

Infrastructure Services Committee - 15 March 2018

Reference No: APP/2017/1165

Full Planning Permission for Change of Use of Former Piggery to Tourist Holiday Park Consisting of 49 Chalets (2 Chalets for Retail Units, 1 Chalet for Office/Reception, 1 Chalet for Bistro and 2 Chalets for Staff Accommodation), Erection of Fencing and Walls, Formation of Vehicular Access, Car Parking and Access Road, Installation of Entrance Feature and Bollard Lighting at Site at Dowrieburn, Laurencekirk, Aberdeenshire;

and

Reference No: APP/2017/2183

Full Planning Permission for Formation of Riverside Park, Including Wildlife Ponds and Footpaths and Foul and Surface Water Drainage Proposals for Associated Holiday Park at Site at Dowrieburn, Fettercairn, Laurencekirk

**Applicant: Monarch Leisure And Park Homes Ltd, 88 Scott Road
Glenrothes, KY6 1AE**
**Agent: Ben Freeman, OBO Monarch Leisure And Park Homes
Ltd**

Grid Ref: E:367227 N:770462
Ward No. and Name: W19 - Mearns
Application Type: Full Planning Permission
Representations 51 (31 support/20 objection)
Consultations 10
Relevant Proposals Map Aberdeenshire Local Development Plan 2017,
Designations: Rural Housing Market Area
Complies with No
Development Plans:
Main Recommendation: Grant with Conditions

1. Reason for Report

- 1.1 The Committee is able to consider and take a decision on this item in terms of Section F.4.1 of Part 2A List of Committee Powers and Section C.3.1d of Part 2C Planning Delegations of the Scheme of Governance as the applications are local developments, where in the professional opinion of the Head of Planning and Building Standards, approval would be a significant departure from the Development Plan and the Area Committee have decided to approve the applications.
- 1.2 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this Report and had no comments to

make and are satisfied that the Report complies with the Scheme of Governance and relevant legislation.

2. Principal Planning Issues (Summary)

- 2.1 Full planning permission is sought for the change of use of a former piggery to a tourist holiday park (APP/2017/1165) with associated infrastructure to include a riverside park and wildlife ponds (APP/2017/2183). This report represents an assessment of two planning applications that form a single proposal and therefore require to be assessed and determined in conjunction with one another. The proposed development offers potential economic, and tourism benefits as well as remediation of an unsightly contaminated site. The principle planning issue is the acceptability of the proposed development in terms of Policy R2 Housing and employment proposals elsewhere in the countryside of the Aberdeenshire Local Development Plan (ALDP) 2017.
- 2.2 In addition, there is an issue in relation to the acceptability of the impact of the proposals in terms of location as the proposal is not immediately well related to an existing settlement as per the requirements of Policy B3 Tourist Facilities, and would result in the loss of prime agricultural land as recognised within Policy PR1 Protecting important resources.
- 2.3 A full discussion of the relevant planning issues is contained in the Kincardine and Mearns Area Committee Report of 27 February 2018 attached as **Appendix 2.**

3. Representations (Summary)

- 3.1 A total of 51 valid representations (31 support/20 objection) have been received as defined in the Scheme of Governance.
- 3.2 Copies of the letters are available for inspection in the Members' Support Unit.

4. Area Committee Decision (Summary)

- 4.1 At their meeting of 27 February 2018, the Kincardine and Mearns Area Committee agreed on a vote, that both applications be referred to the Infrastructure Services Committee with the Area Committee's recommendation that they be approved, subject to the conditions set out in the report.
- 4.2 The following documents are attached as Appendices to this report:
- **Appendix 1A:** Location Plan
 - **Appendix 1B:** Site Plan
 - **Appendix 2:** Copy of the Kincardine and Mearns Area Committee Report of 27 February 2018
 - **Appendix 3:** Extract of Minute of the Kincardine and Mearns Area Committee meeting of 27 February 2018

5. Implications and Risk

- 5.1 An Equality Impact Assessment is not required as the proposal does not have a differential impact on any of the protected characteristics.
- 5.2 There are no staffing and financial implications.
- 5.3 There are no risks identified in respect of this matter in terms of the Corporate and Directorate Risk Registers as the Committee is considering the application as the planning authority in a quasi-judicial role and must determine the application on its own merits in accordance with the Development Plan unless material considerations justify a departure.

6. Officer Recommendation

- 6.1 GRANT subject to the following conditions:

APP/2017/1165

01. The holiday chalets/caravans hereby approved shall be used solely as temporary holiday letting accommodation and for no other purposes whatsoever including use as permanent residential units without the prior express grant of planning permission by the planning authority. The holiday chalets/caravans shall not be occupied as a person's sole or main residence and the owner of the holiday chalets/caravans shall maintain an up-to-date register of the name of each occupier of the holiday chalets/caravans on the site, their length of stay and their main home address and shall make this information available at all reasonable times to the planning authority.

Reason: The occupation of the holiday chalets/caravans as permanent residential units would not comply with the Council's Local Development Plan policies regarding residential development in this area.

02. No works in connection with the development hereby approved shall commence unless a scheme of soft landscaping works to be implemented around the perimeter of the proposed site has been submitted to and approved in writing by the planning authority.

Details of the scheme shall include:

- a) Existing landscape features and vegetation to be retained;
- b) Protection measures for the landscape features to be retained;
- c) Existing and proposed finished levels;
- d) The location of new trees, shrubs, hedges and grassed areas;
- e) A schedule of planting to comprise species, plant sizes and proposed numbers and density;
- f) An indication of existing trees, shrubs and hedges to be removed;
- g) A programme for the implementation, completion and subsequent management of the proposed landscaping. The Landscaping Scheme MUST include timescales for the implementation of the works.

All soft landscaping proposals shall be carried out in accordance with the approved planting scheme and management programme. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the planning authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted. Once provided, all hard landscaping works shall thereafter be permanently retained.

Reason: To ensure the implementation and management of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

03. No works in connection with the development hereby approved shall commence unless an Access Plan for continuing non-motorised public access has been submitted to and approved in writing by the planning authority. Details of the plan shall include:

- a) The location of existing paths, including core paths and desire lines on or adjoining the site;
- b) The location and duration of temporary diversions during construction of the approved development;
- c) Details of new routes and proposed route changes;
- d) Path construction specifications;
- e) Details of structures, fittings and signage;
- f) Details of and timescales for the implementation and phasing of the path works;
- g) Details of the future maintenance of the proposed path(s);
- h) Written justification for the measures proposed.

The development shall be carried out in complete accordance with the approved Access Plan. For the avoidance of doubt, the Access Plan MUST include timescales for the implementation of the works.

Reason: To ensure the adequate provision of public access within and around the site.

04. The proposed development shall be connected to the public water supply as indicated in the submitted application and shall not be connected to a private water supply without the separate express grant of planning permission by the planning authority.

Reason: To ensure the long term sustainability of the development and the safety and welfare of the occupants and visitors to the site.

05. No development in connection with the permission hereby granted shall commence unless the vehicular and pedestrian access has been provided and surfaced in accordance with the details shown on the drawing 1987_PL_010D. Once provided, the vehicular and pedestrian access shall thereafter be permanently retained as such.

Reason: To ensure the provision and retention of a means of access to an adequate standard in the interests of road safety.

06. No works in connection with the permission hereby granted shall commence unless passing places have been provided in accordance with Drawing Numbers 1987_PL_030 and 1987_PL_031, and surfaced in accordance with the Council's Standards for Road Construction Consent and Adoption in the locations shown on the approved plans.

Reason: To ensure the existing road network can accommodate the traffic likely to be associated with the proposed development in the interests of road safety.

07. The development hereby approved shall not be brought into use unless off-street car parking for 60 cars, surfaced in hardstanding materials are provided within the site. Once provided, the approved car parking shall thereafter be permanently retained as such.

Reason: To ensure the timely completion of the car parking to an appropriate standard and to ensure the retention of adequate off-street parking facilities within the site, all in the interests of road safety.

08. No development in connection with the permission hereby granted shall commence and the access hereby approved shall not be brought into use unless visibility of 120 metres in both directions along the channel line of the public road has been provided from a point 2.4 metres measured at right angles from the existing edge of the carriageway surface along the centre line of the approved access in accordance with the Council's Standards for Road Construction Consent and Adoption. The visibility splays shall be physically formed on the ground and any existing fences, walls, hedges or other means of enclosure or obstructions within the splays shall be removed and relocated outwith the splays in accordance with the approved plans. Once formed, the visibility splays shall be permanently retained thereafter and no visual obstruction of any kind shall be permitted within the visibility splays so formed.

Reason: To enable drivers of vehicles using the access to have a clear view of other road users and pedestrians in the interests of road safety.

09. No chalet/caravan hereby approved shall be occupied unless a turning area, measuring not less than 7.6 metres by 7.6 metres has been formed within the site. Once provided, the turning area shall thereafter be permanently retained as such.

Reason: To enable all vehicle movements onto or from the public road to be carried out in a forward gear in the interests of road safety.

10. The development hereby approved shall not brought into use unless the refuse bin uplift store area has been provided and surfaced in accordance with the details shown on the approved plan. Once provided, the refuse bin uplift store area shall thereafter be permanently retained as such.

Reason: To ensure the provision of an appropriate means of servicing in the interests of road safety.

11. Prior to occupation of the first unit, the developer shall provide an access path for pedestrian and cyclist use to allow connectivity to either of the settlements of Luthermuir or Laurencekirk. Full details of the proposed route shall be submitted to and approved in writing by the planning authority.

Reason: In order to ensure that the proposed development is well connected to existing infrastructure and public transportation.

12. Prior to the commencement of the development a travel plan shall be submitted to and approved in writing by the planning authority. The travel plan shall identify measures and incentives that are to be adopted to encourage more sustainable means of travel, including a draft user travel survey, and details of the system of management, monitoring, review and reporting of the travel plan implementation. The development shall not be brought into use unless the measures set out in its approved Travel Plan have been implemented in full.

The Travel Plan shall be subject to ongoing annual review for the first 5 years of the development. In line with these reviews, the travel plan shall be updated to report on progress and to identify any changes to the proposed measures for the remaining years of the process. The document updates shall be submitted to the Planning Authority for reference, review and acceptance.

Reason: To be consistent with the requirements of Scottish Planning Policy and to reduce the dependency on use of the private car.

13. No works in connection with the development hereby approved shall commence unless details of a permanent accessible nesting space for barn owls have been submitted to and approved in writing by the planning authority. The development shall not be brought into use unless the barn owl nesting space has been provided in accordance with the approved details. Once provided, the nesting space shall thereafter be permanently retained.

Reason: To secure the long-term protection of the species.

14. No works in connection with the development hereby approved shall commence unless details of the design and location of a temporary barn owl nesting space have been submitted to and approved in writing by the planning authority. The barn owl nesting space shall be provided at least 30 days before any other works commence in connection with the development. Thereafter, the temporary nesting space shall not be subjected to direct disturbance and shall remain in place until nesting has finished in the nesting season immediately following the provision of the permanent barn owl nesting space required by condition number 13.

Reason: To secure the long-term protection of the species by maintaining continuity of occupation on-site.

15. No works in connection with the development hereby approved shall commence unless a detailed check of the site for active barn owl nests has been undertaken and written confirmation has been submitted to the planning authority that no birds will be harmed and that there are appropriate measures in place to protect nesting barn owls on the site. The check shall be

undertaken not less than 14 days before the commencement of the development and no site clearance or other works in connection with the development hereby approved shall commence unless the written confirmation has been submitted to and approved in writing by the planning authority.

Reason: In the interest of safeguarding the habitat of the species and securing its long-term protection.

16. Subject to the conclusions of the required Barn Owl Survey required under condition 15 of this consent, where barn owls are identified to be nesting on site, no works in connection with the development hereby approved shall be carried out in the period between 1 March and 31 August in any year or at any time when barn owls are nesting on the site.

Reason: In the interests of safeguarding the habitat of the species and securing its long-term protection.

