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**APPLICATION FOR PLANNING PERMISSION 12/00517/DPP, FOR THE REMOVAL OF CONDITIONS 1, 2 AND 3 OF PLANNING PERMISSION 11/00816/DPP TO ALLOW SITING OF 137 MOBILE HOMES, AT NIVENSKNOWE PARK, LOANHEAD**

Report by Head of Planning and Development

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**1 SUMMARY OF APPLICATION AND RECOMMENDED DECISION**

- 1.1 The proposal is for the removal of conditions 1, 2 and 3 of planning permission 11/00816/DPP to allow the siting of 137 mobile homes at Nivensknowe Park, Loanhead. There have been 4 letters of representation, a petition with 14 signatures and a consultation response from the Council's Policy and Road Safety Manager. The relevant development plan policies are RP1, RP2, RP5 and DP2 of the Midlothian Local Plan and the recommendation is to refuse planning permission.**

**2 LOCATION AND SITE DESCRIPTION**

- 2.1** The site is set within the designated green belt on the west side of the A701. To the south of the site is Pentland Plants nursery and garden centre, to the west is Pentland Mains, to the north and west is Pentland Park Caravan Site and to the east across the A701 is the southern end of the Straiton Retail Park, incorporating a large stretch of vacant land reserved for the A701 realignment. The site access is onto the A701, about 150 metres north of Nivensknowe Road junction.
- 2.2** There is a dog kennels adjacent to the north boundary between this site and the adjacent caravan park.
- 2.3** The site extends to an area of 5.3 hectares.

**3 PROPOSAL**

- 3.1** The application is to remove conditions 1, 2 and 3 from planning permission 11/00816/DPP for a revised park layout to allow the siting of 137 mobile homes and the erection of an office building, granted on 21 March 2012. The conditions restricted the number of mobile home plots to 130 to protect open space provision and amenity.

3.2 The conditions are as follows:

1. Notwithstanding the details on the site plan reference 5022/C/01 revision B, the following units shall not be approved;
  - a. The five units proposed within the area of open space south of Birch Crescent;
  - b. The single unit proposed east of 22 Birch Crescent; and
  - c. The single unit immediately north of 1 Oak Avenue.All as is outlined in purple on the approved site plan.

**Reason:** *In order to ensure the residents of both the existing and the proposed caravans/mobile homes are afforded an acceptable standard of amenity and open space provision.*

2. Prior to the commencement of development the applicant shall submit for the approval of the planning authority a revised site layout plan to a scale not less than 1:500 of the caravan site taking into account the deletion of the 7 units required by condition 1 above, and with a total of no more than 130 units, and showing all recreational and amenity landscaped areas, car parking spaces, pedestrian and vehicular routes and any ancillary buildings or hard surfaces. Development shall thereafter be carried out in accordance with the plans approved in writing by the local planning authority.

**Reason:** *In order that the Planning Authority can consider this in detail, and ensure that a high standard of landscaping and amenity is achieved for the site.*

3. There shall at no time be any more than 130 residential caravans or mobile home units within the application site, and the layout of these units shall respect the layout on the approved site layout plan taking into account those units amended by condition 1.

**Reason:** *In order to maintain an acceptable standard of amenity for the residents of the caravan park.*

## 4 BACKGROUND

- 4.1 The site was historically a quarry, but has been subject to a series of temporary planning applications resulting in the present caravan park.
- 4.2 There were initially 188 caravan pitches in 1975 which was reduced to 158 in 1982. This phased reduction in numbers was to improve the amenity for the occupiers of the caravan park.
- 4.3 The granting of temporary planning permissions had resulted in very little investment being put into the park, and it subsequently ran into a state of disrepair. Permission was granted in 1983 for a period of 20 years, and initially for 153 units. This number was required by condition

of the planning permission to be reduced to 141 units over the next 5 years (1988). Improvements were subsequently carried out to the caravan park. Roads and parking were improved and a central area of recreational open space created and some general landscaping of the site was carried out. A tree preservation order was approved for the site in 1999.

