

Agenda Item	8.7
Report No	PLS 040/17

HIGHLAND COUNCIL

Committee: South Planning Applications Committee
Date: 20 June 2017
Report Title: 16/05713/FUL: Mr Robbie Girvan
Loch Ness Caravan Park, Invermoriston
Report By: Area Planning Manager – South/Major Developments

Purpose/Executive Summary

Description: Change of use from touring caravan site to static caravans for holiday use only involving the siting of 30 new units
Ward: 12: Aird And Loch Ness

Development category: Local

Reason referred to Committee: Objection from Community Council

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

Recommendation

Members are asked to agree the recommendation to **GRANT** planning permission as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

- 1.1 The proposal involves retrospective planning permission for the siting of 30 static caravans for holiday use. These are timber clad with decking and located to the northeast side of an existing camping and caravan site.
- 1.2 There is an existing foulwater drainage scheme which involves septic tanks which discharge to Loch Ness in agreement with SEPA.
- 1.3 There is a supporting Planning Statement.

2. SITE DESCRIPTION

- 2.1 The site lies adjacent to Loch Ness and is at a lower level than the A82 Trunk Road (on the northwest boundary) with a conifer hedge to screen the site. There are 11 existing timber clad caravans at the southwest end of the site.

3. PLANNING HISTORY

- 3.1 24.06.2009 - Removal of 11 static caravans and associated decking and hardstanding and demolition of toilet block/workshop. Provision of 19 new mobile homes with associated decking granted planning permission (09/00225/FULIN).

4. PUBLIC PARTICIPATION

- 4.1 Advertised: Unknown Neighbour: 13.01.2017

Representation deadline: 27.01.2017

Timeous representations: 2

Late representations: 0

- 4.2 Material considerations raised are summarised as follows:

- Use – Deviation from the original intention of the old camping and caravanning touring site. New caravans have considerable decking areas, tall fences for hot tubs which have increased the footprint of what was previously a caravan/camper pitch so the look of permanency has changed the campsite drastically. No explanation as to occupancy year-round as semi-permanent residential or for holiday purposes.
- On site road safety – unclear whether parking to be provided elsewhere to meet additional requirements of occupants and visitors.
- Foulwater and surface water drainage – Unclear whether it will connect to existing 2 existing septic tanks or new foulwater drainage system. Assume works have been carried out to accept a new surface water drainage system.

- 4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam.

Access to computers can be made available via Planning and Development Service offices.

5. CONSULTATIONS

5.1 **Fort Augustus Community Council:** Object to the number of units but not the principle of the change of use. There is a high density of units which will be highly visible from Loch Ness. Concern about the capacity of existing water supply and septic tanks. Concern about the increased number of vehicles turning in and out of the site as there is no bar or restaurant on site.

5.2 **Environmental Health:** No objections

5.3 **Transport Scotland:** No objections

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

Policy 28	Sustainable Design
Policy 29	Design Quality & Place-making
Policy 36	Development in the Wider Countryside
Policy 43	Tourism
Policy 44	Tourist Accommodation
Policy 57	Natural, Built and Cultural Heritage

6.2 Inner Moray Firth Local Development Plan 2015

No specific policies apply

7. OTHER MATERIAL CONSIDERATIONS

7.1 Highland Council Supplementary Planning Policy Guidance

Not applicable

7.2 Scottish Government Planning Policy and Guidance

Not applicable

8. PLANNING APPRAISAL

8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

Determining Issues

- 8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

Planning Considerations

- 8.3 The key considerations in this case are:
- a) Compliance with the development plan and other planning policy;
 - b) Siting and Design;
 - c) Effect on Loch Ness Special Landscape Area
 - d) Traffic and activity;
 - e) Infrastructure, and
 - f) any other material considerations.

Development plan/other planning policy

- 8.4 The site lies within the Wider Countryside Area identified in the Development Plan and also falls within a Special Landscape Area. The proposal involves the siting of 30 static caravans for holiday purposes within an existing caravan park. Development Plan Policy supports tourist accommodation outwith settlements provided there are no adverse effects on the landscape character and complies with the guidance on siting and design. Provided the proposal would have no significant detrimental impact on the regionally important Loch Ness Special Landscape Area or the amenity of the surrounding residents and businesses, the proposal would comply with the development plan.

