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**Report to:**                      **Planning Committee**

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**Date of Meeting:**            **13th June 2013**

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**Subject:**                      **Planning Application to Form Additional Car Parking  
and Erect Timber Fence (Partially Retrospective) at The  
Woodsman, Woods Caravan Park, Fishcross (Ref No  
13/00015/FULL) - Supplementary Report**

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**Report by:**                    **Keith Johnstone, Principal Planner**

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## **1.0 Purpose**

- 1.1. This report provides supplementary information in accordance with the Planning Committee decision on 11th April 2013 to DEFER a decision on this application for planning permission. It provides a summary of the actions and outcomes in pursuance of that Committee decision.

## **2.0 Recommendations**

- 2.1. It is recommended that the amended plan showing alternative access and parking arrangements is APPROVED, subject to the same conditions and reasons set out in paragraph 2.1 of the report to Planning Committee on 11th April 2013 (Appendix 1)

## **3.0 Background to the Proposals**

- 3.1. Development Services received a planning application to provide additional and amended car parking at the Woodsman Restaurant at the Woods Caravan Park in Fishcross. The planning considerations were presented in a report to the Planning Committee on 11th April 2013 (Appendix 1) which recommended that the application be approved subject to three conditions.
- 3.2. The Planning Committee decided to defer a decision on this application to:
- seek the submission of a plan to establish access and parking arrangements to the reasonable satisfaction of all parties; and
  - for officers to facilitate discussion between the applicant and the objectors with a view to achieving a solution to the current parking issues
- 3.3. Following the committee meeting, officers proceeded to facilitate the discussion, and this productive meeting between the applicant and the

objectors' representative then informed the submission of an amended plan for access and parking arrangements. The plan is available to view on the electronic file; the key changes to the proposal comprise:

- The relocation of a two commercial wheeled bin enclosure adjacent to the restaurant
- prescribing a minimum depth of 14 metres for the car park west of the restaurant
- measures to prevent car parking between the restaurant and the access to Diverswell Farm houses
- an electric entry barrier to Diverswell Farm houses (not provided by the applicant)

3.4 Unfortunately, and for the reasons outlined below, despite the fact that the meeting offered the opportunity for the applicant to listen to and respond to neighbours' concerns, it did not achieve a solution to the parking issues identified by objectors.

#### **4.0 Consultation**

4.1. No further consultation took place on the planning application.

#### **5.0 Representations**

5.1 Following the meeting between the applicant and objectors' representative, and following receipt of the amended site plan, officers re-notified all neighbours, providing the opportunity to make further representations. Additional representations have been submitted by:

Stuart Wilson, 2 Diverswell Farm, Fishcross

D W Sherrard, 1 Diverswell Farm, Fishcross

These submissions are available to view on the electronic file, and in summary, while they acknowledge some changes to address resident's concerns, they largely focus on re-stating the fundamental objections summarised in the original report, and therefore conclude that the proposal should not be supported. In particular, they regret the applicant's decision not to form an enlarged car park between the caravan park reception building and the restaurant, by moving the warden's caravan and compound.

5.2 The committee decision on 11th April sought a plan which would involve access and parking arrangements to the reasonable satisfaction of all parties. The evidence would indicate that at least two of the objectors are not satisfied with the amended proposals.

#### **6.0 Development Plan Position**

6.1 The Development Plan position remains unchanged from that described in Section 6 of the previous report.

## 7.0 Other Material Considerations

7.1 The material change in circumstances arising from the committee decision are:

- The changes to the site plan described in paragraph 3.3 above
- Four representations were submitted on the original application; two submissions received in reply to the amended proposals. It is unclear whether the remaining two parties have any views on the proposals.

7.2 The amended plan includes a proposal to provide a rural type footpath on the east side of the public road, providing a safe route for visitors and residents to walk from the caravan site to the Devon Way past Sauchie Tower. This is not part of the current application, and is in fact a requirement of an earlier consent to extend the caravan park.

7.3 The Service has taken account of the earlier committee decision, the resultant meeting between the applicant and objectors' representative, the amended plan, the further representations and the material considerations. While we note that there is no agreed solution to the issues identified by Members, we continue to recommend that the (amended) proposals are approved.

## 8.0 Sustainability Implications

8.1 None

## 9.0 Resource Implications

9.1 *Financial Details*

9.2 The full financial implications of the recommendations are set out in the report. This includes a reference to full life cycle costs where appropriate.

