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26 April 2023

**To: Councillors Bell, Cavana, Clark, Dixon, Kilbride, Kilpatrick and Mackay.**

**All other Members for Information Only**

Dear Councillor

### **REGULATORY PANEL (SITE VISITS)**

You are invited to attend Site Visits by the above Panel in relation to the undernoted on **Thursday, 4 May 2023, to be on site at 2.30 p.m.**

**The applications will be determined at the Regulatory Panel scheduled to take place on Thursday, 11 May 2023.**

Yours sincerely

**CATRIONA CAVES**  
Head of Legal and Regulatory Services

### **B U S I N E S S**

1. Declarations of Interest.
2. Planning Applications Continued from the Regulatory Panel of 30 March 2023:-

(1) 22/00483/APPM – Crofthead Caravan Park, Ayr; and

[Application Summary](#)

(2) 22/00929/FURM – Crofthead Caravan Park, Ayr.

[Application Summary](#)

Submit previous reports issued for the Regulatory Panel on 30 March 2023 by the Housing, Operations and Development Directorate (copies herewith).

For more information on any of the items on this agenda, please telephone Andrew Gibson, Committee Services on 01292 612436, at Wellington Square, Ayr or e-mail: [andrew.gibson@south-ayrshire.gov.uk](mailto:andrew.gibson@south-ayrshire.gov.uk)  
[www.south-ayrshire.gov.uk](http://www.south-ayrshire.gov.uk)

**REGULATORY PANEL: 30 MARCH 2023**

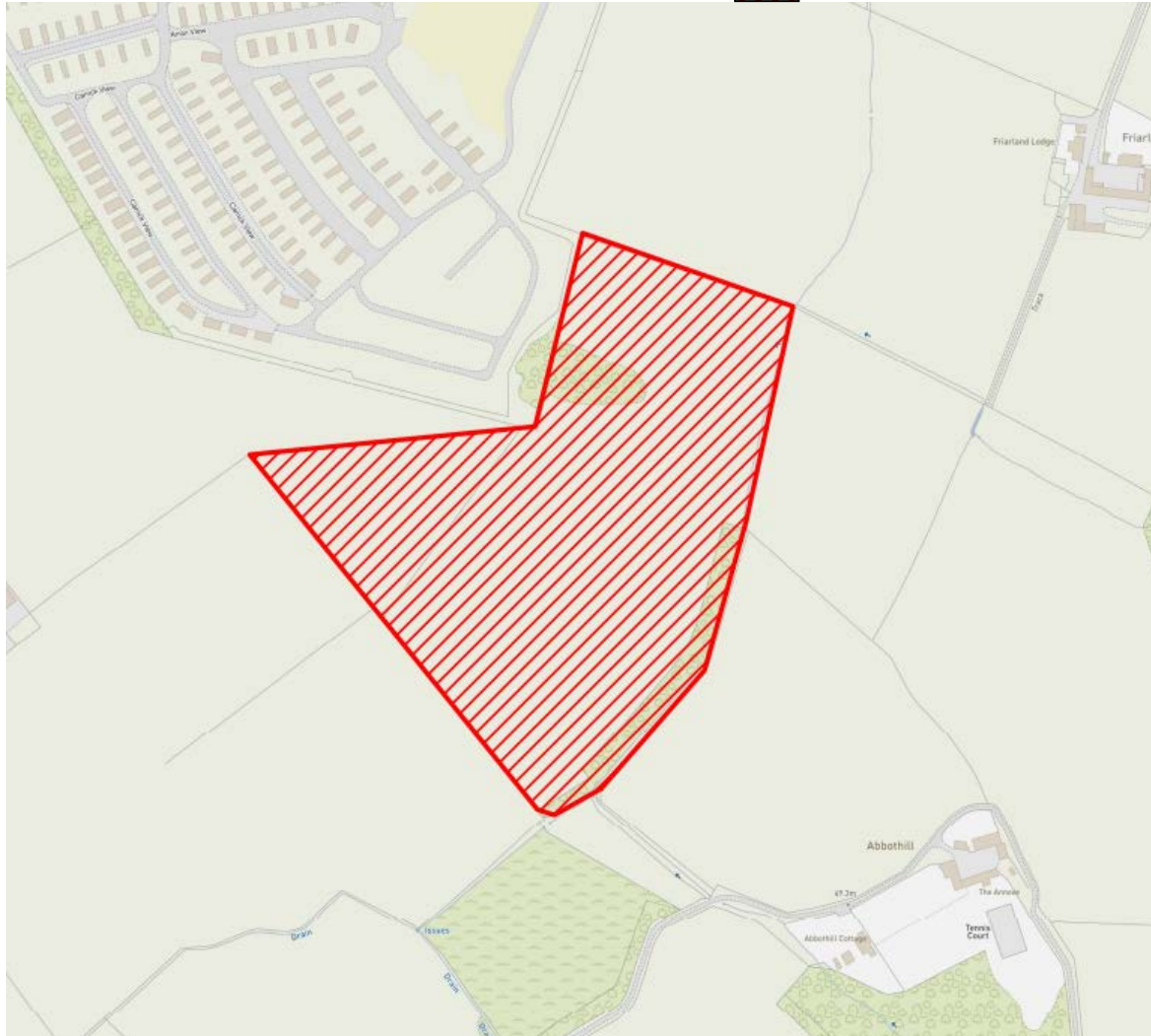
**REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE**

**22/00483/APPM**

**CROFTHED CARAVAN PARK C74 FROM B742 NORTH EAST OF BOWMANSTON TO A70 AT OLD TOLL AYR SOUTH AYRSHIRE KA6 6EN**

**Location Plan**

**APPLICATION SITE** 



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**Summary**

The development proposal involves the change of use of an existing field/agricultural land to form an extension to Crofthead Holiday Caravan Park which is an established and longstanding tourism facility. The development relates specifically to an extension of the park, by approximately 8.4 hectares, incorporating 150 new pitches, caravan units, infrastructure and facilities along its south-eastern boundary.

The proposal is considered to represent an acceptable promotion of tourism and tourist accommodation and acceptable growth of an existing rural business with economic benefits to the area arising from increased holiday occupancy. It is considered that the characteristics and design of the overall layout of the development will deliver a proportionate extension to the caravan park which will not have a significant adverse impact on environmental receptors, in landscape and visual terms or in terms of the amenity of nearby residential properties or neighbouring land uses.

**Regulatory Panel (Planning): 30 March 2023**

Report by Housing, Operations and Development Directorate (Ref: 22/00483/APPM)

3 representations have been received in total; however, following consideration, the points raised do not merit refusal of this application. Consultation responses have been received from a range of consultees with no objections or issues being raised that would warrant a recommendation other than approval.

On balance, the proposed development subject to this planning application has been assessed against the relevant policies of National Planning Framework 4 (NPF4) alongside South Ayrshire Local Development Plan 2 and it is considered that the proposal is capable of positive consideration against the terms, criteria and requirements of all of applicable statutory planning policy framework. Other material planning considerations have been assessed and it is not considered that any of these matters would warrant a recommendation other than approval noting the developments compliance with the statutory development plan framework.

## REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

**REGULATORY PANEL: 30 MARCH 2023**

<b>SUBJECT:</b>	<b>PLANNING APPLICATION REPORT</b>
<b>APPLICATION REF:</b>	<b>22/00483/APPM</b>
<b>SITE ADDRESS:</b>	<b>CROFTHHEAD CARAVAN PARK C74 FROM B742 NORTH EAST OF BOWMANSTON TO A70 AT OLD TOLL AYR SOUTH AYRSHIRE KA6 6EN</b>
<b>DESCRIPTION:</b>	<b>CHANGE IN USE OF FIELD TO FORM EXTENSION TO AN EXISTING HOLIDAY PARK TO SITE AN ADDITIONAL 150 HOLIDAY LODGES</b>
<b>RECOMMENDATION:</b>	<b>APPROVAL WITH CONDITIONS</b>

### APPLICATION REPORT

This report fulfils the requirements of Regulation 16, Schedule 2, paragraphs 3 (c) and 4 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. The application is considered in accordance with the Council's Scheme of Delegation as well as the Procedures for the Handling of Planning Applications.

#### 1. Proposal:

##### 1.1 Site Description

The application site comprises an area of ground immediately adjacent to and abutting the existing Crofthead Holiday Caravan Park on the south/southeast side with the land currently owned by a neighbouring farm enterprise; Braston Farm. The land subject to the application site extends approximately 8.4 hectares and comprises of maintained grassland which has been most recently used for agricultural purposes (livestock grazing at this time). The site is characteristic of what can be found in the general locality and the land is both relatively flat and low lying with the exception of its southwest corner which rises on a gentle incline to the point where it meets the existing park boundary. It is bound and well screened on most sides by established mature tree belts and hedgerows, with the only opening in the site boundary being on the southwest portion of the site where the hedge line is broken and fragmented. There is also a relatively small group of mature trees/woodland within the application site, situated centrally where it neighbours the existing holiday caravan park to the northwest and a tributary of the Annfield Burn runs around part of the perimeter edge of the site on part of the north-eastern side. In terms of levels and topography, the application site for the most part sits well below the current and immediately adjacent caravan holiday park which slopes down from the existing park towards the south and east. The fact that the existing holiday park site to the north is much higher and on an inclining gradient from the start of the application site, obscures views to and from it to the north, northeast, west and south.

Abbothill Farm, Friarland Farm and Friarland Lodge, Braston Farm and Braston House and their associated landholdings are located to the southwest, southeast and northeast of the application site respectively. Beyond this, the other nearest residential properties are located to the north and northwest of the existing holiday caravan park, past its main entrance and these include Burnton Farm and Burton Farm Cottage and also a terrace of residential properties forming Sandyhill Terrace.

The wider holiday caravan park to which the site adjoins is located to the south of the Masonhill Crematorium and approximately 0.5km to the east of the trunk road. Vehicular access to the holiday caravan park is obtained from a C-class minor road that runs from the A70 past the crematorium. The existing caravan park is well established and has over 350 units for 'Holiday Use'. At this time the site operator is nearing the completion of the most recent extension to the park which was initially granted in 2016 (Council Reference: 15/01231/APPM) and thereafter sought for amendment through a Section 42 planning application (Council Reference: 22/00929/FURM).

## 1.2 Planning History

The land subject to the development proposal has no specific planning application history on it. Notwithstanding this and whilst the application site for the proposals is both clearly defined and set out, as previously outlined, it is to relate to a much larger site to the north and northwest which has an extensive planning history to it. The location plan supplied as part of this planning application provides clarification on the extent of the surrounding land under the applicants control (area delineated by the blue boundary) and which forms part of Crofthead Holiday Caravan Park. Details of the planning history for the wider holiday caravan park situated to the north and northeast which form this area on the Location Plan are set out below for context:

- 03/01601/COU - Change of use of agricultural land to form extension to existing caravan park. (Permitted).
- 05/00718/COU - Change of Use of agricultural land to form extension to existing caravan park. (Permitted).
- 10/01443/APP - Change of use of agricultural field to form extension to caravan park including siting of 30 static caravans and associated services. (Permitted).
- 11/01146/APP - Change of use of agricultural land to form extension to caravan park with associated services. (Permitted).
- 13/00686/APP - Change of use of agricultural land to form extension to caravan park with associated services (Withdrawn).
- 13/01340/APP - Change of use of agricultural land to form extension to caravan park with associated services. (Permitted).
- 14/00660/APP - Change of use of agricultural land to form extension to caravan park. (Permitted).
- 14/01156/APP - Change of use of agricultural land to form extension to caravan park. (Permitted).
- 14/01667/APP - Change of use of agricultural land to form extension to caravan park. (Permitted).
- 15/01231/APPM - Change of use of agricultural land to form extension to caravan site. (Permitted).
- 19/00078/APP - Erection of a facilities block, and associated works to form a car park (Permitted).
- 22/00929/FURM – Section 42 application to remove conditions 1,2,3,4,6,8,9,10 and 11 of planning consent ref 15/01231/APPM (Pending Consideration).

## 1.3 Development Proposals

The development proposal involves the change of use of an existing field/agricultural land to form an extension to Crofthead Holiday Caravan Park. The extension of the park, by approximately 8.4 hectares, incorporates 150 new pitches, infrastructure and ancillary facilities along its south-eastern boundary. The extension proposed as part of this application will extend out from the most recent extension granted in 2016 (and proposed for amendment through the Section 42 planning application 22/00929/FURM) and will be physically linked to it via the existing 5m wide spine road. Access to the road network for this extended site will be through the existing holiday caravan park and the existing point of access on the C-class road to the north which will remain the primary access to the park. The roads within the application site will be 5m wide with tarmac surfacing like the existing park with parking on each side in a stone chipped area which will cater for a minimum of 2 spaces per unit.

The proposed lodges will be of a similar style to the recent additions to the park delivered through the most recent extension currently being completed and will offer a range of accommodation from 2, 3 and 4 bedrooms. The bays will have a minimum 5m spacing between each unit and as per the existing park, each will have a timber decking area as part of its defined curtilage.

The existing mature trees within the north-western part of the site will be retained and the mature boundary trees and hedgerows which follow around the perimeter of the site will also be retained and supplemented. The area around each unit will be grassed with additional landscaping comprising trees and shrubs in various open areas and corner pockets.

In terms of servicing and utilities, an underground pump station and associated tanks will be positioned in the northeastern part of the application site to connect to the existing foul drainage system within the park and this will look to manage waste output associated with the development. A connection will be formed to the existing public water supply within the park and each unit will be supplied with mains electricity and LPG Gas.

In terms of drainage arrangements, the holiday park will drain the surface water from the roof of units directly into the ground and this will allow water to percolate naturally into the ground throughout the site and to be absorbed within the surrounding ground around each unit. This is identified as standard practice which is in place throughout this site and similar facilities in Scotland. It is also indicated that there is a drainage ditch around the perimeter of the wider site which is in place to deal with any unlikely residual flow.

For general waste, the applicant has confirmed that the waste management arrangements for this extension development will be incorporated into the existing waste management arrangements already in place for the wider park. This is an existing agreement with the Waste Management Services of the Council which involves the on-site presence of a skip for general waste and other skips for different types of recycling in accordance with the Council's waste management requirements. The process requires individual occupiers to take their waste to the respective skip on site and the collection by the Council takes place daily given the number of lodges within the wider site.

#### 1.4 Planning Procedure Matters

As the application is a 'Major' development under the relevant Hierarchy of Development Regulations, the Council's Scheme of Delegation requires that it be presented to Regulatory Panel for determination.

In terms of EIA Regulations, it is relevant to note that this planning application was submitted without an EIA Screening Opinion being sought from the applicant/agent either before or at the same time as it was lodged. Regulation 11 requires the Planning Service to screen any application received without an EIA Report where it appears to them that it is either Schedule 1 or Schedule 2 development and no Screening Opinion or Screen Direction has previously been issued.

Following the initial validation of this planning application, the Planning Authority considered that the proposed development fell within the auspices of one of the criteria of Schedule 2 of the EIA Regulations, namely, 'holiday village/hotel complexes outside urban areas and associated development project which exceeds 0.5 hectares'. On this basis and accordance with Regulation 11 of the EIA Regulations, the Planning Service have undertaken their own screening of the application (Council Reference: 22/00512/EIASCRC) against the criteria of Schedule 3. The conclusion reached is that the development subject to this planning application is not an EIA development and in turn this confirmed that this application did not require to be accompanied by an EIA Report.

A Proposal of Application Notice (PAN) for the proposed change of use of land to form an extension to the existing caravan park was received by the Council in December 2021. Subject to additional consultation activity being undertaken, the Planning Service issued a response on the 15<sup>th</sup> December 2021 (Council Reference: 21/01186/PAN) accepting the consultation proposals. Following review, it is considered that the nature of the scheme is such that it is clearly and recognisably linked to the proposal described in the proposal of application notice. It is also considered that the Proposal of Application Notice Report which accompanies this planning application, demonstrates that the consultation and engagement activities originally proposed and requested in addition to this by the Council as part of the PAN, have been undertaken in full.

## **2. Consultations:**

- **Scottish Environmental Protection Agency (SEPA):** No objections subject to conditions.
- **Scottish Water:** No objections.
- **Nature Scot:** No objections.
- **West of Scotland Archaeological Service (WoSAS):** No objections subject to conditions.
- **Ayrshire Roads Alliance (ARA):** No objections subject to conditions.
- **Transport Scotland:** No objections.
- **South Ayrshire Council Design and Advice Officer:** No objections subject to conditions.
- **South Ayrshire Council Biodiversity and Ranger Services:** No objections subject to conditions.
- **South Ayrshire Council Environmental Health Service:** No objections.

**3. Submitted Assessments/Reports:**

In assessing and reporting on a planning application the Council is required to provide details of any report or assessment submitted as set out in Regulation 16, Schedule 2, para 4(c) (i) to (iv) of the Development Management Regulations.

The application has been accompanied by a series of site and elevation plans and drawings, a Planning Supporting Statement, Planning Flooding Statement, a Transport Statement, a Pre-Application Consultation Report, a Topographical Survey and Cross Sections.

An amended Transport Statement and addendums to the Planning Flooding Statement have been provided following initial consultation responses from Ayrshire Roads Alliance (ARA) and SEPA.

**4. S75 Obligations:**

In assessing and reporting on a planning application the Council is required to provide a summary of the terms of any planning obligation entered into under Section 75 of the Town and Country Planning (Scotland) Act in relation to the grant of planning permission for the proposed development.

**None.**

**5. Scottish Ministers Directions:**

In determining a planning application, the Council is required to provide details of any Direction made by Scottish Ministers under Regulation 30 (Directions requiring consultation), Regulation 31 (Directions requiring information), Regulation 32 (Directions restricting the grant of planning permission) and Regulation 33 (Directions requiring consideration of condition) of The Town and Country Planning (Development Management Procedure)(Scotland) Regulations 2013, or under Regulation 50 (that development is EIA development) of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017.

**None.**

**6. Representations:**

Three representations have been received from individuals, all of which object to the proposed development. One of these parties has submitted two separate representations however for the avoidance of any doubt, this still only constitutes one representation in response to the application. The representations can be viewed in full online at [www.south-ayrshire.gov.uk/planning](http://www.south-ayrshire.gov.uk/planning). The grounds of the objection alongside a response to each objection by the Planning Service is set out in detail in the relevant sub-section of the Assessment section below.

In accordance with the Council's procedures for the handling of planning applications the opportunity exists for representees to make further submissions upon the issue of this Panel Report, either by addressing the Panel directly or by making a further written submission. Members can view any further written submissions in advance of the panel meeting at [www.south-ayrshire.gov.uk/planning](http://www.south-ayrshire.gov.uk/planning).

It is also relevant to note that as an amended Transport Statement and addendums to the Planning Flooding Statement were submitted as part of this application (which constituted new, material information in the context of this proposal), this application was subject to a further public advertisement beyond the original one undertaken when this planning application was first submitted. This is in line with Section 32A Subsection 4) of the Town and Country Planning (Scotland) Act 1997. No further representations were received as part of or following on from this process.

**7. Assessment:**

**7.1 Statutory Development Plan Framework**

**7.1.1 National Planning Framework 4**

On 13 February 2023, Scottish Ministers published and adopted National Planning Framework 4 ('NPF4'). NPF4 sets out the Scottish Ministers position in relation to land use Planning matters and now forms part of the statutory development plan, along with the South Ayrshire Local Development Plan 2 ('LDP2') (adopted August 2022).



## Regulatory Panel (Planning): 30 March 2023

Report by Housing, Operations and Development Directorate (Ref: 22/00483/APPM)

Section 25(1) and 37(2) of The Town and Country Planning (Scotland) Act 1997 (as amended) indicates that in making any determination under the Planning Acts, regard is to be had to the development plan and that determination shall be made in accordance with the plan unless material considerations indicate otherwise. The application is determined on this basis.

Legislation states that in the event of any incompatibility between a provision of NPF4 and a provision of an LDP, whichever of them is the later in date is to prevail (The Town and Country Planning (Scotland) Act 1997 ("the 1997 Act"); Section 24(3)). NPF4 was adopted after the adoption of LDP 2, therefore NPF4 will prevail in the event of any incompatibility.

NPF4 and the policies which apply in the context of the development proposal subject to this planning application largely overlap with the policy considerations and requirements of LDP2. Whilst there are some differences in specific criteria requirements within certain consistent and overarching policies between NPF4 and LDP2, it is not considered that any of these would constitute an apparent material policy conflict which would require a particular policy of NPF4 to be considered in place of a policy in LDP2.

The following policies of NPF4 are relevant in the assessment of the application and can be viewed in full online at <https://www.gov.scot/publications/national-planning-framework-4/>.

- Policy 3 Biodiversity
- Policy 5 Soils
- Policy 6 Forestry Woodland and Trees
- Policy 13 Sustainable Transport
- Policy 14 Design, Quality and Place
- Policy 22 Flood Risk and Water Management
- Policy 29 Rural Development
- Policy 30 Tourism

The provisions of NPF4 must, however, be read and applied as a whole, and as such, no policies should be read in isolation. An assessment of the proposals against the provisions of NPF4 is set out below.

### NPF4 Aims

The primary policies of relevancy to the principle of development in this case generally seek to balance development and economic growth in a sustainable manner and advocate support for rural tourism activity in this regard subject to it also protecting and enhancing communities and natural and cultural assets alongside the environmental quality and landscape of an area. In implementing this approach and considering it alongside the wider policy and strategy framework of NPF4, this requires due consideration of the merits and benefits of the tourism proposals and to balance this in respect of the development proposals ability to respond to the specific local character of the location, to fit sensitively and appropriately into the existing landscape setting of the area and not to adversely impact on the rural area in which it is set.

