



Notice of Intention by Andrew Fleming, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-110-2332
- Site address: Site at Quarry Wood, Kemnay, AB51 5LU
- Appeal by Mrs Alison Stewart against the decision by Aberdeenshire Council
- Application no. APP/2016/1061 for planning permission dated 17 April 2016 refused by notice dated 8 February 2017
- The development proposed: Part retrospective formation of 7 pitch caravan park for gypsies/ travellers (each pitch comprising permanent mobile home stance/ chalet stance, ancillary/ touring stances, utility building, parking and associated infrastructure), landscaped bunds and access road
- Application drawings: see schedule at the end of this notice
- Date of site visit by Reporter: 26 June 2017

Date of notice: 17 November 2017

Notice of Intention

For the reasons given below I am minded to allow the appeal and grant planning permission subject to the conditions listed below, following the signing and registering or recording of a planning obligation under section 75 of the Town and Country Planning (Scotland) Act 1997, or some suitable alternative arrangement, covering the matters referred to in paragraph 18.

Preliminary matters

1. Planning permission (ref: APP/2012/2152) was granted by Aberdeenshire Council in April 2013 for three leisure lodges and enhanced external landscaping at the appeal site. Conditions were purified and a lawful start to the development is deemed by the council to have commenced. However, development was carried out which did not comply with the agreed planning permission and an interdict was served on the appellant. In addition, an enforcement notice was served by the council on 1 April 2016 and was to take effect on 29 April 2016. Due to the submission of a valid planning application (ref: APP/2016/1061, which is now subject of this appeal) for the above works on 18 April 2016, the enforcement notice was suspended pending the outcome of this appeal. I am legally required to consider the proposal subject of this appeal and not to concern myself with any unauthorised activity on the site.

2. Following the submission of the appeal, the Aberdeenshire Local Development Plan 2012 was replaced by the Aberdeenshire Local Development Plan 2017, adopted on 17 April 2017. I therefore issued a procedure notice to request that the council provide a copy

of this document and to request that parties consider what the relevant policies in the local development plan are and to provide an assessment of the proposal against each of the policies they consider relevant.

3. The appellant has made a claim for an award of expenses against the council and I will deal with that when I make my final decision.

Reasoning

4. I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. Having regard to the provisions of the development plan, the main issues in this appeal are: the impact on residential amenity; the impact on trees and woodland; the delivery of sites for the gypsy/ traveller community and the requirements of the Equality Act 2010.

5. The development plan covering the appeal site comprises the Aberdeen City and Shire Strategic Development Plan (SDP) 2014 and the Aberdeenshire Local Development Plan 2017 (adopted 17 April 2017). Given the scale of the proposal and the fact that I have not been directed to any relevant policies in the SDP by either the appellant or the council, I assess the proposal against the provisions of the local development plan.

6. The site is located within the countryside area outwith the Aberdeen greenbelt to which policy R2: *Housing and employment development elsewhere in the countryside* applies. Policy R2 is primarily concerned with the construction of permanent homes for the general population whereas the proposal is for a gypsy/ traveller site. Therefore, whilst policy R2 deals with housing generally, it is policy H5: *Gypsies and travellers* which deals specifically with this type of proposal and which sets criteria for permanent or temporary halting sites for gypsies and travellers. I therefore consider that the primary policy in the consideration of the development is policy H5 and not policy R2. The proposal is not for a halting site allocated for this purpose in the plan nor is it on an unallocated site where there is a proven need for a halting site. The appellant has advised that the site is proposed for her and her extended family. The proposal is therefore for a private site and whilst the appellant is not required to prove a specific housing need, there is a requirement to demonstrate that the proposal meets the remaining policy tests of the plan. I must therefore give consideration to the other policies of the local development plan.

