensure that the retained private drainage infrastructure, including any soakway, is not located within the curtilage of any new house;
  - ii. provide evidence that the retained private drainage infrastructure, including any soakway, will remain in fully operational condition and meet relevant environmental standards, or identify measures that will be taken to ensure that it can be retained in fully operational condition and in a manner that meets relevant environmental standards;
  - iii. provide evidence of agreement for access to the retained private drainage infrastructure, including any soakway, for maintenance in perpetuity.

The scheme or schemes shall include timescales for the implementation of the approved mitigation. Thereafter the development shall be undertaken only in accordance with the approved scheme.

- (h) precise details of all areas of open space and landscaping that are not located within the curtilage of a building that will be subject of ongoing management and maintenance in accordance with the details submitted in support of this application, along with detail of the mechanism for its funding in perpetuity. Thereafter the development shall be undertaken, operated, and maintained in accordance with the approved details.

*Reason: To protect the residential amenity of occupants of all nearby residential properties and the avoid excessive levels of light pollution associated with the development; to determine the capacity of existing culverts in the site and identify any mitigation measures required to minimise surface water flood risk; to ensure that precise and detailed information is provided to allow the consideration of finished ground levels across the site in the interests of visual amenity; to ensure details relating to the location of construction compounds and staff welfare facilities are approved in the interests of safeguarding the amenity of occupants of residential property; to ensure the access is formed to a standard suitable to accommodate the additional traffic it would accommodate; to ensure that the development is served by a suitable surface water management system; to ensure that drainage from properties adjacent to the site can continue to be*

*facilitated or can be improved the interests of the amenity and environmental protection; to ensure long-term management and maintenance of areas of open space and landscaping.*

3. Prior to the commencement of construction of any buildings in the leisure development zone or hotel and spa zone, precise details of the location and specification of renewable or low carbon technologies to be used as detailed in the Sustainability and Low Carbon Statement (air source heat pumps, water source heat pumps and photovoltaic panels) shall be submitted to and approved in writing by the planning authority. Thereafter the development shall be undertaken in accordance with the approved details.

*Reason: To ensure that amenity impacts as a result of the type and location of renewable or low carbon technologies can be properly considered and controlled.*

4. Prior to the commencement of construction of the golf course, details of the water source to be used for the construction and operational phases of the golf course shall be submitted to and approved in writing by the planning authority. Thereafter the development shall be undertaken and operated in accordance with the approved details.

*Reason: To ensure that impacts associated with the provision of the water supply can be properly considered and controlled.*

5. 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.

*Reason: In the interest of public safety and to maintain access to the Core Path.*

6. That prior to the occupation or commencement of use of any part of the development, a travel plan in accordance with the Travel Plan Framework dated October 2021, prepared by Fairhurst shall be in place. Thereafter, it shall be distributed to all staff and households, and shall be displayed in all commercial buildings. The Travel Plan shall be monitored and reviewed on an annual basis, and evidence of that review process shall be made available to the planning authority on request.

*Reason: To ensure that the measures identified in the Travel Plan Framework are implemented, in the interest of promoting the use of sustainable transport.*

7. That the structure woodland planting around the periphery of the site and golf course as set out in the Outline Landscape Specification by the Paul Hogarth company and as illustrated on the Planting Layout – Leisure Development Zone drawing (project number 1438, drawing number 301, revision P01) shall be provided before the commencement of use or occupation of any part of the leisure development zone or hotel and spa development zone. For the avoidance of doubt, this shall include the provision of planting shown on the landscape masterplan (project number 1438, drawing number 001, revision P03)) drawing adjacent to the Drumsturdy Road access, which is outwith the application site.

*Reason: 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.*

8. Noise associated with the construction of the development including the movement of materials, plant and equipment shall not exceed the noise limits shown in Table A below for the times shown. At all other times noise associated with construction operations shall be inaudible at any sensitive receptor. For the avoidance of doubt sensitive receptors includes all residential properties, hospitals, schools and office buildings.

**Table A: Construction Noise Limits Day Time Average Period Noise Limit**

Day	Time	Noise Limit
Monday – Friday	0700 – 0800	60 dBA Leq (1hr)
Monday – Friday	0800 – 1800	70 dBA Leq (10hrs)
Monday – Friday	1800 – 1900	60 dBA Leq (1hr)
Saturday	0700 – 0800	60 dBA Leq (1hr)
Saturday	0800 – 1300	70 dBA Leq (5hrs)

*Reason: To ensure that the amenity of occupants of nearby property is safeguarded during the construction of the development.*

9. The dust mitigation measures as described in Table 18 of the Vibrok Air Quality Assessment for The Angus – Forbes of Kingennie Development, Angus (Discharge of Planning Condition 2(iii)) dated 11 November 2021 shall be followed at all times during the construction phase to control dust arising from the construction of the development.

*Reason: To ensure that measures are employed to control dust associated with the construction phase of development in the interests of amenity.*

10. The development shall be carried out in accordance with the mitigation measures identified in section 4 of the Shank of Omachie Farm Cottages, Kingennie Bat Activity and Tree Surveys Report (dated 8/9/2021) by Gavia Environmental unless otherwise modified by the conditions of a protected species licence. In addition to the mitigation identified within the report, an additional 11 bat boxes shall be installed at locations within the site which are identified by a suitably qualified ecologist.

*Reason: To mitigate impacts on bats and nesting birds and to secure additional provision for bats in line with the requirements identified in the planning permission in principle.*

11. The development shall be undertaken in accordance with the methodology contained within the Guard Archaeology Limited 'The Angus - Written Scheme of Archaeological Investigation' 2021 and the trial trenching evaluation as detailed in Figure 1 shall be carried out in each phase prior to any other groundbreaking works.

*Reason: To mitigate the impact of the development on unrecorded archaeological features and in the interests of safeguarding archaeology.*

12. That prior to the commencement of use of the golf academy and driving range, the boundary treatments and specifically the golf safety fencing shall be erected in accordance with the approved details and shall thereafter be retained and maintained.

*Reason: To ensure the provision of the approved boundary enclosures and safety fencing in the interests of amenity and safety.*

**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: 28 FEBRUARY 2022**

APPENDIX 1: LOCATION PLAN

APPENDIX 2: PLANNING PERMISSION IN PRINCIPLE 19/00095/PPPM CONDITIONS

APPENDIX 3: MASTERPLAN DRAWING

APPENDIX 4: SUMMARY OF APPLICANTS SUPPORTING INFORMATION

APPENDIX 5: LETTERS OF REPRESENTATION

APPENDIX 6: DEVELOPMENT PLAN POLICIES

APPENDIX 7: PLANNING SERVICE PRESENTATION