

Item: 3.1

Planning Committee: 3 July 2019.

Create Caravan and Camping Site with Amenity Block, Hardstanding Pitches and Hook-up Points, Install Septic Tank, Improve Track (approximately 500 metres) and Access at Carness, St Ola.

Report by Executive Director of Development and Infrastructure.

1. Summary

1.1.

It is proposed to create a caravan and camping site, accessed from Carness Road, north of Kirkwall. The site would have an amenity block with associated septic tank, and hardstanding pitches and hook-up points, and would be accessed along a coastal track of approximately 500 metres. The application has been called in by two Councillors and, in accordance with the Scheme of Delegation, the application must be reported to Committee for determination. Five objections have been received on the grounds of road safety, safety of pedestrians, impact on the existing road network, lack of street lighting and sewerage infrastructure. The proposed development is considered contrary to Policies 1 (i), 2 (i and ii), 3A and 4B of the Orkney Local Development Plan 2017. Accordingly, the application is recommended for refusal.

Application Number:	18/543/PP.
Application Type:	Planning Permission.
Proposal:	Create a caravan and camping site with amenity block, hardstanding pitches and hook-up points, install a septic tank, improve track (approximately 500 metres) and access.
Applicant:	Firm of Carness Farm, c/o Mr Stephen J Omand, 14 Victoria Street, Kirkwall, KW15 1DN.

1.2.

All application documents (including plans, consultation responses and representations) are available for members to view at the following website address:

http://www.orkney.gov.uk/Service-Directory/D/application_search_submission.htm
(then enter the application number given above).

2. Consultations

2.1. Environmental Health

No objections.

2.2. Roads Services

No objection but “concerns with the potential increased traffic volumes that are likely to be generated”. A requirement is stated for improvements to the existing access, and a passing place or other localised road widening.

2.3. Transportation

No objection and a request for electric vehicle charging points on site for use by visitors and storage facilities for those arriving by or travelling with cycles.

2.4. Scottish Environment Protection Agency (SEPA)

Initial objection removed “on the basis that land-raising is proposed and that all of the site will therefore be on ground above 5m”, and on the basis that those ground levels would be secured by planning condition.

2.5. Scottish Water

No objections.

3. Representations

3.1.

Five objections have been received from:

- Mr David Farquharson, Norview, Carness Road, Kirkwall.
- Mrs Lynda Liddle, Saevermere, Carness Road, St Ola.
- Mrs Caroline Norquoy, Carbricole, Carness Road, St Ola.
- Mr James Robertson, Vanskavaig, Carness Road, Kirkwall.
- Mr David Work, Greenfield, Carness Road, St Ola, KW15 1UE.

3.2.

The objections are on the grounds of road safety, safety of pedestrians, impact on the existing road network, lack of street lighting and sewerage infrastructure.

4. Relevant Planning History

None.

The application was submitted with no pre-application discussions with the Planning Authority.

5. Relevant Planning Policy and Guidance

The full text of the Orkney Local Development Plan 2017 (OLDP 2017) and supplementary guidance can be read on the Council website at:

<http://www.orkney.gov.uk/Service-Directory/D/Planning-Policies-and-Guidance.htm>

The policies listed below are relevant to this application:

- Orkney Local Development Plan 2017.
 - Policy 1 – Criteria for All Development.
 - Policy 2 – Design.
 - Policy 3 – Settlements, Town Centres and Prime Retail Frontages.
 - Policy 4 – Business, Industry and Employment.
 - Policy 13 – Flood Risk, SuDS and Waste Water Drainage.
 - Policy 14 – Transport, Travel and Road Network Infrastructure.

6. Legal Aspects

6.1.

Section 25 of the Town and Country Planning (Scotland) Act 1997 as amended (the Act) states, “Where, in making any determination under the Planning Acts, regard is to be had to the development plan, the determination is, unless material considerations indicate otherwise...to be made in accordance with that plan...”

6.2.

Where a decision to refuse an application is made, the applicant may appeal under section 47 of the Act. Scottish Ministers are empowered to make an award of expenses on appeal where one party's conduct is deemed to be unreasonable. Examples of such unreasonable conduct are given in Circular 6/1990 and include:

- Failing to give complete, precise and relevant reasons for refusal of an application.
- Reaching a decision without reasonable planning grounds for doing so.
- Not taking into account material considerations.
- Refusing an application because of local opposition, where that opposition is not founded upon valid planning grounds.

6.3.

