

Reference Number: 08/00402/DET
Applicants Name: Welchs Parks
Application Type: Detailed
Application Description: Formation of road and stances for static caravans, associated ground engineering works and boundary treatment provision (partially retrospective).
Location: Manor Park (formerly Cowal Caravan Park), Victoria Road, Hunters Quay, Dunoon.

Supplementary Report No 2

(A) CONSULTATIONS

Area Roads Manager (memo dated 29 May 2008) No objection subject to conditions

(B) APPLICANTS FURTHER INFORMATION

The department has received an additional e-mail from the applicant's agent dated 2nd May 2008 advising the following:

'I have received written confirmation from my client that ARUP Scotland has been instructed to progress the outstanding building warrant issues associated with the site drainage and the building that was previously on the site.'

(C) FURTHER COMMENT ON APPEAL DECISION

As set out in my original report dated 28th April 2008, the Directorate for Planning & Environmental Appeals dismissed an enforcement notice appeal on 28th December 2007 and upheld the requirements of the Enforcement Notice. The appeal decision was reported to the Area Committee on 5 February 2008 and, for Members' convenience, is attached as an appendix to this report. The Reporter largely supported the Council's view that the work undertaken to reconfigure the caravan park in 2006 required planning permission and that the consequence of the regrading of the site gave rise to concern about overlooking and the reduction in privacy of adjacent properties. The Reporter felt that he could not grant planning permission for the works that had been carried out but allowed the owner 3 months to reinstate the site. However, he observed that this did not preclude a different design solution being proposed and approved by the planning authority.

It should be noted that both the enforcement notice and this application relate only to the ground works undertaken on the site, since the use of the land as a caravan site stems from the unconditional planning permission granted in 1961. In determining the appeal, the Reporter had to determine whether those works required planning permission (Ground C), whether planning permission should be granted (Ground A), whether the steps required by the notice were excessive (Ground F) and whether the time for compliance with the notice was too short (Ground G).

In relation to ground C, the Reporter found that, on a technicality, the works carried out were not permitted development because there was no valid caravan site licence in force at the time the works were undertaken. Furthermore, he also concluded (at para 29) that the works carried out went beyond the minimum required by the new site licence. However, his decision offers no conclusion as to whether the 'lodges' installed on site constituted caravans or not, despite evidence by both the Council and the appellants on that issue.

In relation to ground A, the Reporter largely supported the Council's view that the consequence of the regrading of the site gave rise to concern about overlooking and the reduction in privacy of adjacent properties, so concluded that he could not grant planning permission for the works that had been carried out. However, he observed that this did not preclude a different design solution being proposed and approved by the planning authority (which is why the current application has been submitted for consideration). It is also worthy of note that he found that "the actual window layout does not in fact give rise to significant overlooking occurring."

Having reached these conclusions, the Reporter dismissed Ground F that the steps required by the Enforcement Notice were excessive but on Ground G allowed the owner 3 months to reinstate the site.

(D) ASSESSMENT

It is clear that the privacy of adjacent properties is the key concern relating to this application. Recent photographs of the appeal site will be shown in the PowerPoint presentation to Members and these can be compared with the attached photographs of the site which show some of the previous caravans stationed on site. The appeal Reporter did not have sight of the revisions to the layout now proposed. While the larger caravan/lodge units now proposed on elevated plinths will be more obtrusive than the static caravans previously present, it is considered that the proposed mitigation measures, in addition to the recommended conditions, address the department's concerns regarding privacy and overlooking with neighbouring properties to the site. The application also regularises the unauthorised site engineering works which were undertaken. Given all of the above, the proposal is considered to be acceptable.

(E) RECOMMENDATION

Having due regard to the Development Plan and all other material considerations, it is recommended that detailed planning permission **be granted** subject to the conditions and reasons and informatives detailed overleaf.

Angus J Gilmour
Head of Planning
2 June 2008

Author:	John Irving,	Tel: 01369 708621	Date: 2 June 2008
Reviewing Officer:	David Eaglesham	Tel: 01369 708608	Date: 2 June 2008

CONDITIONS AND REASONS RELATIVE TO APPLICATION: 08/00402/DET

1. Within three months of this permission, the approved landscaping and boundary treatment scheme detailed on Drawing No. 4356/C/12, titled 'Development Proposal', received on 25th February 2008 shall be fully implemented. The screen planting shall include the use of Lawson Cypress species and shall thereafter ensure the maintenance of the landscaped/screening areas for a period of five years or until established, whichever may be longer. The trees shall be maintained at a height which does not exceed 2.4 metres. Any trees removed or which in the opinion of the Planning Authority, are dying, being severely damaged or becoming seriously diseased within three years of planting, shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

Reason: *To ensure the implementation of a satisfactory scheme which will in due course improve the environmental quality of the development and mitigate against potential overlooking and privacy issues with neighbouring properties.*

2. Within three months of this permission, the concrete caravan/lodge base located at the south eastern corner of the park and as detailed on Drawing No. 4356/C/12, titled 'Development Proposal', received on 25th February 2008 shall be lowered by a height no less than 600mm, unless the prior written consent for variation is obtained in writing from the Planning Authority.

Reason: *In the interest of preventing overlooking with neighbouring properties.*

3. Prior to any further caravans/lodges being erected on site, full details of their proposed design, dimensions and finished ridge level, in addition to their specific location within the park shall be submitted for the prior written approval of the Planning Authority.

Reason: *In the interest of visual amenity and to prevent overlooking with neighbouring properties.*

4. Within two months from the siting of the last caravan/lodge within the park, the existing workers' unit located in the north west corner of the park shall be completely removed and the ground shall be reinstated to the satisfaction of the Planning Authority unless the prior written consent for variation is obtained in writing from the Planning Authority.

Reason: *In the interest of visual amenity.*

5. Within three months of this permission, the access to the site shall be widened to 5.5m with a sealed surface for the first 2.5m behind the back of the footway, in accordance with details to be submitted to and approved by the planning authority.

Reason: *In the interest of road safety.*

6. Within three months of this permission, a section of boundary wall fronting Victoria Road shall be lowered to 1m above road level in accordance with details to be submitted to and approved by the Planning Authority.

Reason: *To secure improved visibility at the site entrance in the interest of road safety.*

7. Within three months of this permission, 3 visitor parking spaces shall be provided within the site in accordance with details to be submitted to and approved by the Planning Authority.

Reason: *To discourage visitor parking on public roads in the vicinity of the site in the interest of road safety.*