Yes ☒

9.3 Finance have been consulted and have agreed the financial implications as set out in the report.

Yes ☐

## 10.0 Exempt Reports

10.1 Is this report exempt? Yes ☐ (please detail the reasons for exemption below) No ☒

## 11.0 Declarations

11.1 The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

(1) **Our Priorities** (Please double click on the check box ☒)

- The area has a positive image and attracts people and businesses ☒
- Our communities are more cohesive and inclusive ☐
- People are better skilled, trained and ready for learning and employment ☐
- Our communities are safer ☐
- Vulnerable people and families are supported ☐
- Substance misuse and its effects are reduced ☐
- Health is improving and health inequalities are reducing ☐
- The environment is protected and enhanced for all ☒
- The Council is effective, efficient and recognised for excellence ☐

(2) **Council Policies** (Please detail)

Clackmannanshire Local Plan policies as described in Section 6.0 of Appendix 1

**12.0 Equalities Impact**

- 12.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?  
 Yes ☐ No ☒

**13.0 Legality**

- 13.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes ☒

**14.0 Appendices**

- 14.1 Please list any appendices attached to this report. If there are no appendices, please state "none".

Report to Planning Committee of 11th April 2013

**11.0 Background Papers**



- 11.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)  
 Yes ☐ (please list the documents below) No ☐

Clackmannanshire Local Plan

**Author(s)**

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**Approved by**

NAME	DESIGNATION	SIGNATURE
Ian Duguid	Development Quality Team Leader	
Julie Hamilton	Development Services Manager	









**CLACKMANNANSHIRE COUNCIL**


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**Report to:**                      **Planning Committee**

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**Date of Meeting:**            **11th April 2013**

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**Subject:**                      **Formation Of Additional Car Parking and Erection of Timber Fence (Partly Retrospective) at The Woodsman, The Woods Caravan Park, Fishcross (Ref No 13/00015/FULL)**

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**Report by:**                    **Keith Johnstone, Principal Planner**

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**5.0 Purpose**

- 5.1. This is a report of handling on a planning application by Hillfoot Homes Ltd for works to create additional parking areas and the erection of a boundary fence to service the Woodsman restaurant at the Woods Caravan Park, Fishcross. The application is partly retrospective since the applicant has already formed some of the areas for parking.
- 5.2. The report describes the proposal, considers the objections from 4 neighbouring residents and the advice from consultees and any policy issues associated with the development. The Service concludes that although part of application is retrospective the additional parking would; accord with Development Plan policy; have a positive effect on meeting and managing the parking demand that has arisen since the restaurant has opened; and would not result in an unacceptable impact on the existing levels of amenity or safety enjoyed by neighbours. Having had full regard to the issues raised by the neighbours, it is concluded that there are no other material considerations that would outweigh the Development Plan position and justify withholding permission. The application is therefore recommended for approval, subject to the proposed conditions.
- 5.3. The application comprises a local development which would normally be determined under the Council's Scheme of Delegation by the Appointed Officer. However, a motion was approved by Council at its meeting on 14th March for the application to be determined by the Planning Committee.

**6.0 Recommendation**

- 6.1. It is recommended that the application is APPROVED subject to the following conditions:

1. The development hereby approved shall be carried out in accordance with the approved plans and other details submitted and approved as part of this planning permission, unless otherwise agreed in writing by the Council, as planning authority.

2. Prior to the commencement of any works to form the staff parking area and associated access as annotated on the approved Site Plan, the following details shall have been submitted to and approved in writing by the Council, as planning authority;

(a) a landscaping specification for any new planting to screen this area from neighbouring properties, including along the west boundary as annotated on the approved Site Plan. This shall include details of plant species, sizes, arrangements for establishment and the timescales for implementation.

(b) the arrangements to identify the location and number of trees required to be removed to form the access to the staff parking area. These details shall be approved in writing by the Council, as planning authority before any trees are removed.

Thereafter, the approved details shall be completed prior to the staff parking area coming into use.

3. Before any further works take place on site to implement this permission, the following details shall have been submitted to and approved in writing by the Council, as planning authority;

(a) a specification for the means of enclosure to delineate and screen the bin storage area for the restaurant from the bin storage area which would serve the houses at Diverswell Farm and a scaled plan showing the proposed location where the waste bins serving the restaurant will be presented for collection.

(b) the design and location of any proposed external lighting to illuminate the parking areas. These shall be suitably shielded to minimise the effect of glare on neighbouring residential properties.

(c) a scaled plan showing amended proposals for the deletion of the delivery bay (Area I) and parking area immediately to the east of the restaurant building shown on the revised Site Plan received on 19th March 2013, and details of measures to define the existing delivery parking space from customer parking.

(d) a scaled plan showing the revised boundaries and layout of the car parking area to the west of the restaurant (Area F as annotated on the approved Site Plan) which shall be increased in width to accommodate two rows of right angled parking spaces.