A bespoke summary of each of the relevant NPF4 policies is set out below followed by an assessment of the proposals against the policy considerations as a whole.

### Policy 3 Biodiversity

Policy 3 Biodiversity is relevant to this proposal as it sets a specific requirement for development proposals subject to 'major' applications to enhance biodiversity, not just protect it and/or avoid detrimental impacts. As part of this, the test of the policy requires it to be demonstrated that the proposal will conserve, restore and enhance biodiversity including nature networks so they are in a demonstrably better state than without intervention.

### Policy 5 Soils

This policy is only relevant to this proposed development in so far as it provides protection and retention of 'prime' agricultural land and states that its loss can only be supported where the development or use is justified as essential.



### Policy 6 Forestry, Woodland and Trees

The fundamental aim of this policy is to protect, enhance and expand forests, woodland, trees and hedgerows and it is applicable noting the sites' location and appearance and the fact that it hosts trees and small pockets of woodland. The policy confirms the scenarios where developments would not be supported and this includes any loss of ancient woodlands, any adverse impacts on native woodlands, hedgerows and individual trees of high biodiversity value and fragmenting or severing woodland habitats without appropriate mitigation.

### Policy 13 Sustainable Transport

The purpose of this policy is to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably. It offers support for proposals which improve, enhance or provide active travel infrastructure and public transport infrastructure.

### Policy 14 Design, Quality and Place

This policy seeks to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the 'Place Principle'. It sets a standard for development proposals centred around 'quality' with an expectation for proposals to be well designed to improve the quality of an area whether in urban or rural locations and regardless of scale. Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places would not be supported by the policy.

### Policy 22 Flood Risk and Water Management

The purpose of this policy is to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding. It sets criteria and circumstances where development proposals at risk of flooding or in a flood risk area will be supported and this includes essentially infrastructure, water compatible uses and redevelopment of existing buildings or sites for an equal or less vulnerable use. Whilst this site is not within a high-risk flood area, it is close to Annfield Burn and as such the general considerations of the policy in terms of reducing vulnerability for the future development have been assessed in relation to these proposals.

### Policy 29 Rural Development

The primary purpose of this policy is to encourage rural economic activity, innovation and diversification whilst ensuring distinctive character of rural area and the service functions of small towns, rural assets and cultural heritage are both safeguarded and enhanced. The policy promotes development proposals that contribute to the viability, sustainability and diversity of rural communities and the local rural economy and cites specific circumstances where such support should be offered. Specifically, it offers supports for sites where the use of good quality land for development is minimised and business viability is not adversely affected, proposals which offer diversification of existing businesses and developments which offer improvement or restoration of the natural environment.

This policy goes on to state that development proposals in rural areas should be suitably scaled, sited and designed to be in keeping with the character of the area. They should also consider how the development will contribute towards local living and take into account the transport needs of the development as appropriate for the rural location.

### Policy 30 Tourism

The primary aim as set out in the policy seeks to encourage, promote and facilitate sustainable tourism development which benefits local people, is consistent with our net zero and nature commitments and inspires people to visit Scotland. As part of this, it lends specific support for development proposals for new or extended tourist facilities or accommodation including caravan and camping sites in locations identified in the LDP.

For any tourism related development such as caravan sites/ extensions, it sets out that proposals will take into account a number of factors, including; the contribution made to the local economy, compatibility with the surrounding area in terms of the nature and scale of the activity and impact of increased visitors, impacts on communities, opportunities for sustainable travel and appropriate management of parking and traffic generation and scope for sustaining public transport services particularly in rural areas, accessibility for disabled people and opportunities to provide access to the natural environment.

### Summary of Assessment against NPF4

From review and considering the above policies in the context of NPF4, the proposed caravan park extension and expansion is considered to be compatible for the locality and weight requires to be given to the fact that these specific proposals relate to the extension of an existing and longstanding holiday caravan tourism facility with a consistent and compatible use as opposed to a new use completely. In this regard, it is considered that the principle of the proposals is supported by the spirit of Policy 29 and Policy 30 of NPF4 and that the development proposed does not contravene any of the circumstances which would resist such tourism development in the first instance. In particular, its discreet location and the characteristics of the site which occupies a low-lying parcel of land which is set back and screened from any prominent and public viewpoints will also ensure that the character of the wider rural area is not significantly impacted beyond the impact already experienced as a result of the existing park. This will ensure compliance with the specific protective requirements of both Policy 29 Rural Development and Policy 30 Tourism which seek to maintain the rural environment and local characteristics as part of development proposals.

Whilst the development would use a parcel of agricultural land to host the caravan park extension, it is important to note that the host site does not constitute 'prime' agricultural land, and this ensures that it is not contrary to the only relevant criteria of Policy 5 Soils of NPF4.

The appearance and design of the extension to the caravan park as proposed reflects the existing park in all aspects and this will ensure that it is commensurate for its location and the surrounding use to which it relates, complying with Policy 14 and the design requirements it advocates. On the design and layout, this has also been informed by a commitment for the retention and reinforcement/addition of screen planting, hedgerows and in particular the re-establishment of sections of fragmented and broken hedgerows to re-define field boundaries. This will provide additional benefit in terms of biodiversity and visual amenity, and it is considered that these constitute enhancements and expansions which are central aims of Policy 6 above. The landscaping arrangements and features are set out in detail in response to the relevant policies of LDP2 below and a detailed landscape scheme will be covered by conditions which ensures the aims and requirements of Policy 3 and Policy 6 of NPF4 will be fulfilled as part of the development.

Whilst the proposals by virtue of the nature of the use are accepted as being predominantly car dependant, bespoke sustainable transport measures have been secured through a revised Transport Assessment and following discussions and input with Ayrshire Roads Alliance as the Council's Roads Authority. Such measures include an informal shuttle service from the site to public transport facilities and the formation of a bespoke travel plan for guests and users awareness. These will be subject to conditions to ensure they are implemented in a timely manner and in line with the development. The sustainable transport measures secured contribute towards satisfying criteria which is set out in a number of policies across NPF4 and this includes Policy 13 Sustainable Transport as referenced above.

In terms of flooding, as set out above the site is not within a flood risk area but is situated in close proximity to a tributary of Annfield Burn and this gives Policy 22 some degree of relevancy. Both SEPA and Ayrshire Roads Alliance as the Council's Flood Authority have been involved in the application and following review, sufficient additional technical information has been provided to demonstrate that the development can be accommodated for within the site subject to specific avoidance and design mitigation which has been agreed by consultees. Details of the mitigations measures in this regard are set out in detail in response to the flooding and water environment policies of LDP2 below and it is considered that this ensures general compliance with Policy 22 above in as far as it applies to the proposed development.

Following review, it has been established that NPF4 as a whole is generally supportive of the extension of the established recreational/tourism use in this location. Whilst this support is subject to the consideration of matters including landscape/visual impacts, infrastructure and transport implications and requirements for environmental mitigation (same as LDP2), it has been demonstrated and satisfied that the proposed development is compliant with the policies which cover these topics across NPF4. Due weight has also been given to the economic and social benefits of the proposed extension development and this is considered in more detail in relation to specific requirements of LDP2 below.

On this basis, subject to specific conditions restricting the usage of the caravans, the requirements for the retention, reinforcing and enhancing of landscaping on site and other technical requirements including sustainable transport measures and drainage, it is considered that the proposal complies with the provisions of the NPF4.

### 7.1.2 Local Development Plan 2 (LDP2)

The following policies of LDP2 are relevant in the assessment of the application and can be viewed in full online at <http://www.south-ayrshire.gov.uk/planning/local-development-plans/local-development-plan.aspx>

- LDP Policy Spatial Strategy
- Strategic Policy 1: Sustainable Development
- Strategic Policy 2: Development Management
- LDP Policy: Tourism
- LDP Policy: Landscape Quality
- LDP Policy: Preserving Trees
- LDP Policy: Water Environment
- LDP Policy: Flood and Development
- LDP Policy: Agricultural Land
- LDP Policy: Air, Noise and Light Pollution
- LDP Policy: Land Use and Transport

The provisions of the Adopted South Ayrshire Local Development Plan 2 must, however, be read and applied as a whole, and as such, no single policy should be read in isolation. The application has been considered in this context and alongside NPF4 above. An assessment of the proposals against the provisions of Local Development Plan 2 is set out below.

#### LDP Policy Spatial Strategy

The Spatial Strategy sets out the general approach of the Council to development planning matters. It sets the scene for the type of development approaches South Ayrshire seeks to promote and defines 'Core Principles' that form the foundation of the plan. The Strategy also contains two general 'Strategic Policies' that all development proposals require to confirm to and be justified against. Specific consideration of these are set out in the proceeding sub-sections below.

In the broadest sense, the proposed development is supported by the spatial strategy of the LDP as it is situated within the 'Kyle Investment Area' which "promotes rural diversification and tourism". In this regard, the proposal is for an extension to an existing caravan holiday park site and will deliver further provision of holiday let caravans' stock to support the expansion of a well-established and longstanding tourism facility.

#### Strategic Policy 1: Sustainable Development

This provides the overarching policy for the LDP subject specific policies, and it requires to be used in the consideration of all planning applications. Certain criteria of this policy are therefore pertinent to this proposal and include (inter alia):

- Respects, protects and where possible, enhances natural, built and cultural heritage resources.
- Respects the character of the landscape and the setting of settlements.
- Incorporates sustainable urban drainage and avoids increasing (and where possible reduces) risks of, or from all forms of flooding.
- Ensures appropriate provision for waste-water treatment, avoids the proliferation of private treatment systems and connects foul drainage to the public sewerage system wherever feasible.
- Does not have a negative effect on air or water quality.
- Wherever possible is in an accessible location with opportunities for the use of public transport and other sustainable means of transport.
- When considering development proposals, due weight will be given to the consideration of net economic benefit.

The proposed development is considered to generally comply with the criteria of this overarching policy noting its layout, design, scale, mass and arrangement. Consideration of each of the criteria above which relate to visual and landscape impacts, impacts on natural resources, flooding and drainage, the management of waste, residential amenity and transport are assessed below in more detail in relation to the subject specific policies which focus on these topics.

With regards to the requirement of the policy to consider the 'net economic benefit' of the development and apply due weight accordingly, the supporting statement provided as part of the planning application includes an independent analysis on the economic benefit of the development and this has been considered.

This assessment primarily comprises of references to figures and statistics from an Independent Report in 2019 commissioned by the Caravan and Camping Alliance which examined the economic benefits from Holiday Parks and Camping Sites in Scotland. A summary of the main findings is detailed within the statement with this citing primarily national contributions alongside some Ayrshire based benefits from the wider holiday park sector in 2019. In response to these, the statement both acknowledges and states that whilst Covid-19 has made it difficult to make reasonable comparisons with these statistics in the last two years, parallels can be drawn both even during Covid restrictions and following relaxations. The statement goes on to outline that this is best evidenced by the fact that Crofthead Holiday Park has been completely full at all recent Bank Holidays at Easter and during any of the recent two summer holidays when Covid restrictions were relaxed for holiday parks, demonstrating strong uptake and appetite for this type of facility. In addition to this, the economic analysis undertaken for this development also provides indications of employment opportunities from the development. In terms of the direct no. of jobs generated from the proposal, it predicts that this will increase from 15 at present to 30 employees for the wider park. In relation to construction jobs, it envisages that a further 20 employees will be required at this stage with these figures informed by job opportunities for the build-out of earlier extensions granted.

From review, it is clear that the supporting statement seeks to rest significant weight to the potential economic benefits of the proposed development. Notwithstanding this, economic benefit should be treated as stated, with 'due weight' being afforded rather than as the dominant criteria. In this case, as the applicant has largely provided general information relative to assumed potential benefits and it is unclear what relevance this may have to individual caravan ownership business model operated by the applicant and this in turn means that only limited weight can be afforded. Notwithstanding this, there is clear evidence that the holiday caravan park has been successful with regards to uptake, and this is demonstrated by its progressive continual expansion over the years to look to meet demand. In addition to this, the opportunity for the development to create both construction and permanent jobs as well as bring an influx of people to the area is noted and due weight is afforded to these development specific factors in support of the application.

#### Strategic Policy 2: Development Management

This represents the overarching policy for the LDP subject specific policies for the Development Management process. As part of this, it schedules out expectations to ensure that development meets a range of criteria. Certain criteria of this policy are of relevancy to this development proposal, including a need for it (inter alia);

- In accordance with the site's land use, as defined on the 'Proposals Maps'.
- Appropriate in terms of layout, scale, massing, design and materials in relation to their surroundings and surrounding land uses.
- Not have an unacceptable impact on the amenity of nearby land uses or committed development proposals (with Planning Permission or allocated LDP development sites).
- Appropriate to the local area in terms of road safety, parking provision and effects on the transport network.
- Make appropriate provision for all infrastructure implications of the development.
- Include landscaping that is appropriate for the location and the use of the proposed development.
- If contrary to specific LDP policies, are justified to our satisfaction, on the basis that are (1) of over-riding community interest, or (2) will contribute significantly to the implementation of the Ayrshire Growth Deal or and regeneration of Ayr; and will have no significant adverse environmental effects.

Similar to Strategic Policy Sustainable Development above, it is considered that the proposed development is considered to generally comply with the criteria and expectations of the overarching policy noting its layout, design, scale, mass and arrangement. Consideration of each of the criteria above which relate to the land use (both existing and proposed), its visual and landscape impacts, its compatibility, road safety and infrastructure and landscaping are assessed below in more detail in relation to the subject specific policies which focus on these topics.

### LDP Policy: Tourism

This policy states that the Council will encourage proposals providing that all new accommodation is:

- For holiday use only.
- That the development has suitable screening and is appropriate in terms of the landscape setting, scale and design.

At the highest level, LDP2 is generally supportive of tourism and leisure developments and this particular policy provides a focus and direction with regards to the aspirations of the qualities that tourism related development should satisfy and demonstrate to be acceptable within South Ayrshire. Taking the spirit of this policy within the context of the proposed development, it is considered that this represents an acceptable promotion of tourism and tourist accommodation and an acceptable growth of an existing rural business with benefits to the wider area arising from increased holiday occupancy.

Taking the first of the two bullet points above, the supporting statement provided as part of the application confirms that the caravans subject to the extension will be for holiday use only and that it would operate in consistency with the remainder of the park in this regard. To ensure this, a suitably worded planning condition is proposed which safeguards this by limiting and defining the fact that the caravans can only be used for holiday let purposes. This is detailed and set out in Section 9 below.

With regards to the second point in relation to screening and the appropriateness of the development in terms of the landscape setting, scale and design, it is noted that the existing caravan park is prominent within the landscape, particularly from the north, and that the extent of the park (which has been subject to a series of planning applications to extend it over the years) has altered the landscape when viewed from a northern and eastern direction. The supporting documentation submitted by the applicant states that the proposed extension to the park will be obscured by the existing caravan park from that direction and following review during site visits, the Planning Service agree with this observation. Whilst previous planning consents granted to extend the holiday caravan park have sought to manage the extent of intrusion, given the extent and scale of development that has been granted, the landscape has indeed now been altered by the presence of the park, particularly the most recent extension from 2016 which has seen the most elevated part of the site developed and built upon. Given the development that has taken place combined with the positioning of this application site in the context of the wider caravan park (e.g. screened by the existing park from this direction), both landscape and visual impact of any additional visibility from the north, and to a certain extent from the west are considered not to be significant.

The potential for visual intrusion and landscape change from the proposed extension has been carefully considered from public vantage points and routes of travel from other directions than the north and the west. Following review, it is not considered that there are any notable, publicly viewably or environmentally sensitive locations from the east or south where the proposed extension would introduce development into landscapes which is otherwise entirely unaffected by previous development of the caravan park. Whilst the Planning Service do not agree that with the supporting statement where it asserts that the mitigation of retaining the hedgerow and tree belt screening and reinforcing this will be sufficient to completely mask the extent of a the extension covering some 8.4 hectares, it is accepted that it will help to some extent minimise the visual impact and offer a degree of self-containment for the development, particularly around the immediate periphery of the park. Instead, the Planning Service considers that a combination of factors including the context and presence of the related, existing and established caravan park, the retention and reinforcements of natural features (e.g., hedgerows, trees and areas of woodland), the surrounding intersecting rolling and undulating landform combined with the relatively low-lying and flat nature of the application site will come together to mitigate against sprawl and ensure that the extension will be appropriate to its setting with regards to both scale and design.

### LDP Policy: Landscape Quality

This policy seeks to ensure that the development proposals conserve features that contribute to local distinctiveness with a specific reference to patterns of woodland, fields, hedgerows and treat features.

In the first instance, it is relevant to note that the application site and its immediate environment comprises of typical lowland landscape used for agricultural purposes and it is not designated or protected by any local or national designations relating to the landscape or scenic quality.

With regards to the requirement of this policy to retain features of local significance and distinctiveness, the applicant through their supporting information within their planning submission has demonstrated that the proposed development has been designed to retain natural features on the site. This includes a commitment to retain existing groups of mature trees on the central part of the site and all mature trees and hedgerows on the existing field boundaries. In addition to this, the development proposes to introduce further planting and landscaping as part of the development across the site with a focus on enhancing the existing features by following the existing natural contours. This also specifically includes the replanting of a section of mature hedgerow which is broken on the north-western side of the triangular shaped field adjoining the existing holiday caravan park to re-establish the existing field pattern in this area.

Suitably worded planning conditions are proposed which cover a requirement to agree measures to protect existing trees, hedgerows and planting during the construction stage and for a detailed landscape and maintenance proposal for all new and additional planting to be submitted to the Council for consideration. The Council's Design and Advice Officer has offered no objections to the development proposals in this regard, subject to the conditions being attached.

#### LDP Policy: Preserving Trees

This policy requires an assessment of the impact of development proposals which might involve the loss of, or work to trees, particularly where they are covered by a provisional or confirmed Tree Preservation Order. As part of this, it sets an expectation for protection measures to be in place and such measures to be safeguarded by a condition through the course of development.

In this first instance in response to this policy, it is relevant to note that none of the trees within the application site or on its boundaries are formally protected by either a Tree Preservation Order or an Ancient Woodland Inventory designation. Notwithstanding this, the site does host a variety of established and mature trees and hedgerows and the approach proposed to retain all of these features and further reinforce them and supplement the site with further planting is considered favourably.

As set out in response to the LDP Policy: Landscape Quality above, conditions are proposed which cover the protection of existing trees and pockets/areas of woodland and this will ensure that all trees are preserved and protected on site during the construction stage.

#### LDP Policy: Flood and Development

This policy seeks to ensure that development avoids areas which are likely to be affected by flooding or if the development would increase the likelihood of flooding elsewhere. It sets a requirement to consider the development proposals against SEPA guidance and framework with specific requirements relating to land raising, SUDS and local flood plans. Whilst the application site itself is not situated within a high risk flood area, a tributary of the Annfield Burn runs alongside and on part of the north-eastern edge of the application site boundary and as such this makes the considerations of the above policy applicable to this development.

It is relevant to note that SEPA initially issued a holding objection in their consultation response to this planning application (response dated 1<sup>st</sup> July 2022). In this response they highlighted that whilst the application site is out with the nearest fluvial functional floodplain (accordingly to SEPA flood maps), the tributary of the Annfield Burn which flows along parts of the site boundary could lead to the potential surface water flood envelope extending into the site as a result of its proximity. Given this type of development is categorised as a 'most vulnerable land use' under SEPAs 'Flood Risk and Land Use Guidance', they confirmed that they would require further information in order to allow them to robustly and fully assess the extent of potential flood risk from the watercourse adjacent to the site and avoiding encroachment by development into its existing flood plain. The information requested by SEPA included cross sections across the watercourse (comprising of the channel bed levels and bank levels on the opposite bank), upstream, downstream and adjacent to the site, site photographs and topographical details of the proposed ground levels and finished floor levels of the caravan units closest to the watercourse.

The agent and applicant provided a suite of information in response to this request (including cross section plans, topographical plans, a written flooding statement and site photographs) and following further clarification and the submission of some further supplementary information, SEPA provided a re-consultation response which confirmed the withdrawal of their holding objection (response dated 24<sup>th</sup> November 2022). This updated response confirmed that their position of 'no objections' to the development on the grounds of flood risk was based on the inclusion of appropriate planning conditions to any consent granted in relation to no built development below 40mAOD, minimum finished floor levels (FFL) and the removal of wooden fence structures near the burn prior to construction. These conditions have been formed and subsequently agreed in writing by SEPA by the Planning Service as part of the planning process. These are set out in full in Section 9 of this report below.

It is also relevant to note that Ayrshire Roads Alliance (as the Council's Flood Authority), also initially objected on flood risk grounds in their original consultation response for reasons consistent to SEPA. Notwithstanding this, following review of the same additional information submitted in response to SEPA's objection alongside the revised SEPA consultation response (dated 24<sup>th</sup> November 2022) itself, Ayrshire Roads Alliance confirmed in their own revised response (dated 1<sup>st</sup> December 2022) that they are satisfied that the proposed development is in alignment with the flood risk principles and standards, providing the conditions detailed in the SEPA consultation are implemented as part of this development. In addition to this, ARA have sought a further condition of their own relating to the design and implementation of drainage measures for surface water from the development in accordance with the SUDS Manual standards. Subject to all of the aforementioned conditions being included as part of the planning application, ARA confirmed the withdrawal of their objection. All of the conditions referenced have been included below.

