

FALKIRK COUNCIL

Subject: CHANGE OF USE OF LAND TO FORM EXTENSION TO EXISTING RESIDENTIAL CARAVAN PARK AND ANCILLARY ENGINEERING OPERATIONS (PART RETROSPECTIVE) AT 1 - 50 BEECHTREE PARK, DENNY, FK6 6BU FOR BEECHTREE PARK HOMES - P/12/0196/FUL

Meeting: PLANNING COMMITTEE

Date: 10 SEPTEMBER 2014

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Denny and Banknock

Councillor Jim Blackwood
Councillor Brian McCabe
Councillor John McNally
Councillor Martin Oliver

Community Council: Denny and District

Case Officer: Kevin Brown (Planning Officer), Ext. 4701

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This full planning application proposes a change of use of land, previously used as a travelling persons site, to form an extension to an established residential caravan park for retired and semi-retired occupants. The application is part retrospective as the general road layout has already been formed and a number of residential units have already been located on the site. The application site is located to the east of Denny to the south west of the River Carron. Access to the site is proposed to be taken via the existing vehicular access road which serves the adjacent caravan park, onto the A883.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application was called to Committee by Councillor Brian McCabe.

3. SITE HISTORY

- 3.1 F/93/0142 – Formation of access road, erection of pumping station and upfilling of land (detailed) – Granted 19 October 1993.
F/96/0828 – Use of land as residential caravan site (renewal of temporary permission) – Granted 31 March 1993.

F/96/0829 – Use of land as travelling persons site and erection of toilet accommodation (detailed) – Granted 31 March 1998.

- 3.2 The most recent use of this site was a travelling persons site however the current application proposes a larger area of developed land than that used previously or covered by a license for the site. This previous use is considered to have been abandoned for a number of years and as such no current live permissions exist for the site.

4. CONSULTATIONS

- 4.1 Scottish Water have raised no objections to the application.
- 4.2 Detailed consultation responses have been received from SEPA and the Roads Development Unit in respect of potential flooding at the site. The applicant has provided a flood risk assessment in support of their proposal. This has resulted in an amendment to the proposed layout to address concerns raised by SEPA in relation to potential flooding in the north east corner of the site. The Roads Development Unit and their term consultants have requested clarity on a number of points contained within The Flood Risk Assessment. The applicant has provided additional detail to address these points. The applicant has demonstrated that the proposed site layout and proposed freeboard levels are sufficient to protect residents from potential flood risk.
- 4.3 Education Services have confirmed that they do not expect any discernable pupil yield to come from this development.

5. COMMUNITY COUNCIL

- 5.1 The Denny and District Community Council have not commented on this application.

6. PUBLIC REPRESENTATION

- 6.1 No letters of representation have been received in respect of this application.

7. DETAILED APPRAISAL

Under section 25 of the Town and Country Planning (Scotland) Act 1997, as amended, the determination of planning applications for local and major developments shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Accordingly,

7a The Development Plan

Falkirk Council Structure Plan

- 7a.1 The application does not raise any issues of a strategic nature.

Falkirk Council Local Plan

7a.2 Policy SC3 - 'Housing Development In The Countryside' states:

"Housing development in the countryside will only be permitted in the following circumstances:

- (1) Housing essential to the pursuance of agriculture, horticulture or forestry, or the management of a business for which a countryside location is essential. In these instances, the applicant must demonstrate:*
 - The operational need for the additional house in association with the business*
 - That no existing dwelling which might have served that need has been sold or otherwise alienated from the holding*
 - That there are no reasonable opportunities for reusing or converting redundant buildings rather than building a new dwellinghouse*
 - That the business as a whole is capable of providing the main source of income for the occupant;*

- (2) Proposals involving the rehabilitation of former residential properties, or the conversion of farm and other buildings to residential use, where*
 - The building, by virtue of its existing character, makes a positive contribution to the rural landscape*
 - The building is in a reasonable state of repair, still stands substantially intact and is capable of beneficial restoration, as verified by a report and certificate from a qualified structural engineer*
 - The restored or converted building is of comparable scale and character to the original building*
 - In the case of former non-residential buildings, the building is no longer required for the purpose for which it was built; or*

- (3) Appropriate infill opportunities within the envelope of an existing group of buildings, where the development would not result in ribbon, backland or sporadic development, and the proposal satisfies Policy SC8."*

7a.3 The adopted local plan does not contain any policies specific to residential caravan sites. It is noted that a residential caravan site does share some of its characteristics with a housing development however, an assessment against policy SC3 is not considered to be an entirely neat fit in this instance. It is considered that the proposal, being an extension to an existing caravan park, is appropriate for this rural location. It is also noted that whilst there are no buildings on the site capable of conversion, the site is brownfield in nature and can be considered as an infill of the land between the existing site and the River Carron. On this basis the proposal does not offend the terms of policy SC3.

