

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

2 SEPTEMBER 2019

APPLICATION FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBER: 18/01479/FUL
OFFICER:	Mr Scott Shearer
WARD:	East Berwickshire
PROPOSAL:	Erection of mobile holiday lodges with office, reception/shop, installation of hydro generator, and formation of associated roads and parking
SITE:	Land North West Of Willowdean House, Foulden
APPLICANT:	Mr and Mrs J Tait
AGENT:	Richard Amos (Duns)

PLANNING PROCESSING AGREEMENT: This application has a PPA which sought determination at the August meeting of the Planning and Building Standards Committee. Provision has been made within the PPA to allow for a continuation and presentation at the next available committee meeting in September.

CONSIDERATION BY PLANNING AND BUILDING STANDARDS COMMITTEE: The application was continued from the August meeting of the Planning Building Standards Committee to allow for a site visit. This took place on Monday 26th August 2019.

Since the August meeting, the applicant has submitted additional supporting information in relation to the proposed holiday lodges. This includes details of the proposed external materials and confirmation of their 'green credentials', as well as images of example holiday lodges. This supporting information is available for Members to view on Public Access.

SITE DESCRIPTION

The application site is located to the north of Foulden in East Berwickshire. The site consists of an undulating area of grass land which falls in a south/south western direction. The Deans Burn runs through the western and southern side of the site and multiple ponds have been formed including two large lakes named the 'Trout Lake' and 'Wild Fowl Lake' at the south and south western corners. Mature areas of woodland planting enclose the outer boundaries of the water bodies. Willowdean House, its associated outbuildings and garden ground lies on a plateau on the sites eastern side. This property is within the control of the applicants. The site is separated from the minor public road to the east and holding to the north (Nunlands) by mature hedging. Modern residential properties lie to the south of the site with a scattering of traditional rural and more modern dwellings and farm buildings located to the north.

The site does not fall within any designated landscape areas or sites of nationally protected ecological status. Nunlands House including its ancillary structures, boundary walls and gate piers, is listed Category B Listed. Foulden Conservation Area lies approximately 215m to the south west of the site.

PROPOSED DEVELOPMENT

The application seeks consent for a holiday lodge development. The proposals consist of the following elements:

- the erection of 52 holiday lodges which include fixed decks
- associated access roads, parking areas and landscaping
- erection of office building
- erection of reception/shop building

Through the course of the application process the layout has been amended with the number of lodges reduced from 55 to 52. A plan of a typical holiday lodge has been provided which details a pitched roof building finished with wood composite clad walls a lightweight steel roof and uPVC framed windows and doors. The office and reception/shop building are also of a pitched roof design finished using timber clad walls and natural slate roofing.

The development will be accessed via the minor road to the east of the site via the existing access used by Willowdean. It is proposed to widen and resurface this opening and locate two passing places on the public road.

A hydropower generating scheme was included as part of the original proposals, subsequently this part of the proposed development has been withdrawn from this planning application.

PLANNING HISTORY

98/00136/FUL - Erection of dwellinghouse. Approved subject to conditions and Section 50 legal agreement which required that the formation of ponds for the fishery shall take place before works commence on the dwellinghouse. The legal agreement did not tie the house to the operation of the fishery enterprise.

REPRESENTATION SUMMARY

80 objection comments have been received in total. Of the 80 comments, some multiple objections were submitted from the same household and some additional and updated comments have been received from original objectors following the submission of additional and amended information. A summary of the objection comments are provided below;

- Detrimental to the environment.
- Foulden is a small and peaceful village, the scale of the proposal represents overdevelopment of this site which will adversely affect the character and sense of place of this rural village.
- Scale and design of the proposals would detract from the visual amenities of the area.
- Density of site.
- Poor Design.
- Detrimental to residential amenity, particular neighbouring properties to the north.
- Local Development Plan Settlement profile restricts development taking place to the north of the settlement where this proposal is located.
- Detract from the setting of the Conservation Area.
- Health issues.
- Inadequate access.

- Insufficient parking provision.
- Inadequate drainage.
- Adversely affect existing trees and hedgerows.
- Land affected privacy of neighbouring properties affected.
- Loss of Prime Quality Agricultural Land (PQAL).
- Accommodation will require concrete bases which would cause irreversible damage to the PQAL with lodged on the sloping land requiring excavation and underbuilding.
- Detract from setting of Category B Listed Nunlands House.
- Adversely affect the historic environment at Nunlands.
- Detract from the outlook of neighbouring properties to the north.
- Noise pollution.
- Subsidence.
- Flood risk.
- Adversely affect habitats of local wildlife including protected species such as badgers, bats, swans geese and great crested newts.
- Cause light pollution.
- Lack of demand for development with an overprovision of holiday accommodation elsewhere in Berwickshire.
- No economic justification for development.
- Use of accommodation for 11 months represents second homes. Residents should be liable for Council Tax.
- 11 month occupancy restriction would be difficult for SBC Officers to enforce.
- Local services do not have the capacity to accommodate residents of the development and this will affect existing resident's access to services.
- The majority of users would access the site by car, this is not sustainable.
- Development would put a significant strain on local services where there do not have the capacity to support users of this development.
- Holiday development would conflict with neighbouring agricultural activities.
- Insufficient local water supply available to serve the development.
- Deans Burn does not have the capacity to accept drainage from this development.
- Drainage would pollute the water course harming its biodiversity and other properties it flows through.
- Willowdean Houses was consented subject to a legally binding condition where the house was to support the breeding of rare fowl, this was never complied with.
- Cause litter problems.
- Insufficient bin store provisions.
- Smell.
- No local amenities such pub, restaurant, shop etc. to support the proposal which would be better located near a larger settlement with more amenities.
- Rural road network cannot safely accommodate the additional traffic caused by this development.
- The lodges are not constructed of materials which are sustainable with the accommodation failing to be energy efficient.
- Health and safety issues by building next to water courses.
- PAC Report which has been submitted has failed to accurately represent the local opposition raised during the public engagement process.

APPLICANTS' SUPPORTING INFORMATION

- Business Plan
- Landscape Schedule
- Lighting Management Strategy

- PAC Report
- Preliminary ecological Appraisal
- Transport Statement
- Planning Statement (received 24.10.2018)
- Planning Statement (received 17.12.2018)
- Supporting Statement

DEVELOPMENT PLAN POLICIES:

Scottish Borders Council Local Development Plan 2016

- PMD2 Quality Standards for New Development
- ED8 Caravan and Camping Sites
- ED9 Renewable Energy Development
- ED10 Protection of Prime Quality Agricultural Land and Carbon Rich Soils
- HD3 Protection of Residential Amenity
- EP1 International Conservation Sites and Protected Species
- EP2 National Nature Conservation Sites and Protected Species
- EP3 Local Biodiversity
- EP7 Listed Buildings
- EP8 Archaeology
- EP13 Trees, Woodlands and Hedgerows
- EP14 Coastline
- EP15 Development Affecting the Water Environment
- IS7 Parking Provision and Standards
- IS8 Flooding
- IS9 Waste Water Treatments Standards and Sustainable Urban Drainage

OTHER PLANNING CONSIDERATIONS:

Supplementary Planning Guidance

- Waste Management 2015
- Placemaking and Design 2010
- Use of Timber in Sustainable Construction 2009
- Trees and Development 2008
- Landscape and Development 2008
- Renewable Energy 2007
- Privacy and Sunlight Guide 2006
- Biodiversity 2005
- Local Biodiversity Action Plan: Biodiversity in the Scottish Borders 2001
- Caravan Sites Act 1968
- Scottish Planning Policy (SPP) 2014

Scottish Borders Tourism Strategy (SBTS) 2013-2020

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Access Ranger: No objection. There are no rights of way or core paths within the site. Consideration should be given to link the development to a core path to the northwest of the development by following the Deans Burn.

