

Report

Report to:	Planning Committee
Date of Meeting:	19 November 2019
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/19/0727
Planning proposal:	Residential development with associated engineering works, landscaping and open space (planning permission in principle)

1 Summary application information

Application type:	Permission in principle
Applicant:	Gladman Developments Ltd.
Location:	Land 250M Southwest Of The Beeches Boghall Road Biggar South Lanarkshire

2 Recommendation(s)

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

- (1) Refuse planning permission in principle 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:
- ♦ Council Area/Ward: 03 Clydesdale East
- ♦ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
 - Policy 1: Spatial Strategy
 - Policy 3: Green belt and rural areas
 - Policy 4: Development management and placemaking
 - Policy 5: Community infrastructure assessment
 - Policy 12 Housing Land
 - Policy 13: Affordable housing and housing choice
 - Policy 15: Natural and historic environment
 - Policy 16: Travel and Transport
 - Policy 17: Water environment and flooding

Supplementary Guidance 1: Sustainable Development and Climate Change

SDCC2 – Flood Risk
SDCC3 – Sustainable Drainage Systems

Supplementary Guidance 3: Development management, Placemaking and Design

DM1 - Design

Supplementary Guidance 9: Natural and Historic Environment

NHE10 - Prime Agricultural Land

Proposed South Lanarkshire Local Development Plan 2 (2018)

Policy 1 Spatial Strategy
Policy 2 Climate Change
Policy 5 Development Management and Placemaking
Policy 7 Community Infrastructure Assessment
Policy 11 Housing
Policy 12 Affordable Housing
Policy 14 Natural and Historic Environment
Policy 15 Travel and Transport
Policy 16 Water Environment and Flooding

◆ **Representation(s):**

▶	34	Objection Letters
▶	1	Support Letters
▶	0	Comment Letters

◆ **Consultation(s):**

Roads Flood Risk Management

SEPA West Region

SP Energy Network

Countryside and Greenspace

Housing Services

Biggar Civic Society

Environmental Services

Scottish Water

Roads Development Management Team

CER Play Provision Community Contris

Education Resources School Modernisation Team

Biggar Community Council

WOSAS

Transport Scotland

Planning Application Report

1 Application Site

- 1.1 The application site is an area of approximately 11.1 hectares of agricultural land, located on the south west of the settlement of Biggar. The south of the site is bound by further agricultural land with established housing on the north and west sides of the site. The eastern boundary is formed by Boghall Road, the opposite side of which is a mixture of housing and agricultural land, forming the eastern boundary of the site. The site is also located within the Upper Clyde Valley and Tinto Special Landscape Area (SLA).
- 1.2 The application site is land classed as Prime Agricultural Land (PAL). The topography of the site is generally flat and low lying and, given its agricultural use, the aspect of the site is open.

2 Proposal(s)

- 2.1 The application is for Planning Permission in Principle for a residential development and associated infrastructure. Whilst in principle, the indicative proposals show a site layout accommodating 100 dwellinghouses. Access is proposed to be taken directly off Boghall Road. The access point would be located on a currently rural part of Boghall Road which is currently outwith the 30mph zone. The indicative plan shows the location of a second access into the site, again off Boghall Road, should two access points be required.
- 2.2 The application is supported by a suite of technical documents to inform consideration of the proposals. These include a Design and Access Statement, Ecological Surveys and Assessments, Socio and Economic Appraisal, Noise Assessment, Geo-technical Surveys, Transport Assessment and a Landscape and Visual Assessment.

3 Background

3.1 National Policy

- 3.1.1 National Planning Framework 3 (NPF3) June 2014 identifies 4 primary outcomes for the long-term spatial development of Scotland:
 - A successful sustainable place
 - A low carbon place
 - A natural resilient place
 - A connected place
- 3.1.2 Scottish Planning Policy (SPP) June 2014 advises that the planning system is about where development should happen, where it should not and how it would interact with its surroundings. Proposals should, inter alia, take a positive approach to sustainable and high-quality development and make efficient use of land to deliver long-term benefits for the public whilst protecting and enhancing natural and cultural resources and the wider environment. SPP also emphasises the importance of the plan-led approach to development, which is especially important in the provision of housing land. The planning system should, in all rural

areas, promote a pattern of development that is appropriate to the character of that particular area, encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality.

- 3.1.3 SPP further advises that developments for new residential units should be concentrated within existing settlements, particularly in areas where there is continuing pressure for growth, and through the use of innovative approaches to rural housing. SPP also advises that development should preferably be through the reuse of redundant or vacant buildings or through the reuse of brownfield sites. Further, SPP advises the planning system should enable the development of attractive, well designed, energy efficient, good quality housing that contributes to the creation of successful and sustainable places and allocate a generous supply of land to meet identified housing requirements across all tenures.

3.2 Development Plan Status

- 3.2.1 Under the terms of 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. In this case, the development plan comprises the approved Glasgow and the Clyde Valley Strategic Development Plan 2017 (GVCSDP), the adopted South Lanarkshire Local Development Plan 2015 (SLLDP) and associated Supplementary Guidance.

