

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

29 JUNE 2020

APPLICATION FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBER: 20/00067/FUL
OFFICER:	Mr Scott Shearer
WARD:	East Berwickshire
PROPOSAL:	Erection of mobile holiday lodges with office, reception/shop, and formation of associated roads and parking
SITE:	Land North West Of Willowdean House, Foulden
APPLICANT:	Mr and Mrs J Tait
AGENT:	Avison Young

PLANNING PROCESSING AGREEMENT: This application has a Planning Processing Agreement which seeks determination at the Planning and Building Standards (P&BS) Committee on the 3rd August 2020.

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

This proposal represents a repeat application following the refusal of 19/01479/FUL at the P&BS Committee on 2nd September 2019. The proposed holiday lodge development remains unchanged from the proposal which was previously determined and consists 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

PLANNING HISTORY

98/00136/FUL - Erection of dwellinghouse which included the development of a fishery. 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.

19/01479/FUL - Erection of mobile holiday lodges with office, reception/shop, installation of hydro generator, and formation of associated roads and parking. Officers recommended that the application is approved subject to planning conditions and informative notes, at the P&BS Committee on the 5th August 2019. Members determined to continue the application for a site visit. A site visit took place on the 26th August 2019. Members reconvened on the 2nd of September 2019 with the application being refused for the following reason;

The development would be contrary to Policy ED8 - Caravan and Camping Sites of the Scottish Borders Local Development Plan 2016 in that proposed holiday lodges are not of the highest quality, are not in keeping with the local environment and will have an unacceptable adverse impact on local infrastructure, specifically the capacity of local roads. Furthermore the development would be contrary to Policy PMD2 - Quality Standards of the Scottish Borders Local Development Plan 2016 in that the scale, massing and density of the proposed holiday lodges is not appropriate to their surroundings, would not be compatible with or respect the character of the surrounding area and would lead to overdevelopment of the site. The proposed holiday lodges would result in an unacceptable form of development inconsistent with the landscape characteristics of the surrounding area and would lead to unacceptable adverse impacts on pedestrian and road safety.

REPRESENTATION SUMMARY

Objections from 88 different properties have been received. Some households have commented multiple times. Comments are available in full on the planning portal and are summarised below;

- Design and materials are not high quality
- No compelling economic case
- Results in the loss of Prime Quality Agricultural Land
- No material amendments made to address the reasons for refusal of 18/01479/FUL
- Fails to respect character and appearance of surrounding rural area
- No village facilities to support the development
- No demand for development with an already over capacity of self-catering accommodation available in the area which is already under occupied
- Accommodation will be used as second homes and not by genuine holiday makers
- Development would represent an increase of 300% of residencies in the immediate vicinity of Nunlands
- Proposed measures of mitigation do not adequately address negative impacts of development
- No new PAN procedure has been carried out and previous PAC report failed to accurately report concerns raised
- No evidence to suggest development is carbon neutral and roof of lodges would not support solar panels

- 98% of Foulenden previously objected to previous application
- No supporting recreation or hospitality facilities are available therefore only non-local businesses would benefit from the development
- Against COVID-19 local health facilities could not accept additional burden
- SUDS details still require to be agreed
- Residents of Foulenden couldn't use new footpath though the site and would instead still be required to walk on busy road with additional traffic
- Road network has no capacity to safely accommodate extra traffic
- Insufficient parking
- Adversely affect trees
- Litter nuisance
- Noise pollution
- 7 year construction phase would cause prolonged disruption
- Adversely affect local biodiversity, habitats, protected and non-protected species
- Occupancy condition difficult to enforce
- Detract from setting of Conservation Area
- Detract from setting of Category B Listed Nunlands House.
- Adversely affect residential amenity

One comment of support has been received.

APPLICANTS' SUPPORTING INFORMATION

The application has been supported by following documents which are listed in date order;

- Business Plan (undated)
- Lighting Strategy (undated)
- Transport Statement June 2018
- Preliminary Ecological Appraisal June 2018
- Landscape Schedule Sept 2018
- PAC Report - Oct 2018
- Business Forecast prepared by Greaves West & Ayre Charter Accountants (sensitive) - June 2019
- Planning Statement – Jan 2020
- Covid Impacts Letter June 2020

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:

Scottish Planning Policy (SPP) 2014

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 Borders Tourism Strategy (SBTS) 2013-2020

Planning and Building Standards Committee Report for 18/01479/FUL dated 2nd September 2019

Decision Notice for 18/01479/FUL

Circular 4/98 Use of Planning Conditions

Circular 3/2013: Development Management Procedures.

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

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

Ecology Officer: Satisfied that The Preliminary Ecological Appraisal (PEA) (Findlay Ecology Services, June 2018) has been re-submitted with this application is still up to date.

Biodiversity interests within the site includes open water (ponds), marsh habitat, a spring and over mature ash trees. The development may lead to a loss of habitat, destruction of and disturbance to habitats and protected species during construction and disturbance through operational use of the development (human activity and lighting, surface and waste water impacts). In the absence of any material changes, the Ecologist recommendations from the original application remains suitable whereby

no objection is raised subject to a suite of planning conditions covering; Construction Environmental Management, Species Protection, Lighting Management and Habitat Management.