Archaeology Officer: No objection. The site is located to the south of Nunlands which is thought to date from the medieval period and there is historical reference to it being the site of a nunnery. This suggests that there is archaeological potential within this site. It is recommended that this should be evaluated before development with trial trenches. Alternatively a geophysical survey of the whole site could be undertaken with more precise evaluations thereafter.

Ecology Officer: (1st Response 28th Jan 2019). The key ecological issue is the potential impacts on the biodiversity interests within the site which include open water, marsh habitats, a spring, mature trees and a range of protected species and/or habitats which may be suitable for protected species. No evidence of great crested newts were recorded. Recommend that further information on lighting is required to enable consideration of how lighting would affect bats and information on the proposed hydro generator is required. A suite of planning conditions are recommended to mitigate ecological impacts.

2nd Response 3rd 2019. Initially sought for precise details of the lighting proposals to be agreed. Following further consideration of the Lighting Plan and commitments made in the Supporting Statement (04.06.2019), it has been recommended that owing to the type of development and the number of lights proposed that the final details of the lighting at the development can be agreed by a planning condition. Recommends that the lighting should ensure that dark zones are maintained along habitat corridors used by bats (i.e. boundary trees, trees and hedgerows and along waterbodies).

Economic Development: No objection. The development fits with Scottish Borders Tourism Strategy 2013-2020 by increasing volume of overnight visitors and spend and ensuring that the regions accommodation offerings meet demand and act as an attraction themselves.

Environmental Health: No response received at the time of writing.

Flood Risk and Coastal Management: No objection. Part of the site is at risk of flooding from an unnamed burn and waterbodies which lie around the western and southern side of the site. Topographical information confirms that the lodges are sited outwith the 1:200 year floodplain of this water course.

Landscape Architect: Do not object. Identify that the key landscape issue is the potential visual impact of the development to surrounding receptors at Nunlands and Foulden. The reduction in the number of lodges, extended structure planting to the north and planting to the south of Trout Lake are welcomed. The planting has been designed to screen the development from the A6015, Willowdean House and Nunlands. A sketch has been provided by the Landscape Architect (available on Public Access) which illustrates how on site planting can be improved to filter views into the site, particularly where the chalets are most visible, improving the sense of enclosure and further break up the development into different zones. For this to be effective Beech and Birch trees should be included in the structure planting across the site along with individual or clusters of specimen tree spread through the site to provide a better

landscape fit by connecting the development to the wider landscape setting. The tree planting at the Trout Lake should take a riparian form to be sympathetic to the waterbody.

No objection is raised to the inclusion of a wetland water treatment system however it is being proposed in part of the site where existing trees provide valuable screening from the south. These works could impact on the boundary hedge. Additional information about the prospect of tree removal as a result of these works are requested.

Detailed drawings of the proposed entrance area, including signage are requested. An understated rural approach is advocated. Trees along the roadside should be retained and this should be informed by a tree protected plan. The colour of the chalets should recede in to the background with samples provided.

Provided suitable site planting is agreed with existing tree and hedging retained and the buildings are finished using muted colours, in due course the proposed development should fit well into the wider landscape and the extent of visibility will be minimised.

Roads Planning: (1st Response 29.03.19) No objection. The traffic generated by a tourism development tends to be outwith normal peak hour traffic flows and would not normally clash with commuters and school runs etc. It is also unlikely that the development would operate at 100% capacity and the majority of visitors are expected at weekends. The nearest bus stop is within walking distance on the A6105. Satisfied that pedestrians can comfortably walk on the section of the minor road from the A6105 to the bridge and step onto verges when traffic approaches. This route can be improved by the erection of pedestrian warning signs and the imposition of a 40mph speed limit on this section. The section between the bridge and the site access is more constrained with less visibility for oncoming traffic to see pedestrians. It is recommended that pedestrian access is provided at the southernmost corner of the site as close to the bridge as possible. The minor public road leading to the site can be improved by way of additional passing places, ideally between the bridge and site entrance. Recommend conditions to agree engineering improvements to the public road and an amended site plan with pedestrian access to the south. The passing places, signage and works within the public road boundary should be upgraded to the relevant Council road standards and regulations.

2nd Response 17.06.19. The proposed footpath to the south of the site would be preferred to be moved even closer to the bridge to provide the most direct link for pedestrians. The two conditions recommended in the original response are still valid.

Statutory Consultees

Foulton, Mordington and Lamberton Community Council: (1st response 21.01.19) Object, citing the following grounds:

- The submitted PAC Report does not reflect the concern raised by the local community during public engagement
- Development is inappropriate to the visual character and amenity of Foulton and the surrounding area, failing to respect the special character of the village which is identified in the LDP settlement profile.
- Siting and grouping does not reflect the layout and massing of small groups of dwellings in the local area.

- The natural slope of the site will mean that most of the development will be visible, particularly from the village and the A6105. The proposed materials and form of the lodges does not reflect local vernacular architecture.
- Result in the loss of Prime Agricultural Land.
- Policy PMD4 resists the development of sites outwith development boundaries where this development would cause a significant adverse effect on the landscape setting of the settlement and natural heritage of the surrounding area.
- There is no market demand for this development.
- This development would adversely affect other existing holiday enterprises.
- Proposed occupancy allowance of 11 months every year would increase the number of second homes in the area by 55% and would increasing the pressures on local services.
- Detract from the residential amenity of neighbouring dwellings in the Nunlands area.
- Adversely detract from the setting of the cat B listed Nunlands House
- Access to the site if provided from a busy unclassified road used by farm vehicles, HGVs, buses and commuters. Road is narrow and does not have the capacity to safely accommodate level of traffic generated by this development. Proposed road widening and inclusion of a passing place will not provide sufficient mitigation.
- Increase traffic will generate noise nuisance
- Sections are missing from the Transport Statement
- Local drainage and sewage services do not have the capacity to serve this development. A recent water diversion of the Deans Burn at Willowdean House caused an unusual lowering of the burn water level which interfered with the efficiency of waste water disposal systems of properties in the Foulden Deans area – this situation is likely to be worsened by this development.
- Further overhead power lines will detract from the visual amenity of the area/
- Broadband signal is poor in the area further users will slow connectivity down affecting residential and businesses
- Increase litter nuisance

2nd response 14.06.19. The proposed revisions are minor and have not addressed the objection of the CC. Original comments remain valid. Qualify that a petition which was organised during the PAC exercise was organised by concerned local residents and not the CC.

