

Report

Report to:	Planning Committee
Date of Meeting:	12 March 2024
Report by:	Executive Director (Community and Enterprise Resources)

Reference no:	P/21/1072
Proposal:	Residential development (erection of 23 houses, formation of access road and associated works) (Planning Permission in Principle)
Site Address:	Loaningdale School B7016 From Carnwath to Biggar Biggar ML12 6LX
Applicant:	Mr James Cameron
Agent:	APS
Ward:	03 Clydesdale East
Application Type:	Planning Permission in Principle
Advert Type:	Non-notification of neighbours: Lanark Gazette 30 June 2021
Development Plan Compliance:	No
Departures:	N/A
Recommendation:	Refuse
Legal Agreement:	N/A
Direction to Scottish Ministers	N/A

1. Reason for Report

- 1.1. The application is required to be determined by the Planning Committee under Clause 5.2 of the Decision-Making Process 2015. The Planning Committee deals with all housing proposals of between 11 to 50 units if in detail and sites of between one and two hectares in size if in principle.

2. Site Description

- 2.1. The application site extends to 1.49ha and is located at the northern edge of Biggar, comprising a rectangular grass paddock. The southern boundary is defined by a belt of Beech trees which runs along one side of the access road to Loaningdale School and on the northern boundary, is a single mature sycamore. Topographically the site slopes gently from the northeast to the southwest.
- 2.2. The site is bounded to the east by the mature woodlands of Loaningdale House, to the north by agricultural land, to the west by Carwood Road (B7016) and beyond by agricultural land and to the south by the Story Homes residential development which is nearing completion.

3. Description of Proposed Development

- 3.1. The applicant seeks planning permission in principle for 23 dwellings. The indicative layout shows access taken from Carwood Road and 23 plots of varying size positioned around an internal access comprising a principal road and two subsidiary cul-de-sacs. A SUDS pond to deal with surface water drainage is proposed for the southeast corner. Tree and hedgerow planting would be established along the northern boundary along with the retention of the existing tree and the maintenance of a buffer zone to protect neighbouring mature woodland and trees.

4. Relevant Planning History

- 4.1. None.

5. Supporting Information

- 5.1. In support of the planning application, the applicant has submitted:-

- ◆ Supporting Statement
- ◆ Arboricultural Appraisal

6. Consultations

- 6.1. Estates Services – No objection.
Response: Noted.
- 6.2. Roads and Transportation Services – Objection. The proposed vehicle access is unsatisfactory as the required visibility splay, which traverses land out with the red line boundary and applicant's control, cannot be achieved. Whilst the applicant has been advised of this issue, an acceptable solution has not been forthcoming.
Response: Noted.
- 6.3. Scottish Water – No objection.
Response: Noted.
- 6.4. Education Resources – No objection with the proposal although developer contributions of £1,143 per dwelling (totalling £26,289) for nursery provision would be sought.
Response: If planning permission was to be granted then this matter would be dealt with through an appropriate legal agreement.

- 6.5. Biggar Community Council – They neither support nor object to the proposal. However, some of the concerns they wish to highlight relate to infrastructure constraints; road safety; already sufficient housing in Biggar; loss of Greenbelt; impact upon wildlife; insufficient parking and contrary to Local Plan policies. Comments in support of the proposal included: need for more houses; it would benefit local economy and; the site is suitable for development.
Response: Noted.
- 6.6. Countryside and Greenspace – No objection.
Response: Noted.
- 6.7. West of Scotland Archaeology Service – No objection subject to a condition requiring a programme of archaeological investigations.
Response: Noted.
- 6.8. Roads Flood Risk Management – No objection subject to conditions requiring SUDS and a Flood Risk Assessment.
Response: Noted.
- 6.9. Biggar and District Civic Society - In principle, they are supportive of housing at this location.
Response: Noted.

