

Report

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

Application no.	P/21/0929
Planning proposal:	Development of 33 park homes with associated access roads, landscaping and ancillary office and community facilities

1 Summary application information

Application type:	Detailed planning application
Applicant:	Mrs Isobel Townsley
Location:	Former Tileworks Waterlands Road Law

2 Recommendation(s)

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

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

2.2 Other actions/notes

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

3 Other information

- ◆ Applicant's Agent: Aitchison Architects
- ◆ 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 3 - Biodiversity
 - Policy 4 - Natural places
 - Policy 8 - Green belts
 - Policy 9 - Brownfield, vacant and derelict land and empty buildings
 - Policy 15 - Local Living and 20 minute neighbourhoods
 - Policy 16 - Quality homes
 - Policy 22 - Flood risk and water management

South Lanarkshire Local Development Plan 2 (2021)

Policy 2 - Climate Change

Policy 4 - Green Belt and Rural Area

Policy 5 - Development Management and Placemaking

Policy - 16 Water Environment and Flooding

Policy GBRA1 - Rural Design and Development

Policy GBRA5 - Redevelopment of Previously Developed Land Containing Buildings

Policy GBRA8 - Development of Gap Sites

Policy GBRA9 - Consolidation of Existing Building Groups

Policy SDCC2 - Flood risk

◆ Representation(s):

▶	132	Objection Letters
▶	10	Support Letters
▶	1	Comment Letter

◆ Consultation(s):

Roads Flood Risk Management

Roads Development Management Team

Environmental Services

Scottish Water

The Coal Authority Planning and Local Authority Liaison

Carluke Community Council

SEPA Flooding

Planning Application Report

1 Application Site

- 1.1 The application site (1.90 ha) is located in designated Green Belt on the site of a former tile works located between Carluke and Law. The tile works operated until the 1970s. However, the associated buildings and infrastructure have subsequently been demolished. The closest of the two settlements is Law, which lies approximately 600m to the north west.
- 1.2 The site is bounded to the north by a cottage and associated curtilage and scrubland, to the east by marshland and a large pond, to the south by open grasslands and scrub, and to the west by Waterlands Road. Beyond which is a cottage and a compound containing caravans – further to the west is the main West Coast railway line.
- 1.3 Originally the site contained works for manufacturing tiles and included on site waste disposal, kilns, manufacturing areas, stores, offices, off load storage plus road and rail access. Now all that visibly remains are the foundations of floors and foundations of some of the buildings. Elsewhere, outwith the hardstanding and disturbed areas, the site has generally regenerated with grassland, marsh and marsh grassland featuring around the northern and eastern peripheries. The topography slopes in a southwest/northeast direction. The site is accessed from the public adopted section of Waterlands Road. Waterlands Road, continues as a Right of Way to Carluke.

2 Proposal(s)

- 2.1 The applicant seeks permission for 33, two bedroom static caravans which would be used to provide permanent residential accommodation. They would be arranged around a circular access. Each caravan would have two parking spaces, decking to the front and side, whilst the remaining area surrounding each unit would be used as garden ground.
- 2.2 A separate unit would be placed at the entrance and function as a site office and community hub. A communal carpark would also be located near the entrance. The caravans would be serviced from an existing water and electricity supply. Individual air source heat pumps, solar panels and water harvesting would also be considered as options for generating power/heat and an alternative water supply. Sewerage proposals would involve the installation of a pump system serving the whole site, piped to the public network at the Waterlands Road/Bellgrove junction.
- 2.3 The application is supported by the following documents: Design and Access Statement, Mineral Stability Risk Assessment, Flood Risk Assessment, SUDS Report and Ecological Assessment.

