

REPORT TO: Planning Committee
MEETING DATE: 6 December 2022
BY: Executive Director for Place
SUBJECT: Application for Planning Permission for Consideration

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Application No. **21/00093/PM**
Proposal Section 42 application to remove condition 2 of planning permission 90/00411/P
Location **Monks Muir Park
Haddington
East Lothian**

Applicant Bakersfield Properties Ltd
Per Fox Planning Consultancy

RECOMMENDATION Consent Granted

REPORT OF HANDLING

As the site area of the application site is greater than 2 hectares, the development 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 and thus it cannot be decided through the Council's Scheme of Delegation.

APPLICATION SITE

This application pertains to the existing caravan park at Monks Muir.

The existing caravan park site has a predominantly rectangular shaped, long linear layout extending between the north side of the A199 classified public road and the south side of the minor public road, which provides access to Markle Mains Quarry. An existing house is located within the caravan park, towards its southern end. At its southern end on its east side, there is a further rectangular shaped area of land to the east side of the vehicular access road of the caravan park.

The existing caravan park has been operating at Monks Muir on the north side of the A199 classified public road between Haddington and East Linton with the benefit of a number of planning permissions stretching back to 1954. Subsequent permissions since 1954 have allowed for the progressive expansion of the caravan park. In December 1990 a planning permission was granted under reference P/0411/90 for the redevelopment of the caravan park. This redevelopment and upgrading of the site allowed for a total of 66 pitches, being 51 pitches for static caravans and 15 for either touring caravan or tent use. The docketed drawings for planning permission P/0411/90 show an area of the northern end of the caravan park as being retained as amenity space, and the land to the south of the existing house, and to the east of the vehicular access road of the caravan park and to the southeast of the existing house, all being between the house and the public road, as being for late arrival touring caravans and overspill area for tents.

Thus, the caravan park at Monks Muir is a well-established facility operating in the countryside of East Lothian.

The existing caravan park is bounded to the east and west by agricultural land, and to the north by a minor public road which provides access to Markle Mains Quarry beyond which is further agricultural land. To the south is the A199 classified public road on the opposite side of which is an intervening strip of treed land beyond which is the classified A1 Trunk Road.

The existing caravan park is enclosed along its north (roadside) boundary by a low rubble stone wall and along its east and west boundaries by a combination of low rubble stone wall, fencing and hedging. There are some trees positioned at irregular intervals along the east and west boundaries. The south (roadside) boundary with the A199 classified public road is enclosed by a rubble stone wall, some 1.65 metres in height. There is evergreen hedging planted along the inside of the roadside boundary wall. That hedging is some 3.0 metres in height along the west side of the southern boundary (to the west of the vehicular access from the public road) and some 2.0 metres in height to the east side of the southern boundary (to the east of the vehicular access). There is a small group of predominantly evergreen trees on the west side of the access road to the west of the vehicular access from the public road. The east and north boundaries of the rectangular shaped area of land that is to the eastern side of the vehicular access road at the southern end of the caravan park are enclosed by vertical slatted timber fencing some 1.7 - 1.85 metres in height.

The existing caravan park, and thus also the land of the application site, is located within the defined area for a National Gas Transmission Pipeline (Gladsmuir to Aberlady Pipeline).

The route of Core Path No.84 and a Right of Way passes to the north of the application site along the route of the minor public road that is to the north of the application site.

The Beanston House Local Garden and Designed Landscape is located some 490 metres to the west of the caravan park site and the Beanston Mains Local Garden and Designed Landscape is located some 340 metres to the northwest of the caravan park site. The Garleton Hills Special Landscape Area (SPA) is located some 0.7 of a mile to the west of the caravan park site and the Traprain and Tyne Valley Special Landscape Area (SPA) is located some 30 metres to the south of the caravan park site.

PLANNING HISTORY

In July 1954, planning permission Ref. 63/54 was granted for a tea stall, parking, etc at the

site of Monks Muir Caravan site.