17. No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a detailed check of the site for active birds' nests has been undertaken and written confirmation has been submitted to the planning authority that no birds will be harmed and that there are appropriate measures in place to protect nesting bird interest on the site. The check shall be undertaken no later than 14 days before the commencement of the development and no site clearance or other works in connection with the development hereby approved shall commence unless the written confirmation and protection measures have been submitted to and approved in writing by the planning authority. The development shall be carried out in accordance with the approved protection measures.

Reason: In the interest of safeguarding the habitat of local bird species.

18. No works in connection with the development hereby approved shall commence unless an invasive non-native species protocol, including an associated management, maintenance and monitoring scheme, has been submitted to and approved in writing by the planning authority. The protocol shall detail the containment, control and removal of Himalayan Balsam on the site. No other works in connection with the development hereby approved shall commence unless all the measures set out in the approved protocol have been carried out in accordance with the approved protocol.

Reason: To protect the natural environment and ensure that measures are put in place to prevent the spread of invasive non-native species.

19. No works in connection with the development hereby approved (other than the demolition of the existing buildings) shall commence unless a satisfactory investigation of the site has been undertaken in accordance with BS 10175:2011+A1:2013 - 'Investigation of Potentially Contaminated Sites - Code of Practice' and a report of that investigation has been submitted to and approved in writing by the planning authority.

Reason: In order to ensure any potential contamination of the site is dealt with appropriately in the interests of public and environmental safety.

20. No works in connection with the development hereby approved (other than the demolition of the existing buildings) shall commence unless a remedial scheme has been submitted to and approved in writing by the planning authority. The development hereby approved shall not be brought into use unless the approved scheme of remediation has been carried out in its entirety and a validation report has been submitted to and approved in writing by the planning authority. Any areas of hardstanding, clean cover or other such barriers within the application site boundary that are included within the approved scheme of remediation and are required to break one or more pollutant linkages shall be permanently retained as such and shall not be disturbed without the prior written approval of the planning authority.

Reason: In order to ensure any potential contamination of the site is dealt with appropriately in the interests of public and environmental safety.

21. No chalet/caravan hereby approved shall be occupied unless the proposed foul and surface water drainage systems have been provided in accordance with the approved plans Drainage Strategy 14152 and Drawing Ref: 14152/02/100 rev C. The foul and surface water drainage systems shall be permanently retained thereafter in accordance with the approved maintenance scheme.

Reason: In order to ensure that adequate drainage facilities are provided, and retained, in the interests of the amenity of the area.

22. No works in connection with the development hereby approved including demolition, ground works and vegetation clearance shall commence unless a construction environmental management plan (CEMP) has been submitted to and approved in writing by the planning authority. The CEMP shall include the following:

- (a) Risk assessment of potentially damaging construction activities;
- (b) Identification of biodiversity protection zones;
- (c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- (d) The location and timing of sensitive works to avoid harm to biodiversity features;
- (e) The times during construction when specialist ecologists need to be present on site to oversee works;
- (f) Responsible persons and lines of communication;
- (g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- (h) Use of protective fences, exclusion barriers and warning signs.

All works carried out during the construction period shall be undertaken strictly in accordance with the approved CEMP.

Reason: In the interests of protecting the biodiversity of the environment.

APP/2017/2183

GRANT subject to the following conditions:

01. No works in connection with the development hereby approved shall commence unless an Access Plan for continuing non-motorised public access has been submitted to and approved in writing by the planning authority. Details of the plan shall include:
- a) The location of existing paths, including core paths and desire lines on or adjoining the site;
 - b) The location and duration of temporary diversions during construction of the approved development;
 - c) Details of new routes and proposed route changes;
 - d) Path construction specifications;
 - e) Details of structures, fittings and signage;
 - f) Details of and timescales for the implementation and phasing of the path works;
 - g) Details of the future maintenance of the proposed path(s);
 - h) Written justification for the measures proposed.

The development shall be carried out in complete accordance with the approved Access Plan. For the avoidance of doubt, the Access Plan **MUST** include timescales for the implementation of the works.

Reason: To ensure the adequate provision of public access within and around the site.

02. No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a detailed check of the site for active birds' nests has been undertaken and written confirmation has been submitted to the planning authority that no birds will be harmed and that there are appropriate measures in place to protect nesting bird interest on the site. The check shall be undertaken no later than 14 days before the commencement of the development and no site clearance or other works in connection with the development hereby approved shall commence unless the written confirmation and protection measures have been submitted to and approved in writing by the planning authority. The development shall be carried out in accordance with the approved protection measures.

Reason: In the interest of safeguarding the habitat of local bird species.

03. No works in connection with the development hereby approved shall commence unless an invasive non-native species protocol, including an associated management, maintenance and monitoring scheme, has been submitted to and approved in writing by the planning authority. The protocol shall detail the containment, control and removal of Himalayan Balsam on the site. No other works in connection with the development hereby approved

shall commence unless all the measures set out in the approved protocol have been carried out in accordance with the approved protocol.

Reason: To protect the natural environment and ensure that measures are put in place to prevent the spread of invasive non-native species.

04. No works in connection with the development hereby approved including demolition, ground works and vegetation clearance shall commence unless a construction environmental management plan (CEMP) has been submitted to and approved in writing by the planning authority. The CEMP shall include the following:

- (a) Risk assessment of potentially damaging construction activities;
- (b) Identification of biodiversity protection zones;
- (c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- (d) The location and timing of sensitive works to avoid harm to biodiversity features;
- (e) The times during construction when specialist ecologists need to be present on site to oversee works;
- (f) Responsible persons and lines of communication;
- (g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- (h) Use of protective fences, exclusion barriers and warning signs.

All works carried out during the construction period shall be undertaken strictly in accordance with the approved CEMP.

Reason: In the interests of protecting the biodiversity of the environment.

05. No works in connection with the development hereby approved shall commence unless a scheme of hard and soft landscaping works has been submitted to and approved in writing by the planning authority.

Details of the scheme shall include:

- a) A tree survey in accordance with BS 5837:2012;
- b) Existing landscape features and vegetation to be retained;
- c) Protection measures for the landscape features to be retained;
- d) Existing and proposed finished levels;
- e) The location of new trees, shrubs, hedges, grassed areas and water features;
- f) A schedule of planting to comprise species, plant sizes and proposed numbers and density;
- g) The location, design and materials of all hard landscaping works including walls, fences, gates, street furniture and play equipment;
- h) An indication of existing trees, shrubs and hedges to be removed;
- i) A programme for the implementation, completion and subsequent management of the proposed landscaping.

All soft and hard landscaping proposals shall be carried out in accordance with the approved planting scheme and management programme. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the planning authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted. Once provided, all hard landscaping works shall thereafter be permanently retained.

Reason: To ensure the implementation and management of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

06. No landraising shall take place within the 1 in 200 year flood extent as detailed in the Flood Risk Assessment by Envirocentre associated with APP/2017/1165.

Reason: In the interests of flood prevention and public safety.

07. No works in connection with the development hereby approved shall commence unless a satisfactory investigation of the site has been undertaken in accordance with BS 10175:2011+A1:2013 - 'Investigation of Potentially Contaminated Sites - Code of Practice' and a report of that investigation has been submitted to and approved in writing by the planning authority.

Reason: In order to ensure any potential contamination of the site is dealt with appropriately in the interests of public and environmental safety.

08. No works in connection with the development hereby approved shall commence unless a remedial scheme has been submitted to and approved in writing by the planning authority. The development hereby approved shall not be brought into use unless the approved scheme of remediation has been carried out in its entirety and a validation report has been submitted to and approved in writing by the planning authority. Any areas of hardstanding, clean cover or other such barriers within the application site boundary that are included within the approved scheme of remediation and are required to break one or more pollutant linkages shall be permanently retained as such and shall not be disturbed without the prior written approval of the planning authority.

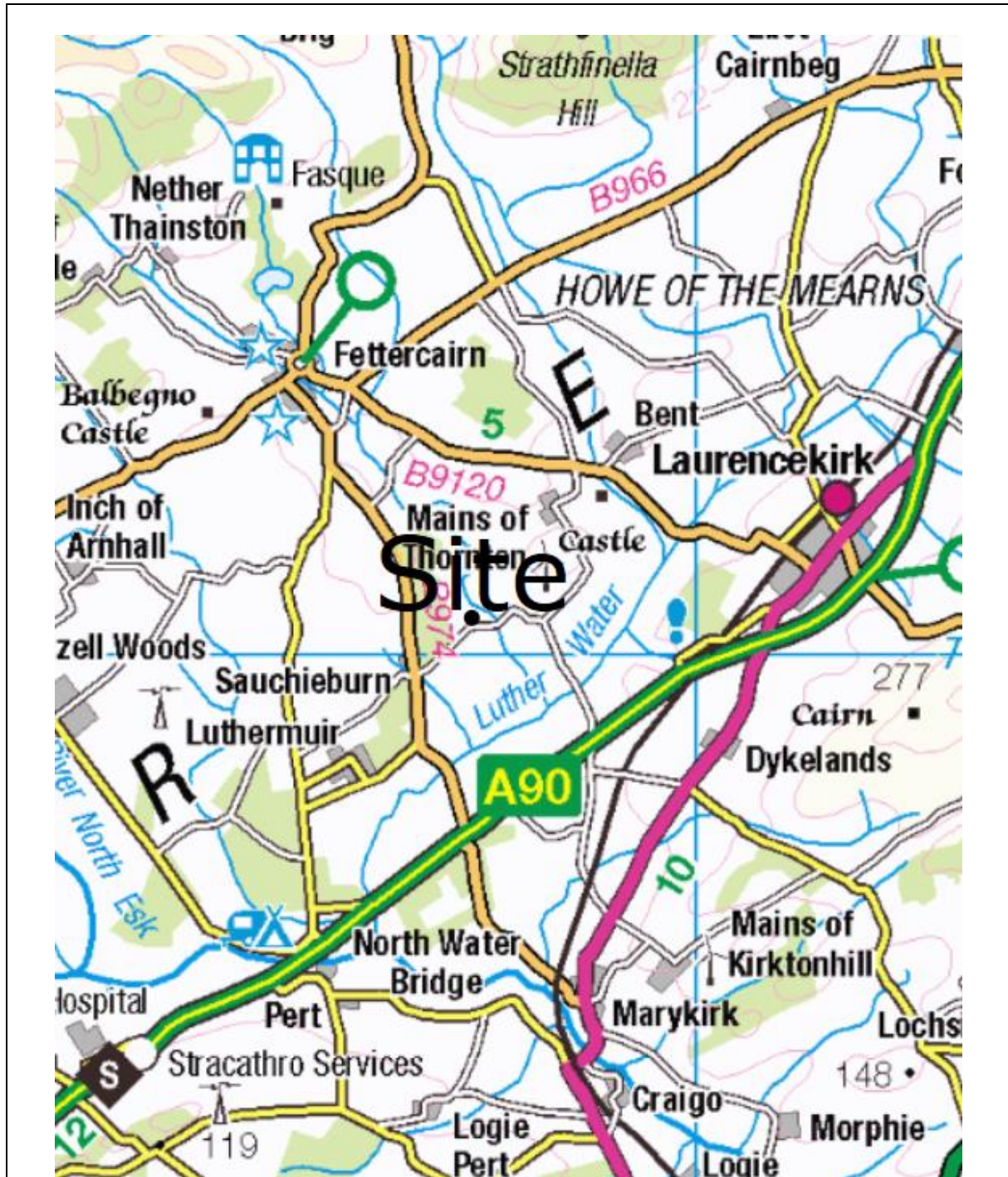
Reason: In order to ensure any potential contamination of the site is dealt with appropriately in the interests of public and environmental safety.

6.2 That the committee agree the reason for departing from Aberdeenshire Local Development Plan 2017:

The development proposed will provide the opportunity for a tourist accommodation offering, which is compatible with its surroundings and aspirations of Aberdeenshire Local Development Plan 2017 Policies R2 Housing and employment proposals elsewhere in the countryside and B3 Tourist Facilities. The development will also removes an unsightly derelict group of buildings and structures in the countryside. Without a planning permission, the site would remain in this state and continue to deteriorate in

the future as it has been established through the extensive planning history of this site that constraints related to contaminated land remediation requirements render the site unsuitable for small scale residential development.

