

PLANNING APPLICATION: 09/00943/FUL

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

Detailed application for change of use of holiday camping/caravan site to mixed use residential/holiday site and replacement/upgrading of existing mobile homes at Keith Mobile Home Park, Dunnyduff Road, Keith.

The site plan and accompanying supporting statement propose a total of 38 units, which comprise the following:

- 26 residential mobile homes (20 of which are comprised of 10 twin units) for unrestricted residential or holiday use,
- 4 holiday static mobile homes for single 12 month maximum occupancy
- 8 stances for holiday touring caravans
- and 5 tent pitches.

At the time of writing this report part of the site has already been laid as per the plan.

The Site

- The caravan site at Keith is an established site with a mix of statics (20), tourers (17) and tent pitches (7), amenity block, service road and warden's pitch. The site covers an area of approximately 0.7 ha and is serviced by the public water and sewer system.

Policy / Objections-Representations / Consultations - See Appendix

History

For the site:

- 08/00056/ENF** - Enforcement Notice served in relation to breach of conditions of planning consent 98/00300/FUL. Prosecution action for non-compliance held in abeyance pending the outcome of this application.
- 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.

Advertisement

Advertised as a departure from the development plan.

Observations

Main determining issues:

Impact resulting from loss of holiday tourist facility in Keith

Moray Local Plan 2008 - policies ED9 Tourism Facilities and Accommodation, Keith T1 Caravan Site and H11 Residential Caravans and Sites.

Policy ED9 of the Moray Local Plan 2008 sets out the Council's approach, which is to generally support 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.

The proposal seeks to establish unrestricted permanent residential use of 26 of the mobile homes units on the site and a maximum 12 month single occupancy for the remaining 4 units and touring stances. This change of use would result in the loss of a designated tourist facility contrary to the above policies, which seek to protect existing tourist infrastructure in Keith and discourage the use of mobile homes as permanent dwellings.

A supporting statement has been submitted, which sets out the applicant's financial justification for lodging the application and their plans for regenerating the site, involving the replacement of the mobile homes. In summary, this asserts that the site is no longer economically viable solely as a holiday tourist facility and that a significant residential element is required to sustain the site and facilitate the investment required for its regeneration. Specific reference is made to the site no longer being suitable as a touring caravan site because of its inland location away from the main coastal tourist routes. It also argues that the removal of the holiday occupancy restrictions imposed by the existing planning consents should in fact have a positive effect on holiday use as it will enable occupiers to buy or rent a holiday home or second weekend home with no title restriction to holiday use.

These submissions are not considered to constitute sufficient justification to warrant a departure to the development plan, which is the primary material consideration in this case. Many of the assertions made are in clear conflict with the representations submitted by local residents and interest groups, who consider that there is scope for a dedicated holiday tourist facility in the town. The loss of the only facility of this type in the town would have a negative impact on the town's appeal as a tourist destination, by limiting accommodation options for visitors to the area. The statement contains no information to demonstrate that the applicants have actively marketed the site as a holiday caravan/camping site through the local tourist board, registered

camping or caravan organisations. Further, in relation to the assertion that the units will become more attractive to persons wishing to rent or buy units as a second/holiday home if the occupancy restrictions are removed, there is no guarantee that this will actually occur on the ground as this is outwith planning control and would essentially lead to the creation of permanent residences. According to current enforcement records the twin units on the site are being occupied by residents whose sole place of residence is the caravan park and are not being used as holiday homes.

Approval of the application would create a serious and undesirable precedent for similar applications to be submitted in Moray, which would undermine the Tourism objectives of the adopted Local Plan and could ultimately lead to the loss of other tourist facilities throughout the district.

Recommendation

In light of the above the proposal is considered to represent an unacceptable departure from the development plan and is recommended for refusal.

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ALAN SHORT
DEVELOPMENT CONTROL MANAGER

APPENDIX

POLICY

Moray Structure Plan 2007 and/or Moray Local Plan 2008

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.

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.

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

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

17 letters of objection have been received from 13 households (including various local groups) citing the following concerns:

- Gwenda Michielsen, Keith Tourism Action Group, Craighurst, Seafield Avenue, Keith, AB55 5BS
- M Papiransky, Mik-Ellen, Balloch Road, Keith, Moray, AB55 5HU
- Isobel Sadowski, The Shieling, Balloch Road, Keith, Moray, AB55 5HU
- Mr And Mrs James McHattie, Levante, 3 Balloch Road, Keith, Moray, AB55 5HW
- Alison Ironside, Seafield Park, Keith, Banffshire, AB55 5AJ
- Mr D Sadowski, The Shieling, 5 Balloch Road, Keith, Moray, AB55 5HU
- Mr Philip Wood, 36 Dunnyduff Road, Keith, Moray, AB55 5JG
- Dr D McWilliam, Keith & District Heritage Group, Towiemore House, Botriphnie, Keith, Moray, AB55 5JA
- Mr And Mrs G Simpson, Karkervin, 138 Den Crescent, Keith, Moray, AB55 5LW
- Jane Martin Keith Community Council 9 Station Road Keith AB55 5BU
- Mrs Jane Cotton, Burn Of Aultmore Croft, Glen Of Newmill, Keith, AB55 6UL
- L Kennedy, 133 Mid Street, Keith, Moray, AB55 5AA

