

REPORT TO: Planning Committee

MEETING DATE: Tuesday 2 September 2014

BY: Depute Chief Executive
(Partnerships and Community Services)

SUBJECT: Application for Planning Permission for Consideration

Application No. **14/00151/PM**

Proposal Variation of conditions to allow the occupancy of static and touring caravans for 46 weeks of each year (Condition 8 of outline planning permission T/1143/90, Condition 5 of P/1143/90, Condition 5 of planning permission P/0674/91, Condition 4 of planning permission P/0557/92, Condition 4 of planning permission P/0558/92, Condition 5 of planning permission P/0102/94, Condition 3 of planning permission P/0223/94, Condition 4 of planning permission 99/00688/FUL, Condition 2 of planning permission 04/00007/FUL and Condition 2 of planning permission 09/00441/FUL)

Location **Thurston Manor Holiday Home Park
Innerwick
Dunbar
East Lothian
EH42 1SA**

Applicant Verdant Leisure Limited

Per Hough Tullett

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

As the area of the application site is greater than 2 hectares, what is proposed in this application is, under the provisions of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, defined as a major development type proposal and thus it cannot be decided through the Council's Scheme of Delegation. The application is therefore brought before the Planning Committee for a decision.

This application relates to the existing Thurston Manor Holiday Home Park that is a caravan park in the countryside between Dunbar and Innerwick.

Thurston Manor Holiday Home Park has been in use as a caravan park since the 1990s through various grants of planning permission.

Conditions of those planning permissions restrict the occupancy of static caravans and of touring caravans to prevent them being used as residential units.

Planning permission is now sought to vary:

(i) condition 8 of outline planning permission T/1143/90, which states that “The static caravans will not be used for any purpose between 1 November and the last day of February of the subsequent year”;

(ii) condition 5 of planning permission P/1143/90, which states that “The caravans will not be used for any purpose between 1 November and the last day of February of the subsequent year”;

(iii) condition 5 of planning permission P/0674/91, which states that “The static caravans will not be used for any purpose between the 1st November and the last day of February of the subsequent year”;

(iv) condition 4 of planning permission P/0557/92, which states that “The static caravans will not be used for any purpose between the 1st November and the last day of February of the subsequent year”;

(v) condition 4 of planning permission P/0558/92, which states that “The static caravans hereby approved will not be used for any purpose between the 1st November and the last day of February of the subsequent year”;

(vi) condition 5 of planning permission P/0102/94, which states that “No individual touring caravan shall remain on site for a period exceeding four weeks in any one summer season and there will be no van on site between 1st November and the last day of February of the subsequent year”;

(vi) condition 3 of planning permission P/0223/94, which states that “The static holiday caravans shall not be occupied other than during the following specified periods and outwith these periods they shall not be used for any purpose:

1. Seven days per week between 1st March and 30th November of any one calendar year both dates inclusive.
2. Week-ends (to include Friday afternoon and Monday morning) between 1st December and 23rd December of any one calendar year, both dates inclusive.
3. Seven days per week between the 24th December and 7th January of the following year, both dates inclusive.”;

(vii) condition 4 of planning permission 99/00688/FUL, which states that “The static holiday caravans within this hereby approved extension to Thurston Manor Caravan Park and outlined in red in the docketed drawing 2816/03 will only be occupied during the following specified periods and out with these periods they shall not be used for any purpose:

- (1) Seven days per week between 1st March and 30th November of any one calendar year, both dates inclusive.
- (2) Weekends (to include Friday night and Monday morning) between 1st December and 23rd December of any one calendar year, both dates inclusive.

(3) Seven days per week between the 24th December and 7th January of the following year, both dates inclusive.”;

(viii) condition 2 of planning permission 04/00007/FUL, which states that “The static holiday caravans within this hereby approved extension to Thurston Manor Caravan Park and outlined in red in the docketed drawing 3623/06 will only be occupied during the following specified periods and outwith these periods they shall not be used for any purpose:

(1) Seven days per week between 1st March and 30th November of any one calendar year, both dates inclusive.