- 3.2.2 The proposed development requires to be considered against the Glasgow and Clyde Valley Strategic Development Plan 2017 (GCVSDP). This strategic plan sets a vision of making the Clydeplan region a resilient, sustainable, compact city region attracting and retaining investment and improving the quality of life for people and reducing inequalities through the creation of a place which maximises its economic, social and environmental assets and fulfils its potential by 2036. The GCVSDP acknowledges the role housing plays in the overall economic, social and environmental success of the city region and recognises that house building delivers wider benefits to society through employment creation and benefits to local community facilities.

- 3.2.3 The South Lanarkshire Local Development Plan (SLLDP) was adopted in 29 June 2015 and contains the following policies against which the proposal should be assessed:

- Policy 1: Spatial Strategy
- Policy 3: Green belt and rural areas
- Policy 4: Development management and placemaking
- Policy 5: Community infrastructure assessment
- Policy 12 Housing Land
- Policy 13: Affordable housing and housing choice
- Policy 15: Natural and historic environment
- Policy 16: Travel and Transport
- Policy 17: Water environment and flooding

- 3.2.4 The following approved Supplementary Guidance documents support the policies in the SLLDP and also require assessment:

- Supplementary Guidance 2: Green Belt and Rural Area

- Supplementary Guidance 3: Development Management, Placemaking and Design
- Supplementary Guidance 9: Natural and Historic Environment

3.2.5 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications, the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance, the following policies are relevant:

Volume 1

- Policy 1 Spatial Strategy
- Policy 4 Green Belt and Rural Area
- Policy 5 Development Management and Placemaking
- Policy 7 Community Infrastructure Assessment
- Policy 11 Housing
- Policy 12 Affordable Housing
- Policy 14 Natural and Historic Environment
- Policy 15 Travel and Transport
- Policy 16 Water Environment and Flooding

Volume 2

3.3 Planning Background

- 3.3.1 In terms of planning applications, there is no relevant planning history for the site. However, following consultation on the proposed LDP2 in the summer of 2018, a representation was submitted by the current applicant to designate the site for housing and include it within the settlement boundary of Biggar. This representation stated that there is a housing land shortfall within South Lanarkshire and specifically within the Clydesdale Area. Following consideration of all representations for sites, it was concluded that there is an adequate provision of housing land within South Lanarkshire and more specifically within the Clydesdale Area. The representation for the site to be designated for housing was, therefore, not supported for inclusion within LDP2.
- 3.3.2 Following Committee approval of the proposed LDP2 in March 2019 the plan has been submitted to the Planning and Environmental Appeals Division of the Scottish Government (DPEA) for examination. Whilst not included within the LDP2, all representations regarding sites (including this one) form part of the examination by the DPEA. The examination process is not expected to be completed until early 2020.
- 3.3.3 The proposals involve a major development as the site area is over 2 hectares in size and therefore the applicant was required to carry out statutory pre-application consultation (Planning Ref: P/19/0001/PAN). A Pre-Application Consultation Report has been submitted as part of this application.

- 3.3.4 Due to the scale and nature of the application, an EIA screening was carried out prior to the application being submitted (Planning Ref: P/18/1218). It was assessed that the proposals did not constitute an EIA development.

4 Consultation(s)

- 4.1 **SEPA** – originally objected to the proposals on the grounds of flood risk. Following the submission of updated Flood Risk Assessment information, they have removed their objection subject to any permission including the provisions of the updated Flood Risk Assessment and installation of sustainable surface water drainage.
Response: Noted and, if approved, conditions relating to flood risk and drainage would be attached to the consent.
- 4.2 **West of Scotland Archaeology Service (WOSAS)** – no objections to the proposals subject to a suitable archaeological condition.
Response: Noted and if approved conditions relating to flood risk and drainage would be attached to the consent
- 4.3 **Transportation Scotland** – do not advise against granting planning permission.
Response: Noted.
- 4.4 **Roads and Transportation Services (Development Management)** – no objections subject to conditions relating to details of proposed access, parking and visibility splays.
Response: Noted and, if approved, conditions relating to these matters would be attached to the consent
- 4.5 **Roads and Transportation (Flood Management)** – no objections to the proposals subject to the submission of drainage details.
Response: Noted and, if approved, conditions relating to flood risk and drainage would be attached to the consent.
- 4.6 **Countryside and Greenspace** – note that the site is primarily agricultural land on mineral soils and, therefore, has little biodiversity and habitat potential. Agree with the findings of the phase 1 habitat surveys. If planning permission were to be granted, a condition requiring habitat creation within the site should be attached.
Response: Noted. If permission were to be granted a condition regarding habitat creation would be added to the consent.
- 4.7 **CER Play Provision** – a financial contribution towards community projects in the area should be sought if consent is granted.
Response: If consent is granted, the Council would seek to conclude a legal agreement to ensure suitable contributions are made.
- 4.8 **Housing Services** – no objections to the proposals subject to the onsite provision of 25% of the units being affordable housing.
Response: If consent is granted, the Council would seek to conclude a legal agreement to ensure the onsite provision of 25% of the units being affordable housing.

