

Report

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

Application no.	P/22/1507
Planning proposal:	Erection of five dwellinghouses with associated works including treatment plant with soakaway area and new vehicular access for existing house

1 Summary application information

Application type:	Detailed planning application
Applicant:	MAC Consultant Services Ltd
Location:	Site of Former Fence Nursery Fence Terrace Tillietudlem Lanark

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: Crawford Architectural
- ◆ 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 14 - Design, quality and place
Policy 15 - Local Living and 20 minute neighbourhoods
Policy 17 - Rural 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 GBRA1 - Rural Design and Development

Policy GBRA5 - Redevelopment of Previously
Developed Land Containing Buildings

◆ Representation(s):

▶	12	Objection Letters
▶	1	Support Letter
▶	0	Comment Letters

◆ Consultation(s):

The Coal Authority Planning and Local Authority Liaison

Roads Development Management Team

Environmental Services

Scottish Water

Planning Application Report

1 Application Site

- 1.1 The application lies within the site of a former nursery, outwith the settlement boundary of Tillietudlem. To the south lies the row of houses which forms the settlement of Tillietudlem. The site is approximately 1.2 miles west of Crossford. The site is surrounded primarily by open land to the north and west, with some woodland to the east.

2 Proposal(s)

- 2.1 The applicant seeks detailed planning permission for the erection of five dwellinghouses with associated works including access, treatment plant with soakaway area and a new vehicular access for an existing house.

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 14 Design, quality and place

Policy 15 Local Living and 20 minute neighbourhoods

Policy 17 Rural 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 within the rural area on the edge of Tillietudlum in the adopted 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 GBRA1 Rural Design and Development

Policy GBRA5 Redevelopment of Previously Developed Land Containing Buildings

- 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 CL/04/0143) for the erection of a dwellinghouse was approved in 2004. Planning permission (Ref CL/08/0376) was subsequently approved for the formation of two house plots in 2008.

4 **Consultation(s)**

- 4.1 **Scottish Water** - There is sufficient capacity at the Daer 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. In this instance, a private sewage treatment plan is proposed since there is no public sewer in the vicinity to connect into.

- 4.2 **Coal Authority** – The site partly falls within a Development High Risk Area. Consequently a Coal Risk Assessment was requested.

Response: A Coal Risk Assessment (dated 24 February 2023) was submitted and recommends that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development, in order to establish the exact situation regarding coal mining legacy issues on the site. Accordingly, the Coal Authority recommends the imposition of appropriate planning conditions.

- 4.3 **Roads Development Management Team** – Advise that the application should be deferred until further information and drawings are submitted in relation to access, parking, drainage and sightlines.

Response: Noted.

- 4.4 **Environmental Services** – No objection to the proposal.

Response: Noted.

5 **Representation(s)**

- 5.1 Statutory neighbour notification procedures were undertaken and 13 representations were received (12 objections, 1 support, 0 comment). The issues raised are summarised below:-

- ◆ Flood risk
- ◆ Noise
- ◆ Location of sewage soakaway
- ◆ Supports the re-use of derelict land
- ◆ Increase in traffic
- ◆ Proposal is outwith settlement boundary
- ◆ Drainage issues
- ◆ Overlooking

- 5.2 These letters 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 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 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 Policy 14 – Design, Quality and Place of NPF4 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 formation of five housing plots in the rural area, contrary to policies designed to preserve that rural area from housing in inappropriate locations and promote compact urban growth, is not considered to be characteristic of a liveable place and, as such, is contrary to Policy 14 of NPF4.
- 6.4 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 application site is approximately 1.2m outside of the Crossford settlement boundary and, as such, it 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 rural area, 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.
- 6.5 NPF4 Policy 17 Rural homes aims to encourage, promote and facilitate the delivery of high quality, affordable homes in the right location. The policy advises that NPF4 does not support new housing in the accessible rural area unless: the site is allocated for housing in the Local Plan; involves conversion of existing buildings; supports a viable rural business; is for a retired farmer; or is for a one to one replacement of an existing house. In the case of this proposal, none of said criteria would apply and, therefore, it does not accord with Policy 17.
- 6.6 With regards to the adopted South Lanarkshire Local Development Plan 2 Policy 2 - Climate Change, it 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.

