

Report

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Report to:	Planning Committee
Date of Meeting:	24 May 2011
Report by:	Executive Director (Enterprise Resources)

Application No	CL/11/0067
Planning Proposal:	Change of Use of Derelict Land to Form Private Traveller Site, Comprising 5 Mobile Homes, Amenity Space, Erection of Refuse Storage Area and Formation of Access Road

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Mr William Townsley
- Location : Former Ponfeigh Railway Station Site
Douglas Water

2 Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

- (1) Grant Detailed Planning Permission (subject to conditions – based on conditions listed overleaf)

2.2 Other Actions/Notes

- (1) The Planning Committee has delegated powers to determine this application.

3 Other Information

- ◆ Applicant's Agent: Planterra
- ◆ Council Area/Ward: 04 Clydesdale South
- ◆ Policy Reference(s): **South Lanarkshire Local Plan (adopted 2009)**
Policy RES6: Residential Areas
Policy STRAT5: Rural Investment Area
Policy RES4: Housing for Particular Need
Policy DM1: Development Management
Policy ENV34: Development in the Countryside

- ◆ Representation(s):

- ▶ 6 Objection Letters
- ▶ 0 Support Letters
- ▶ 0 Comments Letters

- ◆ Consultation(s):

S.E.P.A. (West Region) (Flooding)

Community Resources

Environmental Services

Scottish Water

Roads and Transportation Services (Clydesdale Area)

Housing Services

Planning Application Report

1 Application Site

- 1.1 The application site consists of generally flat, vacant land on the western edge of Douglas Water. Historically the Ponfeigh Railway Station sat on this site which appears in the Council's Vacant and Derelict Land Register. The applicant has already carried out clearance works on the site and has formed bunds along the western, northern and eastern boundaries. A portion of the site consists of a dismantled railway line and the Council's Core Paths Plan identifies a core path running through the site following the route of the former railway line. Just under 100m to the west of the site lies the Douglas Water river. A recreation ground and play area sit immediately adjacent to the site on the western and north-western boundaries. Rigside Road is situated to the south of the site with agricultural land and the continuation of the dismantled railway line situated to the north. Open ground located in front of the terraced, predominantly Council-owned housing bounds the site to the east.

2 Proposal(s)

- 2.1 The applicant seeks planning permission to change the use of the vacant, derelict land to form a private traveller site. The site would consist of 5 mobile homes, a significant area of amenity space and a refuse storage area. The submitted plans show provision of two car parking spaces and the indicative position of a garden shed within each pitch. The proposed mobile homes have been described as chalets by the applicant and each unit provides 2 bedrooms, bathroom and lounge/kitchen facilities. A small patio area would be provided on the front elevation. The units would be finished in terracotta tile-effect roofing, white roughcast-effect walls and white upvc windows. The applicant has provided details of how the units would be installed. A concrete slab would be constructed with metal eyelets cast into the slab. The unit would then sit upon levelling jack legs and chains would then be attached linking the unit to the eyelets within the slab. The base of the unit would then be boxed-in by an infill panel around the perimeter to prevent debris collecting underneath.
- 2.2 The applicant proposes to create a vehicular access from Rigside Road, leading into a 3.5 metre wide access track to service each unit. It is proposed to site the refuse storage area in the central part of the site adjacent to the access tracks and it will consist of two wheeled bulk storage bins situated on a concrete base, enclosed by a 1.8 metre high screen fence. The applicant has formed bunds around the perimeter of the site and proposes landscape planting on this bunding to enclose the site. The original plans submitted by the applicant did not include suitable access provision to the adjacent recreation ground or the retention of the core path through the site. The applicant has subsequently amended the plans and has agreed to form a footpath along the eastern boundary of the site to ensure the retention of the core path route and also to provide a path along the northern boundary of the site which will allow a link from the existing housing to the recreation ground and play area.
- 2.3 A statement has been submitted by the applicant in support of the application. He confirms that he comes from a long line of travelling people. He advises that his family have a strong association with Douglas Water and the surrounding area and that at present the family is spread throughout Scotland at various locations in the central belt and the Borders. He currently resides at a nearby travellers' site. In order to bring the family together as one unit and to live in a style traditional to them, the applicant seeks consent for this private traveller site. He advises that the

application site which was the site of the former Ponfeigh Railway Station was in a derelict condition suffering from extensive fly tipping over the years and general lack of maintenance. He considers that the proposal will create a pleasant environment with five well-spaced chalets enclosed by landscaping.

3 Background

3.1 Local Plan Background

3.1.1 Half of the site is located within the settlement boundary of Douglas Water where Policy RES6: Residential Areas applies. The remainder of the site falls outwith the settlement and is situated within the Rural Investment Area where Policy STRAT5: Rural Investment Area applies. Given that the proposal is for a travellers site, Policy RES4: Housing for Particular Needs should be taken into account. Policies DM1: Development Management and ENV34: Development in the Countryside are also relevant.