- 4.9 **Education Services** – No objections subject to a financial contribution to address the impact of the development on the capacity of schools and nursery provision in the catchment area of the site.
Response: If consent is granted the Council would seek to conclude a legal agreement to ensure these contributions are made to upgrade education facilities within the local area.
- 4.10 **Scottish Water**– no objection
Response: Noted.
- 4.11 **Biggar Community Council**– carried out a public consultation exercise and survey in relation to the application. Following the results of the survey, which had a majority in opposition to the proposals, object with the primary concerns being infrastructure capacity, Highway issues (including traffic volumes and road safety) and the increased risk of flooding.
Response: The impact of the development on education facilities would be addressed by a financial contribution to increase facilities in the catchment area. With regard to the impact on health provision, it is considered that an additional 100 residential units would not be considered to be of a scale that would impact medical provision in the area. Transport Scotland and Roads and Transportation Services have no road safety concerns, subject to conditions. The concerns regarding flooding are not supported by SEPA.
- 4.12 **Biggar & District Civic Society** – object to the proposals on the following grounds:-
 - Not allocated within the LDP, no shortfall in housing land supply or need for development.
 - Impact on water supply and on existing sewage treatment capacity.
 - Flooding/ Drainage.
 - Road Safety, access visibility.
 - Impact on education infrastructure and on Health provision.**Response:** The concerns regarding the LDP and housing land requirement are addressed within section 6 below. Concerns regarding the impact on services, road safety and flood risk are addressed in 4.11 above.
- 4.13 The following consultees had no comments to make in relation to the proposed development:

SP Energy Networks
Environmental Services

5 Representation(s)

- 5.1 Statutory Neighbour notification was carried out by the Council on 22 May 2019. The proposal was publicised as an application requiring advertisement due to the non-notification of neighbours and development which is contrary to the development plan in the Lanark Gazette on 29 May 2019. Following this publicity, 34 letters of objection have been received (including 5 representations from one party). The points raised are summarised as follows:-

a) The site is not zoned for housing within the LDP

Response: This concern is further assessed in section 6 of the report.

b) The proposals involve the loss of Prime Agricultural Land

Response: This concern is further assessed in section 6 of the report.

c) Impact on infrastructure including roads, schools and medical facilities

Response: Concerns regarding the impact on services, road safety and flood risk are addressed in 4.11 above. Scottish Water are content that there is capacity for public water supply and sewerage.

d) Impact on protected species and wildlife

Response: The site is an existing agricultural field and protected species surveys and a phase 1 habitat survey have been carried out. Assessment of the ecological impact is set out in para 6.16 below.

e) Drainage and flooding

Response: SEPA are content with the findings of the FRA and drainage proposals and do not consider the application would exacerbate flooding in the area.

f) Impact on the Conservation Area

Response: It is considered that the proposals are on the edge of Biggar with existing built development shielding the site from having any impact upon the Conservation Area.

g) Road Safety, increase in traffic, unsafe access

Response: Neither Transport Scotland nor Roads and Transportation (Development Management) have concerns regarding the impact of the proposals on existing road network. Both are content that the proposals would not be to the detriment of road safety to the area and that, subject to visibility conditions, the access point proposed would be suitable.

h) Lack of public transport

Response: If consent were granted, conditions could be added to ensure walking routes to the town centre are provided. The lack of frequency of public transport is outwith the control of the applicant.

i) Loss of privacy and overlooking

Response: The application is at planning permission in principle stage only and, therefore, if approved, details of window to window distances and other development management criteria would be required to be further assessed through further application(s). It is noted that the indicative masterplan sets the proposed houses back from Boghall Avenue which would minimise impacts of privacy.

j) Light pollution

Response: The application is at planning permission in principle stage only and, therefore, if approved, details of any lighting and other development management criteria would be required to be further assessed through further application(s).

k) Noise pollution

Response: Residential housing is not considered to be a use that leads to noise pollution.

l) Air pollution

Response: The application site is not within any Air Quality Management Area. In addition Environmental Services have not raised objection to the application.

m) Landscape Impact

Response: This is assessed in para 6.11 in section 6 of the report

n) Increase in anti-social behaviour and security issues

Response: This is not a material planning consideration.

o) New houses may lead to a supermarket locating to Biggar

Response: This issue is not relevant to the assessment of a planning application of this scale or nature.

p) Aircraft carry out low flying training within the valley and 2 storey houses may be at risk

Response: Other housing in the vicinity of the site comprises two storey buildings.

q) Impact extra users/ residents would have on mobile phone coverage

Response: This is not a material planning consideration.

5.2 One letter of support has been submitted stating that the proposals are positive because they involve building new, affordable houses in the area.

5.3 These representations have been copied and made available for inspection in the usual manner and on the Planning Portal.

6 Assessment and Conclusions

6.1 Under the terms of 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. In this case, the development plan comprises the approved Glasgow and the Clyde Valley Strategic Development Plan 2017 (GVCSDP), the adopted South Lanarkshire Local Development Plan 2015 (SLLDP) and associated Supplementary Guidance. Other material considerations include the impact on road safety, ecology, infrastructure and landscape.

6.2 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore, the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan 1. For the purposes of this report, SLLDP2 Policies are only referenced where they differ from the aims of SLLDP.