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 following NPF4 policies are of relevance in the assessment of this proposal:-

- Policy 1 - Tackling the climate and nature crises
- Policy 2 - Climate mitigation and adaptation
- Policy 3 - Biodiversity
- Policy 8 - Green belts
- Policy 9 - Brownfield, vacant and derelict land and empty buildings
- Policy 15 - Local Living and 20 minute neighbourhoods
- Policy 16 - Quality Homes
- Policy 22 - Flood risk and water management

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

3.2.1 The application site is designated as green belt land in the South Lanarkshire Local Development Plan 2 (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 16 - Water Environment and Flooding
- Policy GBRA1 - Rural Design and Development
- Policy GBRA5 - Redevelopment of Previously Developed Land Containing Buildings
- Policy GBRA8 - Development of Gap Sites
- Policy GBRA9 - Consolidation of Existing Building Groups
- Policy SDCC2 - Flood Risk

3.3 **Planning Background**

3.3.1 There have been no previous planning applications affecting this site.

4 **Consultation(s)**

4.1 **Roads and Transportation Services** – No objection subject to conditions covering access, footpaths, visibility, parking, the upgrading and widening of Waterlands Road and a Traffic Management Plan.

Response: Noted.

4.2 **Environmental Services** - No objections subject to conditions covering contaminated land investigations, assessment of affects of noise and vibration from the railway, and storage and disposal of refuse. It is noted that a site licence would be required under the Caravan and Control of Development Act 2014 and the licensing of Relevant Permanent Sites (Scotland) Regulations 2016.

Response: Noted.

4.3 **Scottish Water** - There is sufficient capacity at the Camps Water Treatment Works. There is no public sewer within the vicinity therefore the applicant should investigate options for a private treatment system. For reasons of sustainability and to protect their customers from potential future sewer flooding, Scottish Water would not accept any surface water connections into their combined sewer system.

Response: Noted.

4.4 **The Coal Authority** – Since their initial objection to the proposal, a Mineral Stability Risk Assessment prepared by NPL Environmental Limited (dated 10 June 2021), has been submitted which confirms an assessment of up-to-date geological and mining information. The report confirms the mineral support conditions beneath the site to be satisfactory on the basis that sufficient competent rock cover exists between all of the

seams identified and the base of the foundations. The Coal Authority therefore withdrew its objection to this planning application.

Response: Noted.

4.5 **Carluke Community Council** – No response to date.

Response: Noted.

4.6 **Scottish Environmental Protection Agency (SEPA)** – Are satisfied that there is not a risk of flooding to the development site from the nearby burn and associated drainage channels and that the requirements of NPF4 Policy 22 are achievable. As such, they have no objection to this application on the grounds of flood risk.

Response: Noted.

5 Representation(s)

5.1 Following the statutory period of neighbour notification and advertisement in the local press, a total of 132 objections, 10 support letters and 1 comment have been received. The issues raised are summarised as follows:-

Objections:

Amenity

- ◆ Too close to neighbouring properties
- ◆ Detract from the character of the rural area
- ◆ Noise
- ◆ Impact upon privacy
- ◆ Waste
- ◆ Adverse impact upon neighbouring properties and livestock and kennels

Land Use Concerns

- ◆ Inappropriate development for a Green Belt location – contrary to Local and NPF4 policies on greenbelt
- ◆ Development on contaminated land
- ◆ Loss of recreational space which is good for physical and mental health
- ◆ Need for housing should be met by traditional affordable housing and not caravans

Impact on Natural Environment

- ◆ Adverse impact upon landscape
- ◆ No evidence that land cannot revert to agricultural land
- ◆ Impact upon ecology
- ◆ Inadequate drainage
- ◆ Flood risk

Roads Related Matters

- ◆ Impact upon infrastructure
- ◆ Traffic and public safety issues
- ◆ Limited public transport - no train station
- ◆ Accessibility for disabled people
- ◆ Impact upon walkway from Carluke to Law

Other Matters Raised

- ◆ How will the proposed age of residents be enforced?
- ◆ No independent Environmental Impact Assessment (EIA) undertaken
- ◆ Power outages and strain on electrical network
- ◆ Static caravans are unsuitable as retirement homes