3.2 Government Advice/Policy

3.2.1 Scottish Planning Policy (SPP) stresses the importance of mixed communities encouraging the provision of a range of housing types, catering for all sections of the community at a local level. It states that development plans should address the specific housing needs of particular sections of the community such as gypsies and travellers. It recognises that such communities have specific housing needs, often requiring sites for caravans and mobile homes. It further advises that Local Authorities should consider the needs of all gypsies and travellers for appropriate accommodation within the housing need and demand assessment and take these into account in preparing their local housing strategies. In addition planning authorities should identify suitable locations for sites for gypsies and travellers and set out policies for dealing with planning applications for small privately-owned sites.

3.2.2 In terms of Rural Development, the SPP states that rural Scotland needs to become more confident and forward looking both accepting change and benefiting from it, providing for people who want to continue to live and work there and welcoming newcomers. The policy states that planning authorities should also support and promote opportunities for environmental enhancement and regeneration in rural areas, particularly areas of previous mining and industrial activity. Overall the aim is not to see small settlements lose their identity nor to suburbanise the Scottish countryside but to maintain and improve the viability of communities and to support rural businesses.

3.2.3 Other existing policy framework for assessing and meeting the accommodation needs of gypsies and travellers includes:

- **Secretary of State's Advisory Committee on Scotland's Travelling People, Guidance Notes on Site Provision for Travelling People (Scottish Executive, 1997)**

This document states that 'applications for planning permission from Travellers in respect of private sites, should be sympathetically considered'. This document also notes there is no perfect location for gypsy/traveller sites and that compromises will be necessary. It then sets out criteria which should be addressed when applications for sites are being considered. In summary the role of small privately owned sites in meeting the need for pitches has been recognised and encouraged.

- **Advisory Committee on Scotland's Travelling People, Nine Term Report 1989-1999 (Scottish Executive, 2000)**

The recommendations of this report were adopted by the Scottish Executive in November 2000 as the policy and guidance basis upon which provision should be made to accommodate travellers' needs in any given local authority area. These place a duty on local authorities to identify, assess and resolve the needs of travellers and to adopt explicit arrangements to provide for permanent and transit pitches to limit 'moving on' to situations which only create 'unacceptable problems'

3.3 **Planning Background**

3.3.1 Outline planning permission was granted in July 2009 for the erection of a dwellinghouse on a small section of the current application site which sits adjacent to Rigside Road (CL/08/0536).

4 **Consultations**

4.1 **Scottish Water** – offer no objections. They advise that Camps Water and Douglas Water Treatment Works currently have capacity to service this proposed development. They advise that their initial investigations have highlighted that there may be a requirement for the applicant to carry out works to the local network to ensure there is no loss of service to existing customers.

Response: Noted. This is a matter for the applicant to resolve with Scottish Water. Relevant conditions would be attached to ensure adequate drainage and water provision is installed prior to occupation of the units if consent is granted.

4.2 **Environmental Services** – recommend various conditions and informatives which should be attached to any consent granted in relation to contaminated land, refuse storage, construction noise, health and safety and refuse storage. They also advise that the site will require a license in terms of the Caravan Sites Legislation, which they administer.

Response: Noted. Relevant conditions and informatives would be attached to any consent granted.

4.3 **Roads and Transportation Services** – offer no objections subject to conditions to ensure the site is served by a suitable access road which meets their standards in terms of surface finish and visibility. They also recommend a condition is attached to ensure the access road is upgraded so that it meets the existing public road at right angles.

Response: Noted. Relevant conditions would be attached to any consent granted.

4.4 **SEPA** – offer no objections. They advise that the application site lies adjacent to the 1 in 200 year flood envelope, with a small section falling within the envelope. The site may therefore be at medium to high risk of flooding. They note however that according to the site plan there is no built development proposed within the section of the site that is partly within the flood envelope. They conclude that they have no objection to the proposed development on flood risk grounds as the majority of the site is adjacent to the indicative flood envelope and they hold no additional information on flooding events.

Response: Noted.

4.5 **Housing Services** – advise that their Resource is embarking on a strategic review of supply and demand for affordable housing within rural Clydesdale. Given that Douglas Water is to be included in the review their preference would be for the consideration of the impact of this development on village to be delayed until the review is complete due to the long term consequences for the Douglas Water community. They request that if the application is approved, conditions are placed

on the consent to ensure the site is only used for the stated purpose i.e. five chalet style homes for family occupancy.

Response: The comments are noted however it is unreasonable to delay determination of the application. The management of the site can be strictly controlled by conditions that would be attached to the consent in terms of the use of the site, number of chalets and touring caravans, the use of the site by visiting family members and a personal consent. In addition, reference is made to a Housing Need and Demand Assessment in Section 6.0 of the report that provides support for the proposal.

- 4.6 **Community Resources** – advise that a core path route runs through the site. They note that the amended plans incorporate this route however they advise that the path should be 1.5 metres wide rather than the 1.2 metres shown. They also provide a detailed specification for the path and advise about the numbers and species of trees and shrubs which should be planted as part of the landscaping scheme.

Response: Noted. Relevant conditions can be attached to any consent granted to ensure the applicant installs and maintains the footpath and landscaping to the Council's specification.

