

PLANNING APPLICATION: 10/00448/APP

In the event that a recommendation on this planning application is overturned the Committee is reminded of the advice contained on the front page of the agenda for Reports on Applications

The Proposal

- Application for the redevelopment of the holiday caravan and camping site at Keith Caravan Park, involving the replacement/retention of holiday static mobile homes, touring caravans and tent pitches and one manager's residential mobile home. The application also seeks approval for the use of the site for 11 months of the year for holiday purposes (with the exception of the Site Manager's unit).
- The site plan and agent's covering letter proposes a total of 38 units, which comprises the following:
 - 1 Residential Mobile Home – Manager's Unit
 - 29 Holiday Units, comprising 10 Twin Chalets containing 20 units, and 9 Single Static Mobile Homes,
 - 8 stances for holiday touring caravans
 - and 5 tent pitches.
- At the time of writing this report five twin chalets and ten single static mobile homes were on the site.

History

For the site:

09/00943/FUL – Permission refused for change of use of holiday camping/caravan site to mixed use residential/holiday site and replacement/upgrading of existing mobile homes on the grounds of loss of a designated tourist facility.

08/00056/ENF – Enforcement Notice served in relation to breach of conditions of planning consent **98/00300/FUL**, to secure removal of chalets on site and cessation of the unauthorised residential use of the site and wardens caravan. Formal enforcement action has been held in abeyance pending the submission and outcome of the application currently under consideration. Separate enforcement investigations have recently revealed that the majority of the site has continued to be used for unauthorised residential purposes.

03/00332/FUL – Permission granted to continue to use one pitch for warden/caretaker all year (expired 31 March 2008).

98/00300/FUL - Permission granted for change of use of caravan and camping site for holiday use from 1 October to 31 March yearly (permission existed for 1 April to 30 Sep), subject to maximum 3 month occupancy condition to ensure holiday use only. Use a pitch for 12 months of the year for a resident warden/caretaker.

97/01124/LAW – Certificate of Lawful Use granted for use of site as a caravan and camping site for the period between 1 April and 30 September.

Advertisements

The application has been advertised under neighbour notification procedures.

Observations

Main determining issues:

Impact on locality

Moray Local Plan 2008 – Policies ED9 Tourism Facilities, Accommodation, Keith T1 Caravan Site and H11 Residential Caravans and Sites, T2 Provision of Road Access and T5 Parking Standards.

Background

As detailed within the planning history above, last year this site was the subject of a previous planning application 09/00943/FUL for its redevelopment with chalets, mobile homes and tourer/tent pitches for mixed residential/holiday purposes, where the main proportion was for residential use. Following consideration at the Environmental Services Committee on 29 September 2009 the application was refused on the grounds of the loss of a designated tourist facility. The current application for the same arrangement of units, but for holiday use for 11 months of the year is an attempt on the part of the applicant to address this previous refusal reason. Whilst the site is the subject to an ongoing enforcement investigation, this does not preclude consideration of the current planning application by the Planning Authority.

Policy Basis

Relevant policy ED9 of the Moray Local Plan 2008 supports tourist related proposals that contribute towards Moray's role and image as a tourist area. This provision states that 'developments built as holiday accommodation such as caravans and chalets should be retained for that purpose and not become permanent residences and that conditions will be applied to planning consent to control this aspect'. These objectives are further underlined by the site's designation Keith T1 in the Moray Local Plan 2008 which states that the caravan site will remain in use as a holiday accommodation site in order to retain some tourism infrastructure in the area and that alternative uses will not be permitted. Policy H11 presumes against caravans/mobile homes for permanent residential in order to reduce the area's dependency on caravans as low cost housing and to retain tourist facilities.

Analysis

The proposal as submitted, subject to conditions complies with the above provisions pertaining to holiday accommodation. In order to ensure that the site is used as a genuine holiday caravan and camping site conditions require to be attached to the consent to prevent its use all year round and to ensure that the units are used for holiday purposes only. This would be achieved through the use of two specific conditions requiring all of the units to be vacated (with the exception of the managers unit) for two months of the year i.e. 15 January and 15 March (unless an alternative period has been previously agreed with the Planning Authority) and for the units to be used for holiday purposes only and not to be used as the sole or main place of residence of any occupants; a 'holiday' being defined as a stay of one or more nights away from that person's sole or main place of residence.