An award of expenses may be substantial where an appeal is conducted either by way of written submissions or a local inquiry.

7. Assessment

7.1. Proposal

7.1.1.

It is proposed to create a caravan and camping site north of Kirkwall, several hundred metres north of the settlement boundary, and north-west of the nearby properties, Castlehame and Negril, as indicated on the location plan attached as Appendix 1 to this report. The site is in the corner of a field, adjacent to the coast,

and is accessed via an existing track along the shoreline, approximately 500 metres in length. That track and its access point onto Carness Road would be upgraded. The site rises gently to the west and would be levelled, raising the levels to a minimum of 5 metres Above Ordnance Datum, and cutting into the slope at the rear, inland edge.

7.1.2.

The site would comprise 17 hardstanding pitches for mobile homes or caravans, with hook-up points, and 10 tent pitches. A recreational grass area would be provided, with a post and wire fence surrounding the site and no further landscaping. Dust finished tracks would provide access throughout the site. A utility block is proposed at the south end of the site, adjacent to the entrance, including showers, toilets, washing up facilities, a laundry room and offices. The proposed building is single storey, has a simple rectangular plan, and would be finished with an off-white render, grey concrete roof tiles, and grey windows and doors.

7.2. Principle

7.2.1.

Policy 3 'Settlements, Town Centres and Primary Retail Frontages', Part A 'The Town Centre First Principle' refers to the established settlement boundaries and notes that development will be supported within town centre areas to support their vibrancy, vitality and viability. The policy requires that for commercial and leisure facilities that attract significant footfall, a town centre first principle will apply, with the order of preference for potential alternative sites established through a sequential approach of: 1 town centres; 2 edge of town centres; 3 within settlement boundaries; and 4 outwith settlement boundaries. Therefore, a location outside a settlement boundary is the least preferred location.

7.2.2.

Point (ii) of the policy requires that proposals which would attract significant numbers of people on sites in locations outwith the defined 'Town Centres' must provide justification in the first instance, including any specific locational requirements for the proposal and, where necessary, an assessment of potential adverse impacts that the proposed development would have on the Town Centres. These requirements are addressed below. Proposals that would have a significant adverse impact on the vibrancy, vitality or viability of Town Centres will not be supported.

7.2.3.

For the avoidance of doubt, the application site is located in the countryside, north of the settlement boundary by several hundred metres. No definition is provided within the policy of 'significant footfall' or what would constitute 'significant numbers of people', so a judgement is required of the relative types and sizes of businesses in the Orkney countryside. Given the capacity of the site for a combination of up to 27 separate individuals or groups, for the purposes of determining the application, the development is regarded as high footfall. On that basis, justification is required for the proposed location, including any specific locational requirements, as well as an assessment of potential adverse impacts on the Town Centre.

7.2.4.

Policy 4 'Business, Industry and Employment', Part B 'In the Countryside' applies a similar sequential approach, in line with Policy 3. Business development is supported where it comprises the redevelopment of existing buildings or a brownfield site and where the application site falls entirely within the confines of the redevelopment area. Point (ii) states that the development of a new business in the countryside, including the diversification of an existing rural business, is supported where there is a demonstrable locational requirement for the business that requires it not to be situated within a settlement or a redevelopment site as described above.

7.2.5.

Reasoning has been provided by the applicant for the proposed location, namely that it would be diversification of the existing farm business so must be within the boundary of the farm, as well as proximity to Kirkwall, and open access to the shoreline. The latter points regarding proximity to Kirkwall and access to the shoreline, or the countryside generally, are not specific to that site and any such justification could be replicated on the majority of open land surrounding Kirkwall. It is stated that the development would focus on 'nature and nature watching', with interpretation boards proposed, detailing what can be seen from the site. Again, that is not a provision that can be regarded as a site-specific locational requirement; the provision and focus on nature could be replicated on multiple sites.

7.2.6.

In relation to walking distances, in line with the sequential approach as set out in Policy 3A, sites within the settlement boundary would provide closer proximity to public amenities than the proposed site. The existing 'Orkney Caravan and Camping Site' in Pickaquoy Road is an example of a town centre site which provides nearby access to sports and leisure facilities and shops. In terms of the diversification justification, caution must be exercised that 'diversification' is not applied as a presumption for any new business venture within any farm, and any stated justification must be taken in context with other policy considerations.

7.2.7.