5 Representation(s)

- 5.1 Following statutory neighbour notification and advertisement of the proposal in the local press as Development Potentially Contrary to the Development Plan and Non-Notification of Neighbours, 6 letters of objection were received. The contents of the letters are summarised as follows:

(a) **Concerns that local residents did not receive the relevant neighbour notification. In particular a joint owner of adjacent ground was not formally advised of the proposals.**

Response: I am satisfied that neighbour notification was carried out correctly. The statutory requirement is to neighbour notify premises which fall within 20 metres of the development site. In this case the majority of the properties in the village fall outwith this buffer and this is the reason why they were not issued with neighbour notification documentation. In terms of ground that adjoins the development site, if no premises exist upon the land, then the Council advertises the application in the press as non-notification of neighbours. This advertisement took place in the Carlisle and Lanark Gazettes on 3 March 2011.

(b) **The management and use of the site is queried – the concern is that the site will be used by the wider travelling community. The capacity of the site for accommodating touring caravans is considerable. Objector queries how the Planning Service will control the numbers of caravans allowed on site for personal use by the residents and what limitations will be placed on anticipated length of stay of visitors.**

Response: The application is for a private/family traveller site and is not for the use of the wider travelling community. This has been confirmed after detailed discussions with the applicant and also in the applicant's statement. It is acknowledged that the site is large and the proposed units are spaced well apart, however the applicant has confirmed that this does not mean that he is proposing additional caravans on the site. It may be that the family will have other visiting members of the family who would stay for short periods of time. To cover this scenario a condition can be attached to ensure that any visitors with associated caravans do not stay for more than 2 months in any calendar year. As with any residential property it is common place for the occupiers to own and park a touring caravan within their driveways, therefore I consider that it would be acceptable for

each of the units within this development to have the capability to park a touring caravan next to their chalet. Conditions can be attached to restrict the consent to the personal use of the applicants and their dependants, and to restrict the use and number of touring caravans at the site.

(c) **There is no precedent for a travellers' site in Douglas Water.**

Response: This is not relevant in the assessment of whether or not the use is acceptable at this site.

(d) **The development represents no value to the lives of the existing static community of Douglas Water. Objection is raised to any further development in the village until a thoroughly inclusive and structured long term plan for it exists which represents value to the existing static community.**

Response: I note from the consultation response from the Housing Service that a strategic review of supply and demand for affordable housing within Clydesdale is being undertaken as part of the Local Housing Strategy for 2011/2012. In addition a review of the South Lanarkshire Local Plan is underway. Notwithstanding this it is not appropriate to delay the determination of this current application until these reviews have been undertaken. Section 6.0 Assessment and Conclusions of this report sets out consideration of the nature of the site and its proposed use against local plan policy and government guidance.

(e) **The village is overlooked by the Council in terms of provision of amenity for winter access, safe walking distance of shops, schools and leisure facilities. Creating another community within this environment is poor planning and has the potential to create increased social problems.**

Response: Section 6.0 Assessment and Conclusions of this report sets out consideration of the nature of the site and its proposed use against local plan policy and government guidance.

(f) **Objector actively supports and encourages regeneration of Douglas Water but firmly believes that at this time with a large number of private and Council owned rental properties sitting vacant it is premature to create more dwellings.**

Response: This is noted, however the proposal is for the use of the land as a travellers site. Section 6.0 Assessment and Conclusions of this report sets out consideration of the nature of the site and its proposed use against local plan policy and government guidance.

(g) **The development will significantly increase the noise pollution within the village.**

Response: I do not consider that the use of the site for the purposes proposed would generate significant increases in noise levels.

(h) **It would appear that the boundary of the proposed development restricts access to the recreational area. This will impact on the usage of the area for the residents of the village and impedes a regularly used pathway that has been enjoyed for many years.**

Response: The original plan which was submitted by the applicant didn't show the retention of the route of the core path or suitable access to the recreational area. The applicant has since amended the plans to show the retention and upgrade of the core path as well as a link to the recreation area. I am therefore satisfied that access to the recreation area and to the wider area will not be impinged.

(i) **There is no mention within the documentation about the supply of electricity to the development and so it is assumed that power will be supplied via generators. The level of noise from this method of power will have a negative impact on the surrounding environment and residents.**

Response: The applicant has advised that the electricity supply will not be provided by generator, but will be connected to the public supply.

(j) **Connection of the development to the water and sewage system according to the investigations of Scottish Water may cause issues to the service of existing customers.**

Response: The original consultation response received from Scottish Water was incorrect as it stated that there were no public sewers in the vicinity of the development. This is not the case and they have subsequently provided an amended response which states that Camps Water and Douglas Water Treatment Works currently have capacity to service this proposed development. They advise that their initial investigations have highlighted that there may be a requirement for the applicant to carry out works to the local network to ensure there is no loss of service to existing customers. This is a matter for the applicant to resolve with Scottish Water. Relevant conditions would be attached to ensure adequate drainage and water provision is installed prior to occupation of the units if consent is granted.