Through a combination of SEPA and Ayrshire Roads Alliance (as the Council's Flood Authority) final positions as statutory consultees to the planning process (which both confirm no objections), the further suite of information supplied by the agent/applicant and the mitigation and safeguarding measures proposed to be secured through appropriately worded planning conditions (relating to managing flood risk and the design and arrangements for surface water drainage), it is considered that the development is acceptable in flood risk grounds. This in turn, satisfies the requirements of this policy.

#### LDP Policy: Water Environment

This policy seeks to support the objectives of the Water Framework Directive and states that we will only allow development that meets certain objectives, including:

- It will protect, and where possible, improve the water environment.
- It will not pose an unacceptable risk to the quality of controlled waters.
- It will not harm the biodiversity of the water environment.
- It seeks to avoid (or remove) instances of construction works and structures in and around the water environment
- It provides an appropriately sized buffer strip between the development and a watercourse.

As set out above, whilst SEPA initially objected to the proposed development, this has now been withdrawn following the submission of a suite of information provided by the applicant/agent. SEPA's updated position as set out in their formal re-consultation response issued to the Planning Service on the 24<sup>th</sup> November 2022 is that they have no objections, subject to specific planning conditions. Significant weight is afforded to SEPA's position as a statutory consultee on matters relating to the water environment.

In addition to this and in response to the specific requirements of this policy, it is relevant to note that the development layout proposes a buffer zone from the top of the bank of the relevant watercourse which extends to approximately 9 metres. Alongside this, a specific condition has been requested by SEPA regarding the removal of wooden fence structures which sit alongside/over sections of the burn before construction work takes place. This fencing has been identified by SEPA as a risk to the water environment as it has the potential to pose a flood risk on this site and elsewhere as if it fell into the section of burn it could trap debris and act as a blockage.



Through a combination of SEPA and Ayrshire Roads Alliance (as the Councils Flood Authority) final positions as statutory consultees to the planning process (which both confirm no objections) combined with other factors including mitigation informed by the site layout for the development and mitigation secured by condition relating to the removal of fencing close to the watercourse, it is considered that the proposed development has demonstrated cognisance to the water environment and that suitable measures will be in place to ensure it is not compromised or unduly affected by the development. On this basis, the proposed development is considered to be in accordance with the requirements of this policy.

#### LDP Policy: Agricultural Land

This policy sets a requirement that the Council will protect prime-quality agricultural land from irreversible development unless it can be demonstrated that the development is essential in accordance with the LDP Strategy, necessary to meet an established need or if it is of a small scale which is directly related to rural business.

Whilst the development site is on land which has been used for agricultural grazing and silage production, it does not fall within the category of 'prime' agricultural land (with it being categorised under Category 4.2). As such, the specific requirements of this policy are not relevant to this proposal.

More broadly however, the change of the use of the land (which will result in the current agricultural activity ceasing and being redevelopment) has been assessed and it is not considered that its loss should be afforded more weight than the merits of the developments and its demonstrated general compliance with the wider policy framework.

#### LDP Policy: Air, Noise and Light Pollution

This policy states that the Council will not allow development which would expose people to unacceptable levels of air, noise or light pollution. As part of this, the policy states that advice requires to be taken from the Council's Environmental Health Service (as local pollution regulator) and that due weight should be given to their position as to whether the development would be likely to generate unacceptable levels of pollution.

The Council's Environmental Health Service have been consulted as part of the planning application and have offered no objections to the proposed development. In addition to this, they have not requested any planning conditions with regards to the construction and operational phase. On this basis and noting Environmental Health Service remit, it is not considered that the proposed development would unduly impact surrounding people or properties by virtue of air, noise or light pollution.

#### LDP Policy: Land Use and Transport

This policy seeks to ensure that developments take appropriate measures to keep any negative effects of road traffic on the environment to a minimum, that it does not compromise accessibility to local services, provides parking that reflects the role and location of the development and links to existing and proposed active travel networks (including walking, cycling and public transport networks).

In terms of the considerations of this policy in the context of this development, in the first instance it is relevant to note that Ayrshire Roads Alliance (ARA) as the Council's Roads Authority initially objected in their consultation response to this application (dated 18<sup>th</sup> August 2022). Whilst they did not raise any concerns about the suitability of the site or the surrounding area/road network to accommodate the proposed extension development (including the additional vehicle movements/trips associated with it) from a road or traffic perspective, they did raise specific issues with elements of the findings and conclusions on accessibility of the Transport Assessment supplied as part of the planning application. These issues related specifically to the Transport Assessment's interpretation and advocacy of the availability and suitability of both the site and the surrounding area/infrastructure to accommodate and promote a range of sustainable modes of transport for users and customers of the development (such as walking linkages and access to existing public transport opportunities close to the development). ARA in their initial consultation response confirmed that they disagreed with this aspect of the assessment and considered that it both misinterprets and did not accurately reflect the reality of the accessibility and sustainability options both within the site and the surrounding area. This was primarily due to the lack of available footway provision on the C74 in the vicinity of the existing site access.

The agent/applicant considered the position set out by ARA and provided an amended/revised Transport Assessment in response to this. As part of this, they sought to amend some of the language and content regarding the interpretation of the site and the surrounding area in terms of the availability and opportunities for accommodating more sustainable mode transport. Alongside this, the amended Transport Assessment also included further measures which sought to try and facilitate and promote opportunities for a greater level of sustainable travel from within the Crofthead Holiday Caravan Park site. This includes a specific proposal for the introduction of an informal shuttle service operated by the development for patrons wishing to access facilities on the A70 such as bus stops etc.

Following further review and consideration of the amended Transport Assessment, ARA provided a re-consultation response (dated 1<sup>st</sup> December 2022) which confirms the withdrawal of their earlier objection on accessibility grounds. They have confirmed that the amended Transport Assessment has address the accessibility matter through the inclusion of a proposal for an informal shuttle service operated by the site operator which would provide an ad-hoc service for customers seeking to access walking, cycling and public transport facilities on the nearby A70.

It is relevant once again to highlight that the initial concerns raised by ARA were not against the proposed extension (which relates to extending a longstanding and established holiday caravan park) on road or traffic grounds but instead in relation to the specific interpretation and explanation of active and sustainability travel opportunities to and from this site, compared to the real-life situation. As set out, the amended Transport Assessment addresses some of these earlier misinterpretations and alongside this now also includes additional mitigation to assist users and customers of the development with a way to access pedestrian and public transport facilities on the A70 (most notably the informal shuttle service). As part of ARA's updated position of 'no objections', they have requested conditions relating to the details and arrangement of the informal shuttle service alongside a Guest Active Travel Pack are submitted for consideration before the completion of the development. Both of these matters have been covered by planning conditions as set out in Section 9 below.

Separately, it is also relevant to highlight that Transport Scotland as a consultee to the planning application have also confirmed in their consultation response to the application that they have no objections to the proposed development in terms of its implication on the wider trunk road network.

On balance, it is considered that the proposed development does now demonstrate compliance with the above land use and transport policy criteria and that this has been primarily achieved through the submission of an updated and amended Transport Assessment. Weight is given to the longstanding and established nature of the wider holiday park site and whilst it is recognised that it may not necessarily offer all of the accessibility and sustainability infrastructure that would be expected for such a development in this type of location, the distinction in this case is that this proposal is for an extension to the wider existing holiday caravan park as opposed to the introduction of a completely new and separate tourism development on the site. In addition to this and as previously outlined, Crofthead Holiday Caravan Park has been subject to a suite of planning applications which have granted extensions in the past including most recently a sizeable masterplan extension. In this context, the proposed development for 150 caravan units is considered to be acceptable from a transport and sustainability perspective and the additional measures now offered through the amended Transport Assessment and secured through appropriately worded planning conditions offers a proportionate contribution to the promotion of active travel as part of this particular development. In particular, the informal shuttle service once established and in place will be a useful feature for users across the wider park and will offer an alternative means of travel which up until this point has not been in place at the site.

#### Summary of Assessment against LDP2

Following review, it has been established that similar to NPF4, LDP2 is generally supportive of the extension of the established recreational/tourism use in this location. Whilst this support is subject to the consideration of matters including landscape/visual impacts, infrastructure and transport implications and requirements for environmental mitigation (same as NPF4), it has been demonstrated and satisfied that the proposed development is compliant with the policies which cover these topics across LDP2.

Subject to specific conditions restricting the usage of the caravans, the requirements for the retention, reinforcing and enhancing of landscaping on site and other technical requirements including sustainable transport measures and drainage, it is considered that the proposal complies with the provisions of the LDP2.

## **7.2 Material Considerations**

### **7.2.1 General Impact on the Locality (Residential and Visual Amenity)**

It is considered that the proposed development will not give rise to residential or visual amenity concerns given both the location and nature of the site combined with the compatibility of the related development. The location for the proposed extension is considered to be appropriate with it being immediately next to and adjoining the existing and established caravan park on its south-eastern side. Due to the integrated relationship between the proposed site and the existing park, it is considered that the application site offers the most appropriate extension to the holiday park as the park is constrained on all other sides (this includes by private land, roads and water courses).

Taking residential amenity factors into consideration first, the nearest properties constitute two farm steadings and weight is given to the fact that these are intersected by agricultural fields which provide a degree of separation between the actual properties at the application site. The hedgerow and tree belt along the northern, eastern, southern and part of the western side (which will be retained and enhanced as part of the development) will further contribute to providing a degree of screening and self-containment for the development in the interests of amenity. In particular, the re-establishment of the broken hedgerow and tree-belt on the northwest boundary will assist in terms of providing a degree of separation and screening from Braston Farm which is the closest neighbouring property to the site in terms of distance.

With regards to visual impact specifically, as previously outlined, regard requires to be given to the extent of intrusion of the existing caravan park, and the extent to which the landscape has been altered and changed by its presence, particularly noting the series of extensions to the park which have been granted and implemented over recent years. The introduction of this further extension which comprises of 150 caravan units is unlikely to be of significant consequence. The extension proposed will be primarily seen in the context of the wider holiday park and due weight in this regard is given to the fact it is well-sited and contained on a relatively low-lying parcel of land so that it does not begin to influence landscape characteristics of otherwise unaffected views and landscapes in the locality. This is exemplified by the fact that the application site itself is not visible from any notably viewpoints outwith the park looking towards it, including from views from a northern and north-eastern direction.

Once developed, it is considered that it will represent a generally commensurate, compatible and proportionate development which includes features and built form which is now both ordinarily and commonly associated with the existing and established landscape in the immediate locality. Given the use proposed, the design and arrangement of the extended caravan park combined with the characteristics of the application site itself as previously set out, it is also not considered that the development would have any significant effect on the landscape character of the area.

### **7.2.2 Planning History**

As previously set out in an earlier sub-section above, there has been a number of planning applications granted at Crofthead Holiday Caravan Park which span over at least a 25-year period. The most recent applications prior to this current application date from 2014 and 2015 and these relate to sizeable developments which obtained permission to extend out from the earlier caravan site boundaries and expand the business into adjoining parcels of land.

As considered throughout this report, the implementation of these extensions (particularly across the more elevated and higher parts of the site) have resulted in a marked change in the landscape with the caravan park generally a more notable and established feature now in the rural setting (particularly from viewpoints and locations in the northeast and east). The increased visual presence of the caravan park on the landscape as a result of these extensions granted when built does play a role in the overall acceptability of the consideration of this application from a visual and landscape perspective with it forming a direct extension on from these areas. Crucially, given the location of the current application site, the characteristics of the site which is low-lying and benefits from existing screening combined with the design approach proposed for this extension, it is not considered that the proposed development will result in any new landscape or visual impacts upon the surrounding area.

### 7.2.3 Representations Received

The 3 representations from 3 individuals received in relation to the application all object to the proposed development. The points of objection are summarised in the sub-sections below and responded to (in **bold**) as follows:

#### Flooding and Drainage Matters

- Concern of the potential for the proposed development increase the flooding frequency and extent of the Annfield Burn both immediately downstream of the development and further towards and into Ayr.
- The replacement of open fields by hard-standing and buildings could have the potential to significantly increase surface-water run-off into the burn, thus leading to increased flash flooding downstream.
- The conversion of the existing permanent grassland with its inherent run-off buffering capacity (which reduces both rate and volume of water movement downslope) will be reduced by the removal of permanent vegetation and topsoil, and that rainwater releases from caravan roofs via drainpipes and run-off from tarmac (i.e., impermeable) roads will more rapidly infiltrate the shall ground leading to more rapid water movement down slope, thus increasing the flash flood risk in the burn.
- The area is already designated as a Potentially Vulnerable Area as a result of the riverine flood risk from the Annfield and Slaphouse Burns.
- The planning application should include an appropriate level of detail on the potential effect of the development on the downstream flood risk both during the construction phase and the lifetime of the park (including potential climate-change exacerbated effects), and any proposed mitigation measures.
- There is already evidence of increased run-off from the current development into neighbouring fields and into the burn, with this having the potential to affect farmland regularly occupied by livestock. More specifically, several incidences of heavy rainfall have led to significant surface flows in the past. This includes periods every winter where the burn overtops its banks, and this has impacted the fields of Friarland Farm from the existing caravan site area up-gradient.
- A Flood Risk Assessment should be undertaken to consider the cumulative impact from the entire site and not just the proposed extension.
- Whilst Section 5.4 of the supporting statement accompanying the planning application states that the site is not directly within the SEPA flood maps, this does not mean there is no flood risk.
- Section 5.14 of the supporting statement accompanying the planning application states that there is 'a drainage ditch around the perimeter of the site which can deal with any unlikely residual flow'. Whilst, it is not clear from the document, it is understood this reference to 'drainage ditch' means the existing burn which becomes Annfield Burn within Friarland Farm.
- The planning application confirms that there is no intention to install any form of SUDS on the site however it is considered that some form of SUDS may be required between the developed area and the burn to prevent any increased risk of downstream flooding.
- SEPA in their consultation response acknowledge that the watercourse into which much of the runoff from the proposed development will feed into is a tributary of the Annfield Burn which can, and does, flood causing issues to surrounding farms and downstream of the proposed development the burn is an identified flood risk.
- The planning application does not contain any information about how run-off would be managed during the construction phase. The site plans show caravan pitches and road layouts close to the site boundary and the burn and there are concerns that unless construction activities are carefully managed, this could result in large quantities of soil, gravel and other debris being washed into the burn which again could reduce its flow capacity.
- Friarland Farm has had recent experience of soil etc washing into its fields during construction work in the existing upgradient caravan park area.
- Annfield burn already backs up and this contributes to flooding on the A713 at Ailsa Hospital, which is a considerable hazard for vehicles, especially ambulances.
- The flooding at present already effects a series of fields in the immediately locality, impacting arable cultivation and endangering farm livestock. Increased water going into the burn as a result of this development will only exacerbate this issue.

SEPA have been formally consulted and engaged as part of the assessment of this planning application and whilst they initially issued a holding objection requesting the submission of further information to fully understand and quantify the flood risk extent of the proposed development, this has since been formally withdrawn (with them now offering 'no objections') following the submission of a formal 'Flooding Risk Response' with associated technical appendices provided by the agent. The response and associated technical appendices collates and formalises all of the information provided to SEPA by the agent and their consultants as part of ongoing dialogue and correspondence and it comprises of a written assessment, cross-section and topographical plans and site photographs.

SEPA's final updated position of 'no objections' on flood risk grounds is subject to specific conditions relating to a requirement for no built development below 40mAOD, minimum finished floor levels (FFL) for caravan units and an expectation for the removal of wooden fence structures situated over sections of the burn prior to construction. These conditions have been formed and agreed by SEPA in writing before they have been finalised and the complete and final versions feature in Section 9 of this report below.

It is also relevant to note that Ayrshire Roads Alliance (as the Council's Flood Authority), also objected on flood risk grounds in their original consultation response for reasons similar to SEPA. Notwithstanding this, following review of the same additional information submitted in response to SEPA's objection alongside the revised SEPA consultation response (dated 24<sup>th</sup> November 2022) itself, Ayrshire Roads Alliance confirmed in their own revised response (dated 1<sup>st</sup> December 2022) that they are satisfied that the proposed development is in alignment with the flood risk principles of Scottish Planning Policy providing the conditions detailed in the SEPA consultation are implemented as part of this development. In addition to this, ARA have sought a further condition of their own relating to the design and implementation of drainage measures for surface water from the development in accordance with the SUDS Manual standards. Subject to all of the aforementioned conditions being included as part of the planning application, ARA confirmed the withdrawal of their objection. All of the conditions referenced have been included below.

Given the position of both SEPA and Ayrshire Roads Alliance (as the Council's Flood Authority) as statutory consultees combined with the flood risk mitigation secured through planning conditions, it is considered that this extension development can be accommodated for on this site without unduly or adversely impacting in terms of flood risk.

#### Waste Treatment Matters

- As the handling of sewage as part of this proposed extension will rely on a pumped system, details on this critical aspect of the design should be included as part of the application. In the event of a failure of the system, there is a risk that untreated sewage could leak into the burn.
- It is unclear from review of the planning application of exactly what the plans are for the disposal of sewage with concerns about the potential risk for the burn with regards to water quality.

The plans submitted as part of the application alongside the narrative contained within the Supporting Planning Statement confirm that the foul/waste drainage proposals comprise of onsite pumping station/tanks which will link and connect existing treatment plant which will thereafter be discharged into the wider sewerage system. This is in effect the same type of arrangement which has been proposed for handling waste/foul drainage for earlier caravan park extensions granted and from a planning perspective. Neither SEPA or the Council's Environmental Health Service have raised any issues or objections to the arrangements proposed and as such these are acceptable at this stage from a planning perspective.

Beyond the information supplied and presented as part of the planning application, the technical design requirements for the waste treatment facility including its exact design, make-up and capacity would be a matter for the Council's Building Standards Service and this would be addressed through a Building Warrant application (which the applicant/developer is still yet to obtain).

On the specific point raised above regarding risks for water quality from leakages or failures of the waste/foul drainage treatment plant, this would ultimately be a matter for the applicant/developer to ensure that they comply with the relevant standards and regulations including those set by SEPA, to avoid and mitigate such issues at both construction and operational stages.

### Visual and Residential Amenity Impacts

- Nearest part of the development is within 200m of Friarland Farm and is in direct line of sight. Due to the topography, the pitches in this nearest section will need to be partially raised, including the pitches beside the hedge line. This will have a visual impact and presence.
- All of the proposed development is on the southeast aspect of the hill which has a very different noise profile when compared to the northwest side of the hill facing the large town and traffic of Ayr. Therefore, noise effects associated with 'outdoor living' and traffic for 150 caravans may be much more noticeable on this side.

**With regards to concerns regarding the perceived visual impacts of the development, it is not considered that the development would be unacceptable visually from viewpoints from the north and east. As set out in detail in the relevant assessment sub-sections above, regard requires to be given to the extent of intrusion of the existing caravan park, and the extent to which the landscape has been altered and changed by its presence, particularly noting the series of extensions to the park which have been granted and implemented over recent years. The introduction of this further extension which comprises of 150 caravan units on this low-lying parcel of land will not be of significant consequence from a visual perspective in this context. From a distance and any elevated viewpoints in the locality from this side, the extension subject to this application will be primarily seen in the context of the wider holiday park and weight is given to the most recent extension development which comprised of approximately 200 caravans built along the southeast hill side of the site. In addition to this, due weight is also given to the fact that the site itself it is well-sited and contained on a relatively low-lying parcel of land and this means that it will not begin to influence landscape characteristics of otherwise unaffected views and landscapes in the wider locality, which are not already influenced by the expansion of the existing caravan park.**

**In terms of potential noise impacts from the development once constructed and in use, the Council's Environmental Health Service have been formally consulted and they have raised no objections to the proposed development in terms of noise impacts from either the 'outdoor living' use of the development itself or associated traffic movements as a result of the extension. From a planning perspective, the application site is considered to be of a sufficient distance (with sufficient intersecting land and screening) from nearby farm steadings and isolated properties to the south of the site as to avoid any potential direct residential amenity issues.**

### Anti-Social Behaviour and Security Matters

- If the burn is accessible to visitors in the park, it is likely that visitors and dogs may cross the burn and access neighbouring fields which are routinely used for livestock and crops. Security arrangements should accompany the planning application which prevent any harm and damage to livestock and crops.
- There are concerns that users of the proposed extended caravan park will either break or jump over the fence between the application site and neighbouring private land. It is possible for visitors to gain access to the fields on the other side of the burn and they and any dogs could disturb farm livestock.
- Given the volume of people and transport, litter will increase, particularly along the access road to the site.

**Any damage to properties or land or trespassing on neighbouring land that could or may occur at construction stage or operational stages of the development would be a private legal matter between the parties involved. Equally, it is relevant to note in response to the specific concerns raised regarding potential anti-social behaviour and disruption from future users of the development (including in relation to dog walkers, litter etc), these are not material planning considerations which can be afforded weight in the assessment of this application.**

**More broadly and response to the concerns raised regarding the increase in general waste and rubbish, the applicant has confirmed that the waste management arrangements for this extension development will be incorporated into the existing waste management arrangements already in place for the wider park. This is an existing agreement with the Waste Management Services of the Council which involves the on-site presence of a skip for general waste and other skips for different types of recycling in accordance with the Council's waste management requirements. The process requires individual occupiers to take their waste to the respective skip on site and the collection by the Council takes place daily given the number of lodges within the wider site.**

### Environmental Matters

- The trees located close to the burn which are shown on the proposed plans are not owned by the applicant. 600 deciduous trees were planted by the neighbouring farm and there are concerns that users of this new caravan park could damage and compromise them.
- The application site is on an area of permanent grassland (at least 60 years). Given the recognised importance of long term established grassland as a carbon-sink, consideration and assessment should be made of the carbon impact of the proposed development work.

