

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 20 MAY 2005

**05/0189/FL: PROPOSED RESIDENTIAL CARAVAN PARK (PARK HOMES),
FURNACE ROAD, MUIRKIRK**

APPLICATION BY MR. KEITH MOUNSEY

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Permission is sought for the change of use of the caravan site from a tourist facility to form a residential caravan park for park homes. It is proposed to site 43 of these park homes within the existing consented caravan park. These units would measure 12 metres by 6 metres and comprise a living/dining area two bedrooms, kitchen and bathroom. Although designed to be mobile, the park homes once sited have a more permanent appearance and are available in a range of types and finishes.

1.2 In order to accommodate the development and due to the facilities provided within the park home, the existing facility block is to be demolished. While still generally retaining the layout as existing, the access road would be amended to include turning areas and visitor parking spaces. Each park home would have its own dedicated parking space. Low level lighting would be provided along the access drives within the site. It is also proposed to introduce tree and shrub planting within the site to provide smaller residential compartments within the layout.

2. RECOMMENDATION

2.1 It is recommended that the application be approved subject to the conditions listed on the attached sheet.

3. CONCLUSIONS

3.1 As indicated in Section 5 of the report, there are no specific policies relating to this type of development in the development plan. Therefore, given the terms of Section 25 and Section 37 (2) of the Town and Country Planning (Scotland) Act 1997, greater weight should be given to the material considerations in respect of the proposed development. As is indicated in Section 6 of the report there are material considerations relevant to this application.

3.1 In this case the planning history of the site is of great significance. The current planning consents for the caravan park allow for the siting of 46 static caravan units and 26 touring caravans but, without any conditions restricting the occupation of these units to either a seasonal let or restriction on the term of any let of the units, they could essentially be occupied on a full time basis.

3.2 There are no significant issues raised by consultees and no third party representations have been received with regard to the proposals. Indeed, Muirkirk Community Council welcomes the proposed development. It is considered that the development of the site in accordance with the submitted plans could result in a significant improvement over the current appearance of the site.

3.3 The proposed park homes, while being of superior quality and appearance, are still essentially static caravans with wheels and do not have any engineered foundations. The proposed development represents an opportunity to revitalise the existing site which has suffered through disuse. The existing trees within the site can be safeguarded through the submission and implementation of a Management Plan that will also include the provision of supplementary planting in the revised layout of the site. The developer has also indicated a willingness to work with the Planning Authority to ensure that only those trees that are dead or diseased would be removed to accommodate the park homes.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning, Development and Building Standards, the application will not require to be referred to the Development Services Committee as it would not constitute a departure from the development plan.

Alan Neish
Head of Planning, Development and Building Standards

Note: This document combines key sections of the associated report for quick reference and should not in itself be considered as having been the basis for recommendation preparation or decision making by the Planning Authority.

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APPLICATION BY MR. KEITH MOUNSEY

Report by Head of Planning, Development and Building Standards

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination a full planning application which is to be considered by the Local Planning Committee under the scheme of delegation as the proposed development is of area significance and is subject to objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The site is located on the west side of Furnace Road in Muirkirk and lies 150 metres west of Furnace Road Industrial Estate. The site comprises the existing caravan site and associated bar/restaurant and site facilities block. At present the site is occupied by seven static caravans located to the north of the existing facilities block. There are a number of unoccupied serviced pitches within the site set around the existing access roads.

2.2 The site is relatively level and there are a number of trees located along the northern boundary of the site but they are mainly located outwith the caravan site itself. There are a number of trees within the development site and these, along with general woodlands in the locality, are statutorily protected under the Kames Hill, Muirkirk Tree Preservation Order 1997. The area is also designated as Ancient Woodlands although the woodland is in poor condition through lack of appropriate management.

2.3 The site has the appearance of 'inactivity' and as such detracts from the general amenity of the area. The site is presently leased to the proprietor of the caravan park but is in the ownership of the Council.

2.4 **Proposed Development:** Permission is sought for the change of use of the caravan site from a tourist facility to form a residential caravan park for park homes. It is proposed to site 43 of these park homes within the existing consented caravan park. These units would measure 12 metres by 6 metres and comprise a living/dining area two bedrooms, kitchen and bathroom. Although

designed to be mobile, the park homes once sited have a more permanent appearance and are available in a range of types and finishes.