7a.4 Policy EQ19 - 'Countryside' states:

- "(1) The Urban and Village Limits represent the desirable limit to the expansion of settlements for the period of the Local Plan. Land outwith these boundaries is designated as countryside and will be subject to the detailed policies for specific uses indicated in Table 3.3. Development proposals in the countryside for uses not covered by these policies will only be permitted where:*

- *it can be demonstrated that they require a countryside location;*
- *they constitute appropriate infill development; or*
- *they utilise suitable existing buildings.*

(2) *In circumstances where development meets the relevant countryside policy criteria, the scale, siting and design of development will be strictly controlled to ensure that there is no adverse impact on the character of the countryside. In particular:*

- *the siting should be unobtrusive, making use of natural features to integrate development into the landform and avoiding skylines;*
- *building design should be sympathetic to vernacular building styles and comply with the design principles contained within the Council's 'Design Guide for Buildings in the Rural Areas'; and*
- *boundary and curtilage treatments should be sympathetic to the rural area, with a preference for stone walling and hedging using native species."*

7a.5 The development proposed is not identified in Table 3.3 and its nature is such that it is best suited to a countryside location. The proposed application site represents a natural extension of the existing residential caravan park and infills an area of land between it and the River Carron. The site is essentially a brownfield site owing to the presence of hardstanding areas and upfilled land dating back to its previous use as a travelling persons site. The proposal would be visually unobtrusive and reflects the scale, design and appearance of the well maintained site adjacent. The proposal compiles with policy EQ19.

7a.6 Policy EQ20 – 'Green Belt' states:

"There will be a strong presumption against development in the Green Belt except where it can be demonstrated that:

- (1) *The proposal satisfies Policy EQ19 and any relevant countryside policies as set out in Table 3.3; and*
- (2) *The proposal will not undermine the role of the Green Belt by detracting from its existing landscape character; reducing the visual separation between settlements; or compromising its existing or potential future use for countryside recreation.*

Where proposals satisfy these criteria, developer contributions to landscape improvement, access and countryside recreation will be sought in accordance with Policy EQ21."

7a.7 The application site is located within an area of greenbelt as defined by the Falkirk Council Local Plan. The proposal is considered to comply with policy EQ19 and is not considered to contribute towards a reduction in the visual separation between settlements. The proposal would not detract from the existing landscape character of the area and would not compromise existing or potential countryside recreation opportunities. The proposal compiles with Policy EQ20.

7a.8 Policy SC14 'Education and New Housing Development' states:

"Where there is insufficient capacity within the catchment school to accommodate children from new housing development, developer contributions will be sought in cases where improvements to the school are capable of being carried out and do not prejudice the Council's education policies. The contribution will be a proportionate one, the basis of which will be set out in the SPG Note on 'Developer Contributions; Education and New Housing Development'. In cases where the school cannot be improved in a manner consistent with the Council's education policies, the development will not be permitted."

7a.9 As is the case with the policy assessment against Policy SC3, the use of policy SC14 is not considered an entirely neat fit in this instance. The characteristics of the existing caravan site are such that the units are generally occupied by retired or semi-retired residents without children. Whilst there are no formal occupancy restrictions of this nature, the site has been managed to control this aspect and encourage a peaceful environment for its residents. The proposed extension to the site is intended to be managed in the same way.

7a.10 Education Services have confirmed that their records, dating back to 2008 show there are currently no children living at this site. One family with children did stay here temporarily and enrolled at Denny Primary School within the last 12 months. However, this appears to have been a temporary arrangement whilst the family found permanent accommodation elsewhere. Education Services have confirmed that based on the current operational management of this site, there would be no anticipated pupil yield from the additional caravans proposed. On this basis, there are no likely impacts on school infrastructure. Education Services have not requested developer contributions.

7a.11 The proposal accords with the terms of policy SC14.