7. The appellant and the council both consider that policies P4: *Hazardous and potentially polluting developments and contaminated land*, RD1: *Providing suitable services* and PR1: *Protecting important resources* are applicable to the proposal and I consider these below. In addition, the council consider that policies P1: *Layout, siting and design*, P3: *Infill and householder developments within settlements (including home and work proposals)*, C4: *Flooding*, E1: *Natural heritage* and E2: *Landscape* are applicable. Whilst I also consider policies P1 and E2 below, I do not consider policies P3, C4 and E1 relevant. In relation to policy P3, the council consider that the nature of employment use on the site is unknown. Given my understanding that no work would be carried out on site and that business use does not form part of the proposal, I do not consider this policy relevant to the consideration of the proposal. Policy C4 relates to flooding and whilst there is a ditch to the west and south-west of the site, the Scottish Environment Protection Agency (SEPA) conclude that the site is unlikely to be at risk of flooding or that flood risk would be

exacerbated elsewhere as a result of the proposal. In respect of policy E1, surveys for protected species were undertaken in respect of the extant planning permission which covers the appeal site and these surveys were considered acceptable with relevant conditions discharged. Importantly, neither of the equivalent policies to policies C4 or E1 in the previous local development plan was referred to by the council in the reasons for refusal of the proposal, subject of this appeal.

8. Under policy H5, it must be demonstrated that the site would not appreciably detract from the character, appearance or amenity of the area. Proposals are also required to provide a secure environment and essential services and allow reasonable access to employment, education and other community infrastructure and the main road network.

Impact on residential amenity

9. There are two residential properties immediately south of the site and a third property located beyond these. I noticed the difference in levels between the site and adjacent properties during my site inspection. The principal chalet/ caravan stances nearest to these residential dwellings are set down below them and whilst it is possible to obtain glimpsed views of the residential properties from within the site, it is more difficult to see the proposed chalets from the residential properties, particularly when account is taken of vegetation and screen bunding. The proposed pitches are not therefore clearly visible from the adjacent residential properties.

10. I noted during my site inspection that the property referred to as *'Birchwood'*, located to the south east of the site, is orientated to face east towards agricultural fields so that it is the gable end of the property that faces towards the site. Importantly, the garden area to the west of the dwellinghouse constitutes a narrow passageway between the dwellinghouse and the boundary with the neighbouring property. This space is used for log/ bin storage and the area to the north is used as a drying area and for ancillary domestic purposes. The main garden ground area, therefore, is to the front of the dwellinghouse to the east and away from the southern boundary of the appeal site.

11. The property referred to as *'Karneilian'* is orientated south-west away from the site although its garden space to the north-east and south-west is likely to be used and enjoyed on a regular basis by the occupants of that dwelling. The north-eastern most corner, however, is separated from the main garden by planting and includes an area of shed storage. This provides some separation between the dwellinghouse and the site boundary to the north. I also noted that the property has tall evergreen hedging along its northern boundary in part. Therefore, whilst it has attractive garden ground backing on to the site, the effect of the vegetation along its boundary, the bunding within the proposal site and the change in levels means that it is not significantly overlooked or affected by the appellant's proposal. The third property, referred to as *'Greatstone'*, is beyond the boundaries of *'Birchwood'* and *'Karneilian'* to the south. Due to its location beyond these two properties and because of the distance between it and the site, I do not consider there will be any significant direct effects upon the amenity of this property.

12. I understand that the appellant has a landscape business which involves the operation of a vehicle and related equipment to undertake landscape work. I understand that no work would be carried out on site and business use does not form part of the proposal. However, if the site was to be used as a centre for a business, then this could

potentially represent a material change of use which the council would have control over. I am satisfied that in accordance with policy H5, the proposal would not appreciably detract from the amenity of the area.

13. The site falls within the Central Wooded Estates Landscape Character Area, defined by rolling agricultural land and a strong woodland structure associated with numerous estate policies. I observed during my site inspection, that the site is screened from view on approach from the east due to topography and vegetation. Similarly, the site is screened from view on approach from the west along the rural road between Kemnay and Blairdaff due to the mature trees along this western boundary. Woodland to the north of the site and this rural road also provides a level of local screening. There are views of the site from the farm track to the south, due to a gap in the tree cover on this southern boundary, although these views are fairly limited due to the distance between the track and the site and views are not afforded of the entire site.