Scottish Environmental Protection Agency (SEPA): 1st Response (25.01.19).
Object on the following grounds:

- Further information is required to determine if the hydropower proposals are consentable by SEPA under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR).
- Foul drainage is directed to the Deans Burn which is a small scale water course therefore allowances from the development are very strict, further information is required to demonstrated that this means of foul drainage not have a unacceptable impact on the water environment and would be consentable under CAR
- The SUDS proposals are located within an area which is already very wet and the scheme needs to demonstrate that it will not adversely impact on groundwater dependant terrestrial ecosystems

Do not object on flood risk grounds as all of the proposed lodges are located at least 1m above the edge of the floodplain of the Deans Burn. Advise that ground re-profiling within the lowest part of the site should be avoided and that planning consult with SBC

Flood Risk Management about including buffer strips from the development to the watercourse.

2nd Response (17/6/19). Maintain objection. Insufficient information has been provided to address the ecological impact of the proposed means of drainage. Note that the updated plans have change the contour scale however the development remains outwith the flood risk area.

3rd Response (23/07/19). Discussions have been on going with the applicants. Confirm that the means of treatment of foul water as detailed in section 7.1 of the Supporting Statement dated May 2019 is satisfactory and addressed previous concerns. Implementation of this system can be controlled by condition and should there be any variation to the current CAR authorisation with this should be agreed with SEPA.

The method of the disposal of surface water to the existing ponds remains unacceptable. SEPA have recommended that this is a minor matter and provided an alternative method to dispose surface water is agree by a suspensive planning condition with consultation with SEPA their original objection is withdrawn. Should SBC not attach such a condition to any consent then their objection would still stand.

Scottish Natural Heritage (SNH): The application does not affect any designated site. Note that the development may potentially impact on bats and otters. The layout does not suggest that there will be a significant impact on these species and any issues can be appropriately handled by the Council.

Scottish Water: No response received at the time of writing.

Visit Scotland: No response received at the time of writing.

KEY PLANNING ISSUES:

The main determining issues are whether the proposal:

- represents an appropriate new tourism development which is of the highest quality and in keeping with the local environment
- provides safe vehicular and pedestrian access
- is free from flood risk
- does not have a detrimental impact on local infrastructure
- does not detract from the residential amenity of surrounding area
- does not detract from the setting of any listed buildings or the Foulden Conservation Area
- results in the loss of Prime Quality Agricultural land

ASSESSMENT OF APPLICATION:

Planning Principle

The accommodation which is proposed meets the definition for a caravan against section 13 of the Caravan Sites Act 1968 whereby the structures are:

- composed of no more than two section and assembled on site using bolts, clamps or other devices
- physically capable of being transported by being towed or on a vehicle or trailer
- no longer than 60 feet (18.3m)

- no wider than 20 feet (6.1m)
- no higher than 10 feet (3m)

Clarifying that the proposed accommodation are deemed to be caravans under the Caravan Sites Act 1968 is important from a planning policy perspective as this confirms that the proposed development should be determined principally against Policy ED8: Caravans and Camping of the Local Development Plan 2016 (LDP). This is a new caravan development so it must be considered against Section (A) of Policy ED8. This policy supports new caravan and camping developments that are in locations that are environmentally acceptable and fit with wider tourism, economic and regeneration objectives.

Although not explicitly required by this particular policy, this application has been supported by a Business Plan and a Business Proposal which has been supplied by qualified Chartered Accountants and has found that:

- The site is located a suitable distance from catchment areas of large populations from Edinburgh and Newcastle who would be attracted to this development in a rural location.
- The development would provide employment opportunities from construction activities through to the management and maintenance of the site including the reception and shop facilities.
- Foulden doesn't currently benefit from any retail or consumer facilities. This development proposes a small shop which will also provide a facility which local residents can use.
- Based on the financial projections, the business is estimated to break even in its third year of operation and thereafter would generate a profit which confirms that this can be a viable enterprise.

The business proposals have been considered by the Economic Development Section of the Council. They consider that the applications comply with the strategic target of the Scottish Borders Tourism Strategy 2013-2020 (SBTS) by:

- Increasing volume of overnight visitors and visitor spend in the area.
- Providing accommodation which there is a consumer demand for and meets evolving market expectations.
- The accommodation increases the range of accommodation available in the area.
- The proposals are viewed to be of a high standard which could itself attract new tourists to the area and also raise continue to raise average quality quotient across all forms of accommodation.

The business merits of the proposal and its compliance with the SBTS provide broad justification under planning policy that this is a viable form of development which would attract visitors to the area. Policy ED8 does require that new caravan and camping developments must occupy locations which can support the local economy with locations within or immediately out with the development boundary of settlements that can help support local shops and services favoured over countryside locations.

The Foulden LDP Settlement profile does observe that development to the north of the settlement should be resisted, this is however directed to residential development and other proposed land uses need to be tested against relevant policy requirements, such as Policy ED8.

The application site is outwith the Foulden development boundary, however the policy does not insist on new caravan sites being located within settlements. Certainly part of the attraction of this site is its rural setting. At its closest point the site measures approximately 200m from the development boundary where it is separated by an open field which contains two residential properties and a woodland area. The site is directly linked to the settlement by a short section of the minor road which joins the A6105. The residential properties at Nunlands bound this site with further properties located to the north of the site. These properties closely relate to Foulden and their presence has established that development has previously taken place outside of the settlement boundary.

Extant planning permission still exists for this land to operate as a fishery. While this is a different business than the current proposals before Members, some comparisons can be drawn between the two uses. Both are rural businesses which would attract visitors to the area. The positive planning decision which determined that this site can support a rural enterprise is judged to carry some weight in this case. Nevertheless, the proximity and accessibility of the site to Foulden means that it occupies a location which is suitably close to the settlement which will enable this development to support the local economy. Indeed while there may be no existing shops or services presently within Foulden, the development may enhance the viability for further inward investment which could result in the development of further facilities locally. In doing so, stimulating regeneration which is encouraged by Policy ED8.

It should be acknowledged that this proposal does include the development of a small shop. From an economic perspective, the provision of this facility will enable some expenditure to be retained within the village and it is understood that this facility will also be available for the wider public to use which will provide some benefit to local residents. Otherwise the inclusion of the small Shop/Reception building, Office, Recycling/refuse building are typical to those which you would expect to find to compliment a holiday park development of this scale. Owing to the location of the development outside of the settlement boundary, if Members were minded to approve this development it would be prudent to attached a condition to limit the floor area of the retail premises to the shop are shown on drawing No 17/B551/PL06. This would ensure that the shop remains an ancillary component to the development which does not detract from the amenity of the rural area.

Policy ED8 does not restrict the positive economic impacts to the location where a development is proposed and instead the aspiration is to enhance the local economy. This site occupies a location where other neighbouring town and villages in particular coastal attractions in Eyemouth and Coldingham are accessible from this development. The accessibility of the development to these nearby Border settlements allows this development to have a positive impact on the wider local economy in Berwickshire which depends on the tourism as one of its key industries for economic growth.