(e) details of the proposed measures to protect any existing trees from damage for the duration of the construction work.

(f) details of all signage to be displayed relating to the restaurant.

(g) the timescales for implementation and completion of the above details.

Thereafter, the development shall be implemented and completed in accordance with the approved details.

#### Reasons for Conditions

1. To ensure that the works comply with the terms of this planning permission.
2. To consider these details yet to be submitted in the interests of road safety and the amenity of neighbours.
3. To consider these details yet to be submitted in the interests of road safety and residential amenity.

#### 6.2. Reasons for the Decision

1. The proposal would accord with the objectives of the Clackmannanshire Local Plan.
2. The proposed development will not result in any significant adverse impact on the amenity or road safety of neighbouring residents or the area as a whole.
3. The issues raised by the objectors could be satisfactorily addressed subject to the proposed conditions or would not justify withholding permission for the works.
4. The proposed works to increase the number of parking spaces available or rationalise the existing parking areas would respond to the impacts from overspill parking generated by customers using the restaurant since it came into use, by improving the accessibility and length of spaces within the existing approved parking area adjacent to the access to the houses at Diverswell Farm and by providing additional customer parking spaces which would be accessed separately from the access to the houses at Diverswell Farm. This would satisfactorily address the potential impacts on amenity and road safety and help to support the employment opportunities generated by this business.

#### 6.3. Plans Relating to the Decision

1. Location Plan
2. Existing Site Plan
3. Site Plan

### **7.0 Background to the Proposals**

- 7.1. The site comprises The Woodsman restaurant which forms part of The Woods Caravan Park near Fishcross. The application seeks permission, partly in retrospect, for works to form additional carparking spaces or alter existing parking spaces on land adjacent to the restaurant. The works would comprise

- The creation of customer parking on areas to the west and south of the restaurant building to accommodate up to 16 cars (some of the parking spaces have already been created).
- The creation of a staff parking area to the north of the restaurant. This would be accessed from a new link from the access which also serves Diverswell Farm immediately to the north of the building. Three trees would have to be removed to form the access.
- An increase in the length and width of the existing approved parking area to the east of private access road to the houses at Diverswell Farm to help reduce the risk of parked vehicles encroaching onto the access road.
- The revised Site Plan shows the formation of a delivery bay immediately to the east of the restaurant building and the proposed use of the approved delivery bay for customer parking. However, the applicant has agreed to delete these changes from the proposals.
- The Site Plan also shows the relocation of the bin storage area for the restaurant which would be located to the north of the proposed staff parking area adjacent to the neighbours' garage building. The applicant has stated that the bins would be wheeled to the front of the restaurant for collection.

7.2. The application was submitted following an enforcement investigation by the Service into the unauthorised formation of the parking spaces to the west of the building (Other complaints have been received in the past in relation to the caravan site, including a diesel generator, earthworks and hours of construction. These have been actioned accordingly). The recent complaints referred to;

- concern about possible loss of amenity due to noise and light.
- parking for the restaurant impeding access to Diverswell Farm.
- damage to the private shared access road by restaurant customers vehicles and
- customers entering Diverswell Farm to turn or park.

3.3 There have been a number of previous planning applications relating to the Woods Caravan Park. Planning permission for the restaurant was granted in December 2008 (ref No 08/00320/FULL). The approved plan included 8 parking spaces and a delivery parking bay and a condition was attached to monitor parking demand.

## **8.0 Consultations**

8.1. Roads and Transportation advise that they consider that there are no access traffic capacity issues associated with the proposed additional parking provision. They highlight that parking provision should accord with the Council's parking maxima standards and they have checked and are satisfied

that the visibility splays at the junction with the C110 complies with the standards specified in the previous permission. Comment - *The advice from Roads confirms that they are satisfied that the development would not raise any significant road safety issues. The number of spaces would be below the parking maxima standards. They have checked the junction in response to the concerns raised in the objections and are satisfied that the appropriate visibility splays have been maintained.*

- 8.2. Environmental Health was consulted and have advised verbally that they have no objection in principle to the application.