7. Representations

- 7.1. Following the statutory period of neighbour notification and advertisement for non-notification of neighbours one letter of objection was received. The issues raised are summarised as follows:-

Amenity

- ◆ The character of the surrounding countryside would be ruined due to the additional traffic that the development would generate.

Other Matters Raised

- ◆ Local infrastructure cannot support more housing.

- 7.2. The above issues are considered in the assessment below. This representation is available for inspection on the planning portal.

8. Development Plan

- 8.1. 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.

8.2. National Planning Framework 4

National Planning Framework 4 (NPF4) is Scotland's national spatial strategy for Scotland. It sets out spatial principles, regional priorities, national developments and national planning policy. NPF4 supports the planning and delivery of sustainable places, liveable places and productive places.

National Planning Framework 4 Policies

- ◆ Policy 1 - Tackling the Climate and Nature Crises
- ◆ Policy 2 - Climate Mitigation and Adaptation
- ◆ Policy 3 – Biodiversity
- ◆ Policy 14 - Design, quality and place
- ◆ Policy 15 - Local Living and 20 minute neighbourhoods
- ◆ Policy 16 - Quality Homes

8.3. South Lanarkshire Local Development Plan 2 (2021)

For the purposes of determining planning applications the Council will assess proposals against the policies contained within the adopted South Lanarkshire Local Development Plan 2 (SLLDP2). In this regard the application site and associated proposals are affected by the following policies contained in the SLLDP2:-

SLLDP2 Volume 1 Policies

- ◆ Policy 2 - Climate Change
- ◆ Policy 3 - General Urban Areas and Settlements
- ◆ Policy 5 - Development Management and Placemaking
- ◆ Policy 7 - Community Infrastructure Assessment
- ◆ Policy 13 - Green Network and Greenspace

SLLDP2 Volume 2 Policies

- ◆ Policy DM1 - New Development Design

South Lanarkshire Council (SLC) Supporting Planning Guidance

The Community Infrastructure Assessment Supplementary Guidance (2022)

9. **Guidance**

9.1. None applicable.

10. **Assessment and Discussion**

10.1. Principle of Development

In the adopted SLLDP2 proposal's map the site is included within the settlement boundary of Biggar where Policy 3 – General Urban Areas and Settlements advises that residential developments on appropriate sites will generally be acceptable. The site is not allocated for housing in the Development Plan and is identified (along with the adjacent Loaningdale House), as a Green Network site.

10.2. 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. This includes where a proposal is supported by an agreed timescale for completion, complies with the spatial strategy or the proposal is for a smaller scale opportunity within an existing settlement.

10.3. The proposed housing development is for 23 houses on an unallocated site within the settlement of Biggar. Although the definition of small scale in the context of NPF4 remains to be defined, proportionally to the size of Biggar, this application represents a relatively significant number of new homes and it exceeds the number where South Lanarkshire's Decision Making Process requires that it be reported to the Planning Committee. It is therefore considered that the 23 homes proposed in this location constitutes a small-scale opportunity within the existing settlement boundary. As such, the proposal is contrary to Policy 16 – Quality Homes of NPF4.

10.4. The proposal satisfactorily complies with aims of Policies 3 – General Urban Areas and Settlements of the adopted local development plan. However, Policy 13 – Green Network and Greenspace advises that development proposals should safeguard the Green Network and therefore the proposal is contrary to Policy 13 of SLLDP2.

10.5. Junction Visibility

The Council's Roads Service has raised concerns that part of the visibility splay to the north, crosses land out with the applicant's control. The landowner of the neighbouring land has confirmed that they do not wish any legal burden on the land. Other options

including re-engineering the public road to remove a blind summit, extending the 30mph speed restriction, introducing count down markers, signs, and gateway features have all been put forward by the applicant. After due consideration of these options, Roads have discounted them as being inappropriate solutions in this instance. It is the layout as currently submitted which is being assessed and that is deemed to be unacceptable due to the visibility issues highlighted above. Negotiations between Roads and the applicant have continued for over two years without resolution and the Roads Service objects to the proposal. The proposal is therefore contrary to Policy 5 Development Management and Placemaking of SLLDP2.

