

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 09 MARCH 2021

PLANNING APPLICATION - CARAVAN PARK, SEATON ESTATE, ARBROATH, DD11 5SE

GRID REF: 365552 : 742863

SERVICE LEADER – PLANNING & COMMUNITIES

**Abstract:**

This report deals with planning application No [20/00652/FULL](#) for works for the formation of 36 static holiday caravan stances and associated access roads (partly retrospective) for Crown Parks Ltd at the Caravan Park, Seaton Estate, Arbroath. This application is recommended for conditional approval.

**1. RECOMMENDATION**

It is recommended that the application be approved for the reason and subject to the conditions given in Section 10 of this report.

**2. ALIGNMENT TO THE ANGUS LOCAL OUTCOMES IMPROVEMENT PLAN/CORPORATE PLAN**

This report contributes to the following local outcome(s) contained within the Angus Local Outcomes Improvement Plan and Locality Plans:

- Safe, secure, vibrant and sustainable communities
- A reduced carbon footprint
- An enhanced, protected and enjoyed natural and built environment

**3. INTRODUCTION**

3.1 Planning Permission is sought for the works for the formation of 36 static holiday caravan stances and associated access roads at the Caravan Park, Seaton Estate, Arbroath. A location plan is provided at Appendix 1.

3.2 The application site encompasses an area of around 0.9HA of land which is located towards the north west corner of the larger Seaton Estate Caravan Site. The site is bound by trees to the north west, existing caravan pitches and access roads at the south and east, and to the north east by an area of land which is subject to a separate application for planning permission for works associated with the formation of 34 static holiday caravan stances (ref. [20/00829/FULL](#)).

3.3 The majority of the site and the adjacent area to the north east benefits from an extant planning permission for 89 static holiday caravan stances and associated access roads. The 36 caravan pitches proposed in this application would cover a similar area to the southern section of land covered by that planning permission.

- 3.4 The layout of the site proposes six rows containing from 5 to 7 caravan pitches. Vehicular access would be taken at the south east by three access points connecting to existing roads within the existing caravan site. Foul water would be discharged into the public sewer via a private pumped drainage system already serving the site. This system connects to the public sewer on Seaton Road to the south. It is proposed to manage surface water via ground filtration.
- 3.5 The application has been amended to increase the separation distances between some of the caravan pitches.
- 3.6 The application was subject of neighbour notification in accordance with regulations.
- 3.7 The application is part-retrospective, in that works to form roads and hard surfaces for caravan pitches to the south of the site has already been undertaken.

#### **4. RELEVANT PLANNING HISTORY**

- 4.1 Planning permission reference No. 658 was approved in March 1976 and allows use of the land for recreation and leisure purposes, including for the siting of caravans. The permission was not subject of any planning condition that limited the area that could be used for the siting of caravans, that restricted the number of caravans that could be located on the land, or that controlled how caravans could be occupied.
- 4.2 The most recent planning permission (ref: [17/00312/FULL](#)) provided for the development of 89 static holiday caravan stances and associated access roads at an area of land that overlaps much of the combined site areas of the current application and the concurrent [20/00829/FULL](#) application. That planning permission remains extant and allowed for a significant amount of tree works including the felling of 40 trees mainly due to poor tree health or safety.
- 4.3 The planning application for the area to the northeast ( ref: [20/00829/FULL](#)) is presented to this committee for determination. It provides for the formation of 34 caravan pitches and associated access roads.
- 4.4 The Caravan Site Licence for Seaton Estate Caravan Park (AC/03/2019) which includes the application site allows for 306 residential caravans, 304 static holiday caravans and 25 touring caravans. That licence allows holiday caravans within the site to be occupied between 1 March to 31 January.

