

Report

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

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| Application no. | P/22/0967 |
| Planning proposal: | Formation of two house plots with associated access and subdivision of garden ground to form an additional plot |

1 Summary application information

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| Application type: | Detailed planning application |
| Applicant: | Ms Kirsty Bonthorn |
| Location: | Glenavon Farm Millheugh Road Stonehouse ML9 1QY |

2 Recommendation(s)

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

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

2.2 Other actions/notes

- (1) The Planning Committee has delegated powers to determine this application.
- (2) Nature Scot and The Coal Authority are statutory consultees and have both objected to the application. Should the Planning Committee be minded to grant the application, it would be necessary to refer the application to Scottish Ministers prior to determination.

3 Other information

- ◆ Applicant's Agent: James Baird Architecture
- ◆ Council Area/Ward: 20 Larkhall
- ◆ Policy Reference(s): **National Planning Framework 4 (Adopted 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 12 - Zero Waste
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 NHE7 - Natura 2000 Sites

Policy NHE8 - National Nature Reserves and Sites
of Special Scientific Interest

Policy GBRA 8 - Development of a Gap Site

Policy DM3 - Subdivision of Garden Ground

◆ Representation(s):

| | | |
|---|---|-------------------|
| ▶ | 0 | Objection Letters |
| ▶ | 0 | Support Letters |
| ▶ | 0 | Comment Letters |

◆ Consultation(s):

Nature Scot

Countryside and Greenspace

Roads Development Management Team

Environmental Services

Scottish Water

The Coal Authority

Planning Application Report

1 Application Site

- 1.1 The application site (0.95ha) relates to land adjacent to Glenavon Farm, which consists of a dwellinghouse with garage, stables, a riding arena and an agricultural shed. The site is situated on land to the south of Larkhall, within the Green Belt. To the north of the site lies Clyde Valley Woods, a designated ancient woodland, a Special Area of Conservation, and Site of Scientific Special Interest. The site is accessed via a 1km long private access which currently serves 5 dwellinghouses.

2 Proposal

- 2.1 The proposal comprises 3 residential plots, 2 of which are located between the existing agricultural shed and Glenavon Farm House. The proposed access serving these properties would take a spur from the existing private access. The third plot seeks to replace a domestic garage sited to the front of Glenavon Farm House and proposes to utilise the existing private access.

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 particular relevance in the assessment of this proposal:-

Policy 1 - Tackling climate and nature crises

Policy 2 - Climate mitigation and adaptation

Policy 4 - Natural places

Policy 8 - Green Belt

Policy 9 - Brownfield, vacant and derelict land and empty buildings

Policy 12 - Zero Waste

Policy 14 - Design, quality and place

Policy 15 - Local Living and 20 minute neighbourhoods

- 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 within the green belt and the relevant policies in terms of the assessment of the application in Section 6 of the report 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 NHE7 - Natura 2000 Sites

Policy NHE8 - National Nature Reserves and Sites of Special Scientific Interest

Policy GBRA 8 - Development of a Gap Site

Policy DM3 - Subdivision of Garden Ground

3.3 Planning Background

- 3.3.1 The site has been subject to a previous approval for a replacement dwellinghouse at Glenavon Farm, the former damaged by fire, (ref HM/11/0319). There were planning permissions granted for the conversion of a storage shed to dwellinghouse in 2004 and 2005, however, these appear to have never been implemented. The replacement dwelling was extended in 2021 (ref P/21/0216). An agricultural storage shed to the west of the dwellinghouse was granted prior approval in 2018 (ref P/18/0883).

4 Consultation(s)

- 4.1 **Countryside and Greenspace** – No objection.

Response: Noted.

- 4.2 **Scottish Water** – No objection.

Response: Noted.

- 4.3 **Environmental Services** – No objections, subject to conditions requiring radon gas assessment and that appropriate informatives are attached to any consent.

Response: Noted.

- 4.4 **Roads and Transportation Services** – Recommend refusal of the application as the proposed access would not be satisfactory.

Response: Noted.

- 4.5 **Nature Scot** – Object to the proposal until such time as suitable information is submitted to demonstrate that the impact of the development on the surrounding area is acceptable.