Stephen Archer
Director of Infrastructure Services
Author of Report: Gregor Spence
Report Date: 28 February 2018



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Aberdeenshire Council

Date 15/03/2018

Application Reference No APP/2017/1165 & APP/2017/2183

Development Management & Building Standards

Appendix 1B



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Aberdeenshire Council

Date 15/03/2018

Application Reference No APP/2017/1165 & APP/2017/2183



Kincardine & Mearns Area Committee Report 27 February 2018

Reference No: APP/2017/1165

Full Planning Permission for Change of Use of Former Piggery to Tourist Holiday Park Consisting of 49 Chalets (2 Chalets for Retail Units, 1 Chalet for Office/Reception, 1 Chalet for Bistro and 2 Chalets for Staff Accommodation), Erection of Fencing and Walls, Formation of Vehicular Access, Car Parking and Access Road, Installation of Entrance Feature and Bollard Lighting at Site at Dowrieburn, Laurencekirk, Aberdeenshire

&

Reference No: APP/2017/2183

Full Planning Permission for Formation of Riverside Park, Including Wildlife Ponds and Footpaths and Foul and Surface Water Drainage Proposals for Associated Holiday Park at Site at Dowrieburn, Fettercairn, Laurencekirk

**Applicant: Monarch Leisure And Park Homes Ltd, 88 Scott Road
Glenrothes, KY6 1AE**
**Agent: Ben Freeman, OBO Monarch Leisure And Park Homes
Ltd**

Grid Ref:	E:367227 N:770462
Ward No. and Name:	W19 - Mearns
Application Type:	Full Planning Permission
Representations	51 (31 support/20 objection)
Consultations	10
Relevant Proposals Map	Aberdeenshire Local Plan
Designations:	Rural Housing Market Area
Complies with	No
Development Plans:	
Main Recommendation	Refer to Infrastructure Services Committee



NOT TO SCALE

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1. Reason for Report

- 1.1 The Committee is able to consider and take a decision on this item in terms of Section B.9.1 of Part 2A List of Committee Powers and Section C.3.1c of Part 2C Planning Delegations of the Scheme of Governance as the application for development is a departure from the Development Plan and is recommended for approval, there have been valid objections from six or more individuals or bodies with separate postal addresses or premises and there is an unresolved objection from Mearns Community Council.
- 1.2 This application was deferred at the last meeting of the Kincardine and Mearns Area Committee on 6th February 2018 for a site visit. The site visit is to be carried out on 20th February 2018.

2. Background and Proposal

- 2.1 Full planning permission is sought for the change of use of a former piggery to a tourist holiday park with associated infrastructure to include a riverside park and wildlife ponds. This report represents an assessment of two planning applications that form a single proposal and therefore require to be assessed and determined in conjunction with one another.
- 2.2 The former Dowrieburn Piggery is located off a minor road approximately 4km to the west of Laurencekirk. The brownfield part of the site of the piggery extends to approximately 1.5HA and formerly took the form, of a number of low brick built buildings (which were not suitable for conversion to residential use), feed hoppers and chimneys and an extensive concrete hardstanding area. These buildings and structures were in a state of disrepair and the grounds were largely overgrown. It is apparent that following the attainment of relevant consents, a number of demolition works have taken place in relation to the buildings on site and the site is now largely contained by herras fencing.
- 2.3 The site is relatively flat but there is a drop in levels to the north side where the Dowrie Burn runs generally east to west. The surrounding land pattern is open undulating farmland separated by woodland plantations. One of these mature conifer tree plantations (Pitgarvie Wood) is located to the west. The site is clearly visible from many public locations including the A90 south of Laurencekirk. A short line of 4 semi-detached cottages along the minor road border the site on the south side (Brigton), with a detached cottage at the east end. There is also a separate detached bungalow on the west side of the junction of the access to the site with the minor road. Further to the east there is a farm complex lying on the south side of the minor road, bordering the Dowrie burn. An existing track extends westwards from the former piggery complex.
- 2.4 The overall proposal will include 49 total chalet units, 1 for an office and reception, 1 for an on-site restaurant, 2 for the purposes of retail, 2 for staff accommodation and 43 for holiday accommodation. It has been confirmed that the chalets proposed will meet the criteria to be classified as caravans in terms of their description. Examples of proposed units have been submitted

by the agent. It has also been confirmed that the units are not proposed to be utilised as full time permanent accommodation.

- 2.5 The proposal will also include upgrades to the existing access road and the formation of signage at the site access onto the public road to the south of the site and bollard lighting along the access. The developed holiday park area will be largely contained within the brownfield site that formed the former piggery with the submitted site plan indicating the location of accommodation lodges and general access and open space arrangements. A small play park area is also proposed and a drainage detention basin is to be located to the north east of the site. All the above is covered under Planning Application ref: APP/2017/1165. It is also apparent that in order to achieve the proposed new use for the site, significant remedial works will be required to be undertaken to address issues of contaminated land associated with the former use of the site.
- 2.6 As part of the wider proposals for the site, it was recognised that in order to provide the required drainage infrastructure to serve the development proposals, an area of land outwith the original site boundary would be required to be utilised. The applicant therefore took the opportunity to bring forward proposals for a riverside park associated with development proposals to be located to the west of the site. The proposals for the required drainage infrastructure and riverside park are represented by Planning Application ref: APP/2017/2183. Two ponds are proposed to be created which will serve recreational purposes as well as being partially utilised as part of the wider sustainable drainage system (SUDs). Recreational walking paths are proposed around the ponds and will connect into the adjacent holiday park and wider path network.

History

- 2.7 In 2006, an application for full planning permission, for the demolition of the piggery buildings and their replacement with 15 houses (4 with integral business space), a detached building accommodating 5 business units, and stabling (APP/2006/3078) was submitted. This was recommended for refusal on the grounds that it failed to comply with planning policy in relation to housing in the countryside; that it would act as a precedent, which would prejudice the review of the development plan; and that it would cause road safety concerns. However, the Area Committee, following a Committee Site Visit, were minded to approve the application as a departure from the development plan. The application was referred to Infrastructure Services Committee in October 2007. This Committee refused the application. There were 6 reasons for refusal. These were; the development failed to comply with policy in relation to housing in the countryside; it would act as a precedent for similar housing developments in the countryside which would prejudice the review of the development plan; the number of dwellings did not balance with the number of business units, and there was no assessment of the likely demand for the business units; there was a failure to demonstrate that contaminated land could be remediated; there was no demonstration that alternative more appropriate and sustainable uses could be provided on the site; and the scale of the development was considered to be excessive and

disproportionate in relation to the existing physical and visual impact of the former piggery.

- 2.8 In 2008, a further proposal (APP/2008/1209) was submitted for full planning permission to convert the former piggery to 12 dwellinghouses with associated business space and stable block. The proposal was considered by both the Kincardine and Mearns Area Committee and Infrastructure Services Committee to address the concerns held in relation to the previously refused proposal on site and although the proposal remained a departure from adopted policy in respect of housing in the countryside, it was considered that there were other material and over-riding considerations. It was considered that the development would provide the opportunity for a well-designed but modestly scaled sustainable community of mixed uses, which would be compatible with its surroundings, but which also removed an unsightly derelict group of buildings and structures in the countryside. It was recognised that without a planning permission, the site would remain in this state and continue to deteriorate in the future. However, the proposal was subsequently withdrawn following a lengthy period of non-activity in terms of concluding a required Section 75 legal agreement relating to developer obligations. It is the understanding of the Planning Service that the proposals was not considered to be economically viable.

Supporting information

- 2.9 A significant number of supporting documents have been submitted in support of the proposals as briefly outlined below:

- Tourist Attraction Plan
- Tourism Market Potential Report
- Bat Survey
- Phase 1 Preliminary Environmental Risk Assessment
- Stage 1 Geo-environmental Risk Assessment
- Protected Species Survey
- Transport Statement
- Flood Risk Assessment
- Drainage Strategy
- Landscape Appraisal and Statement
- Preliminary Fish Habitat Survey
- Demolition Report
- Structural Survey

- 2.10 In addition, a Planning Policy and Design Statement has been submitted by the developer's agent. The statement confirms that it has been demonstrated that no other alternative uses would be viable on site given the remediation costs for known contaminated land issues on the former piggery site. It is further confirmed that level of development proposed is required as a form of enabling development and that incurred costs will be offset by the ongoing revenue garnered from the proposed use. In addition to this, the wider benefits associated with the proposal are outlined. The statement highlights that:

“The proposed development has the intention of serving the tourist market through the use of excellent accommodation. The development will be implemented on a rural brownfield site which serves no purpose in this landscape area of Aberdeenshire other than being a derelict eyesore in the countryside and contaminated. It is a priority area for remediation and an enabling development such as the one proposed in this planning application would assist in achieving overall environmental betterment and in doing so diversify and grow the economy whilst preserving the qualities of the rural environment. The proposals recognise the need to build on the strengths of the tourist and leisure industry in Aberdeenshire by developing a high quality development. In doing so it will create employment (8 full time staff in the resultant development and 15 during construction) and create much needed inward investment into the local economy. The proposals take cognisance of the aims and objectives of the Plan.”

3. Representations

- 3.1 A total of 51 valid representations (31 support/20 objection) have been received as defined in the Scheme of Delegation. This does not include multiple representations from the same household which equate to 54 letters in total. All issues raised have been considered. The letters raise the following material issues:

Support

- Will enhance landscape
- Positive impact on locale area and economy
- Site is an eyesore
- Benefits of removal of contaminated material
- Opportunity to provide employment in the area
- Provision of leisure activities
- Improvement to road network
- Solution for former piggery which has fallen into ruin
- Proposal will attract tourists to the area
- Will introduce nature walks
- Stimulate a new interest in the area
- Good location for proposed development
- Only viable opportunity to redevelop former piggery

Objection

- Road safety/Impact on rural road network
- Impact on fresh water fish in Dowrie Burn
- Scale of development inappropriate
- Contrary to development plan
- Lack of information
- No public transport connectivity
- Light pollution
- Impact upon neighbouring amenity

- Proposal is not well related to a settlement
- Public health risks
- Visual impact/impact upon character of the area
- Impact on existing private water supplies
- Impact on wildlife
- Inappropriate public consultation
- Impact on public access/claimed right of way
- Site is located on a floodplain
- Design of lodges inappropriate
- Area not highly desired for tourism

4. Consultations

Internal

- 4.1 **Infrastructure Services (Contaminated Land)** initially objected to the proposals due to a lack of information. Following engagement with the applicant, a revised Stage 1 Geo-environmental Risk Assessment was submitted in relation to both proposed planning applications. Following further engagement, a Stage 2 Geo-environmental Risk Assessment was submitted for the holiday park site area. This service has confirmed that the submitted information confirms that potential sources of contamination have been identified at the site and it is concluded that further investigation should be conducted to establish the risks posed and the requirement for remedial works. On this basis, this Service has no objection to the proposal subject to relevant planning conditions concerning a satisfactory site investigation and remediation scheme being submitted and carried out, being attached to the granting of any planning consent.
- 4.2 **Infrastructure Services (Environmental Health)** has no objection to this proposal but has commented that as the site will be classified as a caravan site, the site and facilities must comply with licence conditions in respect of the licence required under the Caravan Sites and Control of Development Act 1960.
- 4.3 **Infrastructure Services (Environment)** has assessed the proposal and supporting information submitted and where appropriate has suggested relevant planning conditions be attached to the granting of any consent notice relating to protected species (barn owls & otters), breeding birds, buffer strips and invasive plant species identified within the vicinity of the site area. This service has no objection to this proposal.
- 4.4 **Infrastructure Services (Roads Development)** has no objection to this proposal. It is highlighted that additional passing places are required on the road leading from the development to the B974, B9120 and A90 prior to commencement of development. The agreed locations and construction details have been shown on drawing numbers 1978_PL_030 and 1978 PL 031. It is noted that a Transport Statement has been submitted which deals with the traffic impact on the local road network for this development and it

also includes a Travel Plan Framework, both of which will be reviewed by the Transportation Team.