The conditioned two month closure of the site is considered necessary in this case, as opposed to the proposed one month period, in order to give confidence to the planning process that the site can be operated as a holiday park within the terms of the planning consent, which to date regrettably has not been the case. The applicant's agent has been advised of this extended closure period and it is open to his client to appeal the condition if he feels aggrieved or considers the condition unreasonable. Alternatively, if permission is granted and it is demonstrated that the site can be operated as a holiday park within the terms any consent issued, the applicant has the option to apply to vary the condition to extend the opening period to 11 months.

The applicant has also requested that this condition requiring that the units be vacated for a specified period in the year is staggered between individual units to avoid the complete shut down of the site. This would in effect increase the potential for residential use on the site as occupants would be able to move from one unit to another over a twelve month period. This would be difficult to enforce as a clear break in the calendar year is required to enable the site to be properly monitored to ensure that it is being used for holiday purposes only. The staggering of this period between units would therefore hinder this monitoring process and any enforcement investigations if complaints were to be received concerning unauthorised occupancy and on this basis, a condition requiring a two month closure for the whole site is considered necessary.

The second condition requiring the units to be occupied for holiday purposes only, which includes the definition of a 'holiday' has been put to the applicant for his information. He has confirmed through his agent that he will operate the site in accordance with the planning consent if granted.

Based on the above, it is concluded that the two-month closure is adequate for the purposes of enforcing compliance with holiday use when in conjunction with the holiday occupancy condition.

T2 Provision of Road Access and T5 Parking Standards.

Whilst the site is an established caravan park, the introduction of the more permanent chalets, proposed extended occupancy period and likely increase in vehicular movements has triggered assessment of the site access as per the requirements of policy T2. Following consultation the Transportation Engineer has confirmed that the existing access to the caravan park is sub-standard and has a number of issues relating to water and loose material being carried onto the public footway and road. The Engineer has also confirmed that the visibility at the access is restricted in both directions by a relatively new fence along the caravan site boundary which is above 1.0m in height.

In order to address these issues as part of the planning process, the Transportation Engineer has requested additional information from the agent acting for the applicant showing the upgrading/resurfacing of the existing access arrangements, drainage improvements and the lowering the fence. The agent however has failed to respond to any of the engineer's correspondence in this regard and in order to enable the application to move forward the Transportation Engineer has advised that as there are no third party or other obvious constraints preventing the works, permission can be granted in this case subject to a condition requiring submission, approval and implementation of these works within a reasonable timescale.

Recommendation

In light of the above the proposal is considered to accord with the provisions of the development plan pertaining to tourist related development and is accordingly recommended for conditional approval.

Author/Contact Officer: Richard Smith
Planning Officer

Ext: 01343 563256

A handwritten signature in black ink, appearing to read 'G. Sutherland', with a long horizontal line extending to the right.

Gordon Sutherland
Planning and Economic Development Manager

APPENDIX

POLICY

Moray Structure Plan and/or Moray Local Plan 2000.

T1 Caravan Site

The caravan site will remain in use as a holiday accommodation site, in order to retain some tourism infrastructure. Proposals for alternative uses will not be permitted.

ED9: Tourism Facilities and Accommodation

The Council will generally support, proposals which contribute towards Moray's role and image as a tourist area. Proposals will require to:-

- a. be compatible with policies to safeguard and enhance the built and natural environment,
- b. provide adequate infrastructure arrangements (e.g. roads, parking, water, drainage), and
- c. demonstrate a locational need for a specific site.

Developments built as holiday accommodation (e.g. caravans or chalets) should be retained for that purpose and not become permanent residences. Conditions will be applied to planning consents to control this aspect.

For caravan and chalet parks in countryside areas, visual impact and access arrangements will be important considerations. Proposals must demonstrate what landscaping measures will be taken to assist integrate the site into its rural setting, in addition to providing on-site amenity. Rigid formal arrangements should be avoided with stances/units separated to provide discrete locations/surroundings.