Drawing the above observations together it is considered that development occupies a location which can support the local economy and fits with the Councils tourism objectives as required by Policy ED8.

Criteria a) – c) of this Policy requires that new caravan and camping development must be of a high quality and be in keeping with their local environment and not result in adverse environmental impacts, have a suitable impact on infrastructure and be free from flood risk. These impacts are considered in detail in the relevant sections below in this report.

Prime Quality Agricultural Land (PQAL)

The application site is designated in the LDP as being PQAL. PQAL is a valuable and finite resource and Policy ED10 of the LDP seeks to resist development which cause its permanent loss.

The construction of the buildings including decked areas and access tracks may have a physical impact on the PQAL. These impacts should be limited as ground works will not take place across all of the site and the lodge section details show that the foundations are curtailed to a limited depth. This suggests that the site would retain some PQAL potential.

It is important to consider that the soil reserve within this site does not appear to have been used for agricultural activities for some time which likely ceased when consent 98/00136/FUL was implemented and the site was used as a fishery. Members are reminded that if this latest application were to be refused the site could still be used for non-agricultural activities. With this in mind and the fact that a significant area of PQAL identified in Figure ED10a of the LDP will be unaffected by this proposal, this development is not opposed on grounds that it would have a significantly detrimental impact on PQAL reserves within the Scottish Borders.

Design and Layout

The evolution of the proposed development is explained within para 2.4 of the Planning Statement. Originally the applicants explored a development which consisted of 77 lodges within this site. Following concerns which were expressed by officers principally about the visual impact about the scale and density of the development the number of lodges proposed has been reduced from 55 to 52. The lodges are arranged in a series of rows with buildings positioned at different angles across the site.

The Supporting Statement advises that the current development has a density of 2.6 lodges per acre. This figure is disproportionately low as there is land within the application site where lodges can't go, i.e. within the grounds of Willowdean House and the water bodies which is included within this figure. Nevertheless it is the merits of the layout which should determine if the design of the proposals are suitable within this site.

The amended plan (Drawing No 17/0G551/PL02) has illustrated that the lodges are spread fairly evenly through the site with a slightly lower density to the northwest corner which is more visually exposed. The lodges do not appear to be positioned too close together. The amended plan confirms there is space for each unit to have its own access and parking area with increased planting provided throughout the site. The siting of the proposals do not jeopardise the retention of the existing boundary hedging and established woodland planting which add amenity value to the development with the revised proposals increasing the volume of proposed planting within the site. It was questioned whether there was merit in providing some additional open amenity i.e. play space could be accommodated within the layout however this is not something which fits with the applicants target market. The lakes which have been established are being retained with space provided for a fruit and veg garden.

On comparing the layout of this development with other caravan sites in Berwickshire, this proposal avoids the ridged rows of accommodation laid out to maximise the volume of caravans/lodges a site can contain. Instead this development is spread more organically through the site with improved planting areas provided to break up the development and once this planting has established it will enhance the sense of place

within the site. The revised proposals have established that the site has the capacity to accommodate the facilities required by the applicants to operate a successful holiday park without resulting in overdevelopment of the site.

An example of the proposed holiday lodge accommodation is shown on Drawing No 17/B55/PL05. This proposal shows a holiday lodge building which is of a standard design for a building of this type. The inclusion of a pitched roof over the entrance door and floor to ceiling glazing add interest to the structure. It is understood that different styles of chalet will be available for the purchaser however precise details of these options are not available at this juncture. The inclusion of lodges which have a different appearance is welcomed as it would provide some variation through the development site. However to comply with any planning approval the buildings must meet the definition of a caravan as prescribed by section 13 of the Caravan Sites Act 1968 which automatically limit the height, length and width of the unit. This will likely result in any alternative lodge designs following the standard form of the example lodge which is illustrated on the proposed plan.

There is the prospect for different materials and colours to be used to finish the lodges. It is likely that these details will provide the noticeable variation throughout the proposal. The materials listed on the example lodge design drawing are appropriate for a development of this type however the precise colour finishes would be required to be agreed. Given the strict requirements for the accommodation to meet comply with the definition of the Caravan Sites Act which can be controlled by condition, there appears little merit to seek for the prior approval of all lodge designs. Instead agreement of a palette of materials and colour finishes for all lodges is recommended to suitably control the appearance of the accommodation.

The ancillary buildings in the form of the office and shop/reception buildings are of a modest scale. They are of a simple design and the use of natural slate roofing and timber walling are sympathetic to this rural location. No plans have been provided of the recycling/refuse store or the electrical building. The agreement of the design and material finish of these other ancillary these structures can however be agreed by planning condition.

Landscape and Visual Impact

The development is required to be assessed against relevant landscape and visual amenity requirements of LDP Policies ED8 and PMD2, ensuring successful integration into their local environment. The site is bound by a substantial hedge to the east and north with woodland edges to the water courses to the west and south of the site; therefore Policy EP13 seeks to ensure that woodland resources are not lost where they contribute positively to the amenity of the area.

The site is not located within any designated landscape area under the LDP. The Settlement Profile in the LDP recognises that Foulden does benefit from a stunning setting in the landscape lying in an area of sloping arable lowland where the Tweed Valley meets the Northumberland plain. Despite the site occupying a parcel of this rising land to the north of Foulden, its exiting boundary planting results in the site being quite well contained and relatively inconspicuous in the wider landscape. Potential views of the proposal are of a localised nature. The development has been designed so that the existing tree and hedge cover can be retained and enhanced through the landscaping scheme proposed by this development. This landscape framework along with the topography results in there being minimal views of the development from any public areas to the east and north. It was queried if the location of the wetland area in the southern corner of the site would cause in tree or hedge removed however the

applicants have confirmed this system will not cause the removal of any mature planting from this area which provides some crucial screening on approach to the site from the minor road.

The key receptors will be from the A6105 to the south and west of the proposal within Foulden itself. The existing planting to the south and west of the site will offer various degrees of screening as you travel along the A6105. From these points the north western third of the site would be the most visible. To help mitigate the visual impact of the development from these locations the developers have reduced the number of lodges in this development and moved some lodges away from the higher edges of site. This has enabled additional planting to be provided, in particular along the northern edge of the site which will contain views of the development.

The sloping topography of the site means that the lodges will require some groundworks to provide flat platforms for development. The updated section plan (Drawing No 17-B551-PL04 Rev A) illustrates that these groundworks can be carried out without altering the overall sloping nature of the site. The agreement of the precise finished levels across the whole site can be agreed as a planning condition attached to any consent.