10.6. Climate Change

NPF4 Policy 1, NPF4 Policy 2 and SLLDP2 Policy 2 aim to ensure that proposals for new development must, where possible, seek to minimise and mitigate against the effects of climate change.

10.7. The principle of developing a Green Network site for housing raises issues in terms of the intent of Policy 1 of NPF4 and Policy 2 of SLLDP2. Whilst the loss of green network land to development is generally resisted, there are possible exceptions if the applicant can demonstrate that the proposal would in fact strengthen such networks. As this is an application for planning permission in principle, such information has not been submitted at this time and the loss of Green Network land is contrary to Policy 2 of SLLDP2.

10.8. In terms of NPF4 Policy 2, were planning permission in principle granted, conditions requiring the submission and approval of details for low carbon technology and the installation of electric vehicle charging points could all be addressed at the Application for Matters Specified in Condition stage.

10.9. Layout, Siting and Design

This proposal is for planning permission in principle rather than approving detailed layouts. However, NPF4 Policy 14 Design, Quality and Place and SLLDP2 Policy 5 Development Management and Placemaking and Policy DM1 New Development Design, seek to ensure well designed development that makes for successful places and considers the impact on residential amenity.

10.10. The indicative layout shows a low density housing proposal with adequate amenity space and tree and hedge planting along selected boundaries. There would be suitable space at each dwelling for access, parking, bin storage and garden ground. Given the location of the site within Biggar, there is good quality recreation facilities in the surrounding area. There are also opportunities for informal play within the site. There will be internal footpath linkages which connect into safe pedestrian routes into Biggar. The proximity to bus routes to Lanark and surrounding villages will ensure that an alternative form of transport is available rather than solely relying on car journeys. In considering the screening effects of existing trees and the distance to the nearest dwellings, it is concluded that there would be no adverse impact upon residential amenity. There are no infrastructure constraints. Drainage and sewerage disposal would be dealt with by SUDS and connection into the public sewerage network. Adequate parking, turning areas and internal access can be provided, however, the main access point onto the public road remains unacceptable in road safety terms due to the inability to achieve the required visibility splays.

10.11. NPF4 Policy 15 Local Living and 20 minute neighbourhoods states: 'Development proposals will contribute to local living including, where relevant, 20 minute neighbourhoods. To establish this, consideration will be given to existing settlement pattern, and the level and quality of interconnectivity of the proposed development with

the surrounding area, including local access to sustainable access (including local public transport and safe, high quality walking, wheeling and cycling networks), employment, shopping, health and social care facilities, schools and play areas.'

10.12. The site lies at the northern periphery of Biggar, within 1.2km of the town centre where there is a wide range of community facilities. Biggar High School and Biggar Primary School are a similar distance from the site. These facilities can be accessed via safe walking routes and for the person of average fitness are within 20 minutes walking distance. In view of the circumstances described, the proposal accords with the aims and intent of Policy 15 of National Planning Framework 4.

10.13. Community Infrastructure Assessment

SLLDP2 Policy 7 Community Infrastructure Assessment states where development proposals would require capital or other works or facilities to enable to proceed, financial contributions towards their implementation will be required. Contributions will be sought in relation to affordable housing; roads and transportation; education provision; recreation; and council-owned community facilities where respective providers assess that the additional demands placed on the services necessitate financial contributions. These contributions must be proportionate, reasonable and be necessary to make the proposed development acceptable in planning terms. Where contributions are required, these should be secured through a planning condition or legal agreement before permission is issued. The Community Infrastructure Assessment Supplementary Guidance (2022) covers developer contributions and how required contributions are to be assessed in respect of Education, Housing, Community Facilities and Roads infrastructure. Under the terms of this guidance, developer contributions can be sought for developments comprising 5 or more dwellings other than for affordable housing. Where on site provision or contributions for offsite provision in relation to affordable housing apply, proposals for 20 or more dwellings require to provide affordable housing at the rate of 25% of total units or equivalent contribution.