- 4.5 **Infrastructure Services (Transportation)** has no objection to this proposal. This service comments that from review of the site in terms of walking and cycling access, it appears to be particularly isolated and limited with choices available to staff and prospective users of the site. Additionally access to bus services is also very limited, however it is recognised that there are available services within Luthermuir and Laurencekirk. These issues seem key to ensuring that the site has suitable connectivity within its surroundings. To this end, relevant conditions in relation to the provision of a pedestrian connection to either Laurencekirk or Luthermuir and the provision of a Travel Plan are requested to be conditioned as part of any planning consent.
- 4.6 **Infrastructure Services (Waste Management)** has no objection to this proposal subject to the proposed layout being designed to the satisfaction of Roads Development.

External

- 4.7 **Forestry Commission Scotland** has no comment to make in relation to this proposal.
- 4.8 **Mearns Community Council** does not consider this application to be appropriate or beneficial to the community. While understanding the economic benefits of encouraging tourism in the Mearns, the Community Council do not believe this to be a suitable location for a caravan site/holiday park. Whilst it is recognised that the old piggery buildings are a dilapidated eyesore, the Community Council do not consider that a development of this type and size is either suitable or acceptable at this location.

For the following reasons Mearns Community Council wishes to object to application APP/2017/1165

- Access issues: This is a somewhat isolated location with no public transport. The size of the proposal would generate a large increase in traffic on narrow country roads many of which are single track.
- Locality/Local facilities: There are no local shops in the surrounding vicinity; No leisure facilities; No formal cycle tracks.
- Wildlife implications: Disruption to wildlife including otters and salmon swimming to spawning grounds.
- Flooding risk should be considered.
- The scale of the development is an issue. When asked if it could be scaled down the developer has advised that it couldn't due to the high cost of decontaminating the site.
- This application is outwith the Local Development Plan.

Following engagement between the applicant and the Community Council, an updated response was submitted which clarified that Members of the

Community Council had been advised of the efforts made by the developer to address some of the concerns raised by statutory consultees and local residents. It was however confirmed that the Community Council still considered that the development is too big for this area and that serious concern about the impact on local roads, even with the agreed passing places were still held.

- 4.9 **Scottish Environment Protection Agency (SEPA)** following extensive discussions, have removed their objection relating to waste water drainage and also have no objection in relation to surface water drainage proposals or flood risk. The removal of their objection is dependent on a condition relating to submission of a site specific finalised Construction and Environmental Management Plan (CEMP) which shall be agreed with the planning authority, in consultation with SEPA.
- 4.10 **Visit Scotland** were consulted on this proposal however no response has been received at the time of writing.

5. Relevant Planning Policies

5.1 Scottish Planning Policy

The aim of the Scottish Planning Policies is to ensure that development and changes in land use occur in suitable locations and are sustainable. The planning system must also provide protection from inappropriate development. Its primary objectives are:

- to set the land use framework for promoting sustainable economic development;
- to encourage and support regeneration; and
- to maintain and enhance the quality of the natural heritage and built environment.

Development and conservation are not mutually exclusive objectives; the aim is to resolve conflicts between the objectives set out above and to manage change. Planning policies and decisions should not prevent or inhibit development unless there are sound reasons for doing so. The planning system guides the future development and use of land in cities, towns and rural areas in the long term public interest. The goal is a prosperous and socially just Scotland with a strong economy, homes, jobs and a good living environment for everyone.

5.2 Aberdeen City and Shire Strategic Development Plan 2014

The purpose of this Plan is to set a clear direction for the future development of the North East. It promotes a spatial strategy. All parts of the Strategic Development Plan area will fall within either a strategic growth area or a local growth and diversification area. Some areas are also identified as regeneration priority areas. There are also general objectives identified. In

summary, these cover promoting economic growth, promoting sustainable economic development which will reduce carbon dioxide production, adapt to the effects of climate change and limit the amount of non-renewable resources used, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility in developments.

5.3 Aberdeenshire Local Development Plan 2017

Policy B3 Tourist Facilities

Policy R2 Housing and employment development elsewhere in the countryside

Policy H4 Residential caravans

Policy P1 Layout siting and design

Policy P2 Open space and access in new development

Policy P4 Hazardous and potentially polluting developments and contaminated land

Policy E1 Natural heritage

Policy E2 Landscape

Policy C1 Using resources in buildings

Policy C4 Flooding

Policy PR1 Protecting important resources

Policy RD1 providing suitable services

5.4 Other Material Considerations

Regional Economic Strategy and Economic Development Action Plan 2017-2021. This plan states economic development is about facilitating the conditions for economic growth and actively seeks to support industry, business, investment, communities and equality and quality of life, including tourism, agriculture, food and drink.

Aberdeen City and Shire Tourism Partnership Building Our Strengths 2013-2020. This regional strategy is about driving growth and maximising the contribution which Aberdeen City and Shire can make to deliver the new national strategy "Tourism Scotland 2020" by promoting sustainable tourism and ensuring that efforts to grow regional tourism also protects and enhances the environment, natural heritage and supports and includes local communities.

Aberdeenshire Parks and Open Spaces Strategy December 2010. This report promotes the contribution of open space to quality of life and defines open space as 'Any open space which provides, or has the potential to provide, environmental, social and/or economic benefits to communities, whether direct or indirect, within and around urban area. It includes greenspace and hard landscaped areas with a civic function, as well as aquatic open spaces'.

6. Discussion

6.1 The central planning matters to be considered in this case are:

- Development in the countryside;
- Layout, siting and design;
- Landscape;
- Business development and tourism;
- Access and drainage/flooding;
- Natural heritage;
- Protecting resources – agricultural land; and
- Representations and any other material considerations.

- 6.2 The applications in total seek Full Planning Permission for a change of use of a former farm hub to a caravan holiday park and associated infrastructure which includes drainage infrastructure which will be incorporated into a native parkland environment. The site is located within the Rural Housing Market Area as defined in the Aberdeenshire Local Development Plan 2017 (LDP). The site is located outside the Laurencekirk to Aberdeen strategic growth area.
- 6.3 As will be discussed below, the proposed development offers potential economic, and tourism benefits as well as remediation of an unsightly contaminated site, but the development would be a departure, in part, from a number of Local Development Plan 2017 (LDP) policies. When determining this application a balance needs to be made between the potential benefits of the proposed development and the departures from the LDP.

Development in the Countryside

- 6.4 LDP Policy R2 Housing and employment development elsewhere in the countryside supports development proposals in the rural housing market area if they are small-scale employment proposals. The LDP glossary defines small scale development as a site of less than 0.5 hectares and employing 5 or less full time people. It is clear that, if fully developed, the site would extend over 0.5 Ha.
- 6.5 Policy R2 also encourages development of 'brownfield' sites located within the countryside. However, it is also clear that redevelopment of such brownfield opportunities should also represent small scale development. Therefore the proposal is a clear departure from this policy in that the scale of the proposal is somewhat larger than the LDP definition of small scale development. It is however clear that the re-use of this previously developed site is entirely in line with the clear intentions of Policy R2 in terms of identifying suitable development opportunities within the Aberdeenshire Countryside.

Business Development and Tourism

- 6.6 Policy B3 Tourist facilities supports the development of new tourist facilities or accommodation that are well related to settlements and deliver net economic and social benefits. Proposals must take account of the potential cumulative impact of similar developments in close proximity.

- 6.7 The sites location is dictated by the former use as a piggery. It is therefore detached from the nearby settlements of Laurencekirk and Luthermuir and with the exception of a number of dwellings located in the general vicinity, the site is isolated within its environment.
- 6.8 It is clear that following discussions with Infrastructure Services (Transportation), that the possibility exists to provide a pedestrian route to the nearby settlement of Laurencekirk. From here the site would connect to the wider public transport network by rail and bus. However, it is apparent that the nature of the proposal is likely to be served by private vehicles. This is not unique in terms of the development proposal being assessed, as many similar tourist caravan sites are located within rural environments and this is considered part of their appeal. In conjunction with this, the applicant has provided a justification statement identifying how the development proposal fits within the wider recognised Aberdeenshire tourism destination environment and has outlined the numerous tourist attractions in the wider locality and how these premises can benefit from increased tourism accommodation on the site. It is accepted that the proposal will create social and economic benefits to the wider area. The on-site provision of a small shop unit and bistro on site is considered to be appropriate to serve basic on site requirements. However it is not considered that the scale of these facilities will detract from existing similar facilities within the area and that on the contrary, the proposal will likely have wider economic benefits in this regard.
- 6.9 It is however the opinion of the Planning Service that the proposal does not strictly adhere to the wording of policy B3 in that the site is isolated from nearby settlements and although connectivity can be achieved through an informal path network, the distance of approximately 4km is not accessible to all and could not reasonably be considered to alleviate all concerns related to connectivity. It is however apparent that the proposed pedestrian route to a nearby settlement and the identification of a Travel Plan with ongoing monitoring and assessment is considered appropriate in terms of sustainability of the proposal and no objection is held in this regard from Infrastructure Services (Transportation).

Layout, Siting and Design and Landscape Impacts

- 6.10 Policy P1 Layout siting and design seeks to ensure that the principles of successful places are incorporated into the design. It outlines the key design criteria that must be taken into account and addressed by all new development proposals, and requires proposals to include measures to enhance biodiversity or geodiversity. While these later obligations can be controlled by planning conditions, the opportunity should be taken to consider these requirements in the layout.
- 6.11 It should be noted that as a caravan site, the design of caravan units and many elements of the on-site infrastructure will be controlled through the Caravan Site Licence process under the Caravan Sites and Control of

Development Act 1960. Hence the proposal for the caravan site element of this development being considered a change of use application. However, the proposal must be considered in its entirety in terms of planning policy and the overall impact of the development in terms of landscape setting and integration with its surrounding is entirely material in the consideration of the acceptability of the proposal.

- 6.12 The area of development for the caravan site element of the proposals has been largely dictated by the original farm hub. The site is constrained by the nearby watercourse, a requirement for a buffer strip for biodiversity and natural habitat creation and some localised flooding. As a result, it was identified during the original submission that changes to the layout proposed would be required. The changes made related to the appropriate siting of caravan units proposed and, in conjunction with discussions between the developer and the local community, led to a reduction in the number of units proposed. It was also recognised that the provision of drainage infrastructure would be required outwith the originally identified site area. This resulted in the submission of planning reference APP/2017/2183 for full planning permission for these works and allowed for the developer to consider the drainage infrastructure requirements as part of a wider aspiration to provide a parkland area and integrate this area into the wider path network and provide recreational opportunities for site users.
- 6.13 The holistic consideration of the site infrastructure requirements and associated recreational opportunities and landscaping has resulted in a development that will unarguably improve the site appearance from the current condition. The removal of the piggery, its buildings and structures, and its associated contaminated land, would be a benefit to the visual character of this rural location, and to the nearby residents. There is of course an argument to say that the presence of an existing undesirable development should not be used as the justification to create a development which itself is unacceptable for other reasons. This must be balanced against all other material considerations and relevant planning policies.
- 6.14 The site is not located within a designated landscape area. There is an established woodland located to the west of the site and a group of dwellings located along the public road to the south. The site is loosely screened from many wider public views by the nature of the landscape and pockets of woodland. The site can be viewed as far away as the A90 but views are transient and not considered to be prominent. It is acknowledged that the development would alter the agricultural landscape to an extent, however, this service is satisfied the landscape impact would be localised and that the proposal is compliant with LDP Policy E2 Landscape.
- 6.15 The Planning Service is of the opinion that the development can be absorbed into the wider area in terms of its appearance, layout and siting. There is also the opportunity to enhance the biodiversity of the site which is further considered below. It is considered that the development does demonstrate the six identified qualities of a successful place outlined within Policy P1. This service is satisfied that the proposed development does comply with Policy P1 Layout siting and design.