Relevant in that regard are existing provisions within the Caravan Sites and Control of Development Act 1960 and the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended, which allow most agricultural holdings to use some of the land as a caravan site for up to three caravans at any one time over summer months, from April to September, as permitted development. That allows controlled diversification, under the provisions of that legislation. In the absence of a policy definition of footfall, and therefore to ensure consistency, for caravan sites the three-caravan limit applied by that legislation is taken as the point beyond which caravan site development is regarded as 'high footfall'.

7.2.8.

Supporting information also provides some general justification in relation to the perceived demand for additional caravan and camping facilities in Orkney, stating that current facilities in Orkney are "fully utilised during the tourist season", and citing

factors including availability of camper vans for hire, the potential effects of Road Equivalent Tariff, and the North Coast 500 route. Reducing the impact of wild camping and 'uncontrolled waste in the countryside' is also cited as a benefit. Visitor numbers to Orkney, by various means and accommodation types, has been the subject of wider study, and any strategies adopted by the Council in future may influence planning policies or be material in the determination of planning applications. However, there are no published or adopted guidance documents or policies at present regarding visitor numbers, or demand for camping or caravan sites that are material to determination of this planning application.

7.2.9.

As well as locational requirements, Policy 3A also requires an assessment of potential adverse impacts that the proposed development would have on the Town Centres. In relation to other similar sites, supporting information states that the development would be "a quality addition to the existing services" and "quality addition to the existing tourism infrastructure" but simultaneously that there would be "little or no economic impact on the current operators". No financial figures have been provided to support those statements.

7.2.10. Summary of the Principle of Development

Critical for any new business development in the countryside are Policies 3A and 4B. A sequential series of tests must be applied to any new development, in this case on the basis that the development is regarded as high footfall. Due to its location in the countryside, the site is in the least favoured location for new business development as stated in Policy 3A(i). Similarly, the site is not one of the locations where development would be supported, as set out in Policy 4B(i). Policy 3A(ii) requires an assessment of potential adverse impacts on the Town Centres, and statements provided are conflicting – that it would be a quality addition yet have little or no impact on current operators – and those statements are not supported. Both Policies 3A(ii) and 4B(ii) require justification, including specific locational requirements for the business. Anecdotal statements regarding demand for caravan sites are not material considerations. Nature watching, views and coastal proximity benefits are not site-specific, and could be applied to many locations. The proximity to Kirkwall, although stated as a benefit, conflicts with the sequential approach which favours sites within the settlement boundary. Farm diversification arguments do not justify a development of the scale proposed in the open countryside. The development is therefore considered contrary to Policies 3A and 4B, and approval of the development in a piecemeal fashion to address a perceived demand, in the absence of a policy adopted to address the issue, could create an undesirable precedent for other similar developments in other unallocated, countryside locations around Kirkwall or elsewhere.

7.3. Design and Appearance

7.3.1.

The development is in a relatively isolated location, with individual or small groupings of houses nearby. However, the proximity to Kirkwall, isolation and proximity to the coast would make the development highly visible from Kirkwall and the surrounding

countryside. By their nature, typical colours and range of designs, caravans and camper vans can stand out in a landscape. Policy 1 'Criteria for All Development' point (i) requires development to be sited and designed taking into consideration the location and the wider townscape, landscape and coastal character. Policy 2 'Design' requires that development reinforces the distinctive identity of Orkney's built environment and is sympathetic to the character of its local area and has a positive or neutral effect on the appearance and amenity of the area. The site is within an area identified as 'Low Island Pastures' in the 'Orkney Landscape Character Assessment', as an area characterised as low and generally flat topography, with open and extensive views, large regular fields and experiences of exposure. Such generally flat and open landscape is sensitive to development, and it is considered that the proposed improved long access track, formalised site with amenity block, and critically the caravans and camper vans on the site would be harmful and not sympathetic to landscape or coastal character.

7.3.2.

No structural landscaping is proposed within or surrounding the site, and only grass is proposed. The boundary would be finished with a post and wire fence.

7.4. Flood Risk

Policy 13, Part A 'Flood Risk' requires that where development would be at risk of flooding, measures must be put in place to protect against or manage that flood risk. A caravan site is considered a 'most vulnerable use' based on SEPA's Land Use Vulnerability Guidance. SEPA initially objected to the application on the grounds of flood risk on the basis that no topographic information was provided but indicated that the objection would be removed if the development was confirmed as above 5 metres Above Ordnance Datum. A topographic survey was carried out, indicating that some of the site was below the 5 metre contour. An amendment to proposed ground levels was submitted, with minor raising of the lowest parts of the site. SEPA subsequently withdrew the objection, and the development would not be at risk of flooding.