7a.12 Policy SC13 'Open Space and Play Provision in New Development' states:

"New development will be required to contribute to open space and play provision. Provision should be informed by the Council's open space audit and strategy and the SPG Note on 'Open Space and New Development', once available, or a site-specific local audit of provision in the interim, and should accord with the following principles:

- (1) *Open space and facilities for play and outdoor sport should be provided in broad accordance with the guidance in Table 4.2. These requirements may be increased where the extent and quality of facilities in the area are proven by the open space audit to be below a suitable standard. Above ground SUDS features, small incidental amenity areas, structure planting and road verges will not count towards requirements.*
- (2) *Financial contributions to off-site provision, upgrading, and maintenance, as a full or partial alternative to direct on-site provision, will be sought where*
 - *existing open space or play facilities are located nearby and are able to serve the development through suitable upgrading;*
 - *in residential developments, the size of the development falls below the threshold of 10 houses indicated in Table 4.2, or where it is otherwise not practical, reasonable or desirable to provide facilities on site; or*
 - *as part of a co-ordinated approach, a centralised facility is the optimum solution to serving a number of different developments in an area;*

- *The required financial contribution per house will be set out in the SPG Note on ‘Open Space and New Development’.*
- (3) *The location and design of open space should be such that it:*
- *forms an integral part of the development layout, contributing to its character and identity;*
 - *is accessible and otherwise fit for its designated purpose;*
 - *links into the wider network of open space and pedestrian/cycle routes in the area;*
 - *sensitively incorporates existing biodiversity and natural features within the site;”*
 - *promotes biodiversity through appropriate landscape design and maintenance regimes; and*
 - *enjoys good natural surveillance;*
- (4) *Developers must demonstrate to the Council that arrangements are in place for the management and maintenance of open space, including any trees, paths, walls, structures, and play areas which form part of it.”*

7a.13 The proposed caravan site is regarded as an extension to an existing site. The caravans will be sited within a parkland setting with extensive provision of passive open space, well in excess of advised levels contained within the Open Space supplementary planning guidance.

7a.14 The applicant has not proposed any active open space within the site. The site is however intended to be occupied by retired and semi-retired residents without children. It is therefore not considered that there be any requirement for active open space and play provision within the site and likewise it is not considered appropriate to request developer contributions towards off-site works in this instance.

7a.15 The proposal accords with Policy SC13.

7a.16 Policy SC4 ‘Special Needs and Affordable Housing’ states:

“For large new housing developments, the Council will require a diversity of house types and tenures in order to create mixed communities. In particular there will be a requirement across the Council area for new housing sites of 100 units and over to provide 15% of the total number of units as affordable or special needs housing. In the settlement areas of Larbert/Stenhousemuir, Polmont and District and Rural North, where there is an identified shortfall in affordable housing provision, there will be a requirement for sites of 60 units and over to provide 25% of the total number of units as affordable or special needs housing. Acceptable approaches could include:

- (1) *Provision of general needs social rented houses;*
- (2) *Provision of social housing for people with particular needs (specifically the elderly and physically disabled); or*
- (3) *Provision of shared equity or shared ownership housing*

Developers will be expected to work in partnership with the Council, Communities Scotland and Registered Social Landlords to comply with this policy.”

7a.17 This development cannot be considered as a housing development for the purposes of assessment against the affordable housing policy. The residential caravans proposed are, by their very nature, affordable units aimed at retired or semi-retired individuals. It is not therefore considered appropriate to request further affordable housing provisions in this instance. The proposal does not offend policy SC4.

7a.18 Policy EQ21 - 'Falkirk Greenspace' states:

“Through the Falkirk Greenspace Initiative, the Council will work with its partners to improve the landscape, habitat quality and recreational potential of the network of urban fringe and urban open space around and within settlements. Priority will be given to:

- (1) Appropriate woodland creation and management, where landscape quality, access, biodiversity, and connectivity across the Greenspace can be promoted;*
- (2) The creation of an interlinked network of paths within the Greenspace, with particular emphasis on a principal circular route, as a key part of the core path network, complemented by secondary routes where appropriate; and*
- (3) Requiring developers in urban fringe locations to contribute to landscape and/or access improvements in association with new development.”*

7a.19 The application site is located within an urban fringe location. The site is located within a rural setting. It is proposed to incorporate landscaping improvements to what is currently an untidy brownfield site. These improvements can be controlled by condition and are considered sufficient to address the requirements of this policy. The proposal accords with Policy EQ21.

7a.20 Accordingly, the proposal accords with the Development Plan.

7b Material Considerations

7b.1 The material consideration to be assessed is the Falkirk Local Development Plan (Proposed Plan) and Supplementary Planning Guidance.