Open space and access in new development

- 6.16 Open space provision is integral to the development proposal and the rural nature of the site is a key aspect in terms of the success of the development proposal going forward. Although altered, the overall rural nature of the development is maintained by the development proposals. The proposal includes areas of recreational space as an integral part of the offer of the site as an attractive place for site users. It is recognised that the site has historically been accessible to the public as part of the wider path network. The applicant has confirmed that post development the site would remain accessible and additional footpaths proposed in and around the site would further enhance the appeal of the site for recreational use to members of the public and site users. As such this service is satisfied that the proposal complies with LDP Policy P2 Open space and access in new development. The proposed open space would also meet the aspirations of Aberdeenshire Parks and Open Spaces Strategy.

Protecting important resources - Agricultural Land

- 6.17 LDP Policy PR1 Protecting important resources supports sustainable economic development while protecting land resources which are needed for specific uses – in this case agriculture. The policy goes on to state Prime agricultural land, as defined as classes 1, 2 and 3.1 of the Soil Survey for Scotland, Land Capability for Agriculture series, should not normally be developed unless it is allocated in the local development plan. As previously stated, the site is not allocated for development.
- 6.18 It is apparent from available GIS overlay data that the site area, including the previously developed and clearly contaminated land associated with former pig farm activities on site, does fall within a wider area classified as 'prime agricultural land'. Given the past use of the site, it is therefore debateable as to the suitability of elements of the site to be considered as 'prime agricultural land' and at best much of the site area would require significant ground works and removal of contaminated soils to be usable for any future purpose. The policy is explicit in its intentions to preserve the best quality agricultural land within Aberdeenshire for productive agricultural use. In light of these known concerns, it is the opinion of the Planning Service that if the development is considered suitable from the perspective of other policy criteria which relate to economic and social benefits, there would be little merit in basing a refusal of the proposal on the loss of perceived prime agricultural land in this instance. This service is therefore satisfied that the proposed loss of agricultural land is not of a nature significant enough to warrant a recommendation of refusal as a departure from LDP Policy PR1 Protecting important resources.

Natural heritage

- 6.19 As much of the site has been previously developed or is currently in agricultural use it has limited ecological value. Several investigations have been carried out to assess the potential of existing buildings on site for bat roosts and protected and nesting bird habitat. The findings have been assessed by Infrastructure Services (Environment) and where appropriate suitable planning conditions have been recommended in relation to any identified interests. The primary potential for protected species habitat and activity in and around the site is generated by the adjacent Dowrieburn itself. Species surveys have also been submitted in relation to potential otter and fish habitat and recommendations have been assessed and accepted by relevant technical consultees. There is the potential for ecological and habitat enhancement within the nature parkland and through sensitive maintenance of buffer strips along Dowrieburn. Considering the potential for enhancement, this service is satisfied that, subject to conditions, the proposal would comply with Policy E1 Natural heritage.

Using resources in buildings

- 6.20 As mentioned previously, the units proposed on site are all intended to meet the definition of a caravan and will therefore be controlled through the Caravan Site Licence process under the Caravan Sites and Control of Development Act 1960. Therefore, the proposals fall outwith the identified requirements of LDP Policy C1 Using resources in buildings as caravans have their own definition in law and are not considered to be buildings.

Flooding

- 6.21 The site layout has been amended to remove development from potential risk of fluvial flooding. SEPA removed their initial objection as the redline site area is outwith both the 1 in 200 and 1 in 1000 identified flood areas. The submitted Flood Risk Assessment (FRA) confirms that the areas where the caravans will be located are on existing ground levels that are at least 0.5m above the predicted 1 in 1000 year flood level. Infrastructure Services (Flood Risk and Coast Protection) have also indicated that the proposal are acceptable in this regard and that following extensive consultation all drainage proposals are also acceptable in this regard. Subject to relevant planning conditions, the Planning Service is satisfied that the proposal complies with LPD Policy C4 Flooding.

Contaminated land

- 6.22 It is well established that there is contamination on the site and this has been demonstrated by the intrusive site investigation works. The applicant has indicated that the scale of remediation works required is a significant financial burden and has influenced the overall scale and type of development proposed. It is apparent that previous attempts to redevelop the site for

housing have never come to fruition as it is alleged that the scale of development required to meet the financial burden of developing the site for this form of development would not be achievable on site.

- 6.23 Infrastructure Services (Contaminated Land) has confirmed that the information submitted by the applicant has identified potential sources of contamination on site and proposed remediation works. It is considered that required ongoing monitoring and reaction to unexpected discoveries during demolition works can be suitably addressed by way of planning conditions. The Planning Service is satisfied that the proposal can meet the objectives of LDP Policy P4 Hazardous and potentially polluting developments and contaminated land.

Providing suitable services

- 6.24 As detailed in section 4 above, neither Infrastructure Services (Roads Development) nor Infrastructure Services (Roads Development) has objected to the proposed development subject to a number of relevant planning conditions. Neither have raised concerns relating to road safety as a result of the development proposals and potential for increased vehicular movements on the local roads network. The intended use is unlikely to result in increases in traffic during peak periods and where appropriate, passing places have been identified on the local road network to address concerns raised through representation. As stated above SEPA and Infrastructure Services (Flood Risk and Coast Protection) have no objection subject to conditions. Subject to said conditions, this service is satisfied the proposed development would comply with LDP Policy RD1 providing suitable services.

Amenity Impact and Letters of Representation

- 6.25 Many of the issues raised through letters of representation received and Community Council comments have been discussed in the body of this report, however amenity concerns related to the scale of the development and impacts on the nearest residential properties are material consideration which require to be addressed.
- 6.26 It is clear that the proposal represents a significant change to the sites previous use and that there will be associated changes to the character of the area associated with the new use proposed. It should be highlighted that although the site has been redundant for some time, agricultural activities could in theory be re-instated on the site with limited planning controls. However, it has been established through previous planning proposals that this is unlikely and therefore the current context of the site should be considered. It is clear that the scale of the proposal will introduce a significant number of site users in the form of residents and those employed on the site. This will introduce increased vehicular movements, and general onsite activity associated with the tourism accommodation proposed. All technical concerns have been addressed and therefore it has been established that the site can

successfully accommodate the level of development proposed. This includes the impacts of amenity upon the local road network.

- 6.27 The site is separated from the nearest dwellings to the southeast and southwest by more than 60 metres. It is therefore unlikely that the development proposed will present issues of direct overlooking or overbearing to existing dwellings. In terms of noise, no concerns have been specifically raised by Infrastructure Services (Environmental Health) and as per any noise related disturbance that would be considered a nuisance, there are means to address this through alternative legislative mechanisms outwith planning controls. However, given the somewhat residential nature of the proposal, it is unlikely to generate excessive noise or types of noise that would be at odds with the existing residences in the vicinity. Although bollard lighting is shown and will be utilised for the access track, lighting on site, like most of the onsite infrastructure, would be controlled through a Caravan Site Licence. Like noise, any light nuisance can be addressed through alternative legislation.
- 6.28 As a business enterprise, it would be important to control the use of the proposed caravans to ensure that they are not utilised for permanent full time residential purposes. The applicant was advised of this from the outset as LDP Policy H4 Residential caravans, is clear in this regard. The proposed use would be conditioned in an appropriate manner to control the use of the caravans for the intended purpose.

Conclusion

- 6.29 It is considered that the development as proposed has addressed all relevant technical constraints outlined for the site. It is apparent that the proposal is a departure from LDP policy in terms of the specific criteria related to scale of the development in the countryside and in terms of location as the proposal is not immediately well related to an existing settlement and would result on the loss of agricultural land. However, it is accepted that the scale of the development can be accommodated on this site without significant undue impact on the surrounding landscape and amenity of neighbouring residents. Likewise, given the nature of the development, no objection has been raised in terms of the sustainability of the location by Infrastructure Services (Transportation) as a walking and cycle route can be achieved to the settlement of Laurencekirk and an agreed Travel Plan Framework has been agreed.
- 6.30 In conjunction with this, the nature of the development is somewhat reliant on a rural location and the use of a private vehicle and the development opportunity represented by this previously developed site cannot readily be relocated. The tourism accommodation nature of the proposal is welcomed in principle. This is supported by several national and Aberdeenshire identified priorities and would provide wider economic benefits for the area through the encouragement of increased visitors to the area.
- 6.31 In conclusion, it is the opinion of the Planning Service that the development proposed will provide the opportunity for a tourist accommodation offering,

which is compatible with its surroundings, but which also removes an unsightly derelict group of buildings and structures in the countryside. Without a planning permission, the site would remain in this state and continue to deteriorate in the future as it has been established through the extensive planning history of this site that constraints related to contaminated land remediation requirements render the site unsuitable for small scale residential development.

7. Area Implications

- 7.1 In the specific circumstances of this application there is no direct connection with the currently specified objectives and identified actions of the Local Community Plan.

8. Implications and Risk

- 8.1 An equality impact assessment is not required because the proposal does not have a differential impact on any of the protected characteristics.
- 8.2 There are no staffing and financial implications.
- 8.3 There are no risks identified in respect of this matter in terms of the Corporate and Directorate Risk Registers as the Committee is considering the application as the planning authority in a quasi-judicial role and must determine the application on its own merits in accordance with the Development Plan unless material considerations justify a departure.

9. Sustainability Implications

- 9.1 No separate consideration of the current proposal's degree of sustainability is required as the concept is implicit to and wholly integral with the planning process against the policies of which it has been measured.

10. Departures, Notifications and Referrals

10.1 Strategic Development Plan Departures

None

10.2 Local Development Plan Departures

Policy B3 Tourist Facilities
Policy R2 Housing and employment development elsewhere in the countryside
Policy PR1 Protecting important resources

- 10.3 The application is a Departure from the valid Local Development Plan and has been advertised as such. Any representations received have been circulated

as part of the agenda and taken into account in recommending a decision.
The period for receiving representations has expired.

- 10.4 The application does not fall within any of the categories contained in the Schedule of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 and the application is not required to be notified to the Scottish Ministers prior to determination.
- 10.5 The proposed development is in the opinion of the Head of Planning and Building Standards in significant conflict with Policy R2 Housing and employment development elsewhere in the countryside, and if the Committee is minded to approve then the application will have to be referred to Infrastructure Services Committee.

11. Recommendation

- 11.1 **That Members agree that applications APP/2017/1165 & APP/2017/2183 be referred to the Infrastructure Services Committee for determination and confirm their support for the applications by agreeing to GRANT, subject to the following conditions:-**

APP/2017/1165

01. The holiday chalets/caravans hereby approved shall be used solely as temporary holiday letting accommodation and for no other purposes whatsoever including use as permanent residential units without the prior express grant of planning permission by the planning authority. The holiday chalets/caravans shall not be occupied as a person's sole or main residence and the owner of the holiday chalets/caravans shall maintain an up-to-date register of the name of each occupier of the holiday chalets/caravans on the site, their length of stay and their main home address and shall make this information available at all reasonable times to the planning authority.

Reason: The occupation of the holiday chalets/caravans as permanent residential units would not comply with the Council's Local Development Plan policies regarding residential development in this area.

02. No works in connection with the development hereby approved shall commence unless a scheme of soft landscaping works to be implemented around the perimeter of the proposed site has been submitted to and approved in writing by the planning authority.

Details of the scheme shall include:

- a) Existing landscape features and vegetation to be retained;
- b) Protection measures for the landscape features to be retained;
- c) Existing and proposed finished levels;
- d) The location of new trees, shrubs, hedges and grassed areas;
- e) A schedule of planting to comprise species, plant sizes and proposed numbers and density;

- f) An indication of existing trees, shrubs and hedges to be removed;
- g) A programme for the implementation, completion and subsequent management of the proposed landscaping. The Landscaping Scheme MUST include timescales for the implementation of the works.

All soft landscaping proposals shall be carried out in accordance with the approved planting scheme and management programme. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the planning authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted. Once provided, all hard landscaping works shall thereafter be permanently retained.