- 4.4 In 1999, a planning application was submitted to give the site a permanent planning consent with a view to allowing further investment and site improvements to take place.
- 4.5 Planning application reference 99/00409/FUL, submitted by Nivensknowe Parks Ltd, was an application for renewal of the planning permission ref 451/82 (dated 8 September 1983) and of the amendment thereto ref 625/88 (dated 30 December 1988) for the siting of mobile homes. Planning permission was granted on 4 April 2001 subject to numbers being restricted to 124 caravan/mobile home pitches. It required the applicant, through the imposition of a number of conditions, to submit a revised layout for the site, and the existing number of units on site were to be reduced to no more than 124 by 31 August 2004. Caravans in the vicinity of the neighbouring dog kennels were to be relocated. Other units were to be removed to enhance open space and access to it, and to improve pedestrian linkages. This was in order to achieve an acceptable level of amenity for residents of Nivensknowe Caravan Park.
- 4.6 A subsequent planning application, reference 05/00796/FUL, again by Nivensknowe Parks Ltd, was submitted for an amendment of conditions 1, 2, 4B, 4C and 6 of Planning Permission 99/00409/FUL to allow the use of the storage area as mobile home sites, and for amendment of condition 7 to retain parking area. This planning application was refused on 24 April 2006 and subsequently dismissed on appeal on 7 November 2006. The reasons for refusal of planning permission were;
  1. *The proposal would result in the creation of four additional pitches situated close to kennels on the adjoining boundary and will be the subject of noise from them: such noise detracts from the amenity of those plots rendering them unsuitable for permanent occupation.*
  2. *The proposal to create pitches for the permanent siting of mobile homes in area A, B, C, and D (as defined on the accompanying plan) conflicts with the aims of the original planning permission for the park, to improve the layout and general level of amenity within the park. Furthermore, this would hamper the landscaping improvements contained within the previous permission, resulting in a more crowded layout and a reduction in the level of amenity within this part of the site, close to the entrance.*

3. *The proposed amendment to Condition 7 is unnecessary to achieve the applicants intended effect and additionally could undermine the long term improvement of the layout elsewhere in the park.*
- 4.7 The areas A to D mentioned in condition 2 were 4 plots proposed on the north boundary adjacent to the neighbouring dog kennels.
- 4.8 The Scottish Government reporter dismissed the appeal on amenity grounds.
- 4.9 Due to the site area of this current application the applicant was required to follow the major application procedure, and a pre-application consultation was carried out in June 2011 (11/00378/PAC).
- 4.10 Planning application 11/00599/DPP, which was withdrawn on 25 November 2011, was an earlier version of application 11/00816/DPP which was withdrawn on the advice of the planning case officer due to several concerns about certain aspects of the layout, in particular the siting of units in the central area of open space.
- 4.11 Planning application 11/00816/DPP for amendments to conditions 1 and 2 of planning permission 99/00409/FUL to allow siting of 137 mobile homes; alterations to site layout; and erection of office building was approved by the Committee at its meeting of 13 March 2012, subject to 4 conditions. Conditions 1 to 3 are listed above, and condition 4 required landscaping, drainage and parking details to be agreed prior to implementation. The report to the Committee included a chronology of the site's history.
- 4.12 Pre Application Consultation 12/00311/PAC was submitted for the removal of conditions 1, 2 and 3 from planning permission 11/00816/DPP for a revised park layout to allow the siting of 137 mobile homes and the erection of an office building.

## **5 CONSULTATIONS**

- 5.1 The Policy & Road Safety Manager has no comment to make on the proposed changes.

## **6 REPRESENTATIONS**

- 6.1 Four letters of representation, a petition with 14 signatures and a collated questionnaire response (circulated by a local resident) have been received. The issues raised are as follows;
- Loss of open space;
  - Loss of parking on Oak Avenue with no alternative being provided;
  - Site maintenance is not being carried out at present;

- Increased units will lead to higher pedestrian and vehicular movements and therefore more maintenance will be required as paths and roads wear out more quickly;
- Plots are to be located on the only green area on the site;
- If plans are to be approved then it must be clear that remaining areas must be upgraded and maintained;
- Residents were not aware of any meetings having taken place regarding the proposed development;
- There has been a lack of investment in the park for a number of years and residents are concerned that the maintenance will only happen if the extra units are permitted;
- Existing vacant or empty plots should be utilised before new plots are permitted;
- Further homes would adversely affect the character of the park;
- Loss of green space in the central park would completely spoil the park;
- Drainage system does not work which is a health hazard which would be worsened by more homes;
- There are already enough vacant sites on the site which could be developed;
- The park should be enhanced with benches and bins added; and
- Existing facilities should be enhanced prior to building more homes.