14. The proposal includes the planting of native hardwood trees and native shrubs and I consider that such measures would help to further integrate the development and soften the edge of the development in accordance with guidance contained in the landscape character assessment covering south and central Aberdeenshire, produced by Scottish Natural Heritage (SNH). Given the site's position within the former quarry, the existing vegetation on and surrounding the site and the proposed additional planting, I am satisfied that in accordance with policy H5 and policy E2: *Landscape*, the proposal would not appreciably detract from the character or appearance of the area.

15. In physical terms, the site is well defined with a rural road to the north, a shared access track to the east, domestic curtilage to the south east and ditches, field boundaries and bunding/ planting to the south and west. This and the fact that the site is well screened, provides what I consider to be a 'secure environment'. I understand that connections for electricity and public water already exist and that provision has been made for foul and surface water drainage. I note that SEPA and the council flooding and coastal protection unit have found these measures to be satisfactory. I note the proposal to accommodate three large bins (1100lt) near the entrance to the site rather than provide smaller bins within the site. I understand that the council (waste management) is satisfied with this arrangement. In light of the above, I consider that in accordance with policy H5, the proposal provides for a secure environment and essential services.

16. The site is located approximately 1.3 kilometres to the west of Kemnay and connected by the classified Kemnay to Blairdaff road. The appellant has also advised that the site is located on a bus route therefore providing reasonable access to the settlement and its associated services and facilities. I also note that Kemnay has good access to the A96 via Kintore or Inverurie providing access to the wider region. Education provision in Kemnay includes both primary and secondary schools which would assist the appellant in securing access to education for children that would be housed on the site. The council's Education and Children's Services (Education and Learning) have confirmed that there is capacity at both Kemnay Primary School and at Kemnay Academy. I am therefore satisfied that in terms of access to employment, education and other community infrastructure and the main road network that the proposal accords with this requirement of policy H5.

Impact on trees and woodland

17. The approval of the previous application (ref: APP/2012/2152) has resulted in the loss of trees on the site and I note there has been further tree loss as a result of unauthorised works at the site. The further felling is unfortunate given the woodland is confirmed as Ancient Woodland (long established plantation origin) by Forestry Commission Scotland. In this context, the proposal is contrary to *policy PR1: Protecting important resources* and hence policy H5. However, I note that the woodland within the site was not included in the last Native Woodland Survey of Scotland given that more than 50% of the trees present were non-native, suggesting that the area was of lower biological interest than other sites. I also note that in such cases there is more flexibility to allow for tree removal and that development may be considered appropriate if there is compensatory planting to ensure no net loss of woodland.

18. The proposal includes planting on site of 150 native hardwood trees and 450 native shrubs and this planting can be secured by condition. This, I consider would assist in offsetting the loss of woodland on the site. The appellant also proposes offsite compensatory planting of 350 trees at a site near Potterton, Aberdeenshire and this can be secured by a planning obligation. The measures proposed would therefore provide a level of mitigation and compensatory planting which would result in there being no net loss of woodland. Securing the provision of offsite planting by planning obligation would ensure the proposal complied with *policy PR1: Protecting important resources*.

19. The proposed access provides a compacted hardcore surface down into the centre of the site from where the seven pitches are to be accessed. I understand that the council sought to move the development away from the western boundary and maximise tree retention. The layout was amended in respect of pitches 6 and 7 in order to achieve this. The proposed layout is compact in nature and combined with the screening provided, achieves key objectives for a proposal of this nature including privacy, amenity, warmth and shelter. The site is low lying and well sheltered offering protection from the worst of the weather whilst the south facing aspect ensures that it maximises the benefit of passive solar gain. As mentioned above, the site is well located in relation to connections to the settlement of Kemnay and its associated services and facilities. In light of the above, I therefore consider that the layout, siting and design are in accordance with *policy P1: Layout, siting and design*.