On 4th December 1964 planning permission Ref. 236/63 was granted for the erection of a toilet block at Monks Muir Caravan site.

On 10th January 1968 planning permission Ref. 197/67 was granted for an extension to the caravan and camping site at Monks Muir. In that planning permission it is noted that at the time, the caravan park site could accommodate 14 caravans or tents and that permission was sought to increase that by an additional 30 caravans or tents.

On 17th November 1970 planning permission Ref. 230/70 was granted for an extension to provide an additional area for tents at Monks Muir Caravan site.

On 26th November 1971 planning permission Ref. 291/71 was granted for the extension of a toilet block at Monks Muir Caravan site.

On 24th August 1973 planning application Ref. 308/73 was refused for an extension of Monks Muir Caravan site. That decision was subsequently appealed to the Scottish Development Department. That appeal was subsequently withdrawn by the applicant.

On 31st August 1976 planning permission Ref. 289/76 was granted for the erection of a café building.

On 11th October 1976 planning application Ref. 290/76 was refused for the use of part of Monks Muir Caravan site as a caravan sales site.

In 1978 planning permission Ref. 41/78 was granted for an extension to provide an additional area for 30 tents at Monks Muir Caravan site.

On 11th July 1978 planning permission Ref. 181/78 was granted for an extension to toilet blocks and café at Monks Muir Caravan site. In that planning permission it is noted that at the time, the caravan park site could accommodate 30 caravans and 20 tents.

On 1st April 1981 planning permission Ref. 639/79 was granted for the demolition of existing stores and garage and the erection of new stores and garages.

On 5th December 1990 planning permission P/0411/90 was granted, subject to conditions, for the redevelopment of the existing caravan and camping site. Those conditions pertain to (i) the number of caravans/tents to be positioned on the caravan site and their positioning on the site, (ii) the period of each year when the static caravans shall be occupied, (iii) the use of the southern part of the caravan site between the existing house and the public road, and (iv) landscaping of the caravan site.

It should be noted that the development of the caravan park has since evolved, and the current layout does not now accord with any of the previously approved layouts.

On 16 October 2008 planning permission 08/00796/FUL was granted for the erection of stone walls and pillars along the part of the south roadside boundary of the site with the classified A199 public road (former A1 trunk road) in place of unauthorised walls that had been erected on that part of the boundary. The stone walls are approved to be erected to the west side of the existing vehicular access of the south boundary and for a short length immediately to the east side of the vehicular access.

On 22 December 2017 planning permission 17/00414/P was retrospectively granted for a shed, a gas governor, lampposts, a flagpole, walls, fencing, gates and gate piers that had

been erected on the southeast part of the site of Monks Muir Caravan Park (i.e. the rectangular shaped area of land that is to the east side of the vehicular access road of the caravan park at the southern end of the caravan park) and for hardstanding areas that had also been formed on that part of the caravan park site. Planning permission 17/00414/P was granted retrospectively and unconditionally because all of the development had already been undertaken on the site.

In April 2022 planning permission 21/00873/P was retrospectively granted for the erection of an amenity building, measuring some 4.1 metres in length by some 3 metres in width and with a maximum roof ridge height of some 3 metres above ground, that has been positioned on the northern part of the rectangular shaped area of land that is at the southern end of the caravan park site, to the east side of the vehicular access road.

In January 2021, application 21/00094/CLU was registered for a certificate of lawfulness for an existing use for the land involving the stationing of caravans with unrestricted occupancy and the pre-existing unrestricted use of the site. Application 21/00094/CLU has been withdrawn by the applicant's agent.

In November 2022, retrospective planning permission (Ref. 22/01045/P) was granted for a wood store building that has been erected on the northern part of the rectangular shaped area of land that is at the southern end of the caravan park site, to the east side of the vehicular access road.