(2) Weekends (to include Friday night and Monday morning) between 1st December and 23rd December of any one calendar year, both dates inclusive.

(3) Seven days per week between the 24th December and 7th January of the following year, both dates inclusive.”; and

(ix) condition 2 of planning permission 09/00441/FUL, which states that “The static holiday caravans within this hereby approved extension to Thurston Manor Caravan Park and outlined in red in the docketed drawing no. 4371/01 will only be occupied during the following specified periods and out with these periods they shall not be used for any purpose:

(1) Seven days per week between 1st March and 30th November of any one calendar year, both dates inclusive.

(2) Weekends (to include Friday night and Monday morning) between 1st December and 23rd December of any one calendar year, both dates inclusive.

(3) Seven days per week between the 24th December and 7th January of the following year, both dates inclusive.”

The applicant seeks to vary the conditions of occupancy of static and touring caravans to the effect that no static caravan shall be occupied during a 6 weeks period starting from the day after the New Year bank holiday period each year; and no touring caravan shall remain on site for a period which exceeds 6 weeks in the time period during which occupancy of the static caravans is permitted, nor remain on site during a 6 weeks period starting from the day after the New Year bank holiday period each year.

The applicant states in support of the proposed extended occupancy of caravans that it would allow the owners of the site to ensure that all caravans were utilised but not for residential purposes.

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that the application be determined in accordance with the development plan, unless material considerations indicate otherwise.

The development plan is the approved South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Plan 2008.

No policies of the South East Scotland Strategic Development Plan (SESplan) are relevant to the determination of this application.

The site is within an area subject to Policy DC1 (Development in the Countryside and Undeveloped Coast) of the adopted East Lothian Local Plan 2008.

One written representation has been received to the application in which a matter of landownership is raised. However this is a civil matter between landowners and is not

one that is material to the determination of this application. A matter is also raised concerning landscape planting of a different application. It is unclear whether this was a condition of previous planning permission however this would be for the Council's enforcement service to investigate as a separate matter.

Policy DC1 of the adopted East Lothian Local Plan 2008 states that leisure use will be acceptable where it is of an appropriate scale and character for its proposed location in the countryside and where it can be suitably serviced, accessed and there are no significant traffic or other environmental impacts.

This application is for a change to the operation of a long established existing approved caravan site use within the countryside. What is proposed is not a new use. The variation as now proposed of Condition 8 of outline planning permission T/1143/90, Condition 5 of planning permission P/1143/90, Condition 5 of planning permission P/0674/91, Condition 4 of planning permission P/0557/92, Condition 4 of planning permission P/0558/92, Condition 5 of planning permission P/0102/94, Condition 3 of planning permission P/0223/94, Condition 4 of planning permission 99/00688/FUL, Condition 2 of planning permission 04/00007/FUL and Condition 2 of planning permission 09/00441/FUL would reduce the seasonal restriction on static and touring caravan use of the caravan park and would allow, as an operational change to the established caravan site use, occupation of static caravans for the majority of the year and also the siting and occupation of touring caravans for the majority of the year, albeit that no individual touring caravan would be permitted to remain sited there for longer than 6 weeks.

Such operational change to the established caravan site would be restricted to being within that well-contained site within the countryside and would not radically alter the use of the site so as to significantly change the affect the existing uses have on the character and appearance of this part of the countryside. Nor would the additional use have any adverse impact on nearby uses. On this count what is proposed does not conflict with Policy DC1 of the adopted East Lothian Local Plan 2008.

Where planning permission is granted for caravan sites in countryside locations, which have a policy presumption against new residential development, it is the practice of the Council to use conditions on a grant of planning permission to restrict occupancy to ensure against the possibility that static or touring caravans might be used as permanent residences.