- ◆ Schools have insufficient capacity
- ◆ Impact upon tourism – discourage people from visiting
- ◆ The parkhomes are neither individually designed, contemporary or innovative
- ◆ No health service
- ◆ Fire risk

Support:-

- ◆ Affordable housing
- ◆ Help local businesses
- ◆ Bring more custom for local businesses
- ◆ Reuse of waste ground for retirement homes

5.2 Other non-material planning comments were included in representations. These points relate to:-

- ◆ Impact upon house prices
- ◆ Land ownership concerns relating to the pond
- ◆ That there are alternative sites elsewhere for this type of development

5.3 These representations are available for inspection on the planning portal.

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 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 brownfield land is supportable when assessed against other relevant policies in NPF4) and use that as an indicator about whether or not it is likely to minimise emissions and adapt to current and future impacts of climate change.

6.3 NPF4 Policy 3 Biodiversity states that development proposals should contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats, and building and strengthening nature networks and the connections between them. The application was supported by an ecological assessment which contains recommendations relating to the protection and enhancement of wildlife, habitats, and flora. The proposal would comply with the objectives of this policy subject to compliance with, and the implementation of the recommendations contained within the ecological assessment.

6.4 NPF4 Policy 4 Natural Places, states development proposals which by virtue of type, location or scale which would have an unacceptable impact on the natural environment, are not to be supported. The site does not fall within a designated Special Landscape Area or nature conservation site. No features of significant

landscape or ecological value would be affected. As such, the proposal is considered acceptable in terms of Policy 4 of NPF4.

6.5 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;
- ◆ The purpose of the greenbelt at that location is not undermined;
- ◆ The proposal is compatible with the surrounding established countryside and landscape character;
- ◆ 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 proposal for park homes does not meet any of the above criteria in part (i) of the policy and does not pass the test in part (ii) relating to an essential greenbelt location. As such the proposal is contrary to Policy 8 of National Planning Framework 4.

6.6 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 buildings to help reduce the need for greenfield development. As advised earlier in this report, the application site has generally been cleared, with areas returning to a naturalised state. Policy 9 states that when determining whether the reuse of a brownfield site is sustainable, the biodiversity value of the brownfield land which has naturalised should be taken into account. The site relates to a former tile works and an appropriate contaminated land assessment and remediation strategy would be required in order to demonstrate that the site was suitable for the intended use. In the absence of such documentation, the proposals cannot be fully assessed in terms of Policy 9. However, even if the development of the site were to meet the relevant criteria under Policy 9, the fact that the site is brownfield would not outweigh the proposals variance with Policy 8 – Green Belts of NPF4.

6.7 NPF4 Policy 14 – Design, quality and place advises that proposals will be supported where they are consistent with the six qualities of successful places. It confirms that proposals which are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of place will not be supported. The proposed erection of a residential development 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.

- 6.8 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 homes, preferably by using sustainable transport options. A site placed just beyond the settlement boundary would have access to a significant number of criteria listed in Policy 15. However, it should also be noted that encouraging new homes just outwith approved settlement boundaries, within designated green belt, leads to exactly the sort of sprawled out, unconnected residential area 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.
- 6.9 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 will only be supported in limited circumstances where:-
- i. the proposal is supported by an agreed timescale for build-out;
 - 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.
- 6.10 The proposed development is not consistent with the spatial strategy and other relevant policies in the plan and whilst it does relate to the delivery of affordable homes, it does not involve; delivery of a site in the housing land pipeline, housing in the rural area or an opportunity within the existing settlement boundary. As such the proposal is directly contrary to Policy 16 – Quality Homes of NPF4.
- 6.11 NPF4 Policy 22 - Flood risk and water management aims to ensure that development proposals do not increase the risk of flooding and incorporates appropriate sustainable urban drainage systems (SUDS) into the development. The SUDS Report which was submitted indicates that surface water runoff would be provided through a combined swale/filter trench located along the northern boundary, with an outfall to the north-east marshland. The Flood Risk Assessment concludes that the development would not be affected by flooding or contribute to flooding elsewhere. The intention is to connect the development into the public water supply. Therefore, the development would not compromise the objectives of Policy 22 of NPF4.
- 6.12 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 is expected to be included within a settlement boundary. The proposed development does not need to be in the countryside and it is not sustainable to add

additional residential development at this green belt location. As such, the proposal is considered to be contrary to Policy 4 of the SLLDP2.

