

**WEST DUNBARTONSHIRE COUNCIL**

**Report by Strategic Lead - Regulatory**

**Planning Committee: 11<sup>th</sup> March 2020**

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**DC19/200:**            **Change of use from vacant land to one pitch Caravan Park and erection of an amenity block, siting of storage containers and erection of gates, walls and fencing (Retrospective) at Land opposite Dalreoch Quarry, Renton Road, Dumbarton by Mr James Brown.**

**1.     REASON FOR REPORT**

- 1.1**    The application is recommended for approval and is a departure from local plan policy. Under the terms of the approved Scheme of Delegation, it therefore requires to be determined by the Planning Committee.

**2.     RECOMMENDATION**

- 2.1**    **Grant** planning permission subject to the conditions set out in Section 9.

**3.     DEVELOPMENT DETAILS**

- 3.1**    The application site is an area of previously vacant land measuring approximately 0.2 hectares. The site is bounded by Renton Road to the west and by a railway line to the east. Entry into the site is via an existing access road leading from Renton Road.
- 3.2**    At present the site has been partly developed and the application is retrospective. A stone wall with gates has been erected at the entrance into the site and 1.8 metre high timber fencing has been erected around the perimeter of the site. A chalet has been positioned on the site and measures approximately 14 metres by 6 metres and is finished in a white wood effect cladding and currently provides living accommodation for the applicant that comprises an open plan living/kitchen area, 3 bedrooms and 2 bathrooms. A simple pitched roof, white roughcast utility block measuring 6 metres by 4 metres and 3.6 metres high (approximately) is in place to the rear of the chalet with this providing an ancillary kitchen/laundry room and a shower room to the chalet building. Towards the back of the site two touring caravans and three storage containers are in place with these located on the southern rear corner of the site.
- 3.3**    A previous application (DC19/018) for the same proposal on the site was submitted in February 2019 and was subsequently withdrawn as further

information was required including a noise impact assessment and updated land ownership plan. This information has now been submitted with the current application.

#### **4. CONSULTATIONS**

**4.1** West Dunbartonshire Council Roads Service and West Dunbartonshire Council Environmental Health Service have no objections to the proposed development.

**4.2** SEPA and Scottish Water have no objections to the proposed development.

#### **5. REPRESENTATIONS**

**5.1** None.

#### **6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN**

##### West Dunbartonshire Local Plan 2010

**6.1** The site is identified as Green Belt within the Adopted Local Plan. The Plan does not have a policy which allows alternative sites to be considered such as for Travelling People but does allocate two specific sites for this use through Policy PS3. Both these established sites are located in close proximity to the application site. As the proposed site is not located within the designated Travelling Peoples sites, the proposed use has to be considered against the Greenbelt Policy of the Plan (Policy GB1). Policy GB1 of the Adopted Local Plan allows development to be located within the Greenbelt where there is a site specific locational need.

**6.2** The applicant has provided robust supporting information to demonstrate a site specific locational need for the site to be located in close proximity to the allocated Travelling Peoples sites and detail specific material considerations that require to be taken account of in this case. The proposals are considered to accord with this policy as it has been adequately demonstrated that there is a site specific locational need and this is discussed in Section 7 below.

#### **7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS**

##### West Dunbartonshire Local Development Plan (LDP1) Proposed Plan

**7.1** On 27 April 2016, the Planning Committee took a final decision not to accept the Local Development Plan Examination Report recommended modification in respect of including the Duntiglennan Fields site in Clydebank as a housing development opportunity, and therefore, as a result of the Scottish Ministers' Direction, the Local Development Plan has remained unadopted but continues to be a material consideration in the determination of planning applications.

- 7.2** Policy BC3 relates to Homes for Particular Needs, which includes homes for travelling people, and allows the consideration of alternative sites to be developed for these uses where they accord with the relevant policies of the Plan. As the site is within the Greenbelt, the relevant policy in this case is Policy DS2.
- 7.3** Policy DS2 sets out the criteria to be used in determining whether a proposal is suitable for development within the Greenbelt, such as, rural economic development compatible with a rural location and appropriate recreation, leisure and tourism requiring a rural setting. None of these criteria are applicable to this proposed use in this regard and so the proposal is contrary to Policy DS2. Therefore, the applicant has to demonstrate why the proposed use can be considered as an acceptable departure to the Plan with regard to this Policy. As set out in section 6.2 above, the applicant has provided robust supporting information to demonstrate a site specific locational need for the site to be located in close proximity to the allocated Travelling Peoples sites and sets out specific material considerations to be taken account of that demonstrate a site specific location need. This has been assessed and it is considered that the proposal is an acceptable departure in this case and that more weight should be given to material considerations which is discussed below.

#### West Dunbartonshire Local Development Plan (LDP2) Proposed Plan

- 7.4** Policy H3 Homes for Particular Needs and Policy GB1 Greenbelt and Countryside are exactly the same as the policies within LDP1 and so the assessment is the same in that it is considered the proposal is an acceptable departure from the greenbelt policy in this case, giving further weight to other material considerations and this is discussed below.

