

Perth and Kinross Council
Development Management Committee – 10 December 2014
Report of Handling by Development Quality Manager

Formation of permanent gypsy/traveller site and associated works (part retrospective) on land adjacent to Lighland Stables, Mawcarse Crossroads, Milnathort

Ref. No: 14/00055/FLL
Ward No: 8 Kinross-shire

Summary

This report recommends approval of this application for the formation of a permanent gypsy/traveller site and associated works (part retrospective) as the proposal is considered to be in accordance with the Development Plan.

BACKGROUND AND DESCRIPTION

- 1 The application site is a 0.25 ha area of ground situated at Lighland Stables which is located immediately on the south side of the A91, approximately 2 km to the north east of Milnathort. The application site is situated in a rural location with open land to the south, west and east boundaries and the public road directly to the north. A gas pipeline runs through part of the application site in a north to south direction and to the east of the proposed pitch and chalet caravan location. The site is within the Loch Leven Catchment Area.
- 2 This is an application for the formation of a permanent gypsy/traveller site and associated works in part retrospective to provide for the accommodation needs of the applicant's extended family which presently comprises 2 adults, 4 children and a grandchild. The application was amended and re-advertised and neighbours notified on 31 October 2014 following the amendment comprising a reduction in the number of caravans proposed on the site from a main principal chalet caravan and 4 auxiliary caravans to only the main principal chalet caravan and one auxiliary caravan. The amendment was made in response to an objection raised by the Health and Safety Executive on proximity to the gas pipeline which runs through the site. Also proposed on site is a single storey utility unit, 7 parking spaces and a grassed play area to the west of the site. Drainage is proposed via a private waste water treatment plant and soakaway. Access to the site is directly from the A91 via an existing vehicular access.

NATIONAL POLICY AND GUIDANCE

The Scottish Planning Policy 2014

- 3 The Scottish Planning Policy (SPP) was published on June 23 2014. It sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland

whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:

- the preparation of development plans;
- the design of development, from initial concept through to delivery; and
- the determination of planning applications and appeals.

4 Of relevance to this application are:

- Paragraphs 109 – 134 Enabling the Delivery of New Homes

Housing Need Demand Assessments will also need evidence for sites for Gypsy/Travellers and Travelling Showpeople. Development plans and local housing strategies should address any need identified, taking into account their mobile lifestyles. In city regions, the Strategic Development Plan should have a role in addressing cross-boundary considerations. If there is a need, Local Development Plans should identify suitable sites for these communities. They should also consider whether policies are required for small privately-owned sites for Gypsy/Travellers, and for handling applications for permanent sites for Travelling Showpeople (where account should be taken of the need for storage and maintenance of equipment as well as accommodation). These communities should be appropriately involved in identifying sites for their use.

**Designing Gypsy and Traveller Sites: Good Practice Guide 2008
Department of Communities and Local Government**

5 The guidance contained in this document is intended to concentrate more closely on design issues, in the context of Gypsy and Traveller site provision, to familiarise developers with the key elements necessary to design a successful site and to identify good practice using case study examples to illustrate different approaches.

DEVELOPMENT PLAN

6 The Development Plan for the area consists of the TAYplan Strategic Development Plan 2012 – 2032 and the Perth and Kinross Local Development Plan 2014.

TAYplan Strategic Development Plan 2012 – 2032

7 Under the TAYPlan the principal relevant policy is:-

Policy 5: Housing

8 Ensure that the mix of housing type, size and tenure meets the needs and aspirations of a range of different households throughout their lives, including

the provision of an appropriate level of affordable housing based on defined local needs. Local Development Plans (where applicable) will need to set affordable housing requirements for or within each housing market area.

Perth and Kinross Local Development Plan 2014

- 9 The application site is within the landward area of the LDP outwith any settlement boundaries where the main relevant policies are:-

Policy RD5: Gypsy/Travellers' Sites

Policy RD5B

- 10 Applications for permanent and temporary 'short stay' sites between 1 and 10 pitches on unallocated land will be supported provided they satisfy the criteria set out below:-

a) The Council is satisfied the number and nature of the pitches provided on the site is appropriate to the site size and general area.

b) The site will not detract from the physical character, and there is no more than a minimal effect on the appearance, of the wider area; the site is, or can be, adequately screened and landscaped.

c) The use of the site must be environmentally compatible with, and not negatively affect or be affected by, the neighbouring land uses.

d) The needs of the residents of the site, either temporary or permanent, for essential services can be met appropriately by local facilities; these include rubbish collection, access to water and drainage.

e) There is satisfactory access and the site does not generate traffic of an amount or type inappropriate for the roads in the area.

f) The site can be adequately secured to provide a safe environment for the residents using the site.