Response: Noted, there is insufficient information for the Council to carry out appropriate assessment on Special Area of Conservation (SAC) or Sites of Special Scientific Interest (SSSI). Nature Scot is a statutory consultee and should the Planning Committee be minded to grant this would require referral to Scottish Ministers.

- 4.6 **The Coal Authority** – Object to the proposal until such time as a Coal Mining Risk Assessment is submitted.

Response: Noted. The Coal Authority is a statutory consultee and should the Planning Committee be minded to grant this application, it would require to be referred to Scottish Ministers.

5 Representation(s)

- 5.1 Following statutory neighbourhood notification and advertisement in the local press, 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 development plan, which consists of National Planning Framework 4 (NPF4) and 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 the current and future risks from climate change. 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 agricultural land as housing land is supportable when assessed against other relevant policies in NPF4) and use that as

an indicator in whether or not it 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 are for (i):-

- ◆ 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.

6.4 The formation of these 3 residential plots would 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 NPF4.

6.5 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. NPF4 Policy 12 - Zero Waste details that proposals should be in line with the waste hierarchy and minimise demolition. Part (b) of Policy 9 details that proposals on greenfield sites will not be supported unless the site has been allocated or is explicitly supported by policies in the Local Development Plan (LDP). The site for the 2 residential plots sited between the agricultural shed and dwellinghouse are greenfield and appear to have been undeveloped, aside from agricultural practices. The site is not allocated for housing, and is not explicitly supported by policies in the LDP. The third plot seeks to demolish an existing garage. Based on the site visit, the garage does not appear to have fallen out of use or into disrepair. It is not considered that the proposal through its use of greenfield and undeveloped land and demolition of a sound building, meets the intentions of Policies 9 or 12 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. The site is located 1km along a private access and around 1.6km by road from the settlement edge of Larkhall. Residents of dwellings here, if approved, might indeed have access to many of the facilities/benefits of local living identified in

the policy within Larkhall. However, due to the location of the site, where there are limited pavements and no bus service means many local services are not easily accessible by walking/wheeling or sustainable transport. New residential dwellings in this location would be reliant on private car. As such, the proposal is contrary to 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 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 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 The applicant has submitted that the proposal meets SLLDP 2 Policy GRBA 8 – Development of a Gap site and Policy DM3 Subdivision of Garden Ground. The 2 residential plots sited between the agricultural shed and the dwellinghouse could be considered a gap site under Policy GBRA8 in that the site is bound on 2 sides by a habitable house and another building. The proposal would not result in ribbon development or coalescence. The submitted plans are for plots which are comparable in size to Glenavon. However, the proposal remains sporadic development in the Green Belt and should be sited in a settlement. The proposal fails the main tests of Policy 4 Green Belt and Rural Area, as detailed above.

6.11 Policy DM3 Subdivision of Garden Ground is not explicitly excluded from the Green Belt and Rural Area. The agent has submitted that the third plot forms part of the garden ground of Glenavon Farm and replaces an existing garage. The approved plans for the replacement dwelling (HM/11/0319) and subsequent extension (P/21/0216) do not include this piece of land as part of its curtilage and the existing

garage has been erected without the benefit of permitted development rights or planning permission. The proposed plot does not fall within the lawful garden ground of Glenavon Farm and does not comply with Policy DM3 Subdivision of Garden Ground. As such, the proposal as a whole remains contrary to Policy 4 - Green Belt and Rural Area policies of SLLDP2.