Falkirk Local Development Plan (Proposed Plan)

7b.2 The Proposed Falkirk Local Development Plan (FLDP) was approved by the Council for consultation in March 2013, with the period for representations running from April to June 2013. It is expected to be adopted in early 2015, at which point it will replace the current Structure Plan and Local Plan. It provides the most up to date indication of Falkirk Council's views in relation to Development Plan policy and constitutes a material consideration in the determination of planning applications.

7b.3 Policy CG03 – 'Housing in the Countryside' states:

“Proposals for housing development in the countryside of a scale, layout and design suitable for its intended location will be supported in the following circumstances:

- 1. Housing required for the pursuance of agriculture, horticulture, or forestry, or the management of a business for which a countryside location is essential;*
- 2. Restoration or replacement of houses which are still substantially intact, provided the restored/replacement house is of a comparable size to the original;*

3. *Conversion or restoration of non-domestic farm buildings to residential use, including the sensitive redevelopment of redundant farm steadings;*
4. *Appropriate infill development;*
5. *Limited enabling development to secure the restoration of historic buildings or structures; or*
6. *Small, privately owned gypsy/traveller sites which comply with Policy HSG08.*

Detailed guidance on the application of these criteria will be contained in Supplementary Guidance SG01 'Development in the Countryside'. Proposals will be subject to a rigorous assessment of their impact on the rural environment, having particular regard to policies protecting natural heritage and the historic environment."

7b.4 As stated previously, the nature of development proposed is best suited to a countryside location and the proposal represents the re-use of an existing vacant brownfield site. In addition, the proposal represents an extension to an existing use within the countryside and would be visually unobtrusive. The proposal broadly complies with Policy CG03.

7b.5 Policy CG02 – 'Green Belt' states:

1. *The following areas, as indicated generally on Map 3.1 and detailed on the Proposals Map, are designated as Green Belt:*
 - *Falkirk/Stenhousemuir/Grangemouth/Laurieston Corridor*
 - *Polmont/Grangemouth/Bo'ness/Linlithgow Corridor*
 - *Falkirk/Larbert/Denny/Bonnybridge Corridor*
 - *Callendar Park/Woods*
2. *The purpose of the Green Belt is:*
 - *To maintain the separate identity and visual separation of settlements*
 - *To protect the landscape setting of settlements; and*
 - *To protect and give access to greenspace for recreation*
3. *Within the Green Belt, development will not be permitted unless it can be demonstrated that the proposal satisfies the relevant countryside policies, and it can be demonstrated that it will not undermine any of the strategic purposes of the Green Belt as set out in sub section (2) above."*

7b.6 The application site is located within an area of Green Belt, however the proposal would not contribute towards the reduction in visual separation between settlements and protects the landscape setting of the area. The proposal would have no impact upon recreation uses within the countryside. The proposal complies with policy CG02.

7b.7 Policy INF04 – 'Open Space and New Residential Development' states:

"Proposals for residential development of greater than 3 units will be required to contribute to open space and play provision. Provision should be informed by the Council's open space audit, and accord with the Open Space Strategy and the Supplementary Guidance SG13 on 'Open Space and New Development', based on the following principles:

1. *New open space should be well designed; appropriately located; functionally sized and suitably diverse to meet different recreational needs in accordance with criteria set out in Supplementary Guidance SG13 'Open Space and New Development'.*

2. *Where appropriate, financial contributions to off-site provision, upgrading, and maintenance may be sought as a full or partial alternative to direct on-site provision. The circumstances under which financial contributions will be sought and the mechanism for determining the required financial contribution is set out in Supplementary Guidance SG13 'Open Space and New Development'.*
3. *Arrangements must be made for the appropriate management and maintenance of new open space."*

7b.8 The general provisions of policy INF04 reflect the policy considerations of the adopted local plan in this instance. The proposal therefore accords with Policy INF04.

7b.9 Policy INF05 - 'Education and New Housing Development' states:

"Where there is insufficient capacity within the catchment school(s) to accommodate children from new housing development, developer contributions will be sought in cases where improvements to the school are capable of being carried out and do not prejudice the Council's education policies. The contribution will be a proportionate one, the basis of which is set out in Supplementary Guidance SG10 'Education and New Housing Development'. Where proposed development impacts adversely on Council nursery provision, the resourcing of improvements is also addressed through the Supplementary Guidance.

In circumstances where a school cannot be improved physically and in a manner consistent with the Council's education policies, the development will not be permitted."

7b.10 The general provisions of policy INF05 reflect the policy considerations of the adopted local plan in this instance. The proposal therefore accords with Policy INF05.