20. The site is not close to any development that would cause nuisance to the residents and it is outwith the gas pipeline consultation zone. I understand that recycled materials are proposed to be used on the site to form a base for the development and that dockets from the supplier of the proposed material have been submitted to SEPA and the council. I understand that the appellant would apply for an Exemption from SEPA, on securing planning permission, with the 'relevant works' under such an exemption related to the development of the site. Exemption will demonstrate the nature of the material deposited and importantly, SEPA have the power of enforcement should this be necessary. SEPA have confirmed that they have no objections to the proposal subject to compliance with the Environmental Regulations and Licensing provisions. SEPA have investigated the drainage infrastructure on site and found it acceptable for planning purposes. In light of the above, I am satisfied that the proposal is in accordance with *policy P4: Hazardous and potentially polluting developments and contaminated land*.

21. The site has a connection to the public mains water to the satisfaction of SEPA and the council. I note that a drainage assessment has been undertaken on behalf of the appellant which confirms that separate package plants would treat surface and waste water prior to discharge. I note that SEPA are satisfied that a drainage solution for the site and individual pitches is achievable and I also note that the council (Flooding and Coastal Protection) is in agreement with SEPA subject to a condition to ensure these plants are installed in accordance with the details submitted, and that they are maintained in accordance with a management regime. On this basis, I am satisfied that the proposal is compliant with policy RD1: *Providing suitable services* in respect of surface and waste water infrastructure.

22. The proposed access is in the same position as the access granted under planning permission (ref: APP/2012/2152) and the proposal would share the access with the three existing dwellinghouses off the classified public road. The proposal has been designed to the satisfaction of the roads department including the provision of a layby and bin store, appropriate visibility splays and sufficient on-site parking provision. I am therefore satisfied that the proposal accords with policy RD1 in respect of access to new development.

Development plan conclusions

23. I find that in accordance with policy H5, the proposal does not appreciably detract from the character, appearance or amenity of the area whilst providing a secure environment and essential services and allows reasonable access to employment, education and other community infrastructure and the main road network. I also find that the proposal provides appropriate mitigation in terms of tree planting and that the compensatory provision of offsite planting, secured by planning obligation, would ensure compliance with policy PR1 and hence policy H5. I am satisfied that subject to the above mitigation measures, it accords overall with the relevant provisions of the development plan.

Material considerations

Planning permission (ref: APP/2012/2152)

24. As noted above, conditions in relation to planning permission (ref: APP/2012/2152) for three leisure lodges on the site have been purified and a lawful start to the development is deemed by the council to have commenced. Two of the consented lodges are proposed in the southern part of the site in proximity to the southern boundary and the two existing residential properties. As mentioned above, woodland felling has been accepted on the site with the grant of this planning permission and Forestry Commission Scotland (FCS) have acknowledged that tree removal, under this extant permission, has had some impacts on the woodland with many of the trees and much of the soil structure already disturbed or removed by the excavation of the original ground levels for the consented development.

25. The proposal results in further woodland felling over and above what has been consented and I acknowledge that there would be a change to the environment as a result of the proposal. However, given the site's position within the former quarry, the existing vegetation on and surrounding the site, the proposed additional onsite planting and proposed offsite compensatory planting which can be secured by a planning obligation resulting in no net loss of woodland, I am satisfied that the increased scale of development is not significantly more harmful to the overall environment.

26. Overall, I concur with the Director of Infrastructure Services who states in his report to the Garioch Area Committee of 20 December 2016 that: *'...the proposal is unlikely to have any significantly greater impact on existing residents than may arise from holiday chalets, dwellinghouses or any other proposal appropriate to the countryside setting and additional landscaping mitigation that can be controlled by condition will reduce this further.'*

Scottish Planning Policy

27. Scottish Planning Policy (SPP) introduces a presumption in favour of development that contributes to sustainable development. SPP advises that the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim, according to SPP, is to achieve the right development in the right place and not to allow development at any cost.