Siting and Design

- 8.5 This site has been used for many years as an area for camping and caravans with existing facilities in terms of toilet blocks and a building which acts as a reception and recreational area. The original site licence issued in 2009 allowed for a maximum of 60 touring caravans and 19 static holiday caravans. The new holiday caravans when added to those retained on site gives a total of 41 static holiday caravans on site so represents a reduction in capacity. The site is located at a lower level than the Trunk Road to the northwest and there is an existing conifer hedge, which helps to screen the site from that road. There are 11 static existing holiday caravans to the southwest of the site, which obtained planning permission in 2009. This application seeks retrospective consent for 30 static holiday caravans on the northeast half. The caravans are timber clad and have decking areas and fencing and are of a high quality. They will be visible by boat from the Loch but when viewed alongside the existing caravans to the southwest of the site it would seem a more appropriate proposal compared to touring caravans. On the southeast edge of the Loch there is no public road from which they can be viewed as there is a steep drop towards the Loch edge. It is anticipated too that when viewed from the lochside, they will not be unduly visually intrusive with the proposed layout improving on the current situation. There are opportunities for improvement of the existing ground and with low level lighting assured, the visual impact will be minimal when viewed from a distance. The proposal accords with

relevant policies and with appropriate conditions regarding drainage and lighting in particular, the siting and design of the proposed units is considered acceptable.

Loch Ness Special Landscape Area

- 8.6 The site has been used for several decades as a camping and caravan site so the use for tourist purposes is well established. The caravans installed are located on the site used previously for tents and the stationing of touring caravans with the result that there is little discernible change in the use of the site. The impact on the landscape and view from the Loch will be no greater than was previously the case. The introduction of further timber clad caravans into the site will help to develop a bare area of ground. Discreet forms of lighting have been installed on some of the caravans or the decking areas which minimise any impact from the Lochside. There are no houses close to the site so no residents will be affected.

Traffic and activity

- 8.7 There is sufficient parking for vehicles adjacent to each caravan and there is an internal access road which allows for the free flow of traffic and internal manoeuvre without detriment to users of the site. Vehicles can continue to enter and exit the site in forward gear. Transport Scotland has not objected to the number of units.

Infrastructure

- 8.8 The applicant met SEPA on site and confirms there are appropriate consents in place for foulwater drainage from 3 septic tanks to serve each existing toilet block as well as an additional tank to serve the manager's house. SEPA has no objections to the continuing discharge of sewage effluent via these tanks and has control over the discharge of effluent in terms of their legislation. In terms of the capacity of the tanks there is a reduction in the number of overall units and SEPA has no concerns subject to a drainage plan and a desludging regime being arranged and this can be addressed by appropriate conditions. Surface water drainage is to run off.

Other material considerations

- 8.9 There are no other material considerations.

Matters to be secured by Section 75 Agreement

- 8.10 Not applicable.

9. CONCLUSION

- 9.1 While the submission of a retrospective planning application is not to be condoned the proposal has to be considered on its merits. The existing use relates to tourist provision and the proposal extends the number of static caravans on the site. Given the location of the site, it is not viewed as having a detrimental impact on the visual amenity of the area.

- 9.2 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained

within the Development Plan and is acceptable in terms of all other applicable material considerations.

10. IMPLICATIONS

- 10.1 Resource: Not applicable
- 10.2 Legal: Not applicable
- 10.3 Community (Equality, Poverty and Rural): Not applicable
- 10.4 Climate Change/Carbon Clever: Not applicable
- 10.5 Risk: Not applicable
- 10.6 Gaelic: Not applicable

11. RECOMMENDATION

Action required before decision issued	N
Notification to Scottish Ministers	N
Notification to Historic Scotland	N
Conclusion of Section 75 Agreement	N
Revocation of previous permission	N

Subject to the above, it is recommended that planning permission be **GRANTED** subject to the following conditions and reasons:

1. The development shall be used for holiday letting purposes only and shall not be used as a principal private residence or be occupied by any family, group or individual for more than three months (cumulative) in any one calendar year.