Flood Risk and Coastal Management: No objection. Part of the site is at risk of flooding from the Deans Burn which flows from the north west corner of the site to the two ponds located at the southern, lower lying section of the site. The site plan demonstrates that the proposed lodges are located out with the 1:200 year flood envelope as shown on the SEPA maps. Further information regarding the topography of the site information has been provided in the form of site sections and contours which confirm the siting of the lodges is at least 1m above the 1:200 year flood floodplain.

Landscape Architect: Does not appear to be any significant changes between the previous and current application therefore observations within the previous consultation response dated 25.06.2019 for 18/01479/FUL remain valid. This response is summarised below;

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.

Outdoor Access Ranger: There are no claimed rights of way on the site. There are other tracks in the area that the public would have a 'right of responsible access' to under the Land Reform (Scotland) Act 2003. Recommend that a path planning study should be carried out across the land owned by the applicant to identify any existing paths, where diversions will be required and where improvements to access can be achieved.

Roads Planning Service: The impact of the development on road safety was one of the reasons the previous application was refused, contrary to the recommendation of the RPS. Observe that nothing has changed in the resubmission therefore the RPS maintain their original assessment which recommended no objection subject to condition agreeing engineering improvement to the public road (which would include the formation of a new passing place preferably between the bridge and site entrance) and provision of pedestrian access to the southernmost corner of the site as close to the bridge as possible. The original observations of the RPS are noted below;

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.

Statutory Consultees

Scottish Environmental Protection Agency (SEPA): Note that no amendments have been made to the scheme following determination of 18/01479/FUL therefore the advice previously provided remains relevant whereby the development was not opposed on flood risk grounds and updated information with section 7.1 of the Supporting Statement dated May 2019 provided satisfactory means of treating foul drainage. The method of the disposal of surface water to the ponds remains unacceptable however provided that a suspensive condition was attached to agree an alternative means of the treatment of surface water SEPA did not oppose this development. Should SBC not attach such a condition to any consent then their objection would still stand.

Other Consultees

Foulden, Mordington and Lamberton Community Council *1st response (11th Feb 2020):* Object, citing the following grounds;

- No new PAC report has been provided and the original fails to address the observations of the local community.
- The development on sloping site will be visible from the village and A6105 and proposed landscaping will fail to screen the proposals.
- Layout, form and design of the lodges is not in keeping with local building design.
- Proposed materials do not reflect finishes of local vernacular architecture and are inappropriate to the setting of the surrounding area.
- The development would adversely affect wildlife and the natural environment
- Site is designated Prime Quality Agricultural Land and the proposed development does not satisfy any requirements of PMD4 of the LDP to allow for exceptional approval.

- Development would add no extra amenities to the village and will provide minimal permanent employment opportunities and no positive economic benefits.
- There is no market demand for the development with the area having sufficient provision of various holiday accommodation.
- 11 month occupancy is proposed which would create second homes.
- Setting of listed Nunlands House would be adversely affected.
- Residential amenity of Nunlands House adversely affected.
- Access is provided from a busy, unclassified road. Development would increase traffic which the road does not have the capacity to safely support.
- Increased Litter.
- 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

2nd Response (17 June 2020) Reiterate objection from 11 Feb 2020 and add;

- Planning condition imposed on a previous consent at the site relating to breeding of wild fowl have not been complied with.
- Claims of an 'energy positive, carbon neutral' development remain entirely unsubstantiated
- No material changes to previously refused development and still conflicts with policy requirement of LDP.

KEY PLANNING ISSUES:

The key determining issues are whether or not this repeat application has address the decision by the P&BS Committee to refuse application 18/01479/FUL and in particular when considered against the Councils development plan if 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 detrimental loss of Prime Quality Agricultural land

ASSESSMENT OF APPLICATION:

PAC Report

Members will be aware that prior to lodging a major planning application that it is incumbent on applicants and developers to engage with the local community under the Pre Application Consultation (PAC) process. The applicants have relied on the PAC which was undertaken for application 18/01479/FUL. On initial receipt of the application the Planning Authority did query whether it was suitable to rely on a previous PAC exercise. An instruction was provided from the Scottish Government on

23rd Dec 2019 clarified that provided a proposed development is materially the same as a previous development which PAC was undertaken then it would be acceptable to rely on the previous PAC/PAN process.

On the basis that the development proposed is not materially different and a disproportionate period of time had not elapsed since the PAC process was originally undertaken, there is no need for the PAC process is not required to be repeated. However, as the spirit of the PAC process is to enable communities to be made aware and engage with development for major applications in their area therefore on agreeing that the repeat application could proceed with the previous PAC exercise, it was recommended that the applicants should notify the Community Council and ward Councillors of their intention to lodge a repeat application. It is understood that these notifications took place prior to submission.

Third parties have repeated their concerns about that the original PAC process failed to account for concerns raised at public meetings and written representation have not been accurately recorded in the PAC report. This matter was addressed in the P&BS Committee Report for 18/01479/FUL. Members are reminded that where 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.

Again the volume of third party representations lodged in response to this repeat planning application demonstrate that the local community have engaged in the planning process. Members are reminded 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.