- 6.3 In terms of national planning policy, National Planning Framework 3 (NPF3) June 2014 identifies 4 primary outcomes for the long-term spatial development of Scotland:
- A successful sustainable place
 - A low carbon place
 - A natural resilient place
 - A connected place
- 6.4 Scottish Planning Policy (SPP) June 2014 builds on the primary outcomes set out within NPF3 and advises that the planning system is about where development should happen, where it should not and how it would interact with its surroundings. Proposals should, inter alia, take a positive approach to sustainable and high-quality development and make efficient use of land to deliver long-term benefits for the public whilst protecting and enhancing natural and cultural resources and the wider environment. SPP also emphasises the importance of the plan-led approach to development, which is especially important in the provision of housing land. The planning system should, in all rural areas, promote a pattern of development that is appropriate to the character of that particular area, encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality.
- 6.5 SPP further advises that developments for new residential units should be concentrated within existing settlements, particularly in areas where there is continuing pressure for growth, and through the use of innovative approaches to rural housing. SPP also advises that development should preferably be through the reuse of redundant or vacant buildings or through the reuse of brownfield sites. Further, SPP advises, the planning system should enable the development of attractive, well designed, energy efficient, good quality housing that contributes to the creation of successful and sustainable places and allocate a generous supply of land to meet identified housing requirements across all tenures. SPP advises that the delivery of housing land should be identified through up to date Development Plans maintaining at least a 5 year supply of effective housing land at all times.
- 6.6 The proposed development requires to be considered against the Glasgow and Clyde Valley Strategic Development Plan 2017 (GCVSDP). This strategic plan sets a vision of making the Clydeplan region a resilient, sustainable, compact city region attracting and retaining investment and improving the quality of life for people and reducing inequalities through the creation of a place which maximises its economic, social and environmental assets and fulfils its potential by 2036. The plan was approved in 2017 and is, therefore, considered to be up to date as per the requirements of SPP (para 6.5). The GCVSDP acknowledges the role housing plays in the overall economic, social and environmental success of the city region and recognises that house building delivers wider benefits to society through employment creation and benefits to local community facilities. Policy 8 of GCVSDP states that Local Authorities should, inter alia, make provision through Local Development Plans for the all tenure Housing Land Requirement set out in GCVSDP Schedule 8, the Private Housing Land Requirement by Housing Sub-Market Area set out in GCVSDP Schedule 9 and for the Private Housing Land Requirement by Local Authority set out in GCVSDP Schedule 10.

- 6.6 GCVSDP Schedule 7 sets out the all tenure housing supply targets for the Clydeplan Area by Local Authority Area. It also splits the housing supply targets into 2 time periods (2012 to 2024 and 2024 to 2029) as well as providing overall figures for 2012 to 2029. For South Lanarkshire a requirement of 18,640 housing units in the 2012 to 2024 period is established. In turn, this land supply is to be delivered through the identification of appropriate sites in the Local Development Plan. As part of the preparation of LDP2, an audit showed that 5,402 units had been completed between 2012 and 2018 which, therefore, reduced the GCVSDP requirement from 18,640 to 13,238 units within a revised time frame of 2018 to 2029.
- 6.7 Paragraph 66 of Scottish Planning Policy (SPP) advises a generous supply of land should be provided to meet identified housing needs and continued rolling 5 year effective land supply over the plan period. As part of the LDP2 process, a Housing Technical Report was prepared which set out the position regarding housing land in South Lanarkshire. This was based on the 2018 housing land audit which was relevant at the time of the preparation of the Technical Report. The figures within it are subject to change as new sites are brought forward and non-effective sites become effective. The effectiveness of sites is agreed annually with Homes for Scotland.
- 6.8 Overall 13,238 units require to be built in South Lanarkshire by 2029 to meet the strategic development requirement as set out above. The housing land supply to 2029 is currently sitting at 13,942 which gives a surplus of 704 units. For that reason, a very limited number of new housing sites have been identified in the proposed LDP2. The Council, therefore, contends that there is not a shortfall in its housing land and that there is no requirement to make further additions to the housing land audit to meet any 'shortfall' as suggested by the applicant. As a result, there is no need for the site to be released since there is no shortfall in housing land requirement. The Council is satisfied that the supply of housing land meets the requirements set out by the Scottish Government and the Glasgow and Clyde Valley Strategic Development Plan (Clydeplan).
- 6.9 In terms of the adopted South Lanarkshire Local Development Plan, it should firstly be noted that this plan was adopted in 2015 with a 5 year life span and is therefore, up to date as per the requirements set out within SPP (para 6.5 above); in particular, it sets out a 5 year supply of effective housing. This adequate 5 year supply does not identify the application site as being required to contribute to housing land supply and, therefore, has not been designated as such. As also noted above, the proposed LDP2 that is now undergoing examination by the DPEA provides an adequate supply of housing land to 2029 and again does not include the application site as being required to meet this supply. Whilst the examination of LDP2 could lead to the Reporter recommending sites being added or removed, it is considered that LDP2 demonstrates that there is adequate housing land supply in South Lanarkshire. In its 'Policy Principles', SPP introduces 'a presumption in favour of development that contributes to sustainable development'. In support of this presumption, SPP states that the planning system should support economically, environmentally and social sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost.' Further to this, SPP states that, in regard to Development Management, this 'presumption in favour of sustainable

development' does not change the statutory status of the development plan (as outlined in para 6.1 above) as the starting point for decision making and that, where proposals that do not accord with the up-to-date development plans, the primacy of the plan is maintained and this SPP and the 'presumption in favour of development that contributes to sustainable development will be material considerations'. As previously stated, the Development Plan (GCVSDP and SLLDP) is up to date and, therefore, the primacy of the plan is maintained and this application must be determined in accordance with the development plan unless material considerations indicate otherwise.