PM1A: Placemaking

- 11 Development must contribute positively to the quality of the surrounding built and natural environment. The design, density and siting of the development should respect the character and amenity of the place.

RD3: Housing in the Countryside

- 12 The development of single houses or groups of houses which fall within the six identified categories will be supported. This policy does not apply in the Green Belt and is limited within the Lunan Valley Catchment Area.

EP7C: Drainage within Loch Leven Catchment Area

- 13 Where EP7A and EP7B cannot be satisfied, proposals will be refused unless they are capable of removing 125% of the phosphorus likely to be generated by the development from the catchment.

EP4: Health and Safety Consultation Zones

- 14 Full account will be taken of advice from the Health and Safety Executive in determining planning applications for development within the consultation zones identified on the proposals and inset maps.

EP3C Water Environment and Drainage

- 15 All new development will be required to employ Sustainable Urban Drainage Systems (SUDS) measures.

Other Policies:-

Planning for Gypsy/Travellers in Perth and Kinross 2007

- 16 The draft report on Planning for gypsy/travellers in Perth and Kinross was published by the Council in 2007, some time after the Kinross Area Local Plan 2004. The report identified a lack of good quality, safe and secure accommodation across Perth and Kinross. A need for alternative accommodation (trailers, pitches or chalets) for 37 to 42 households was recognised across Perth and Kinross with a need for 13 -15 in the Kinross area itself.

Gypsy/Traveller Strategy for Perth and Kinross 2013 - 2018

- 17 The purpose of the strategy is to improve and sustain community relations through action that can be supported by all parties and in a manner underpinned by improved communication, respect and understanding. The research has highlighted a lack of quality and lack of access and provision of private sites plus the loss of some private sites as landowners moved toward higher density migrant worker encampments or holiday accommodation. The strategy also stressed a requirement to assess more comprehensively the future accommodation needs of gypsy travellers in Perth and Kinross.

Perth & Kinross Council's Housing in the Countryside Guide 2012

- 18 The Council's Housing in the Countryside Guide 2012 stipulates a number of categories where new housing in the countryside may be considered and these include on the basis of operational need associated with either a consented or an established economic activity.

SITE HISTORY

- 19 00/00327/FUL Erection of a stable block at land near Muir Cottage approved under delegated powers on 4 July 2000.
- 20 01/00501/MOD Modification of existing consent to erect a hay shed and stable block on land to east of Muir Cottage, Mawcarse approved under delegated powers on 21 May 2001.
- 21 02/00347/FUL Infilling of land (in retrospect) levelling of ground and planting of trees at land to east of Muir Cottage, Mawcarse approved under delegated powers on 16 September 2002.

CONSULTATIONS

EXTERNAL

- 22 **SEPA** No objections to the proposal subject to suitable conditions being applied to any consent for phosphorus mitigation.
- 23 **Health and Safety Executive** No objections provided the number of caravans on the site remains as two.

INTERNAL

- 24 **Transport Planning** No objections as the proposal will use an existing access and the traffic generated will not impact adversely on the local road network.
- 25 **Environmental Health** No objections subject to conditions on noise and private water supplies.
- 26 **Waste Services** No objections provided minimum standards are adopted for domestic waste collection.
- 27 **Education and Children's Services** No objections as the proposal does not fall within the Education Contributions Policy.

REPRESENTATIONS

28 51 letters of representation were received, 41 of which object to the proposal raising the following issues.

- Contrary to Development Plan policy
- The proposal would detract from the character and appearance of the area
- Detrimental impact on the settled community and mainstream housing development
- An education contribution is required
- Impact on road safety
- Impact on Loch Leven Catchment Area
- Health and safety issues in relation to gas pipeline
- Detrimental to tourist activity in the area
- Light pollution
- Unacceptable design
- There are existing travellers sites in the area

10 letters of support were received endorsing the proposal. The issues raised by objectors are addressed in the Appraisal section of this report.