Planning Principle

Since the determination of the previous application (hereafter referred to as 18/01479/FUL) there has been no planning policy changes at a national level which this proposal would require further consideration against. At a local level, the Council's development plan which 18/01479/FUL was considered against remains unchanged. The proposed accommodation would still meet the definition of a caravan against section 13 of the Caravan Sites Act, which to recap means that 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)

Section (A) of Policy ED8: Caravan and Camping Site of the LDP remains the most relevant provision of the development plan to consider the principle of the proposed development against. 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.

This repeat application has been supported by a Business Forecast which was undertaken by independent Charter Accountants. This submission also accompanied 18/01479/FUL and for the avoidance of doubt considers the financial overview of a 52 lodge development. The economic and tourism benefits of the proposal was thoroughly considered in the committee report for 18/01479/FUL. The following benefits were noted:

- There is a market demand for type of accommodation proposed
- Provide employment opportunities
- Increase overnight visitors and expenditure in the area
- Increase the range of accommodation in area with accommodation acting as an attraction
- Rural location will be attractive to target markets from Newcastle and Edinburgh areas
- Development is a viable enterprise which would break even after year 3 and profit thereafter
- Development includes a small retail premises
- Enhance the potential for other inward investments within the local area to support the tourism business
- There is an extant permission to operate a fishery business at the site

The calculations contained in the Business Forecast are now a little over a year old and since the submission of the repeat application the economic and social climate has been significantly impacted by the outbreak of COVID-19. Correspondence has been provided by the applicants dated 18th June 2020 which seeks to respond to the impacts of COVID-19 on this development. Salient points note that;

1. Visit Scotland research considers there will be a greater demand for 'staycations'.
2. Caravan sites could offer a safe holiday option in comparison to serviced accommodation.
3. GDP has fallen therefore the economic benefits of a proposed development are suggested to be afforded significant weight in planning balance.

There is no firm evidence yet to tell exactly how the holiday market will react to COVID-19 in response to points 1 and 2 in the longer term. Therefore little weight can be attributed to these points. In terms of item 3, planning policy dictates that the economic impacts of a proposed development remain an important consideration; however, these merits must be considered in the round against the environmental impacts of the proposed development. The economic impacts of COVID-19 are recognised, nevertheless the merits of the proposed development must be considered against relevant provisions of the development plan.

In refusing 18/01479/FUL, the P&BS Committee did not find that the development of a holiday lodge development immediately outwith Foulden did not fit with wider tourism, economic and regeneration objectives of Policy ED8. The Council's Economic Development Section still consider that the proposal complies with the strategic targets of the Scottish Borders Tourism Strategy which confirms that there remains a growing demand for holiday homes in the Scottish Borders. Therefore, it is still considered that the development occupies a location which can positively support the local economy and fit with the Council's tourism objectives and in doing so satisfy the broad planning principles of Policy ED8.

It is however the detailed consideration of the environmental impacts, in particular the design, appearance, landscape and visual impacts of the proposal and the developments impact on the capacity of local infrastructure which the P&BS

Committee determined that 18/01479/FUL failed to satisfy policy requirements of ED8 and PMD2 which covers quality standards. These impacts of this repeat application 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 case its permanent loss.

Previously it was recommended that;

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.

The P&BS Committee did not oppose 18/01479/FUL on grounds that the development would result in the inappropriate loss of PQAL. This repeat application does not raise any additional impacts on PQAL therefore it remains recommended that the proposal would not have a significantly detrimental impact on this resource.

Design and layout

Central to the refusal of 18/01479/FUL was Members assessment that the design and appearance of the lodges were not of the highest quality and that the scale, massing and density of the development failed to integrate with the character of the surrounding area and represented overdevelopment of the site.

The application has been supported by the same example lodge illustration, Drawing No PL05 A and the proposed layout is unaltered.

Members are reminded that the applicants reduced the number of lodges proposed from the initial pre-application enquiry which was seeking to develop the site with 77 lodges down to 55 and during the processing of 18/01479/FUL a further 3 were removed leaving the site with 52 lodges. The reduction from 77 lodges down to 52 represents a reduction of 19% of the lodges which were originally sought to be developed.

The amended site plan for the 52 lodge layout did spread the accommodation more organically across the site with internal landscaping used to break down the layout into smaller pockets of development. It is pertinent to consider how other caravan/holiday lodge sites are arranged and in comparison this proposal is not as ridged or densely populated as some of the older caravan parks on the Berwickshire Coast. Members will recall that officers recommended that further planting should be provided within the

site. Although the site plans have not been updated to illustrate this, the sketch provided by the Council's Landscape Architect dated 25.06.2019 during the processing of 18/01479/FUL demonstrates that the site has the capacity to provide the required level of internal planting sought by the Landscape Architect without the need to remove any more lodges or the associated infrastructure i.e. decks, parking spaces and ancillary buildings. Despite remaining a sizable development, the ability of the site to accommodate all 52 lodges, infrastructure, ancillary buildings and landscaping suggests that the proposal does not necessarily represent overdevelopment of the site.

Turning to the scale of the individual lodges, their size is limited by the regulations of section 13 of the Caravan Sites Act.