6.2 The results of the submitted questionnaire noted that 41 of 50 people did not want more homes on the central area; 35 out of 50 were willing to allow extra units around vacant plots on the remainder of the site; 12 said they were advised of the meeting on 29 June 2011, and 29 of the meeting on 6 June 2012; 44 of 50 people did not want the path to Pentland Plants closed off; and 46 out of 50 did not want to lose the central open space.

## 7 PLANNING POLICY

7.1 The development plan is comprised of the Edinburgh and Lothians Structure Plan 2015, approved in June 2004, and the Midlothian Local Plan, adopted in December 2008. The following policies are relevant to the proposal;

7.2 Midlothian Local Plan Policy **RP1 Protection of the Countryside** advises that development in the countryside will only be permitted if it is essential for the furtherance of agriculture, or other uses appropriate to the countryside. Development complying with the terms of Policy DP1 will also be permitted;

7.3 Midlothian Local Plan Policy **RP2 Protection of the Green Belt** advises that Development will not be permitted in the Green Belt except for proposals that;

- A. are necessary to agriculture, horticulture or forestry; or

- B. are for opportunities for access to the open countryside, outdoor sport or outdoor recreation which reduce the need to travel further afield; or
- C. are related to other uses appropriate to the rural character of the area; or
- D. are in accord with policy RP3, ECON1, ECON7 or are permitted through policy DP1.

Any development proposal will be required to show that it does not conflict with the overall objectives of the Green Belt

- 7.4 Midlothian Local Plan Policy **RP5 Woodland Trees and Hedges** does not permit development that would lead to the direct or indirect loss of woodland which has a particular value in terms of amenity, nature conservation, recreation, landscape character or shelter;
- 7.5 Midlothian Local Plan Policy **RP7 Landscape Character** which advises that development will not be permitted where it may adversely affect the quality of the local landscape. Provision should be made to maintain local diversity and distinctiveness of landscape character and enhance landscape characteristics where improvement is required; and
- 7.6 Midlothian Local Plan Policy **DP2 Development Guidelines** which is a set of criteria covering design, sustainability, landscaping, open space, house layout, and parking.

## 8 PLANNING ISSUES

- 8.1 The main planning issue to be considered in determining this application is whether the proposal complies with development plan policies unless material planning considerations indicate otherwise. The representations and the consultation response received are material considerations.
- 8.2 With regards to the location of the development within the green belt, and countryside, the site is an established development that has the benefit of an extant planning consent. The proposed removal of conditions of an existing consent therefore raises no concerns about the principle of the land use.
- 8.3 The determining issues include whether the planning permission without conditions 1 to 3 would be acceptable with regards to the resultant increased number of units and the density of development. In particular whether this will result in an unacceptable impact upon the visual amenity of the area; the amenity of the existing and future occupiers; open space provision; the welfare of any protected trees; and parking standards.
- 8.4 The planning permission granted in April 2001 requires that the existing number of units on site were to be reduced to no more than 124 by 31 August 2004. This restriction was driven by the objective of achieving

acceptable levels of amenity for residents of Nivensknowe Caravan Park, which had operated under temporary consents since 1975. The proposal to delete conditions 1 to 3 from the 2012 permission would result in an increase in the number of units from 124 to 137. The main area of impact is the central open space where 5 new units would be sited, with a further unit on Birch Crescent at one of the entrances to this open space.