Reason: To ensure the implementation and management of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

03. No works in connection with the development hereby approved shall commence unless an Access Plan for continuing non-motorised public access has been submitted to and approved in writing by the planning authority. Details of the plan shall include:

- a) The location of existing paths, including core paths and desire lines on or adjoining the site;
- b) The location and duration of temporary diversions during construction of the approved development;
- c) Details of new routes and proposed route changes;
- d) Path construction specifications;
- e) Details of structures, fittings and signage;
- f) Details of and timescales for the implementation and phasing of the path works;
- g) Details of the future maintenance of the proposed path(s);
- h) Written justification for the measures proposed.

The development shall be carried out in complete accordance with the approved Access Plan. For the avoidance of doubt, the Access Plan MUST include timescales for the implementation of the works.

Reason: To ensure the adequate provision of public access within and around the site.

04. The proposed development shall be connected to the public water supply as indicated in the submitted application and shall not be connected to a private water supply without the separate express grant of planning permission by the planning authority.

Reason: To ensure the long term sustainability of the development and the safety and welfare of the occupants and visitors to the site.

05. No development in connection with the permission hereby granted shall commence unless the vehicular and pedestrian access has been provided

and surfaced in accordance with the details shown on the drawing 1987_PL_010D. Once provided, the vehicular and pedestrian access shall thereafter be permanently retained as such.

Reason: To ensure the provision and retention of a means of access to an adequate standard in the interests of road safety.

06. No works in connection with the permission hereby granted shall commence unless passing places have been provided in accordance with Drawing Numbers 1987_PL_030 and 1987_PL_031, and surfaced in accordance with the Council's Standards for Road Construction Consent and Adoption in the locations shown on the approved plans.

Reason: To ensure the existing road network can accommodate the traffic likely to be associated with the proposed development in the interests of road safety.

07. The development hereby approved shall not be brought into use unless off-street car parking for 60 cars, surfaced in hardstanding materials are provided within the site. Once provided, the approved car parking shall thereafter be permanently retained as such.

Reason: To ensure the timely completion of the car parking to an appropriate standard and to ensure the retention of adequate off-street parking facilities within the site, all in the interests of road safety.

08. No development in connection with the permission hereby granted shall commence and the access hereby approved shall not be brought into use unless visibility of 120 metres in both directions along the channel line of the public road has been provided from a point 2.4 metres measured at right angles from the existing edge of the carriageway surface along the centre line of the approved access in accordance with the Council's Standards for Road Construction Consent and Adoption. The visibility splays shall be physically formed on the ground and any existing fences, walls, hedges or other means of enclosure or obstructions within the splays shall be removed and relocated outwith the splays in accordance with the approved plans. Once formed, the visibility splays shall be permanently retained thereafter and no visual obstruction of any kind shall be permitted within the visibility splays so formed.

Reason: To enable drivers of vehicles using the access to have a clear view of other road users and pedestrians in the interests of road safety.

09. No chalet/caravan hereby approved shall be occupied unless a turning area, measuring not less than 7.6 metres by 7.6 metres has been formed within the site. Once provided, the turning area shall thereafter be permanently retained as such.

Reason: To enable all vehicle movements onto or from the public road to be carried out in a forward gear in the interests of road safety.

10. The development hereby approved shall not brought into use unless the refuse bin uplift store area has been provided and surfaced in accordance

with the details shown on the approved plan. Once provided, the refuse bin uplift store area shall thereafter be permanently retained as such.

Reason: To ensure the provision of an appropriate means of servicing in the interests of road safety.

11. Prior to occupation of the first unit, the developer shall provide an access path for pedestrian and cyclist use to allow connectivity to either of the settlements of Luthermuir or Laurencekirk. Full details of the proposed route shall be submitted to and approved in writing by the planning authority.

Reason: In order to ensure that the proposed development is well connected to existing infrastructure and public transportation.

12. Prior to the commencement of the development a travel plan shall be submitted to and approved in writing by the planning authority. The travel plan shall identify measures and incentives that are to be adopted to encourage more sustainable means of travel, including a draft user travel survey, and details of the system of management, monitoring, review and reporting of the travel plan implementation. The development shall not be brought into use unless the measures set out in its approved Travel Plan have been implemented in full.

The Travel Plan shall be subject to ongoing annual review for the first 5 years of the development. In line with these reviews, the travel plan shall be updated to report on progress and to identify any changes to the proposed measures for the remaining years of the process. The document updates shall be submitted to the Planning Authority for reference, review and acceptance.

Reason: To be consistent with the requirements of Scottish Planning Policy and to reduce the dependency on use of the private car.

13. No works in connection with the development hereby approved shall commence unless details of a permanent accessible nesting space for barn owls have been submitted to and approved in writing by the planning authority. The development shall not be brought into use unless the barn owl nesting space has been provided in accordance with the approved details. Once provided, the nesting space shall thereafter be permanently retained.

Reason: To secure the long-term protection of the species.

14. No works in connection with the development hereby approved shall commence unless details of the design and location of a temporary barn owl nesting space have been submitted to and approved in writing by the planning authority. The barn owl nesting space shall be provided at least 30 days before any other works commence in connection with the development. Thereafter, the temporary nesting space shall not be subjected to direct disturbance and shall remain in place until nesting has finished in the nesting season immediately following the provision of the permanent barn owl nesting space required by condition number 13.

Reason: To secure the long-term protection of the species by maintaining continuity of occupation on-site.

15. No works in connection with the development hereby approved shall commence unless a detailed check of the site for active barn owl nests has been undertaken and written confirmation has been submitted to the planning authority that no birds will be harmed and that there are appropriate measures in place to protect nesting barn owls on the site. The check shall be undertaken not less than 14 days before the commencement of the development and no site clearance or other works in connection with the development hereby approved shall commence unless the written confirmation has been submitted to and approved in writing by the planning authority.

Reason: In the interest of safeguarding the habitat of the species and securing its long-term protection.

16. Subject to the conclusions of the required Barn Owl Survey required under condition 15 of this consent, where barn owls are identified to be nesting on site, no works in connection with the development hereby approved shall be carried out in the period between 1 March and 31 August in any year or at any time when barn owls are nesting on the site.

Reason: In the interests of safeguarding the habitat of the species and securing its long-term protection.

17. No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a detailed check of the site for active birds' nests has been undertaken and written confirmation has been submitted to the planning authority that no birds will be harmed and that there are appropriate measures in place to protect nesting bird interest on the site. The check shall be undertaken no later than 14 days before the commencement of the development and no site clearance or other works in connection with the development hereby approved shall commence unless the written confirmation and protection measures have been submitted to and approved in writing by the planning authority. The development shall be carried out in accordance with the approved protection measures.

Reason: In the interest of safeguarding the habitat of local bird species.

18. No works in connection with the development hereby approved shall commence unless an invasive non-native species protocol, including an associated management, maintenance and monitoring scheme, has been submitted to and approved in writing by the planning authority. The protocol shall detail the containment, control and removal of Himalayan Balsam on the site. No other works in connection with the development hereby approved shall commence unless all the measures set out in the approved protocol have been carried out in accordance with the approved protocol.

Reason: To protect the natural environment and ensure that measures are put in place to prevent the spread of invasive non-native species.

19. No works in connection with the development hereby approved (other than the demolition of the existing buildings) shall commence unless a satisfactory investigation of the site has been undertaken in accordance with BS 10175:2011+A1:2013 - 'Investigation of Potentially Contaminated Sites - Code of Practice' and a report of that investigation has been submitted to and approved in writing by the planning authority.

Reason: In order to ensure any potential contamination of the site is dealt with appropriately in the interests of public and environmental safety.

20. No works in connection with the development hereby approved (other than the demolition of the existing buildings) shall commence unless a remedial scheme has been submitted to and approved in writing by the planning authority. The development hereby approved shall not be brought into use unless the approved scheme of remediation has been carried out in its entirety and a validation report has been submitted to and approved in writing by the planning authority. Any areas of hardstanding, clean cover or other such barriers within the application site boundary that are included within the approved scheme of remediation and are required to break one or more pollutant linkages shall be permanently retained as such and shall not be disturbed without the prior written approval of the planning authority.

Reason: In order to ensure any potential contamination of the site is dealt with appropriately in the interests of public and environmental safety.

21. No chalet/caravan hereby approved shall be occupied unless the proposed foul and surface water drainage systems have been provided in accordance with the approved plans Drainage Strategy 14152 and Drawing Ref: 14152/02/100 rev C. The foul and surface water drainage systems shall be permanently retained thereafter in accordance with the approved maintenance scheme.

Reason: In order to ensure that adequate drainage facilities are provided, and retained, in the interests of the amenity of the area.

22. No works in connection with the development hereby approved including demolition, ground works and vegetation clearance shall commence unless a construction environmental management plan (CEMP) has been submitted to and approved in writing by the planning authority. The CEMP shall include the following:
- (a) Risk assessment of potentially damaging construction activities;
 - (b) Identification of biodiversity protection zones;
 - (c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
 - (d) The location and timing of sensitive works to avoid harm to biodiversity features;

- (e) The times during construction when specialist ecologists need to be present on site to oversee works;
- (f) Responsible persons and lines of communication;
- (g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- (h) Use of protective fences, exclusion barriers and warning signs.

All works carried out during the construction period shall be undertaken strictly in accordance with the approved CEMP.

Reason: In the interests of protecting the biodiversity of the environment.

APP/2017/2183

01. No works in connection with the development hereby approved shall commence unless an Access Plan for continuing non-motorised public access has been submitted to and approved in writing by the planning authority. Details of the plan shall include:

- a) The location of existing paths, including core paths and desire lines on or adjoining the site;
- b) The location and duration of temporary diversions during construction of the approved development;
- c) Details of new routes and proposed route changes;
- d) Path construction specifications;
- e) Details of structures, fittings and signage;
- f) Details of and timescales for the implementation and phasing of the path works;
- g) Details of the future maintenance of the proposed path(s);
- h) Written justification for the measures proposed.

The development shall be carried out in complete accordance with the approved Access Plan. For the avoidance of doubt, the Access Plan **MUST** include timescales for the implementation of the works.

Reason: To ensure the adequate provision of public access within and around the site.

02. No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a detailed check of the site for active birds' nests has been undertaken and written confirmation has been submitted to the planning authority that no birds will be harmed and that there are appropriate measures in place to protect nesting bird interest on the site. The check shall be undertaken no later than 14 days before the commencement of the development and no site clearance or other works in connection with the development hereby approved shall commence unless the written confirmation and protection measures have been submitted to and approved in writing by the planning authority. The development shall be carried out in accordance with the approved protection measures.

Reason: In the interest of safeguarding the habitat of local bird species.

03. No works in connection with the development hereby approved shall commence unless an invasive non-native species protocol, including an associated management, maintenance and monitoring scheme, has been submitted to and approved in writing by the planning authority. The protocol shall detail the containment, control and removal of Himalyan Balasam on the site. No other works in connection with the development hereby approved shall commence unless all the measures set out in the approved protocol have been carried out in accordance with the approved protocol.

Reason: To protect the natural environment and ensure that measures are put in place to prevent the spread of invasive non-native species.

04. No works in connection with the development hereby approved including demolition, ground works and vegetation clearance shall commence unless a construction environmental management plan (CEMP) has been submitted to and approved in writing by the planning authority. The CEMP shall include the following:

- (a) Risk assessment of potentially damaging construction activities;
- (b) Identification of biodiversity protection zones;
- (c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- (d) The location and timing of sensitive works to avoid harm to biodiversity features;
- (e) The times during construction when specialist ecologists need to be present on site to oversee works;
- (f) Responsible persons and lines of communication;
- (g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- (h) Use of protective fences, exclusion barriers and warning signs.

All works carried out during the construction period shall be undertaken strictly in accordance with the approved CEMP.

Reason: In the interests of protecting the biodiversity of the environment.

05. No works in connection with the development hereby approved shall commence unless a scheme of hard and soft landscaping works has been submitted to and approved in writing by the planning authority.