#### **5. APPLICANT'S CASE**

- 5.1 The applicant has submitted an Arboriculture Report, Tree Restocking Plan, Drainage Impact Assessment and information relating to access roads and removal of bunded earth to the north of the site. Those documents can be viewed on the [Public Access](#) website but are summarised below.
- 5.2 The Arboriculture Report provides an appraisal of mature tree cover at the application site and surrounding areas. The report contains the details of 28 individual trees and a number of woodland blocks and tree groups. Recommendations are provided on matters including tree removal, replanting and the impacts of the laying of hard surfaces and soil compaction on Root Protection Areas. Tree safety works should be carried out to make the area around the proposed and current new development safe. All trees marked for retention should be protected with tree protection fencing and separated from the

construction site. Access to the site from the north should cease, as should all soil moving activity on the border. Opportunity exists to carry out comprehensive new planting across the site and this should be an opportunity to create some high-quality planted areas that are both robust and sustainable and climate change proof.

- 5.3 The Tree Restocking Plan provided by the applicant shows four areas of replanting proposed at the south east and north east boundaries of the combined application sites.
- 5.4 The Soft Landscape Proposals & Woodland Restoration Plan identifies trees to be removed, retained and provides for new planting. It indicates that new woodland in-fill planting consisting of Birch, Cherry and Oak species is proposed in two areas adjacent to the site. A new woodland edge consisting of hazel, cherry, crab apple, dog rose, elder, guelder rose is proposed as well as new specimen tree planting.
- 5.5 The Drainage Impact Assessment consists a site investigation, including excavations and infiltration testing. For foul drainage, the existing foul drainage system would be utilised which pumps foul drainage utilising a private system within the site to the public network to the south. The drainage plan shows that the foul system connects to Scottish Water infrastructure on Seaton Road. A review of the hydraulic capacity of the local sewer pipe network has been carried out and suggests that the system has sufficient capacity for the flows for the additional pitches proposed and notes that the management plan for the foul system provides for a replacement pump for emergency purposes to mitigate risk of plant failure. The Assessment suggests that new roads within the site would be formed from permeable paving allowing natural filtration and roof water from caravans is to be disposed to the ground surface as is the case in the rest of the caravan park.
- 5.6 The Proposed Road System plan shows the road widths and traffic direction for the combined application sites and the surrounding and adjoining roads within the wider Seaton Estate.
- 5.7 The Bund Removal Plan shows the areas of land within the remaining tree line at the north and east of the site that have banded material within them. The plan indicates the bunds will be removed prior to the completion of the combined sites.

## 6. CONSULTATIONS

- 6.1 **Community Council** - There was no response from this consultee.
- 6.2 **Angus Council - Roads** - Offered no objection in terms of traffic movement, car parking and impacts on highway safety. Roads also offer no objection in relation to flood risk and drainage infrastructure subject to evidence of Scottish Water consent for a foul drainage connection, details of maintenance arrangements for foul infrastructure and requiring details relating to sustainable drainage for surface water.
- 6.3 **Scottish Water** - Offered no objection to the proposal and indicates that there is sufficient capacity for a foul only connection in the public network. It indicates that the applicant would need to submit a pre development enquiry for all new water and waste water connections for additional caravans.
- 6.4 **Archaeology Service** - Offered no objection and indicated no archaeological mitigation is required.
- 6.5 **Environmental Health Service** – Offered no objection to the proposal and indicated the

roads within and adjacent to both the application sites comply with the current licence conditions which are derived from the Scottish Government model standards.

- 6.6 **Scottish Forestry** – has requested detailed woodland restoration plans including steps for the removal of banded earth and debris close to retained trees.

## 7. REPRESENTATIONS

- 7.1 Fifty-nine letters of representation were received. Of those letters, 12 object to the proposal, 44 offer support for the proposal and 3 neither object nor support. The letters of representation are attached as Appendix 2 and are available to view on the council's [Public Access](#) website.

- 7.2 The main points of concern are: -

- Loss of trees, woodland and greenspace;
- Impacts on wildlife and the landscape;
- Impacts on drainage infrastructure, surface water infrastructure and flood risk;
- Impacts on roads and lighting infrastructure;
- Site area was purposely used as a dumping ground/neighbouring caravans were sited close to justify tree felling;
- No tree re-planting will be undertaken;
- The number of caravans should not be increasing during COVID pandemic.