PROPOSAL

Through this current application submitted under Section 42 of the Town and Country Planning (Scotland) 1997, permission is sought for the removal of condition 2 of planning permission P/0411/90.

Condition 2 of planning permission P/0411/90 states:

"No static caravan will be occupied outwith the periods 1st March to 31st October and 15th December to 15th January annually, both sets of dates inclusive and during these periods their occupation by any one person either alone or as one of a group of people will be restricted to a period of not more than one month.

Reason:

To ensure that the static caravans to be positioned on the site are not used as permanent residential accommodation."

A supporting Planning Statement has been submitted with the application.

The applicant advises that the site layout has differed to the 1990 approved layout for many years however does not know precisely when these layout variations first occurred. They note that the park has benefitted from a residential site licence for more than 10 years. These two applications (Refs. 21/00093/PM and 21/00092/PM) are proposed by the applicant to regularise the current site layout/development and also provide landscaping enhancements under the landscaping condition.

The Planning Statement states that it is clear from the 1967 planning consent that occupancy restrictions were not applied, and indeed that caravans on the park have benefitted from a residential site license for more than 10 years.

The supporting statement argues that condition 2 of planning permission P/0411/90 fails to meet the relevant tests set out in Circular 4/1998. It is stated that planning permission

P/0411/90 relates to operational development concerning the physical layout of the caravan park site and that it does not relate to the use of the site as a caravan park site use, which the statement purports was, at that time, already established on the whole of the site, and is demonstrated by the description of development of planning permission P/0411/90 being for the "redevelopment of existing caravan and camping site". The supporting statement further explains that the restrictive occupancy condition imposed through condition 2 of planning permission P/0411/90 was the first time such restrictive occupancy condition had been introduced for the caravan park.

Since the application was registered the application drawings have been amended to:

- (i) reduce the number of caravan pitches from 70 to 69, comprising 66 static caravans, 1 smaller green coloured static caravan, and 2 touring caravans; and
- (ii) change the landscaping proposals to include the provision of a wildlife garden on an area of land previously detailed as an empty caravan pitch on the northeast part of the site.

These changes are shown on amended application drawings submitted by the applicant's agent.

Drawing no. MON 0000 has been submitted with this application. That drawing is entitled 'Location Plan'. On it, each of the caravans on the caravan park site are annotated with the word 'house'. In planning terms, the structures on the site are caravans, and not houses. The agent for the application had advised that drawing no. MON 0000 would be updated to replace the word 'house' with 'caravan'. However, the agent now declines to amend the annotation on drawing no. MON 0000. That drawing should not therefore be docketed as part of a grant of planning permission.

The site area the subject of this application is more than 2 ha and therefore is a major development type. Section 35A (1) of The Town and Country Planning (Scotland) Act 1997 (as amended) requires the submission of a Proposal of Application Notice and notice of community consultation for major development types prior to the application for planning permission being made to the Council. However subsection 1A of Section 35A of the Act is clear that this requirement for public consultation does not apply to applications made under Section 42 of the Town and Country Planning (Scotland) Act 1997. As this application is one made under Section 42 of the Act then there was no statutory requirement for public consultation to be carried out.

Through separate application (Ref. 21/00092/PM), permission is sought under Section 42 of the Town and Country Planning (Scotland) Act 1997 for the variation of Conditions 1, 3 and 4 of planning permission P/0411/90. Application 21/00092/PM stands to be determined on its own merits and is reported at this time on this Planning Committee Agenda.

EIA SCREENING

Under the provisions of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 the proposed development falls within the category of a Schedule 2 Development, being one that may require the submission of an Environmental Impact Assessment (EIA). Schedule 3 of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 sets out the selection criteria for screening whether a Schedule 2 development requires an EIA. On 9th March 2021, the Council issued a formal screening opinion to the applicant's agent. The screening opinion concludes that it is East Lothian Council's view that the proposed

development is not likely to have a significant effect on the environment such that consideration of environmental information is required before any grant of planning permission. It is therefore the opinion of East Lothian Council as Planning Authority that there is no requirement for the application submitted under Section 42 of the Town and Country Planning (Scotland) for the removal of condition 2 of planning permission P/0411/90 to be the subject of an EIA.