ADDITIONAL STATEMENTS

| | | |
|----|--|--------------|
| 29 | Environment Statement | Not required |
| | Screening Opinion | Not required |
| | Environmental Impact Assessment | Not required |
| | Appropriate Assessment | Not required |
| | Design Statement / Design and Access Statement | None |

APPRAISAL

Policy

30 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The determining issues here are whether the proposals comply with Development Plan policy or if there are other material considerations, which justify a departure from policy.

31 The application site is within the landward area of the Local Plan where the provision of gypsy traveller sites for permanent and temporary short stay sites between 1 and 10 pitches on unallocated land will be supported in terms of Perth and Kinross Council Local Development Plan 2014 Policy RD5, provided certain site planning criteria can be met and the proposal is compatible with neighbouring land uses. National planning policy is also supportive of providing for suitable permanent and temporary short stay sites for gypsy travellers through SPP14.

Need for the development

- 32 It is recognised through the Gypsy/Traveller Strategy for Perth and Kinross 2013 – 2018 that there is a need for both permanent and temporary short stay sites within Perth and Kinross. The Strategy recognises that the younger generation of gypsy travellers as well as established households need new pitches and that future accommodation needs have to be assessed more comprehensively and in consultation with all interested parties.

Landscape and Visual Impact

- 33 The design of the chalet caravan and auxiliary caravan is similar to existing caravans on permanent gypsy travellers' sites in Perth and Kinross and being single storey in height and no greater in scale than the existing adjacent stable buildings, are considered to be acceptable at this location. The layout of the pitch has been set out in accordance with the Scottish Government's Designing Gypsy and Traveller Sites Good Practice Guide 2008. The application site is enclosed by 1.8m high close boarded timber fence to the north and west boundaries of the site. There is also existing tree and hedging on the west and north boundaries which provide some containment to the wider countryside. The site is screened to the south east by the stables block and tree screening at the stables yard. It is considered that this existing planting can be enhanced by a condition on any consent which will provide a satisfactory level of containment. On this basis it is considered that the proposed caravans on the site will have no more than a minimal effect on the appearance of the wider area in accordance with Policy RD5B of the LDP. As a proposed single pitch this is considered to be appropriate for the size of the site and does not constitute overdevelopment of it.

Residential Amenity

- 34 The application site is not in close proximity to any neighbouring residential properties with the nearest property being approximately 130m away. The proposal therefore will not pose any privacy or overshadowing issues to any other residential property. The application site is not remote from essential services which is important in affording the site a satisfactory level of residential amenity, with social and community facilities available in the local area.

In consultation with Environmental Health it has been confirmed that the site proposed would require a caravan site licence in terms of the Caravan Sites and Control of Development Act 1960. In order to mitigate any noise impacts from the site, from for example generator noise, conditions are recommended to ensure that any noise generated is within accepted limits and that any generators on the site are acoustically insulated.

Electricity and Water Supply

- 35 The application site already has an electricity supply which was originally installed to serve the stable block. Environmental Health has recommended a noise condition to mitigate generator noise in the event of unavailable mains electricity. There is an existing potable water supply on the site.

Pipelines

- 36 The application site is within the inner consultation zone of a high pressure gas pipeline. The Health and Safety Executive (HSE) objected to the initial submission for 5 caravans on the site, where each caravan is classed by the HSE as a single dwelling unit for the purposes of risk assessment. In this case within the inner consultation zone of the pipeline HSE advised against any development of 3 or more dwelling units. As a result of this objection on health and safety grounds the application was amended from 5 to 2 caravans on the site which is considered to be acceptable to the HSE.

Road and Access

- 37 The vehicular access to the site will be via an existing access onto the A91. Given the scale of the development the Council's Transportation Planners consider that the proposal is acceptable in terms of access and road safety and will not generate an inappropriate amount or type of traffic for the local road network, in accordance with Policy RD5B of the LDP. The site would have sufficient parking provision and the visibility available at the site entrance would be adequate to serve this level of development.

Drainage and infrastructure

- 38 The application is in part retrospective and existing toilet provision on the site is temporary in nature. Permanent foul drainage for the site will be provided by a private waste water treatment plant. The application site is within the Loch Leven Catchment Area and the development of the site will require to satisfactorily mitigate phosphorus discharge to the catchment area in accordance with Policy EP7 of the LDP. In this case the 125% phosphorus mitigation is proposed to be achieved by upgrading an existing property in the catchment at Blinkbonny, Milnathort. SEPA have been consulted on these arrangements and have no objections.