**On the specific point of concern raised about the proposed development damaging or affecting trees close to the tributary of the Annfield Burn which are not owned by the applicant, any such impact in the first instance would require to be addressed by a private legal matter between the parties involved. Beyond this and in relation to factors which would constitute material planning matters in the context of the application, a condition is recommended as set out in Section 9 below (Condition 6) which requires details to be submitted and approved by the Planning Service for the protection of trees both within the application and surrounding the application site to ensure that they are not compromised during the construction stage until the development is complete.**

**In terms of the points raised about the redevelopment of this site which will have the consequence of the site ceasing to function as grassland and agricultural land, the merits of its current land use in relation to the proposed development have been carefully balanced and considered. As set out in the earlier assessment section above, the position reached is that the type of development has strong policy support and that sufficient measures have been provided in support of the application will ensure that the development will not unduly impact in environmental terms (including in terms of flood risk, biodiversity and tree retention).**

### Traffic and Road Usage

- Concern regarding the increased traffic and road usage. The road to/from the caravan park is unable to cope with the current level of traffic so information needs to be provided to understand what is being done to improve the road network in order to cope with the increased volume and usage.

**The Ayrshire Roads Alliance (ARA) has been consulted on this planning application and have offered no objection in their final and revised consultation response received. Whilst they initially issued a holding objection and requested a revised Transport Assessment, it is important to note that the reasons for this related specifically to the assertions made relating to active and sustainable transport options from both within and close to the site. ARA at no point in this process have objected to the design of internal road layout proposed as part of the extension development or the suitability of the existing wider road network and access to Crofthead Holiday Park in terms of its capacity to accommodate and support the additional traffic and vehicle movements associated with the development.**

**On this basis and noting that ARA have not raised any issue regarding the adequacy of the internal road network or the wider existing local road network, its capacity to accommodate the development or any other road or traffic issues, the the proposed development is considered to be acceptable in these terms and it is considered that the site and surrounding area can accommodate this extension to the caravan park.**

#### 7.2.3 Consultation Responses Received

As previously set out, some consultees had requested additional information particularly with regards to flooding and this includes both SEPA and ARA as the Council's Flood Management Authority. It is relevant to note that all consultees who requested additional information as part of the application have now confirmed that the previous outstanding matters raised in the earlier responses, have been appropriately satisfied through the additional information provided by the applicant as part of this current application.

As part of this current planning application, no objections have been received from any consultees in their final responses, and this included statutory consultees to the process. Some consultees have requested mitigation or further details, and, in all cases, it is considered that these can be addressed through the imposition of appropriately worded planning conditions and advisory notes which are all included in the recommendations sub-section below.



**8. Conclusion:**

Following review, it has been established that both Local Development Plan 2 (LDP2) and National Planning Framework 4 (NPF4) which make up the statutory development plan are generally supportive of the extension of the established recreational/tourism use in this location and the economic and social benefits of the development have been afforded due weight as required by the framework. Whilst this support is subject to the consideration of matters including landscape/visual impacts, infrastructure and transport implications and requirements for environmental mitigation, it has been demonstrated and satisfied that the proposed development is compliant with the specific policies which cover these topics across the statutory development plan framework.

Subject to specific conditions restricting the usage of the caravans, the requirements for the retention, reinforcing and enhancing of landscaping on site and other technical requirements including transport measures and drainage, it is considered that the proposal complies with the provisions of the planning framework and that there would be no significant adverse impact on the rural setting and amenity of the locality. Given the above assessment of the proposal and having balanced the applicant's rights against the general interest, it is recommended that the planning application be approved subject to conditions.

**9. Recommendation:**

It is recommended that the application is approved with condition(s).

**Conditions:**

1. That the development hereby permitted must be begun within three years of the date of this permission.
2. That the development hereby granted shall be implemented in accordance with the approved plan(s) as listed below and as forming part of this permission unless a variation required by a condition of the permission, or a non-material variation has been agreed in writing by the Planning Authority.
3. That the proposed caravans shall not be promoted, advertised, let or used for any purpose other than as holiday accommodation.
4. Prior to the commencement of development on site, a full and detailed landscaping scheme, shall be submitted to and approved in writing by the Planning Authority. The scheme of landscaping shall indicate the siting, numbers, species and heights of all native trees, shrubs, and hedges to be planted and details as to how the existing areas of hedgerows, trees and areas of woodland are to be reinforced and enhanced. Thereafter, the landscape scheme as approved shall be implemented within the first planting season following the completion or occupation of the relevant phase of development, whichever is sooner.
5. Prior to the commencement of development of the site, details of the future management and aftercare of the retained and proposed landscaping and planting shall be submitted to and approved in writing by the Planning Authority. As part of this, the maintenance arrangements shall confirm that any trees, shrubs, plants or grass forming part of the approved landscape scheme agreed through Condition 4, which die, are removed or become seriously damaged or diseased, within a period of 5 years from the date of their planting, shall be replaced by the appointed landscape consultant/contractor with others of similar sizes and species unless the Planning Authority gives written approval to any variation. Thereafter, the approved management and aftercare of the landscaping and planting shall be carried out in accordance with the approved details and be maintained on site for the lifetime of the development, unless otherwise agreed in writing by the Planning Authority.
6. Prior to the commencement of development on site, details of measures to protect trees and hedgerows located within or adjacent to the site boundary shall be submitted to and approved in writing by the Planning Authority. Such measures shall include the erection of fencing in accordance with British Standard BS 5837(2012) 'Trees in Relation to Construction' alongside any other means of protection deemed necessary. No storage of building materials, machinery, plant equipment or piling of soil/aggregate shall take place within the protected areas established pursuant to this condition. Thereafter, the development shall be undertaken in accordance with the approved details and the protection measures agreed shall be maintained as such for the duration of the construction works.

7. No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved by the Planning Authority (in consultation with West of Scotland Archaeological Service (WoSAS)). Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken in accordance with the approved arrangements.
8. No built development shall take place below the local 40 metre Above Ordnance Datum (AOD) contour line as shown and established in the approved 'Flooding Risk Response (Dated 30/11/22)' and associated technical Appendix 4 'Site Plan as Proposed with Contours and Finished Floor Levels' (Drawing No. 22\_594\_P04 Rev B).
9. Further to approved 'Flooding Risk Response (Dated 30/11/22)' and associated technical Appendix 4 'Site Plan as Proposed with Contours and Finished Floor Levels' (Drawing No. 22\_594\_P04 Rev B), all caravan units associated with the development with the exception of units 11 and 23 shall be constructed so that they have a finished floor level which is a minimum of 1 metre above the local 40 metre Above Ordnance Datum (AOD) contour line. For caravan units 11 and 23, these shall be specifically constructed so that they have a minimum finished floor level which is 1.5 metre above the local 40 metre Above Ordnance Datum (AOD).
10. Prior to the commence of any development works associated with the construction of the caravan units on the site, all of the wooden fence structures situated on and across the western bank of the tributary of the Annfield Burn as identified and depicted in approved 'Appendix 5 of Flood Risk Response - Site Photographs (Dated 30/11/22)' shall be removed in their entirety. The Planning Authority shall be notified in writing once this is complete to allow the section of the watercourse to be inspected and photographed accordingly.
11. Prior to the occupation of the first caravan unit within this development and further to the approved amended 'Transport Assessment (dated 14<sup>th</sup> October 2022)', details of the operation and arrangements of the vehicular shuttle service intended to be accessible to guests of Crofthead Holiday Park to transport them between the site and facilities on the A70 shall be submitted to and approved in writing by the Planning Authority (in consultation with the Council as Roads Authority). Thereafter, the approved vehicular shuttle service and associated arrangements shall be implemented and come into effect in full prior to the occupation of the first caravan unit for holiday use within the site and this service shall be maintained as such for the lifetime of the development unless otherwise agreed in writing by the Planning Authority.
12. Prior to the occupation of the first caravan unit within this development, a Guest Travel Pack/Plan shall be submitted to and approved in writing by the Planning Authority (in consultation with the Council as Roads Authority). The Guest Travel Pack/Plan shall include information on walking, cycling and public transport facilities and services within the vicinity of the development site (including journey times by sustainable modes of transport to key local destinations) as well details on how to access the vehicular shuttle service as agreed through Condition 11 above. In addition to this, the Guest Travel Pack/Plan shall include details of the contents of an information pack which will be provided to future occupants of the development to ensure that they are aware of their public transport and active travel options available within the area. Thereafter, the approved Guest Travel Pack/Plan and all associated measures and actions shall be in place and implemented in full prior to the occupation of the first caravan unit for holiday use within the site and as part of this, the approved information pack associated with the Guest Travel Pack/Plan shall be distributed to all new occupiers within the development.
13. Surface water from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems (SUDS) Manual published by CIRIA in March 2007. Prior to the commencement of any development works on site, full details of the design of drainage measures for surface water (including methods to be employed and where appropriate calculations, along with details of how these measures will be maintained in perpetuity), shall be submitted to, and approved in writing by the Planning Authority (in consultation with the Council as the Flood Risk Management Authority). Thereafter, the approved drainage measures for surface water treatment arrangements including any associated on-site drainage infrastructure and features, shall be implemented as approved and maintained as such for the lifetime of the development unless otherwise agreed in writing by the Planning Authority.

**Reasons:**

1. *To be in compliance with Section 59 of The Town and Country Planning (Scotland) Act 1997 as amended by Section 32 of The Planning (Scotland) Act 2019.*
2. *To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.*
3. *In order to retain full control over the development and to avoid the creation of any additional permanent dwellinghouses.*
4. *In the interests of visual amenity and to secure and safeguard landscape screening in the interests of residential amenity.*
5. *In the interests of visual amenity and to ensure that the agreed landscape measures are fulfilled.*
6. *In order to ensure no damage is caused to trees within and neighbouring the site during development operations.*
7. *To establish whether there are any archaeological interests on the site and to allow for archaeological excavation and recording if it is deemed necessary.*
8. *In the interests of mitigating flood risks for the development.*
9. *In the interests of mitigating flood risk for the development and future occupants of the caravan units.*
10. *To ensure that the fence structures near the burn which could trap debris, act as a blockage and form a barrier during a flood event are removed to mitigate/avoid such a risk.*
11. *To encourage, promote and facilitate the use of sustainable means of travel situated outwith the application site.*
12. *To encourage and promote the use of sustainable means of travel.*
13. *To ensure the site is drained in a sustainable manner that complies with the general surface water flood risk principles of Scottish Planning Policy (SPP) in that no flooding of properties could take place up to a 1 in 200-year event with an allowance for climate change.*

**Advisory Notes:**

**South Ayrshire Council Biodiversity and Ranger Services**

- Further to Condition 4 above, for additional landscaping of trees and shrubs, native species (especially flowering/berry producing varieties) should be included in the interests of enhancing biodiversity opportunities. In addition to this, flowering lawn mix instead of grass around the units would benefit pollinators and reduce the need for chemicals to maintain and this should be considered.
- Further to Condition 5 above, it is recommended that maintenance for hedgerows to benefit biodiversity is to trim hedgerows no more frequently than every other year, preferably every third year for slow growing thorn hedges, and to adopt rotational cutting regime so no more than one third of hedges are trimmed within the same 12 months.

**West of Scotland Archaeological Service (WoSAS)**

- Further to Condition 6 above, WoSAS would anticipate that this will be implemented in a staged manner, the first stage being archaeological evaluation of the application area. This will involve hiring a professional archaeological contractor (see list on our web site [www.wosas.net](http://www.wosas.net)) to undertake the required works. The results of these initial investigations will dictate the need for any further archaeological works on the site prior to or during further disturbance as necessary. Any significant discoveries will have to be excavated before their destruction including any post excavation analyses and publication required.

**Scottish Water**

- Water Capacity Assessment – There is sufficient capacity in the Bradan Water Treatment Works to service the development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.
- Waste Water Capacity Assessment – There is currently sufficient capacity for a foul only connection in the Waste Water Treatment works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.
- Please Note – The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

## Regulatory Panel (Planning): 30 March 2023

Report by Housing, Operations and Development Directorate (Ref: 22/00483/APPM)

- Drinking Water Protected Areas – A review of our records indicates that there are no Scottish Water drinking water catchments or water abstraction sources, which are designated as Drinking Water Protected Areas under the Water Framework Directive, in the area that may be affected by the proposed activity.
- Surface Water – For reasons of sustainability and to protect customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system. In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the development should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request.
- General Notes – Scottish Water asset plans can be obtained from our appointed asset plan providers (Site Investigation Services (UK) Ltd. Telephone: 0333 123 1223. Email: [sw@sisplan.co.uk](mailto:sw@sisplan.co.uk)).
- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.
- If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- Scottish Water may only vest new water or wastewater infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
- All proposed developments require to submit a Pre-Development Enquiry (PDE) to be submitted directly to Scottish Water via our Customer Portal prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals. Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer which Scottish Water can contribute towards through Reasonable Cost Contribution regulations. As network upgrades will be required to support this development, it is recommended that a PDE is submitted at your earliest convenience.

### SEPA

- It is recommended that the precautionary approach applied to the site layout which includes a minimum 9m buffer strip from the top of the banks of the watercourse is maintained at all times. SEPA have no objection to the access road being located in this area provided it is built at existing ground levels with no land raising taking place.
- Buffer strips can allow space for natural watercourse migration and to reduce the impact of any overtopping. A buffer would also ensure adequate watercourse access for maintenance assessment and ensure bank stability as well as having multiple benefits such as a biodiversity and pollution reduction.

### List of Determined Plans:

- Rural Location Plan (Drawing No. 22-594-P01)
- Location Plan (Drawing No. 22-594-P02)
- Topographical Survey (Drawing No. 22-594-P03)
- Proposed Site Plan (Drawing No. 22-594-P04)
- Cross Sections (22-594-P05)
- Planning Supporting Statement (Dated 06/06/22)
- Pre-Application Consultation Report (Dated 06/06/22)
- Pre-application Consultation – Additional Information Leaflet (Dated 06/06/22)
- Pre-application Consultation – Consultee Invitation Brochure (Dated 06/06/22)
- Pre-application Consultation – Copy of Notification Letter (Dated 06/06/22)
- Pre-application Consultation – Copy of Press Advertisement (Dated 06/06/22)
- Amended Transport Assessment (Dated 14/10/22)
- Flood Risk Response and Statement to SEPA (Dated 30/11/22)
- Details of Existing Watercourse – Appendix 1 of Flood Risk Response (Drawing No. 22\_594\_P06 Rev B, Dated 30/11/22)
- Cross Section through Burn – Appendix 2 of Flood Risk Response (Drawing No. 22\_594\_P07, Dated 30/11/22)

**Regulatory Panel (Planning): 30 March 2023**

Report by Housing, Operations and Development Directorate (Ref: 22/00483/APPM)

- Details of Existing Ditch – Appendix 3 of Flood Risk Response (Drawing No. 22\_594\_P06, Dated/ 30/11/22)
- Site Plan as Proposed with Contours and Finished Floor Levels - Appendix 4 of Flood Risk Response ((Drawing No. 22\_594\_P04 Rev B, Dated 30/11/22)
- Site Photographs of Watercourse - Appendix 5 of Flood Risk Response (Dated 30/11/22)

**Reason for Decision (where approved):**

The siting and design of the proposed extended caravan park development is considered to accord with the provisions of the statutory development plan and there is no significant adverse impact on the amenity of neighbouring land or the surrounding environment and landscape that would warrant refusal of the application.

**Background Papers:**

1. Application form, plans and submitted documentation.
2. National Planning Framework 4 (NPF4).
3. Adopted South Ayrshire Local Development Plan (LDP2).
4. Representations received.
5. Consultation responses received.

**Equalities Impact Assessment**

An Equalities Impact Assessment is not required because the proposed development is not considered to give rise to any differential impacts on those with protected characteristics.

**Person to Contact:**

Mr Ross Lee, Supervisory Planner (Place Planning), 01292 616 383

**REGULATORY PANEL: 30 MARCH 2023**

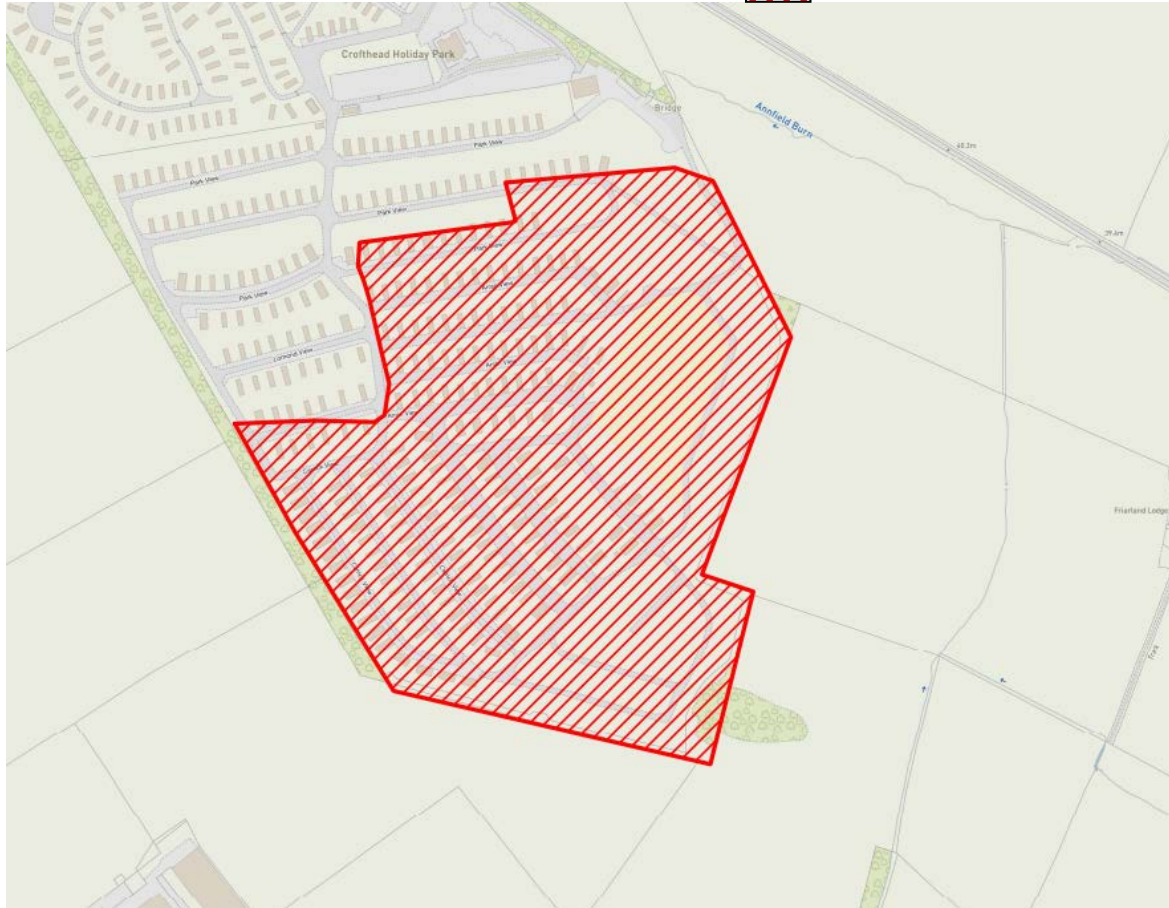
**REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE**

**22/00929/FURM**

**CROFHEAD CARAVAN PARK C74 FROM B742 NORTH EAST OF BOWMANSTON TO A70 AT OLD TOLL AYR SOUTH AYRSHIRE KA6 6EN**

**Location Plan**

**APPLICATION SITE** 



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**Summary**

This application is made under Section 42 of the Town and Country Planning (Scotland) Act 1997, to seek permission to remove specific conditions associated with an earlier related planning permission Ref. 15/01231/APPM on the same site. The existing planning permission to which this Section 42 planning application relates to was for a change of use of agricultural land to form an extension to the existing caravan site on the eastern and southern side of the wider Crofthead Holiday Caravan Park and it was approved at the Council's Regulatory Panel on the 11<sup>th</sup> of April 2016. This planning application granted was subject to a suite of conditions which included conditions which limited the total number of caravan units consented, restrictions on the locations in which the caravan units/rows could be placed within the site and requirements for a revised structural landscape scheme.

Following review of the wider caravan park site as part of a separate and unrelated planning history review in May 2022, the Planning Service identified discrepancies between the approved development layout subject to application 15/01231/APPM and the development 'as built' and largely implemented on this part of the site. It was established that the alternative layout as being built on site did not conform to the specific terms of some of the conditions on the earlier planning permission 15/01231/APPM and was of a different development layout and arrangement and increased density in terms of the overall number of caravans permitted. This current Section 42 planning application has been submitted by the applicant and agent in response to this and the timeline from when these works first started in 2018 until the submission of this application are set out in detail within the 'Section 1.3 Planning Enforcement History' of the Panel Report.