7.5. Road Safety

The issue of road safety has been raised by all the objectors, in relation to the existing road past the houses at Craigiefield which would serve this development. Policy 14C 'Road Network Infrastructure' requires it to be demonstrated, amongst other considerations, that development can be safely accessed by service and delivery vehicles, that upgrades to existing accesses are safe for all road users, and that the development is designed to cause minimal impact on the character of the site and the surrounding area. Roads Services has expressed "concerns with the potential increased traffic volumes that are likely to be generated". However, Roads Services has no objection to the development in relation to the safety of road users or pedestrians subject to improvements to the existing access, and a passing place or other localised road widening, details of which would have to be submitted and approved.

7.6. Sustainable Travel

The Transportation Service has confirmed that a bus service serves Craigiefield Road, approximately 1.2 kilometres from the site. Proximity to a bus service, or the town itself, forms part of the basis of the sequential approach for business development in the countryside. Neither electric vehicle charging points nor cycle storage facilities have been included within the proposed development, as requested by the Transportation Service.

8. Conclusion and Recommendation

The site is in the least favoured location for new business development as stated in Policy 3A(i). The site is not one of the locations where development would be supported, as set out in Policy 4B(i). Policy 3A(ii) requires an assessment of potential adverse impacts on the Town Centres, but statements provided are inadequate. Policies 3A(ii) and 4B(ii) require justification, including specific locational requirements for the business, but submitted information is not site-specific, and could be applied to many locations. Farm diversification arguments do not justify a development of the scale proposed in the open countryside. The development is considered contrary to Policies 3A and 4B. The development would have an unacceptable impact on the landscape and coastal character of the area, contrary to Policies 1 and 2. Flood risk has been addressed and, based on comments from Roads Services, road safety concerns can be addressed by planning conditions; however the principle of the development is contrary to Policies 3A and 4B, which are critical in consideration of proposed new business development in the countryside. Approval could set an undesirable precedent for piecemeal development of the nature proposed. It is therefore recommended that the application **be refused**.

9. Reasons for Refusal

01. Due to its location in the countryside, the site is in the least favoured location for new business development as stated in Policy 3A(i). Similarly, the site is not one of the locations where development would be supported, as set out in Policy 4B(i). Policy 3A(ii) requires an assessment of potential adverse impacts on the Town Centres; statements provided are conflicting and not supported by evidence. Policies 3A(ii) and 4B(ii) both require justification, including specific locational requirements for the business. Anecdotal statements regarding demand for caravan sites are not material considerations. Stated benefits are not site-specific and could be applied to many locations. The proximity to Kirkwall, although stated as a benefit, conflicts with the sequential approach which favours sites within the settlement boundary. Farm diversification arguments do not justify a development of the scale proposed in the open countryside. The development is therefore considered contrary to Policy 3A and Policy 4B of the Orkney Local Development Plan 2017.

02. The development is in a relatively isolated location, highly visible from Kirkwall and the surrounding countryside. The site is within an area identified as 'Low Island Pastures' in the 'Orkney Landscape Character Assessment', as an area characterised as low and generally flat topography, with open and extensive views, large regular fields and experiences of exposure. Such generally flat and open