Reason: To ensure that the development does not become used for permanent residential occupation in the interest of the area's visual amenity, in recognition of the lack of private amenity space and in accordance with the use applied for.

2. The access at the junction of the caravan park with the A82 shall ensure at all times that visibility splays of 4.5m by 215m are maintained in either direction. These splays are the triangles of ground bounded on 2 sides by the first 4.5m of the centreline of the access driveway (the set back dimension) and the nearside trunk road carriageway measured 215 m (the y dimension) in both directions from the intersection of the access with the trunk road. In a vertical plane, nothing shall obscure visibility measured from a driver's eye height of between 1.05 m and 2 m positioned as the set back dimension to an object height of between 0.26 m and 1.05 m anywhere along the y dimension. These visibility splays will be provided and maintained no later than two months from the date of this planning permission.

Reason: In the interests of road traffic safety.

3. No development shall commence until full details of all foul drainage infrastructure (including treatment plant and soakaway locations) have been submitted, to, and approved in writing by, the Planning Authority. Thereafter, development shall progress in accordance with the approved details.

Reason: In order to ensure that private foul drainage infrastructure is suitably catered for, in the interests of public health and environmental protection.

4. No development shall commence until full details of all surface water drainage provision within the application site (which should accord with the principles of Sustainable Urban Drainage Systems (SUDS) and be designed to the standards outlined in Sewers for Scotland Second Edition, or any superseding guidance prevailing at the time) have been submitted to, and approved in writing by, the Planning Authority. Thereafter, only the approved details shall be implemented and all surface water drainage provision shall be completed prior to the first occupation of any of the development.

Reason: To ensure that surface water drainage is provided timeously and complies with the principles of SUDS; in order to protect the water environment.

5. No development shall commence until full details of any external lighting to be used within the site and/or along its boundaries and/or access have been submitted to, and approved in writing by, the Planning Authority. Such details shall include full details of the location, type, angle of direction and wattage of each light which shall be so positioned and angled to prevent any direct illumination, glare or light spillage outwith the site boundary. Thereafter only the approved details shall be implemented.

Reason: In order to ensure that any lighting installed within the application site does not spill beyond the intended target area and from across the Loch, and does not impact adversely upon the amenity of adjacent properties and does not result in 'sky glow'.

REASON FOR DECISION

The proposals accord with the provisions of the Development Plan and there are no material considerations which would warrant refusal of the application.

TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

FOOTNOTE TO APPLICANT

Initiation and Completion Notices

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar

requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

Accordance with Approved Plans & Conditions

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action.

Scottish Water

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

Septic Tanks & Soakaways

Where a private foul drainage solution is proposed, you will require separate consent from the Scottish Environment Protection Agency (SEPA). Planning permission does not guarantee that approval will be given by SEPA and as such you are advised to contact them direct to discuss the matter (01349 862021).

Construction Hours and Noise-Generating Activities

You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact env.health@highland.gov.uk for more information.