**Regulatory Panel (Planning): 30 March 2023**

Report by Housing, Operations and Development Directorate (Ref: 22/00929/FURM)

In summary, the application has been made on the basis that the applicant and their appointed agent consider that despite the non-compliance with the terms of certain conditions attached to the permission, the alternative layout and development density as largely built on the application site is still in overall terms acceptable for the site. As part of this, they have provided justification as to why they consider it acceptable for them to not comply with the terms of the conditions of the earlier planning permission Ref. 15/01231/APPM and why the site has the capacity and capabilities to host a layout and density of caravans which differs from that which was consented through the terms of the conditions attached to planning permission application Ref. 15/01231/APPM.

All previous consultees consulted as part of the earlier planning permission Ref.15/01231/APPM have been re-consulted as part of this Section 42 planning application with no objections raised. The application has also been subject to neighbour notification and public advertisement with no formal representations received from any parties at the time of writing this report.

Having considered and reviewed the conditions in question and more broadly the differences between the development layout that has been built out on site in comparison to the approved layout subject to the earlier planning application granted, it is considered that the development (subject to environmental mitigation) does still fundamentally remain in conformity with the relevant policies of the statutory development plan framework, and it is considered that the proposal is capable of favourable consideration against the terms, criteria and requirements of both NPF4 and LDP2 as a result of mitigation secured through the Section 42 application process. On this basis, it is agreed to remove Conditions 1, 2, 3, 4, 6, 8, 9 and 11, with the reasons set out for this detailed in the Panel Report below.



## REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

**REGULATORY PANEL: 30 MARCH 2023**

<b>SUBJECT:</b>	<b>SECTION 42 PLANNING APPLICATION REPORT</b>
<b>APPLICATION REF:</b>	<b>22/00929/FURM</b>
<b>SITE ADDRESS:</b>	<b>CROFTHHEAD CARAVAN PARK C74 FROM B742 NORTHEAST OF BOWMANSTON TO A70 AT OLD TOLL AYR SOUTH AYRSHIRE KA6 6EN</b>
<b>DESCRIPTION:</b>	<b>SECTION 42 APPLICATION TO REMOVE PLANNING CONDITIONS 1, 2, 3, 4, 6, 8, 9, 10 AND 11 OF PLANNING CONSENT REF. 15/01231/APPM</b>
<b>RECOMMENDATION:</b>	<b>APPROVAL WITH CONDITIONS</b>

### APPLICATION REPORT

This report fulfils the requirements of Regulation 16, Schedule 2, paragraphs 3 (c) and 4 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. The application is considered in accordance with the Council's Scheme of Delegation as well as the Procedures for the Handling of Planning Applications.

#### 1. Proposal:

##### 1.1 Site Description

The application site sits within and forms part of the wider Crofthead Holiday Park and comprises of approximately 13.2 hectares on the south-eastern side of the park itself. The wider site comprises of an existing and established holiday caravan park (with approximately 350 caravans in situ and occupied through earlier consents) alongside a few remaining parcels of agricultural land to the south at Crofthead. It is relevant to note that the extent of the holiday park as built out alongside the existing park boundary (comprising approximately 26 hectares) is Council owned with a long-term lease agreement being in place from 2006 for the applicant to operate and manage the site.

The wider park is located to the south of the Masonhill Crematorium and approximately 0.5km to the east of the A77 trunk road and vehicular access to the site is obtained from an existing entrance which feeds of the C-class minor road that runs from the A70 past the Crematorium. The application site itself rises in height from the north where it forms a plateau and then the site then slopes away to the southern portion of the site, with areas of more level and low-lying land behind the hillside. Due to this topography, the caravan park is visible from outwith the application site.

At present, the application site has already been largely 'built out' and developed with a number of caravan rows and units in situ and a large number of these already sold off and now occupied with holiday users and occupants. Development work on the site initially commenced sometime in 2018 and has progressed extensively across the site since then. At the time of writing this report, 198 physical caravan units are in place on the site and occupied for holiday use purposes, with a remaining 30 caravan plot bases and pitches prepared and awaiting the introduction of the actual physical caravan units. The internal road networks, services, ancillary infrastructure and landscaping have also primarily been implemented and installed throughout the site, with the exception of the southwest and southeast corner which has only been partially developed.

Notwithstanding the extent of the works undertaken across the application site and the advanced stage of 'build out' at this time, it is the case that the layout and density of the development implemented to date does not comply with the terms of planning application Ref. 15/01231/APPM with regards to the specific conditions attached to the permission relating to a variety of different matters. It is for this reason that this Section 42 application has been submitted and all of this is considered in more detail in the proceeding sub-sections of Section 1 below.

## 1.2 Planning Application History

The land subject to this application relates to a much larger site to the north, west and south which has an extensive planning history to it. The location plan supplied as part of this Section 42 planning application provides clarification on the extent of the surrounding land leased by the applicant/site operator from the Council (area delineated by the blue boundary) and which forms part of the wider Crofthead Holiday Caravan Park. Details of the planning history for the wider holiday caravan park situated which form this area on the Location Plan are set out below for context:

- 03/01601/COU - Change of use of agricultural land to form extension to existing caravan park. (Permitted).
- 05/00718/COU - Change of Use of agricultural land to form extension to existing caravan park. (Permitted).
- 10/01443/APP - Change of use of agricultural field to form extension to caravan park including siting of 30 static caravans and associated services. (Permitted).
- 11/01146/APP - Change of use of agricultural land to form extension to caravan park with associated services. (Permitted).
- 13/00686/APP - Change of use of agricultural land to form extension to caravan park with associated services. (Withdrawn).
- 13/01340/APP - Change of use of agricultural land to form extension to caravan park with associated services. (Permitted).
- 14/00660/APP - Change of use of agricultural land to form extension to caravan park. (Permitted).
- 14/01156/APP - Change of use of agricultural land to form extension to caravan park. (Permitted).
- 14/01667/APP - Change of use of agricultural land to form extension to caravan park. (Permitted).
- 15/01231/APPM - Change of use of agricultural land to form extension to caravan site. (Permitted).
- 19/00078/APP - Erection of a facilities block, and associated works to form a car park (Permitted).
- 22/00483/APPM - Change of use of field to form extension to an existing holiday park to site an additional 150 holiday lodges. (Pending Consideration).

Most notable of these for this current Section 42 planning application is planning permission application; Ref. 15/01231/APPM and this application is of direct relevance to this current Section 42 application noting that it relates to the same application site and that it is the conditions of this specific planning permission which are sought to be removed through this current application.

The proposals subject to this earlier planning permission application sought the change of use of agricultural land to form an extension to Crofthead Holiday Caravan Park, indicatively showing the siting of 242 static caravans/lodges and associated services. In effect, the proposal involved the extension, by approximately 13.2 hectares, incorporating 242 new pitches of the existing caravan site along its existing southern built out boundary.

Following review and consideration of this application at this time, the Planning Service established that the development proposals in their original submitted form would not be acceptable in terms of their impact on the locality of the site on both visual and landscaping grounds. Notwithstanding this, it was considered that the proposals would not adversely impact on the rural landscape setting or amenity of the locality with the use of conditions to ensure structural landscaping to filter and screen the development and the deletion of a number of plots and rows of caravans from more prominent locations within the site, reducing the overall density of the development as a result.

On this basis, 13 conditions were proposed in total, and this included conditions which excluded specific plots and rows of caravans in visually sensitive areas within the site, which sought additional structural landscaping and planting, and which secured adequate arrangements to be in place regarding the maintenance of the roadside hedge which abuts the site. It should be noted that the condition which excluded certain plots being built meant that the overall number of caravans that could be consented was to be reduced to 197 as opposed to the 242 originally applied for and Condition 3 of 15/01231/APPM secured this.

This planning application was considered at the Council's Regulatory Panel on the 12<sup>th</sup> of August 2016, and it was approved subject to all of the aforementioned conditions.

### 1.3 Planning Enforcement History

As previously set out, it is relevant to note that much of the development works subject to this application and the request for removal of the conditions have already been undertaken on this application site and the issues relating to the differences between the development approved through planning application Ref. 15/01231/APPM and the layout and density of what has/is being built on site have already been subject to a review by the Planning Service previously, with development works on site commencing some time in 2018.

Discrepancies on this particular part of the wider caravan park site were first identified by the Planning Service in December 2018 and a formal enforcement case and record (Council reference 19/00029/COND) was created at this time. Following on from this, there was a review of the extent of the differences to establish a course of action noting that conditions on the earlier approved application 15/01231/APPM were not being complied with. At this time and following the initial review, it was established that approximately 40 caravan units had been installed in locations and positions which were in conflict with the related planning application Ref. 15/01231/APPM. As part of this review, the Planning Service also identified that a number of the conditions attached to application Ref. 15/01231/APPM had never been formally discharged and this was despite evidence of written requests from the applicant and their agent in October 2016 to discharge a number of the suspensive conditions associated with the permission.

Between December 2018 and July 2019, the enforcement review involved extensive discussions between the applicant, their appointed agent, the Planning Service and a number of internal Council consultees and as part of this a series of site visits, meetings and consultations exercises were undertaken. The aim as set out in the various correspondence issued by the Planning Service at the time was to look to regularise the breach of conditions that had taken place and work in conjunction with both the applicant and their agent to identify the best way to minimise any further impact from the alternative layout being implemented. As is in keeping with the Planning Services approach at that time, it is relevant to note that no formal enforcement or stop notices were served by the Planning Service to either prevent the applicant from continuing to develop the site or to insist on the reinstatement of the site and land to its previous condition. Instead, the initial conclusion reached by the Planning Service at the end of July 2019 following input from the Council's Legal Services, was for the applicant and agent to submit a Section 42 planning application to consider the different layout and a revised landscape scheme for the site in relation to the conditions it was in conflict with. Underpinning this approach was a recognition that it would be unlikely that given the extent of development works undertaken at that time, that the Planning Service would be able to successfully secure the restoration needed in environmental terms and that therefore, the Section 42 application would be utilised to secure enhanced landscape to mitigate the unauthorised works to an acceptable level.

Despite the proactive engagement between parties that took place between December 2018 and July 2019 and a route being identified to address the unauthorised development layout, the progress of this enforcement assessment and review was halted by the COVID-19 pandemic and the correspondence and records available indicate that a period of almost 2 years passed before this matter picked up again and was continued by the Planning Service. When governmental COVID-19 restrictions started to ease and this enforcement case was able to be picked up again by the Planning Service in November 2020, it became apparent that further development work had taken place on the application site in the intervening period which further departed the 'as built' development layout on site from the conditions and layout approved as part of planning application Ref. 15/01231/APPM. At this time and noting the extent of the additional physical changes that had taken place on site between the 2-year time period, this reinforced the Section 42 application as the only reasonable option, with the aim still being to mitigate the 'as built' layout to a point of acceptability. On this basis, the Planning Service once again requested a Section 42 planning application to consider the removal of conditions that were not being complied with as part of the 'as built' development on the site. It should be noted that the Planning Service requested at this time that the applicant and their appointed agent engaged with them before formally submitting the Section 42 planning application in order to agree whether it sufficiently covered the extent of non-compliance identified through the enforcement review.

In the months following the Section 42 submission being confirmed and agreed as the appropriate course of action, there were significant personnel changes and the majority of the members of the Planning Service who were directly involved in this particular enforcement review left the Council. Unfortunately, there are no records beyond the request in November 2020 from the Planning Service to understand if any further discussions took place. The applicant continued to develop the site with both a recognition and an awareness that they were implementing a different and unauthorised development scheme than that which was consented through application 15/01231/APPM. As part of this, unconsented caravan bays continued to be formed and caravan units continued to be brought into the site and placed in locations which were not permitted and without the submission of a Section 42 application to try and regularise them.

This continued until the middle of July 2022 where members of the Planning Service through a completely independent and unrelated planning history review of the wider caravan park indirectly re-discovered the same discrepancies previously identified between what had been approved through application Ref. 15/01231/APPM. Through a fresh review and search of the site history the existing enforcement case was identified. From review of the content of this enforcement case, this allowed the Planning Service to gain an understanding of the chronology and timeline of the assessment undertaken between December 2018 and November 2020. As summarised above and this provided a baseline and starting point for re-commencing this review from a planning enforcement perspective.

The Planning Service in July 2022 instructed the applicant to submit a Section 42 planning application without any further delay and this was subsequently submitted in November 2022. Requesting a Section 42 application not only represented a consistent approach with the outcome of the previous review of the Planning Service between the end of 2018 until the end of 2020 but it was also seen as one of the only effective procedural planning mechanism option in the current circumstances to regain a degree of control and influence over the situation on the site, to formally consider the merits of the extent of the difference of the unconsented works and how much of a departure these represented from the conditions attached to the earlier consent granted for the site and to secure further mitigation where established as appropriate.

#### 1.4 Proposals subject to this Section 42 Planning Application

The proposals subject to this Section 42 planning application seeks to remove conditions attached to the earlier related planning application Ref. 15/01231/APPM and it has been submitted in response to the fact that the site is being developed in a different layout than that which obtained consent through the terms of conditions of planning application Ref. 15/01231/APPM.

From identifying the nature and characteristics of the differences between the approved and 'as built' layouts, it was established that conditions 1, 2, 3 and 4 of planning permission Ref. 15/01231/APPM are of particular relevance as these are the conditions which limited the location and positioning of caravan units/rows, the overall number of caravan units consented and the arrangements for structure planting, landscaping and hedge management. In turn, it is these conditions which have primarily not been complied with when looking at the development 'as built' and implemented on the site.

The application seeks to remove these same conditions and by virtue of this, obtain permission for the alternative 'as built' layout on the site which differs from that envisaged under the conditional approval for application 15/01231/APPM. In summary, the 'as built' layout comprises of the following differences:

- A different development layout from that previously approved through the conditions of the permission.
- A layout which includes siting caravan units in most of the locations and positions which had been deleted and identified as 'no build' zones by Condition 2.
- A layout which goes beyond the limitation of 197 caravan plots total as specified in Condition 3.
- A layout that has a total of 228 caravan pitches, comprising 198 pitches with physical caravan units already sited and being occupied for holiday accommodation use and 30 pitches already prepared and awaiting physical caravan units (at the time of writing this report).
- A layout which includes alternative planting and landscaping concurrently with the siting of caravans.
- A layout with an alternative road geometry and layout.

The applicant and their appointed agent have submitted this Section 42 application as they consider that despite the clear non-compliance with the terms of Conditions 1, 2, 3 and 4 attached to the earlier permission, the alternative layout, the re-positioning of caravans and the increase in caravan plot density and volume 'as built' on the application site is still in overall terms acceptable. To substantiate this position, they have provided specific justification as to why they consider it acceptable for them to not comply with the terms of the conditions of the earlier planning permission Ref. 15/01231/APPM and why the site has the capacity to host a layout and density of caravans which differs from that which was consented through the terms of the conditions attached to planning permission application Ref. 15/01231/APPM. In support of this Section 42 application, they have provided a series of comparison drawings and plans, a Planning Statement, a Landscape and Visual Impact Assessment (LVIA) and a revised landscape scheme for the site.

In addition to seeking to justify the acceptability of the alternative developments non-compliance with the primary conditions of relevancy to this Section 42 application (e.g, Conditions 1, 2, 3 and 4) which relate to the layout, the density and the structure planting approved as part of the earlier planning permission Ref. 15/01231/APPM, the applicant and their appointed agent has also sought to utilise this Section 42 planning application to remove other conditions which they consider no longer apply for various different reasons and circumstances. This includes Conditions 6, 8, 9, 10 and 11 and these relate to matters associated with an archaeological watching brief, a hedge management plan, a lighting strategy, existing, proposed and finished levels and a construction methods statement.

The exact terms and wording of each of the conditions of planning permission application Ref. 15/01231/APPM and which are relevant to this Section 42 planning application alongside a consideration and assessment of the reasons proposed for their removal are set out in full in the Assessment section below.

### 1.5 Planning Procedure Matters

#### Council's Scheme of Delegation

This Section 42 planning application is a 'Major' scale application under the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. As previously set out, it also relates to a previous 'Major' development application (Council Reference; 15/01231/APPM) to extend the caravan park which was considered at the Council's Regulatory Panel, and this consented layout and density now differs in terms of the 'as built' development physically implemented on site. On this basis, under the Council's Scheme of Delegation, this Section 42 application requires to be presented to Regulatory Panel for both consideration and determination.

#### Environmental Impact Assessment (EIA) Regulations

In terms of EIA Regulations, it is relevant to note that this Section 42 planning application was submitted without an EIA Screening Opinion being sought from the applicant either before or at the same time as it was lodged. Regulation 11 requires the Planning Authority to screen any application received without an EIA Report where it appears to them that it is either Schedule 1 or Schedule 2 development and no Screening Opinion or Screen Direction has previously been issued.

The proposed development that the conditions related to falls within the auspices of one of the criteria of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, namely, 'holiday village/hotel complexes outside urban areas and associated development project which exceeds 0.5 hectares'. On this basis and accordance with Regulation 11 of the EIA Regulations, the Planning Service have undertaken their own screening of the application against the criteria of Schedule 3 (Council Reference; 22/01078/EIASC). The conclusion reached is that the development subject to this planning application is not an EIA development and in turn this confirmed that this application did not require to be accompanied by an EIA Report.

#### Proposal of Application Notice (PAN)

In accordance with the Development Management Procedure Regulations, a Proposal of Application Notice (PAN) did not require to be undertaken or submitted as part of this Section 42 planning application. The PAN process for the earlier related parent planning permission application 15/01231/APPM has been fulfilled.

#### Design & Access Statement

In accordance with the Development Management Procedure Regulations, this type of application (Section 42 planning application) is exempt from the requirement to provide a Design and Access Statement. The Design and Access Statement for the earlier related parent planning permission application 15/01231/APPM has been fulfilled.

**2. Consultations:**

- **Scottish Environmental Protection Agency (SEPA):** No objections.
- **Scottish Water:** No objections.
- **Nature Scot:** No objections.
- **West of Scotland Archaeological Service (WoSAS):** No objections.
- **Ayrshire Roads Alliance (ARA):** No objections subject to conditions.
- **South Ayrshire Council Biodiversity and Ranger Services:** No objections subject to conditions.
- **South Ayrshire Council Environmental Health Service:** No objections.
- **South Ayrshire Council Development and Advice Officer:** No objections subject to conditions.
- **South Ayrshire Council Economy and Regeneration Service:** No response at the time of writing this report.
- **Visit Scotland:** No response at the time of writing this report.
- **Carol Anderson Landscape Associates Ltd:** No objections subject to conditions.

In the interests of both consistency and transparency, all consultees consulted as part of the earlier planning permission application 15/01231/APPM which the conditions subject this Section 42 application relate to have been formally consulted as part of this current application.

In addition to this, Carol Anderson Landscape Associates Ltd has also now been formally consulted as an external Landscape Architect and Adviser to give an independent, professional review of the 'as built' development from a visual and landscape perspective. Their findings and recommendations have informed the Planning Services overall position, and this is set out in the assessment section below.

Furthermore, and to comply with Section 23 of the Planning (Scotland) Act 2019 which now applies, it is relevant to note that all ward Councillors, MSPs and MPs have been formally notified about this Section 42 application.

**3. Submitted Assessments/Reports:**

In assessing and reporting on a planning application the Council is required to provide details of any report or assessment submitted as set out in Regulation 16, Schedule 2, para 4(c) (i) to (iv) of the Development Management Regulations.

This Section 42 planning application has been accompanied by a Planning Supporting Statement, a Landscape and Visual Impact Assessment and a series of other plans including the plans which formed part of the earlier permission Ref.15/01231/APPM (to allow for comparisons) alongside topographical and levels plans, cross sections, landscaping plans and 'as built' site plans of the current alternative layout and development as implemented on site. It should be noted that following a request from the Planning Service (and consultees to the process), the landscape plans have been updated and the originals as proposed have been superseded.

**4. S75 Obligations:**

In assessing and reporting on a planning application (including an application made under Section 42) the Council is required to provide a summary of the terms of any planning obligation entered into under Section 75 of the Town and Country Planning (Scotland) Act in relation to the grant of planning permission for the proposed development.

**None.**

**5. Scottish Ministers Directions:**

In determining a planning application (including an application made under Section 42), the Council is required to provide details of any Direction made by Scottish Ministers under Regulation 30 (Directions requiring consultation), Regulation 31 (Directions requiring information), Regulation 32 (Directions restricting the grant of planning permission) and Regulation 33 (Directions requiring consideration of condition) of The Town and Country Planning (Development Management Procedure)(Scotland) Regulations 2013, or under Regulation 50 (that development is EIA development) of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017.

**None.**

## **6. Representations:**

No representations have been received at the time of writing this report.

It is relevant to note that as revised plans and drawings for additional landscaping and changes to the site layout were submitted as part of this application (which constituted new, material information in the context of this proposal), this application was subject to a further public advertisement beyond the original one undertaken when this Section 42 application was first submitted. This is in line with Section 32A Subsection 4) of the Town and Country Planning (Scotland) Act 1997.

## **7. Assessment:**

The considerations in the assessment of this Section 42 application are primarily the merits of the removal of the conditions considered in the context of the statutory development plan framework comprising of Local Development Plan 2 (LDP2) and National Planning Framework 4 (NPF4) (Part 7.1) below) alongside material considerations which include the planning application and planning enforcement history, the impact of the proposal on the amenity of the locality and the consultation responses and input received (Part 7.2) below).