DEVELOPMENT PLAN

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 Edinburgh and South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Development Plan 2018.

The purpose of the approved Edinburgh and South East Scotland Strategic Development Plan (SESplan) is to set out the strategic planning framework to assist preparation of local development plans. Its policies are generally not relevant for assessing individual applications.

There are no policies of the approved Edinburgh and South East Scotland Strategic Development Plan (SESplan) relevant to the determination of this application.

Relevant to the determination of the application are Policies DC1 (Rural Diversification), T1 (Development Location and Accessibility) and T2 (General Transport Impact) of the adopted East Lothian Local Development Plan 2018.

Revised Draft National Planning Framework 4 (NPF4) was published by the Scottish Government on the 08 November 2022. The Town and Country Planning (Scotland) Act 1997 (as amended) requires that NPF4 must be approved by the Scottish Parliament before it can be adopted by Scottish Ministers. On adoption the Scottish Government will commence the provisions in the Planning Act which will make NPF4 part of the statutory development plan. The Existing National Planning Framework 3 and Scottish Planning Policy remain in place until NPF4 has been adopted by Scottish Ministers.

REPRESENTATIONS

Twenty-four public representations have been received to the application. Twenty-three of those public representations raise objection to the application and as summarised the main grounds of objection are:

- i. oppose the permanent siting of the caravans at the front of the site and also the WC block;
- ii. the caravan park is a residential park for retired/semi-retired people over 50 years of age and no children are allowed, and none of the proposals will have any benefits to the residents;
- iii. Mr Young has moved his older children into the caravans sited at the front;
- iv. Mr Young's younger children have taken over what was the parks club room for residents so that space is no longer available for use by residents;

- v. this change to the character of the site (young families, children, noisy activities) is harmful to residents amenity;
- vi. although planning permission has not been sought for the units on the front (between the house and the public road) and rear of the site, there is no objection to these units as they are occupied;
- vii. Residents express a concern for a lack of care for them;
- viii. no amenities for residents (no shop, green seating area, club room);
- ix. it will be a blight on the amenity of the park;
- x. the use of static and touring caravans which do not comply with BS3632 are not allowed as residential;
- xi. there will be an increase in traffic generation;
- xii. the site is not suitable for disabled people under the Disability Act;
- xiii. the site, which had retrospective planning for a large shed was designed solely to house machinery;
- xiv. no planning permission has been sought for the siting of units 2 and 3 Cedar;
- xv. mature trees have been felled;
- xvi. loss of privacy;
- xvii. loss of tree cover on the northern part of the caravan park site resulting in noise and dust from lorries accessing Geddes Markle Quarry having a harmful impact on existing caravans;
- xviii. loss of environment for wildlife;
- xix. increased demand on water and sewage system; and
- xx. devaluing of existing caravans as park becomes much less desirable by becoming a site for touring caravans.

Twenty-two of the twenty-three representations raising objection to the application are in the form of two pro-forma letters.

The one remaining representation expresses support for the application, and comments that the park is a safe environment for mature residents and the owner/ manager has made significant changes and improvements to provide a post box, bus shelter, main road lighting and more importantly mains gas, which has made heating more affordable addressing fuel poverty associated with bottled gas, and that the amenities available suit most residents who prefer privacy.

The matter relating to the caravans complying with BS3632 is not a material planning consideration in the determination of this planning application.

The matter of the impact of this planning application on the value of the existing caravans/mobile homes is not a material planning consideration in the determination of

this planning application.

There is no planning control attached to the previous grants of planning permission that restricts the occupancy of the caravans at Monks Muir Caravan Site to a person(s) over the age of 50 who has retired or is semi-retired and has no children. Thus, these matters are not a material planning consideration in the determination of this planning application.