- 6.10 Policy 1 sets out the strategic vision of SLDP which is to encourage sustainable economic growth and regeneration, protect and enhance the built and natural environment and move towards a low carbon economy and that this will be achieved, inter alia, by supporting 'development that accords with and supports the policies and proposals in the development plan and supplementary guidance. In this instance, the site is located within land designated as rural within the SLLDP. Policy 3 'Green Belt and Rural Area' of the SLLDP, states that support will not be given for development proposals within the Countryside, unless they relate to uses which must have a countryside location. Policy 3 recognises that there are specific circumstances where proposals may require to be located within a rural area if it can be demonstrated that there is an established need for the proposed development. As noted in 3.3, LDP2 maintains the rural designation of the site and in LDP2 Policy 4, sets out the same criteria of where development proposals within the rural area would not be supported.
- 6.11 As noted above, it is considered that there is no identified need for additional housing land within the Clydesdale area and that there is an adequate supply of designated sites to ensure South Lanarkshire meets the Housing Land requirement as set out within the GCVSDP. It is, therefore, considered that the proposals are contrary to the criteria of SLLDP Policy 3 and LDP2 Policy 4. Whilst it is acknowledged that the proposed development may result in net economic benefits as set out within the Socio-Economic Appraisal submitted as part of the application, this is only one of a number of principles SPP sets out in regard to guiding policies and decisions in relation to supporting 'economically, environmentally and socially sustainable places' in order to ensure the planning system achieves 'the right development in the right place'. The proposals are for a development on the outskirts of a rural settlement and, therefore, whilst, through the planning submission, attempts at integrating the development with the existing settlement through a proposed footpath network and access to public transport nodes, it cannot be considered that these would intrinsically be sustainable given they relate to an unplanned extension of the edge of a rural settlement. It is, therefore, considered that the proposed development fails to meet the requirements for sustainable development, involves the development of greenfield land with a rural designation and there is no shortfall in the housing land supply. It is, therefore, considered that there is no material consideration that would outweigh the primacy of the Development Plan in this instance and as such the principle of the development cannot be supported.
- 6.12 The applicant has stated that they would be prepared to accept a condition on any permission restricting occupation of any units until the year 2022/23 or 2023/24 when the Story Homes site at Edinburgh Road in Biggar is due to be completed. Firstly it should be noted that Biggar is in the Clydesdale Housing Market Area

which covers a significant area and therefore the housing demand for the wider area is the key issue rather than Biggar itself. Secondly as noted above, it is considered that housing need across the Council area is addressed in the identified housing land supply until 2029. The suggested restriction on occupancy until 2022/23 or 2023/24 would not address these matters.

- 6.13 Whilst the principle of development is not considered acceptable, the application does also require further assessment through other Development Management criteria. Scottish Government Policy Statements Creating Places and Designing Streets both state that an emphasis should be placed on design providing a 'sense of place' and taking cognisance of the context of the surrounding area and that design should connect and relate to the surrounding environment. Policy 4 'Development Management and Placemaking' states that development proposals should take account of and be integrated within the local context and built form. New development should also have no significant adverse impacts on the local community. This advice is supported within Development Management, Placemaking and Design Supplementary Guidance under Policy DM1 – Design.
- 6.14 Whilst the application is made in principle, an indicative masterplan has been submitted in tandem with a Landscape and Visual Assessment. It is considered that the indicative proposals have been designed to tie in with the existing urban fringe of Biggar. The indicative proposals cluster the dwellinghouses in the north east of the site which locates them adjacent to the existing houses on the north and east of the site. This location would minimise the development's visual impact on the surrounding landscape as they would be viewed collectively with this existing part of Biggar from views looking north and the existing houses would screen the proposals when viewed from the east, west and south. The indicative location of the housing also ensures that they would be read as an extension of Biggar and, therefore, integrated within this part of the town. The indicative masterplan shows a development footprint of only about 50% of the whole site and one where each proposed dwelling would have its own garden which mirrors the existing settlement pattern on this part of Biggar. The indicative greenspace with planting that forms the southern boundary of the site would soften the development within the landscape and again minimise its impact in views from the south. It is, therefore, considered that, based on the indicative masterplan forming the basis of any subsequent detailed application, the proposals comply with the relevant criteria of the development plan in this instance.
- 6.15 SLLDP Policy 5 states that new development proposals must be assessed in relation to the impact they may have on existing infrastructure and, where reasonable, may require financial contributions from the developer to offset these impacts. In this instance, the proposals would involve approximately an additional 100 dwellinghouses adjacent to Biggar that have not been designated, and, therefore, planned for, within the Development Plan. It is, therefore, considered that they would have an additional impact upon existing infrastructure within the area. Transportation infrastructure is fully assessed below under the Transportation Policy criteria. With regard other infrastructure, Education Services have stated that, whilst they would not have any objection to the proposals, they would have the potential to generate additional pupils for the local catchment area. Education Services have, therefore, advised that in order to offset any additional impact within the local catchment area, a financial contribution would be required. The financial contributions would be used to upgrade education facilities within the

local area. Similarly contributions would be sought to address community provision. If consent were granted, it would be subject to a legal agreement to ensure contributions are made. On sites proposing 20 units or more, SLLDP Policy 13 requires up to 25% of the site's capacity to be affordable. In this instance, the applicant has stated that they would provide affordable housing on site and at the maximum ratio required of 25%. Again, this would be required to be secured by legal agreement if this application were to be successful.