- 6.13 Given that the principle of development is not considered to be acceptable in this location, the design of the proposed development 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.
- 6.14 Notwithstanding this, the site is visually contained by existing mature landscaping, topography, and buildings. No protected habitats, species or landscape features are affected – therefore the proposal is not deemed to erode special characteristics and qualities of the countryside in this area. Due to the uniqueness of the proposal, the normal policy and design constraints relating to permanent, conventional housing would not be applicable. There is sufficient distance from the proposed caravans and the nearest neighbouring dwellings. The access, layout and parking provision are considered acceptable. Accessibility standards would be complied with.
- 6.15 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 such, the proposal is contrary to the Green Belt and Rural Area policies GBRA5, GBRA8 and GBRA9 of the SLLDP2.
- 6.16 SLLDP2 Policy 2 - Climate Change 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.
- 6.17 The site is not at risk of flooding. Conditions could be attached requiring the submission and approval of details for low carbon technology, for a tree planting scheme and the installation of electric vehicle charging points. The Design Statement refers to potential for solar panels, air source heat pumps, water harvesting, and the development will reuse a brownfield site. In consideration, the proposals would not undermine the objectives of Policy 2 of SLLDP2.
- 6.18 Issues raised by objectors include concerns about potential flood risk. SLLDP2 Policy 16 'Water Environment and Flooding' states that any development proposal which would have an unacceptable impact on the water environment should not be permitted. This includes engineering works such as culverting. In determining proposals, consideration must be given to water levels, flows, quality, features, flood risk and biodiversity within the water environment. Sites where flood risk may be an issue require to be subject of a local flood risk management assessment. Policy SDCC2 'Flood Risk' states that the storage and conveyance capacity of the functional floodplain should be safeguarded. Avoidance of development within it is the most sustainable option for the long-term management of flood risk. In addition, new development should achieve a minimum freeboard allowance of 600mm, and 1 metre (where it is adjacent to a watercourse) to take account of the uncertainties involved in flood design and physical imponderables such as post construction settlement or wave action.

- 6.19 A Flood Risk Assessment has concluded that the development is not at risk from or contributes to flood risk elsewhere. None of the proposed development impacts upon a greenfield area which could be described as a functional floodplain. Therefore, the objectives of policy 16 and SDCC2 would not be compromised.
- 6.20 In summary, taking all 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 permanent static caravans in this location. As such, the proposed development fails to adhere to the provisions of the development plan, with specific regard to Policies 8, 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). 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 8, 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

- ◆ None

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter dated

▶ Consultations

Roads Development Management Team	28.11.2022
Environmental Services	24.04.2023
Scottish Water	05.07.2021
The Coal Authority Planning and Local Authority Liaison	30.08.2021
Carluke Community Council	N/A
SEPA Flooding	10.03.2023