Foulden has developed overtime with suburban residential expansion taking place to the east of the settlement. It has however remained a rural village with new development the eastern expansion of the village generally set within a landscaped frameworks to separate the developed parts of the village from the surround open agricultural fields. Undoubtedly a proposal of this scale would impact on the character of the settlement. The changes which have been made to the proposals within the original submission are small however they have helped to reduce the visual impact of this development. Retention of the site's existing hedging and mature tree planting is important as they enhance the visual amenities of the area and help to screen large parts of the development from some locations. The additional site landscaping which has been proposed does improve the visual impact of the proposal however some further landscaping which needs to include specimen trees is still necessary. Importantly the sketch provided by our Landscape Architect (available on Public Access dated 25.06.2019) illustrates that there is space to accommodate this planting.

The agreement of a slightly more robust landscape framework will not completely screen the development from the affected areas to the south west instead it will filter views of the development and soften views from the A6015. This landscaping will take time to become established but once it does it will provide a landscape framework which connects the development with existing tree belts. When the development is visible it will be viewed within a larger landscape which continues to rise which will provide further containment but with a planting framework where this development places buildings within a landscape framework similar to that which has taken place within the eastern part of Foulden. It will be important to ensure that the buildings are finishes using colours which are sympathetic to the rural area the lodges will recede into the rural landscape. Provided further improvements to the sites soft landscape framework are agreed, all existing woodland features are protected during development works in accordance with BS 5837:2012 and thereafter retained and the buildings are finished using suitable material colours, it is considered that this holiday lodge development will not adversely affect the character and sense of place of this rural area

Works are required to improve the site entrance. The visual impact of these works should not be significant however given that this is a publicly visible part of the

development the details of these works and any signage should be agreed by planning condition.

The Planning Statement Design identifies that it is the intention for the site to be developed in a phased manner. For a development of this scale this would be a sensible approach. The precise proposals for the phased construction of the site can be agreed by way of a suspensive planning condition to ensure that the site is being developed in a logical manner which limits the impact of the development works on the landscape setting of the site. It will however be important that landscape works take place early to allow the planting frameworks to become established which will enable the lodges to recede into the planting framework.

The development will require lighting so users can navigate the development in hours of darkness. There will presently already be some lighting provided at night from Willowdean House and other properties to the north so this aspect of the development is not necessarily proposing anything new. A Lighting Plan (Drawing No 17/B551/PL03 has been provided which details the lighting used will be down lighting which is in principle is appropriate as this should limit the visibility of the lighting from the development in the night sky of this rural area. The precise details of the lighting specification can be agreed via a suspensive condition which seeks to agree a lighting management strategy is agreed via a suspensive planning condition.

In principle the impact of the development on the character and appearance of the rural landscape and the existing woodland cover is acceptable subject to further improvements to the landscape framework. Planning conditions are recommended to ensure that existing planting is retained, agree a detailed landscape plan, finished site levels, building colours, lighting management and entrance works to ensure that the development respects the character and amenity of the rural area. The relevant parts of Local Development Plan Policies PMD2, ED8 and EP13 are judged to be satisfied by the proposals.

Access and parking

Policy PMD2 requires safe access to proposed developments and indeed the suitability of the access will be a consideration to conclude if the application site is appropriate to support this form for caravan development against Policy ED8. These policies are supported by policy IS7 which covers parking. The main issue with the development is principally related to the increased traffic movements generated by the proposals and the prospect to access the development by sustainable means of transport.

The application has been supported by a Transport Statement (TS) which confirms that the most common form method of accessing the development will be by private vehicle. It is anticipated that the majority of vehicle movements will access the site from the A6105 due to the good access links this road has to the A1 and central and western parts of the Scottish Borders. Direct access to the site itself will be provided by the minor public road to the east of the site using the existing site access. A number of objections have raised concerns that the existing road network does not have the capacity to safely accommodate the traffic generated by these proposals, particularly the minor public road.

The reduction in the number of lodges originally proposed will marginally reduce the number of vehicle movements. Certainly, if this site were to operate at capacity at any one particular time then vehicle movements associated with 52 lodges would have a noticeable impact on the local road network. The TS suggests that the maximum

occupancy level would not exceed 68% of the total development at any one particular time and it is considered that it would be highly unlikely for this development to be full at any one time. The RPS suggest that most traffic movements will take place out with peak hours of traffic flow i.e. commuter traffic and school runs. This timing of these movements reduces the prospect for the development causing congestion on the local road network.

The width of the minor public road is narrow in places when travelling from the north and the existing undulations and topography also limit visibility in places. It is however fair to suggest that motorists would expect to find a road of this nature within this rural context and would be expected to drive appropriately to the conditions of the road. The widening of the access will improve junction visibility at the site entrance with the resurfacing works preventing gravel being displaced onto the public road. Along this part of the road there are currently no passing places however that applicant proposes to form two passing places which will allow vehicles to pass safely. Currently one passing place is proposed to the north of the site entrance but because the road is more constrained between the access and the bridge (to the south of the access) where the majority of traffic movements are likely to take place, both passing places along this stretch of road would be more sensible.

Although the development will rely heavily on private car journeys, there is the prospect of visitors accessing the development via sustainable means of transport. There is an existing bus service on the A6105 with the nearest bus stop adjacent to Kerrigan Way (approximately 360m from the site). It is considered that these are located within a usable distance to the development. There is no footway along the public road which connects to the footway along the A6015 through Foulden. The section of the public road from the A6015 junction with the minor road to the bridge is generally wider than the section of minor road to the north of the bridge. The RPS are satisfied that this section of public road from is of a satisfactory standard for pedestrian use and there is space to step on to the verge to avoid traffic, if necessary. The reduced width and limited visibility of the section of road to the north of the bridge poses an issue for the safe passage of pedestrians.

Roads Planning Service advocates a pedestrian access be formed to the southernmost part of the site to avoid pedestrians using the constrained part of the public road to access this site. The amended plan did include a pedestrian access however this opening should be moved further south and as close to the bridge as possible. There is space within this site to relocate the footpath, this may lead to the layout of the wetland area being reviewed but given that the link currently proposed already dissects this area this is not considered to pose any significant issues. Provided a revised footpath link can be agreed this will enable safe pedestrian connectivity to the bus stops and Foulden its self which is important for this development. The RPS have advocated that further mitigation in the form of pedestrian warning signs and a reduction in the speed limit of this section of road from 60mph to 40mph would be promoted by the Council to further improve pedestrian safety.

The concerns raised by third parties on road and pedestrian safety have been considered. The site will be accessed off part of a minor public road which is constrained, however if Members are minded to approve this application it is recommended that a suite of appropriately worded planning conditions are attached to any consent to mitigate traffic and pedestrian impacts. These conditions will seek to ensure that the precise details of the required improvement works are agreed with an informative note confirming relevant standards. Construction traffic which includes the delivery of lodges to the site would impact on the affected section of minor road therefore the planning condition will seeks for the improvement works to the minor road

to be completed before site construction works commence. Additionally the agreement of a revised location for the footpath can be agreed by way of a suspensive planning condition.

The amended plan has illustrated that there is space for one parking space for each lodge. Some parking provision has also been provided at the Shop/Reception building. The RPS has not raised any concerns regarding parking provision. Should there be an insufficient volume of parking within the site this will only affect the layout of the development site itself and will not impact on the public road network.