## 9.0 Representations

- 9.1. Following the publicity of the application, comprising the notification of 4 neighbouring residents and the placing of an advertisement in the Alloa Advertiser for neighbour notification purposes, objections have been received from the following parties;

- Mr Stuart Wilson, 2 Diverswell Farm, Fishcross
- Mrs Audrey Quigley, 4 Diverswell Farm, Fishcross
- Mr Ryan Monteith, 3 Diverswell Farm, Fishcross
- Mr David Sherrard, 1 Diverswell Farm, Fishcross

- 5.2 The main concerns raised by these parties can be summarised as follows;

(a) the proposed layout, including the revised details, would not address their concerns about the impact of customer parking on access to houses at Diverswell Farm. The proposed works to increase the length of the spaces would still not prevent too many vehicles parking next to the access road or possibly impeding access. Comment - *The existing parking area to the east of the access to the houses at Diverswell Farm has the benefit of planning permission and therefore they could not be removed. However, the revised layout has been designed to alleviate the potential conflict between the existing customer parking area and the use of the access to the houses at Diverswell Farm by increasing the size of the existing area to ensure parked vehicles do not encroach onto the road and can manoeuvre more easily. The proposed parking area immediately to the east of the restaurant building will also be deleted to remove parking spaces on either side of the access road. The other additional parking areas would be separate from the access to the houses at Diverswell Farm. It is considered that, subject to the proposed conditions, there would not be sufficient grounds to withhold permission since the proposed works would help improve the existing parking concerns expressed by neighbours.*

(b) no further spaces should be provided since the restaurant development was approved on the understanding that it would serve visitors to the existing caravan park. Providing spaces would encourage other visitors to use the facility. Furthermore, the popularity of the restaurant to visitors from outwith the caravan park is at odds with the applicant's original support and justification for the development which was based on serving visitors to the

caravan park. This could indicate that the previous reasons were given to circumvent the planning guidelines or that the business was not viable without this trade. Comment - *at the time of the original application, the applicant had stated that the restaurant was intended to serve mainly, but not exclusively, visitors to the caravan park. This was consistent with the Development Plan policies relating to tourism development. The restaurant opened in December and it will only be evident after the main caravan park season whether the current numbers will be maintained as custom grows from visitors to the park. This also does not change the fact that the restaurant has permission and the current proposals are designed to reduce the potential impact of parking demand on neighbouring residents and the surrounding area. The original permission included a condition which required the developer to monitor parking demand and if necessary bring forward measures to address any overspill parking. The application effectively has brought forward this process and the evidence to date does demonstrate that the approved parking provision is inadequate to meet the demand. It is therefore considered that the principle of providing additional spaces is acceptable and consistent with the terms of the original permission.*

(c) parking is not enforced by the restaurant and cars impede access on the track or enter Diverswell Farm. Comment - *the enforcement of parking or access by customers is not regulated by the planning permission for the restaurant and it is considered that this could not be effectively regulated using planning legislation. The developer has displayed a sign at the entrance to Diverswell Farm to inform drivers that it is private property. It is considered that the proposed works would have a positive effect on the current impacts associated with parking associated with the approved development. It should be noted that if the works do not proceed the use of the restaurant would continue to remain lawful based on the original layout.*

(d) the applicant would have been aware of the need for permission to form the carpark areas and his approach is disingenuous. The applicant has also disregarded planning controls on a number of occasions and it appears that the Planning Service has not taken action, possibly as the applicant was once employed by the Council. Comment - *the Service has carried out a number of enforcement enquiries on this site. These did not result in any formal enforcement action being taken but that was only after the Service was satisfied that the breach had been satisfactorily remedied in accordance with the Council's Enforcement Strategy as it applies to small businesses. For the record, the identity of the applicant or any previous links with the Council was not a factor in the decision making process.*

(e) concern about the works creating increased noise or light pollution in the evening. Comment - *while the proposed works would provide additional parking spaces, it is not considered that their use would have an unacceptable adverse impact on the existing amenity enjoyed by residents. Although some trees would be removed to accommodate some of the proposed works, the proposed layout would still retain the boundary planting and bunding which provides a screen between the site and the houses and screen planting will be provided to enclose the proposed staff parking area. The access to this area has also been revised by the applicant so that access would not be taken from Diverswell Farm and the planting which screens this area from Diverswell Farm would be retained.*

(f) the proposed bin store area next to the staff parking area would adversely affect the amenity of neighbours. The Service required the applicant to relocate a waste container in this location previously. Comment - *the proposed bin storage area would not be accessible from Diverswell Farm and would be screened unlike the previous situation highlighted. The applicant has stated that the bins would be collected from the front of their restaurant building. It is not considered that the proposed arrangements would have an unacceptable impact on the amenity of neighbours.*

(g) the development would place an increased burden on residents for the cost of maintaining the shared access road to Diverswell Farm. Comment - *this is a matter between the parties which have an interest in the private road.*

## **10.0 Development Plan Position**

6.1 The site comprises brownfield land which is located within countryside as defined in the adopted Clackmannanshire Local Plan.