- 6.16 Policy 15 'Natural and Historic Environment' sets out a 3 tier category of protected natural and historic designations. Category 1 are international designations, category 2 are national designations with category 3 being local designations. There are no category 1 or 3 designations within the site. Within Biggar itself, there are some category 2 designations (A Listed Buildings) and category 3 designations (a Conservation Area and B and C Listed Buildings) but it is considered that the proposals are not within a distance that would impact upon the settings of any of these heritage assets and there is already built development that would screen the new proposals from these assets. Whilst there are no scheduled monuments within the application site, there are 2 located quite close to the site. Boghall Castle is located approximately 175m to the east of the site and the remains of an earthwork (Scheduled monument Ref SM2618) located some 195m to the south. Given these distances, it is unlikely that the setting of either scheduled monument would be affected by the proposals. WOSAS agree that it is unlikely that the proposals would affect either monument but, given their location in the vicinity, results in the site having potential for archaeological interest. WOSAS, therefore, advise that, should permission be granted, a condition requiring a programme of archaeological evaluation, trial trenching should be attached to any consent.
- 6.17 The application site comprises of Prime Agricultural Land which is a category 2 designation. Policy NHE10 Prime Agricultural Land within the Supplementary Guidance 9: Natural and Historic Environment provides further policy advice in relation to the loss of PAL. Policy NHE10 states that development on PAL will only be supported where it is a component of the settlement strategy or necessary to meet an established need such as for the provision of essential infrastructure. There are other exceptions but they relate to rural businesses or renewable energy which are not applicable in this instance. As previously stated above, as there is adequate housing land supply within the area and South Lanarkshire as a whole, there is no need for the development that would negate the loss of PAL.
- 6.18 Policy 15 also only supports development that would have an adverse impact upon protected species. An extended phase 1 habitat survey has been submitted in support of the proposals which concluded that there would be no adverse effect on protected species. It is considered that, whilst rural in nature, the land is cultivated farmland and, therefore, is unlikely to provide high quality habitat which would result in the presence of protected species.
- 6.19 The site is also located within the Upper Clyde Valley and Tinto Special Landscape Area (SLA) which is a category 3 designation. As assessed above in para 6.11, due to the site's positioning on the edge of an existing settlement, it is considered that it would not have a significant, detrimental visual impact to the landscape and as such would not adversely impact the integrity of this SLA.

- 6.20 It is, therefore, considered that whilst the proposals could be considered to comply with the majority of the criteria of Policy 15, the unjustified loss of PAL results in the proposals being contrary to Policy 15 and as such not according with the development plan in this instance.
- 6.21 Policy 16 'Travel and Transport' states that new development must conform to South Lanarkshire's Guidelines for Development Roads. A Transportation Statement (TS) has been submitted as part of the planning submission. This TS has been reviewed by both the Council's Roads and Transportation Development Management Team and Transport Scotland. Both are content with the findings of the TS and have no objections to the proposals. It is, therefore, considered that the proposals would accord with the policy criteria in this instance.
- 6.22 Policy 17 'Water Environment and Flooding' states that on sites where flooding or surface water may be an issue, development shall be the subject of a local flood risk management assessment. Development will only be supported if suitable flood management can be achieved. Further guidance on flood management and sustainable drainage is also provided within Supplementary Guidance Sustainable Development and Climate Change in Policies SDCC2 – Flood Risk and SDCC 3 – Sustainable Drainage Systems. The southern part of the site is located within an area as identified as having medium likelihood for flood risk on the SEPA Flood Map and is, therefore, at medium to high risk of flooding. A Flood Risk Assessment (FRA) was submitted as part of the planning application. The indicative masterplan takes cognisance of the southern part of the site being at medium flood risk and, therefore, only public open space and planting is proposed within this area. It is considered that open space and planting would not exacerbate flooding nor be considered incompatible development within a flood risk area. SEPA are content with the proposals in relation to flood risk and have no objection to the proposals subject to the provisions of the FRA being implemented and the use of sustainable drainage being used for surface water within the site. South Lanarkshire Council's Flooding Team have no objections to the proposals subject to the use and maintenance of sustainable drainage of surface water from the access tracks and that the Council's documentation required under the terms of design criteria guidance is completed and submitted. It is, therefore, considered that, subject to conditions relating to the provisions of the FRA being implemented and surface water drainage, the proposals could accord with the development plan in this instance.
- 6.23 In conclusion, the application site is not allocated for housing within the approved SLLDP nor the LDP2. The SLLDP and the proposed LDP2 both identify sites with sufficient capacity to meet the required 5 year housing land supply. Whilst meeting other policy criteria within the Development Plan and partially conforming to some of the sustainable principles set out within SPP, it is considered that the principle of the development cannot be supported given there is no need for additional housing development within the next 5 years outwith the sites designated within the Development Plan. In addition, the site is identified as Prime Agricultural Land. In addition the suitability of developing the site for new residential development was considered during the preparation of the proposed LDP2 and the Planning Committee has already agreed not to support its inclusion in the plan. There has been no change in circumstances since that decision was taken. It is, therefore, recommended that permission in principle be refused.