2.5 In order to accommodate the development and due to the facilities provided within the park home, the existing facility block is to be demolished. While still generally retaining the layout as existing, the access road would be amended to include turning areas and visitor parking spaces. Each park home would have its own dedicated parking space. Low level lighting would be provided along the access drives within the site. It is also proposed to introduce tree and shrub planting within the site to provide smaller residential compartments within the layout.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division (Flooding Section) has indicated that there are no flooding implications associated with the adjacent watercourse and therefore it has no objections to the proposed development.

Noted.

3.2 Scottish Water has objected to the proposed development. This is due to the cost of providing infrastructure to serve the development being outwith Scottish Water's "reasonable cost" obligation. They would remove their objection if the developer bears the cost or promotes a scheme which does not compromise the quality and quantity of discharge from the existing sewerage system.

This is a matter that the developer will be required to resolve prior to any development commencing on site. A note to this effect can be attached to any consent granted.

3.3 The Scottish Environment Protection Agency has no objections in principle to the proposals provided that the drainage arrangements are to its satisfaction. All foul drainage from the development must be connected to the public sewerage system in accordance with Scottish Water requirements. The development must not entail the use of dual manholes for connections to the existing sewage system, either in the public sewers or within the curtilage of the development. SEPA would seek a condition requiring the applicant to obtain assurance from Scottish Water that the additional foul drainage arising from this development will not cause or contribute to premature operation of downstream consented storm sewer overflows. SEPA requests a condition requiring the applicant to install a surface water treatment system designed and constructed in accordance with the principles of the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland. Soils in this area may not be

suitable for infiltration systems and therefore surface treatment structures may be more appropriate. All waste materials generated by this development that require to be removed such as construction, demolition materials and surplus excavated material, must be removed from the site by licensed waste carriers. Waste must be removed to a site that has either an appropriate waste management licence or is registered with SEPA as exempt from licensing.

Appropriate conditions and notes can be attached to any consent granted for the proposed development to meet the requirements of SEPA.

3.4 Power Systems has no objections to the proposed development.

Noted.

3.5 Transco has no objections to the proposed development.

Noted.

3.6 East Ayrshire Council Outdoor Amenities Section has no objections to the proposed development. Any land held in Neighbourhood Services Account damaged by the proposed development should be re-instated to the satisfaction of this Section.

Noted.

3.7 Muirkirk Community Council has stated that it has no objection to the proposed development and welcomes the proposal.

Noted.

3.8 East Ayrshire Roads and Transportation Division has no objections to the proposed development subject to the following conditions:

1. Junction visibility splay areas of 4.5 metres by 90 metres will require to be formed and maintained at the site access point with no object greater than 1 metre in height allowed within these areas.
2. No surface water must be allowed to discharge onto the existing public road.
3. A minimum of 7 visitor car parking spaces shall require to be provided within the development.
4. A minimum of one parking space shall be provided per dwelling.
5. Any gates will require to open inwards, away from the public road.

Conditions can be attached to any consent granted to meet the requirements of the Roads and Transportation Division.

4. REPRESENTATIONS

4.1 Apart from the objection raised by Scottish Water no other objections have been received with respect to the proposed development.

Noted.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of this application the development plan comprises the Approved Ayrshire Joint Structure Plan (1999) and the Adopted East Ayrshire Local Plan (2003).

5.2 The proposed caravan park is located outwith the settlement boundary of Muirkirk. However, consent has already been granted for a caravan park with authorisation for year round use. This application differs in that the proposed use is for a residential caravan park as opposed to a tourism use.

Ayrshire Joint Structure Plan

5.3 There are no specific policies within the Joint Structure Plan relative to this type of development.

Noted.

East Ayrshire Local Plan

5.4 There are no specific policies relative to the development of residential caravan parks within the adopted local plan although Policy RES12 states that the use of caravans and non-permanent dwellings on sites other than those specifically authorised for such purposes will not be permitted.

The current caravan park, while approved for tourism use, effectively has consent for all year round, unrestricted use, as described in section 6 below. In this instance in the absence of any specific policies in the development plan, greater weight should therefore be place on material considerations in the determination of this application.

5.5 Under Policy ENV 15 (ii) the Council will protect individual, groups and areas of trees which contribute significantly to the landscape quality of both the built and rural environment through the serving of Tree Preservation Orders.