The use of the shed approved by the grant of planning permission 17/00414/P as part of the operation of the caravan park site is not a material planning consideration in the determination of this planning application.

This application pertains to the removal of condition 2 of planning permission P/0411/90, which restricts occupancy of the caravans to specific times of the year. It does not pertain to any physical form of development on the site. Thus, the subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

COMMUNITY COUNCIL

Dunpender Community Council (DCC), as a consultee on the application, raises objection to the application to remove Condition 2 of planning permission P/0411/90, and as summarised their main grounds of objection are:

1) Loss of amenity green space - considerable frontage development on the site has taken away the last communal green amenity space left on the site. This loss of green space is detrimental to health and well-being and, when possible, social interaction - especially important in these difficult times (Covid-19 pandemic). DCC believe that this situation does not meet the guideline standards developed by Scottish Government and the Scottish Confederation of Park Home Residents Association (SCOPHRA). Therefore DCC objects to this retrospective development application on the frontage of the Monks' Muir Park.

2) Loss of communal building - the communal building on the site has been lost for the use of residents and is now being used for private use only. DCC strongly feel that in post COVID times the building should be reinstated for the use of all residents. DCC believe that this situation does not meet the guideline standards developed by Scottish Government and SCOPHRA. Further space has also been lost to a shower block development. Therefore DCC objects to this retrospective development application on the grounds that essential communal residents' facilities have been lost.

3) Static caravan and other caravans on the frontage of the site - DCC objected to the industrial development of this frontage site back in 2017 (planning permission 17/00414/P). Their original objections still stand to the development of that part of the site. However, in addition, DCC are extremely upset that this area of the site (an industrial area) is currently being used for living in. This yard was built on a communal green space provided for residents. DCC believe that this ground should be reinstated as a green communal area. DCC believe that this situation does not meet the guideline standards developed by SCOPHRA. Therefore DCC objects to this site being used for any living purposes, even for caravans. The Monks' Muir Residents Association have outlined their concerns in an excellent submission made by their Chair. DCC agrees with all of their well-made points and gives them their fullest support on these matters.

CONSULTATIONS

The **Council's Senior Environmental Health Officer** has no comment to make regarding this application to remove condition 2 of planning permission P/0411/90.

The **Council's Environmental Health Food and Safety Officer (Business Regulation)** advises that the current caravan site licence is based on the site being a residential site with no closure period, and the licence does not include provision for touring caravans and/or tents, and that if any touring caravans and/or tents were to be located on the site their occupancy should be restricted to prevent them being used as permanent residencies.

The **Council's Road Services** has been consulted on the application and raises objection to the application to remove condition 2 of planning permission P/0411/90 on the grounds that it would be more likely that the site would become a permanent residential site, which is contrary to condition 2 of planning permission P/0411/90.

PLANNING ASSESSMENT

As the applicant advises, the site layout has differed to the 1990 approved layout for many years. This application (Ref. 21/00093/PM) and the associated application Ref. 21/00092/PM are proposed by the applicant to seek to regularise the current site layout/development on the caravan park site.

The existing caravan park, and thus the land of the application site, is located within the defined area for a National Gas Transmission Pipeline (the Gladsmuir to Aberlady Pipeline), and thus is an existing facility within the defined area for that pipeline. However, as the application does not propose any development to the established caravan park site, there is no requirement to consult on this matter.

Local Development Plan Policy DC1 set out criteria whereby development in the countryside may be supported in principle. It does not specifically refer to caravan park sites. As this planning application relates to an existing established operational caravan park site within this countryside location, there can be no objection in principle to the caravan park site in this countryside location.

This planning application relates to an existing established operational caravan park site within this countryside location. The removal of condition 2 of planning permission P/0411/90 would not have any appreciable impact on the existing relationship between the existing caravan park site and the Beanston House Local Garden and Designed Landscape some 490 metres to the west of the caravan park site.