7 Reasons for Decision

- 7.1 The application site is on land designated as rural within the South Lanarkshire Development Plan and proposed Local Development Plan 2 and there is an adequate housing land supply within both plans that would negate the need for allowing any large scale housing on an undesignated site containing Prime Agricultural Land. The proposals do not adequately pertain to sustainable development to allow the SPP material consideration presumption to outweigh the primacy of the Development Plan in this instance, given there is no justifiable need for houses at this location. As such, the proposals are, therefore, contrary to SPP (2014), Policy 8 of the Glasgow and Clyde Valley Strategic Development Plan (2017), Policies 1 and 3 of the South Lanarkshire Local Development Plan (2015), Policy NHE10 Supplementary Guidance 9: Natural and Historic Environment and Policies 1 and 4 of the Local Development Plan 2 and cannot be supported.

Michael McGlynn

Executive Director (Community and Enterprise Resources)

Date: 7 November 2019

Previous references

- ◆ P/18/1218
- ◆ P/19/0001/PAN

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letter dated 12.06.2019

- ▶ Consultations
 - Roads Flood Risk Management 20.06.2019
 - SEPA West Region 07.06.2019
 - Countryside And Greenspace 03.07.2019
 - Housing 07.06.2019
 - Biggar Civic Society 02.07.2019
 - Scottish Water 07.06.2019
 - Roads Development Management Team 13.08.2019
 - CER Play Provision Community 07.06.2019
 - Education Resources School Modernisation Team 31.05.2019
 - Biggar Community Council 18.06.2019
 - WOSAS 04.06.2019



Representations

Dated:

Mr Steven Ward, Upper Glengorm, 14 Station Road, Biggar, South Lanarkshire, ML12 6JN	13.06.2019
Roger Curtis, 7 Moss Side Drive, Biggar, ML12 6GD	29.05.2019
Peter Rae,	10.06.2019
Mr & Mrs Leiper, Received Via Email	13.06.2019
Mrs Jill Allen, 18 Moss Side Road, Biggar, South Lanarkshire, ML12 6GF	05.06.2019
Mr John Porteous, 8 Fleming Way, Biggar, South Lanarkshire, ML12 6EX	10.06.2019
Mr Ken Foulis, 9 Rathmor Road, Biggar, South Lanarkshire, ML12 6QG	18.06.2019
Mrs Margaret Chapman, 12 Moss Side Crescent, Biggar, South Lanarkshire, ML12 6GE	12.06.2019
Mrs Sharon Bradley, 5 Colliehill Road, Biggar, South Lanarkshire, ML12 6PN	16.06.2019
Jill Calder, Received Via E-mail	27.06.2019
Mrs Robert Leishman, 6 Fleming Way, Biggar, South Lanarkshire, ML12 6EX	09.06.2019
Jill Calder, 8 Fleming Way, Biggar, South Lanarkshire, ML12 6EX	07.06.2019
Robert And Anna Boyd, 10 Fleming Way, Biggar, South Lanarkshire, ML12 6EX	10.06.2019
Mr James Chapman, 12 Moss Side Crescent, Biggar, South Lanarkshire, ML12 6GE	12.06.2019
Mr And Mrs Potter, 8 Moss Side Crescent, Biggar, South Lanarkshire, ML12 6GE	11.06.2019
John Armstrong, 2 Boghall Avenue, Biggar, South Lanarkshire, ML12 6JL	06.06.2019
Mr Sandy Jackson, 4 Boghall Avenue, Biggar, South Lanarkshire, ML12 6JL	30.05.2019

Mrs Robertson, 9 Lodge Park, Biggar, ML12 6ER	12.06.2019
Miss Fiona Chapman, 12 Moss Side Crescent, Biggar, South Lanarkshire, ML12 6GE	12.06.2019
Chris H Barr,	13.06.2019
Fiona Armstrong, 2 Boghall Avenue, Biggar, ML12 6JL	14.06.2019
William R P Allen, 18 Moss Side Road, Biggar, South Lanarkshire, ML12 6GF	07.06.2019
Mr Ken Foulis, 139 High Street, Biggar, ML12 6DL	19.06.2019
Roger Curtis, 7 Moss Side Drive, Biggar, ML12 6GD	05.06.2019
Scott And Alana Souter, Received Via E-mail	05.06.2019
John And Anne Lindsay, 16 Cardon Drive, Biggar, ML12 6EZ	14.06.2019
Mr Bob Brownlie, 1 Fleming Way, Biggar, South Lanarkshire, ML12 6EX	10.06.2019
Mr Colin Chapman, 12 Moss Side Crescent, Biggar, South Lanarkshire, ML12 6GE	12.06.2019
Carol Logan, Via E-mail	12.06.2019
Dr Janet Moxley, Wallace Cottage,, 1 Gas Works Rd,, Biggar,, ML12 6BZ	02.07.2019

