

Report

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

Application no.	P/22/0737
Planning proposal:	Demolition of agricultural buildings and erection of 6 no. detached residential dwellinghouses, access, car parking, landscaping and associated infrastructure

1 Summary application information

Application type:	Detailed planning application
Applicant:	Rasul Family Trust
Location:	Millhouse Farm Shields Road East Kilbride G75 9DR

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: DTA
- ◆ Council Area/Ward: 06 East Kilbride South
- ◆ Policy Reference(s): **National Planning Framework 4 (adopted 2023)**
Policy 1 - Tackling the climate and nature crises
Policy 2 - Climate mitigation and adaptation
Policy 8 - Green belts
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 DM1 - New Development Design

◆ **Representation(s):**

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

◆ **Consultation(s):**

West of Scotland Archaeology Service

Roads Development Management Team

Environmental Services

Roads Flood Risk Management

SP Energy Networks

Scottish Water

Planning Application Report

1 Application Site

- 1.1 The application relates to a former farm steading on Shields Road, to the south of East Kilbride. The steading previously comprised the former farmhouse and several outbuildings which were noted to be in poor condition. However, the site has recently been cleared with all buildings, including the dwellinghouse, being demolished. The removal of the dwellinghouse was unauthorised as there was no live consent in place for its demolition. The site, which extends to approximately 0.4 hectares, is designated as Green Belt within the adopted South Lanarkshire Local Development Plan (2021).
- 1.2 The site, which is predominantly flat throughout, is bounded to the north, east and west adjoining farmland, to the north-east by a redundant farm building, to the south by Shields Road and to the south-west by Millhouse Cottage, a separate residential property. Vehicular and pedestrian access to the site is taken from the south, off Shields Road, although the site is not currently accessible as Heras fencing has been put in place following the recent demolition works.

2 Proposal(s)

- 2.1 Detailed planning permission is sought to remove the now demolished steading at Millhouse Farm and to erect six detached dwellings with associated works on the site. A new vehicular access to the site would be formed from Shields Road to serve the proposed development.

3 Development Plan

3.1 National Planning Policy Framework 4

- 3.1.1 In terms of NPF4, the following policies are relevant to the assessment of this proposal:-

- ◆ Policy 1 - Tackling the climate and nature crises
- ◆ Policy 2 - Climate mitigation and adaptation
- ◆ Policy 8 - Green belts
- ◆ Policy 14 - Design, quality and place
- ◆ Policy 15 - Local Living and 20-minute neighbourhoods
- ◆ Policy 16 - Quality homes

3.2 South Lanarkshire Local Development Plan 2

- 3.2.1 In terms of land use, the application site is identified within the South Lanarkshire Local Development Plan 2 (Adopted 2021) as being within the Green Belt. As such, the following policies are all relevant to the assessment of this proposal:-

- ◆ Policy 2 - Climate Change
- ◆ Policy 4 - Green Belt and Rural Area
- ◆ Policy 5 - Development Management and Placemaking
- ◆ Policy DM1 - New Development Design

3.3 Relevant Government Advice/Policy

- 3.3.1 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) (which was laid before the Scottish Parliament on 8 November 2022 and 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.

3.4 **Planning Background**

- 3.4.1 Since 2008, there have been four previous applications at this site for residential development. Application EK/11/0244 received planning consent for the erection of eight dwellinghouses in 2012 but never commenced on site and has since expired. All other applications were withdrawn or refused by the Council. The most recent application for this site was P/21/0944 which was withdrawn by the applicants with the current application being submitted for consideration in its place.

4 **Consultation(s)**

- 4.1 **Roads and Transportation Services (Development Management)** – Deferred their response, pending the submission of additional matters, including access and visibility at the site access, turning facilities within the site and information relating to flooding.
Response: Noted.

- 4.2 **Roads and Transportation Services (Flood Risk Management Team)** – Offered no objections subject to the attachment of conditions to any consent issued relating to the provision of a Flood Risk Assessment and the relevant self-certification appendices.
Response: Noted.