6.2 The development relates to an existing development and the most relevant Development Plan policy guidance is contained in the in the following policies:

- EN11 - the Policy states that new development should make a positive contribution to its surroundings through its design and finishes and landscaping. Comment - *The proposed works would not have any significant visual or landscape impact from outwith the site and the proposed removal of some trees would not result in an unacceptable impacts. Additional planting will also be carried out to create boundary screening. It is considered that the development would not be contrary to this Policy.*
- EN15 - the Policy states that any environmental protection matter has been evaluated and considered as part of the application process. Comment - *we are satisfied that the proposed parking areas would not result in any unacceptable impacts on the existing standards of amenity enjoyed by neighbouring residents. The Policy has been complied with.*
- EN18 - the Policy contains a number of criteria which development should satisfy. Those relevant to the application comprise; the design is compatible with the character of the surrounding area; the proposal would not result in adverse impacts on road safety; and there would be no harm to the amenity of adjacent landusers. Comment - *the proposed development would satisfactorily meet these criteria. Roads have confirmed that they have no objection to the principle of the development and it would not raise any road safety issues on the C110. The proposed parking provision would not adversely affect the current levels of road or pedestrian safety within the site and should ensure the parking demand could be more effectively managed than retaining the layout as originally approved. Overall, we remain satisfied that the development would not significantly detract from the existing standard of amenity enjoyed by neighbours. On balance, the application would accord with this Policy.*

- JOB12 - the Policy states that there will be a presumption in favour of proposals to expand or enhance existing visitor facilities where these would safeguard the natural and built environment. *Comment - the Policy would provide support for the development. The conditions attached to the permission for the restaurant did recognise the need to review the level of parking provision and therefore the works would not directly conflict with the terms of the original permission.*
- Policy INF4 - the Policy states that development should normally comply with the relevant Development Roads Guidelines and Specification. *Comment - the proposed number of spaces would accord with the Council's parking standards and Roads have not raised any objection to the application. The Policy has been complied with.*

6.3 The application accords with the relevant Development Plan policies and is considered to comply with the Development Plan.

## 7.0 Other Material Considerations

7.1 The objections from the 4 neighbouring residents have been considered and addressed in Section 5.0 and 6.0 above. It is concluded that the issues raised would not justify withholding permission. It is considered that the works would help to address the current impacts associated with overspill parking from the restaurant use and although partly retrospective, on balance, these would not result in any significant adverse impacts on the existing levels of amenity or road safety associated with the operation of the restaurant as approved by permission reference 08/00320/FULL. The issues raised about previous complaints or breaches of planning control related to the applicant should not prejudice the determination of the current application which has to be determined on its own planning merits. That is not to acknowledge that there has been unauthorised works which has impacted on the neighbours, albeit these have been addressed in response to the complaints.

7.2 Roads have not objected to the proposals. The proposed conditions would help ensure any impacts could be satisfactorily mitigated. It is concluded that there are no other material considerations which would outweigh the Development Plan support for the proposals or justify withholding permission.

## 8.0 Sustainability Implications

8.1 None.

## 9.0 Resource Implications

9.1 Financial Details

9.2 The full financial implications of the recommendations are set out in the report. This includes a reference to full life cycle costs where appropriate.

Yes ☐

9.3 Finance have been consulted and have agreed the financial implications as set out in the report.

Yes ☐



## 10.0 Exempt Reports

10.1 Is this report exempt? Yes ☐ (please detail the reasons for exemption below) No ☒

## 110 Declarations

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

(1) **Our Priorities** (Please double click on the check box ☒)

The area has a positive image and attracts people and businesses	<input checked="" type="checkbox"/>
Our communities are more cohesive and inclusive	<input type="checkbox"/>
People are better skilled, trained and ready for learning and employment	<input type="checkbox"/>
Our communities are safer	<input type="checkbox"/>
Vulnerable people and families are supported	<input type="checkbox"/>
Substance misuse and its effects are reduced	<input type="checkbox"/>
Health is improving and health inequalities are reducing	<input type="checkbox"/>
The environment is protected and enhanced for all	<input checked="" type="checkbox"/>
The Council is effective, efficient and recognised for excellence	<input type="checkbox"/>

(2) **Council Policies** (Please detail)

None

## 12.0 Equalities Impact

12.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?  
Yes ☐ No ☒

## 13.0 Legality

13.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes ☒

## 14.0 Appendices

14.1 Please list any appendices attached to this report. If there are no appendices, please state "none".

None

## 15.0 Background Papers

15.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)


Yes ☒ (please list the documents below) No ☐

Clackmannanshire Local Plan

### Author(s)

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### Approved by

NAME	DESIGNATION	SIGNATURE
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