#### Scottish Planning Policy

- 7.5** Scottish Planning Policy (SPP) states that development plans and local housing strategies should address any need and demand for sites for Travelling People to be identified and take into account their mobile lifestyle and individual needs. Where a need and demand for a permanent travelling people site(s) is identified, local development plans should then identify suitable sites for these communities. SPP also requires local development plans to consider whether policies are required for small privately-owned sites for Travelling People. West Dunbartonshire has two adjoining allocated sites for Travelling People at Dennystoun Forge. This meets the requirements of SPP with regard to identifying suitable sites, however, it also means that Travelling People are limited to living on only two identified sites within West Dunbartonshire. Whilst the rest of the local population has a choice of tenures in a variety of locations, Travelling People in West Dunbartonshire are restricted to just two council-run site and weight requires to be given to these limitations. Both the proposed local developments plans, as required by SPP, contain a policy which allows other areas of land within West Dunbartonshire to be used for Travelling Peoples sites.

### Principle of Development

- 7.6** Section 25 of the Planning Act requires planning applications to be determined in accordance with the development plan unless other material considerations indicate otherwise. The proposed use is considered to be an acceptable use in terms of the adopted plan but does not accord with Greenbelt policies of the Proposed Plans. Scottish Planning Policy is in favour of creating sites for travelling people. The applicant has also provided robust supporting information which is considered to justify a site specific locational need for the use of this site as a travelling people's site.
- 7.7** The applicant in the supporting statement has indicated other important considerations in the consideration of this application and this includes the provisions of the Human Rights Act 1998, the Equalities Act (2010) and the Children (Scotland) Act 1995. From the information provided by the applicant there is a clear evidence base that Travelling People have a strong cultural identity with importance placed on extended family. Caring for relatives, including the very young and elderly, is generally done by family members and these close family ties also extend to work with male family members often working together in a trade. The applicant has chosen to make his home on the proposed area of land, which has given him the opportunity to create a secure and safe environment for grandchildren to play while at the same time providing space to store vehicles and equipment used for the family business. Living close to extended family is therefore important which means that the proposed site is ideally located being only a short distance from the established and settled community of Travelling People at Dennystoun Forge. The applicant and his family previously lived on the Dennystoun Forge site and they still have extended family there.
- 7.8** Whilst the site is identified as greenbelt within the adopted and proposed local development plans, it does not have quality amenity or environmental value as it had, until recently, an industrial appearance with metal palisade fencing surrounding the site. The site was unkempt and it is likely that it has simply been a small wedge of land that has been left over when the adjacent railway line and road were constructed. The applicant has replaced the palisade fencing with timber fencing and cleared the site which has visually improved the site as it has a tidier appearance. It is therefore considered that the development of this site for a one pitch caravan park will not have a detrimental impact on the character and amenity of the green belt or compromise the purpose and integrity of greenbelt land within West Dunbartonshire.
- 7.9** Considering all of the material considerations above, a site specific locational need can be demonstrated to accord with the greenbelt policy of the Adopted Local Plan (2010) and a departure to the green belt policies of both proposed Local Development Plans can be justified in this case.

### Technical Matters

- 7.11** A Noise and Vibration Impact Assessment was submitted as part of the application submission and has been assessed by the Council's

Environmental Health Service and the users of the site are unlikely to be adversely impacted by noise or vibration.

- 7.12** There is good visibility for vehicles entering and leaving the site and a large amount of space for parking and turning within the site has been accommodated within the layout. The Council's Roads service therefore has no objections to the development.
- 7.13** The applicant proposes to connect to the local water network and Scottish Water has advised that there is currently sufficient capacity for this. There is no waste water infrastructure within the vicinity of the site and therefore the applicant proposes to install a septic tank. Private sewage systems are required to be registered with SEPA and this is a separate process to planning.

## **8. CONCLUSION**

- 8.1** The proposal is in accordance with the Adopted Local Plan (2010) and whilst the site is within land designated as greenbelt, a site specific locational need for the proposal has been demonstrated. In this instance a departure from the greenbelt policies of the proposed plans is justified as the type of use is wholly in accordance with Policy BC3 of Local Development Plan 1 and Policy H3 of Local Development Plan 2 and the relevant criteria for Scottish Planning Policy.

## **9. CONDITIONS**

1. There shall be no alterations to the layout of the site, as detailed in the Block Plan hereby permitted (Ref. 'Drawing No. 19-001-002' Rev B) including additional structures, buildings or re-positioning of structures or buildings within the site without the prior written consent of the Planning Authority. Any subsequent alterations agreed by the Planning Authority shall be carried out within two months of any agreement in writing.
2. The chalet, utility block, 2 touring caravans and 3 storage container units associated with the application hereby approved (and as shown on Block Plan 'Drawing No. 19-001-002' Rev B) and any subsequent alteration as may be agreed under the terms of condition 1 shall be removed from the site and the land reinstated to a condition satisfactory to the Planning Authority within one month of any of these features becoming permanently redundant or uninhabited on the site.

**Peter Hessett**  
**Strategic Lead - Regulatory**  
**Date: 11<sup>th</sup> March 2020**

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**Appendix:** None

**Background Papers:**

1. Application documents and plans
2. West Dunbartonshire Local Plan 2010
3. West Dunbartonshire LDP - Proposed Plan
4. West Dunbartonshire LDP - Proposed Plan 2
5. Scottish Planning Policy (SPP)
6. Consultation responses

**Wards affected:** Ward 3 (Dumbarton)