Details of the scheme shall include:

- a) A tree survey in accordance with BS 5837:2012;
- b) Existing landscape features and vegetation to be retained;
- c) Protection measures for the landscape features to be retained;
- d) Existing and proposed finished levels;
- e) The location of new trees, shrubs, hedges, grassed areas and water features;

- f) A schedule of planting to comprise species, plant sizes and proposed numbers and density;
- g) The location, design and materials of all hard landscaping works including walls, fences, gates, street furniture and play equipment;
- h) An indication of existing trees, shrubs and hedges to be removed;
- i) A programme for the implementation, completion and subsequent management of the proposed landscaping.

All soft and hard landscaping proposals shall be carried out in accordance with the approved planting scheme and management programme. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the planning authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted. Once provided, all hard landscaping works shall thereafter be permanently retained.

Reason: To ensure the implementation and management of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

06. No land raising shall take place within the 1 in 200 year flood extent as detailed in the Flood Risk Assessment by Envirocentre associated with APP/2017/1165.

Reason: In the interests of flood prevention and public safety.

07. No works in connection with the development hereby approved shall commence unless a satisfactory investigation of the site has been undertaken in accordance with BS 10175:2011+A1:2013 - 'Investigation of Potentially Contaminated Sites - Code of Practice' and a report of that investigation has been submitted to and approved in writing by the planning authority.

Reason: In order to ensure any potential contamination of the site is dealt with appropriately in the interests of public and environmental safety.

08. No works in connection with the development hereby approved shall commence unless a remedial scheme has been submitted to and approved in writing by the planning authority. The development hereby approved shall not be brought into use unless the approved scheme of remediation has been carried out in its entirety and a validation report has been submitted to and approved in writing by the planning authority. Any areas of hardstanding, clean cover or other such barriers within the application site boundary that are included within the approved scheme of remediation and are required to break one or more pollutant linkages shall be permanently retained as such and shall not be disturbed without the prior written approval of the planning authority.

Reason: In order to ensure any potential contamination of the site is dealt with appropriately in the interests of public and environmental safety.

11.2 That the Committee agree the reason for departing from the Aberdeenshire Local Development Plan 2017.

The development proposed will provide the opportunity for a tourist accommodation offering, which is compatible with its surroundings and aspirations of Aberdeenshire Local Development Plan 2017 Policies R2 Housing and employment proposals elsewhere in the countryside and B3 Tourist Facilities. The development will also remove an unsightly derelict group of buildings and structures in the countryside. Without a planning permission, the site would remain in this state and continue to deteriorate in the future as it has been established through the extensive planning history of this site that constraints related to contaminated land remediation requirements render the site unsuitable for small scale residential development.

Stephen Archer
Director of Infrastructure Services
Author of Report: Gregor Spence
Report Date: 14 February 2018

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Viewmount, Stonehaven**

(C) **Reference No: APP/2017/1165**

Full Planning Permission for Change of Use of Former Piggery to Tourist Holiday Park Consisting of 49 Chalets (2 Chalets for Retail Units, 1 Chalet for Office/Reception, 1 Chalet for Bistro and 2 Chalets for Staff Accommodation), Erection of Fencing and Walls, Formation of Vehicular Access, Car Parking and Access Road, Installation of Entrance Feature and Bollard Lighting at Site at Dowrieburn, Laurencekirk, Aberdeenshire

AND

Reference No: APP/2017/2183

Full Planning Permission for Formation of Riverside Park, Including Wildlife Ponds and Footpaths and Foul and Surface Water Drainage Proposals for Associated Holiday Park at Site at Dowrieburn, Fettercairn, Laurencekirk

**Applicant: Monarch Leisure And Park Homes Ltd, 88 Scott Road,
Glenrothes, KY6 1AE**

Agent: Ben Freeman, OBO Monarch Leisure And Park Homes Ltd

A report by the Director of Infrastructure Services was circulated advising Members that the Committee was able to consider and take a decision on this item, in terms of the Scheme of Governance, as the application for development was a departure from the Development Plan and was being recommended for approval, there had also been valid objections from six or more individuals or bodies with separate postal addresses or premises and there was an unresolved objection from Mearns Community Council.

The Senior Planning Officer advised that the application was deferred at the last meeting of the Kincardine and Mearns Area Committee, 6 February 2018, for a site visit, which had taken place. The Senior Planning Officer advised that the two applications for Dowrieburn would be presented together. Members were advised that the development proposed had addressed all relevant technical constraints outlined for the site. It was apparent that the proposal was a departure from the Local Development Plan policy, in terms of the specific criteria related to scale of the development in the countryside and in terms of location as the proposal was not immediately well related to an existing settlement and would result in the loss of agricultural land. However, it was accepted that the scale of the development could be accommodated on this site without significant undue impact on the surrounding landscape and amenity of neighbouring residents. Likewise, given the nature of the development, no objection had been raised in terms of the sustainability of the location by Infrastructure Services (Transportation) as a walking and cycle route could be achieved to the settlement of Laurencekirk and an agreed Travel Plan Framework had been agreed.

Members were advised that the nature of the development was somewhat reliant on a rural location and the use of a private vehicle. The tourism accommodation nature of the proposal was welcomed in principle. This was supported by several national and Aberdeenshire identified priorities and would provide wider economic benefits for the

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area through the encouragement of increased visitors to the area. It was the opinion of the Planning Service that the development proposed would provide the opportunity for a tourist accommodation offering, which was compatible with its surroundings, but which also removed an unsightly derelict group of buildings and structures in the countryside. Without planning permission, the site would remain in this state and continue to deteriorate in the future as had been established through the extensive planning history of this site, constraints related to seriously contaminated land and significant remediation requirements which render the site unsuitable for small scale residential development. Members were advised that, if permission was granted for the proposal, it would be controlled by legislation for the operation of a Caravan Park.

Members sought clarification with regard to the proposed passing places on access roads; paths network and the proposed travel plans. Being content with Officers responses the Committee then heard from the following speakers:

Dr Bronwen Croce spoke on behalf of the Mearns Community Council in objection to the application. Members were advised that the proposal would not be a tourist destination well related to any settlement, there was no detailed business case evidencing the proposed employment, and issues relating to a Right of Way.

Dr Bronwen Croce then spoke in relation to her own objection to the application advising that the application site was adjacent to the Dowrie Burn which was an important freshwater habitat and salmon spawning ground and the proposal would have a detrimental effect of this water course. Given the level of contamination on this site there was a concern about the management of decontamination as there had already been materials removed and appeared to be a poor appreciation of risks.

Members sought to clarify comments made by an objector in relation to a reinstatement bond and were advised that whilst that was something used for quarry excavation it was not appropriate for this application. Members also sought to clarify if Visit Scotland had responded to the consultation sought in relation to the application and were advised that they had not.

Members sought to clarify if in granting the application the Planning Service were content that the decontamination of the site could be managed. Members were advised that the application had been thoroughly assessed and the decontamination of the land would be managed.

Provost Howatson, seconded by Councillor Hutchison, moved to refuse the applications for the following reasons:

1. The application did not comply with the Local Development Plan policies for the following reasons:
 - a. Policy B3 Tourist Facilities –the proposal was not well related to a settlement as it was an isolated tourist facility,
 - b. Policy R2 Housing and employment development elsewhere in the countryside – the scale of the proposed development was too large,
 - c. Policy E2 Landscape – The scale of the development was not in keeping and too large for the landscape,

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- d. Policy RD1 providing suitable services – the proposal would impact negatively on road safety, traffic movements would be an issue on the rural narrow access roads to the site, which also included a weak bridge,
2. There were also concerns in relation to the loss of agricultural land and the negative impact on the environment.

As an amendment, Councillor Wilson, seconded by Councillor Evison, moved to refer the application to the Infrastructure Services Committee with a recommendation that they be granted, subject to appropriate conditions.

The Committee voted:

For the motion (3) Provost Howatson, Councillor Hutchison and Councillor Carr.

For the amendment (8) Councillors, Agnew, Bews, Dickinson, Evison, Mollison, Pike,
Wallace and Wilson.

The Committee **agreed** that applications (APP/2017/1165 and APP/2017/2183), be referred to the Infrastructure Services Committee for determination and confirmed their support for the applications by recommending that they be granted, subject to the following conditions:-

APP/2017/1165

01. The holiday chalets/caravans hereby approved shall be used solely as temporary holiday letting accommodation and for no other purposes whatsoever including use as permanent residential units without the prior express grant of planning permission by the planning authority. The holiday chalets/caravans shall not be occupied as a person's sole or main residence and the owner of the holiday chalets/caravans shall maintain an up-to-date register of the name of each occupier of the holiday chalets/caravans on the site, their length of stay and their main home address and shall make this information available at all reasonable times to the planning authority.

Reason: The occupation of the holiday chalets/caravans as permanent residential units would not comply with the Council's Local Development Plan policies regarding residential development in this area.

02. No works in connection with the development hereby approved shall commence unless a scheme of landscaping works to be implemented around the earlier of the proposed site has been submitted to and approved in writing by the planning authority.

Details of the scheme shall include:

- a) Existing landscape features and vegetation to be retained;
- b) Protection measures for the landscape features to be retained;
- c) Existing and proposed finished levels;

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- d) The location of new trees, shrubs, hedges and grassed areas;
- e) A schedule of planting to comprise species, plant sizes and proposed numbers and density;
- f) An indication of existing trees, shrubs and hedges to be removed;
- g) A programme for the implementation, completion and subsequent management of the proposed landscaping. The Landscaping Scheme MUST include timescales for the implementation of the works.

All soft landscaping proposals shall be carried out in accordance with the approved planting scheme and management programme. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the planning authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted. Once provided, all hard landscaping works shall thereafter be permanently retained.

Reason: To ensure the implementation and management of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

03. No works in connection with the development hereby approved shall commence unless an Access Plan for continuing non-motorised public access has been submitted to and approved in writing by the planning authority. Details of the plan shall include:

- a) The location of existing paths, including core paths and desire lines on or adjoining the site;
- b) The location and duration of temporary diversions during construction of the approved development;
- c) Details of new routes and proposed route changes;
- d) Path construction specifications;
- e) Details of structures, fittings and signage;
- f) Details of and timescales for the implementation and phasing of the path works;
- g) Details of the future maintenance of the proposed path(s);
- h) Written justification for the measures proposed.

The development shall be carried out in complete accordance with the approved Access Plan. For the avoidance of doubt, the Access Plan MUST include timescales for the implementation of the works.

Reason: To ensure the adequate provision of public access within and around the site.

04. The proposed development shall be connected to the public water supply as indicated in the submitted application and shall not be connected to a private water supply without the separate express grant of planning permission by the planning authority.

Reason: To ensure the long term sustainability of the development and the safety and welfare of the occupants and visitors to the site.

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05. No development in connection with the permission hereby granted shall commence unless the vehicular and pedestrian access has been provided and surfaced in accordance with the details shown on the drawing 1987_PL_010D. Once provided, the vehicular and pedestrian access shall thereafter be permanently retained as such.

Reason: To ensure the provision and retention of a means of access to an adequate standard in the interests of road safety.

06. No works in connection with the permission hereby granted shall commence unless passing places have been provided in accordance with Drawing Numbers 1987_PL_030 and 1987_PL_031, and surfaced in accordance with the Council's Standards for Road Construction Consent and Adoption in the locations shown on the approved plans.

Reason: To ensure the existing road network can accommodate the traffic likely to be associated with the proposed development in the interests of road safety.

07. The development hereby approved shall not be brought into use unless off-street car parking for 60 cars, surfaced in hardstanding materials are provided within the site. Once provided, the approved car parking shall thereafter be permanently retained as such.

Reason: To ensure the timely completion of the car parking to an appropriate standard and to ensure the retention of adequate off-street parking facilities within the site, all in the interests of road safety.

08. No development in connection with the permission hereby granted shall commence and the access hereby approved shall not be brought into use unless visibility of 120 metres in both directions along the channel line of the public road has been provided from a point 2.4 metres measured at right angles from the existing edge of the carriageway surface along the centre line of the approved access in accordance with the Council's Standards for Road Construction Consent and Adoption. The visibility splays shall be physically formed on the ground and any existing fences, walls, hedges or other means of enclosure or obstructions within the splays shall be removed and relocated outwith the splays in accordance with the approved plans. Once formed, the visibility splays shall be permanently retained thereafter and no visual obstruction of any kind shall be permitted within the visibility splays so formed.