It has been accepted previously at other caravan/holiday park developments that the strict sizes requirements for a unit to meet the definition of a caravan tends to limit its appearance therefore it is not uncommon not to agree the precise design of every lodge. The point raised by the P&BS Committee in the determination of 18/0179/FUL that this development is required to be of the highest possible standard is however well made and it is taken on board in the assessment of this repeat application.

Appendix 7 of the Planning Statement provides a potential suppliers brochure (*Prestige Homeseekers*) which illustrates some further information on the designs of the lodges. This informative was not previously available. Having examined the visual information in the document and consulted the supplier's website (www.prestigehomeseeker.com), it would appear that there is the option for different lodge designs which exhibit the following design features;

- Various roof pitches including pitched, split lean-to, lean-to with an inverted projection and some flat roof elements
- Alternative fenestration arrangements which includes options with large glazed frontages and contemporary styled openings
- Roof overhangs
- Horizontal and vertical cladding wood composite wall finishes
- Range of wall colour options
- Different deck designs, some solely to one gable end and others which wrap around the unit
- Variation between standard wooden and glass balustrade deck enclosure

When compared against a standard white or beige caravan, the design of these lodges appear more attractive and innovative. The supplier's information confirms there is scope of have different designs which would provide the benefit of clear variations in the form and appearance of the lodges. Provided the correct lodge designs and colours are agreed then along with a suitable internal landscape structure it would appear possible to provide a development with a rich form and appearance. Furthermore, it is pertinent to note that Economic Development Officers consider that the proposed accommodation meets market demand and it a product which would attract visitors to that area and raise the quality quotient of accommodation in the Scottish Borders.

Given the sensitivity of the site, specific control over the final designs of the lodges could be further agreed by a suspensive condition. This condition would seek to agree a mixture of 3 or 4 lodge types which would be positioned throughout the site. This would require the agreement of elevational drawings and a site plan identifying where each lodge would be positioned within the existing layout. Additionally, a pallet of materials with a suitable range of colour finishes should also be agreed by condition. The agreement of these final design matters by planning condition would enable the Planning Authority to retain specific control over the final design and appearance of

lodges which would be accommodated within the site to ensure they are indeed of a high quality. Whether the design and appearance of the development fits with the character of the surrounding area is discussed in the landscape and visual impact section below.

The ancillary buildings in the form of the office and shop/reception buildings have not changed. They are still 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 remain to be agreed by planning condition.

Landscape and visual Impact

Members found that the appearance of the proposals failed to successfully integrate with the character of the surrounding area. Officers provided a thorough assessment of the existing landscape context and the landscape and visual impact of the development within the P&BS Committee report for application 18/01479/FUL. Salient points from the previous assessment observed that;

- Foulton has developed overtime with suburban residential expansion taking place to the east of the settlement. The village has retained its rural character with developments to the east set within a landscaped frameworks to separate the developed parts of the village from the surrounding open agricultural fields.
- Despite the site occupying a parcel of this rising land to the northeast of Foulton, its exiting boundary planting results in the site being quite well contained and relatively inconspicuous in the wider landscape.
- Any potential views of the proposal are of a localised nature.
- Existing tree and hedge cover around the site are being retained which screens the development with only minimal views of the development from any public areas to the east and north.
- Key receptors will be from points on the A6105 to the south and southwest of the proposal within Foulton itself.
- Lodges were removed the higher ground along the northern edge of the site to reduce the potential visual prominence of the building and facilitate more robust planting to contain views of the development from the south.

In the intervening period there has been no change to the landscape context of the site. In response to this repeat application the Council's Landscape Architect has reiterated their response to the previous application which did not object on landscape and visual terms provided that more robust internal site planting was provided and a suitable palette of lodge colours was agreed.

Having again considered the landscape and visual impacts of the proposed development, it is certainly true that the location of 52 lodges on the edge of Foulton will impact on site's character. However, due to the site's seclusion in the landscape, external visibility of the proposal is still remarkably limited. Existing planting to the south and west of the site will still offer degrees of screening when travelling along the A6105. Where there is visibility of the lodges from the A6105, this visibility is from distances in excess of 290m and up to 460m for the short section of the road where there would be a view between Aldertree Cottage and the Tithe Barn. From these areas the viewer will not see the whole development instead will only have varying degrees of visibly of;

- a portion of the lodges in the pocket of the development to the south west of Nunlands House

- some lodges which extend towards the west along the northern section of the site
- parts of lodges through trees.

From these areas the receptor is viewing parts of the development through the intervening landscape. The extent of the wider landscape which rises up behind the site to contain will these views. At these distances, the structures will appear low in the landscape with their limited 3m height well below the skyline so they should not appear unduly prominent. The site is presently visible as open pasture land, however Members are reminded that internal site landscaping can be provided which will filter views of the proposals from the south west once it becomes established. Importantly, the species sought and the design of the site planting will help integrate the development with the wider landscape setting of the site.