The proposed development site consists of a woodland area which is statutorily protected under the Kames Hill, Muirkirk Tree Preservation Order 1997, this designation according with Policy ENV15(ii). The Tree Preservation Order was made because the deciduous woodland is an attractive feature of the southern aspect of Muirkirk and of great importance to the amenity of the town. While the development would not form an incursion into the woodland belt W2 of the TPO, which is the most prominent part of the protected woodland as seen from Muirkirk, the development site coincides with woodlands W3 of the TPO and the layout and density of the proposal could result in a significant proportion of those mature trees in W3 having to be removed to accommodate the residential units. It is noted that some trees in W3 were removed some time ago and it is considered, in view of this existing depletion of the original tree cover and the fact that the amount of trees that would be removed from W3 as a proportion of those remaining in that woodland were the proposal to be approved as it stands would be high, that the proposal would not accord with Policy ENV15.

It is clear from the proposal that the remaining trees would be considered as 'barriers between sections of the site' whereas it is the view that given the TPO designation the woodland setting for any proposed development is a prime material consideration and its essential character should be conserved. In this regard it is noted that no attempt has been made to incorporate significant compensatory replacement planting within the development site, particularly along its southern boundaries and that the whole woodland character of the area would be lost were the application approved in its present form.

It may be that standard distances of tree trunks from dwellings could be relaxed in this instance to ensure retention of many existing trees and incorporation of many more new ones. The same provisions may also apply to the servicing roads within the development for which, not being public roads, there may be greater tolerances regarding tree root radii.

It is recognised that this proposal for residential caravans is proposed on a site that already has year-round consent for static caravans. However, given that there are no specific policies relative to this type of development, greater emphasis has to be to the material considerations relative to this proposal.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation responses, the planning history of the site and the statement of support for the development by the applicant.

Consultations Responses

6.2 Apart from the objection from Scottish Water, there are no consultation responses that would suggest that permission should be withheld. It is considered that the issue regarding the drainage of the site is a matter for the applicant to resolve directly with Scottish Water.

Planning History

6.3 Full planning permission for the formation of a caravan park comprising pitches for 14 static caravans and 20 touring vans and the erection of washroom/site office premises was approved on 09 October 1998 as Phase 1 of a larger proposal. This consent contained a condition limiting occupancy of the caravans on the site between 01 April and 31 October each year (Ref. No. 98/0516/FL).

6.4 A subsequent application for the erection of a bar/restaurant/function suite within the caravan site was approved on 14 February 2000 (Ref. No. 99/0702/FL).

6.5 A full application for the amendment of the site layout to Phase 1 of the caravan park was approved on 19 January 2000 (Ref. No. 99/0719/FL).

6.6 A full application for additional caravan pitches (Phase 2) comprising an additional 32 pitches for static caravans and 6 touring caravans was approved 04 March 2004 (Ref. No. 03/0909/FL). This consent also contained a condition limiting occupancy of the caravans on the site between 01 April and 31 October each year.

6.7 An application to remove Condition 8 of consent 98/0516/FL and condition 2 of consent 03/0909/FL (i.e. removing the seasonal occupancy time limit from these consents) was approved on 26 May 2004.

The removal of the seasonal limit of occupancy on the site effectively means that the 46 static caravans and 26 touring caravans currently approved for the site could be occupied on a continual basis without restriction. In other words the site could be used for residential use as well as tourism-related occupancy of the caravans. This is

considered to be a significant material consideration in the determination of this application.

Supporting Statement

6.8 The applicant states that Muirkirk Caravan Park has an existing approval for 46 static caravans and 26 touring caravans with all year round unrestricted use and believes this is consistent with residential occupancy of the site. Although the caravan park has been established for several years, the uptake of the static caravans has been relatively small and only a few tourers visit the site on a regular basis. The proposals contained within the planning application include alterations to the existing road layout and the siting of 43 park home style caravans which is a substantial reduction on the 72 caravans included in the current permissions. Park homes are well insulated residential caravans suitable for all year round use.

6.9 The layout of the site has been designed with substantial belts of semi-mature trees and shrubs, dividing the site into separate areas each with its own character and environment. There are proposals to increase the landscape screening along the northern boundary of the site together with additional planting within the site. The applicant also states the wish to retain the existing trees that are not diseased or dangerous and would be prepared to agree a programme for this work in conjunction with the additional planting proposed.