10.14. Roads have not requested a contribution. Community Facilities have requested a contribution of £34,500 towards improvements to play areas, the public park and local pedestrian routes. Education Resources require a total of £26,289 as a contribution towards local nursery provision.

10.15. Natural and Historic Environment

NPF4 Policy 3 Biodiversity under part (c) details that all local developments shall include appropriate measures to conserve, restore and enhance biodiversity. The Development with Nature Guidance is pertinent in this case. The guidance encourages a mitigation hierarchy to be applied – avoid, minimise, restore, and offset to achieve a net positive biodiversity impact.

10.16. Policy 13 - Green Network and Greenspace states development proposals should safeguard the green network, as identified on the proposals map, and identify opportunities for enhancement and/or extension which contributes towards supporting biodiversity, quality of life, and leisure activity.

10.17. All neighbouring and existing trees along the site boundaries will be unaffected other than selected removals, to enhance structure and longevity to the line of beech trees, along the southern boundary, (an outgrown beech hedge), as recommended by the supporting Arboricultural Appraisal. No other information on measures to preserve or enhance biodiversity as part of the proposal have been submitted by the applicant. Therefore, the proposal fails to accord with either NPF4 Policy 3 or SLLDP2 Policy 13.

10.18. Conclusion

The site falls within the settlement boundary of Biggar, however, it is not an allocated housing site, nor a small-scale opportunity that could be supported on unallocated land. Instead, the site is designated as part of the Green Network and the principle of redeveloping such sites into housing is generally discouraged by the Development Plan. In addition to the above land use planning principles that do not support the proposal, the applicant has been unable to demonstrate that a safe vehicle access can be formed to facilitate any redevelopment of the site. As such, the recommendation is that Planning Permission in Principle is refused.

11. **Recommendation and Reasons**

11.1. The Committee is asked to agree the following recommendation:-

Refuse planning permission in principle for the following reasons:-

01. The proposal is contrary to Policy 16 Quality Homes of National Planning Framework 4 as the proposal is for new homes on land not specifically identified for housing in the LDP.
02. The proposal is contrary to Policy 13 Green Network and Greenspace of South Lanarkshire Local Development Plan 2 as the proposal fails to safeguard the Green Network.
03. The proposal is contrary to Policy 3 Biodiversity of National Planning Framework 4 as it fails to demonstrate that the proposals will contribute to the enhancement of biodiversity, including the strengthening of nature networks.
04. The proposal is contrary to Policy 1 Tackling the Climate and Nature Crises of National Planning Framework 4 and Policy 2 Climate Change of South Lanarkshire Local Development Plan 2 as the proposed use of designated Green Network land for housing is considered to impact negatively upon the Green Network and does not promote nature recovery and restoration.
05. The proposal is contrary to Policy 5 Development Management and Placemaking of South Lanarkshire Local Development Plan 2 as the proposed development fails to provide a suitable vehicle access junction on to Carwood Road (B7016) that achieves the required road safety specifications.

David Booth

Executive Director (Community and Enterprise Resources)

Date: 1 March 2024

Background Papers

[P/21/1072 | Residential development \(erection of 23 houses, formation of access road and associated works\)\(Planning Permission in Principle\) | Loaningdale School B7016 From Carnwath To Biggar ML12 6LX](#)

Corporate Considerations

The report raises no impacts or risks in terms of equalities or financial implications. Any implications in terms of climate change, sustainability or the environment will have been considered above in terms of the relevant national and local policies.