Developer Contributions

- 39 The Developer Contributions Guidance is not applicable to this application as gypsy/traveller accommodation does not fall within the policy guidance criteria where financial contributions are required.

Economic Impact

- 40 The economic impact of the proposal is likely to be minimal as a result of the scale of the proposal.

Sustainability

- 41 The provision of gypsy traveller accommodation on this site where residents have access to social, economic and community facilities and good access to differing modes of transport is in accordance with the goals of sustainable development.

LEGAL AGREEMENTS REQUIRED

- 42 Not required.

DIRECTION BY SCOTTISH MINISTERS

- 43 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, Regulations 30 – 32 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

CONCLUSION AND REASON FOR RECOMMENDATION

- 44 In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2012 and the adopted Perth and Kinross Council Local Development Plan 2014. Account has been taken of the material considerations and none found that would justify overriding the adopted Development Plan. On that basis the application is recommended for approval subject to conditions

RECOMMENDATION

A Approve the application

Conditions and Reasons for Recommendation

- 1 The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning permission.

Reason - To ensure that the development is carried out in accordance with the plans approved.

- 2 The wastewater treatment facility and associated drainage, storage and pumping installations shall be designed, operated and maintained such that noise and/or odour, therefrom, are not perceptible in any nearby domestic property to the satisfaction of the Council as Planning Authority in consultation with Environmental Health.

Reason – In the interests of residential amenity.

- 3 Within 1 year of the date of this permission the approved utility block shall be completed unless otherwise agreed in writing with the Council as Planning Authority. The utility block shall be supplied with a pure and wholesome water supply complying with the Water Supply (Water Quality) Regulations 2000, or where applicable the Private Water Supply (Scotland) Regulations 2006. All washing and sanitary facilities shall be appropriately connected to supply and drainage infrastructure prior to the use of these facilities.

Reason – In the interests of residential amenity.

- 4 All plant or equipment to be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring noise sensitive, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

Reason – In the interests of residential amenity.

- 5 The foul drainage infrastructure capable of achieving not less than 125% phosphorus mitigation associated with this development shall be undertaken in a phased manner:-

a) No further development or intensification of the use shall be undertaken on the approved development site until the mitigating foul drainage infrastructure at the remote property at Blinkbonny, Milnathort has been installed. This infrastructure shall be installed at Blinkbonny within 6 months of the date of this consent unless otherwise agreed in writing with the Planning Authority. Thereafter the foul drainage at the application site shall be installed within 2 months of the installation of the foul drainage infrastructure at the remote property, unless otherwise agreed in writing with the Planning Authority.

b) The second caravan shall only be occupied once the foul drainage infrastructure has been installed at Blinkbonny to the reasonable satisfaction of the Planning Authority. For the avoidance of doubt the installed drainage infrastructure at the development site as approved shall be retained and maintained for use all to the reasonable satisfaction of the Planning Authority.

Reason: To ensure appropriate drainage arrangements are installed and retained to remove phosphorus from the Loch Leven Catchment Area thereby ensuring compliance with Policy EP7 of the Perth and Kinross Local Development Plan 2014 and Enterprise and Infrastructure Committee Resolution of 28 August 2013.

- 6 Prior to the use of any drainage infrastructure at the development site the applicant shall submit to the Planning Authority an approved CAR licence under the Water Environmental (Controlled Activities) (Scotland) Regulations 2011 for the drainage infrastructure associated with this project and that the Planning Authority has confirmed receipt of this licence in writing.

Reason: To ensure appropriate drainage arrangements are installed and retained to remove phosphorus from the Loch Leven Catchment Area thereby ensuring compliance with Policy EP7 of the Perth and Kinross Local Development Plan 2014 and Enterprise and Infrastructure Committee Resolution of 28 August 2013.

- 7 The applicant shall submit a detailed landscaping plan including supplementary screen/boundary tree planting for the approval of the Planning Authority within 3 months of the date of permission. The approved scheme shall be implemented within the first available planting season and thereafter maintained to the satisfaction of the Planning Authority.

Reason – In the interests of landscape quality and visual amenity.

B JUSTIFICATION

The proposal is considered to comply with the Development Plan and the material considerations available add weight to a recommendation of approval.

