

## PLANNING APPLICATION: 08/01197/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*

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### The Proposal

- Proposed change of use from touring caravans to the siting of 30 static caravans.
- Public mains drainage proposed.

### The Site

Southern part of the existing Findhorn Sands caravan site, Findhorn.

### Policy / Objections-Representations / Consultations - See Appendix

### History

- 91/00725/OUT** - Outline to erect up to 5 dwellinghouses. Refused 21.02.1992. Dismissed at appeal.
- 94/00062/FUL** - Construct manager's house and site reception. Approved 26.01.1995.
- 96/02126/FUL** - Retrospective approval for garage, LPG tank and house position. Approved 05.02.1997.
- 96/02172/FUL** - Extend toilets and shower rooms (on touring site). Approved 28.01.1997.
- 97/01232/FUL** - Reconstruction of electrical switchgear housing. Approved 01.12.1997.
- 02/00104/FUL** - Extend existing caravan park by 10 additional static spaces to 160 (holiday). Approved 13.03.2002
- 07/02266/FUL** - Installation of 16 static caravans. Approved 15.01.2008.

### Advertisement

Not advertised.

**Observations**

Determining Issues:

**Principle of change to static caravans (Moray Local Plan 2000 L/ED16, L/IMP1, Emerging Local Plan 2008 ED9, IMP1, T1 Findhorn Sands Caravan Park)**

The proposed change to static caravans is in a well defined landscape setting forming a discrete part of the extensive Findhorn Sands Caravan Park. The change reflects the static caravan use throughout the remainder of the park.

Findhorn caravan park is long established and designated as such in the adopted and emerging local plans. Local plan policy is favourable towards holiday accommodation, and such accommodation would include static caravans subject to the exclusion of residential usage. With the static caravans being proposed on a well defined part of an established and designated caravan park, and with the caravans being for tourist use there is no objection to the proposals subject to the standard conditions being applied excluding residential use. The conditions recommended are those applied to a recent consent on the same site for similar proposals (ref. 07/02266/FUL).

**Author/Contact Officer:** Maurice Booth  
Planning Officer

**Ext:** 01343 563274

*Signature* ..... (*Alan Short, Development Control Manager*)

**R A STEWART**  
**DIRECTOR OF ENVIRONMENTAL SERVICES**

## **APPENDIX**

### **POLICY**

#### **Moray Structure Plan 2007 and/or Moray Local Plan 2000**

##### **Policy 1: Development and Community**

The policy set out below identifies the strategic community development requirements for the delivery of the structure plan strategy-

The Moray Structure Plan Strategy will be supported by:

- b) the encouragement of tourism development opportunities.

##### **Policy L/ED16: Tourist Facilities and Accommodation**

- i) Proposals for holiday accommodation and tourist visitor attractions (hotels, visitor centres, guest houses, caravans/chalet/lodge/ timeshare developments) will in principle be supported, given their function as part of the tourism infrastructure.
- ii) Applications for holiday accommodation will be subject to the same guidance and advice as applies to housing in the countryside for siting and location. The Council generally accepts the integration of holiday chalet development within woodland settings, although conservation and natural heritage implications will be taken into account for proposals which involve native woodlands and natural habitat.
- iii) In countryside locations, visual impact and access arrangements will be important considerations. Proposals must demonstrate what landscaping measures will be taken to assist with the integration of the site into its rural setting, in addition to providing for on site amenity. Rigid formal layouts should be avoided, with stances/units separated to provide discrete locations/surroundings.
- iv) Developments built as holiday accommodation should be retained for that purpose, and not permitted to become permanent residences. Conditions will be applied to planning consents in order to control this aspect.
- v) Implementation policies in Chapter 8 will apply where relevant.

##### **Policy L/H10: Residential Caravans and Sites**

No new residential caravan sites (except for a new caravan on the basis of temporary necessity) nor any extension to an existing site, nor any permanent extension to an existing residential caravan, will be permitted. Applications to redevelop the sites at Mundole, Kinloss, Findhorn and Sheriffmill for holiday accommodation will be favourably considered; the sites at Kinloss, Sheriffmill and Ashgrove will also be favourably considered for permanent dwellings on the basis of at maximum a one-for-one replacement. The Council will seek the assistance of Scottish Homes for any schemes involving the total replacement of any of the above five residential sites, in order to offer suitable re-housing opportunities.