28. SPP requires that Housing Need and Demand Assessments (HNDAs) evidence need for sites for gypsies/ travellers and travelling showpeople and that development plans and local housing strategies address any need identified, taking into account their mobile lifestyle. If there is a need, local development plans should identify suitable sites for these communities. They should also consider whether policies are required for small privately-owned sites for gypsies/ travellers, and for handling applications for permanent sites for travelling showpeople. These communities should be appropriately involved in identifying sites for their use.

29. I note bullet point 13 of paragraph 29 of SPP which refers to avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality. I consider that the proposal would represent a logical use of the site without causing harm to the character, appearance or amenity of the area. Technical matters are satisfactorily addressed in order to avoid harm to the local environment. The proposal would enable the appellant's family members to be close to community infrastructure including schools and healthcare facilities which would assist in integrating with the settled community. Such a proposal would contribute to sustainable development and therefore the presumption in favour of this proposal should apply.

The delivery of sites for the gypsy/ traveller community

30. There is a duty placed on the council through its Local Housing Strategy (LHS) 2012-2017 to meet the accommodation needs of all minority ethnic groups, including gypsies/ travellers. According to the LHS, this group has a distinctive housing requirement which requires to be met and it identifies the key issues affecting the gypsy/ traveller community, to be the shortfall in suitable pitches and the increasing number of unauthorised encampments. According to the council, the target set in the LHS is for the council to provide at least one site every two years during the lifetime of the LHS. Importantly, I note that the council has failed to deliver any sites. Whilst I note that four sites were identified within the previous local development plan, only one is progressing and according to the council, it is unlikely that any of the sites will be developed in the short term and that there is a need for more immediate provision.

31. The council's gypsy/ travellers site provision strategy (2014) focuses on the provision of council sites. However, I note that a report to the gypsy/ traveller sub-committee of the council, dated 15 June 2016, recommended that provision of private sites should also be considered to meet the needs of the travelling community wishing to reside in and travel through Aberdeenshire. Importantly, I note that for central Aberdeenshire within which the appeal site is located, there is no formal site provision apart from the joint arrangement with Aberdeen City Council over 4 pitches at Clinterty.

32. The council's planning service confirm in the report of handling that '*...it is the view of the planning service that it cannot be denied that there is a need for site provision and a demand for sites.*' The council's housing strategy (equalities) division acknowledges the difficulties in delivering the identified sites and that there is a need for more immediate site provision. It acknowledges that this proposal, along with the provision at Clinterty, would help meet need in central Aberdeenshire.

33. Given the clear failure to deliver sites within Aberdeenshire, I concur with the recommendation that provision of private sites should also be considered in meeting need. Furthermore, I acknowledge that there is a need for site provision in Garioch and this proposal would assist in terms of meeting demand.

Equality Act 2010

34. The Equality Act 2010 introduced a public sector general equality duty which requires Scottish public authorities to pay 'due regard' to the need to eliminate unlawful discrimination, victimisation and harassment; advance equality of opportunity, foster good relations and ensure that services are delivered in a non-discriminatory manner and promote equality. Section 149(6) of the Act states that 'Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.'

35. I have a duty to have regard to treating gypsies/ travellers equally including respecting their right to a particular lifestyle. I acknowledge that there is a shortfall in the immediate provision of sites and in doing so, I demonstrate that 'due regard' in accordance with the Act. I am also mindful that an Equality Impact Assessment (EIA) undertaken by the council advises that the proposal would have a positive impact on the members of the gypsy/ traveller community involved particularly for school age children, expectant mothers, disabled and elderly members of the gypsy/ traveller community.