7b.11 Policy HSG02 – 'Affordable Housing' states:

"New housing developments of 20 units and over will be required to provide a proportion of the units as affordable or special needs housing as set out in Figure 5.1. The approach to provision should comply with Supplementary Guidance SG12 'Affordable Housing'."

Figure 5.1 Affordable Housing Requirements in Settlement Areas

<i>Settlement Area</i>	<i>Proportion of total site units required to be affordable</i>
<i>Larbert/ Stenhousemuir Polmont Area Rural North Rural South</i>	<i>25%</i>
<i>Bo'ness Bonnybridge/ Banknock Denny Falkirk Grangemouth</i>	<i>15%</i>

7b.12 The general provisions of policy HSG04 reflect the policy considerations of the adopted local plan in this instance.

Accordingly, the proposal does not offend Policy HSG02.

7b.13 The proposal accords with the terms of the Falkirk Local Development Plan – Proposed Plan.

Supplementary Planning Guidance

7b.14 Falkirk Council Supplementary Planning Guidance Note - Public Open Space and New Development sets out the requirements for the provision of open space on development sites and identifies a framework for calculating developer contributions in instances where on-site provisions cannot be achieved. This guidance focuses on new housing development and does not set out guidance which fits neatly with the form of development proposed in this application. That being said however, the proposed development achieves well in excess of the passive open space provision required for the number of units proposed. The proposal does not include any active open space provision which would be contrary to the terms of this guidance if the site were to be considered as a housing development rather than as a caravan site. The characteristics of the development proposed are such that the units will be occupied by retired and semi-retired residents without children. Therefore it is not considered in this instance, any justification for requesting active open space provision for this development proposal.

7b.15 Falkirk Council Supplementary Guidance Note - Education and New Housing Development sets out a framework for calculating commuted sum payments to address impacts on schools infrastructure. Education Services have indicated that they do not anticipate any discernable pupil yield from this development and as such no developer contributions are required towards schools infrastructures in this instance.

7b.16 Falkirk Council Supplementary Planning Guidance Note - Affordable Housing sets out the various forms of affordable housing accepted and thresholds for contributions in lieu of on-site provisions. The nature of the proposed development is such however that the caravan units are considered to be affordable in their own right and by their very nature are such that they meet a demand for single storey units, easily occupied by ageing residents. There is not therefore considered to be any requirement for additional affordable housing provision as part of this proposal.

7c Conclusion

7c.1 The proposal is an acceptable form of development and is in accordance with the Development Plan. There are no material planning considerations which would outweigh the Development Plan considerations in this report to warrant refusal of planning permission.

8. RECOMMENDATION

8.1 It is recommended that the Planning Committee grant planning permission subject to the following planning conditions:-

- 1. The development hereby approved shall be implemented in accordance with the plan(s) itemised in the informative below and forming part of this permission unless a variation is required by a condition of the permission or a non-material variation has been agreed in writing by Falkirk Council as Planning Authority.**
- 2. i. Development shall not continue on site unless otherwise agreed with the planning authority until a contaminated land assessment has been**

submitted and approved. The assessment must determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere. Any potential risks to human health, property, the water environment and designated ecological sites should be determined. The contaminated land assessment must be approved in writing by the Planning Authority.

- ii. Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy should be submitted to the Planning Authority demonstrating that the site will be made suitable for its intended use by removing any unacceptable risks, caused by the contamination. The scheme must be approved in writing by the Planning Authority.
 - iii. Prior to the commencement of development of the site, the remediation works must be carried out in accordance with the terms and conditions of the remediation scheme, and as agreed by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate endorsed by the relevant parties have been submitted to and agreed in writing by the Planning Authority.
 - iv. If unexpected contamination is found after development has begun, development of the affected part of the site must stop. The developer must notify the Planning Authority immediately and carry out a contaminated land assessment, and undertake any necessary remediation works, before development of the affected part of the site may continue.
3. Development shall not continue until details of the scheme of soft landscaping works has been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include (as appropriate):
- i. indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration
 - ii. location of new trees, shrubs, hedges and grassed areas
 - iii. schedule of plants to comprise species, plant sizes and proposed numbers/density
 - iv. programme for completion and subsequent maintenance.
- Thereafter the landscaping shall be maintained in accordance with these details unless otherwise agreed in writing by the planning authority.

Reason(s):

1. As these drawings and details constitute the approved development.
2. To ensure the ground is suitable for the proposed development.
3. To safeguard the visual amenity of the area.

Informatives:

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01B and 02.