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

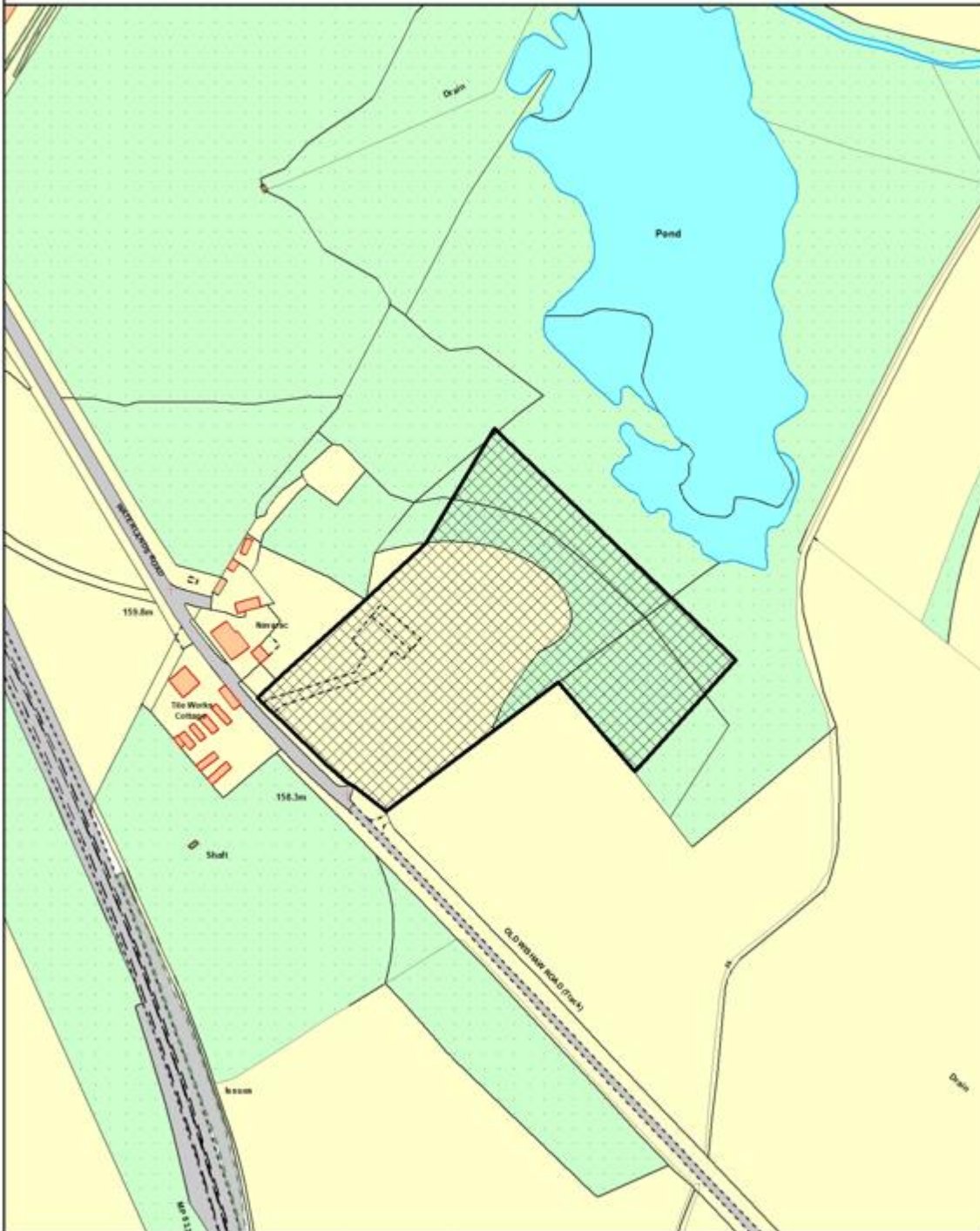
Phone: 07551 845 757

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. The proposed location for the development does not meet any of the criteria to be considered suitable and as such cannot be supported.
02. The proposal would be contrary to Policy 4 - Green Belt and Rural Area of the South Lanarkshire Local Development Plan 2 as it would constitute sporadic development, that cannot be justified under policies GBRA5, GBRA8, GBRA9 and which would adversely affect the character of the green belt at this location.
03. 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.
04. 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.
05. The proposal would be contrary to Policy 16 – Quality Homes of National Planning Framework 4 as it would not constitute the delivery of high quality homes in the right locations as set out in the policy criteria.

P/21/0929 Former Waterlands Tileworks, Waterlands Road, Law



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Scale:
1:2,500
Date:
16/05/2023



South Lanarkshire Council
Community and Enterprise Resources
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