D INFORMATIVES

- 1 As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
- 2 This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 38 of the Development Management Procedure (Scotland) Regulations 2008. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 38 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development
 - Readily visible to the public
 - Printed on durable material
- 3 The application site will require a caravan site licence in terms of the Caravan Sites and Control of Development Act 1960.
- 4 The applicant shall inform the pipeline operator prior to carrying out any digging/excavation or tree planting in the vicinity of the pipeline.

Background Papers: 51 letters of representation
Contact Officer: Mark Williamson – Ext 75355
Date: 19 November 2014

Nick Brian

Development Quality Manager

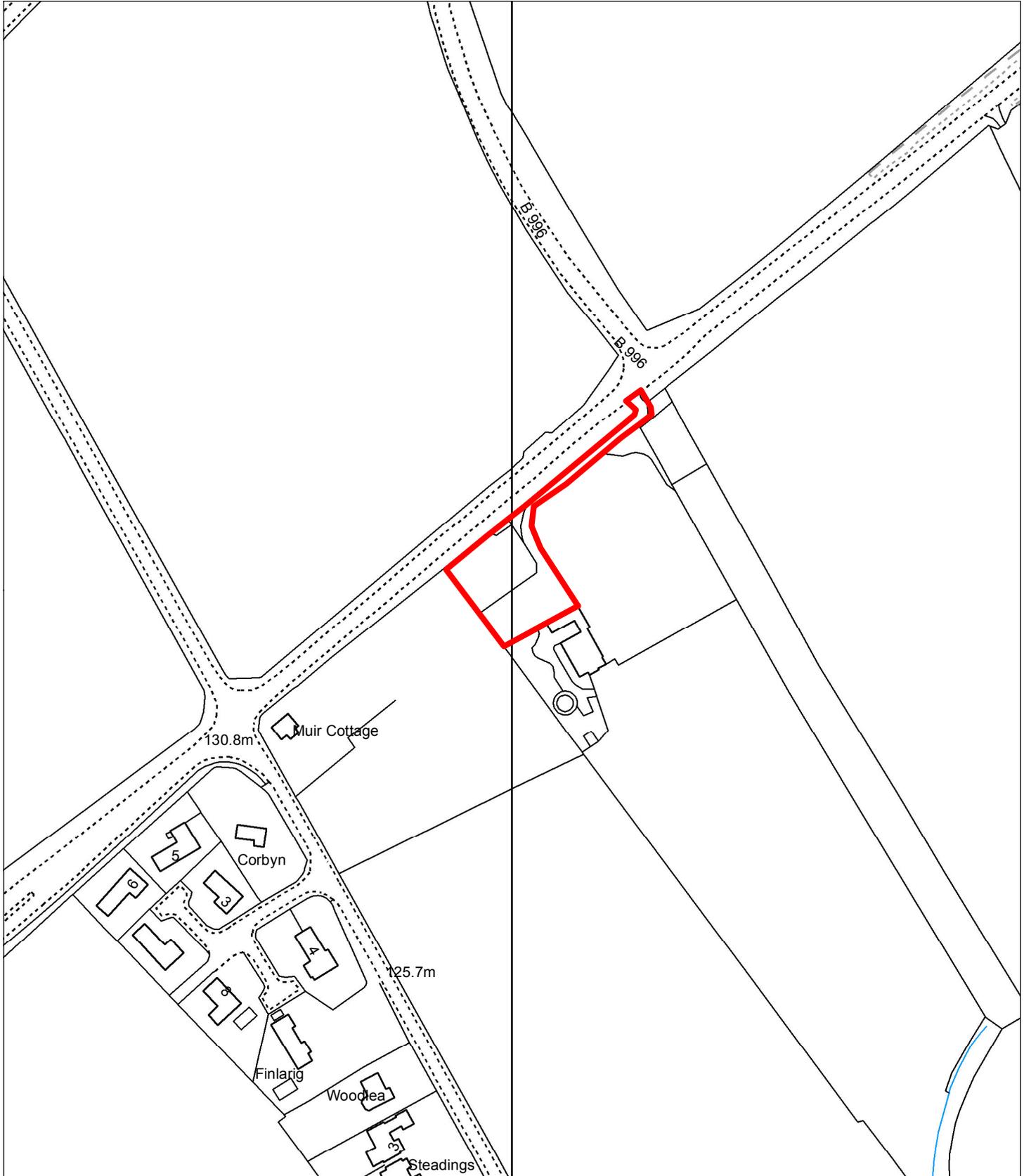
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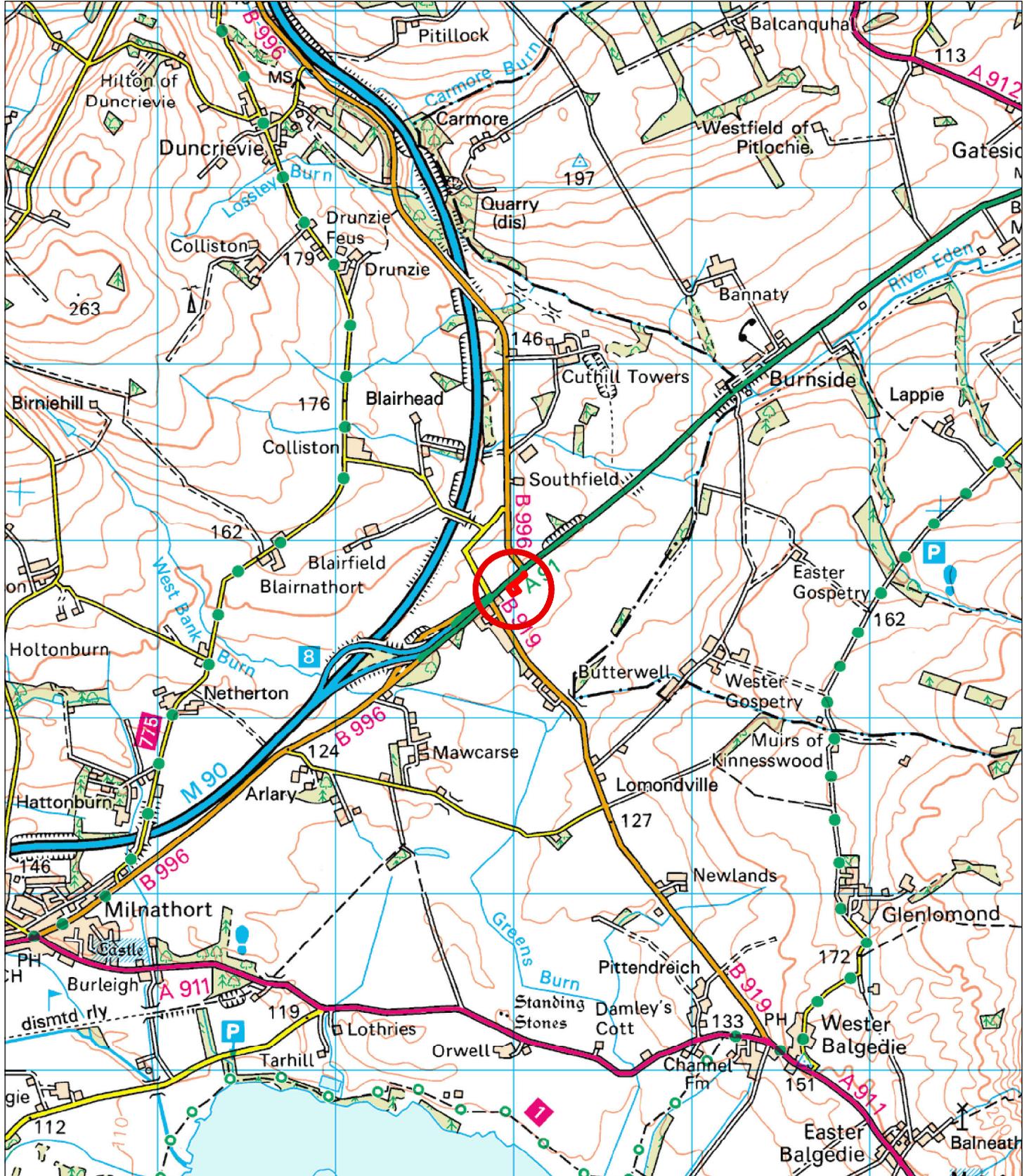
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Formation of permanent gypsy/traveller site and associated works
Land south-west of Laignland Stables Mawcarse Crossroads Mawcarse.



14/00055/FLL

Formation of permanent gypsy/traveller site and associated works
Land south-west of Laignland Stables Mawcarse Crossroads, Mawcarse.



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