- 4.3 **Environmental Services** – Offered no objections subject to the attachment of a condition to any consent issued relating to waste management on site.
Response: Noted.

- 4.4 **West of Scotland Archaeology Service** – Offered no objections subject to the attachment of a condition to any consent issued requiring the implementation of a programme of archaeological works in advance of any redevelopment of the site.
Response: Noted.

- 4.5 **Scottish Water** – Offered no objection to the proposed development.
Response: Noted.

- 4.6 **SP Energy Networks** – Offered no objection to the proposed development.
Response: Noted.

5 **Representation(s)**

- 5.1 Statutory neighbour notification was undertaken, and the proposal was advertised in the local press as development contrary to the development plan and for neighbour notification purposes. No letters of representation were received in respect of this application.

6 **Assessment and Conclusions**

- 6.1 The proposed development requires to be considered against the relevant provisions of National Planning Framework 4 (adopted 2023) and against the South Lanarkshire Local Development Plan 2 (adopted 2021).
- 6.2 Policy 8 – Green belts of NPF4 specifies that proposals for development in designated green belt areas will only be acceptable if they fall into one of the categories listed below:-

- ◆ development associated with agriculture, woodland creation, forestry and existing woodland (including community woodlands)
- ◆ residential accommodation required and designed for a key worker in a primary industry within the immediate vicinity of their place of employment where the presence of a worker is essential to the operation of the enterprise, or retired workers where there is no suitable alternative accommodation available
- ◆ horticulture, including market gardening and directly connected retailing, as well as community growing
- ◆ outdoor recreation play and sport or leisure and tourism uses; and developments that provide opportunities for access to the open countryside (including routes for active travel and core paths)
- ◆ flood risk management (such as development of blue and green infrastructure within a “drainage catchment” to manage/mitigate flood risk and/or drainage issues)
- ◆ essential infrastructure or new cemetery provision
- ◆ minerals operations and renewable energy developments
- ◆ intensification of established uses, including extensions to an existing building where that is ancillary to the main use
- ◆ the reuse, rehabilitation and conversion of historic environment assets
- ◆ one-for-one replacements of existing permanent homes

6.3 Additionally, this policy also includes a further set of criteria that a proposal falling into one of the above categories must also comply with to be considered acceptable. However, as this proposal does not fall into any of the categories listed above, it does not comply with Policy 8 of NPF4.

6.4 Policy 1 – Tackling the climate and nature crises of NPF4 advises that significant weight will be given to the global and nature crises when considering all development proposals. Policy 2 – Climate mitigation and adaptation expands on this requiring all new developments to be sited and designed to minimise greenhouse gas emissions as far as possible, and to adapt to current and future risks for climate change. The Chief Planner letter from 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 this development, 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.

6.5 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 (Healthy, Pleasant, Connected, Distinctive, Sustainable, Adaptable). 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. In this case, the erection of a group of residential dwellings within the green belt, contrary to the policy designed to preserve the green belt, is not considered to be characteristic of a sustainable place. Given its location is removed from the main settlement of East Kilbride, the proposal is also not considered to be connected. As such, this proposal is contrary to Policy 14 of NPF4.

6.6 Policy 15 - Local Living and 20-minute neighbourhoods of NPF4 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 walking,

wheeling or cycling, or using sustainable transport options. In this case access to amenities would rely on travelling a further distance to the nearest local facilities which would not comply with the intention of this policy. As such, the proposal is also considered to be contrary to Policy 15 of NPF4.

6.7 Policy 16 - Quality homes of NPF4 seeks to encourage, promote and facilitate the delivery of high quality, affordable and sustainable 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; 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

In terms of Policy 16 of NPF4, the proposal does not comply with the criteria listed above, and therefore must also be deemed contrary to Policy 16.

6.8 Given the location of the application site in the Green Belt as designated by the South Lanarkshire Local Development Plan 2 (adopted 2021), Policy 4 – Green Belt and Rural Area of the adopted local development plan is applicable. This policy 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, generally, development which does not require to be located in the countryside will be expected to be accommodated within a settlement boundary. With regard to Policy 4, the proposed development would be isolated and sporadic and would therefore fail Policy 4. As such, the proposal requires no further assessment under the Green Belt and Rural Area policies.

