

Report

Report to:	Planning Committee
Date of Meeting:	6 June 2023
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/22/1178
Planning proposal:	Erection of dwellinghouse with associated access and parking

1 Summary application information

Application type:	Detailed planning application
Applicant:	Mr and Mrs David Cornwell
Location:	Plot 3 Land 50M SSW of 1 Milton Cottage Milton Road Carluke South Lanarkshire

2 Recommendation(s)

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

(1) Refuse detailed planning permission (for the reason stated).

2.2 Other actions/notes

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

3 Other information

- ◆ Applicant's Agent: LBG Waterston
- ◆ Council Area/Ward: 01 Clydesdale West
- ◆ Policy Reference(s): **National Planning Framework 4 (2023)**
 - Policy 1 – Tackling the climate and nature crises
 - Policy 2 - Climate mitigation and adaptation
 - Policy 4 - Natural places
 - Policy 8 - Green belts
 - Policy 9 - Brownfield, vacant and derelict land and empty buildings
 - Policy 14 - Design, quality and place
 - Policy 15 - Local Living and 20 minute neighbourhoods
 - Policy 16 - Quality Homes

South Lanarkshire Local Development Plan 2 (Adopted 2021)

Policy 2 - Climate Change

Policy 4 - Green Belt and Rural Area

Policy 5 - Development Management and
Placemaking

Policy 14 - Natural and Historic Development

Policy GBRA1 - Rural Design and Development

Policy GBRA9 - Consolidation of Existing Building
Groups

Policy NHE16 - Landscape

◆ Representation(s):

▶	0	Objection Letters
▶	0	Support Letters
▶	0	Comment Letters

◆ Consultation(s):

Countryside and Greenspace

Roads Development Management Team

Environmental Services

Scottish Water

Planning Application Report

1 Application Site

- 1.1 The application site, located in designated Green Belt close to the settlement edge of Carluke, is situated on vacant land. Whilst previously developed, the site has been cleared for many years and has naturally regenerated into scrub woodland. The site is relatively level and lies south of an existing building group comprising Milton Cottages (three separate dwellings) and a modern house built on the site of a demolished stables block. To the west is an area of woodland and to the east and south lies agricultural land. The site is accessed from Milton Road via an existing private access track (approximately 278m in length).

2 Proposal(s)

- 2.1 Planning permission is sought for the erection of a detached one and a half storey dwellinghouse (containing 4 bedrooms), finished in stonework, white render and slate substitute - features include entrance porch, pitched roof dormers with vertical timber boarding, solar panels and rear roof overhang to create a covered veranda. The design is generally reflective of traditional rural architecture, with a modern interpretation. The dwelling would be served by a driveway, parking spaces and a landscaped garden.
- 2.2 A Supporting Statement has been submitted addressing the implications of National Planning Framework 4 (NPF4) and details mitigating circumstances for justifying a departure in this instance.

3 Development Plan

3.1 National Planning Framework 4 (2023)

- 3.1.1 Under Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan comprises the South Lanarkshire Local Development Plan 2 (SLLDP2) (adopted 9 April 2021) and National Planning Framework 4 (NPF4) (adopted by Scottish Ministers on 13 February 2023). Section 24(3) of the 1997 Act confirms that if there is an inconsistency between NPF4 policies and a Local Development Plan which was adopted before 13 February 2023, then the policies in NPF4 prevail.
- 3.1.2 The National Planning Framework 4 (NPF4) was approved by Scottish Ministers on 13 February 2023 and now forms part of the Development Plan. The following NPF4 policies are of particular relevance in the assessment of this proposal:-
- Policy 1 - Tackling the climate and nature crises
 - Policy 2 - Climate mitigation and adaptation
 - Policy 4 - Natural places
 - Policy 8 - Green belts
 - Policy 9 - Brownfield, vacant and derelict land and empty buildings
 - Policy 14 - Design, quality and place
 - Policy 15 - Local Living and 20 minute neighbourhoods
 - Policy 16 - Quality Homes
- 3.1.3 It is considered that the proposal does not accord with the general provisions or relevant policies of NPF4 and the detailed assessment is contained in Section 6 of this report.

3.2 **South Lanarkshire Local Development Plan 2 (2021)**

3.2.1 The application site is designated as green belt land in the adopted SLLDP2. The relevant policies in terms of the assessment of the application are:-

Policy 2 - Climate Change

Policy 4 - Green Belt and Rural Area

Policy 5 - Development Management and Placemaking

Policy 14 - Natural and Historic Development

Policy GBRA1 - Rural Design and Development

Policy GBRA9 - Consolidation of Existing Building Groups

Policy NHE16 - Landscape

3.2.2 It is considered that the proposal does not accord with the relevant policies of SLLDP2 and the detailed assessment is contained in Section 6 of this report.