The amendment of Condition 8 of outline planning permission T/1143/90, Condition 5 of planning permission P/1143/90, Condition 5 of planning permission P/0674/91, Condition 4 of planning permission P/0557/92, Condition 4 of planning permission P/0558/92, Condition 5 of planning permission P/0102/94, Condition 3 of planning permission P/0223/94, Condition 4 of planning permission 99/00688/FUL, Condition 2 of planning permission 04/00007/FUL and Condition 2 of planning permission 09/00441/FUL in the manner now proposed, to allow a longer period of use of the site, would still allow the Council to retain sufficient planning control such that the site would not be used for permanent residential purposes. The proposals therefore do not conflict with Policy DC1 of the adopted East Lothian Local Plan 2008 which presume against residential use in the countryside where it does not have an operational justification in relation to agriculture, horticulture or forestry uses or other existing countryside employment uses.

VARIED CONDITIONS:

- 1 Condition 8 of outline planning permission T/1143/90:

No static caravan shall be occupied during a 6 weeks period starting from the day after the New Year bank holiday period each year.

Reason:

To ensure that static caravans are not used as permanent residential accommodation and in the interests of the amenity of the area.

- 2 Condition 5 of planning permission P/1143/90:

No static caravan shall be occupied during a 6 weeks period starting from the day after the New Year bank holiday period each year; and no touring caravan shall remain on site for a period which exceeds 6 weeks in the time period during which occupancy of the static caravans is permitted, nor remain on site during a 6 weeks period starting from the day after the New Year bank holiday period each year.

Reason:

To ensure that caravans are not used as permanent residential accommodation; and to ensure that stances are regularly available for use by touring caravans and in the interests of the amenity of the area.

- 3 Condition 5 of planning permission P/0674/91:

No static caravan shall be occupied during a 6 weeks period starting from the day after the New Year bank holiday period each year.

Reason:

To ensure that static caravans are not used as permanent residential accommodation and in the interests of the amenity of the area.

- 4 Condition 4 of planning permission P/0557/92:

No static caravan shall be occupied during a 6 weeks period starting from the day after the New Year bank holiday period each year.

Reason:

To ensure that static caravans are not used as permanent residential accommodation and in the interests of the amenity of the area.

- 5 Condition 4 of planning permission P/0558/92:

No static caravan shall be occupied during a 6 weeks period starting from the day after the New Year bank holiday period each year.

Reason:

To ensure that static caravans are not used as permanent residential accommodation and in the interests of the amenity of the area.

- 6 Condition 5 of planning permission P/0102/94:

No touring caravan shall be on site during a 6 weeks period starting from the day after the New Year bank holiday period each year and outwith this period no touring caravan shall remain on site for a period which exceeds 6 weeks.

Reason:

To ensure that caravans are not used as permanent residential accommodation; and to ensure that stances are regularly available for use by touring caravans and in the interests of the amenity of the area.

- 7 Condition 3 of planning permission P/0223/94:

No static caravan shall be occupied during a 6 weeks period starting from the day after the New Year bank holiday period each year.

Reason:

To ensure that static caravans are not used as permanent residential accommodation and in the interests of the amenity of the area.

- 8 Condition 4 of planning permission 99/00688/FUL:

No static caravan shall be occupied during a 6 weeks period starting from the day after the New Year bank holiday period each year.

Reason:

To ensure that static caravans are not used as permanent residential accommodation and in the interests of the amenity of the area.

9 Condition 2 of planning permission 04/00007/FUL:

No static caravan shall be occupied during a 6 weeks period starting from the day after the New Year bank holiday period each year.

Reason:

To ensure that static caravans are not used as permanent residential accommodation and in the interests of the amenity of the area.

10 Condition 2 of planning permission 09/00441/FUL:

No static caravan shall be occupied during a 6 weeks period starting from the day after the New Year bank holiday period each year.

Reason:

To ensure that static caravans are not used as permanent residential accommodation and in the interests of the amenity of the area.

Please note that the remainder of pages relating to this item have been removed as they contain personal information (for example - names and addresses of people that have made representation)