(k) **The unauthorised excavation work that has already taken place on the site potentially increases the risk of flooding. The objector considers that the site is unsuitable for permanent structures to be sited. Due to the exposed nature of the site to flooding, gale force winds, extreme snowfall and sub-zero temperatures questions are raised surrounding the suitability of the type of dwellings and their ability to withstand these weather systems. Suitable flood barriers and flood control measures should be installed and maintained.**

Response: SEPA have been consulted and they confirm that they have no objection to the proposed development on flood risk grounds. The site plan shows that there is no built development proposed within the section of the site that is partly within the indicative flood envelope. They have not recommended the need for any flood barriers or flood control measures. The suitability of the units to withstand extreme weather is not a planning issue.

(l) **The site is within the flood plain of the Douglas Water which may have implications for sewerage disposal and access arrangements.**

Response: The majority of the site does not fall within the indicative flood envelope. I therefore do not consider that it will have an impact on sewerage disposal and access arrangements.

(m) **Concerns about traffic safety in relation to the proposed vehicular access. The objector notes that the entrance is positioned just beyond a particularly bad bend in the road.**

Response: The Council's Roads Service was consulted on the proposal and offers no objections. Conditions have been attached to ensure the access is upgraded to their standards. They have indicated in their consult response that the required visibility splays can be achieved.

(n) **The road access to Douglas Water area is very poor and not conducive to use by vehicles towing large caravans.**

Response: The Council's Roads and Transportation Service was consulted on this proposal and offers no objections or comments on the use of the wider road network around the Douglas Water area.

(o) **Concerns about the quality of the access road and tracks within the site.**
Response: Conditions have been attached to ensure that the vehicular access to the site is upgraded and that it is constructed to the Roads Department's specification.

(p) **Will this application if approved require a Building Warrant approval to ensure sewerage disposal, refuse and other services meet required standards?**

Response: It is unlikely that a Building Warrant will be required for the units as they are not classed as permanent residential dwellings. A License will be required under the Caravan Sites Legislation which is administered by the Council's Environmental Services.

(q) **Objector queries where the proposed refuse will go – will the Council be responsible for the uplifts or will the rubbish be left to attract vermin.**

Response: The plans submitted by the applicant show that it is proposed to site a refuse storage area in the central part of the site consisting of two wheeled bulk storage bins situated on a concrete base, enclosed by a 1.8 metre high screen fence. A condition has been placed on the consent requiring the applicant to submit further details to ensure that the Council's Environmental Services are in agreement with these proposals.

(r) **My house will look directly onto this proposed site which will spoil the natural beauty of the village and the surrounding area.**

Response: The loss of a view is not a material planning consideration. The visual impact of the proposal will be assessed under Section 6.0 Assessment and Conclusions of this report.

(s) **For health and safety reasons the objector fears for the safety of their family.**

Response: This is not a material planning consideration.

(t) **Objector considers that the plans show that the applicants intend to develop the recreational area.**

Response: The development does not include land associated with the recreational area. This land will remain and pedestrian access to the recreational area will be included in the proposal. In any event this land is not in their ownership.

(u) **The development will have an impact on the resident's ability to sell their houses and will have an impact on house values.**

Response: This is not a material planning consideration.

(v) **The development will not enhance the aesthetic of the village which is a hotchpotch.**

Response: The visual impact of the proposal will be assessed under Section 6.0 Assessment and Conclusions of this report.

(w) **It is considered that the development of derelict/waste ground around the village can only benefit the overall appearance however concerns are raised that the development only addresses the central section of the site. There is a substantial amount of land, currently scrub wasteland and railway embankment, left around the site. It is suggested that a landscaping proposal including the removal of the railway embankment be agreed and established for the remainder of the site prior to any work being undertaken.**

Response: Suitable landscaping and upgrade of footpaths will be covered by conditions, however it would be unreasonable to require the applicant to include the remainder of the railway embankment outwith the application site and his control.

These letters have been copied and are available for inspection in the usual manner and on the Planning Portal.

6 Assessment and Conclusions

- 6.1 The applicant seeks planning permission to change the use of vacant, derelict land on the edge of Douglas Water to form a private traveller site incorporating 5 mobile homes.
- 6.2 The adopted South Lanarkshire Local Plan does not contain any policies which specifically cover proposals for gypsy/traveller sites, however Policy RES4: Housing for Particular Needs does state that where a need is identified by the Council, the provision of specialist housing will be supported and directed to sites which are convenient to community and transport facilities.
- 6.3 The determining issues in relation to this application are whether the proposal complies with the relevant policies in the local plan and whether there are any other material considerations, which in this instance include government guidance and previous decisions on appeals to the Scottish Government and case law.
- 6.4 In land use terms half of the application site is located within the settlement boundary of Douglas Water where Policy RES6: Residential Areas applies, and the other half falls outwith the settlement boundary in the Rural Investment Area where Policy STRAT5: Rural Investment Area applies.
- 6.5 Policy RES6: Residential Areas states that the Council will resist any development that will be detrimental to the amenity of those areas and that any development must satisfy certain criteria in relation to design, impact on amenity, accessibility and public safety. I consider that the visual appearance of the site will be improved by the proposed development. The site at present is classed as derelict land, while the proposed units are appropriate in design, scale and use of materials and the applicant proposes associated landscaping. The proposal will not result in a loss of open or play space. I therefore consider that the proposal relates satisfactorily to the adjacent and surrounding development in terms of scale, massing, materials, and intensity of use and will enhance the environment in which it is located. I do not consider that the character and amenity of the area will be adversely affected by reason of traffic generation and there will be no adverse effect on public safety. The site can also be adequately accessed. In view of this I consider the proposal meets the terms of this policy.
- 6.6 Policy STRAT5: Rural Investment Area covers the section of the site which falls outwith the settlement boundary. This policy states that the Local Plan strategy will be to support sustainable communities within this area through measures that tackle exclusion and isolation and redress imbalances of economy and housing type provision, particularly where this involves renewal proposals. It specifically states that the strategy will be to encourage developments within the established settlements but that consideration may be given to limited settlement expansion, proportional to the settlement size and which supports the economic and social development of these areas and focuses on design and environmental quality, including the restoration of derelict land. It is acknowledged that the applicant has already undertaken ground works at the site, however the condition of the site has