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Director of Development Services

Date: 29 August 2014

LIST OF BACKGROUND PAPERS

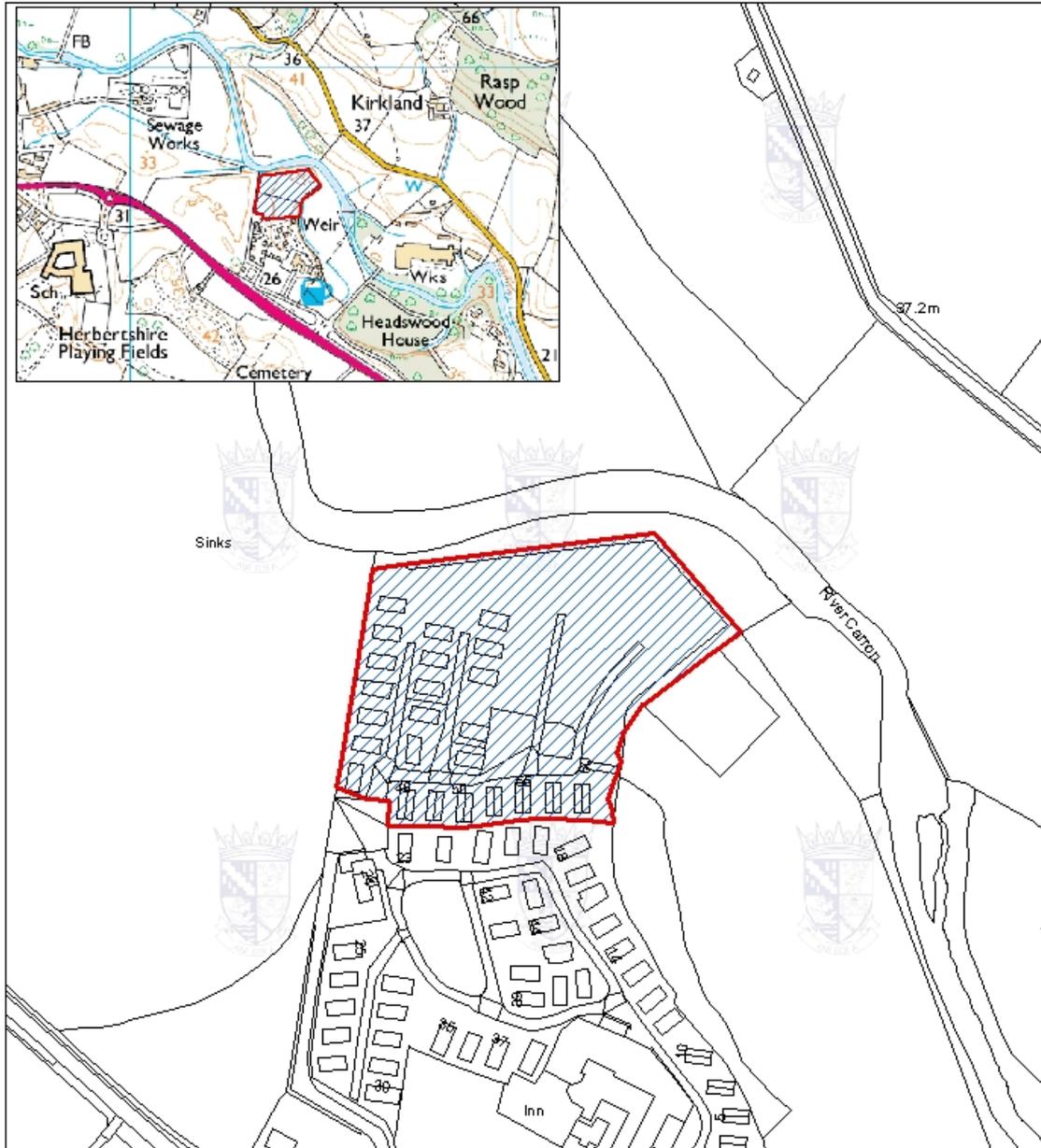
1. Falkirk Council Local Plan
2. Falkirk Council Development Plan – Proposed Plan
3. Supplementary Planning Guidance Note – Public Open Space, Falkirk Greenspace and New Development
4. Supplementary Planning Guidance Note – Education and New Housing Development
5. Supplementary Planning Guidance Note – Affordable Housing

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504701 and ask for Kevin Brown, Planning Officer.

Planning Committee

Planning Application Location Plan P/12/0196/FUL

This plan is for location purposes only. It should not be interpreted as an exact representation of the application site.



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