Subject to conditions and informative as recommended, the development can be considered in compliance with Policies PMD2 and IS7 of the LDP. Additionally there not found to be any access issues which have found this site to be an inappropriate location for a caravan site development against Policy ED8.

Local Development Plan Policy IS5 relates to the protection of access routes. Whilst there are no claimed rights of way within the sites, the Access Officer has made a suggestion to link the development to the core path to the northwest by following the Deans Burn. The land required to provide this link is out with the applicants control, however the prospect of making this connection can be suggested by way of an informative note.

Residential Amenity

The applicants reside at Willowdean House and it is their intention to retain this property to help with the operation of the holiday park. This dwelling is therefore classed as an 'interested property' in terms of the developments potential impact. The dwelling occupies an elevated position at the eastern side of the site and is partly enclosed by a mature planting belt which is to be retained. It is not judged that the proposed layout would have an adverse impact on the residential amenity of this dwelling house.

Two residential properties are located approximately 50m away from the nearest lodges to the north of the site at Nunlands. The buildings at Nunlands occupy higher ground level than the application site. The existing robust hedges which stands between 8 – 12ft which encloses the north of the site and mature planting in the foreground of Nunlands already provides a significant barrier to help screen southward views of the development from Nunlands. These existing boundary enclosures will be increased by the structure planting which is proposed along the northern boundary of the site. The lodges and their decks are angled away from these properties to the north. The dwellings located to the south will remain separated from the development by the mature woodland to the south of the Wild Fowl Lake.

The proposals have been considered against the recommendations contained within the Council's SPG on Privacy and Sunlight. It is found that the distance between the lodges and neighbouring residential properties coupled with the retention of the existing planting ensure that these proposals will not give rise to any detrimental levels of overlooking and does not affect access to light or sunlight for existing neighbours.

At the time of writing the report no concerns have been raised by the EHO with regard to noise. The use of the proposed site as a holiday park is not considered to generate a noise nuisance which would be required to be controlled by a planning condition. Instead this would fall to be a management issue by the applicants to ensure that users of their development are not causing any unsuitable disruption which may adversely affected surrounding neighbours. If there were to be complaints with regards to noise

and any other nuisances such as litter etc. these matters could be pursued by relevant provisions within environmental health legislation.

Flooding

Policy ED8 explicitly requires that new caravan sites are developed in locations which are free from flood risk. Discouragement of the development of locations which may be subject to flood risk is re-affirmed in the LDP Policy which covers Flooding (Policy IS8).

The Council's Flooding Engineers and SEPA have both identified that part of the site adjacent to the existing water features and the Deans Burn would be at risk of flooding. Both consultees are satisfied that the all of the lodges occupy a ground level which is outwith the flood plain and are free from flood risk in accordance with criteria c) of Policy ED8.

The proposals do not suggest that any land raising is proposed within the flood plain as these works could affect the functionality of the floodplain. The office building is located on an existing island within the Wild Fowl Lake which is in the floodplain. This is a very modestly scaled building which does not provide accommodation which would necessarily require protection from flooding. Neither of the specialist flood prevention consultees have raised any concerns about the location of this structure.

It is recommended that the imposition of a standard conformity condition can ensure that the development is free from flood risk in compliance with the requirements of Policy ED8 and IS8 and that no land rising take place which could affect the flood plain.

Cultural Heritage and Archaeology

Impact on Listed Buildings

Nunlands House its ancillary structures and gate piers to the north of the site are listed Category B. Policy EP7 seeks to preserve protect and enhance the setting of Listed Buildings.

The Listed Building record from Nunlands House suggested that it is listed for its archaeological interest. Its setting is characterised as the structure represents a good example of a traditional rural farm house with ancillary buildings. The principle elevation of the building faces south towards the application site. The topography of the application site descends away from Nunlands. Intervisibility between the site and Nunlands is already limited by the roust boundary hedge and mature planting within Nunlands. No lodges are positioned directly in front of Nunlands House with their scale and siting ensuring the Nunlands House remains the principal building on elevated ground. The additional planting proposed along the northern boundary of the site will enhance the sites enclosure. The siting and scale of the proposed development is not judged to have a detriment impact the rural setting of Nunlands House and its associated structures.

Other listed structures are located to the south within Foulden itself include the Foulden Church and the row of listed terraced dwellings on entry in to the village from the west. Woodland belts enclose the listed Church buildings this along with considerable distance means that this proposal does not affect the setting of these buildings.

Impact on Foulden Conservation Area

The Foulden Conservation Area extends from the entrance to the village from the west to the woodland grounds opposite the Church. Policy EP9 requires that developments within or adjacent to a Conservation Area are designed to preserve their special architectural or historic character.

The site is not located within the Conservation Area. The special character of the Foulden Conservation Area is the siting of the row of linear buildings which have been orientated to take advantage of southward views across the lowland landscape. This development does not affect this vista. Otherwise it remains located some 210m from the closest point of the Conservation Area adjacent to the Tithe Barn. The development is sufficiently separated from the conservation area by a field which itself has been partly developed with two residential units. Retention of the existing mature woodland planting on the western and southern boundaries of the site will enclose the development from the designated area. There will be some distant visibility of the development from parts of the Conservation Area, but provided that the buildings are finished using suitably coloured material finishes the development is not judged to have an adverse impact on the character or appearance of the Conservation Area.

Impact on Archaeology

The Council's Archaeologist has identified that Nunlands to the north is a site of historic interest. The proximity of the development to this site means that it could have archaeological potential. LDP Policy EP8 ensures that where there is evidence to suggest the existence of archaeological remains but their extent are unknown that the Council can require an Archaeological Investigation. The archaeologist has recommended this approach is followed either through trial trenches or a geophysical survey of the whole site with more precise evaluations thereafter. Initial investigation will be required to be undertaken before development works commence.

If Members are minded to approve this application it is recommended that need for further mitigation can be addressed via a suitably worded suspensive condition.

Ecology

Policies EP1 to EP3 seek to protect sites and species afforded international and national protection from adverse forms of development and also aim to safeguard and enhance local biodiversity.

The application site is not located within international or nationally protected ecological sites. The Deans Burn does connect to the River Tweed SAC/SSSI. Mitigation will be required to ensure that sediment and pollution run-off is controlled during the construction phase, this can be achieved through the agreement of a Construction Environmental Management Plan (CEMP) to mitigate impact on waterbodies.

During the operational phase foul drainage and surface water drainage are to be directed to the water bodies. Both these means of discharge have the potential to adversely affect the ecological status of these waterbodies if the method of discharge is not properly managed.

Foul drainage from the lodges is to be taken to a treatment plant in the southern corner of the site with an outfall to the Deans Burn. SEPA are satisfied with this treatment system.