historically been of concern and the site appears on the Council's Vacant and Derelict Land Register. The application was advertised in the press as Development Contrary to the Development Plan as a precaution, however following a detailed site assessment I consider that the proposal does, in fact, comply with this policy given that the policy allows for limited settlement expansion providing, among other measures, the proposals result in environmental improvements, which is the case in this instance. The extent of the land which would result in an extension of the settlement is not significant and I consider it is proportional to the size of the village. The site lies between the main part of the village and the recreation ground and previously consisted of rough, scrubland. I consider the development of this site will fill in this gap and will have a rounding-off effect at this part of the village.

- 6.7 In addition to the above, the Council must consider other material considerations in this particular case. Government Guidance relating to this application has been summarised under section 3.2 of this report. The consolidated SPP document states that Local Authorities will consider the needs of all gypsies and travellers for appropriate accommodation and take these into account in preparing their local housing strategies. It states that planning authorities should make provision for such communities which are in their area already. In addition it states that planning authorities should identify suitable locations for sites for gypsies and travellers and set out policies for dealing with planning applications for small privately-owned sites. Also of relevance is other government guidance for assessing and meeting the accommodation needs of gypsies and travellers which includes: Secretary of State's Advisory Committee on Scotland's Travelling People, Guidance Notes on Site Provision for Travelling People (Scottish Executive, 1997) and Advisory Committee on Scotland's Travelling People, Nine Term Report 1989-1999 (Scottish Executive, 2000)
- 6.8 In addition, the Scottish Parliament Equal Opportunities Committee 1st Report 2001, Inquiry into Gypsy Travellers and Public Sector Policies stresses the right to and security of a home, which should be defined as including sites which are homes to gypsy travellers. The report notes the difficulties of this community in gaining planning permission for private sites and again states that local planning authorities should be required to identify the needs of gypsy traveller site provision in statutory plans.
- 6.9 The above government policy states that the needs of gypsies and travellers should be taken into account in preparing the Council's Local Housing Strategy. The Council's Local Housing Strategy (April 2004) identified an information gap as to whether Gypsy/Travellers communities have unmet housing and support needs. An accommodation needs assessment of gypsies/travellers in the West of Scotland was carried out by Craigforth (June 2007). The report noted that South Lanarkshire has the largest, most diverse and complex Gypsy/Traveller population in West Central Scotland. The Glasgow and Clyde Valley Housing Market Partnership Housing Need and Demand Assessment (HNDA) was published in April 2011. It is the first comprehensive HNDA for the Glasgow and Clyde Valley Area covering all housing tenures across the 8 constituent Council areas. It forms a background report to the Strategic Development Plan and important supporting evidence for the 8 local authorities Local Housing Strategies and Local Development Plans. This document is the final draft HNDA which has been submitted to the Scottish Government's Centre for Housing Market Analysis. It is therefore considered that this is the most up-to-date study of the gypsy/traveler population in the area. This document states that the Scottish Government's key data source on this community is the 'Gypsies/Travellers in Scotland: Twice Yearly Count' and the most recent results was the summer count (July 2008) and the winter count (January 2009). The

figures were supplemented by the Craigforth report as well as North Lanarkshire Councils own study (2010) and updated information from the local authorities. The results show that South Lanarkshire has a total of 28 pitches in Council run sites and the occupancy rates of these sites was high with many households living on the site for 8 years or more. The HNDA has identified a need for at least an additional 23 pitches for Gypsy/Traveller families across the Glasgow and Clyde Valley area. The South Lanarkshire Local Housing Strategy and subsequent annual reviews also acknowledge the need for additional provision. It is important to note that the government considers small privately owned sites have a role in meeting the need for pitches and should be encouraged.