Contact for further information

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

James Wright, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB
Phone: 01698 455903
Email: james.wright@southlanarkshire.gov.uk

Detailed planning application

Paper apart – Application number: P/19/0727

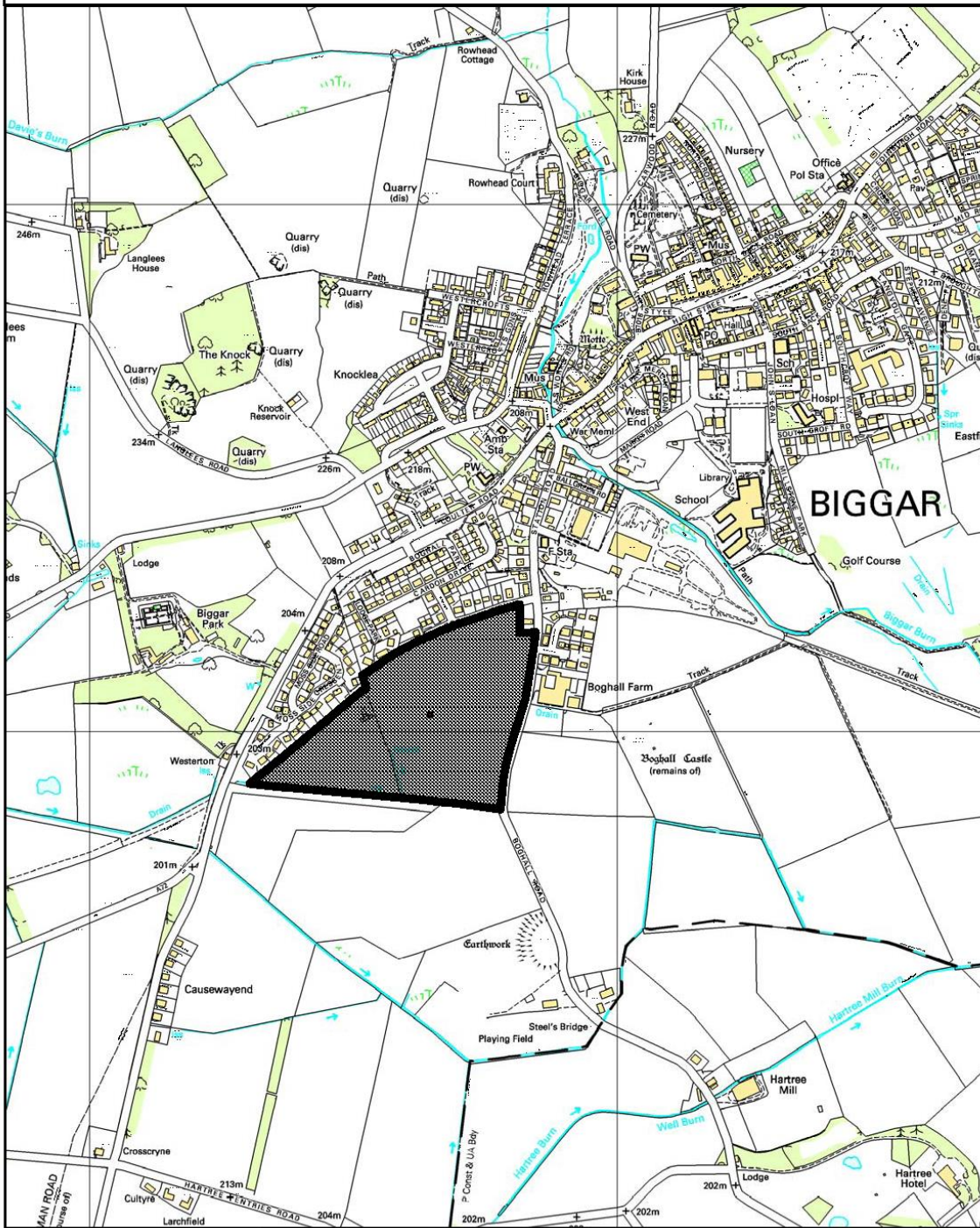
Reasons for refusal

- 01.** The application site lies within the Rural Area and outwith the defined settlement boundary of Biggar. The site is not allocated for housing and there is no housing land shortfall within the Clydesdale Housing Market Area or South Lanarkshire Council as a whole and therefore the proposals are not considered to be required in relation to maintaining an effective 5 year supply of housing land. The proposal is therefore contrary to SPP (2014), Glasgow and Clyde Valley Strategic Development (2017) Plan Policy 8 and Policies 1 and 3 of the approved South Lanarkshire Local Development Plan (2015) and Policies 1 and 4 of the proposed Local Development Plan2 (2018).

- 02.** The application site is located upon Prime Agricultural Land and given the lack of need for housing land outwith that already designated within the Development Plan there is no justification or demonstrable need, in this instance, to allow the irreparable loss of Prime Agricultural Land. As such the proposals are contrary to Policy 15 of the approved South Lanarkshire Local Plan (2015) and Policy NHE10 of Supplementary Guidance 9 (2015).

P/19/0727

Land 250m Southeast of The Beeches, Boghall Road, Biggar



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Scale:
1:10,000
Date:
28/10/2019



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development