Loss of holiday caravan site and adverse impact upon tourism

- Proposal is in direct violation of the local plan and the provision it makes to preserve the area in question for holiday caravan parking.
- Approval would essentially eliminate the parking of holiday caravans in Keith. The small portion of the site being proposed for touring caravans is completely inadequate for normal tourist requirements and derisory for busy periods such as the Traditional Music and Song Association festival and the Great Keith Show.
- Proposal flies directly in the face of various grant funded initiatives, which aim to regenerate Keith and increase its potential as a tourist destination. Keith needs this holiday caravan facility and if the application is approved, the decision will be directly responsible for driving caravanning tourists away from Keith altogether. The nearest alternative holiday caravan parks are at Fochabers, Aberlour and Huntly. All these towns are attractive in their own right and there would be little incentive for holidaymakers parking there to then go and spend time and money in Keith.
- Proposal would result in the loss of a holiday park, which is a vital part of Keith's tourism and an important accommodation provider for visitors to local events like the Keith Music Festival and Keith Country Show.
- A well-run caravan park providing touring caravan stances and camping faculties is the best option for bringing a wide range of visitors to the town.
- We have no objection to the principle of creating a permanent caravan park in the Keith area, and Moray Council will doubtless be able to judge the requirement and suitability of such a facility. Our objection is that the area in question, which has been Keith's official holiday caravan park for many years and was for a time owned and operated by Moray Council, should not be sacrificed in this way. The location relative to the centre of Keith is very suitable for holiday caravanning and if it is lost it is hard to see where a replacement site might be created nor how such a site might be funded.

- Disappointing to witness many genuine tourists coming to site, driving around and leaving, as it is no longer a caravan site. Prior to the current owner we had people coming to the site for their holidays every year and now they have all gone. The site was always overbooked by caravans and tents during the Keith Show.
- Tradesmen are occupying some caravans who are obviously using the site as base for their business. Site is more akin to a working men's camp, which lowers the tone of the area and does not lend itself to general and badly needed tourism in this deprived area. Another aspect of this is the use of the site being used to host car boot sales, which again lowers the general amenity of the area.

Comment: Many of these objections are in line with the observations already detailed above. The comments regarding the number of visitors to the site in previous years contradict the statements within the applicant's supporting statement.

Surface water and foul drainage concerns

- As the site has no surface water drains, water pours onto Dunnyduff Road and pavement, freezing in winter and causing a hazard. Also questions raised as to whether 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 has raised no objection to the granting of permission subject to a condition requiring the access and surface water drainage arrangements to be upgraded.

In relation to 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 and light levels of adjoining residential properties.
- The new chalets have also given rise to an increase in noise levels and a loss of privacy.

Comment: The loss of a private view or impact on outlook is not a planning material consideration and therefore 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 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 variance in width is not considered to be significant and any loss of amenity or impact on light levels as a result would be minimal.

Concerns relating to current breach of planning regulations

- Site is already being used as a residential site in breach of 3 month occupancy condition. Many of the people staying there all year round are using the chalets and caravans as their fixed abode and are carrying out their normal work and lives while staying there. This has been done without planning permission and dates back for more than two years in some cases. The owner of the site has done much work over the past year, with the knowledge of the council without even applying for planning permission.

Comment: As detailed within the planning history section above, the site is the subject of an outstanding enforcement notice which is currently being held in abeyance pending the outcome of this application. Given the on-going nature of the breaches on the site additional action may be necessary which may involve service of further enforcement notices.

Neighbour Notification

- Concerns that neighbour notification has not been correctly carried out and that the occupier of 36 Dunnyduff Road did not receive notification on 26 June.

Comment: The applicant's agent has certified that neighbour notification procedures have been followed and that an additional notification would be sent to the concerned neighbour.

CONSULTATIONS

Environmental Protection Manager, Direct Services - No objection.

Environmental Health Manager, Development Services - No objection. Informative advice in relation to site licencing and Health and Safety regulations and confirms that a fresh application for a Caravan Site licence under the Caravan Sites Act 1960. This would not however cover the twin units that exceed 20ft in width, which fall outwith the definition of a caravan.

Contaminated Land, Development Services - No objection.

Building Standards Manager, Development Services - A building warrant would be required for the twin units as they exceed 20ft in width and as such fall outwith the definition of a caravan. No such application has been received in relation to the units already positioned on the site and this is a matter for Building Standards and the applicant to address separately.

Transportation Manager, 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 informative comments and confirms that there is sufficient capacity within the existing Scottish water network to serve the proposal.

SEPA - No objection.

Stathisla Community Council - Objection. Concerned that initial neighbour notification procedures were not followed because the neighbours never received their notification on 26 June, as stated by the applicant's agent. The site has been a holiday caravan site for many years and we feel that no case has been made to change that.

The Local Plan, which is newly adopted, states quite clearly that the site will remain in use as a holiday accommodation site and that proposals for alternative uses will not be permitted. To our knowledge no representation was made during the local plan consultation process to change the designation of the site. It would be totally inappropriate to do so now, so soon after its adoption. Various groups in Keith are working very hard to regenerate Keith and to attract tourists to the Town. The caravan site is essential for their aims.

The site was purchased by the owner in the full knowledge that it was a holiday site and was to remain so. If he didn't think that was a viable option for him then why did he purchase? It is our impression, from evidence given to us, that the owner has not tried to encourage tourists to his site. It appears that his aim all along was to turn it into a residential site which he has been doing without permission. We are convinced that with the proper marketing this would be a busy tourist site again. That is what Keith requires not a residential site.