- 6.10 Case law on this form of development in terms of planning appeal and court decisions is also relevant. On the whole the appeals have been upheld and planning permission allowed, which reflects the government's stance on the gypsy/traveller community. In one particular decision, Scottish Ministers accepted a reporters finding from a case in 2005 that the Government Guidance described in 3.2 should carry the same status and weight as SPPs.
- 6.11 In view of this background, it is clear that small privately-owned sites such as this are a legitimate way of meeting demand for accommodation by the travelling community.
- 6.12 In terms of further assessing whether the application site is acceptable, Policy ENV34: Development in the Countryside is relevant. This policy states that development will be permitted where it complies with Policy STRAT5 and it can be demonstrated to the Council's satisfaction that the development conserves the natural environment; respects the existing landscape form with new buildings and structures being designed to complement and enhance the surrounding landscape, avoids dominating or adversely interfering with existing views in and out of the site, avoids the introduction of suburban-style developments into the rural environment and avoids the use of inappropriate urban features such as kerbs, pavements and high levels of external lighting, concrete and artificial building products.
- 6.13 The applicant has confirmed that the use of this site would only be for his family, and not for the use of the wider gypsy/travelling community. The proposal will involve the re-development of derelict/vacant ground which is currently not adding to the environmental quality of the rural area. There are no biodiversity, natural or built heritage resources affected by the proposal and I consider the scale, design and layout of the units is acceptable. The proposal will involve appropriate landscaping of the site including bunding around the periphery which will help to integrate the site with the surrounding area. I therefore consider that the proposal is not at odds with the criteria contained under Policy ENV34.
- 6.14 Policy DM1: Development Management also applies and this policy states that all planning applications will require to take account of the local context and built form and should be compatible with adjacent buildings and surrounding streetscape in terms of scale, massing, design, external materials and impact on amenity. In addition the policy states that the proposal should provide suitable access, parking and have no adverse implications for public safety and should make appropriate infrastructure provision to serve the development. As stated above the units will be situated on a site which will have landscape bunding around the periphery and will bring into use a vacant/derelict site. I consider the proposal takes account of the local context and built form and does not have an adverse impact on countryside amenity. In addition, I am satisfied that there would not be an adverse impact on residential amenity. The Council's Roads Service have not offered any objections.

Scottish Water and SEPA also do not object. In view of this I consider the proposal complies with Policy DM1.

- 6.15 To conclude, government guidance, planning appeal decisions and case law all demonstrate that this type of use should be supported where the special needs of a particular community can be established; in such cases the planning policy implications can be, and indeed have been, overcome. Clearly, where the principle of this form of development is found acceptable the location of a site for these proposals must be appropriate. I have assessed the proposal against detailed policy guidance in RES6, STRAT5, ENV34 and DM1 of the adopted Local Plan and found that there would not be an adverse impact on residential amenity, rural character or road safety. I therefore recommend that planning consent be granted.
- 6.16 If Committee agrees to the above recommendation, then it would by my intention to only allow a personal permission to the applicant and his dependants and limit the number of ancillary touring caravans to one for each of the 5 chalet units. Conditions would be attached to the consent to control this. In order to cover the scenario of additional visitors to the site who may come for short periods of time a condition would be attached to limit their stay to no more than a 2 month period in any calendar year.

7.0 Reason for Decision

- 7.1 The proposal complies with Policies RES6, DM1, ENV34 and STRAT5 of the adopted South Lanarkshire Local Plan and will result in the restoration of derelict land. In addition, government guidance, planning appeal decisions and case law all demonstrate that this type of use should be supported.

Colin McDowall
Executive Director (Enterprise Resources)

17 May 2011

Previous References

- ◆ CL/08/0536

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ Consultations
 - Scottish Water 12/04/2011
 - Environmental Services 25/03/2011
 - SEPA (Flooding) 25/02/2011
 - Housing Services 04/05/2011
 - Roads and Transportation Services (Clydesdale Area) 26/04/2011
 - Community Resources 10/05/2011
- ▶ Representations

- Representation from : Mr & Mrs Bryce, Ivy Bank Cottage, Rigside Road, Douglas Water, ML11 9LP, DATED 14/03/2011
- Representation from : Jean Ramage, Chairperson, Rigside and Douglas Water Tenants & Residents Association, 8 Mount Stuart Court, Rigside, DATED 10/03/2011
- Representation from : Donald M Sim & Mrs L Sim, Enfield, Rigside Road, Douglas Water, ML11 9LP, DATED 14/03/2011
- Representation from : W & A Reid, Sandilands Gate, Douglas Water, DATED 10/03/2011
- Representation from : Jane Muirhead, 6 Sandilands Gate, Douglas Water, Lanark, ML11 9NX, DATED 16/03/2011
- Representation from : Mr R Price, 4 Sandilands Gate, Douglas Water, Lanark, ML11 9NX, DATED 16/03/2011

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

Gail Rae, Planning Officer, Council Offices, South Vennel, Lanark, ML11 7JT
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Detailed Planning Application