Signature: Nicola Drummond

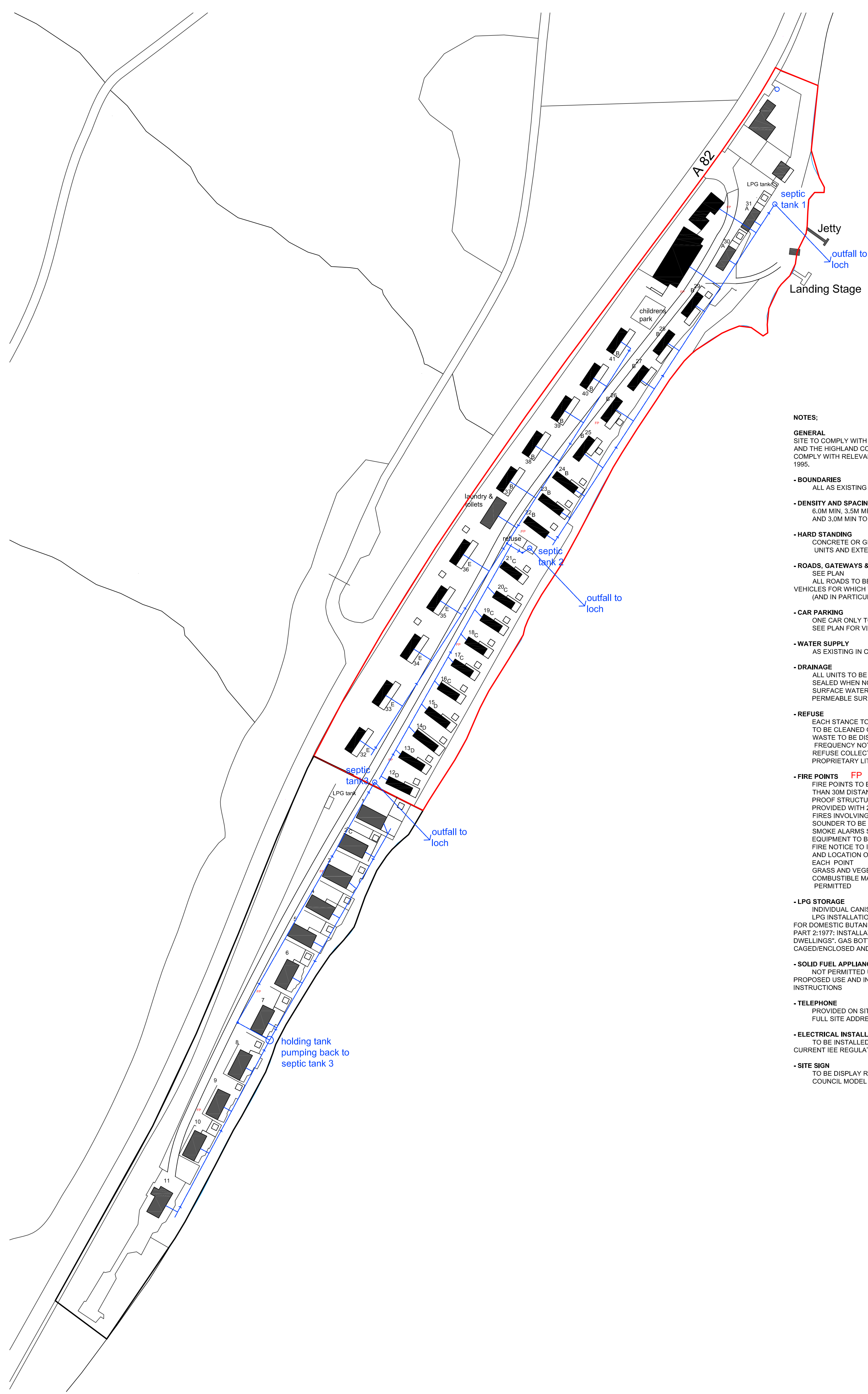
Designation: Area Planning Manager – South/Major Developments

Author: Keith Gibson 255182

Background Papers: Documents referred to in report and in case file.