Surface water drainage was proposed to be handled by attenuation trenches which will feed a network of perforated piping running through the site with an eventual outfall to the lakes. SEPA raised concerns about whether there was sufficient means of SUDS treatment within this system to avoid drainage entering the lakes directly. There were uncertainties about the discharge point and whether the lakes had sufficient capacity to accommodate the proposed drainage and the connection of the lakes to the Deans Burn. The applicants did provide further information however the details have not provided SEPA with conformation that the proposed system will protect the ecological status of the water bodies. SEPA have recommended that this is ultimately a minor matter and if Members are minded to support this planning application a suspensive condition should be attached which seeks to agree an alternative scheme to satisfactorily dispose of surface water from this development. If Members are not minded to attach such a condition then SEPA's position remains one of objection which would lead to a requirement to referral to Scottish Ministers for determination.

The site does provide habitats for a range of protected species which include bats, otter, badgers and breeding birds. The construction works could impact on the habitats for these species however these impacts can be mitigated via the agreement of species protection plans as advised by our Ecologist. The incorporation of wild flower areas within the sites landscaping would enhance the biodiversity of the site.

The Ecologist did identify the lighting requirements for this development would potentially impact on bats. Some additional details on the lighting proposals have been provided where the applicants have committed to use lighting which is sensitive to bats. As a result our Ecologist is satisfied that the final details of lighting can be agreed via a condition seeking the agreement of a lighting management strategy to ensure that dark zones are maintained along habitat corridors used by bats (boundary trees, trees and hedgerows and along waterbodies).

The site benefits from a rich natural environment which adds to its richness and attractiveness. There is always the potential for development works to impact on ecological assets however in the case of this development both SEPA and the Councils Ecologist are satisfied that these impacts can be adequately mitigated through a series of suspensive planning conditions to control; surface water drainage, CEMP, species protection plans and a conformity condition to ensure that the foul drainage system is implemented. Subject to the agreement of these conditional matter the proposed development is consider to comply with Policies EP1 to EP3 of the LDP.

Occupancy

The development is to be used to provide holiday accommodation and it is normal practice to control occupancy by planning condition.

Para 2.1 of the Planning Statement confirms that the target market for this development is people who are looking for an alternative to a second home. The lodges are to be sold to a purchaser with an annual ground lease paid thereafter.

The applicants originally sought for the holiday park to be operational across 11 months of the year which in theory would have permitted an owner to use their accommodation as frequently as they wish over this period. Operating a holiday development in this manner may have been accepted on other holiday parks in the past, however this volume of use provides a very strong degree of permanence which does not represent genuine holiday use in line with the proposed development. Planning conditions are now regularly attached to holiday accommodation developments and would allow the park to be open all year but limit how often an

individual can use the accommodation. Normally this would limit an individual or family unit to no more the 4 weeks in any 13 week period.

Holiday patterns have evolved over recent years with the length and frequency of breaks varying significantly from person to person. Finding an occupancy restriction which suits all potential users is difficult. The crucial requirement is however to ensure that a condition can control the use of the development so that it is being used for genuine holiday purposes only. Ultimately any planning condition must meet the tests which are prescribed within Circular 4/98 Use of Planning Conditions.

Officers have engaged with the applicants in order to agree a suitable holiday restriction. The business model for this development suggests that each lodge will be mostly used by its owners. This suggests that there would be a high possibility for multiple re-occurring visits or visits for longer periods of time. With these requirements in mind it is accepted that the suggested restriction could jeopardise the viability of this development. Instead a restriction which provides the user more flexibility to use the accommodation as they desire across a 12 month period would be more suitable.

It was suggested to the applicants that the maximum time a person can reside at the accommodation should not exceed 3 months across a consecutive 12 month period. This time period enables a holiday maker to choose to use the accommodation more frequently or stay for longer individual periods than would be permitted by the standard condition. Subsequently the applicants have suggested that they would accept a condition which provided individual users with a 4 month limit.

The applicant's 4 month limit does represent a significant reduction from 11 month use which was originally sought. However, a 3 month limit set by the Reporter on an appeal decision at Whitmuir Hall near of Selkirk (application ref; 14/00848/FUL) remains more commensurate with the suggested holiday use. This limit also ties in with the applicants findings of the average time a holiday maker spends at their holiday park in Northumberland. The recommendation to members limits occupancy to a maximum of 3 months within any 12 month period although Members may wish to give consideration to the applicant's suggestion to extend this period to 4 months.

Rather than specifying the number of months, because the number of days in a month varies it is recommended that in order to remain precise and enforceable the planning condition should specify a maximum number of days within a consecutive annual (365 day period) period. To give the developers the benefit the number of days should be calculated from the longest and not the shortest months to set the limit at 93 days. A register of holiday makers should also be kept for the inspection of the Planning Authority.

It should be noted that the condition limits the period of time an individual can use the accommodation however it does permit the accommodation to be used all year round, but by different holidaymakers. Some objection comments are against this because it increases the frequency that the accommodation can be used. The economic benefit of accommodation being used by different users is encouraged by the SBTS which seeks to promote the Scottish Borders as a year round destination subsequently the frequency of the use of the accommodation different holiday makers is not limited by this condition. Because the lodges are to be sold to individuals as opposed to being rented for short breaks this may limit this potential and the operators of the holiday park can still chose to close the holiday park for a period of time each year.

PAC Report

Third party objection comments have raised issue that concerns raised at public events and within written representation have not been accurately recorded within the PAC Report. The validity of the accuracy of the PAC Report are refuted by the agent within Section 8 of the Supporting Statement.

The purpose of the PAC report is to confirm that pre-application public engagement has taken place. Against the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 the engagement which has taken place does meet the minimum requirement prescribed by these regulations therefore the Planning Authority were duty bound to register this major planning application.

While there is no agreement between the applicants and third parties over the content of the PAC Report, Circular 3/2013 Development Management Procedures para 2.41 advises that;

If parties are concerned that their views have not been taken on board as a result of the PAC, it is important that they make their concerns about the proposal known by making representations to the planning authority at the planning application stage, so that due consideration can be given to them before a decision is reached.

From the volume of third party representation lodged in response to this planning application it is clear that they have engaged in the planning process. Members should be aware that the comments submitted on material planning matters must be given consideration as part of the determination of this application and not the content of the PAC Report.

CONCLUSION

The application site is an attractive location which has the potential to accommodate a suitable form of tourism development. The development is likely to create an economic benefit for the area which could prompt further regeneration and inward investment into the local economy which is encouraged by LDP Policy for New Caravan and Camping developments. It is acknowledged that the scale of the development is significant on this rural edge of Foulden and its resulting impacts have been carefully considered. However, it is considered that provided an improved landscape framework is agreed and the buildings are finished using a sensitive pallet of external materials and colours that the proposals will be sympathetic to the character and amenity of the rural location. Subject to compliance with the schedule of conditions and informatives, the development will accord with the relevant provisions of the Local Development Plan 2016 and there are no material considerations that would justify a departure from these provisions.

RECOMMENDATION BY CHIEF PLANNING AND HOUSING OFFICER:

I recommend the application is approved subject to the following conditions and informatives:

1. The occupation of the holiday lodges hereby approved shall be restricted to genuine holidaymakers for individual periods not exceeding 93 days in total within any consecutive period of 365 days commencing on the 1st of January of each calendar year. A register of holidaymakers shall be kept and made available for inspection by an authorised officer of the Council at all reasonable times.