It is clear that the application site is sensitive in landscape and visual terms and given the scale of the proposed development a cautious approach is necessary to guard against any prospect of an incongruous form of development which would erode the special character and visual amenities of Foulden. Visibility of the site has however remained limited. The additional information submitted in Appendix 7 of the Planning Statement has provided greater certainty that lodges with more sensitive appearances are available which would be better suited to the character of this site. The caravans would have to be finished in a range of suitable muted colours to ensure that the proposals can recede into the sites natural landscape setting which would be reinforced by internal site planting once this has become established. Provided that a appropriate range of lodge types and colours are agreed, coupled with the reinforced internal site landscaping and retention of all existing trees and hedging, it remains the opinion of officers the site can be developed in a sensitive manner which respects the rural character of the sites wider landscape setting. It will be important that new site planting commences early to ensure it can become established as quickly as possible.

Subject to the imposition of planning conditions to ensure that existing planting is retained and agree; a detailed landscape plan, finished site levels, building colours, lighting management and entrance works along with an additional condition to agree a mixture of lodge types it remains the opinion of officers that the design, scale, mass and density of the proposed development will not adversely affect the character and visual amenities of the surrounding area including Foulden's landscape setting. Relevant parts of Local Development Plan Policies PMD2, ED8 and EP13 are judged to be satisfied by the proposals.

Access and parking

In the determination of 18/01479/FUL the P&BS Committee determined that the local road network did not have the capacity to accommodate this development which would lead the proposal to have an unacceptable adverse impact on road and pedestrian safety. The development was therefore found to fail to comply with infrastructure requirements of criteria b) of Policy ED8 and access criteria of PMD2.

It is understood that the primary area of concern was the introduction of more traffic onto the road which is used to access the site and joins the A6105 some 420m to the south of the sites access. Members will recall that this road is narrow in places with no designated footpath and it is rural in nature.

This repeat application has been supported by the same Transport Statement. The proposed access means of access and unchanged and in the intervening time there

has been no know significant upgrades to the affected routes. In response to the previous application the Councils Roads Planning Service (RPS) observed that;

- The first section of the minor road from the A6105 to the bridge is of a satisfactory standard. Pedestrians can comfortably walk on the road then step onto the adjacent verges when traffic approaches, this will be further improved by the provision of pedestrian warning signs and reduction to the speed limit from 60mph to 40mph.
- The section between the bridge and the site access is slightly more constrained with less visibility for pedestrian of oncoming traffic. To address this an access to the southernmost part of the site was required.
- The minor public road leading to the site can be improved by way of two additional passing places located between the bridge and the site entrance where the public road is more constrained.

In response to this repeat application, third parties have reiterated their road and pedestrian safety concerns about this development.

The issue of the capacity of the road is critical to this assessment. The road is a public road therefore it is mindful to note that there are no restrictions on the volume of traffic which can use this road or vehicle size. However by its nature and location it is accepted that this is presently not a particularly busy thoroughfare.

The points made by the RPS remain relevant whereby it would appear unlikely that traffic movement by visitors to and from this development would likely be outwith peak hours but this would not be possible to control. While the development may be unlikely to operate at 100% capacity, there is still the potential for holiday makers to have visitors which would increase the number of traffic movements. Turning to pedestrian impacts, although there is no footpath along this road, there is currently the prospect of residents from Nunlands, Blinkbonny and the surrounding housing walking into Foulden without any of the enhancements suggested by the RPS however it would be unlikely that pedestrians would presently encounter the same volume of traffic which could be encountered if this development were approved.

In its current form, the local road network does not have the capacity to safely accommodate the volume of traffic triggered by this development without some form of mitigation; to that end, the RPS have recommended:

1. Two passing places between the bridge and the site entrance which is the most constrained part of the road.
2. The formation of a pedestrian access at the south of the site as close to the bridge as possible to utilise the less constrained part of the road closer to the main site access.
3. Signs can be erected to warn drivers on the route of pedestrians and the precise entrance details can also be agreed.

Separately, the Council has the powers to pursue the reduction in the speed of this road to further alleviate road and pedestrian safety concerns. The Council's RPS provide expert advice on the impact of proposed developments on roads matters in the Scottish Borders. They have thoroughly considered the impacts of this proposals with these assessments being informed by site visits. The recommended mitigation can be readily agreed and enforced by suspensive planning conditions with an additional obligation to agree the construction details of the site access. The conditions can be worded to require that the road safety improvements are complete prior to on site construction works and pedestrian access is complete prior to operation to ensure that the required mitigation is in place from the outset.

Subject to the attachment of appropriate planning conditions, the capacity of the local road network will be improved to a sufficient standard to adequately accommodate the development without posing road or pedestrian safety concerns. The development would therefore comply with criteria b) of Policy ED8 and access criteria of PMD2.

Turning to parking, the proposed development is still considered to provide sufficient provision for vehicle parking in accordance with Policy IS7.

In terms of access routes, the proposal does not directly impact on any designated paths. The response of the Access Officer to this repeat applicants has sought a path planning study to be carried out. However it is still advised that there are no claimed rights of way either within or directly adjacent to the site. Given that it was not sought previously and the applicants have no control of surrounding land, a path planning study may not be hugely beneficial. There remains a core path to the north west of the site and it would still be helpful to encourage the applicant to seek to link the development to this route by following the route of the Deans Burn. This is on land out with their control therefore this advice is contained by way of an informative.