Representations by third parties

36. I am aware that there have been a number of representations made both in support of and against the appeal proposal. Concerns have been expressed about over-development of the site. I note that the site would require to be licensed as per The Caravan and Control of Development Act 1960 and I note the observations of the council (environmental health) that the plans submitted meet licence requirements.

37. Concern has been expressed about the unknown nature of employment that may take place on the site. As mentioned earlier, I understand that the appellant has a landscape business which involves the operation of a vehicle and related equipment to undertake landscape work. I understand that no work would be carried out on site. Should

business use become more than ancillary, then the council would have control over this by requiring that the necessary planning permission was secured. The impact on protected species has been raised in representations and as above, I note that surveys for protected species were undertaken in respect of the extant planning permission and were considered acceptable with relevant conditions discharged. The retention of existing trees together with compensatory tree planting will provide opportunities for enhancement of the biodiversity of the site.

Conclusion

38. Taking all of the above into account, I find that the proposal accords overall with the relevant provisions of the local development plan. I find that it does not appreciably detract from the character, appearance or amenity of the area. Similarly, I am satisfied that the proposed landscape measures, secured by condition and a planning obligation, would ensure there is no net loss of woodland. I am satisfied that the planning obligation is required in order to secure the delivery of the offsite compensatory planting and in order for the proposal to comply with the development plan. As acknowledged by the council, despite the requirement for it to meet the accommodation needs of gypsies/ travellers, there has been a failure to deliver sites with additional provision in the short term, unlikely. Whilst the proposal is for a private site, the council acknowledge that the provision of such a site would assist in meeting needs in central Aberdeenshire.

39. I therefore conclude, for the reasons set out above, that the proposed development accords overall with the relevant provisions of the development plan and that there are no material considerations which would still justify refusing to grant planning permission. I have considered all the other matters raised, but there are none which would lead me to alter my conclusions.

Conditions

40. The council has suggested 10 conditions be imposed if planning permission was to be granted. I have based the proposed conditions set out below on those suggested by the council, although I have removed certain conditions and amended others where necessary in consideration of the provisions of Circular 4/1998: The Use of Conditions in Planning Permissions.

41. I have not included the council's proposed condition 2 in relation to hardstanding and bunding which I do not consider necessary as areas of hardstanding and bunding are restricted to those indicated on drawing 04F. Similarly, I have not included the council's proposed condition 3 in relation to means of enclosure. I am not convinced that the removal of permitted development rights in relation to means of enclosure is necessary, given the nature of the site, or reasonable in all other respects. I have amended the wording of the council's proposed condition 4 to clarify that this condition relates to planting proposals on site and is not concerned with offsite planting proposals which are to be dealt with via a planning obligation.

42. In respect of the council's proposed condition 5, in order for the condition to be more precise, I have replaced reference to 'the satisfaction of the Planning Authority' and instead require that the works are undertaken in accordance with a scheme to be approved in writing with the council. I have not included the council's proposed condition 6 as I consider

it unnecessary, given the appellant has confirmed that there is a connection to the public water supply, to the satisfaction of SEPA and the council. I have amended the council's proposed condition 8 to reflect the fact that whilst certain pitches are not occupied, there are pitches which are already occupied.

Planning obligation

43. In order to ensure proper planting practices, the implementation of the compensatory planting plan is to be secured through a planning obligation between the appellant, the landowner of Butterywells Farm, Potterton, Aberdeenshire and the council. The compensatory plan contained in the appellant's response to the procedure notice (Appendix 1), dated 18 September 2017, is to form the basis of the planning obligation between the respective parties.

44. I conclude that a planning obligation having the effect of restricting or regulating development of the site should be completed in order to secure the requirements set out in paragraph 18 above. I will accordingly defer determination of this appeal for a period of 12 weeks to enable the relevant planning obligation (either an agreement with the planning authority or a unilateral obligation by the appellant under section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended) or some suitable alternative arrangement as may be agreed by the parties) to be completed and registered or recorded, as the case may be. If, by the end of the 12 week period, a copy of the relevant obligation with evidence of registration or recording has not been submitted to this office, I will consider whether planning permission should be refused or granted without a planning obligation.