### **7.1 Statutory Development Plan Framework**

#### *7.1.1 National Planning Framework 4*

On 13th February 2023, Scottish Ministers published and adopted National Planning Framework 4 ('NPF4'). NPF4 sets out the Scottish Ministers position in relation to land use Planning matters and now forms part of the statutory development plan, along with the South Ayrshire Local Development Plan 2 ('LDP2') (adopted August 2022).

Sections 25(1) and 37(2) of The Town and Country Planning (Scotland) Act 1997 (as amended) indicates that in making any determination under the Planning Acts, regard is to be had to the development plan. The determination shall be made in accordance with the plan unless material considerations indicate otherwise. The application is determined on this basis.

Legislation states that in the event of any incompatibility between a provision of NPF4 and a provision of an LDP, whichever of them is the later in date is to prevail (The Town and Country Planning (Scotland) Act 1997 ("the 1997 Act"); Section 24(3)). NPF4 was adopted after the adoption of LDP 2, therefore NPF4 will prevail in the event of any incompatibility.

In this specific case, the application has been submitted under Section 42 of the Act. Section 42(2) of the Act requires that the Planning Authority shall consider only the question of the conditions subject to which the previous permission was granted. The principle of the proposed development cannot therefore be reconsidered as part of this assessment and due weight also requires to be given to the specific terms of the conditions sought for removal when considering the applicable policies of the statutory development plan.

The following policies of NPF4 are relevant in the assessment of the application and can be viewed in full online at <https://www.gov.scot/publications/national-planning-framework-4/>.

- Policy 3 Biodiversity
- Policy 6 Forestry Woodland and Trees
- Policy 14 Design, Quality and Place
- Policy 22 Flood Risk and Water Management
- Policy 29 Rural Development
- Policy 30 Tourism

The following policies of the South Ayrshire Local Development Plan 2 are relevant in the assessment of the application and can be viewed in full online at [Local development plan 2 - South Ayrshire Council \(south-ayrshire.gov.uk\)](https://www.south-ayrshire.gov.uk):

- LDP Policy Spatial Strategy
- Strategic Policy 1: Sustainable Development
- Strategic Policy 2: Development Management
- LDP Policy: Tourism
- LDP Policy: Landscape Quality
- LDP Policy: Preserving Trees
- LDP Policy: Water Environment
- LDP Policy: Flood and Development
- LDP Policy: Air, Noise and Light Pollution
- LDP Policy: Land Use and Transport

In essence, NPF4 and the policies which apply in the context of this development proposals subject to the application as scheduled above largely overlap with the policy considerations and requirements of LDP2. Whilst there are some differences in specific criteria requirements within certain policies, it is not considered that any of these would constitute an apparent material policy conflict or contradiction which would require a particular policy of NPF4 to be considered in place of a policy in LDP2.

The provisions of NPF4 and LDP2 must be read and applied as a whole, and as such, no single policy of either should be read in isolation. In this context, the principle of development has already been established through the earlier planning permission application granted (15/01231/APPM) and as such the policies referenced above are only considered in so far as how they relate to the consideration on the scope of works and development associated with the conditions which are sought to be removed respectively. This Section 42 application has been considered in this context below and the relevant aspects of the policies of NPF4 and LDP2 have informed the assessment below.

As previously outlined, this Section 42 application has been submitted to remove conditions attached to the parent planning permission Ref.15/01231/APPM. The assessment of the current application in relation to the conditions of permission 15/01231/APPM is set out below with each condition sought for removal through this Section 42 application scheduled out and a response to it set out below it in bold. The conditions relevant to this application follow the same chronology and sequence as set out on the decision notice for 15/01231/APPM.

1. That the development hereby granted shall be implemented in accordance with the approved plan(s) as listed below and as forming part of this permission unless a variation required by a condition of the permission, or a non-material variation has been agreed in writing by the Planning Authority.

Reason: To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.

**The applicant seeks to remove this overarching condition on the basis that they consider that the alternative 'as built' development on this site (which differs from the layout, density and arrangements from that approved under Ref. 15/01231/APPM), is still in overall terms acceptable in planning terms.**

**As part of this, the Planning Statement and the Landscape and Visual Impact Assessment provided makes a number of points which seek to demonstrate that despite non-compliance with the terms of permission Ref. 15/01231/APPM and more specifically Condition 1 above which stipulated a specific requirement for the development to be implemented in accordance with the approved plans, that the alternative 'as built' is still suitable for positive consideration by the Council.**

**For the reasons set out below (in response to Conditions 2, 3 and 4) it is considered that this broad and overarching Condition 1 can be removed as part of this Section 42 application.**

2. That, notwithstanding the provisions of Condition 1, above, no permission is hereby granted for indicative plots/stances as defined on drawing "Plot numbering 1 to 242 - dated January 2016" and numbered 1 - 3; 10 - 11; 25 - 34; 162 - 167; 174 - 179; 141 - 155; 203; and 210 - 211 (inclusive), unless otherwise agreed, in writing, with the Planning Authority.



Reason: To clarify the terms of this permission and in the interests of visual amenity and to ensure a satisfactory standard of local environmental quality.

The applicant seeks to remove this condition on the basis that they consider that the 'as built' development layout despite building over and across the majority of the plots which was prohibited by Condition 2 above, is acceptable subject to justification. As part of this, through their Planning Statement and the Landscape and Visual Impact Assessment (LVIA), they make a case that the 'as built' development has no more of a landscape impact than the layout approved under Condition 2. The supporting information also seeks to evidence that Condition 2 would not have had the desired effect as intended, that not building on the plots deleted would not have achieved the outcome sought and through specific examples and that the alternative 'as built' development layout implemented on site is not significantly more impactful (to a point of unacceptability) in visual or landscape terms than the layout and development consented through earlier planning permission Ref. 15/01231/APPM.

In the Planning Statement, it acknowledges that the development layout is different to the layout that was previously approved, and reference and acceptance is made to the clear departure from the consented layout which approved caravan rows following the contours of the landscape to them being implemented in a more rigid and straight-line arrangement. Notwithstanding this, they contest that the alignment and layout of the pitches in continuous straight lines is more compatible with the layout relating to the existing site comprising of approximately 300 caravans and that this arrangement is consistent with the layout approved by the Planning Service for extensions in the western parts of the site. They also consider that the 'as built' layout has other benefits and is more efficient in terms of the provision of drainage and access roads and to provide level bays over a larger area and that it has also allowed spacing to increase from the previous layout to between 6m and 8m between each caravan plot.

In terms of the specific rows that were prohibited to be developed on by Condition 2 but have now been built over through the 'as built' alternative development layout, the applicant seeks to address this directly in the Planning Statement and LVIA. As previously noted, they firstly argue that deleting the plots would not have had the intended effect sought by the Planning Service at the time and through examples and assessment they seek to make the case that irrespective of the applicant complying with the terms of Condition 2, the extension granted would have still have notably and materially impactful effect on the skyline and surrounding environment and landscape.

In relation to the first line of units as built on the north side that were deleted in the 2015 application, the agent sets out that the approval still allowed a row of units behind this which were at a higher level and that this example raises questions about the purpose and role of Condition 2. To substantiate this, they reference the cross sections drawing provided as part of this application (Appendix 4 of the LVIA) which highlights the first row which is the original historical consented site had a Finished Floor Level (FFL) of 53.9m, that the second row 'as built' which were deleted had an FFL of 56m, and that the row behind that which was previously consented which is situated on the FFL of 57.7m. They argue that there is no obvious logic around the decision to prohibit units at a specific height then allow others at a higher height in the row behind, particularly when the purpose of the condition was to prevent the development from affecting the skyline. In addition to this, they also go to provide examples which further questions the logic and role of Condition 2 in preventing development on the higher parts of the site which are more visible. This is considered in detail in the LVIA, and the agent quotes some examples which they consider demonstrates the lack of logic and effect of Condition 2 and more specifically how the condition essentially let rows of caravans behind the deletions which are at a higher level than others deleted. The examples cited includes:

- Pitches 1-3 and 10-11 which were deleted by Condition 2, but this still left pitches 4-9 in the exact same row as being acceptable.
- Pitches 210-211 which were deleted by Condition 2, but this leaves pitches 212-220 in the exact same row as being acceptable.

Looking at the merits of Condition 2 of Ref. 15/01231/APPM as set out above, this defines the plots where permission was not granted for caravan bays/stances to be formed on site. As part of the condition, it specifically references approved 'Plot Number 1 – 242 (Jan 2016)' which is a plan which forms part of the approved consent. The plots which did not form part of the permission as deleted through this condition were 1-3, 10-11, 25-34, 162-167, 174-179, 141-155, 203 and 210-211. From comparing the locations of these plots on 'Plot Number 1 – 242 (Jan 2016)' plan to the 'as built' site layout plan supplied as part of this Section 42 application, it is apparent that the condition has not been adhered to. With the exception of plots 1-3 and 10-11, the cross-checking and comparison exercise between the two plans shows that caravan bays/stances have been/are being formed as part of the 'as built' alternative layout on top and across all other plots which were explicitly denied permission through this condition.

On this basis and noting the purpose and role of Condition 2, the central consideration for the potential acceptability of the removal of this condition is to assess the existing and current landscape and visual impact of the park and development and establish whether the 'as built' layout, is acceptable as a result of the case and justification presented by the applicant. As part of this, consideration requires to be given to whether the 'as built' layout unacceptably impacts landscapes and views which were previously unaffected and/or whether it intensifies the impacts on landscapes and viewpoints which were already accepted as being impacted when the original permission granted to an unacceptable level or extent.

To be able to consider this, the Planning Service and the Council's external professional Landscape Architect and Adviser have undertaken site visits and subsequent desktop assessments to understand of the current situation and the extent and visual reach of the park and 'as built' development site from the surrounding environments and landscapes. From review, it was firstly considered that there is little visibility of the caravan park extension from the Masonhill Crematorium to the north-west due to screening from vegetation and landform with the existing older part of the site more prominent in often filtered views through trees. Whilst it was observed that there may be some visibility from the upper windows of properties on Sandyhill Terrace to the north of the caravan site, it is the original part of the caravan park and not the more recent extension which is likely to be seen. In addition to this, it is noted that there is an existing coniferous plantation on the south-eastern side of the road will screen views of the caravan park in its entirety for these properties within approximately 5 years (assuming that this is a commercial plantation rather than a Christmas tree crop). Through the assessments undertaken, it has also been established that in longer views of the development on this site from other locations such as from the A77 heading south, these would remain to be seen in the context of the wider holiday park that and that these would be transient and for such a temporary and fleeting period and they could not be deemed to be materially significant from the changes incurred through the 'as built' layout. In addition to this and despite the changes that have taken place through the 'as built' layout, there remain no views to this development site from the A713 road network to the south of the site noting the intersecting rolling landform and existing sections of woodlands.

On this basis, the site visits and desktop assessments undertaken has allowed both the Planning Service and the external Landscape Architect to agree with the findings of the primary LVIA which note that despite the clear deviations in layout, the 'as built' development does not affect any new views and or previously uninterrupted landscape settings beyond those established as being affected as part of the assessment of the earlier planning permission Ref. 15/01231/APPM and that the 'as built' layout would still essentially only affect the same views previously identified e.g. primarily from the east and northeast of the site along the C class road network. On this, although the 'as built' layout for the development site has contributed to a change in the impact of the views from the east and northeast from outwith the site, at the same time it is not readily distinguishable as to where the existing and previously extension to the park ends and another begins, including those subject to this site and this in itself also further contributes to the overall acceptability of the 'as built' layout.

On balance and taking the findings of the separate assessment undertaken by the Planning Service and the professional Landscape Architect views to establish visual and landscape impacts within the locality combined with the case and arguments presented by the applicant and their agent in the supporting information accompanying the Section 42 application, it is considered that a justifiable and sufficiently compelling enough case has been made which demonstrates the limitations in the extent of the differences in the visual impact between the consented layout (which prohibited the development of certain parts of the site) and the 'as built' layout (which builds over those areas which were prohibited). More specifically, it is considered that a rational and informed case has been presented through the detailed LVIA which demonstrates that the impact of developing the previously prohibited rows would not be of such a departure and significance from the earlier consented layout, that it would make the 'as built' layout unacceptable.

**Whilst the Planning Service does not endorse the applicant's approach in terms of implementing an alternative development layout which built over most of the areas prohibited by Condition 2, it is considered that the Planning Statement and LVIA has effectively demonstrated that the site can accommodate the alternative layout, and this is despite caravans being built across the areas previously prohibited through the condition. On this basis, it is considered acceptable for Condition 2 to be removed as part of this Section 42 application.**

It is relevant to note that the position reached here regarding the acceptability of the removal of this particular condition also heavily relies on an amended landscaping scheme and hedge management plan which has been secured through this Section 42 application. It is considered that the revised landscape scheme will help reduce the additional visual impact of the alternative layout and re-positioned caravan units which form part of the 'as built' layout from existing established locations and viewpoints from the east and northeast to a point which would allow them to be considered acceptable. These specific matters are considered in detail in response to Conditions 4 and 6 below.

In addition to the visual and landscape considerations set out in detail above, Ayrshire Roads Alliance (ARA) as the Council's Roads and Flooding Authority have been consulted on this Section 42 application to establish if the alternative 'as built' layout (which also changes the layout of the internal road networks) has any implications from their remit. In response, ARA have confirmed that despite the changes in the layout and the internal road networks within the development, these are of a sufficient distance from the access point that any internal traffic issues are unlikely to directly impact on the public road network. It is for this reason that ARA do not require the submission of a swept path analysis as part of the changes and offer no objections. The only request from ARA as Roads Authority is that the conditions attached to the earlier permission which relate to a Travel Plan and a cycle storage facility are reattached to this Section 42 application. These conditions have been slightly modified and attached as set out in Section 9 below.

In terms of flooding considerations, ARA as Flooding Authority confirm that the response previously provided as part of application 15/01231/APPM remains valid, irrespective of the changes in layout, a sufficient drainage system which complies with the principles of SUDS is required to control the volume of surface water flow to the watercourse to pre-development rates, to ensure flood risk is not increased. On this basis, the only requirement of ARA as Flooding Authority is that the condition previously attached to the earlier permission which relates to a requirement for the development to comply with the principles of SUDS is reattached to this Section 42 application. This condition has been attached as set out in Section 9 below. In addition to this, SEPA have also been formally consulted and have confirmed that they have no objections noting that none of the conditions subject to this Section 42 application were requested by them as part of the earlier planning application granted.

3. That notwithstanding condition 1 above, before any work commences on site, a revised masterplan reflecting the deletion of plots as stipulated in condition 2 and the enhanced structural landscaping as stipulated in condition 4, shall be submitted to the Planning Authority for prior written agreement. There shall be no more than 197 plots/stances within the development site, unless otherwise agreed, in writing, with the Planning Authority. All development shall be in general accordance with the revised masterplan.

Reason: In the interests of visual amenity and to enhance the ecological and wildlife value of the site.

**The applicant seeks to remove this condition on the basis that they consider that the 'as built' development layout which specifically includes a volume and density of caravans as part of it which exceeds the total number of caravans set by Condition 3 above, it is still acceptable. As part of this, the agent makes a case through both their Planning Statement and the LVIA that the site is capable of accommodating the additional and increased number of caravans proposed through the alternative 'as built' development layout implemented on site without constituting overdevelopment or having additional significant visual impact to a point whereby it would be deemed unacceptable. As part of their case, they place particular weight on the earlier planning permission Ref. 15/01231/APPM which sought permission for 242 caravans in total. They consider that the proposals subject to this application (alongside all of the technical supporting information including the Transport Assessment), successfully demonstrated that the site was capable of hosting a caravan development of 242 in total.**

As set out above and notwithstanding the overall caravan numbers/plots as originally proposed as part of the earlier application Ref. 15/01231/APP, the decision made following the assessment of that development at that time was that the 242 caravan units sought was too many and that this amount would have both a significant and adverse an impact in visual and landscape terms. As a result of conclusions reached at that time, Condition 2 was attached to the permission and, as a set out, this deleted certain rows and plots which were considered to be in locations that would be particularly sensitive to development. The consequence of imposing Condition 2 meant that in turn this indirectly dictated the overall number of caravans that would be acceptable within the application site. As a result, Condition 3 was attached, and this dovetailed with Condition 2 and set a limit that there shall be no more than 197 caravan plots/stances within the development site unless otherwise agreed in writing with the Planning Authority.

From comparisons between the plans approved under application Ref. 15/01231/APP to those supplied as part of this Section 42 application, the alternative 'as built' development layout implemented to date (and the remaining phase still proposed) show a current caravan park development comprises of 228 caravan units in total. This means that the alternative and unconsented 'as built' layout accounts for 31 more caravan units than the amount that was ultimately consented through earlier planning application Ref. 15/01231/APP and in particular, Condition 3.

With regards to visual impact of the increase of caravan specifically, irrespective of the breaches of planning control undertaken on the site, consideration requires to be given to the extent of intrusion of the existing caravan park, and the extent to which the landscape has already been permanently altered and changed by its presence, particularly noting the series of extensions to the park which have been granted and implemented over recent years before this one was consented. Specifically, there is an area comprising 200 caravans already established on the upward slope towards this site and these units have been established for approximately 40 years. In addition to this, there have been various extensions to the park in more recent years including extensions to the west of the application site granted in 2014 and 2015 (Council References: 14/01156/APP and 14/01667/APP) which have further contributed towards a marked change in the overall landscape and environment. The continual expansion and intensity of development in the area has served to reinforce the role of the site as a permanent caravan park and increased its influence and presence on the locality. In this context and noting the extent of the built out and expansion of the park to date, due weight needs to give to the fact that the wider caravan park now hosts over 300 established caravan units when assessing whether the increase of caravan units on this part of the site is capable of being accommodated.

The Planning Service has considered the development in this context and whilst it is accepted that the density and volume of caravans within the site has increased beyond the limits set by Condition 3 of the previous planning permission and that this has resulted in a more concentrated development on this site, this part of the site is still primarily seen in the context of the wider established and sizeable holiday park. On this, the existing site dominates the view of the application site and from most viewpoints from outwith the site it is not readily distinguishable as to where the existing and previous extensions to the park ends and another begins, including those that are subject to this application site. In this regard and looking at the presence and visual impact of the caravan park site more broadly (as opposed to this particular site in complete isolation), it is considered that the increase in caravans on this particular parcel of the wider caravan site will not influence landscape characteristics of otherwise unaffected views and landscapes in the locality and setting of the park to a point which would be deemed unacceptable. In addition to this, and whilst the Planning Service do not condone the disregard had for this condition (by installing more caravans on the site than was allowed through its terms), on balance of all factors, it is still considered that the site in overall terms is capable of accommodating the further 31 caravans bays without it constituting overdevelopment or having further additional visual impacts to a point which would be deemed unacceptable. This view is supported by the Council's independent Landscape Architect and Adviser, Carol Anderson of Carol Anderson Associates.

As a result of this, it is considered that the additional caravan units that form part of the 'as built' layout does not have a significant or adverse visual consequence and that these can be accommodated for within the 13.2-hectare area application site without constituting overdevelopment or exceeding a capacity threshold. On this basis, Condition 3 can be removed through this Section 42 application. As part of this conclusion and similar to Condition 2 above, it is relevant to note that the position reached here is also heavily underpinned and informed by a revised landscaping scheme and hedge management plan for the site which has been secured through the assessment of this Section 42 application. As part of this, 2 caravan unit plots that formed part of the initial 'as built' have been agreed to be deleted to allow for an increase in landscaping and this has reduced the additional units proposed through the 'as built' layout from 33 to 31 (total 228). It is considered that the revised landscape scheme secured will help reduce the visual impact of the additional 31 caravan units which form part of the 'as built' layout to a point which would allow them to be considered acceptable. These specific matters are considered in detail in response to Conditions 4 and 6 below.

Ayrshire Roads Alliance as the Council's Roads have been consulted on the application to establish if the increased volume and density of caravan units has any implications from their remit. In response, Ayrshire Roads Alliance have confirmed that despite the changes in the layout and the increase with the additional 31 caravans, from the road network/capacity the ARA are of the opinion that these additional caravans are unlikely to materially change the conclusions of the supporting information associated with application Ref. 15/01231/APPM (this includes the Transport Assessment at the time which considered and demonstrated the suitability of the site to be able to host 242 caravans). On this basis, the ARA have confirmed that they did not need to seek an updated Transport Assessment as part of this Section 42 application and that subject to the conditions mentioned in response to Condition 2 above being re-attached, they have no objections to the 'as built' alternative development layout with regards to the increase in volume of caravan units.

4. That before work commences on site, a phasing plan for the development of the site and advanced structural landscape proposals, shall be submitted to, and approved in writing by the Planning Authority. The scheme of landscaping shall indicate the siting, numbers, species and heights (at time of planting) of all trees, shrubs and hedges to be planted, and the extent and profile of any areas of earthmounding. The scheme as approved shall be implemented within the first planting season following the completion or occupation of the relevant phase of the development, whichever is sooner. Land to the North of the application site boundary as detailed on the approved plans, but within the existing caravan park shall be incorporated in the advanced structural landscaping proposals.

Reason: In the interests of visual amenity and to enhance the ecological and wildlife value of the site.