H11: Residential Caravans and Sites

The Council will not permit residential caravans, except

- a. in emergency situations requiring urgent re-housing for a temporary period, or
- b. where a temporary consent is required in relation to the construction of a house for which planning consent has been granted

Proposals to redevelop residential caravan sites at Kinloss and Ashgrove to provide new housing will be acceptable. Proposals to redevelop Mundole residential caravan site should be the subject of a masterplan and retain holiday accommodation as the primary use in accordance with the rural community statement.

IMP1: Development Requirements

New development will require to be sensitively sited, designed and serviced appropriate to the amenity of the surrounding area. It must meet the following criteria:

- a. the scale, density and character must be appropriate to the surrounding area,
- b. the development must be integrated into the surrounding landscape,
- c. adequate roads, public transport, and cycling and footpath provision must be available, at a level appropriate to the development,
- d. adequate water, drainage and power provision must be made,
- e. sustainable urban drainage systems should be used where appropriate, in all new developments
- f. there must be adequate availability of social, educational, healthcare and community facilities,
- g. the development should, where appropriate, demonstrate how it will incorporate renewable energy systems and sustainable design and construction. Supplementary Guidance will be produced to expand upon some of these criteria,
- h. provision for the long term maintenance of public landscape and amenity areas must be made,
- i. conservation of natural and built environment resources must be demonstrated,
- j. appropriate provision to deal with flood related issues must be made, including the possibility of coastal flooding from rising sea levels and coastal erosion,
- k. pollution, including ground water must be avoided,
- l. appropriate provision to deal with contamination issues must be made, and
- m. the development must not sterilise significant workable reserves of minerals, prime quality agricultural land, or preferred areas for forestry planting.
- n. where appropriate, arrangements for waste management should be provided.

Policy T2: Provision of Road Access

The Council will require that a suitable and safe road access from the public highway is provided to serve new development and where appropriate any necessary modifications to the existing road network to mitigate the impact of development traffic, and the provision of appropriate facilities for public transport, cycling, and pedestrians. Access proposals that have a significant adverse impact on the surrounding landscape and environment that cannot be mitigated will be refused.

SPP17 details that there will be a presumption against new accesses onto a trunk road, and that the Scottish Executive will consider the case for such junctions where nationally significant economic growth or regeneration benefits can be demonstrated.

T5: Parking Standards

Proposals for development must conform with the Council's policy on parking standards.

OBJECTIONS –REPRESENTATIONS

5 letters of objection have been received from 5 households citing the following concerns:

- Mrs Isobel Sadowski The Sheiling 5 Balloch Road Keith Moray AB55 3HU
- Mr D Sadowski The Sheiling 5 Balloch Road Keith Moray AB55 3HU
- Mr Mike Papiransky Mik-Ellen Balloch Road Keith Moray AB55 5HU
- Mr And Mrs Philip And Sheila Wood Ruabon 36 Dunnyduff Road Keith Moray AB55 5JG
- Mr And Mrs James McHattie Levante 3 Balloch Road Keith Moray AB55 5HW

Loss of holiday caravan site and adverse impact upon tourism

This site is used as permanent residence for many families from out with the area.

The only caravans visiting the site are from the travelling community.

The proposal deviates from policy ED9 of the local plan, which requires the site to be retained for holiday accommodation purposes and not to become permanent residences.

We have witnessed many genuine tourists entering this site with their caravans and caravanettes and driving around it, then leaving to go on to the next town perhaps to a better holiday site.

Before the introduction of these chalets the park was always filled to capacity by visitors to the music festival. There have been no visitors to the park, on this weekend, over the last two years.

Tourers and tents are a thing of the past for this 'holiday' site.

Prior to this new owner we had people coming to the site for their holidays every year they have all gone also the folk festival is a very much-needed item for tourism in Keith and the caravan park was always overbooked by caravans and tent also similar during the Keith Show.

The site is occupied by workmen and residence as long lets.

Comment: The application as submitted complies with the relevant policies in the development plan pertaining to holiday accommodation. These representations refer to ongoing breaches of planning control which are currently being dealt as part of a separate enforcement investigations.