- 6.7 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. In consideration, the proposals would not undermine the objectives of Policy 2 of the South Lanarkshire Local Development Plan 2 (2021).
- 6.8 Policy 4 'Green Belt and Rural Area' of SLLDP2 specifies that within the Rural Area, the aim is to protect the amenity of the countryside while at the same time, supporting small scale development in the right places that is appropriate in land use terms and is of a high environmental quality that will support the needs of communities. It functions primarily for agriculture, forestry, recreation and other uses appropriate to the countryside. Development which does not need to be in the countryside will be expected to be accommodated within the settlements identified on the proposals map. Isolated and sporadic development will not be supported. The proposed dwellings do not need to be in the countryside and it is not sustainable to incrementally add additional housing to this rural location. As such, the proposal is considered to be contrary to Policy 4 of the South Lanarkshire Local Development Plan 2.
- 6.9 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.
- 6.10 The proposal is located out with the settlement boundary and therefore does not relate satisfactorily to adjacent and surrounding development and would introduce a suburban style of development to a small hamlet of thirteen houses. The proposal would also detrimentally impact on the character and amenity, traffic generation and potential overlooking in the surrounding area. In consideration, the proposal does not comply with Policies 5 and GBRA1 of the South Lanarkshire Local Development Plan 2 (2021).
- 6.11 Policy GBRA5 of SLLDP2 relates to 'Redevelopment of Previously Developed Land Containing Buildings'. This policy is relevant to proposals where there is no realistic prospect of the site being returned to agricultural land or woodland, or the buildings are being converted to form an alternative use appropriate to the countryside. In exceptional circumstances modern buildings may be acceptable.
- 6.12 The five proposed house plots are located to the north of the existing building group comprising the settlement of Tillietudlum. The proposal detrimentally impacts upon the cohesiveness of the settlement whilst pushing development towards the landscape character area to the north. The applicant has not submitted a design statement supporting the proposals, or the extension of the built development area. There is also no supporting statement concerning the location of the sewage soakaway, which has been raised as a concern by objectors, as it is located to the lower part of the site, close to existing houses. In consideration, the proposal for five houses is not appropriate at this location and is therefore considered to be contrary to Policy GBRA5 of the South Lanarkshire Local Development Plan 2.
- 6.13 In summary, the proposals are directly contrary to policies within National Planning Framework 4 (2023) and the South Lanarkshire Local Development Plan 2 (2021), particularly with regards to new homes in the rural area and the need to only encourage housing in sustainable locations. 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. 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 14, 15 and 17 of National Planning Framework 4 (adopted 2023) and Policies 4, 5, GBRA1 and GBRA5 of the South Lanarkshire Local Development Plan 2 (adopted 2021) and there are no material considerations which would support this application.

David Booth

Executive Director (Community and Enterprise Resources)

Date: 25 May 2023

Previous references

- ◆ CL/04/0143
- ◆ CL/08/0376 - Clydesdale Area Committee - 28 April 2009

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter dated 23 November 2022

- ▶ Consultations
 - Roads Development Management Team 15.12.2022
 - Environmental Services 01.12.2022
 - Scottish Water 24.11.2022
 - The Coal Authority Planning and Local Authority Liaison 08.03.2023

Contact for further information

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

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Detailed planning application

Paper apart – Application number: P/22/1507

Reasons for refusal

01. The proposal would be contrary to Policy 17 - Rural homes of National Planning Framework 4 as new homes in rural areas are not supported in unsuitable locations. The proposed location for the new dwellings 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 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 4 - Green Belt and the Rural Area, GBRA1 and Policy GBRA 5 of South Lanarkshire Local Development Plan 2 as the dwellings constitute sporadic development not located in a settlement and is not appropriate to the landscape setting, services or infrastructure. As such the proposal cannot be supported.