3.3 **Planning Background**

3.3.1 Planning Permission (ref P/20/0807) was granted for a dwelling and storage shed on the site of a demolished stables, adjacent to the current planning application site.

3.3.2 Following recent site visits to the site, it was discovered that construction of the house which is the subject of this report has commenced. In addition, it was also discovered that 4 chalets have been constructed for residential use on land adjacent to the application site without planning permission. At the time of the site visit it appeared that the 4 chalets were occupied. As a result, enforcement proceedings (ENP/22/0336) have commenced on the adjacent site in order to address this breach of planning control.

3.3.3 A planning application (ref P/21/1780) was submitted for the erection of three houses at this site and subsequently withdrawn prior to determination, as it was likely to be refused as it did not comply with the relevant Local Development Plan policies at that time.

4 **Consultation(s)**

4.1 **Countryside and Greenspace** – No objection. The private access road, a recorded right of way, should remain accessible to all non-motorised access (walking, cycling and equestrian) during and after the construction phase, and the width of the right of way should not be reduced in any way by the proposed development.

Response: Noted.

4.2 **Roads Development Management Team** – No objections to this application subject to conditions covering passing places, visibility, and parking provision. Generally, no more than 5 dwellings should be permitted without being served from an upgraded adopted road and this requires a Road Construction Consent (RCC) to be submitted. In this instance, the application site is served from an existing private access and there are currently 4 lawful residential dwellings using this access. As such, the additional dwelling proposed would not trigger the requirement for RCC. It is noted that there are also unauthorised chalets adjacent to the application site which are not considered to contribute to the number of dwellings using the existing access.

Response: Noted.

4.3 **Environmental Services** – No objection subject to conditions requiring a contaminated land investigation/remediation strategy and informatives on construction noise, nuisance, pest control and a remediation completion report.

Response: Noted.

- 4.4 Scottish Water** - There is sufficient capacity at the Camps Water Treatment Works and at the Maudslie Waste Water Treatment for a foul only connection. For reasons of sustainability and to protect their customers from potential future sewer flooding, Scottish Water do not accept any surface water connections into their combined sewer system.

Response: Noted.

5 Representation(s)

- 5.1 In response to the carrying out of neighbour notification and the advertisement of the application in the local press for non-notification of neighbours, no representations have been received.

6 Assessment and Conclusions

- 6.1 The determining issues in the consideration of this application are its compliance with the National Planning Framework 4 (NPF4) and adopted South Lanarkshire Local Development Plan 2 (SLLDP2).

- 6.2 NPF4 Policy 1 requires that when considering all development proposals, significant weight will be given to the global climate and nature crises. NPF4 Policy 2 Climate Change and Mitigation expands on this requiring all new developments to be sited and designed (1) to minimise lifecycle greenhouse gas emissions as far as possible and (2) to adapt to the current and future risks from climate change. The Chief Planner letter (4 February 2023) confirms that at this stage quantitative assessments are not expected for all applications. In the absence of a methodology for measuring the emissions which would result from the emissions of the proposed buildings, it is considered appropriate at this time to instead consider the general sustainability of the proposal in land-use planning terms (whether the use of previously developed land as housing land is supportable when assessed against other relevant policies in NPF4) and use that as an indicator in whether or not is likely to minimise emissions and adapt to current and future impacts of climate change.

- 6.3 NPF4 Policy 8 – Green Belts states that development proposals will only be supported within green belts where they (i) are for:-

- ◆ Development associated with agriculture, woodland creation, forestry;
- ◆ Residential accommodation required for a key worker in a primary industry within the immediate vicinity of their place of employment;
- ◆ Horticulture, including market gardening;
- ◆ Outdoor recreation, play and sport or leisure and tourism use;
- ◆ Flood risk management;
- ◆ Essential infrastructure or new cemetery provision;
- ◆ Minerals operations and renewable energy developments;
- ◆ Intensification of established uses, including ancillary extensions to existing buildings;
- ◆ The re-use or rehabilitation of historic environment assets; or
- ◆ One-for-one replacements of existing permanent homes.

and (ii) when reasons are provided as to why:-

- ◆ a green belt location is essential; and
- ◆ the purpose of the greenbelt at that location is not undermined; and
- ◆ the proposal is compatible with the surrounding established countryside and landscape character; and
- ◆ the proposal has been designed to an appropriate scale, massing and external appearance to minimise visual impact; and
- ◆ there will be no significant long-term impacts on the environmental quality of the green belt.