The main points of support are:-

- Provides for the removal of dangerous/decaying trees and overgrown woodland;
- Will bring new people into the caravan park;
- Will provide a visual enhancement for the caravan park;
- Will benefit the economy and tourism potential for the surrounding area;
- Planning permission was already in place at this area of the site;
- Will provide additional employment;
- Will improve the safety/security of the site.

These matters are addressed in the Planning Considerations Section below.

Other matters raised are addressed below:-

- Comments in support of/criticising site operator – Comments relating to the site operator are not relevant or material to the determination of the current application.
- Residents were not notified by site operator – Publicity and consultation on this application has been undertaken by the planning authority in accordance with legislative requirements. The site operator is not required to undertake notification of the application.
- Non-compliance with Caravan Site Licence – The Caravan Site Licence is covered under a separate regulatory regime. Notwithstanding this, the Environmental Health Service, which is the regulating authority for Caravan Site Licences, has offered no objection subject to the undernoted conditions.
- Comments regarding development at other areas of Seaton Estate outwith the application site – It is understood that the works which have taken place south and east of Seaton House benefited from permitted developments rights.
- The work has already been undertaken and should not be applied for retrospectively – planning legislation allows for the submission of applications for works that have

already been undertaken. Retrospective applications are determined in the same way as any other application for planning permission.

## **8. PLANNING CONSIDERATIONS**

- 8.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.
- 8.2 In this case the development plan comprises:-
- [TAYplan](#) (Approved 2017)
  - [Angus Local Development Plan](#) (ALDP) (Adopted 2016)
- 8.3 The application is not of strategic significance and the policies of TAYplan are not referenced in this report. The relevant policies of the ALDP are provided in Appendix 3 and have been considered in the preparation of this report.
- 8.4 The site forms part of an area of land that benefits from an extant planning permission for 89 static holiday caravan stances and associated access roads ([17/00312/FULL](#)). The application (and associated application [20/00829/FULL](#)) seeks to develop the land with a revised layout, which would result in an overall reduction in the number of caravans from 89 to 70 in that general location. The general principle of providing additional caravan stances at this location has previously been determined to be compatible with development plan policy, subject to appropriate mitigation.
- 8.5 The application site is located within an established caravan site that is located outwith a development boundary. Policy DS1 indicates that, for sites outwith development boundaries, proposals will be supported where they are of a scale and nature appropriate to their location and where they are in accordance with relevant policies of the Angus Local Development Plan (ALDP).
- 8.6 The local development plan indicates that the tourism sector constitutes an important part of the Angus economy as it provides a major source of income, employment and in particular supports rural areas. Policy TC16 indicates that proposals for new or improved tourism related facilities and accommodation outwith development boundaries will be supported where it has been demonstrated that the proposal cannot be located within a development boundary; or there is a justifiable locational requirement for the development; and the scale and nature of the development is in keeping with the character of the local landscape and pattern of development; and there is no unacceptable impact on the built and natural environment, surrounding amenity, traffic levels, access or infrastructure. Policy TC16 indicates that occupancy conditions will be attached to planning permissions to prevent tourist accommodation being occupied as permanent residential accommodation.
- 8.7 The site forms part of an existing caravan park and there is a reasonable locational justification for the development as an expansion of an established caravan park operation. The Seaton Estate Caravan Park is reasonably well contained in landscape terms and benefits from established planting around its periphery. It is considered that the site could accommodate the development without any significant adverse impacts on the character of the local landscape or pattern of development subject to controls to protect and enhance the woodland to the north west and north east of the site which provides a landscape framework for the site.