It is normally the case that occupancy controls would be applied to the occupation of caravans on caravan sites to ensure that they are not occupied as permanent residential accommodation, and in such circumstances examples of such conditions often preclude the occupation of a caravan for a period of 6 weeks during January and February each calendar year.

This current planning application relates only to the site area of the existing caravan park site at Monks Muir and does not propose to extend the site area from that already established by previous grants of planning permission.

The application drawings submitted with this planning application show a total of 67 static caravans and 2 touring caravans, giving an overall total of 69 pitches.

This planning application seeks to remove the occupancy restriction that is set out in condition 2 of planning permission P/0411/90.

It should be noted that planning permission P/0411/90 does not impose any planning

controls to restrict the occupancy of touring caravans on the caravan site.

In the supporting statement submitted with the application, the applicant's agent puts forward a case that condition 2 of planning permission P/0411/90 does not relate to the operational development the subject of that planning permission, as that planning permission was for the 'redevelopment of existing caravan and camping site', and that condition 2 does not meet the tests of Circular 4/1998: the use of conditions in planning permissions.

Circular 4/1998 states that planning conditions should only be imposed where they are:

- o necessary;
- o relevant to planning;
- o relevant to the development to be permitted;
- o enforceable;
- o precise; and
- o reasonable in all other respects.

The caravan park site at Monks Muir is a well-established facility operating in the countryside of East Lothian and with the benefit of a number of planning permissions has operated from this site stretching back to 1954.

The decision notices for the grants of planning permission (Refs. P/0236/63, P/0197/67, P/0230/70, P/0291/71, P/0289/76, P/041/78, P/0181/78, and P/0639/79), some of which pertain to the siting of additional caravans and/or tent pitches, do not include any planning controls to restrict the occupancy of the caravans and/or tents.

Although unable to locate the decision notice for the 1954 grant of planning permission for the caravan park site (Ref. P/063/54), given that subsequent planning permissions (Refs. P/0236/63, P/0197/67, P/0230/70, P/0291/71, P/0289/76, P/041/78, P/0181/78, and P/0639/79), did not include any conditions to control occupancy of the caravans on the caravan park site, it would not be unreasonable to conclude that the 1954 grant of planning permission for the caravan park site (Ref. P/063/54) also did not include any such occupancy restriction. Thus, it is reasonable to conclude that prior to the grant of planning permission P/0411/90 there was no planning control to restrict the occupancy of the caravans at Monks Muir Caravan Park.

Any controls on the occupancy of the caravans on the caravan park site is provided only on caravan site licences.

As the grant of planning permission P/0411/90 is for the redevelopment of the existing caravan and camping site, in seeking to impose occupancy restrictions on all of the caravans the subject of that planning application, condition 2 was seeking to impose occupancy controls on static caravans which already had approval to be sited on the caravan park site, and at that time could be occupied without any restriction.

In that the grants of planning permission P/0236/63, P/0197/67, P/0230/70, P/0291/71, P/0289/76, P/041/78, P/0181/78, and P/0639/79 do not impose occupancy restrictions on any caravans and/or tents on the caravan park site, there were no grounds for such occupancy controls to be imposed through planning permission P/0411/90, unless such control was required for new caravans/tent pitches on the caravan park site. Such requirement for control on the new caravans/tent pitches is not specified in the report of handling for planning permission P/0411/90.

In an affidavit submitted with the application, the site manager, Mr Young, attests that "since 2006/2007 all new static caravans have been occupied on a year round basis with

unrestricted 12-month occupancy".

Thus, on these aforementioned considerations, there is no objection to the removal of condition 2 of planning permission P/0411/90.