The proposed erection of a dwellinghouse does not meet any of the above criteria in part (i) of the policy and does not pass the tests in part (ii). As such, the proposal is contrary to Policy 8 of National Planning Framework 4.

- 6.4 NPF4 Policy 9 - Brownfield, vacant and derelict land and empty buildings aims to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings to help reduce the need for greenfield development. As advised earlier in this report, the application site has been cleared of buildings. Prior to recent unauthorised development, the site had a naturalised state. Policy 9 states that when determining whether the re-use of a brownfield site is sustainable, the biodiversity value of the brownfield land which has naturalised should be taken into account. As such, the proposal is not considered to comply with Policy 9 and even were it to meet the criteria, the semi-naturalised state of the site (prior to recent unauthorised development) means that this would likely be outweighed by the proposals variance with Policy 8 – Green Belts of NPF4.
- 6.5 NPF4 Policy 14 – Design, Quality and Place advises that proposals will be supported where they are consistent with the 6 qualities of successful places. It confirms that proposals which are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the 6 qualities of place will not be supported. The proposed erection of a single dwellinghouse in the green belt, contrary to policies designed to preserve that green belt, is not considered to be characteristic of a sustainable place and, as such, is contrary to Policy 14 of NPF4.
- 6.6 NPF4 Policy 15 – Local Living and 20 minute neighbourhoods seeks to create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by using sustainable transport options. A site placed just beyond the settlement boundary, would have access to a significant number of the criteria listed in Policy 15. However, it should also be noted that encouraging new homes just outwith approved settlement boundaries, within the designated green belt, leads to exactly the sort of sprawled out, unconnected residential areas lacking facilities and services that this policy is designed to avoid. Whilst residents might indeed have access to many of the facilities/benefits of local living identified in the policy, the development itself would run directly contrary to the policy intent, namely to create connected and compact settlements and mixed-use neighbourhoods. As such, the proposal is not considered compatible with the intent of Policy 15 of NPF4.
- 6.7 NPF4 Policy 16 – Quality Homes seeks to encourage, promote and facilitate the delivery of high quality homes, in the right locations. It advises that development proposals for new homes on land not allocated for housing in the Local Development Plan (LDP) will only be supported in limited circumstances where:-
- i. the proposal is supported by an agreed timescale for build-out; and
 - ii. the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20 minute neighbourhoods;
 - iii. and either:-
 - delivery of sites is happening earlier than identified in the deliverable housing land pipeline.; or
 - the proposal is consistent with policy on rural homes; or
 - the proposal is for smaller scale opportunities within an existing settlement boundary; or
 - the proposal is for the delivery of less than 50 affordable homes.

- 6.8 The proposed housing development is not consistent with the spatial strategy and other relevant policies in the plan and does not involve, delivery of a site in the housing land pipeline, housing in the rural area, an opportunity within an existing settlement boundary or a proposal for affordable homes, As such, the proposal is directly contrary to Policy 16 – Quality Homes of NPF4.
- 6.9 In terms of Local Development Plan policy, the application site lies within the Green Belt and is subject to assessment against Policy 4 - Green Belt and Rural Area of the adopted SLLDP2. This states that the purpose of the green belt is to direct development to appropriate locations, protect and enhance the character and landscape setting of settlements and to protect and provide access to open space. It goes on to advise that development which does not require to be located in the countryside will be expected to be included within a settlement boundary. The proposed dwelling does not need to be in the countryside and it is not sustainable to incrementally add additional housing to this Green Belt location. As such, the proposal is considered to be contrary to Policy 4 of the South Lanarkshire Local Development Plan 2.
- 6.10 Given that the principle of development is not considered to be acceptable in this location, the design of the proposed dwelling in terms of Policies 5 ‘Development Management and Place Making’ and GBRA1 ‘Rural Design and Development’ of SLLDP2 is not considered to be a determining factor in the assessment of this application.
- 6.11 Notwithstanding this, the design of the dwelling reflects a mix of traditional and contemporary, with a limited blend of external finishes. The proposal is therefore generally satisfactory in terms of Policy 5 of the SLLDP2.
- 6.12 The policies in the SLLDP2 which can be used to justify new residential buildings in the green belt are GBRA5 – Redevelopment of previously developed land containing buildings, GBRA8 – Development of Gap Sites and GBRA9 – Consolidation of building groups. None of those policy exceptions apply in this instance as the proposal is on a site with no remaining buildings; does not constitute the consolidation of an existing building group (being distinct from the buildings to the north and in effect extending the group south of the access, rather than consolidating it); and which is not a gap site (having open countryside on 3 sides). As, such the proposal is contrary to the Green Belt and Rural Area policies GBRA5, GBRA8 and GBRA9 of SLLDP2.
- 6.13 Policy 2 Climate Change of SLLDP2 seeks to minimise and mitigate against the effects of climate change by considering various criteria including: being sustainably located; reuse of vacant and derelict land; avoidance of flood risk areas; incorporating low and zero carbon generating technologies; opportunities for active travel routes and trips by public transport; electrical vehicle recharging infrastructure and where appropriate connection to heat networks.
- 6.14 The site is not at risk of flooding. If the proposal was considered acceptable the applicant could be asked to submit further details of low carbon technology; a tree planting scheme and the installation of electric vehicle charging points for the approval of the planning authority. In consideration, the proposals would not undermine the objectives of Policy 2 of the South Lanarkshire Local Development Plan 2 (2021).
- 6.15 Policy 14 – Natural and Historic Environment of SLLDP2 states that the Council will assess all development proposals in terms of their impact on the natural and historic environment, including landscape. The Council will seek to protect important natural and historic sites and features from adverse impacts resulting from development,