- 8.8 The site is not subject to any designation for natural or built heritage reasons but is identified as an area which contains long established woodland of plantation origin. Policy PV7 seeks to protect and enhance woodland that contributes to amenity and the landscape value of Angus. Woodland around the Seaton Estate is often widely visible in the landscape and provides part of the setting of Arbroath to the north. While a woodland edge along Seaton Road remains, trees which were located within the site have largely been cleared and tree survey information indicates that extensive ground works have taken place throughout the site which has resulted in damage to a number of trees. It indicates that many of these trees were already in decline due to historic damage and age-related issues and suggests re-planting at the site to maintain the character of the area. The woodland restoration plan indicates that around 30 trees require to be removed due to poor health or for safety reasons but proposes new planting to strengthen the woodland edge of the caravan park adjacent to Seaton Road.
- 8.9 While much of the site has already been cleared of woodland, it would not be desirable to see further woodland lost in and around the site over and above that which is necessary in terms of safety and tree health. The woodland areas around the site are important to the character of the area and protection and enhancement of the woodland belt along Seaton Road is particularly important in providing a landscape context for the caravan park. New planting would also offer an opportunity to improve the biodiversity value of the site. Scottish Forestry has been consulted on the application and has requested detailed woodland restoration plans including steps for the removal of banded earth and debris close to retained trees. Planning conditions are proposed to secure precise details of new woodland planting, to ensure the installation of protective tree fencing around retained trees and to ensure the removal of any banded earth covering tree routes. In addition, it is intended to serve a Tree Preservation Order covering the Seaton Estate which would safeguard remaining woodland around the caravan site.
- 8.10 The site contains limited biodiversity value beyond the value provided by remaining trees, most of which are adjacent to the site. Ecological appraisals of the site were submitted as part of the previous planning permission and suggested that it provided limited biodiversity value and that the development of the site for caravans would result in negligible impacts on biodiversity.
- 8.11 There are listed buildings within the Seaton Estate, including the category B listed Seaton House and Former Stables and Coach House but these are located some 300m and 250m respectively from the site and set within the context of the existing caravan park and as such impacts would be negligible. The Archaeology Service indicated no archaeological mitigation is required and offered no objection to the proposal. The proposal would not result in any unacceptable impacts on the natural or built environment subject to an appropriate level of woodland restoration in the areas adjacent to the site.
- 8.12 The development would be unlikely to give rise to significant amenity impacts on the wider area. The space between the proposed caravans and existing caravans would be comparable to the relationship between other caravans found elsewhere on the site and spacing standards are governed by the caravan site licence. There would be an increase in vehicle movements in the area but the roads service is satisfied that those impacts would not be significant in terms of road traffic and pedestrian safety. The environmental health service has confirmed the proposed roads layout would comply with the current licence conditions which are derived from the Scottish Government model standards. There is provision for waste and recycling storage and collection utilising existing arrangements at the wider site, but that is also a matter which is regulated by the caravan site licence. The site and adjacent area has planning permission for 89 caravan

pitches and the proposal would result in an overall reduction in the number of caravan pitches which are formed on the site and consequently amenity impacts should be no greater than those which would be experienced in association with the extant planning permission.

- 8.13 Information submitted with the application indicates that foul drainage associated with caravan pitches would connect to the public sewer and surface water would be managed by natural filtration. The drainage impact assessment suggests that the proposed drainage arrangements are suitable to manage foul and surface water drainage associated within the development and suggests that the site is not subject to flood risk. Foul flows are currently pumped from the site to the south where they connect to the public sewer on Seaton Road. The drainage assessment confirms that a spare pump is kept at the private pumping station for emergency purposes and to mitigate risk associated with plant failure. The foul drainage system benefits from an approved building warrant (ref: [20/00751/NDOM](#)). Neither Scottish Water or the roads service in its capacity as flood prevention authority has objected to the application. Scottish Water has indicated that capacity exists in the waste water treatment works to serve the development and the roads service has recommended planning conditions requiring evidence of Scottish Water approval of a foul connection and amended details relating to the management of surface water within the site. Planning Advice Note 79 deals with water and drainage and paragraph 42 states *'where the applicant has stated their intention to connect to Scottish Water's network, and Scottish Water has not made an objection, there should be no barrier to granting planning permission in relation to water or waste water infrastructure.'*
- 8.14 The proposal is broadly in accordance with development plan policy subject to the proposed conditions including those which are required to ensure that the caravans are used for holiday purposes only and not as a permanent or principle residence.
- 8.15 In relation to other considerations it is relevant to note that a number of representations in support and in objection have been submitted to the proposal. Those representations are material in so far as they relate to relevant planning matters and have been considered in the preparation of this report. The planning history of the site and the extant permission for the siting of caravans and associated development on the site is also a significant material consideration.
- 8.16 Dealing with the matters raised in objection, concerns are raised about impacts on trees and biodiversity within the site. Works have been carried out within and adjacent to the site resulting in the loss of trees and damage to remaining trees. While a reasonably significant level of tree felling within the site was anticipated as part of implementation of the 2017 planning permission, the level of tree works which have been carried out is greater than what was approved as part of that permission. Areas of banded earth have been left adjacent to remaining trees and no protective fencing around route protection zones has been erected, which is not in accordance with good practice. This planning application presents an opportunity to secure enhancement of the woodland adjacent to the site and planning conditions are proposed which would require the installation of protective fencing around retained trees, the timely removal of banded earth and a comprehensive program of replanting. Those steps would help to safeguard the woodland edge which is characteristic of the Seaton Estate and enhance the biodiversity value of the site in the longer term.
- 8.17 Concern is raised regarding impacts on drainage infrastructure, surface water infrastructure and flood risk and this service is aware that there have been issues with blocked drains serving existing caravans at Seaton. Matters relating to drainage serving