Surface water and foul drainage concerns

There is a drainage issue as water runs from the site onto and across the footpath that runs adjacent to the site going up Dunnyduff Road. Since the chalets have been installed surface water drainage has become a problem in adjoining gardens. Questions are also raised as to whether the sewage system can cope with the extra foul waste generated by the mobile homes.

Main hydro cables, which supply power to chalets are located below turf are a potential safety hazard.

Comment: The Transportation Manager has been consulted on the application and whilst disappointed by the applicant's agents failure to respond to any correspondence or requests for additional information, has raised no objection to the granting of permission subject to a condition requiring the access and surface water drainage arrangements to be upgraded. The surface water drainage problems in the adjoining gardens would normally be addressed under

the Building Regulations. As an additional measure in light of the concerns raised a condition shall be attached requiring submission and approval of surface drainage details for the units/site and modifications if required.

In relation to the foul drainage, Scottish Water has raised no objection to the grant of permission and has confirmed that there is adequate capacity within the existing network to serve the proposal.

The issue of power lines and associated health risks are a matter for the developer and Scottish Hydro.

Impact on amenity

The new chalets are very close to the western site boundary and affect the outlook, privacy and light levels of adjoining residential properties.

Noise levels, general disturbance, barking dogs and anti social behaviour has risen dramatically since the introduction of these chalets.

We feel that the value of our property will have fallen because of the close proximity of the chalets and the dramatic rise in noise levels.

Comment: The loss of a private view or impact on outlook is not a material planning consideration and cannot be taken into account in the planning process.

The twin units currently positioned on the western part of the site are located on an area already established for the siting of static caravans under the terms of the previous certificate of lawful use and planning consent. The units measuring 22ft x 43ft are slightly wider than that of a twin unit permitted under the Caravan Sites Act of 20ft x 60ft. This minor increase in width compared to that permissible under the Caravan Sites Act is not considered to be significant and any loss of amenity or impact on light levels over and above that permitted under the Caravan Sites Act would be minimal.

The increased noise levels, general disturbance and anti social behaviour are the responsibility of the site management and a matter for the police. They are outwith the scope of planning control and cannot be taken into account in the determination of this application. Impact on property value is not a planning matter.

Concerns relating to current breach of planning regulations

The site is already being used as a residential site and the mobile homes are now occupied by paying tenants. This has been done without planning permission and dates back for more than two years.

Comment: As stated in the planning history section, the site is the subject of an ongoing enforcement investigation, which has included service of a formal enforcement notices. Given the on-going nature of the breaches on the site, unless these cease further action will be instigated.

CONSULTATIONS

Environmental Health – No objection. If Planning Consent is granted, an application for a Site Licence in terms of the Caravan Sites and Control of Development Act 1960, will require to be made.

Contaminated Land – No objection, standard informative advice.

Building Standards – The twin units that have been installed on the site fall outwith the definition of a caravan because they exceed 20 ft in width and as such require a building warrant. Despite protracted discussions and the service of building warrant enforcement notices requiring the applicant to obtain a completion certificate, an application has not been submitted. Moreover the applicant's agent has been advised that a completion certificate is unlikely to be accepted for the units in their current form and as no action has been taken on the part of the applicant to remove the units, the matter is being referred to the fiscal to commence prosecution proceedings.

Transportation, Direct Services – No objection subject to conditions requiring the access (surface and drainage) to be upgraded to accommodate the likely increase in vehicular movements and lowering of an existing fence to provide an improved visibility splay.

Scottish Water – No objection. Provides comments and confirms that there is sufficient capacity within the existing Scottish water network to serve the proposal.

Strathisla Community Council – We will only accept this application with the condition of the site operating for a maximum of ten months with a total shut down for two months.

We feel this is the only way to ensure holiday usage only and not residential as it is being used for at the moment.

We would also wish a condition that the facilities be upgraded to a high standard required for a modern holiday facility.

The existing units cause concern as to whether they have adequate drainage etc. and we would require an assurance that this was being properly checked.

We would be delighted to have a redeveloped holiday facility for Keith. We feel that complying with the above conditions is the only way to ensure this.

Keith Community Council – No comments received.

Planning Gain Unit – No developer contribution sought provided the chalet and static units are not used for permanent residential purposes.