Reason: A permanent residential site in this location would conflict with the established planning policy for this rural area and to retain effective control over the development.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Planning Authority and all 52 holiday lodges approved under this consent shall meet the definition of a caravan under section 13 of the Caravan Sites Act 1968 (as amended).

Reason: To ensure that the development is carried out in accordance with the approved details

3. No development shall be commenced until samples (including colour finishes) of all external materials to be used on all buildings, structures and decking throughout the site are submitted to, and approved by in writing by the Planning Authority. Thereafter the development shall take place in accordance with the approved samples.

Reason: To safeguard the visual amenity of the area and the character of the landscape.

4. No development shall commence until the following details have been submitted to and agreed in writing with the Planning Authority:

- a) Elevation drawings of the recycling/refuse and electrical buildings/enclosures
- b) Elevation and location proposals for any signage.

Once approved, the development shall take place in accordance with the approved details.

Reason: Further information is required to ensure an appropriate form of development which respects the character and appearance of the surrounding area.

5. The floor area of the shop building hereby approved shall be limited to the space shown on Drawing No 17/B551/PL06 unless any variation is agreed in writing with the Planning Authority.

Reason: To ensure that this retail facility remains subservient to the operation of the development as a holiday park.

6. Notwithstanding the proposed means of landscaping no development shall commence until a detailed landscape plan has been submitted to and approved in writing by the Planning Authority and thereafter, no development shall take place except in strict accordance with the approved details. The plan(s) shall include the following information:

- a) The location of protective fencing in accordance with BS5837:2012 to be erected around the trees and hedgerows to be retained. Once approved the fencing shall be erected before development works commence and shall only be removed when the development has been completed.
- b) Indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration
- c) Location of new trees, shrubs, hedges and grassed areas
- d) Schedule of plants to comprise species, plant sizes and proposed numbers/density
- e) Programme for completion and subsequent maintenance

Reason: To satisfactorily retain existing woodland cover within the site and to provide an effective landscape framework within the development to enable its effective assimilation of the wider surroundings

7. The development hereby approved shall only be carried out in strict accordance with a programme of phasing which includes phasing of all soft landscape works which has first been submitted to and approved in writing by the Planning Authority.
Reason: To ensure that the development of the proceeds in an appropriate manner which respects the landscape setting of the holiday park.
8. The finished floor levels of all building and holiday lodges hereby permitted shall be consistent with those indicated on a scheme of details which shall first have been submitted to and approved in writing by the Planning Authority. Such details shall indicate the existing and proposed levels throughout the application site. Thereafter the development shall take place in accordance with the agreed details and no further land or ground re-profiling should take place without the written agreement of the Planning Authority.
Reason: To ensure an appropriate form of development and guard against future ground works causing flood risk.
9. Prior to occupation of the development a detailed Lighting Management Strategy for all exterior lighting on attached to buildings and throughout the site shall be submitted to and approved in writing by the Planning Authority and thereafter the development should place in accordance with the agreed details.
Reason: To safeguard the visual amenity of the area and mitigate the impact of lighting on local biodiversity.
10. No development shall commence until detailed engineering drawing(s) showing improvement works to the minor public road has been submitted to and approved in writing by the Planning Authority. The information provided shall include:
 - a) Construction details for the proposed site entrance
 - b) Two passing places generally as per diagram DC-1 (including signage) at agreed locations
 - c) Two pedestrian warning signs to diagram 544.1 of the Traffic Signs and General Directions 2016 also at agreed locations.Thereafter no development shall take place except in strict accordance with the approved scheme unless otherwise agreed in writing with the Planning Authority. All improvement works to the minor road shall be completed before site development works commence.
Reason: To ensure the public road network is capable of accommodating the increase in vehicular and pedestrian traffic associated with this development
11. No development shall commence until an amended site plan showing a pedestrian link to the public road at the southernmost corner of the site has been submitted to and agreed in writing with the Planning Authority. Thereafter the development shall take place in accordance with the agreed details.
Reason: To allow the most direct and safe link for pedestrians accessing the public road and public transport network.
12. No development shall take place within the development site as outlined in red on the approved plan until the developer has secured a Written Scheme of Investigation (WSI) detailing a programme of archaeological works. The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA). The WSI shall be submitted by the developer no later than 1 month prior to the start of development works and approved by the Planning Authority before the commencement of any development. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording,

recovery of archaeological resources within the development site, post-excavation assessment, reporting and dissemination of results are undertaken per the WSI. Reason: The site is within an area where development may damage or destroy archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.

13. No development shall commence until the following Ecological Mitigation Measures have been submitted to and approved in writing by the Planning Authority and thereafter, no development shall take place except in strict accordance with those details. The submitted details shall include:

a) A Construction Environmental Management Plan (CEMP) to mitigate impact on waterbodies.

b) A Species Protection Plan for bats, otter, badger and breeding birds
Once approved, the proposed development shall be carried out in strict accordance with the approved details.

Reason: To ensure that species and habitats affected by the development are afforded suitable protection in accordance with previously approved details.

14. Notwithstanding the method of surface water treatment described in the application, no development shall commence until an alternative scheme for the disposal of surface water which complies with SUDS principles has been submitted to and approved in writing by the Planning Authority in consultation with SEPA. Thereafter the development shall take place in accordance with the agreed details.

Reason: A revised method of surface water treatment is required to ensure that the disposal of surface water does not adversely affect the ecological status of the water bodies.

15. The means of foul water disposal from the development shall be undertaken as per section 7.1 of the Supporting Statement by Richard Amos Ltd (report 17/B551 dated May 2019).

Reason: To ensure that foul water is disposed of in a suitable manner which does not adversely affect the ecological status of the water body.

Informatives

1. With reference to Condition 6 the enhanced landscape framework and plant schedule should follow the recommendation of the Councils Landscape Architect dated 25.06.2019.
2. With reference to Condition 10 all work in the public road boundary must be undertaken by a contractor first approved by the Council
3. The applicants are advised that a Core Path 99 is located to the North West corner of the development. To enhance the sites access connectivity the applicants may wish to consider linking this development tot his route.

DRAWING NUMBERS

Drawing Number	Plan Description	Date
17/B551/PL01	Location Plan	24.10.2018
17/B551/PL01	Elevations/Floor Plan (Office)	24.10.2018
17/B551/PL06	Elevations/Floor Plan (Shop Reception)	24.10.2018
Typical 20' Twin Unit (16deg)	Section	17.12.2018
17/B551/PL05	Elevations	17.12.2018
17/B551/PL02	Site Plan	04.06.2019
17/B551/PL03	Landscape/Contour/Lighting Plan	04.06.2019
17-B551-PL04	Sections	04.06.2019

Approved by

Name	Designation	Signature
Ian Aikman	Chief Planning and Housing Officer	

The original version of this report has been signed by the Chief Planning and Housing Officer and the signed copy has been retained by the Council.

Author(s)

Name	Designation
Scott Shearer	Peripatetic Planning Officer



18/01479/FUL

Land North-
West Of Willowdean House,
Foulden