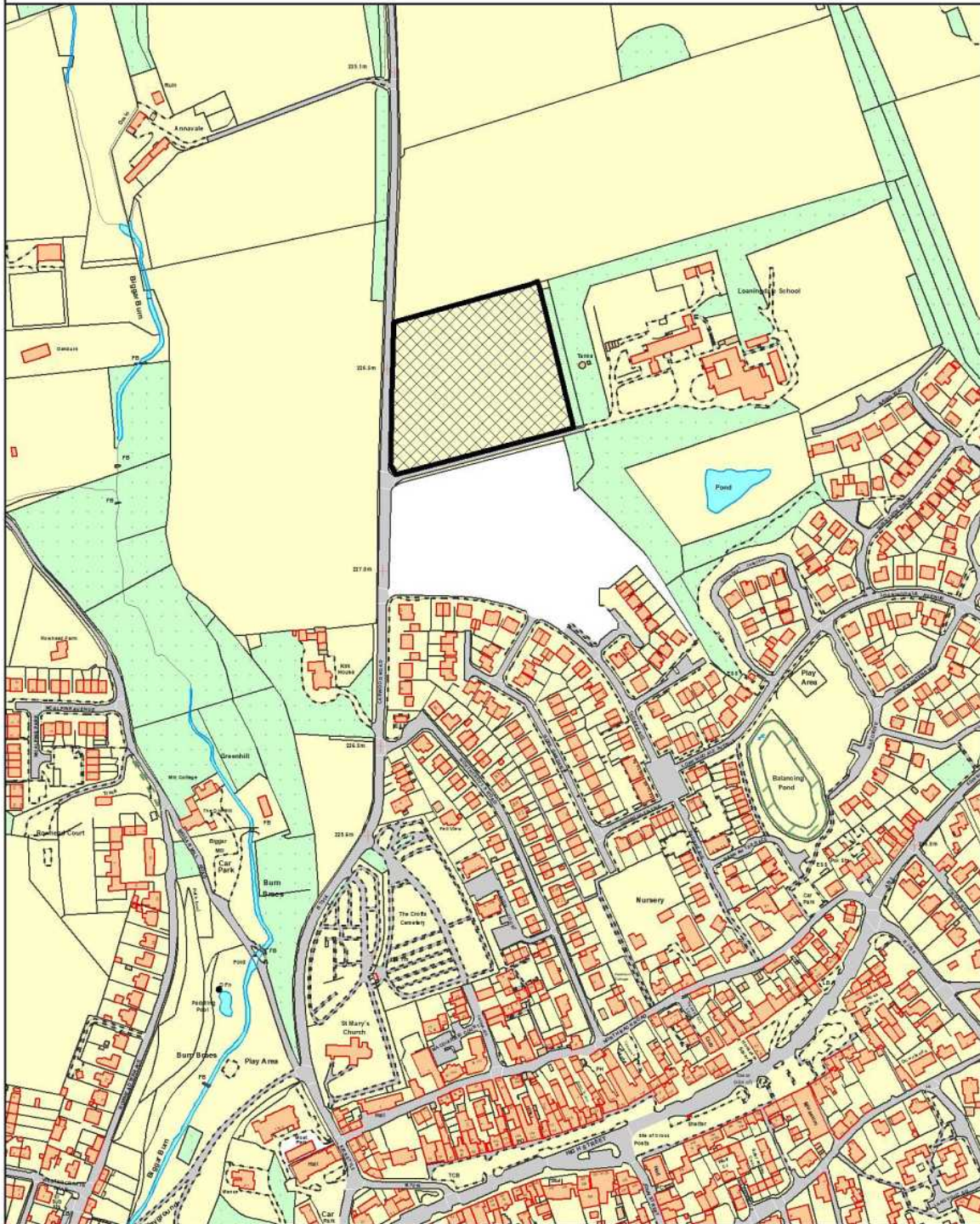
Contact for Further Information

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

Tel: 01698 454867

E-mail: planning@southlanarkshire.gov.uk

**P/21/1072, Loaningdale School, B7016 From Carnwath, Biggar
Residential development of 23 houses**



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Scale:
1:4,000
Date:
13/02/2024



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