- 6.12 Policy 5 Development Management and Placemaking of SLLDP2 advises that to ensure that development takes account of the principles of sustainable development, all proposals require to be well designed and integrated with the local area and have no unacceptable significant adverse impacts on the local community and the environment.
- 6.13 The proposed development fails to have suitable access for 8 dwellings. The proposed plots are located 1km from the start of a private access which currently serves Glenavon Farm and an additional four dwellings. Those four dwellings were constructed as part of a redevelopment of a brownfield, redundant nursing home. Roads and Transportation Services have, in their consultation response, recommended refusal of the application as the proposed access is not considered to be acceptable. This proposal would result in eight dwellings along the length of a 1km private access. This type of access arrangement can lead to issues relating to continuing and ongoing maintenance. Whilst this access currently appears in a reasonable condition, it could easily decline.
- 6.14 The proposal is partly sited on an area of High Risk Coal area. No Coal Mining Risk Assessment has been submitted. As such the risks from unstable land from past mining activities cannot be fully assessed.
- 6.15 The proposal would not have a suitable access and has not fully assessed risks to new development from unstable land from past mining. It is therefore contrary to Policy 5 of SLLDP2.
- 6.16 NPF4 Policy 4 Natural Places and Policy 14 Natural and Historic Environment of SLLDP2 seek to protect, restore and enhance the natural environment. In relation to SLLDP2, Policy NHE7 Natura 2000 Sites and Policy NHE8 National Nature Reserve and Sites of Special Scientific Interest (SSSI) are relevant here. The site is adjacent to the Clyde Valley Special Area of Conservation (SAC) and Avondale SSSI - a mixed woodland. The consultation response from Nature Scot details that the proposal could have an impact upon the SAC and SSSI. It is noted that any upgrade works to the existing access, which bounds the SAC, is likely to impact on the designation. Plans have not been updated to show siting of existing trees, nor has information on treatment, or works to trees, or for detailed drainage been provided. There is insufficient information to determine how the proposal would impact upon the SSSI or SAC and for the Council to undertake its statutory requirement for an appropriate assessment. The proposal is considered contrary to Policy 4 of NPF4 and Policies 14, NHE7 and NHE8 of SLLDP2 as there is insufficient information to assess the impact of the proposal on the adjacent Clyde Valley Woods Special Area of Conservation and Avondale SSSI.
- 6.17 In summary, the proposals are directly contrary to policies within National Planning Framework 4 (2023) and SLLDP2, particularly with regards to new homes within the Green Belt and the need to only encourage housing in sustainable locations. In addition, there would be unsuitable access arrangements and insufficient information has been provided to allow the proposal to be fully considered in terms of the impact upon the adjacent Special Area of Conservation and Site of Special Scientific Interest. 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, 4, 8, 9, 14, 15 and 16 of National Planning Framework 4 (adopted 2023) and Policies 2, 4, 5, 14, NHE7 and NHE8 of the South Lanarkshire Local Development Plan 2 (adopted 2021). As the proposal does not comply with policy in relation to new homes in the green belt, have appropriate access and suitable information to assess impacts upon the natural environment or risk from unstable land from past mining activities. 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

- ◆ HM/11/0319 – Demolition of existing derelict/fire damaged house and outbuildings and the erection of new house – Approved
- ◆ HM/04/0891 - Conversion of storage building to dwellinghouse - Approved
- ◆ HM/05/0489 - Conversion of storage building to dwellinghouse (Amendment to planning consent HM/04/0891) - Approved
- ◆ P/21/0216 – Erection of 1.5 storey rear extension and formation of a dormer - Approved
- ◆ P/18/0883 - Erection of agricultural storage building (Prior notification) - Approved

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ Design Statement
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ National Planning Framework 4
- ▶ Neighbour notification letter dated 05.05.2023
- ▶ Hamilton Advertiser advert dated 03.11.2022

- ▶ Consultations
 - Countryside and Greenspace 27.10.2022
 - Roads Development Management Team 11.11.2022
 - Environmental Services 03.11.2022
 - Scottish Water 28.10.2022
 - Nature.Scot 02.12.2022
 - The Coal Authority 18.05.2023