6.9 Turning to general development management considerations, Policies 5 - Development Management and Placemaking and DM1 – New Development Design provide general development management policy and guidance that requires to be adhered to by all proposed developments. Policy 2 – Climate Change requires that developments are sustainably located and are appropriately designed and sited to meet the challenges of climate change. In this case it is noted that the Roads Service has raised a number of concerns in terms of the extent of information provided as part of the application submission, with regard to road safety issues including access, visibility splays and turning facilities. As insufficient information has been provided to allow these matters to be fully considered as part of the application assessment, the proposal is considered to fail to comply with Policies 5 and DM1 of the adopted local development plan.

6.10 In summary, taking all of the above into account, it is considered that the proposed development would constitute inappropriate development of a sensitive Green Belt site in respect of the provisions of National Planning Framework 4 and the South Lanarkshire Local Development Plan 2. Additionally, insufficient information has been

provided to demonstrate that the proposed development would be suitably and safely accessible as required by the South Lanarkshire Local Development Plan 2.

- 6.11 It is therefore concluded that the proposed development fails to adhere to the provisions of National Planning Framework 4, with specific regard to Policies 8, 14, 15 and 16. Additionally, the proposals also fail to comply with the South Lanarkshire Local Development Plan 2, with specific regard to Policies 4, 5 and DM1. In view of this it is recommended the application is refused planning permission.

7 Reasons for Decision

- 7.1 The proposal is contrary to Policies 8, 14, 15 and 16 of the National Planning Framework 4. In addition, the proposal cannot be assessed favourably against Policies 4, 5 and DM1 of the South Lanarkshire Local Development Plan 2 (adopted 2021).

David Booth

Executive Director (Community and Enterprise Resources)

Date: 18 May 2023

Previous references

- ◆ EK/08/0071
- ◆ EK/09/0122
- ◆ EK/11/0244
- ◆ P/21/0944

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 18 May 2022
- ▶ Consultations

West of Scotland Archaeology Service	08.06.2022
Roads Development Management Team	07.06.2022
Environmental Services	25.05.2022
Roads Flood Risk Management	07.06.2022
SP Energy Networks	23.05.2022
Scottish Water	01.06.2022

Contact for further information

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

Iain Morton, Team Leader, Floor 6, Council Offices, Almada Street, Hamilton, ML3 0AA