existing caravans are regulated through the caravan site licence, but that those who have been involved in assessing that matter have been consulted on this application and have offered no objection. The site is not within an area identified as being at risk of flooding on SEPA flood maps. The drainage impact assessment suggests that there is capacity in the foul drainage infrastructure to serve the proposed development and confirms that a spare pump is kept at the private pumping station for emergency purposes and to mitigate risk associated with plant failure. The proposed drainage system benefits from a building warrant and Scottish Water has indicated that there is capacity in the wastewater treatment works to serve the proposed development. The council's roads service has offered no objection to the proposal subject to conditions relating to foul and surface water drainage. There is no reason to consider that adequate arrangements to mitigate flood risk and provide drainage could not be provided within the site.

- 8.18 Concerns are also raised regarding impacts on roads and lighting infrastructure within the site. Those matters are regulated by the caravan site license, but it is understood that some road widening works have recently taken place within parts of the estate as required by conditions of the license. Environmental Health has confirmed the vehicle access and circulation arrangements for the proposal and wider site comply with model standards for caravan sites.
- 8.19 Comments suggesting that the number of caravans should not be increased during the COVID pandemic are noted. However, government has indicated that it expects the planning system to continue to function during the pandemic. Issues regarding works taking place at the current time are not material to planning considerations.
- 8.20 A number of comments in support of the application have been submitted and reference matters including the economic benefit of securing further tourism in the area. Development plan policy acknowledges that the tourism sector constitutes an important part of the Angus economy as it provides a major source of income, employment and in particular supports rural areas and the policy supports tourism accommodation in appropriate locations.
- 8.21 Finally, the 2017 planning permission for 89 caravan pitches within the site represents a material consideration which carries weight. That permission allows for more caravan pitches in this general location than are sought through this application and the permission is extant. Impacts on the surrounding amenity, traffic levels, access and infrastructure, and built and cultural heritage interests are not considered to be unacceptable or materially different from those that would be experienced if the approved planning permission was implemented.
- 8.22 In conclusion, the proposal provides for additional development, including the formation of new caravan pitches an associated roadway within an established caravan site in a manner that is compatible with development plan policy. Impacts associated with the development can be mitigated by planning conditions, including conditions that would result in replanting of the woodland edge along Seaton Road. The representations submitted in objection and in support of the proposal have been taken into account in the preparation of this report. The representations do not alter the conclusion that the proposal complies with development plan policy and they do not identify material considerations that justify refusal of planning permission.