Furthermore, as the grants of planning permission P/0236/63, P/0197/67, P/0230/70, P/0291/71, P/0289/76, P/041/78, P/0181/78, P/0639/79 and P/0411/90 do not impose occupancy restrictions on any touring caravan on the caravan park site, it would be unreasonable to now seek to impose such an occupancy control for touring caravans on the caravan park site.

Contrary to the comments received from the **Council's Environmental Health Food and Safety Officer (Business Regulation)**, the application does not propose any tent pitches on the caravan park site.

Accordingly, the removal of condition 2 of planning permission P/0411/90 does not conflict with Policy DC1 of the adopted East Lothian Local Development Plan 2018.

The **Council's Road Services** raises objection to the application to remove condition 2 of planning permission P/0411/90 on the grounds that as a result of the removal of the condition it would be more likely that the site would become a permanent residential site, which is contrary to the condition that was imposed by planning permission P/0411/90.

The removal of condition 2 would have no impact on the ongoing, well established use of the static caravans as park homes on the caravan park site, and there would be no additional parking demand or pressure on the road network arising from the deletion of condition 2. Accordingly, on transportation and road safety matters the removal of the condition 2 does not conflict with Policies T1 and T2 of the adopted East Lothian Local Development Plan 2018.

In conclusion, based on the aforementioned material considerations, the removal of condition 2 of planning permission P/0411/90 is considered to be in accordance with the provisions of the stated relevant Development Plan policies and there are no material considerations which outweigh that proposal's accordance with the Development Plan. Thus, the proposed removal of condition 2 is acceptable.

A revised version of Planning Series Circular 3/2013 (Development Management Procedures) was published by the Scottish Government in October 2022 (Circular 3/2022: Development Management Procedures). Annex I of the Circular gives guidance on applications for planning permission under section 42 of the Town and Country Planning (Scotland) Act 1997, as amended. The application that is the subject of this report is made under section 42 of the Act. Annex I states that "Planning authorities should attach to the new permission all of those conditions from the previous permission, where it is intended these should apply and ensure (where appropriate) that permission is granted subject to the conclusion of any appropriate planning obligation". In this case, the other conditions are 1, 3 and 4 of planning permission P/0411/90.

Through separate application Ref. 21/00092/PM, which is reported at this time on this Planning Committee Agenda, permission is sought under Section 42 of the Town and Country Planning (Scotland) Act 1997 for the variation of Conditions 1, 3 and 4 of planning permission P/0411/90 with a recommendation that those conditions be varied to reflect the current layout of the caravan park site and to approve a different scheme of landscaping for the caravan park site.

Therefore, if the Planning Committee is minded to grant planning permission for the

removal of condition 2 of planning permission P/0411/90 and to grant the variation of conditions 1, 3 and 4 of planning permission P/0411/90 through separate planning application Ref. 21/00092/PM, which is reported at this time on this Planning Committee Agenda, then the varied conditions recommended through separate planning application Ref. 21/00092/PM should be attached to this grant of Section 42 application for the removal of condition 2.

However, if the Committee refuses the associated Section 42 application 21/00092/PM then the original wording of conditions 1, 3 and 4 of planning permission P/0411/90 should apply to this grant of Section 42 application (Ref. 21/00093/PM) for the removal of condition 2.

RECOMMENDATION:

That planning permission be granted for the removal of condition 2 of planning permission P/0411/90, subject to the following:

a) If Planning Committee resolve to grant the variation of conditions 1, 3 and 4 of planning permission P/0411/90 through separate planning application Ref. 21/00092/PM then planning permission (Ref. 21/00093/PM) should be granted subject to the following conditions:-

1. The development shall be carried on in accordance with the site layout shown in the following drawings: MON 0001 F Rev 1 Landscape Strategy Plan, MON 002 B Rev 1 South Area Landscape Plan and MON 1130 F Rev 1 North East Site Layout Wildlife Garden, and shall be retained in this manner unless otherwise agreed in accordance with drawings which shall be submitted to and approved in writing by the Local Planning Authority. The total number of static caravans to be accommodated on the site shall not at any time exceed 67, and the total number of touring caravans to be accommodated on the site shall not at any time exceed 2, unless otherwise approved in writing by the Local Planning Authority in accordance with a revised layout scheme.