6.10 The objective for the design of the residential park is to provide a well landscaped, relaxed environment and to achieve this the spacings between the park homes have been substantially increased beyond the recommendations specified within the Model Standards of the Caravan Site and Control and Development Act 1960. Whilst park homes will be predominantly residential throughout the site, it is likely that some units will be let as holiday units although that is not the aim of this application. The proposed park homes will be used by people approaching retirement or of retirement age, providing much needed affordable accommodation for this age group.

6.11 Whilst the number of park homes on site is substantially reduced from the number of holiday caravans, the applicant considers that the new proposals will help to form a stable community which would make an invaluable contribution to the viability of local facilities and community life within Muirkirk.

6.12 The residential caravans proposed for this planning application are built to high standards of insulation, are robust and comply with all the current regulations. Nevertheless they are truly caravans as described in the Caravan Sites and Control of Development Act 1960 and Caravans Sites Act 1968. Although they may look similar to bungalows they are supported on wheels and jacks, have no traditional foundations, are positioned only on concrete slabs and

once positioned can still be relocated on site and, if necessary, transported to a completely different location.

6.13 Affordable Accommodation and Ownership: Whilst residential caravans/mobile homes provide extremely good standards of living accommodation their impermanent nature dictates that they remain financially affordable accommodation and, therefore, they fulfil a vital function in the wider community where economic living accommodation is often inadequate or difficult to obtain. The accommodation at Muirkirk will be for rent or for sale depending on the occupiers' wishes and there may be the opportunity for some holiday use if there is a demand. In all circumstances however the ownership of the land remains with the caravan site owner who is responsible for all of the maintenance and general upkeep of the site under the terms of the Site Licence Issue by the appropriate Site Licensing Committee and administered by the Environmental Health Department

6.14 Location: Residential caravan sites require the same services as traditional housing and need to be within reasonable reach of local amenities. The caravan style of accommodation and site layout are often out of place in the middle of traditional housing development or in the centre of towns and villages. The best location therefore is generally on the edge of residential development but not too far out into the countryside. The Muirkirk Caravan Site on Furnace Road is an ideally situated location.

6.15 Investment: There is no interest shown for the current holiday accommodation on the Muirkirk Caravan Site and the project is likely to become derelict unless positive action is taken shortly. The owner of Muirkirk Caravan Site is not seeking any grant or financial assistance from local or central government and is undertaking the sole financial risk of the success of the development. A risk that if successful will provide much needed affordable accommodation and will bring further economic support to all local services including employment opportunities and help the viability of all local leisure facilities and shopping outlets. In fact we believe the proposed development will have a positive, beneficial effect to the whole local community.

6.16 Future development: The site on Furnace Road is a caravan site and the intention is that it will remain a caravan site for the foreseeable future. There is no intention to build traditional houses on the site should residential caravan permission be granted and the developer of the site has confirmed that he is willing to enter into a legal agreement to reassure the authority of his intentions.

It is recognised that the existing site has current consents for 46 static caravans and 26 touring caravans, with unrestricted occupancy of these units. It is further recognised that the siting of 43 park homes would revitalise what is now becoming an area of semi-abandonment given the low level of uptake, for tourist-related

purposes, within the site. The proposed development could therefore present an opportunity for the revitalisation of the site.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are financial and legal implications for the Council in the determination of this application as the site is presently in the ownership of the Council.

8. CONCLUSIONS

8.1 As indicated in Section 5 of the report, there are no specific policies relating to this type of development in the development plan. Therefore, given the terms of Section 25 and Section 37 (2) of the Town and Country Planning (Scotland) Act 1997, greater weight should be given to the material considerations in respect of the proposed development. As is indicated in Section 6 of the report there are material considerations relevant to this application.

8.2 In this case the planning history of the site is of great significance. The current planning consents for the caravan park allow for the siting of 46 static caravan units and 26 touring caravans but, without any conditions restricting the occupation of these units to either a seasonal let or restriction on the term of any let of the units, they could essentially be occupied on a full time basis.

8.3 There are no significant issues raised by consultees and no third party representations have been received with regard to the proposals. Indeed, Muirkirk Community Council welcomes the proposed development. It is considered that the development of the site in accordance with the submitted plans could result in a significant improvement over the current appearance of the site.