## **9. OTHER MATTERS**

### **HUMAN RIGHTS IMPLICATIONS**



The recommendation in this report for grant of planning permission, subject to conditions, has potential implications for neighbours in terms of alleged interference with privacy, home or family life (Article 8) and peaceful enjoyment of their possessions (First Protocol, Article 1). For the reasons referred to elsewhere in this report justifying this recommendation in planning terms, it is considered that any actual or apprehended infringement of such Convention Rights, is justified. The conditions constitute a justified and proportional control of the use of the property in accordance with the general interest and have regard to the necessary balance of the applicant's freedom to enjoy his property against the public interest and the freedom of others to enjoy neighbouring property/home life/privacy without undue interference.

## **10. CONCLUSION**

It is recommended that the application be approved for the following reason and subject to the following conditions:

### **Reason for Approval:**

The proposal is in accordance with the development plan as it is compatible with the locational criteria identified in the plan and as it does not give rise to unacceptable impacts on amenity, natural and built environment, road safety or infrastructure, subject to the stated conditions. There are no material considerations that justify refusal of planning permission contrary to the provisions of the development plan.

### **Conditions:**

1. That no works in connection with the formation of caravan pitches 25-36 or their access shall take place until the following has been submitted to and approved in writing by the Planning Authority:
  - i. A revised landscaping plan that shall include specific details of woodland management, new tree and hedge planting and tree works in the areas within and adjacent to the site extending to Seaton Road to the north west and the track to Mains of Seaton to the north east. Thereafter all landscaping shall be undertaken in accordance with the approved details prior to the end March 2022. Any trees or plants which, in the opinion of the planning authority within a period of 5 years from the commencement of the use, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species;
  - ii. A Tree Protection Plan which shall include measures to safeguard woodland areas, retained individual trees and new planting. No tipping or storage of materials (including green waste) or fires shall be undertaken within woodland areas. Tree protection measures shall be installed prior to works in connection with the formation of caravan pitches 25-36 and shall remain in situ until the development has been completed to the written satisfaction of the planning authority.
  - iii. Timescales for the removal of all bunded material within and adjacent to the site as detailed on Site Plan Drawing Number 5638-C-02 Revision E dated 08/09/2020. This shall include the removal of the earth bunds to the west of pitches 6 & 7 within 2 months of the date of this planning permission. Thereafter the earth bunds shall be removed in accordance with the approved timescales.

- iv. Evidence of Scottish Water's approval for a foul drainage connection to serve the proposed development and details of maintenance responsibility for the pipework from the disconnecting manhole (at NO65184240) to the point of connection to the public sewer. No caravan within the site shall be occupied until the planning authority has provided written approval that the maintenance arrangements are acceptable.
- v. Details for the management of surface water drainage associated with the development. For the avoidance of doubt, surface water shall be managed by means of sustainable drainage. Thereafter, no caravan shall be occupied until the approved means of surface water drainage has been installed.

*Reason: In order to protect and reinstate trees and woodland with and adjacent to the site in the interests of preserving and enhancing the character and visual amenity of the area; in order to ensure that Scottish Water has approved a connection for the development to the public drainage system and that suitable maintenance arrangements are in place for the foul drainage infrastructure; and in order to ensure that surface water infrastructure is appropriately formed in order to protect the environment and manage flood risk.*

2. The site hereby approved shall be used for holiday accommodation only and no person shall occupy any caravan or other structure as permanent residential accommodation or as a permanent or principal residence. No caravan or other structure shall be occupied for a period of 4 weeks from 1 January in any year, or for any alternative continuous 4-week period as may first be approved in writing by the Planning Authority. Any such variation shall only apply to all pitches approved by this permission, and not in respect of individual pitches.

*Reason: In order to ensure that the pitches that are subject of the application remain available as tourist accommodation and to prevent the formation of permanent residential accommodation in the countryside in conflict with the development plan.*

**NOTE:** No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

**REPORT AUTHOR: KATE COWEY SERVICE LEADER – PLANNING & COMMUNITIES**  
**EMAIL DETAILS: PLANNING@angus.gov.uk**

**DATE: 1 MARCH 2021**

APPENDIX 1: LOCATION PLAN  
APPENDIX 2: LETTERS OF REPRESENTATION  
APPENDIX 3: DEVELOPMENT PLAN POLICIES  
APPENDIX 4: PLANNING SERVICE PRESENTATION