including cumulative impacts. Category 3 areas include Special Landscape Areas where development which would have a significant adverse impact following the implementation of mitigation measures will only be permitted where the effects are outweighed by significant social or economic benefits.

- 6.16 Policy NHE16 – Landscape of the SLLDP2 advises that development proposals within Special Landscape Areas will only be permitted where they can be accommodated without having an unacceptable significant adverse effect on the landscape character, scenic interest and special qualities and features for which the area has been designated. All proposed development should take into account the detailed guidance contained in the South Lanarkshire Landscape Character Assessment 2010.
- 6.17 The site falls within the Urban Fringe Farmlands where further incremental release of land for residential development should be carefully planned and the use of vernacular building designs is encouraged. The proposed development reflects traditional rural architecture with appropriate contemporary features. No historic or landscape features which contribute to landscape quality will be affected. In view of these circumstances the proposal complies with policies 14 and NHE16.
- 6.18 In summary, taking all of the above into account, it is considered that the proposed development would constitute inappropriate development with regards to the sites Green Belt designation and there are no exceptions to policy, in either NPF4 or SLLDP2, which would justify a dwellinghouse in this location. As such, the proposed development fails to adhere to the provisions of the development plan, with specific regard to Policies 1, 2, 8, 9, 14, 15 and 16 of National Planning Framework 4 (adopted 2023) and Policies 4, GBRA5, GBRA8 and GBRA9 of the South Lanarkshire Local Development Plan 2 (adopted 2021) and there are no material considerations which would outweigh this variance with the development plan. In view of this, it is recommended that the application is refused planning permission.

7 Reasons for Decision

- 7.1 The proposal is contrary to Policies 1, 2, 8, 9, 14, 15 and 16 of National Planning Framework 4 (adopted 2023) and Policies 4, GBRA5, GBRA8 and GBRA9 of the South Lanarkshire Local Development Plan 2 (adopted 2021) and there are no material considerations which would outweigh this variance with the development plan.

David Booth

Executive Director (Community and Enterprise Resources)

Date: 25 May 2023

Previous references

- ◆ P/20/0807

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ National Planning Framework 4 (adopted 2023)
- ▶ Neighbour notification letter dated 7 September 2022

► Consultations	
Countryside and Greenspace	12.09.2022
Environmental Services	29.09.2022
Scottish Water	09.09.2022
Roads Development Management Team	14.02.2023

Contact for further information

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

David Russell, Team Leader, Floor 6, Council Offices, Almada Street, Hamilton,
ML3 0AA