- 8.5 This central area was proposed under the 2001 planning application to provide the residents with a useable area of recreational open space and to improve amenity. This was one of the principle objectives for the site at that time, which suffered from poor standards of amenity. This was recognised by the reporter in the 2007 appeal decision letter (referred to in paragraph 4.8 above).
- 8.6 The applicant has advised that the reduced area that is to be retained would be enhanced and planting carried out, footpaths created, and a second landscaped pedestrian route through from Poplar Path will be created between the new units. This formal path would provide a better link to the smaller secondary area of open space to the north of the site.
- 8.7 A number of residents of the park have expressed concern at the loss of this open space. Many have advised that the main issue regarding the open space is the lack of maintenance of it and that if it were better maintained, with seats and bins then it would be far better used than it is at present.
- 8.8 As was stated in the assessment of the previous application, the central area of open space should remain as the principal recreational area, and whilst the open space to the north does make some contribution, its proximity to the dog kennels restricts this significantly in terms of amenity. The central open space should be retained and links to it enhanced. It is therefore recommended that the five units that are proposed in the central area of open space are not approved and conditions 1 to 3 are not removed from permission 11/00816/DPP. It is further recommended that the unit immediately east of 22 Birch Crescent be deleted to allow better visual linkages to the open space.
- 8.9 The applicants claim in the in supporting letter of 22 February 2012 that the park presently provides 17% of its area as recreational open space, and that Scottish Government standards are 10%. A calculation carried out by the case officer suggests that the present level of recreational open space is closer to 10%, indicating that there is little scope for losing any more. Recreational open space excludes small pockets of green space which are purely of landscape value but which do not contribute any recreational value. Whilst most of policy DP2 is not applicable to caravan parks, it is reasonable to assume that the provision of open space and play space should be no different from standard housing. Due to reduced garden sizes and privacy distances

permitted in the caravan park under the site licence, it would be reasonable to conclude that the communal open spaces are in fact more important than they would be in standard residential areas.

- 8.10 In conclusion, it is important that the main area of open space is retained and enhanced.
- 8.11 It had previously been considered that it would be necessary to delete at least one of the two units originally proposed on Oak Avenue immediately west of the neighbouring kennels, and this recommendation remains. The concern was that one unit would become landlocked by the surrounding units (three existing and one proposed). There was also a concern that at least one unit would be too close to the kennels. It was suggested that perhaps one unit may be acceptable in this location with added planting on its east side and incorporating close boarded fencing. However, the applicant is requesting the provision of two units in this location by seeking the removal of the condition. This is not considered acceptable. It is considered that the additional unit would result in overcrowding of this part of the site, a loss of valuable green space, and that the amenity of the nearest unit would be significantly adversely affected by its proximity to the dog kennels.
- 8.12 The overriding concern is the amenity of the residents and the visual amenity within the site. If conditions 1 to 3 of planning permission 11/00816/DPP are deleted then these matters cannot be safeguarded and this would be to the significant detriment of the site's occupants and to the landscape character of the development.

## **9 RECOMMENDATION**

- 9.1 That planning permission to remove conditions 1,2 and 3 of 11/00816/DPP be refused for the following reason:
1. *The proposal would result in the creation of one additional pitch situated close to dog kennels on the adjoining boundary and will be the subject of noise from them: such noise detracts from the amenity of those plots rendering them unsuitable for permanent occupation.*
  2. *The deletion of conditions 1 to 3 will allow the permanent siting of mobile homes in an area of open space which conflicts with the aims of the original planning permission for the park, to improve the layout and general level of amenity within the park. Furthermore, this would have a significant adverse impact upon the landscape setting of the park, resulting in a more crowded layout and a reduction in the level of amenity for existing and future occupiers of the caravan park.*



- 3 *The deletion of conditions 1 to 3 will allow development to take place which would result in the loss of open space and the overdevelopment of the caravan park to the significant detriment of existing and future occupiers of the caravan park.*

**Ian Johnson**  
**Head of Planning and Development**

**Date: 12 November 2012**

<b>Application No:</b>	<b>12/00517/DPP (Available online)</b>
<b>Applicant:</b>	<b>Mr Gavin Douglas</b>
<b>Agent:</b>	<b>Montgomery Forgan Associates</b>
<b>Validation Date:</b>	<b>21<sup>st</sup> August 2012</b>
<b>Contact Person:</b>	<b>Kingsley Drinkwater</b>
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<b>Background Papers:</b>	<b>12/00311/PAC, 11/00816/DPP, 11/00599/DPP, 11/00378/PAC, 05/00796/FUL</b>