Residential Amenity

Policy HD3 and the Councils SPG on Privacy and Sunlight. The P&BS Committee did not oppose 18/01479/FUL on grounds that this development would adversely affect the amenity of any neighbouring residential properties. There has been no material change to the proposed development which would lead to any new residential amenity considerations. Consequently the assessment of the impact of this development on residential amenity with the P&BS Committee Report for 18/01479/FUL remains relevant and it is considered that this repeat application also complies with LDP policy provision relating to residential amenity.

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 western and southern part of the application site is adjacent to the Deans Burn and existing water features. Both SEPA and the Council's Flood Engineers are still 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 and IS8.

The P&BS Committee did not previously oppose the development on flood risk grounds. Neither flood prevention consultees have raise any concerns about the location of the very modestly scaled office building within the Wild Fowl Lake, this is not accommodation which would require protection from flooding anyway.

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 takes place which could affect the flood plain.

Cultural Heritage and Archaeology

The P&BS Committee did not oppose 18/01479/FUL on grounds that this development would;

1. Adversely affect the setting of any neighbouring Listed Building, contrary to LDP Policy EP7.
2. Adversely affect the setting of Foulde n's Conservation Area, contrary to LDP Policy ED9.
3. Adversely affect any sites of archaeological significance, contrary to LDP Policy ED8.

The impact of the development on cultural heritage assets was thoroughly assessed in the P&BS Committee report for 18/01479/FUL. There has been no change in the proposals or any other material matters raised which would alter the previous assessment. The previous recommendations are considered to remain applicable against each of the policy considerations noted above and are copied below in full;

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 Foulde n itself include the Foulde n 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 Foulde n Conservation Area

The Foulde n 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 Foulde n 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.

Again, Members are reminded that they did not oppose 18/01479/FUL or any of the impacts of its associated infrastructure on any ecological grounds. In response to this repeat application, both the Council's Ecologist and SEPA have reiterated their responses to the previous application which did not oppose the development provide a range of conditions were attached to mitigate various impacts of the proposal on ecological interest. These matters were considered in the P&BS Committee report for 18/01479/FUL and are summarised below;

1. The Deans Burn connects 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.
2. Foul and surface water drainage from the development is directed to the sites water bodies and has the potential to impact on their ecological status. 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 remain satisfied with this treatment system.
3. Surface water drainage was originally to be handled by attenuation trenches with an 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. Insufficient evidence was provided to demonstrate that the system would protect the ecological status of the water bodies. Ultimately, further correspondence was provided by SEPA on 23.07.2019 that this was a minor matter which could be controlled by a suspensive planning condition to agree an alternative SUDS scheme.

4. Construction work could impact habitats of a range of species including bats, otter and breeding birds. These impacts can be mitigated via a species protection plan which should also incorporate wild flower areas within the sites landscape to enhance the biodiversity of the site.

5. Lighting requirements for this development would potentially impact on bats. The applicants committed to use lighting which is sensitive towards bats. Precise details can be agreed via 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 still benefits from a rich natural environment which adds to its attractiveness. Nevertheless it remains the view of the Planning Authority and SEPA that the impacts of the development on the sites ecological interests can be mitigated through a series of planning conditions covering the five points noted above. Subject to the agreement of these conditional matter the proposed development is consider to comply with Policies EP1 to EP3 of the LDP. Members are reminded if they are minded to approve this development and not attach a suspensive condition requiring an alternative means of surface water treatment that SEPAs position would revert to an objection which would trigger a requirement to refer the application to Scottish Ministers.

Occupancy

It is normal practice to seek to control the period of occupancy by planning condition. As the application was subsequently refused the matter was not relevant to the determination of the last application. Should Members reverse their previous decision it would crucial to suitably control the occupancy of the development to ensure that it is used for genuine holiday purposes only. The manner in which to seek to suitably control the occupancy of this development was discussed at length with the P&BS Committee Report for 18/01479/FUL. Members are directed to the Occupancy section of the previous report for a full assessment of how occupancy can be controlled. Salient points are noted below;

- The target market for this development is people who are looking for an alternative to a second home.
- Lodges are to be sold to a purchaser with an annual ground lease paid thereafter.
- Applicants originally sought for the holiday park to be operated across 11 months of the year which could enable an owner to use their accommodation as frequently as they wish over this period – this was judged to enable a strong degree of permanence which did not represent genuine holiday use.
- Officers engaged with the applicant to agree a suitable holiday restriction which recognised that owners will be the most frequent users therefore a restriction which provides some flexibility but remains within a limited period is needed to ensure that the viability of the development is not jeopardised.
- Officers suggested the maximum time a person can reside at the accommodation should not exceed 3 months across a consecutive 12 month period. The applicant's preference was for 4 months which represented a significant reduction from 11 month use.
- In the determination of an appeal decision at Whitmuir Hall near of Selkirk (application ref; 14/00848/FUL) a Reporter found that 3 months 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.

- In light of the Whitmuir decision, the recommendation to Members limited occupancy to a maximum of 3 months within any 12 month period; however, this was adjusted to allow a person to stay for up to 93 days in an 365 year period to provide more precision (as number of days in a month varies).
- This condition would still meets aims of the SBTS by enabling the Scottish Borders to be a year round destination and receive economic benefits of the accommodation being able to be used by different tourists.