Relevant Plans: 001 Rev B Site Layout Plan

Photo – example of static caravan



- NOTES:**
- GENERAL**
 SITE TO COMPLY WITH STANDARDS - SCOTLAND V.3.2.1
 AND THE HIGHLAND COUNCIL ENVIRONMENTAL HEALTH STANDARDS SITE WILL
 COMPLY WITH RELEVANT REQUIREMENTS OF DISABILITY DISCRIMINATION ACT
 1995.
 - BOUNDARIES**
 ALL AS EXISTING
 - DENSITY AND SPACING**
 8.0M MIN. 3.5M MIN CORNER TO CORNER, 2.0M MIN TO INTERNAL ROADS
 AND 3.0M MIN TO SITE BOUNDARIES
 - HARD STANDING**
 CONCRETE OR GRAVEL ON MEMBRANE BASES OVER FULL AREA OF
 UNITS AND EXTENDING 0.9. MIN OUT FROM THE ENTRANCE TO THE UNIT
 - ROADS, GATEWAYS & FOOTPATHS**
 SEE PLAN
 ALL ROADS TO BE ADEQUATELY SURFACED AND SUITABLE TO CARRY
 VEHICLES FOR WHICH THEY ARE INTENDED
 (AND IN PARTICULAR FIRE VEHICLES)
 - CAR PARKING**
 ONE CAR ONLY TO BE PARKED BETWEEN ADJOINING UNITS
 SEE PLAN FOR VISITOR PARKING ARRANGEMENT
 - WATER SUPPLY**
 AS EXISTING IN COMPLIANCE WITH BRITISH STANDARD 6700:1987
 - DRAINAGE**
 ALL UNITS TO BE CONNECTED TO SITE SYSTEM AND CAPABLE OF BEING
 SEALED WHEN NOT IN USE. SITE SYSTEM CONNECTED TO PUBLIC MAINS
 SURFACE WATER DRAINAGE BY NATURAL PERCOLATION VIA
 PERMEABLE SURFACES
 - REFUSE**
 EACH STANCE TO HAVE APPROVED REFUSE RECEPTACLE
 TO BE CLEANED ONCE / WEEK MIN
 WASTE TO BE DISPOSED OF THROUGH PRIVATE ARRANGEMENT AT A
 FREQUENCY NOT LESS THAN THAT OF THE HIGHLAND COUNCIL'S
 REFUSE COLLECTION SERVICE FOR THE AREA
 PROPRIETARY LITTER BINS TO BE LOCATED AT AMENITY AREAS
 - FIRE POINTS FP**
 FIRE POINTS TO BE LOCATED SO NO BUILDING OR UNIT IS GREATER
 THAN 30M DISTANCE TO BE HOUSED IN AN EASILY ACCESSIBLE, WEATHER
 PROOF STRUCTURE AND MARKED CLEARLY "FIRE POINT"
 PROVIDED WITH 2NO 9L EXTINGUISHERS (MARKED "NOT FOR USE ON
 FIRES INVOLVING ELECTRICITY") AND 2NO SAND BUCKETS
 SOUNDER TO BE LOCATED AT EACH POINT
 SMOKE ALARMS SHOULD BE FITTED TO EACH CARAVAN
 EQUIPMENT TO BE REGULARLY MAINTAINED AND A LOG KEPT
 FIRE NOTICE TO INDICATE ACTION TO BE TAKEN IN THE CASE OF A FIRE
 AND LOCATION OF NEAREST OF NEAREST TELEPHONE TO BE LOCATED AT
 EACH POINT
 GRASS AND VEGETATION TO BE CUT REGULARLY ADJACENT TO UNITS
 COMBUSTIBLE MATERIALS BETWEEN AND UNDER THE UNITS NOT
 PERMITTED
 - LPG STORAGE**
 INDIVIDUAL CANISTERS TO BE STORED AT EACH STANCE
 LPG INSTALLATIONS SHALL CONFORM TO BS 5482, "CODE OF PRACTICE
 FOR DOMESTIC BUTANE AND PROPANE GAS-BURNING INSTALLATIONS
 PART 2:1977; INSTALLATIONS IN CARAVANS AND NON PERMANENT
 DWELLINGS". GAS BOTTLES AND CYLINDERS WILL BE SUITABLY
 CAGED/ENCLOSED AND WILL NOT BE EXPOSED.
 - SOLID FUEL APPLIANCES**
 NOT PERMITTED UNLESS UNIT AND APPLIANCE ARE CERTIFIED FOR
 PROPOSED USE AND INSTALLED AND MAINTAINED TO MANUFACTURER'S
 INSTRUCTIONS
 - TELEPHONE**
 PROVIDED ON SITE FOR CONTACTING EMERGENCY SERVICES
 FULL SITE ADDRESS TO BE DISPLAYED AT TELEPHONE
 - ELECTRICAL INSTALLATIONS**
 TO BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH THE
 CURRENT IEE REGULATIONS
 - SITE SIGN**
 TO BE DISPLAY RELEVANT INFORMATION REQUIRED BY HIGHLAND
 COUNCIL MODEL STANDARDS

Revision	Date
A	14.12.16
B	March 17



Client Mr Robbie Girvan			
Project Lochness Highland Lodges			
Title Site Layout Plan			
Branch Inverness	Telephone 01463 717 799		
Drawn JMF	Date Nov 16	Dwg Size A1	Checked ---
Job No G7699	Scale 1:1000		
Dwg No. 001	Rev B		