The applicant initially requested the removal of this condition on the basis that they have already implemented the majority of what they consider to be an alternative appropriate planting scheme within the application site. As part of the initial submission for the Section 42 application, they provided a landscape plan which indicated the locations of trees and shrub species that have been planted and the remaining locations where they will be planted as the last remaining part of this alternative development layout for the site on the southern edge which still requires to be completed.

In the Planning Statement, it is noted that the structural landscaping previously proposed by the applicant in 2016 was not approved by the Council and the plans submitted by them in 2016 to discharge Condition 4 of application 15/01231/APPM were never responded to or approved by the Planning Service. They advise that in mitigation for the lack of an agreed scheme for structural planting between them and the Planning Service, the applicant proactively purchased and planted several thousand tree whips and that these have now grown very quickly with some at the height of standard trees. As a result, they suggested that as the applicant been planting out shrubs and trees in each row of caravans and in corner sites, a sufficient programme of planting and landscaping is in place as the site has been developed out. The Planning Statement goes on to state in addition to the above that the mature screen of trees which are sited on the west of the site have been retained and the roadside hedge along the C74 has been retained and left to grow to a height of approximately 2 metres. They therefore considered that this forms an effective buffer from the C74 which is supplemented by the retention of other mature trees and hedgerows to the east of the application site alongside the additional planting introduced by the applicant.

In the first instance and in response to the case made through the supporting submissions, it is acknowledged as part of the wider consideration of the removal of this particular condition that the applicant did seek to discharge this pre-commencement condition previously with a landscape plan submitted to the Planning Service on the 13<sup>th</sup> of October 2016. This landscape plan and scheme included details of the development layout and specific information relating to the locations, species and volume of structural planting proposed as part of the earlier development layout. Despite this request for discharge, there is no record that this condition was ever formally discharged by the Planning Service. Notwithstanding this, the relevancy of the discharge of condition process as justification for the removal of this condition is limited noting that the applicant has implemented an alternative development layout with a different landscape scheme than shown on the plans previously supplied as part of the discharge request for Condition 4. In other words, even in the scenario of an effective discharge of the condition by the Planning Service, this would be irrelevant to the consideration of this Section 42 application noting that a completely different landscaping scheme has been undertaken within the application site than the plan provided to discharge Condition 4 in 2016.

Given the above, the central part of the consideration of the acceptability of the removal of this condition as part of this application is to establish the extent of the difference in the landscaping shown as part of the original development layout (and the landscaping plan supplied in response to Condition 4) when compared to the alternative layout 'as built' on site (which includes an updated landscape scheme) and establish as a result if the current landscape scheme is still acceptable. The Planning Service have assessed and reviewed the landscaping that has been undertaken on the site as part of the 'as built' and alternative layout and have compared this to the landscape scheme previously proposed for the approved layout and scheme granted as part of application 15/01231/APPM. As part of this assessment, the Planning Service have specifically cross checked the proposed landscaping shown on the plan provided as part of the discharge of Condition 4 of planning permission 15/01231/APPM and compared these to the 'as-built' landscape plan provided as part of this current Section 42 application.

From review and as set out above it was apparent that when compared to the previously approved application, that the increased number of caravans as part of the 'as built' layout that are now aligned in straight lines and not following existing land contours as proposed before, makes the current 'as built' development to be more noticeable on the local character and landscape setting, particularly from views in the east and north-east. In addition to this and compared to the previous application 15/01231/APPM, the current 'as built' layout and density of the development also now clearly provides far less scope for larger areas of structural and screen pocket planting, and this in itself is evidenced by the fact that the initial updated landscape plan provided with this Section 42 application for the 'as built' offered significantly less planting overall than compared to the previous. At the same time and whilst the Planning Service accept that the alternative layout does not lend itself to as sizeable areas of landscaping as it did before, upon initial review it was considered that far more could be achieved and proposed as part of the 'as built' layout to better screen it than has been implemented to date and proposed for the remaining parts of the site.

On this point, it is relevant to note that prior to the submission of this Section 42 application, the Planning Service set clear instructions to the applicant that the LVIA should also inform a revised programme for structural planting masterplan arrangement with particular attention paid to the more elevated parts of the site which have been built out (contrary to the terms of condition 2 and 3 of the permission) and again demonstrate why this allows the layout, volume and positioning of the alternative and increased caravan development to be acceptable. Notwithstanding this, the current 'as built' and proposed proposals for a caravan park with a differing layout and arrangement and of a greater density but with significantly less landscaping and structural planting than that which was proposed through the condition discharge for the earlier planning application 15/01231/APPM. Following review, the initial alternative landscape proposals submitted as part of this Section 42 were established as being unacceptable, and, on this basis, the position reached by the Planning Service was that it would not be appropriate to accept the removal of this condition based on the landscape scheme presented upfront as part of the Section 42 application.

To inform this position, the Planning Service have had input from the Council's Design and Advice Officer and an external professional Landscape Architect and Adviser (Carol Anderson Landscape Associates Ltd) as formal consultees to this Section 42 application. In short, they agreed following detailed review and consideration that the initial landscape proposals were not sufficient and that a further and revised detailed landscape scheme would be needed to offset the additional visual and landscape impacts of the 'as built' development. From review of the current 'as built' layout, they both highlighted that the whole of the caravan park is densely developed with little greenspace and tree planting between caravans reducing the amenity for residents as well as increasing intrusion from the surrounding rural area. In particular, they raised concerns with the unnaturally steep banks, formed to provide building platforms for caravans, and the caravans and associated timber decking structures within the south-eastern extension to the site, which are considered intrusive from the north-east and particularly from the minor road which is aligned close to the boundary of the caravan park. They also both considered that the increased siting of caravans on the highest part of the site has significantly increased visual intrusion from the surrounding rural area in views to the east and north-east.

In response to these observations and this input, both consultees have provided professional advice and input to inform where additional planting and landscaping would be best directed on the 'as built' site and this included recommendations for the deletion of 2 caravan unit plots (where pitches partly formed on site) to deliver further landscaping and stipulations on the types and species of trees and plants to be used to screen sensitive and exposed parts of the site. Taking the professional landscape advice provided on board and noting the fundamental need to ensure screening is in place to mitigate the visual impact to some extent and the increased impact of this alternative development on the local landscape, the Planning Service advised the applicant and their appointed agent that further significant additional pocket areas and strips for increased and diversified vegetation structure within the site would be necessary. Following on from this, the Planning Service instructed the applicant and their appointed agent in early January 2023 to appoint an independent Landscape Architect to undertake and supply a revised landscape scheme for the site so it could be considered as part of the wider assessment of the removal of Condition 4 of this Section 42 application.

In response to this request, the applicant and their agent appointed an independent, professional Landscape Architect (Ironsides Farrar) who has since produced a suite of plans comprising of a revised landscape scheme for the site with the final versions of these submitted to the Planning Service in early February 2023. Following their submission, the Planning Service re-consulted the Council's Design and Advice Officer and their external professional Landscape Architect (Carol Anderson Landscape Associates) and further to some minor amendments and revisions being made, in final consultation responses both consultees have advised that the revised landscape scheme and arrangements are now acceptable with them generally aligning with their recommendations and amendments suggested. In particular, securing the deletion of 2 caravan bay plots on the northeastern boundary edge is considered to represent a positive improvement to the 'as built' development overall. As part of this, the applicant and their appointed agent have agreed not to progress with these particular units and the updated site layout and amended landscape scheme indicates that the foundations will be removed and that these areas now being planted up. This is considered an improvement for this development as the removal of these plots now allows for the holistic and uninterrupted continuation of structure planting from the boundary edges of the site in order to screen the embankment area whilst at the same offering an arrangement which more closely resembles the proposed landscaping arrangements approved in this location as part of the earlier planning permission 15/01231/APPM.

The updated landscape scheme now also includes proposals for the temporary storage area on the northeast corner of the site through this Section 42 application, with arrangements in place for the compound to be removed and landscaping to be introduced as part of the wider landscape scheme. The revised landscape scheme also addresses the most elevated part of the site and includes plans to introduce further greenery across the highest platform through the formation of a pocket park (comprising of a number of heavy standard native trees, seating areas and paths) on the top plateau alongside provision for distributed tree and shrub planting in between the caravan bay units where spacing is wider in these areas. This will help considerably in terms of breaking up the visual mass and presence of the caravans occupying the higher platforms on the site and will contribute towards screening the aspects of the 'as built' layout which were of earlier concern.

In addition to the specific improvements referenced above, the overall provision of landscape has also substantially increased from the initial proposals with the current revised landscape scheme including significant additional reinforcement planting along the northeastern and eastern boundary edges of the site which will bolster the existing woodland and hedgerows in these locations as well as help to better screen the otherwise bare embankments between the platforms and rows of caravans. In total, 195 individual trees comprising of 11 native species and a woodland planting mix made up of approximately 3880 trees and plants comprising of 18 different species have been secured through the scheme. Crucially, the amount and volume of landscaping now proposed through this revised landscape scheme is now considered to be more proportionate and is closer to the amount proposed through the earlier planning permission 15/01231/APPM.

It is relevant to note that this position reached by the Planning Service is also corroborated by the conclusions reached by Carol Anderson Landscape Associates in their final consultation responses who advises that while the intrusive effects of steep earth banks, building platforms, caravans and decking will persist in the short term, the woodland planting should cover unsightly raw banks within approximately 5-10 years providing good establishment is achieved. Equally, they also advise that whilst the caravans and decking (some of which are prominently located on a small hilltop) cannot be entirely screened from views outside the caravan park, their stark profile would be softened by trees planted between them and within the pocket park. They conclude by stating that they consider that the extent of planting proposed in the applicant's current plans will be broadly compatible with the planting which formed part of the consented extension when taking into account the larger trees that will be additionally planted between caravans and in the pocket park.

On this basis and taking all of the above into account it is considered that as a result of the revised landscape scheme secured through this Section 42 application, Condition 4 in its current format can be removed through this Section 42 application.

As one final point, it is relevant to note that it was observed during the site visit that many of the existing trees planted throughout the whole caravan park did not appear to be thriving. As highlighted in the response from Carol Anderson Landscape Associates Ltd, this is likely to be a fault in planting technique and ongoing management with grass insufficiently suppressed around the base of trees to reduce competition. Following discussion, it has been agreed between the Planning Service, the Landscape Architect and the applicant that a more consistent and professional approach to planting and maintenance is needed to ensure good establishment of the revised landscape scheme in the long term. As it is important that the planting and its maintenance is undertaken in a professional manner and thereafter given the best chance of good growth, it has been agreed that the planting works should be undertaken, supervised and regularly checked by a suitably qualified and independent professional landscape contractor or arborist to ensure establishment and maintenance is satisfactory. Inspections should be undertaken twice a year during the first 2 years of establishment with annual checks undertaken thereafter up to 10 years from planting and as set out in the planting schedule of the landscape scheme, replacements should be made of all failed plants with tree shelters/guards and stakes removed after approximately 5 years.

Taking these recommendations into account, separate conditions have been attached which will require the applicant to appoint an independent, professional landscape consultant/contractor to implement the landscape scheme and thereafter maintain and monitor it for a defined period. The terms of this appointment will require to be agreed in writing with the Planning Service in consultation with the Council's Design and Advice Officer and the external Landscape Architect Carol Anderson Landscape Associates. In addition to this, conditions have been attached which would require the landscape scheme to be implemented in strict accordance with the approved plans and within a 2-month timescale of the agreed appointment of the landscape contractor. These conditions will safeguard the implementation and establishment of the revised landscape scheme and are set out in full in Section 9 below.

6. No development shall take place on site until a scheme for the management of the hedge running along the C-class road heading east past the site has been agreed in writing by the Planning Authority. The scheme shall include provision for such other agreements (if any) as may be necessary for delivery of the required management of the hedge to provide screening of the development from the C-class road.

Reason: In the interests of visual amenity.



The applicant and their appointed agent initially requested the removal of this condition as they considered that despite never getting this condition formally discharged by the Planning Service previously, that appropriate arrangements have been and are in place for the maintenance and retention of the hedge, and these have been and will continue to be undertaken in perpetuity going forward. More specifically, the agent confirmed in their Planning Statement provided that the applicant/site operator has retained the hedge in situ and cuts it once a year to ensure it is maintained at a reasonable height and volume of 2 metre to provide sufficient screening. Given the applicant/site operator is undertaking this activity already, the agent initially considered that appropriate arrangements are in place and that a condition requiring a hedge management plan is no longer necessary. As a result, they seek to make the case that this condition can be removed.

The Council's Biodiversity and Ranger Services have been consulted as part of this Section 42 application in order to provide a response on the proposal to remove this specific condition. In their response, they have advised that they consider the hedge management arrangements and details provided by the agent to be more of a statement as opposed to an actual hedge management plan that could reasonably be considered as a response to Condition 6 of the earlier planning permission 15/01231/APP. In addition to this, they have also confirmed that they did not agree with much of the arrangements as set out and in particular they do not recommend an annual cut which is being undertaken is appropriate (unless there is clear safety or sightline reasons). Instead, they advised that it is better practice to cut hedges on rotation so that only a half or a third of hedges are cut in any one year. As part of this, they indicated that this generally improves the hedges health, and it allows for thickening of the hedge and increases flower and berry abundance in the interests of biodiversity. In addition to this, they have also stipulated that the hedge should never be cut in the bird breeding season which extends from 1<sup>st</sup> March to 31<sup>st</sup> August each year.

Given a combination of factors, including the fact that this condition was never formally discharged by the Planning Service (and a hedge management plan has never been in place) alongside the position of the Council's Ranger and Biodiversity Services as a consultee to this process, it was initially considered that it would not be appropriate to remove this condition based on the information presented for hedge management. Instead, and noting the specific comments and recommendations from the Council's Ranger and Biodiversity Services alongside wider landscape comments provided by Carol Anderson Landscape Associates Ltd, it was established that it would be necessary for a carefully considered and informed hedge management plan to be formed so that that the hedge which runs along the perimeter edge of the holiday park closest to this application site, is properly maintained and enhanced in conjunction with the development on site. In addition to the biodiversity and health benefits that an effective hedge management plan could have for this particular hedge, it was also considered that an appropriate and informed hedge management plan could provide benefits from a visual and landscape perspective with a fuller and more established hedge offering generally better screening from the views along the unnamed road in particular.

On this basis and taking all of the above into account, a formalised hedge management plan was requested by the Planning Service in January 2023 and the applicant, and their appointed agent were instructed to undertake and provided this as part of the revised landscape scheme required for Condition 4 above. In response, a hedge management plan has been produced by the applicants appointed Landscape Architect (Ironside Farrar) and this has been submitted to the Planning Service alongside and as part of the revised landscape scheme for the site as provided in February 2023. Following receipt of this, the Planning Service re-consulted the Council's Biodiversity and Ranger Services and Carol Anderson Landscape Associates and in response they have confirmed that the hedge management plan produced is acceptable given all of their recommendations and measures identified to ensure the hedge will be healthy, offer biodiversity gain and effectively screen the development have been adopted and reflected in the revised landscape scheme provided.

On this basis and taking into account all of the above into account, including the formalised hedge management plan now secured for this development through this Section 42 application, it is considered that Condition 6 as attached to the earlier planning permission, can be removed. A separate condition has been attached which will secure the implementation and ongoing adherence to the hedge management plan for the lifetime of the development and this is set out in full in Section 9 below.

8. That before any work commences on site a suitably scaled block layout plan showing:
- a) Existing ground levels;
  - b) Proposed ground levels; and
  - c) Finished floor levels of each proposed plot/stance;

shall be submitted for the prior written approval of the Council as Planning Authority. The finished floor level of caravans or associated decking shall not exceed 1.5m above the agreed proposed ground level for its plot/stance.

Reason: In the interests of visual amenity.

**The applicant and their appointed agent request the removal of this condition as they essentially consider it is no longer required. In the Planning Statement, the agent advises that the levels as shown on the 'as built' plans provided as part of this Section 42 application have already been built on and are already implemented across the development site. They also confirm that whilst differences do exist between the levels for the development layout approved through application Ref. 15/01231/APPM and the 'as built' alternative scheme undertaken on the site, importantly, they still conform to and sit below the overall height limits and parameters previously established through the earlier consented development.**

In the first instance, it is relevant to note as part of the wider consideration of the removal of this condition that the applicant/agent did seek to discharge this pre-commencement condition previously with a levels plan submitted to the Planning Service on the 23<sup>rd</sup> of March 2017. This level plan included details of the development layout and specific information relating to the existing and proposed ground levels and finished floor levels for each caravan plot. Despite this request for discharge, it is acknowledged that this condition was never formally discharged by the Planning Service at the time. Notwithstanding this and similar to the considerations of Condition 4 above, the relevancy of the discharge of condition process as justification for the removal of this condition is limited noting that the applicant has implemented an alternative development layout with different levels than the levels arrangements shown on the plan supplied as part of the discharge request for Condition 8. In other words, even in the scenario of an effective discharge of the condition by the Planning Service, this would be irrelevant to the consideration of this Section 42 application noting that completely different levels have been undertaken within the application site than those shown on the levels plan provided to discharge Condition in 2017.

Given the above, the central part of the consideration of the acceptability of the removal of this condition as part of this application is dependent upon establishing the extent of the difference in the levels as shown as part of the original development layout (and the levels plan supplied) when compared to the alternative 'as built' site layout (which includes a topographical survey). As a result, the Planning Service have assessed and reviewed the levels works that have been undertaken on the site to develop the 'as built' and alternative layout and have compared this to the levels previously proposed for the approved layout and scheme granted as part of application Ref. 15/01231/APPM. As part of this assessment, the Planning Service have specifically cross checked the proposed site levels and finished floor levels shown on the plan provided as part of the discharge of Condition 8 of the planning permission and compared these to the 'as-built' topographical plan and cross section provided as part of this current Section 42 application. In this context, weight requires to be given to the fact that in any case and irrespective of the exact differences, a substantial change in levels to the site was already indirectly accepted and anticipated when the original planning permission Ref. 15/01231/APPM was being considered and indeed when it was approved given the need to deliver level and flat platforms to form and accommodate the 197 caravan bays across the site.

In addition to the above cross-checking assessment, the Planning Service have also sourced copies of Ordnance Survey maps to ensure that there is a separate understanding of the baseline levels of the landscape and topography of the site before any works subject to the planning permission had taken place. From obtaining Ordnance Survey maps which show accurate depictions of the existing site levels before works took place, the Planning Service were able to gain an understanding that the topography and the landscape along the boundary of the caravan park site was already steep and forming an inclining profile. This understanding was further reinforced by reviewing a series site visit photographs available on the earlier planning permission Ref. 15/01231/APPM which show the rising gradient and profile of the landscape along the north-eastern and eastern side from views looking both north and south.

The conclusion of this cross-checking exercise and the series of follow-up assessment undertaken is that, despite the apparent differences in the development layout between that which was approved through application Ref. 15/01231/APPM and that which is 'as built' on site, the levels and topographical conditions as they currently exist on site 'as built' are not of such a difference that they would be considered to be unacceptable in planning terms. Whilst the Planning Service do acknowledge that site levels have been modified and have in locations modestly increased and decreased to enable the alternative layout for the extension to the caravan park to be facilitated, it is not considered that any of these are of such a degree or extent from the previous levels to now be considered unacceptable in visual, landscape, environmental or amenity terms. Instead, the assessment undertaken by the Planning Service actually identifies that in most areas within the site (particularly the more elevated parts of the site), the maximum finished levels created as a result of the 'as built' layout are less and have been reduced when compared to the levels proposed through the earlier consented layout alongside the extension which came before this one and granted in 2014.

It is recognised that the findings indicate that there are minimal differences between the levels of the approved and 'as built' layout albeit that this is largely down to the fact that the alternative 'as built' layout has built over and across the more elevated parts of the site which were previously prohibited through the permission. Notwithstanding this, through a combination of factors including the conclusions reached from the comparison and cross-checking between the levels of the approved and 'as built' layout, alongside the physical appearance of the development site which has been built out with all of the levels of the alternative and deviated layout implemented on site, it is considered acceptable for Condition 8 to be removed as part of this Section 42 application.

9. A site-specific Construction Method Statement shall be submitted to and approved in writing by the Planning Authority. All work shall be carried out in accordance with the approved plans and statement. Furthermore, should any vegetation require to be removed, it shall be done so outwith the breeding bird's season, specifically March - August.

Reason: To protect or enhance ecological and wildlife interests.

The applicant and their appointed agent request the removal of this condition as they consider it is no longer required as the development is largely complete in so far as the formation of plots/pitches has already been complete and the majority of the development works associated with the site are now 'built out'.

From review, it does not appear that a request was ever made to the Planning Service to formally discharge this condition following approval of the earlier planning permission application however the situation at this time is that the site has been developed and largely 'built out' and this in effect makes the condition irrelevant to the current stage of development on site.

In addition to this, it is noted in the Planning Statement that the agent has confirmed that no vegetation has been removed and whilst this has not been specifically evidenced, the Planning Service are aware that before the development works took place, that the site predominantly comprised of low level maintained agricultural grassland. It has also been possible to establish from review of photographs supplied as part of the earlier planning permission Ref. 15/01231/APPM when compared to observations on recent site visits to the application site that the mature trees which were existing and present within the site at the time of the earlier planning application have not been compromised or removed as part of the 'as built' alternative development implemented on the site and this further reduces the risks in this context.

The Council's Biodiversity and Ranger Services have been consulted to provide specific comment on the proposal to remove this condition and they have agreed that given the previous site conditions, the current site conditions and the level of 'built out' to date, the condition no longer applies, and it can therefore be removed.