Andrew Fleming

Reporter

Proposed Conditions

1. That each pitch identified on approved drawing 04F shall have no more than one principal chalet, two touring caravans and a utility building.

Reason: In order to ensure the approved number of chalets/ caravans do not exceed the terms of this notice and to comply with the requirements of the Caravan Licence.

2. That within three months of the date of this permission, a scheme of on site landscaping works shall be submitted to the Planning Authority. Details of the scheme shall include:
 - i. Existing landscape features and vegetation to be retained.
 - ii. The location of new trees/ shrubs/ hedges to include substantially enhanced landscaping:
 - between the site and the shared boundary with 'Birchwood' and 'Karneilian';
 - in the buffer between the site and the public road; and
 - along the western boundary.

- iii. A schedule of planting to comprise species, plant sizes and proposed numbers and density.
- iv. A programme for the completion and subsequent maintenance of the proposed landscaping.

All on site soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed within nine months of the date of this permission or such other date as may be agreed in writing with the Planning Authority. 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. Thereafter, all management and maintenance of the landscaped and open space areas within the site shall be implemented, in perpetuity, in accordance with the approved programme.

Reason: To ensure the implementation of a satisfactory scheme of landscaping within the site which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area and to ensure that the landscaping is managed and maintained in perpetuity.

3. That within three months of the date of this permission, the culvert formed on the south-west boundary shall be removed in its entirety and the watercourse returned to a width and depth consistent with upstream and downstream sections in accordance with a scheme to be approved in writing by the Planning Authority.

Reason: To retain the open watercourse and prevent changes to the water environment.

4. That no further work on pitches 5-7 shall take place unless an updated tree protection plan in accordance with BS5837:2012 Trees in Relation to Design, Demolition and Construction is submitted and approved in writing by the planning authority. No works shall commence unless details of the protective fencing have been submitted to and agreed in writing by the Planning Authority. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written consent of the Planning Authority and no fire shall be lit in the position where the flames could extend to within 5 metres of foliage, branches or trunks.

Reason: In order to ensure adequate protection for the trees/ hedges on the site during the construction of development, and in the interests of the visual amenity of the area.

5. That the proposed foul and surface water drainage system shall be carried out in accordance with the approved plans and drainage proposal (SA McGregor Drainage Recommendation Report - August 2016) and pitches 5-7 shall not be occupied unless the approved drainage system has been implemented in this form, unless otherwise agreed in writing with the Planning Authority. Following provision of the drainage system it shall thereafter be maintained by the developers or their successors in accordance with the approved maintenance scheme.

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

6. The development shall be served in accordance with the approved drawings and the following details:
- a) The maximum gradient of the first 5m of the access must not exceed 1 in 20.
 - b) Within six months of the date of this notice, the first 10m of access (measured from edge of road or back of footway) to be fully paved.
 - c) Within six months of the date of this notice, a lay-by measuring 8.0m x 2.5m with 45 degree splays to be formed on frontage of the site and the proposed vehicular access to be taken via this. Construction shall be to a standard appropriate to the location and must be agreed in advance with Roads Development.
 - d) Prior to the occupancy of the penultimate principal chalet, parking for 14 cars, surfaced in hard standing materials, must be provided within the site.
 - e) Prior to the occupancy of the penultimate principal chalet, a refuse bin uplift store area shall be constructed (behind any visibility splay) so as to be accessible for bin uplift and shall be secure enough to prevent empty bins from being wind blown. Details must be submitted to Roads Development for approval.

Reason: In order to ensure that the development is served by an appropriate standard of access and associated servicing in the interests of road safety.

Schedule of approved plans

03C	Location Plan
04F	Proposed Site Layout
01B	Existing Ground Survey
02B	Site Sections
16-15/093-046	Floor Plan and Elevations;
	Compensatory Planting Plan (offsite)