For the purposes of this policy 'temporary necessity' will normally apply only to emergency situations where re-housing is urgently required as a result of unforeseen circumstances such as fire, flood or storm damage to a principal residence or for a fixed time period relating to the on site construction of a new house.

### **Policy L/IMP1: Development in Built-up Areas**

In areas covered by this policy, (i.e. all land within settlement boundaries and rural communities), the Council will, in considering applications for planning permission, try to ensure that proposals for development do not harm the general character of the surrounding area. Applications will therefore take account of the main uses of land and buildings in the vicinity, the mix of such uses and the architectural quality of the area. The main concern of the Council is to ensure that development proposals should neither conflict with nor detract from the character, amenity and design of an area. This policy will not preclude appropriate new development and is not intended solely to maintain the status quo.

In interpreting and clarifying this policy, the Council will take into account the guidelines on Character, Amenity and Design.

### **Guidelines on Character, Amenity and Design (L/IMP1)**

#### **a. Character**

The character of an area is assessed by the;

- (i) main uses;
- (ii) appropriateness of a diversity of uses; and
- (iii) desirability of introducing a development which may detrimentally alter the existing balance of usage
- (iv) architectural style of the area.

#### **b. Amenity**

The amenity of an area is assessed in terms of both the people who will occupy the development site, and the adjoining occupiers. In short, new developments should be "good neighbours". Where there is an inherent incompatibility of neighbouring developments, or where remedial action cannot be made effective, applications are likely to be refused.

The important aspects of amenity which the Council considers are worth protecting are:-

- (i) **Privacy** - for both the occupants of a proposed development and surrounding neighbours. Loss of privacy can be minimised by re-orientation, reducing the densities of development reducing the size of buildings, and attention to building levels or by design modifications, for example, window proportion and size.
- (ii) **Traffic** - the introduction of increased traffic movement and resulting noise, can significantly detract from the amenities of an area.
- (iii) **General Disturbance** - protection from activities which create unreasonable levels of noise, smells and other discomforts including wheeled bin locations.

- (iv) **Sunlight/Daylight** - adequate levels of sunlight and daylight, and to a lesser extent, outlook, should be safeguarded for surrounding properties and afforded to new developments.

**c. Design**

Design of new development should not only relate to the type of development in the immediate vicinity but also to the wider issues of context and setting. This need not be restrictive to new or innovative architectural expression.

Applicants should, therefore, avoid design proposals which compromise the appearance of design characteristics of the surrounding area.

In considering the appropriateness of a design the Council will have regard to:

- (i) The scale of adjoining development.
- (ii) The materials, finishes and colours used in nearby development.
- (iii) Any features on or near the site worthy of reproduction, protection or enhancement, e.g. trees, hedges, views and other features of public importance.
- (iv) Principles of site sensitive design e.g. that pitched roofs are preferred to flat roofs, pitched dormers to box dormers, vertical windows to horizontal picture windows etc., where these features predominate in an area.

**Policy L/T7: Parking Standards**

Proposals for different forms of development must comply with the Council's 'Car Parking Standards' (available from the Council's Roads Service).

Where development (including housing) within the defined town centre cannot reasonably supply parking on site, (or where it is appropriate not to include parking), the developer will require to comply with the Council's system for 'commuted payments' for parking. Housing development in town centres which need not provide residential parking on site, must make provision for vehicular access for deliveries and emergencies.

In housing developments of over 30 houses, provision must be made for communal off-street parking, in addition to in-curtilage in order to permit the parking of large commercial vehicles away from road frontages.

**(i) Design of Road Access**

Since the formation of a new access by unmade track or surfaced private road (particularly in rural areas) can often result in a scar on the landscape ( e.g. if it dissects an agricultural field, involves extensive tree felling or traverses a hillside), then unless a proposed new access is carefully designed within the landscape the proposal will be unacceptable.

## ***Emerging Moray Local Plan 2008 - Material Consideration***

### **T1 The Findhorn Sands and Findhorn Bay Holiday Caravan Parks**

Expansion of chalet and caravan site development outwith the boundaries shown on the Proposals Map will not be approved because of environmental impact.