Through the combination of factors referenced above, it is considered acceptable to remove Condition 9 as part of this Section 42 planning application.

10. That a lighting strategy, demonstrating how any external lighting scheme will minimise light spillage and pollution shall be submitted for the prior written approval of the Planning Authority before any work commences on site.

Reason: In the interests of environmental quality and the prevention of light pollution.

**The applicant and their appointed agent request the removal of this condition on the basis that they have already sought to discharge the lighting arrangements previously and on the basis that the lighting scheme has already been largely implemented across the application site. Whilst the development layout and density differ from the previous one approved under application Ref. 15/01231/APPM, the agent advises that the lighting strategy proposed (and largely implemented at this this) has not and this follows the same arrangements previously proposed which is to have low level lighting bollards in each pitch and along each access route and to avoid the use of high-level lighting poles.**

**Whilst Condition 10 was never formally discharge by the Planning Service following the approval of planning application Ref. 15/01231/APPM, the arrangements for lighting are still considered to be acceptable, particular given they have not changed and follow the established arrangements which were indicated through application 15/01231/APPM, and which have been rolled out across the expansion and extension of the wider caravan park site through other permissions.**

**The Council's Biodiversity and Ranger Services have also been consulted on this specific condition and have confirmed that as the lighting comprises of low-level bollards which are downward lit, there is no concerns with the lighting strategy implemented from an ecology perspective.**

**On this basis and noting the combination of factors above, it is considered acceptable that Condition 10 can be removed as part of this Section 42 application.**

11. That no development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to, and approved by the Planning Authority, in agreement with the West of Scotland Archaeology Service. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.

Reason: To establish whether there are any archaeological interests on this site and allow for archaeological excavation and recording.

**The applicant and their appointed agent request the removal of this condition on the basis that it has already been formally discharged by the Planning Service in December 2016 with input received from West of Scotland Archaeological Service (WoSAS).**

**The Planning Service holds records relating to this condition in the planning application file for Ref. 15/01231/APPM and this includes a formal consultation response from WoSAS dated from the 24<sup>th</sup> of November 2016. In this response, WoSAS confirm that they have reviewed and considered the archaeological report produced by professional consultants 'Guard Archaeology' which undertook an archaeological evaluation of the full application site. They also confirm that the findings of this report revealed that the site comprises of much previously disturbed ground, heavy soils and plough truncation to subsoil level and on this basis, no significant buried remains were identified and there were no requirements for any further archaeological works on the site. they conclude this consultation response by stating that Condition 11 could be discharged by the Planning Service and shortly after receiving this letter from WoSAS, this condition was formally discharged by the Planning Service and an email was sent to the agent to this effect.**

WoSAS have now been formally consulted as part of this Section 42 application to consider the proposal to remove this condition entirely. They have responded to advise that they have reviewed the material and that the development, 'as built' (although not consented), do not raise any significant archaeological issues. They confirm that new issues from an archaeological perspective would be from disturbance of ground outwith the application boundary. Notwithstanding this, they note the overall application site (which was the subject of the earlier archaeological report/assessment) has not changed, and such the findings and conclusions previously reached remain the same. As a result, they confirm that they accept the removal of Condition 11.

Given the findings and conclusions of the original archeologically report, the original position of WoSAS in response to this condition and now in relation to this Section 42 application and the previous confirmation of discharge of this condition by the Planning Service, there is sufficient evidence to confirm that this condition has already been formally addressed. Whilst the development as 'built out' on site has deviated from the layout and density which obtained permission through Ref. 15/01231/APPM (and this has been considered in detail above), it is not considered that this in itself compromises archaeology matters noting the agreed conclusions that no records were found across the site and no mitigation was established as being necessary in order to develop the site. Crucially, and as set out by WoSAS, the overall application site remains the same and no new areas have been developed which previously did not form part of the earlier application site and this eliminates any risk in terms of archaeological impacts.

On this basis, it is considered acceptable for Condition 11 to be removed through this Section 42 application.

### 7.3 Material Considerations

#### 7.3.1 General Impact on the Locality (Residential and Visual Amenity)

Taking residential amenity factors into consideration first, whilst the 'as built' development layout and orientation of caravan plots and rows differs and the density and volume of caravans on the site has increased from what obtained planning permission through application Ref. 15/01231/APPM, it is not considered that these changes will have any material impact on the residential amenity of the nearest isolated properties. Outwith the wider park boundary, the nearest properties constitute a few residential properties and farm steadings to the north, northeast, southeast and southwest of the site and this includes the row of residential properties of Sandyhill Terrace alongside Burnton Farm and Cottage to the north and northwest, Friarland Farm and Lodge and Abbothill Farm to the east and southeast and Braston Farm and House to the south/southwest. In each case, weight is given to the fact that these all remain a sufficient distance away from the development site and are intersected by rolling landform, agricultural parcels of land and areas of woodland which provide a degree of separation and minimise any potential for any direct amenity impacts. Whilst 'right to a view' is not a material planning consideration, the existing hedgerow and tree belt which run along the eastern, southern and part of the western side (which will be retained and enhanced and secured through the revised landscape scheme secured) will further contribute to providing a degree of separation and screening for the development from the direction of most of the properties and this will be of benefit in the interests of the general amenity terms.

With regards to visual and landscape impacts specifically, as previously outlined, regard requires to be given to the extent of intrusion of the existing caravan park, and the extent to which the landscape has already been altered and changed by its presence, particularly noting the series of extensions to the park which have been granted and implemented over recent years before this one in 2015. Whilst the alternative layout undertaken on the site does differ in orientation, arrangement and density from what obtained planning permission through application Ref. 15/01231/APPM, in the context of the wider caravan park to which this site sits within, it is considered that the site does have the capacity to accommodate the further 31 caravans and the orientation and arrangement as has been built on site, without it reaching a threshold where it would be considered unacceptable in visual and landscape terms. As was the case with the layout approved before through the earlier application Ref. 15/01231/APPM, the 'as built' development on this site will primarily be seen in the context of the wider holiday park and it is not considered that any new or previously uninterrupted viewpoints or landscapes will be affected as a result of the changes. Whilst it is accepted that areas have now been developed that were previously prohibited and that this has resulted in a more concentrated development on the site from previous sensitive viewpoints to the east and northeast, the deletion of specific plots and the introduction of further pockets of structural and reinforced planting which have been secured through a revised landscape scheme, will help to further mitigate the overall visual presence of the alternative layout of different arrangement and density from views to the northeast and east to a point where it can be considered acceptable.

On this basis, it is considered that the removal of conditions 1, 2, 3, 4, 6, 8, 9, 10, 11 and the alternative caravan park extension layout and density associated with this will not result in any additional impact on the locality in comparison with the development currently approved to an extent which would make it unacceptable to a point of refusal of this application.

### 7.3.2 Planning History

As set out above and detailed throughout this report, this site has both an extensive planning history and planning enforcement history, with all of the assessments undertaken to date in effect culminating in the submission of this Section 42 planning application submission.

Understanding both the planning application and planning enforcement history to this site is considered to be material to the overall consideration of this application and noting the circumstances and nature of each of these, it is considered that both of these are relevant to the assessment in so far as understanding the background to the development subject to this current Section 42 application.

### 7.3.3 Consultations Received

As set out in the relevant consultation sub-section above, all consultees who were consulted on the earlier planning permission application Ref. 15/01231/APPM were re-consulted as part of this Section 42 application to ensure consistency and more importantly that they had the opportunity to consider the conditions sought for removal and the changes associated with the 'as built' layout.

Weight is given to the fact that none of the consultation responses received in response have raised any objections to this Section 42 application and this included statutory consultees to the process. Some consultees have requested further mitigation and it is considered that these can all be addressed through the imposition of appropriately worded planning conditions and advisory notes which are all included in the recommendations below.

Whilst not a previous consultee to the earlier planning application Ref.15/01231/APPM, Carol Anderson Landscape Consultants Ltd were formally engaged and consulted as part of this Section 42 application to assess and consider the proposals to remove the conditions. Noting the changes to the layout and the potential impacts in landscape and visual terms, it was considered that the assessment of an external professional Landscape Architect would be particularly helpful in determining the extent and reach of visual impacts and establishing the level of mitigation required to offset any visual and landscape impacts identified. As set out in detail in response to Condition 4 above, the outcome of this assessment and the recommendations made by the Landscape Architect has informed a revised landscape scheme for the 'as built' site and as part of this, this scheme will deliver:

- Creation of a 'Pocket Park' on the highest part of the site. This includes a grove of 20-25 Extra Heavy Standard trees within this small open space which would ultimately achieve a large stature (such as oak and beech which would additionally fit with the character of surrounding woodlands). The intention being that this planting will partially screen some of the most visually intrusive caravans in time as well as provide a focal point for quiet recreation for users given the lack of functional and properly designed greenspace within the caravan park.
- Planting of native woodland on the most visually intrusive steep banks seen from the minor road on the north-eastern boundary of the caravan park. This woodland planting will extend up into the site (necessitating the removal of two concrete bases for caravans which has been secured) in order to increase screening of caravans and angular built platforms from the adjacent minor road and the surrounding rural area.
- Planting of native woodland on the lower south-eastern end of the site linking with existing woodland in adjacent farmland and extending into the yet undeveloped part of the site.
- Planting of trees in wider spaces between caravan bays, the purpose of which will soften their stark outlines and reduce intrusion particularly where they are located on the higher parts of the site.

As a result, the professional and expert input and advice from the external Landscape Architect as a consultee to this Section 42 application has been central to the assessment of this application and the outcome achieved from their involvement has now secured a sufficient level of mitigation through the revised landscape scheme which in turn contributes to allowing the overall acceptability of the 'as built' layout in planning terms. This in turn has informed the conclusion for the removal of certain conditions, including conditions 1, 2, 3, 4 and 6 whilst at the same time ensured that sufficient environmental mitigation and biodiversity gain is being delivered as part of the 'as built' development to comply with the requirements of NPF4.

**8. Conclusion:**

This Section 42 application as submitted requires to be assessed on its individual merits, with the principle of a change of use of the land to form an extension to the existing caravan park already established through the earlier planning permission granted. It should be noted that despite the submission of this formal Section 42 planning application and the considerations as set out, the Planning Service does not condone or endorse the applicant's approach to the development of this site to date and the extent of unauthorised works already undertaken and implemented in the first instance. Both prior to the submission of this application and during the assessment of this application, the applicant has been made fully aware and clear of the Planning Services stance on the approach undertaken which could only be considered as a clear and intentional departure from the development scheme and layout approved under the relevant planning permission Ref. 15/01231/APPM given their awareness of the issues initially sent to them in dialogue with the Council from at least December 2018.

Notwithstanding this, the purpose of planning enforcement is not a punitive role. Instead, and as set out in the Council's Enforcement Charter, it is to resolve and regularise identified enforcement matters through discussion and negotiation. In this context, the Planning Service has to consider each case on its own merits and decide thereafter on the most appropriate solution to address and regularise the breach of planning control. In this case and noting the previous enforcement considerations combined with the extent of development 'as built' on site at this time, the most appropriate action was to pursue the submission of a Section 42 application with a case for justification for the non-compliance of the conditions attached to the earlier planning permission granted. This was seen as the most effective procedural planning mechanism in the circumstances for the Planning Service to obtain a degree of control and influence over the situation on the site, to consider the extent of the difference of the works between the approved and 'as built' and establish how much of a departure these represented from the conditions attached to the earlier consent granted for the site and to secure further mitigation to offset additional impacts (most notably a revised landscape scheme for the site).

On balance and subject to both the justification provided and the further environmental mitigation secured through this Section 42 application, the changes to the layout and density of the caravan park extension development 'as built' and which have been implemented on site in non-compliance with the relevant conditions are still fundamentally considered capable of being in general conformity to the statutory development plan and there are no material considerations which would be of significant as to reach an alternative conclusion. On this basis, following detailed consideration and assessment (including input from a number of consultees), it has been established that the removal of conditions 1, 2, 3, 4, 6, 8, 9 and 11 is acceptable for the reasons set out in the assessment section of the report above.

Finally, as the effect of granting planning permission for Section 42 application is such that a new and separate standalone permission exists for the development, all other relevant conditions associated with planning permission 15/01231/APPM which would be relevant to this new permission require to be re-imposed to this new permission with the exception of those conditions agreed to be removed as part of this Section 42 application. Additional conditions are also attached and included below which cover the implementation and adherence of the revised landscape scheme secured for the site in response to the removal of specific conditions of the earlier permission.

**9. Recommendation:**

It is recommended that the Section 42 planning application is approved with the following condition(s).

**Conditions:**

1. No further development shall commence on site until the Planning Authority has approved in writing the terms of appointment by the applicant of a suitability qualified and professional landscape consultant/contractor to implement and undertake the approved landscape scheme within the site and thereafter provide maintenance and monitoring of the landscaping for a period of 5 year from the date of its completed implementation. The terms of appointment shall:
  - Impose a duty on the landscape consultant/contractor to implement the revised landscape scheme in strict accordance with approved landscape plans and arrangements subject to the Section 42 planning permission and undertake and complete these by the timescales set in Condition 2 and Condition 3 of this permission below. Thereafter, the landscape consultant/contractor will notify the Planning Authority in writing once the landscape scheme has been completely implemented in full across the site.
  - Require the appointed landscape consultant to monitoring the completed landscaping scheme on the site for a period of 5 year from the date in which the landscape scheme has been completely implemented. Inspections shall be undertaken twice a year during the first 2 years of establishment with annual checks undertaken thereafter up to 5 years from the completion planting. Following each inspection, the appointed landscape consultant/contractor will provide and submit in writing to the Planning Service, a report which confirm the findings of the monitoring programme.
  - In accordance with approved 'Landscape Proposals Schedule (Drawing S4-P02)' any trees, shrubs, plants, or grass forming part of the approved landscape scheme which die, are removed or become seriously damaged or diseased, within a period of 5 years from the date of their planting, shall be replaced by the appointed landscape consultant/contractor with others of similar sizes and species unless the Planning Authority gives written approval to any variation.
2. Further to Condition 1 above, within 2 months of the date of the appointment of the landscape consultant/contractor, the approved detailed landscape scheme for additional structural landscaping and diversified vegetation to be introduced within the 'as built' caravan development layout shall be implemented in full within the site. Thereafter, the approved detailed and additional landscape scheme once complete and in place shall be maintained in strict accordance with the management and aftercare arrangements as detailed on approved plan 'Landscape Proposals Schedule (Drawing S4-P02)' for the lifetime of this development, unless otherwise agreed in writing by the Planning Authority.
3. Further to Condition 1 above and within 1 month of the date of the appointment of the landscape consultant/contractor, the approved revised scheme for the management of the hedge running along the C-class road heading east past the site shall come into full effect. Thereafter, the hedge shall be maintained in strict accordance with the approved hedge management plan as detailed on approved plan 'Landscape Proposals Schedule (Drawing S4-P02)' for the lifetime of this development, unless otherwise agreed in writing by the Planning Authority.
4. That all existing and proposed caravans associated with this development shall not be promoted, advertised, let, or used for any purpose other than as holiday accommodation.
5. Surface water from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems (SUDS) Manual published by CIRIA in March 2007.
6. Within 1 month of the date of this consent, precise details of the siting and specifications of a cycle stand to be situated within the Crofthead Caravan Park boundary shall be submitted to and approved in writing by the Planning Authority (in consultation with the Council as Roads Authority). The details provided shall show a cycle stand which is lockable and covered and which accommodate a minimum of 20 bikes. The approved cycle stand shall be installed in line with the approved arrangements within 1 month of the date of the Planning Authorities approval and once installed shall thereafter be maintained as such for the lifetime of the development unless otherwise agreed in writing by the Planning Authority.



7. Within 1 month of the date of this consent, a Travel Plan shall be submitted to and approved in writing by the Planning Authority (in consultation with the Council as Roads Authority). The Travel Plan shall identify the measures to be implemented, the system of management, monitoring, review, reporting and the duration of the plan and it shall incorporate measures designed to encourage modes of travel other than private car. The approved Travel Plan and all associated measures and actions shall become effective within 1 month of the Planning Authorities approval and thereafter these measures shall be maintained as such for the lifetime of the development, unless otherwise agreed in writing by the Planning Authority.

**Reasons:**

1. *To ensure that the approved revised landscape scheme for the site is implemented and monitored by a professional and suitably qualified landscape consultant with the relevant experience and expertise and to ensure that the landscape and planting is effectively monitored, and provisions are in place so that it can successfully establish within the site and serve its purpose in terms of screening.*
2. *To ensure that the revised landscape scheme is implemented in a timely manner to offer sufficient screening from the increased number of caravans that are now aligned in a different arrangement than that which was previously approved through application 15/01231/APPM.*
3. *In the interests of visual amenity, biodiversity gain and securing the health and vitality of the hedge and to ensure it can be as effective as possible in a timely manner to contributing to screening the increased number of caravans that are now aligned in a different arrangement than that which was previously approved through application 15/01231/APPM.*
4. *In order to retain full control over the development and to avoid the creation of any permanent additional dwellinghouses.*
5. *To ensure the site is drained in an acceptably sustainable manner and the drainage infrastructure is properly maintained.*
6. *To ensure adequate provision of a lockable and covered cycle storage on the site and to encourage and facilitate more sustainable means of travel.*
7. *To encourage and promote sustainable means of travel.*

**Advisory Notes:**

**Biodiversity and Ranger Services**

- *Further to Condition 1 above, this service highlights that guidance and advice can be found online from SAC Consulting, the Scottish Rural Agricultural College (SRUC), or Nectar Network all of which can assist and advise the applicant should they have any questions regarding hedge management practices associated with the approved hedge management plan.*

**Environmental Health Service**

- *All remaining work should be undertaken in compliance with legislation and guidance relating to pollution prevention, information can be found at the website of the Scottish Environment Protection agency as follows [www.sepa.org.uk](http://www.sepa.org.uk)*
- *If permission is granted, then you should contact South Ayrshire Council Environmental Health Service to update your current caravan site licence before the site opens and the site must meet the conditions stated in the Caravan sites and control of Development Act 1960 and amendments therewith included in the Act.*
- *This response with recommendation(s) was prepared by Elaine Little, Environmental Health Officer, to whom any further enquiries can be made on 01292 616341. This includes any enquiries about an updated caravan site license.*

**Scottish Water**

- *If the applicant is looking for a new connection to the public network, they should submit a Pre-Development Enquiry application through Scottish Water's customer portal: <https://www.scottishwater.co.uk/Business-and-Developers/Connecting-to-Our-Network>*

**List of Determined Plans:**

- Location Plan.
- Planning Statement (Dated November 2022, Alan Neish Consulting Ltd).
- Landscape and Visual Impact Assessment (LVIA) (Dated November 2022, Alan Neish Consulting Ltd).
- Appendix 1 of LVIA – Appraisals/Plans submitted with 2015 application 15/01231/APPM.
- Appendix 2 of LVIA – Plan denoting pitches deleted under Condition 2 of 15/01231/APPM.
- Amended Appendix 3 of LVIA – Site Plan ‘As Built’ (Drawing No. Appendix 3 Revision B).
- Appendix 4 of LVIA – Cross Section A-A through the historic site and site ‘as built’.
- Amended Appendix 5 of LVIA (Part1) – Site Plan ‘As Built’ with Landscape Proposals General Arrangement (Drawing No. 64048.00.001 S4-PO3).
- Amended Appendix 5 of LVIA (Part 2) – Planting Plan 1 of 3 (Drawing No. 6408.00.002 S4-PO3).
- Amended Appendix 5 of LVIA (Part 3) – Planting Plan 2 of 3 (Drawing No. 6408.00.003 S4-PO3).
- Amended Appendix 5 of LVIA (Part 4) – Planting Plan 3 of 3 (Drawing No. 6408.00.004 S4-PO3).
- Amended Appendix 5 of LVIA (Part 5) – Planting Schedules (Drawing No. 6408.00.005 S4-PO3).
- Amended Appendix 5 of LVIA (Part 6) – Planting Details (Drawing No. 6408.00.006 S4-PO3).
- Amended Appendix 6 of LVIA – Site Plan ‘As Built’ with Topographical Survey (Drawing No. Appendix 6 Revision A).
- Addendum to Planning Supporting Statement and LVIA (Dated 15<sup>th</sup> February 2023, Alan Neish Consulting Ltd).
- Copy of Decision Notice for permission 15/01231/APPM.

**Reason for Decision (where approved):**

The removal of conditions 1, 2, 3, 4, 6, 8, 9 and 11 of planning permission 15/01231/APPM are considered to be acceptable for the reasons set out in the Panel Report. Subject to the environmental mitigation secured through this Section 42 application which includes a revised landscape scheme for the site, the subsequent changes to the layout and density of the development are still considered to accord with the provisions of the statutory development plan framework and there is no additional significant or adverse impact on the amenity of neighbouring land or the surrounding environment and landscape to a point which would warrant refusal of the application.

**Background Papers:**

1. Application form, plans and submitted documentation(s)
2. National Planning Framework 4 (NPF4)
3. Adopted South Ayrshire Local Development Plan (LDP2)
4. Consultations

**Equalities Impact Assessment**

An Equalities Impact Assessment is not required because the proposed development is not considered to give rise to any differential impacts on those with protected characteristics.

**Person to Contact:**

Mr Ross Lee, Supervisory Planner (Place Planning), 01292 616 383.