The Planning Statement which supports this repeat application provides no further assessment on suitable occupancy controls and does not challenge the occupancy condition which was recommended to be attached to 18/01479/FUL.

Some objection comments have questioned how the Council ensure that the condition is complied with. The responsibility would be for the site operator to ensure that their register of all holiday makers is kept up to date for regular inspection by the Planning Authority to ensure the accommodation is being used in accordance with the conditional terms. This manner of occupancy control has worked successfully across other holiday accommodation developments in the Scottish Borders.

Ultimately, it is recommended to Members that the condition attached to the recommendation of 18/01479/FUL adequately seeks to control the occupancy of the development in a manner which ensures the development can only be used for holiday purposes. A limit of 3 months (93 days) in any 12 month period is still considered to be suitable although Members may wish to give consideration to the applicant's suggestion to extend this period to 4 months (124 days).

CONCLUSION

The decision by the P&BS Committee to refuse application 18/01479/FUL is a material consideration for this repeat application. With the exception of some additional supporting information provided on the lodge types, the proposals have remained unchanged. The Council's development plan has not been updated since the previous application was determined therefore the merits of this repeat application have been re-assessed against the same development plan policies.

The application site still occupies an attractive location close to an existing settlement which Policy ED8 suggests that the Council may support the development of a new caravan and camping site. The development is still likely to create an economic benefit for the area which could prompt further regeneration and inward investment into the local economy.

The reasons for refusing application 18/01479/FUL are understood and have been considered throughout the consideration of this repeat application. The decision to recommend approval or refusal is finely balanced. Nevertheless it remains the assessment of the Planning Authority that through the agreement of an improved landscape framework, protection of existing trees and hedging, the agreement of a sensitive pallet of external materials and colours and the addition of the agreement of the a mixture of suitably designed, high quality lodges types that the proposed development can integrate with the surrounding area without adversely affecting its rural character. Furthermore, the impact of the development on the local road network can be mitigated by introducing passing places at strategically sited locations, warning signs, the creation of a new foot path link to the south of the site can the Council's perusal to reduce the speed of the access road.

Subject to compliance with the schedule of conditions and informatives, it is recommended that the development will remain to accord with all 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. No development shall commence until elevation drawings of the different lodge types which shall comply with the definition of a caravan under section 13 of the Caravan Sites Act 1968 (as amended) and a site plan illustrating a spread of different lodges across the site which includes variations in materials and/or colour finishes, in accordance with the positioning of lodges shown on Drawing No PL02 B has been submitted to and agreed in writing with the Planning Authority. Thereafter the development shall take place in accordance with the agreed detail.

Reason: To ensure that the development is of the highest quality which consists of holiday lodges with different external appearances which are positioned across the site to appropriately integrate the development with the character and appearance of the surrounding area.

3. No development shall be commenced until samples including colour finishes of all external materials to be used on all buildings (including holiday lodges), 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. Unless they are of a design and appearance already approved under the terms of this permission, any lodges being replaced after the completion of the development shall not be placed on the site until details of them required by conditions 2 and 3 of this permission have been submitted to and approved in writing by the Planning Authority.

Reason: To ensure that the quality and visual impact of the development remains consistent the intentions of those conditions.

5. 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.

6. The floor area of the shop building hereby approved shall be limited to the space shown on Drawing No 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.

7. 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

8. 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.

9. 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.

10. Prior to occupation of the development a detailed Lighting Management Strategy for all exterior lighting 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.

11. 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

12. 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 and the access shall be formed before the site becomes operational.

Reason: To allow the most direct and safe link for pedestrians accessing the public road and public transport network.

13. 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.

14. 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.

15. 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.

16. The means of foul water disposal from the development shall be undertaken as per section 7.1 of Appendix 2 of the Planning Statement dated January 2020.

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.

17. The development hereby permitted shall not be carried out otherwise than complete accordance with approved plans and specifications and no land rising shall take place across the site unless precise details have been submitted to and agreed in writing with the Planning Authority and thereafter any land raising shall only take place in strict accordance with the agreed details.

Reason: To ensure that the development is carried out in accordance with the approved details to avoid flood risk.

Informatives

1. With reference to Condition 2 a minimum of 3 or 4 different holiday lodge designs are required which should be finished with a range of suitable materials and colours to enhance the richness of the proposed development.
2. 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.
3. With reference to Condition 10 all work in the public road boundary must be undertaken by a contractor first approved by the Council
4. 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
PL01	Location Plan	21.01.2020
PL02 B	Site Plan	21.01.2020
PL03 A	Landscape/Contour/Lighting Plan	21.01.2020
PL04 A	Section	21.01.2020
PL05 A	Elevation/Floor Plan (Example Lodge)	21.01.2020

PL06	Elevations/Floor Plan (Shop Reception)	21.01.2020
PL07	Elevations/Floor Plan (Office)	21.01.2020

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.