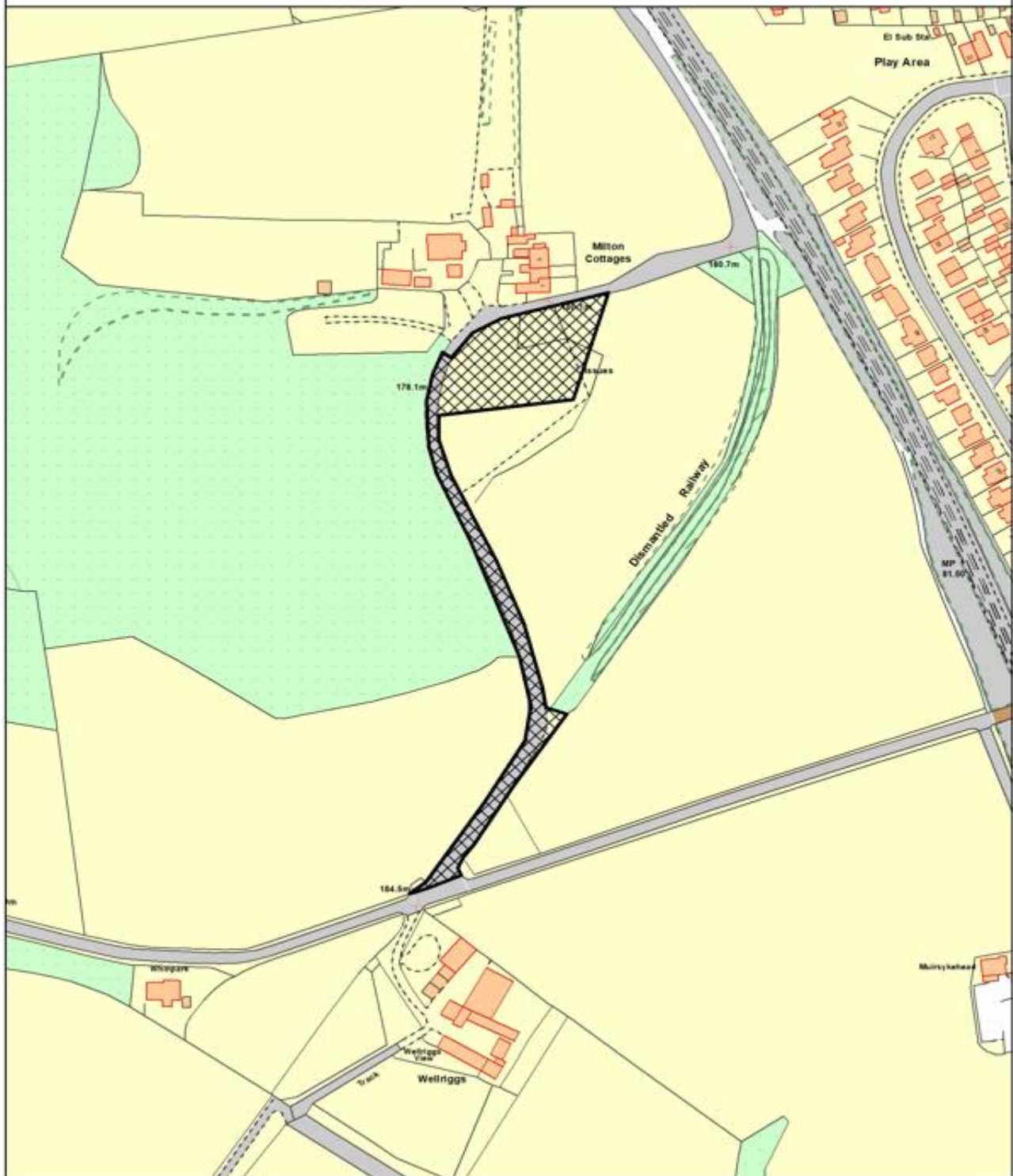
Phone: 07551 845 757

Email: David.Russell@southlanarkshire.gov.uk

Reasons for refusal

01. The proposal would be contrary to Policy 8 – Green belts of National Planning Framework 4 as it does not meet the criteria set out in the policy for green belt development and as such fails to encourage, promote and facilitate compact urban growth and use the land around our towns and cities sustainably.
02. The proposal would be contrary to Policies 4 - Green Belt and Rural Area of the South Lanarkshire Local Development Plan 2 as it would constitute an inappropriate form of development, that cannot be justified under policies GBRA5, GBRA8 or GBRA9 and which adversely affects the character of the Green Belt at this location.
03. The proposal would be contrary to Policy 9 - Brownfield, vacant and derelict land and empty buildings of National Planning Framework 4 as the site no longer has any buildings upon it, has reverted to a naturalised state with biodiversity value and is not allocated housing land.
04. The proposal would be contrary to Policy 14 – Design, Quality and Place of National Planning Framework 4 as it is not consistent with the 6 qualities of successful places. Specifically, it fails to achieve the characteristics of a sustainable place.
05. The proposal would be contrary to Policy 15 - Local Living and 20 minute neighbourhoods of National Planning Framework 4 as it fails to create connected and compact settlements and mixed-use neighbourhoods.
06. The proposal would be contrary to Policy 16 – Quality Homes of National Planning Framework 4 as it does not constitute the delivery of high quality homes in the right locations as set out in the policy criteria.

P/22/1178 Milton Cottage, Milton Road, Carluke



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Scale:
1:2,500
Date:
15/05/2023



South Lanarkshire Council
Community and Enterprise Resources
Planning and Regulatory Services