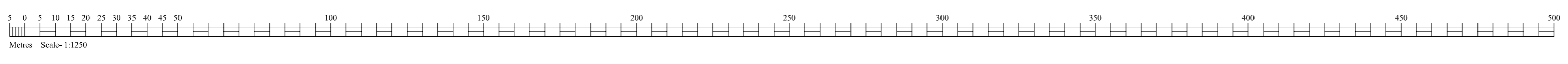
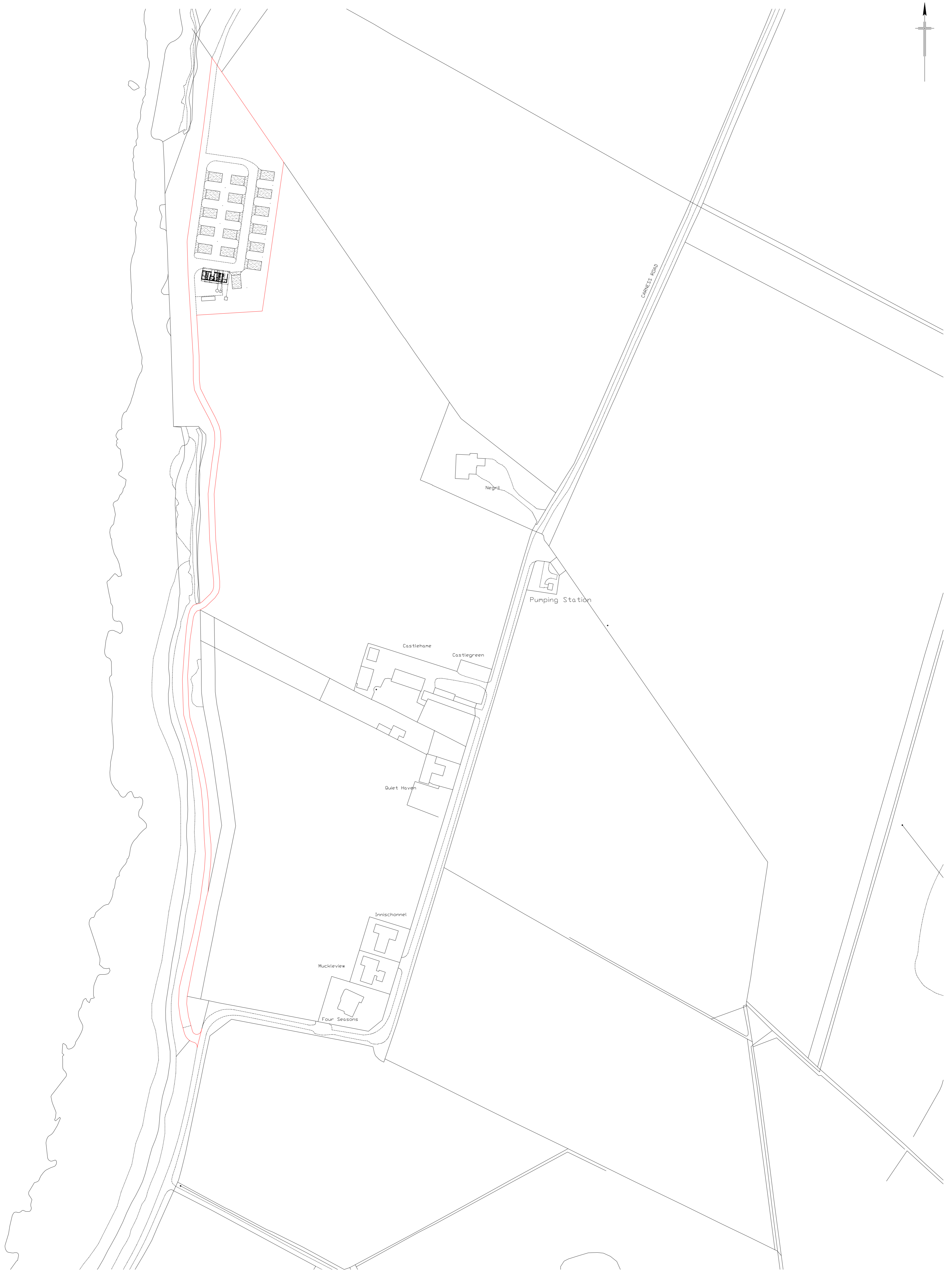
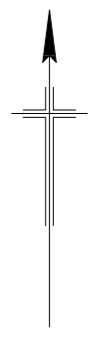
landscape is sensitive to development, and it is considered that the proposed improved long access track, formalised site with amenity block and, critically, the caravans and camper vans on the site would be harmful and not sympathetic to landscape or coastal character. The development is therefore considered contrary to Policy 1(i) and Policy 2(i and ii) of the Orkney Local Development Plan 2017.

10. Contact Officer

Jamie Macvie, Planning Manager, extension 2529, Email jamie.macvie@orkney.gov.uk

11. Appendix

Appendix 1: Location Plan.



S J Omand, Chartered Surveyors, 14 Victoria Street, Kirkwall, KW15 1DN.			
Tel: 01856 876215 Fax: 01856 876199 Email: stephen@sjomand.co.uk			
Project Carness Farm, Carness, St Ola, KW15 1UE.			
Title Proposed Caravan and Camp Site with Amenity Block.			
Sub-Title Location Plan.		OS Licence No- ES100003740	
Client Firm of Carness Farm, Carness Farm, Carness, St Ola, KW15 1UE.			
Date 21st December 2018.	Drawn By SJO		Plan size A1
Scale As shown	Draw No 1537/1/P1	To comply with The Building (Scotland) Regs 2004, as amended. DO NOT SCALE	