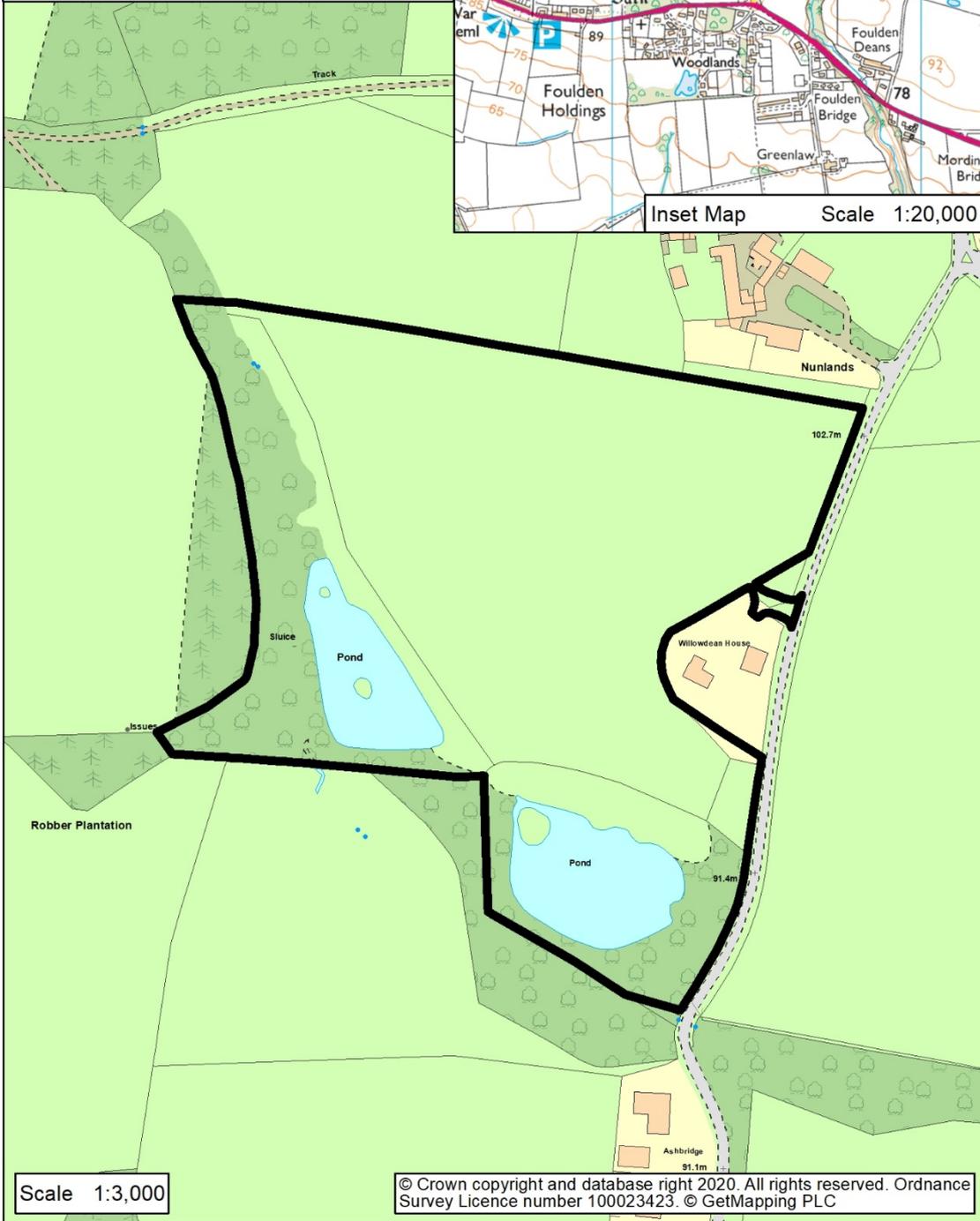
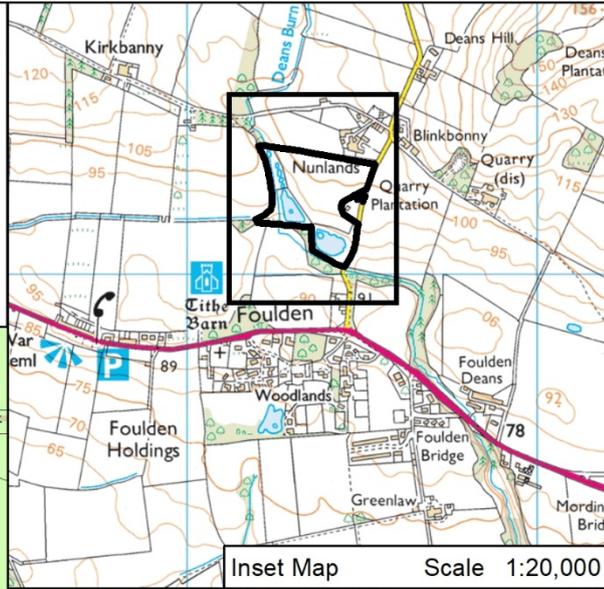
Author(s)

Name	Designation
Scott Shearer	Peripatetic Planning Officer



20/00067/FUL

Land North West of
Willowdean House
Foulden



Scale 1:3,000