Reason: To enable drivers of vehicles using the access to have a clear view of other road users and pedestrians in the interests of road safety.

09. No chalet/caravan hereby approved shall be occupied unless a turning area, measuring not less than 7.6 metres by 7.6 metres has been formed within the site. Once provided, the turning area shall thereafter be permanently retained as such.

Reason: To enable all vehicle movements onto or from the public road to be carried out in a forward gear in the interests of road safety.

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10. The development hereby approved shall not be brought into use unless the refuse bin uplift store area has been provided and surfaced in accordance with the details shown on the approved plan. Once provided, the refuse bin uplift store area shall thereafter be permanently retained as such.

Reason: To ensure the provision of an appropriate means of servicing in the interests of road safety.

11. Prior to occupation of the first unit, the developer shall provide an access path for pedestrian and cyclist use to allow connectivity to either of the settlements of Luthermuir or Laurencekirk. Full details of the proposed route shall be submitted to and approved in writing by the planning authority.

Reason: In order to ensure that the proposed development is well connected to existing infrastructure and public transportation.

12. Prior to the commencement of the development a travel plan shall be submitted to and approved in writing by the planning authority. The travel plan shall identify measures and incentives that are to be adopted to encourage more sustainable means of travel, including a draft user travel survey, and details of the system of management, monitoring, review and reporting of the travel plan implementation. The development shall not be brought into use unless the measures set out in its approved Travel Plan have been implemented in full.

The Travel Plan shall be subject to ongoing annual review for the first 5 years of the development. In line with these reviews, the travel plan shall be updated to report on progress and to identify any changes to the proposed measures for the remaining years of the process. The document updates shall be submitted to the Planning Authority for reference, review and acceptance.

Reason: To be consistent with the requirements of Scottish Planning Policy and to reduce the dependency on use of the private car.

13. No works in connection with the development hereby approved shall commence unless details of a permanent accessible nesting space for barn owls have been submitted to and approved in writing by the planning authority. The development shall not be brought into use unless the barn owl nesting space has been provided in accordance with the approved details. Once provided, the nesting space shall thereafter be permanently retained.

Reason: To secure the long-term protection of the species.

14. No works in connection with the development hereby approved shall commence unless details of the design and location of a temporary barn owl nesting space have been submitted to and approved in writing by the planning authority. The barn owl nesting space shall be provided at least 30 days before any other works commence in connection with the development. Thereafter, the temporary nesting space shall not be subjected to direct disturbance and shall remain in place until nesting has finished in the nesting season immediately following the provision of the permanent barn owl nesting space required by condition number 13.

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Reason: To secure the long-term protection of the species by maintaining continuity of occupation on-site.

15. No works in connection with the development hereby approved shall commence unless a detailed check of the site for active barn owl nests has been undertaken and written confirmation has been submitted to the planning authority that no birds will be harmed and that there are appropriate measures in place to protect nesting barn owls on the site. The check shall be undertaken not less than 14 days before the commencement of the development and no site clearance or other works in connection with the development hereby approved shall commence unless the written confirmation has been submitted to and approved in writing by the planning authority.

Reason: In the interest of safeguarding the habitat of the species and securing its long-term protection.

16. Subject to the conclusions of the required Bat Survey required under condition 15 of this consent, where barn owls are identified to be nesting on site, no works in connection with the development hereby approved shall be carried out in the period between 1 March and 31 August in any year or at any time when barn owls are nesting on the site.

Reason: In the interests of safeguarding the habitat of the species and securing its long-term protection.

17. No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a detailed check of the site for active birds' nests has been undertaken and written confirmation has been submitted to the planning authority that no birds will be harmed and that there are appropriate measures in place to protect nesting bird interest on the site. The check shall be undertaken no later than 14 days before the commencement of the development and no site clearance or other works in connection with the development hereby approved shall commence unless the written confirmation and protection measures have been submitted to and approved in writing by the planning authority. The development shall be carried out in accordance with the approved protection measures.

Reason: In the interest of safeguarding the habitat of local bird species.

18. No works in connection with the development hereby approved shall commence unless an invasive non-native species protocol, including an associated management, maintenance and monitoring scheme, has been submitted to and approved in writing by the planning authority. The protocol shall detail the containment, control and removal of Himalayan Balsam on the site. No other works in connection with the development hereby approved shall commence unless all the measures set out in the approved protocol have been carried out in accordance with the approved protocol.

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Reason: To protect the natural environment and ensure that measures are put in place to prevent the spread of invasive non-native species.

19. No works in connection with the development hereby approved (other than the demolition of the existing buildings) shall commence unless a satisfactory investigation of the site has been undertaken in accordance with BS 10175:2011+A1:2013 - 'Investigation of Potentially Contaminated Sites - Code of Practice' and a report of that investigation has been submitted to and approved in writing by the planning authority.

Reason: In order to ensure any potential contamination of the site is dealt with appropriately in the interests of public and environmental safety.

20. No works in connection with the development hereby approved (other than the demolition of the existing buildings) shall commence unless a remedial scheme has been submitted to and approved in writing by the planning authority. The development hereby approved shall not be brought into use unless the approved scheme of remediation has been carried out in its entirety and a validation report has been submitted to and approved in writing by the planning authority. Any areas of hardstanding, clean cover or other such barriers within the application site boundary that are included within the approved scheme of remediation and are required to break one or more pollutant linkages shall be permanently retained as such and shall not be disturbed without the prior written approval of the planning authority.

Reason: In order to ensure any potential contamination of the site is dealt with appropriately in the interests of public and environmental safety.

21. No chalet/caravan hereby approved shall be occupied unless the proposed foul and surface water drainage systems have been provided in accordance with the approved plans Drainage Strategy 14152 and Drawing Ref: 14152/02/100 rev C. The foul and surface water drainage systems shall be permanently retained thereafter in accordance with the approved maintenance scheme.

Reason: In order to ensure that adequate drainage facilities are provided, and retained, in the interests of the amenity of the area.

22. No works in connection with the development hereby approved including demolition, ground works and vegetation clearance shall commence unless a construction environmental management plan (CEMP) has been submitted to and approved in writing by the planning authority. The CEMP shall include the following:

- (a) Risk assessment of potentially damaging construction activities;
- (b) Identification of biodiversity protection zones;
- (c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- (d) The location and timing of sensitive works to avoid harm to biodiversity features;

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- (e) The times during construction when specialist ecologists need to be present on site to oversee works;
- (f) Responsible persons and lines of communication;
- (g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- (h) Use of protective fences, exclusion barriers and warning signs.

All works carried out during the construction period shall be undertaken strictly in accordance with the approved CEMP.

Reason: In the interests of protecting the biodiversity of the environment.

APP/2017/2183

01. No works in connection with the development hereby approved shall commence unless an Access Plan for continuing non-motorised public access has been submitted to and approved in writing by the planning authority. Details of the plan shall include:

- a) The location of existing paths, including core paths and desire lines on or adjoining the site;
- b) The location and duration of temporary diversions during construction of the approved development;
- c) Details of new routes and proposed route changes;
- d) Path construction specifications;
- e) Details of structures, fittings and signage;
- f) Details of and timescales for the implementation and phasing of the path works;
- g) Details of the future maintenance of the proposed path(s);
- h) Written justification for the measures proposed.

The development shall be carried out in complete accordance with the approved Access Plan. For the avoidance of doubt, the Access Plan MUST include timescales for the implementation of the works.

Reason: To ensure the adequate provision of public access within and around the site.

02. No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a detailed check of the site for active birds' nests has been undertaken and written confirmation has been submitted to the planning authority that no birds will be harmed and that there are appropriate measures in place to protect nesting bird interest on the site. The check shall be undertaken no later than 14 days before the commencement of the development and no site clearance or other works in connection with the development hereby approved shall commence unless the written confirmation and protection measures have been submitted to and approved in writing by the planning authority. The development shall be carried out in accordance with the approved protection measures.

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Reason: In the interest of safeguarding the habitat of local bird species.

03. No works in connection with the development hereby approved shall commence unless an invasive non-native species protocol, including an associated management, maintenance and monitoring scheme, has been submitted to and approved in writing by the planning authority. The protocol shall detail the containment, control and removal of Himalyan Balasam on the site. No other works in connection with the development hereby approved shall commence unless all the measures set out in the approved protocol have been carried out in accordance with the approved protocol.

Reason: To protect the natural environment and ensure that measures are put in place to prevent the spread of invasive non-native species.

04. No works in connection with the development hereby approved including demolition, ground works and vegetation clearance shall commence unless a construction environmental management plan (CEMP) has been submitted to and approved in writing by the planning authority. The CEMP shall include the following:
- (a) Risk assessment of potentially damaging construction activities;
 - (b) Identification of biodiversity protection zones;
 - (c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
 - (d) The location and timing of sensitive works to avoid harm to biodiversity features;
 - (e) The times during construction when specialist ecologists need to be present on site to oversee works;
 - (f) Responsible persons and lines of communication;
 - (g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
 - (h) Use of protective fences, exclusion barriers and warning signs.

All works carried out during the construction period shall be undertaken strictly in accordance with the approved CEMP.

Reason: In the interests of protecting the biodiversity of the environment.

05. No works in connection with the development hereby approved shall commence unless a scheme of hard and soft landscaping works has been submitted to and approved in writing by the planning authority.

Details of the scheme shall include:

- a) A tree survey in accordance with BS 5837:2012;
- b) Existing landscape features and vegetation to be retained;
- c) Protection measures for the landscape features to be retained;
- d) Existing and proposed finished levels;

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- e) The location of new trees, shrubs, hedges, grassed areas and water features;
- f) A schedule of planting to comprise species, plant sizes and proposed numbers and density;
- g) The location, design and materials of all hard landscaping works including walls, fences, gates, street furniture and play equipment;
- h) An indication of existing trees, shrubs and hedges to be removed;
- i) A programme for the implementation, completion and subsequent management of the proposed landscaping.

All soft and hard landscaping proposals shall be carried out in accordance with the approved planting scheme and management programme. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the planning authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted. Once provided, all hard landscaping works shall thereafter be permanently retained.

Reason: To ensure the implementation and management of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

06. No land raising shall take place within the 1 in 200 year flood extent as detailed in the Flood Risk Assessment by Envirocentre associated with APP/2017/1165.

Reason: In the interests of flood prevention and public safety.

07. No works in connection with the development hereby approved shall commence unless a satisfactory investigation of the site has been undertaken in accordance with BS 10175:2011+A1:2013 - 'Investigation of Potentially Contaminated Sites - Code of Practice' and a report of that investigation has been submitted to and approved in writing by the planning authority.

Reason: In order to ensure any potential contamination of the site is dealt with appropriately in the interests of public and environmental safety.

08. No works in connection with the development hereby approved shall commence unless a remedial scheme has been submitted to and approved in writing by the planning authority. The development hereby approved shall not be brought into use unless the approved scheme of remediation has been carried out in its entirety and a validation report has been submitted to and approved in writing by the planning authority. Any areas of hardstanding, clean cover or other such barriers within the application site boundary that are included within the approved scheme of remediation and are required to break one or more pollutant linkages shall be permanently retained as such and shall not be disturbed without the prior written approval of the planning authority.

Reason: In order to ensure any potential contamination of the site is dealt with appropriately in the interests of public and environmental safety.

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**11.2 That the Committee agree the reason for departing from the
Aberdeenshire Local Development Plan 2017.**

The development proposed will provide the opportunity for a tourist accommodation offering, which is compatible with its surroundings and aspirations of Aberdeenshire Local Development Plan 2017 Policies R2 Housing and employment proposals elsewhere in the countryside and B3 Tourist Facilities. The development will also removes an unsightly derelict group of buildings and structures in the countryside. Without a planning permission, the site would remain in this state and continue to deteriorate in the future as it has been established through the extensive planning history of this site that constraints related to contaminated land remediation requirements render the site unsuitable for small scale residential development.