8.4 The proposed park homes, while being of superior quality and appearance, are still essentially static caravans with wheels and do not have any engineered foundations. The proposed development represents an opportunity to revitalise the existing site which has suffered through disuse. The existing trees within the site can be safeguarded through the submission and implementation of a Management Plan that will also include the provision of supplementary planting in the revised layout of the site. The developer has also indicated a willingness to work with the Planning Authority to ensure that only those trees that are dead or diseased would be removed to accommodate the park homes.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions listed on the attached sheet.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning, Development and Building Standards, the application will not require to be referred to the Development Services Committee as it would not constitute a departure from the development plan.

Alan Neish

Head of Planning, Development and Building Standards

HM/HM

09 May 2005

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Consultation responses.
4. Adopted East Ayrshire Local Plan (2003).
5. Approved Ayrshire Joint Structure Plan (1999).
6. Previous applications 98/0516/FL, 99/0702/FL, 99/0719/FL, 03/0909/FL and 04/0415/FL.

Anyone wishing to inspect the above background papers should contact Mr. Hugh Melvin on 01563 555481.

Implementation Officer: Dave Morris

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 05/0189/FL

Location	Muirkirk Caravan Park Furnace Road MUIRKIRK
Nature of Proposal:	Proposed residential caravan park (park homes)
Name and Address of Applicant:	Mr Keith Mounsey Stud Farm Park Oxcliffe Road MORECAMBE
Name and Address of Agent	Saunders Boston Offley House 33 Parkside CAMBRIDGE

DPO's Ref:
PPO's Ref: Hugh Melvin

The above FULL application should be granted subject to the following conditions:

1. The proposed development shall be carried out in complete accordance with the site layout plan (Drg. No. 808_05 dated 04/01/05) except insofar as may be agreed in writing with the Planning Authority to allow for the retention of existing trees within the site.

REASON – In the interests of amenity.

2. The maximum number of park homes to be sited within the proposed residential caravan park shall not exceed 43 units.

REASON – In the interests amenity.

3. The use hereby approved shall relate solely to the use of the land as a residential caravan park in terms of the Caravan Sites and Control of Development Act 1960 and Caravans Sites Act 1968 and shall not be used for any other purpose without the formal consent of the Planning Authority.

REASON – In order for the Planning Authority to retain effective control over the use of the site in the interests of amenity.

4. No ancillary buildings or additions to the park homes shall be erected or placed within the site unless a further application is submitted to and approved by the Planning Authority.

REASON – In the interests of visual amenity.

5. The proposed park home units to be sited shall be new or in a good state of repair and shall be of a type, design and colour as indicated within the submitted plans or otherwise as having been agreed in writing by the Planning Authority prior to their installation on site.

REASON – In the interests of visual amenity.

6. Junction visibility splay areas of 4.5 metres by 90 metres shall be formed and maintained at the site access point with no object greater than 1 metre in height allowed within these areas.

REASON – In the interests of public road safety.

7. No surface water shall be allowed to discharge onto the existing public road.

REASON – In the interests of public road safety.

8. A minimum of 7 visitor car parking spaces shall require to be provided within the development.

REASON – In the interests of public road safety.

9. A minimum of one parking space shall be provided per park home.

REASON – In the interests of amenity

10. Any site access gates shall open inwards, away from the public road.

REASON – In the interests of public road safety.

11. All waste materials generated by this development that require to be removed such as construction, demolition materials and surplus excavated material, must be removed from the site by licensed waste carriers.

REASON – In the interests of public safety.

12. Prior to the commencement of works on site, the applicant shall submit to, and have approved by the Planning Authority a detailed Landscaping and management Plan for the site. This plan shall include a detailed survey of existing trees within the site and identify those trees that require to be removed from site due to disease or mortality. The plan shall also provide details of the proposed new planting and for the future management and maintenance of the woodland and landscaped areas within the development site.

REASON – In the interests of retaining existing trees within the site and to ensure that appropriate landscaping is provided as an integral part of the development.

Notes to Applicant

1. The developer should make early contact with Scottish Water and the Scottish Environment Protection Agency regarding drainage of the site, (including capacity issues), and to confirm the request to utilise a Sustainable Urban Drainage System (SUDS) with regard to

surface water. These Authorities require this development to be drained in accordance with the recommendations contained in the CIRIA manual on SUDS.

2. The Council does not currently have a general agreement with Scottish Water in relation to the maintenance of public SUDS. Proposals for site specific agreements which may require to involve the developer or other third parties will be considered within the overall framework recommended in the design manual for SUDS published by CIRIA.

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