### **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

### **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.

#### **EP9: Contaminated Land**

Development proposals on potentially contaminated land will be approved if:

- a. site specific risk assessments are undertaken by the applicant to identify any actual or possible significant risk to human health or safety, or to the environment and that any previous historic uses are not continuing to cause significant pollution to the water environment, and
- b. effective remediation measures are agreed to ensure the site is made suitable for any new use granted consent, and
- c. appropriate measures for the disposal of any contaminated material is agreed with the Council.

The Council will consult SEPA in respect of pollution of controlled waters and licensing issues arising from remediation works.

#### **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.

### **T5: Parking Standards**

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

### **OBJECTIONS-REPRESENTATIONS**

8 letters of objection/representation have been received from: -

- Campbell Ross, The Courtyard, Findhorn, Forres, Moray, IV36 3YE
- Mrs Christine Negus, The Pines, Heathneuk, Findhorn, Moray, IV36 3WN
- Alexander and Christine Hunt, Quay Cottage, Findhorn, Forres, Moray, IV36 3YE
- Maureen Hyde, Firth Cottage, 203 Findhorn, Moray, IV36 3YS
- Frances Knight, 178 Findhorn, Forres, Moray, IV36 3YN
- Mr T H Blackwood, Kilravock, 45 Findhorn, Forres, Moray, IV36 3YF
- Alan Miller, Baron House, 124 Findhorn, Moray, IV36 3YJ
- Hamish Grigor, 149 Findhorn, Forres, Moray, IV36 3YL

The objections are on the following grounds: -

- **Existing problems with existing foul and surface water drainage worsened.**  
**Comment:** Connection to the public sewage system is proposed and Scottish Water do not object to this. Given the well drained sandy nature of the ground at the site, SEPA to not object on surface water run-off grounds.
- **Loss of provision for short stay holiday makers.**  
**Comment:** The proposals still involve tourist accommodation, albeit of a different type. This is not a material planning basis for objections to the proposals.
- **Twelve month occupancy would in effect involve residential use of the site. The policy in the Emerging Local Plan is against this.**  
**Comment:** This is accepted and the standard conditions requiring holiday only usage are recommended.
- **Precedent for the remainder of the site.**  
**Comment:** Any further such application would require separate formal consideration and it is solely the particular merits of the current proposal that is currently under consideration.



- **Proposed caravans not in keeping with the current architecture.**

**Comment:** Although sited on an all year round basis compared to the more seasonal use of the existing touring caravans/tents, the proposals are in a discreet area of a well established caravan park and there are no objections in this respect.

A further objection was received as a result of a consultation from Findhorn and Kinloss Community Council: -

- The proposal is over development of an environmentally sensitive area involving AGLV, SINS, CPZ and a further environmental designation.  
**Comment:** These designations apply outwith the proposal site.
- The change to static caravans would have detrimental impact on what is an open grassland area for the off-season months.  
**Comment:** Although conditions would be applied restricting the caravans to non-residential holiday usage, clearly the nature of static caravans is that they would be sited on an all-year round basis - whereas touring caravans could use the site on an all-year round basis but would do so predominantly during the summer months. Given the established usage and the characteristics of the site, it is not considered that this would have a material visual impact.
- The loss of the site for tents and touring caravans would have a detrimental impact on the village as a holiday destination with the loss of accommodation offered which would adversely affect entry numbers to important local sailing events.  
**Comment:** The static caravans would still essentially be for holiday usage albeit of a different type to the existing touring caravans/tents. If anything, tourist use would be encouraged on a more year round basis by the proposed static caravans and the loss of the existing type of tourist accommodation in place of the proposed static caravans is not a material planning basis for objecting to the proposals.
- Loss of the camping area may lead to unauthorised camping in the surrounding area.  
**Comment:** This does not represent a material basis for objecting to the proposals.

## **CONSULTATIONS**

**Transportation Manager, Direct Services** - No objections.

**SEPA** - No objections.

**Findhorn and Kinloss Community Council** - See Objections section.

**Scottish Water** - Objection on the basis of connection to the public system proposed.

**Environmental Health Manager, Development Services** - No objections.

**Building Standards Manager, Development Services** - No objections.