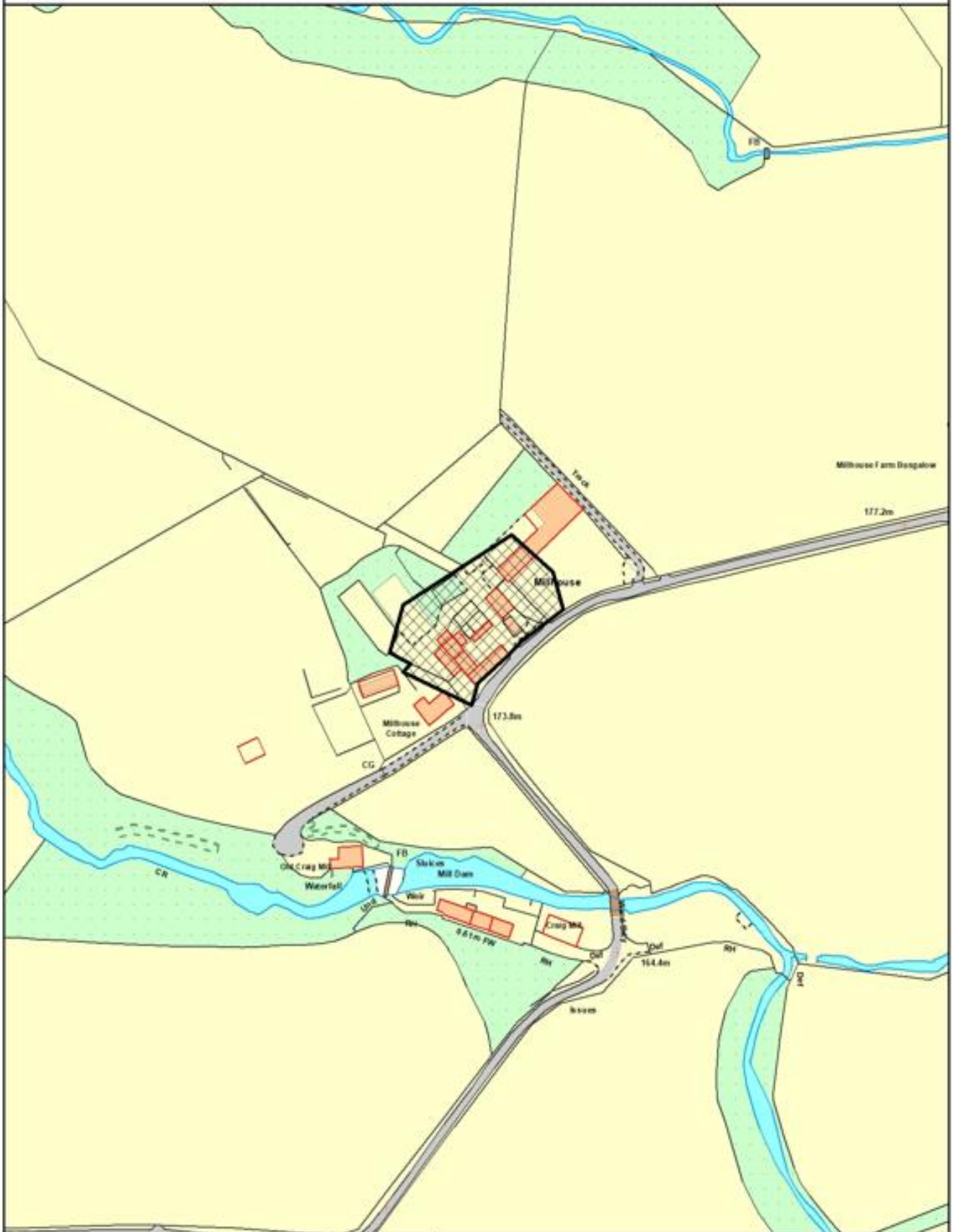
Phone: 07551 842 788

Email: iain.morton@southlanarkshire.gov.uk

Reasons for refusal

01. The proposal is contrary to Policy 8 (Green belts) of National Planning Framework 4 (NPF4) as it does not meet the criteria listed in the policy for green belt development and therefore fails to encourage, promote and facilitate compact urban growth and use the land around our towns and cities sustainably.
02. The proposal is contrary to Policy 14 (Design, Quality and Place) of National Planning Framework 4 (NPF4) as it is not consistent with the 6 qualities of successful places. Specifically, it fails to achieve the characteristics of a sustainable and connected place.
03. The proposal is contrary to Policy 15 (Local Living and 20-minute neighbourhoods) of National Planning Framework 4 (NPF4) as it fails to create a connected neighbourhood.
04. The proposal is contrary to Policy 16 (Quality homes) of National Planning Framework 4 (NPF4) 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 is contrary to Policy 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 otherwise justified and would therefore adversely affect the character of the Green Belt at this location.
06. The proposal is contrary to Policy 5 - Development Management and Placemaking of the South Lanarkshire Local Development Plan 2 as insufficient information has been provided to demonstrate that the proposals are acceptable in terms of road safety considerations.
07. The proposal is contrary to Policy DM1 – New Development Design of the South Lanarkshire Local Development Plan 2 as insufficient information has been provided to demonstrate that the proposals are acceptable in terms of road safety considerations.

P/22/0737 Land at Millhouse Farm, Sheilds Road, East Kilbride



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Scale:
1:2,500
Date:
12/05/2023



South Lanarkshire Council
Community and Enterprise Resources
Planning and Regulatory Services