PAPER APART – APPLICATION NUMBER : CL/11/0067

CONDITIONS

- 1 This decision relates to drawing numbers: 1:2500 Location Plan, 11/258/01A, 11/258/03, 11/258/04, 11/258/05, 11/258/06, 11/258/02A
- 2 That this permission shall operate for the benefit of Mr William Townsley, his dependants, his family and their dependants and for no other person and on the discontinuance of the occupation of the site by the said persons, the hereby approved use shall cease, all to the satisfaction of the Council as Planning Authority.
- 3 That the total number of mobile homes that can be sited permanently within the site shall be no more than 5.
- 4 That no more than one touring caravan shall be sited adjacent to each mobile home hereby approved. For the avoidance of doubt, it shall be for the personal use of the occupier of the mobile home to which it relates, and it shall not in any event be used as living accommodation.
- 5 That other than the mobile homes hereby approved and the touring caravans referred to in condition 4 above, the siting of any additional caravans of any form shall be limited to those occupied by visiting members of the applicant's family. Such caravans shall not be sited for a continuous period of longer than 2 months within any continuous 12 month period. In any event this shall be limited to one caravan per unit.
- 6 That no trees within the application site shall be lopped, topped, pollarded or felled, and no shrubs or hedges shall be removed from the application site without the prior written consent of the Council as Planning Authority.
- 7 That within 2 months of the date of this permission, a scheme of landscaping shall be submitted to the Council as Planning Authority for written approval and it shall include:(a) an indication of all existing trees and hedgerows plus details of those to be retained and measures for their protection in the course of development; (b) details and specification of all trees, shrubs, grass mix, etc, which shall consist of a native mix of broadleaf species planted at an average density of 1 metre centres protected either with rabbit netting fencing or individual tree guards; (c) details of any top-soiling or other treatment to the ground; (d) sections and other necessary details of any mounding, earthworks and hard landscaping; (e) proposals for the initial and future maintenance of the landscaped areas; (f) details of the phasing of these works; and no work shall be undertaken on the site until approval has been given to these details.
- 8 That the approved landscaping scheme shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following the date of this approval and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.
- 9 That before work starts on site, details of facilities for the storage of refuse within the site, including design, location, external finishes and access for its uplift, shall be submitted to and approved in writing by the Council as Planning Authority. Thereafter these facilities shall be provided in accordance with the approved scheme or such alternative as may be agreed in writing with the Council as Planning Authority before occupation of any of the units.
- 10 (a) Prior to commencement of any works on site, a comprehensive site investigation carried out to the appropriate Phase level, shall be submitted to and approved in writing by the Council as Planning Authority. The investigation shall be completed in accordance with the advice given in the following:

(i) Planning Advice Note 33 (2000) and Part IIA of the Environmental Protection Act 1990 (as inserted by section 57 of the Environment Act 1995);

(ii) Contaminated Land Report 11 - 'Model Procedures for the Management of Land Contamination (CLR 11) - issued by DEFRA and the Environment Agency;

(iii) BS 10175:2001 - British Standards institution 'The Investigation of Potentially Contaminated Sites - Code of Practice'.

(b) If the Phase 1 investigation indicates any potential pollution linkages, a Conceptual Site Model must be formulated and these linkages must be subjected to risk assessment. If a Phase 2 investigation is required, then a risk assessment of all relevant pollution linkages using site specific assessment criteria will require to be submitted.

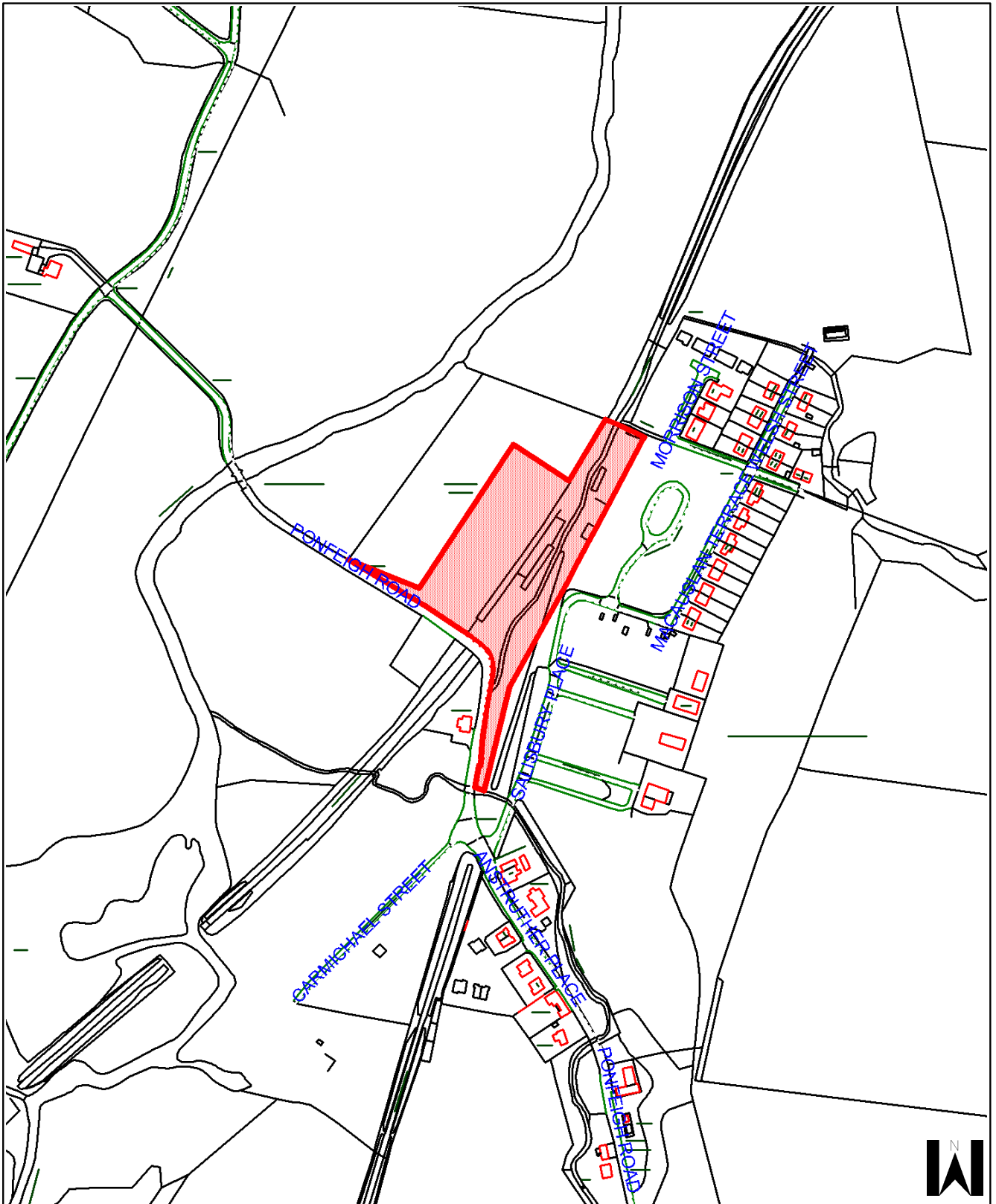
(c) If the risk assessment identifies any unacceptable risks as defined under Part IIA of the Environmental Protection Act, a detailed remediation strategy will be submitted to and approved in writing by the Council as Planning Authority. No works other than investigative works shall be carried out on site prior to receipt of the Council's written approval of the remediation plan.