Reason:

To ensure that the amount of caravans on the site does not exceed the approved number and to ensure that the appropriate facilities are provided to an adequate level and at satisfactory locations all in respect of ensuring the caravan park is operated in an acceptable manner.

2. That part of the site between the existing house and the A199 classified public road shall only be used and set out in accordance with the site layout shown on the following drawings: MON 001 F Rev 1 Landscape Strategy Plan, MON 002 B Rev 1 South Area Landscape Plan and MON 1130 Rev 1 North East site Layout Wildlife Garden, and shall be retained in this manner unless otherwise agreed in accordance with drawings which shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To minimise the visual impact of the use of the front part of the site in the interest of safeguarding the rural character and amenity of the area.

3. The site shall be landscaped in accordance with the landscaping scheme contained in the following documents and drawings: MON 001 F Rev 1 Landscape Strategy Plan, MON 002 B Rev 1 South Area Landscape Plan and MON 1130 Rev 1 North East site Layout Wildlife Garden, MON 1150 Trees in Planters, MON 020 Heavy Standard Rootballed Tree, MON 021 Heavy Standard Bare Root Tree, MON 023 Hedge Details, and Landscape Management Plan dated 19 January 2021. Details of the specific location of the 8 trees in planters shall be submitted to and approved in advance in writing by the Planning Authority prior to their placement on the site. The landscaping shall be completed in its entirety during the first planting and seeding season following this grant of planning permission and thereafter that planting shall be maintained in accordance with the submitted Landscape Maintenance and Management Plan. The landscaping layout shall be retained in this manner unless otherwise agreed in writing in advance by the Planning Authority in accordance with drawings which shall be submitted to and approved in writing by the Planning

Authority.

Reason:

To ensure that the use of the site layout does not cause visual intrusiveness to the detriment of the rural character and amenity of the area.

b) If Planning Committee resolve to refuse the variation of conditions 1, 3 and 4 of planning permission P/0411/90 through separate planning application Ref. 21/00092/PM then planning permission (Ref. 21/00093/PM) should be granted subject to the following conditions:

1. The total number of static and touring caravans and tents to be accommodated on the site will not, at any time, exceed that which is specified in drawings nos. 1675/C/01 and 02 which are docketed to this planning consent and they will be disposed on the site together with the café/shop, workshop, garage and play area and toilet, shower, washing, s water supply, soil and waste-water disposal, and fire alarm and fighting facilities all in the manner shown in those drawings and in accordance with the current Model Standards of the Caravan Sites and Control of Development Act.

Reason:

To ensure that the amount of caravans and tents on the site does not exceed the approved number and to ensure that the appropriate facilities are provided to an adequate level and at satisfactory locations all in respect of ensuring the caravan park is operated in an acceptable manner.

2. The part of the site between the existing house and café/shop and the A1 trunk road will be used solely as a temporary overspill area for touring caravans and tents, for accommodating both caravans which arrive late and tents on an occasional basis, and on that part of the site no single touring caravan and tent will remain for more than 24 hours.

Reason:

To minimise the visual impact of the use of the front part of the site in the interest of safeguarding the rural character and amenity of the area.

3. Prior to the commencement of any part of the development and upgrading scheme which is the subject of this planning consent, a fully detailed landscape plan for the entire site, to include enhanced planting both with the site and along its boundaries will be submitted to and approved by the Director of Planning, and that landscaping will be completed in its entirety during the first full planting season following commencement of work to further develop and upgrade the site, and thereafter that planting will be maintained in accordance with a management plan which will also have received the prior approval of the Director of Planning.

Reason:

To ensure that the use of the site does not cause visual intrusiveness to the detriment of the rural character and amenity of the area.