Contact for further information

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

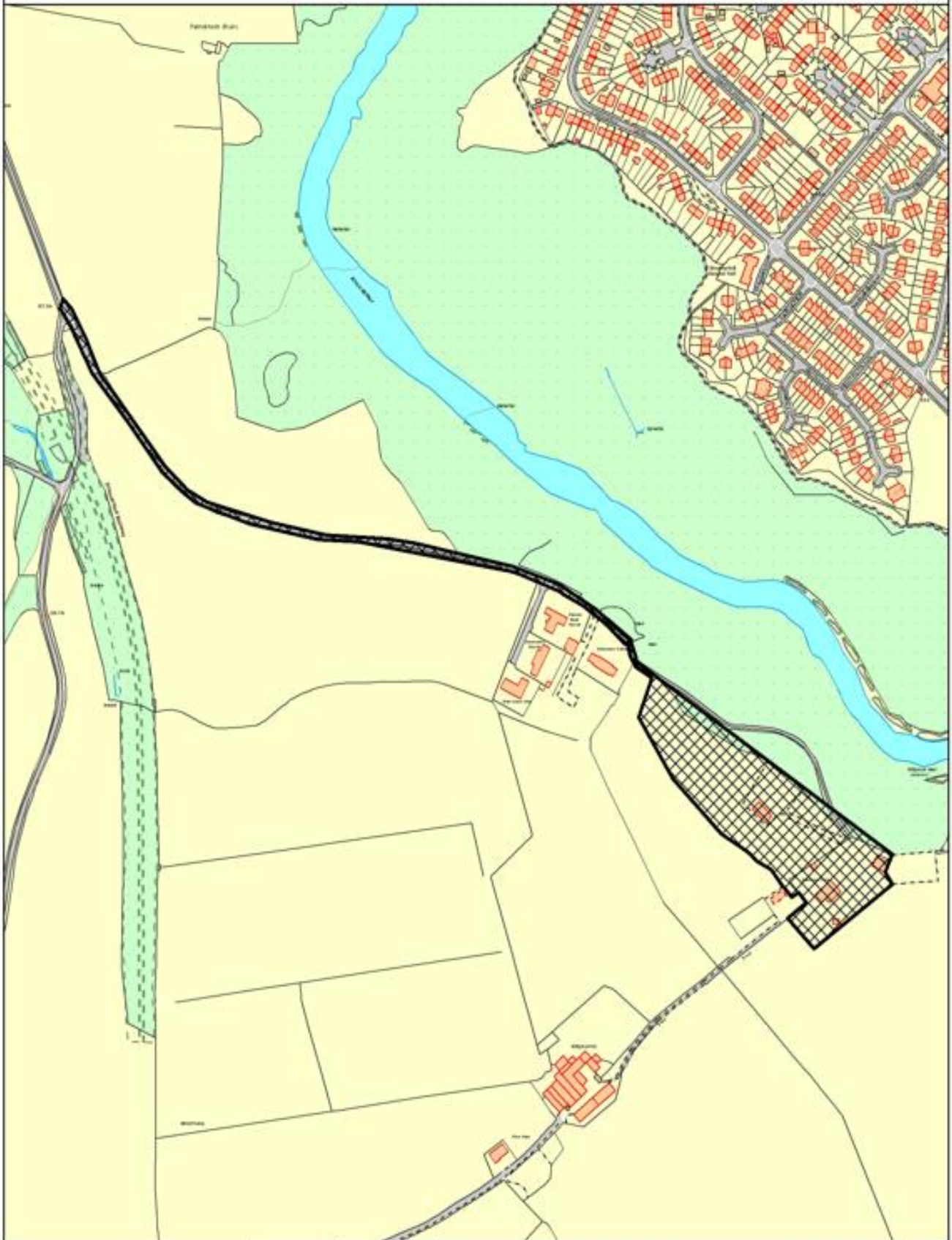
David Russell, Team Leader, Floor 6, Council Offices, Almada Street, Hamilton,
ML3 0AA

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 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.
03. 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.
04. 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.
05. The proposal would be contrary to Policy 5 Development Management and Placemaking of the South Lanarkshire Local Development Plan 2 as there is no appropriate access for the development and there is insufficient information to assess the risks to new development from unstable land resulting from past mining activities.
06. The proposal would be contrary to Policy 4 of National Planning Framework 4 and Policies 14, NHE7 and NHE8 of the South Lanarkshire Local Development Plan 2 as there is insufficient information to consider the impact on the adjacent Special Area of Conservation and Site of Special Scientific Interest.
07. The proposal would be contrary to Policy 4 – Green Belt and the Rural Area of South Lanarkshire Local Development Plan 2 as the dwellings constitute sporadic development in the Green Belt and are not located within a settlement.
08. The proposal would be contrary to Policy 9 – Brownfield, vacant and derelict land and empty buildings of NPF4 as the proposal in part relates to greenfield land and is unallocated and not explicitly supported by policies in the South Lanarkshire Local Development Plan 2.



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Scale:
1:5,000
Date:
15/05/2023



South Lanarkshire Council
Community and Enterprise Resources
Planning and Regulatory Services