- 11 That before any of the chalets hereby approved are completed or brought into use, a private vehicular access shall be provided at right angles to the public road and the first 4 metres of this access from the edge of the public road shall be hard surfaced across its full width to prevent deleterious material being carried onto the road.
- 12 That before any of the chalets hereby approved are completed or brought into use, a visibility splay of 2.5 metres by 90 metres measured from the road channel to the left and 2.4 metres by 65 metres to the right shall be provided on both sides of the vehicular access and everything exceeding 0.9 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.9 metres in height shall be planted, placed or erected within these sight lines.
- 13 That none of the units shall be occupied until the site is served by a sewerage scheme and public water supply constructed to the specification and satisfaction of Scottish Water as Sewerage Authority.
- 14 That before any of the garden sheds shown on the approved plans are purchased or brought to the site, full details of the exact location, size, design and materials of each of the sheds shall be submitted to and approved by the Council as Planning Authority.
- 15 That before any work commences on site further plans illustrating the specification of the proposed footpath shown by an orange dotted line on drg no 11/258/06 shall be submitted to and approved in writing by the Council as Planning Authority. Notwithstanding the details shown of the approved plans, the path shall be 1.5 metres wide. The path shall be edged with timber edging boards and shall be constructed with a minimum 100mm depth of compacted type 1 stone (nominal diameter size 40 mm to 10 mm) with a 25mm depth whin dust surface. Thereafter the path shall be formed prior to the occupation of any of the units, and shall be maintained to the satisfaction of the Council as Planning Authority.
- 16 That for the avoidance of doubt the route of the footpath shown by an orange dotted line on drg no 11/258/06 shall remain available for use by the public and shall not be blocked off during the construction process to the satisfaction of the Council as Planning Authority.
- 17 That before development starts, full details of the design and location of all fences and walls, including any retaining walls, to be erected on the site shall be submitted to and approved by the Council as Planning Authority.

REASONS

- 1.1 For the avoidance of doubt and to specify the drawings upon which the decision was made.

- 2.1 In the interests of amenity and in order to retain effective planning control.
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- 4.1 In the interests of amenity.
- 5.1 In the interests of amenity and in order to retain effective planning control.
- 6.1 To ensure the protection and maintenance of the existing trees and other landscape features within the site.
- 7.1 In the interests of the visual amenity of the area.
- 8.1 In the interests of amenity.
To ensure that adequate refuse arrangements are provided that do not prejudice the enjoyment of future occupiers of the development or neighbouring occupiers of their properties, to ensure that a satisfactory external appearance is achieved and to ensure that appropriate access is available to enable refuse collection.
- 9.1
- 10.1 To avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.
- 11.1 To prevent deleterious material being carried into the highway.
- 12.1 In the interest of road safety
- 13.1 To ensure that the development is served by an appropriate effluent disposal system and public water supply.
- 14.1 In the interests of amenity and in order to retain effective planning control.
To ensure that development makes appropriate provision for outdoor access and to achieve the completion and subsequent maintenance of the access proposals within an appropriate timescale.
- 15.1
- 16.1 To safeguard a route to the wider countryside and to the adjacent play park and recreation area.
- 17.1 These details have not been submitted or approved.



For information only

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