

# Report

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>3 October 2023</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

<b>Reference no:</b>	P/21/2176
<b>Proposal:</b>	Erection of 4 no. detached dwellings with associated car parking and landscaping
<b>Site Address:</b>	Land at St Isidore's RC Church Lindsaylands Road Biggar
<b>Applicant:</b>	Trustees of the Diocese of Motherwell
<b>Agent:</b>	DTA
<b>Ward:</b>	03 Clydesdale East
<b>Application Type:</b>	Full Planning Permission
<b>Advert Type:</b>	Notification of Neighbours placed in Lanark Gazette dated 12 January 2022
<b>Development Plan Compliance:</b>	Yes
<b>Departures:</b>	Not applicable
<b>Recommendation:</b>	Grant subject to conditions
<b>Legal Agreement:</b>	Not applicable
<b>Direction to Scottish Ministers</b>	Not applicable

## **1. Reason for Report**

- 1.1. This application is being presented to the Planning Committee for determination as it has received more than 5 objections, as detailed in paragraph 3.5 (b) of the Decision Making Process April 2015.

## **2. Site Description**

- 2.1. The site is located in the settlement of Biggar and within the curtilage of St Isidore's RC Church. The site is bound to the north by Lindsaylands Road, to the east by an industrial estate and dwellinghouse, to the south by Coulter Road – the main approach to Biggar – and to the west by residential development.
- 2.2. The site itself contains St Isidore's RC Church situated to the south of the site with a single-track vehicular access off Lindsaylands Road on the northern boundary. The northern boundary contains a stone wall and the access to the site is tree lined down to the Church. The site is sloping with higher land located on the northern boundary steeply sloping down. There are also trees on the north, west and southern part of the site.

## **3. Description of Proposed Development**

- 3.1. The proposed development seeks detailed planning permission for 4 detached dwellinghouses. One dwellinghouse is positioned facing on to Lindsaylands Road, the remaining 3 are situated internally within an existing clearing facing towards the existing access track within the site. A proposed vehicular access is situated to the west of the existing access track.
- 3.2. The proposed 3-bedroom dwelling to the front of the site consists of 3 levels of accommodation, addressing the levels on site. The proposed dwelling would appear as single storey dwelling with attic accommodation from Lindsaylands Road. The other dwellings would consist of 1½ storey dwellings, with 4 bedrooms and a modern projecting double height bay to the front elevation. The materials indicated include a mixture of white render, timber cladding and a grey roof tile.
- 3.3. The plans have been updated to ensure the retention of more trees than initially indicated on site, namely those along the eastern boundary. There will be some loss of trees on the northern boundary to accommodate the new site access. The existing stone wall is to be removed and rebuilt further back in the site, at a lower height to accommodate a pedestrian path and visibility.
- 3.4. A soakaway design for surface water for each dwellinghouse is proposed and connections to the public water and sewerage systems are proposed.

## **4. Relevant Planning History**

- 4.1. There is no relevant planning history.

## **5. Supporting Information**

- 5.1. The applicant has submitted the following information to support the application:-
- ◆ Tree Survey Report
  - ◆ Planning Support Statement
  - ◆ Bat Roost Survey

## **6. Consultations**

- 6.1. Roads and Development (Flooding) – No objection subject to satisfactory drainage arrangements being provided as per the appropriate Council guidance.  
Response – Noted, this can be achieved through the imposition of conditions.

- 6.2. Roads and Development (Transportation) – No objections, subject to conditions relating to access, footway, visibility and parking.  
Response – Noted.
- 6.3. West of Scotland Archaeology Service – Whilst the area around Biggar is rich in recorded archaeological material, they have no objection subject to conditions requiring an archaeological watching brief to be undertaken.  
Response – Noted.

## **7. Representations**

- 7.1. Following the statutory period of neighbour notification and advertisement, a total of 25 representations have been received (20 objections, 5 comments). In addition, results of a survey by Biggar Community Council were submitted including 19 unsupportive, 18 supportive and 4 unsure comments. The issues raised are summarised as follows:-

### Principle of Development

- ◆ Lack of capacity in school
- ◆ Overdevelopment of the site
- ◆ Use of prime agricultural land
- ◆ Land is not allocated for housing
- ◆ Lack of affordable housing

### Road Safety

- ◆ Increased traffic
- ◆ Gradient of access unsuitable in inclement weather
- ◆ Lack of pavement on Lindsaylands Road and parked vehicles already limit visibility.
- ◆ Unsafe pedestrian access
- ◆ Lindsaylands Road is part of National Cycle Network and Core Path. The access will impact upon the safety of walkers and cyclists
- ◆ Lack of clarity on plans in relation to proposed access

### Design and Amenity

- ◆ Loss of residential amenity, including privacy
- ◆ Visual impact of the development since it is not in keeping with the surrounding area
- ◆ Loss of wall and impact on streetscape
- ◆ Increased light pollution
- ◆ Noise and disturbance from construction and occupation of the properties

### Trees/Biodiversity/Bats

- ◆ Loss of trees
- ◆ Impact on bats
- ◆ Breaking up an eco-corridor

### Flooding/Sustainable Drainage

- ◆ There is an underground stream within the site and a lack of site investigations
- ◆ Hard landscaping on site would exacerbate surface water flooding

### Construction Impacts

- ◆ Potential use of adjacent children's grass play area for construction parking and storage of materials
- ◆ Noise impact

### Support

- ◆ More housing is needed
- ◆ Site is suitable for residential use

7.2 The above issues will be considered in the assessment below and full copies are available to view on the planning portal.

### 7.3 Loss of Church

- ◆ The proposal would limit access to the church for older and disabled persons
- ◆ Loss of a place of worship within Biggar
- ◆ Object to the sale of the Church and development of its lands

A number of comments were raised about the loss of the Church within Biggar. The church itself is not included within the proposed plans for development. It is understood that the facility has closed and relocated. This matter is not planning related.

## **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 adaption
- ◆ Policy 3 – Biodiversity
- ◆ Policy 4 – Natural Places
- ◆ Policy 6 – Trees, Forestry and Woodland
- ◆ Policy 12 – Zero waste
- ◆ Policy 13 – Sustainable Transport
- ◆ Policy 14 – Design Quality and Place
- ◆ Policy 15 – Local Living and 20 minute neighbourhoods
- ◆ Policy 16 – Quality homes
- ◆ Policy 19 – Heating and cooling
- ◆ Policy 22 – Flood Risk and Water Management
- ◆ Policy 21 – Play Recreation and Sport

### 8.3. South Lanarkshire Local Development Plan 2 (2021)

The South Lanarkshire Local Development Plan 2 (SLLDP2) was formally adopted on 9 April 2021. For the purposes of determining planning applications the Council will, therefore, assess proposals against the policies contained within the adopted 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 1 – Spatial Strategy
- ◆ Policy 2 – Climate Change
- ◆ Policy 3 – General Urban Areas and Settlements
- ◆ Policy 5 – Development Management
- ◆ Policy 14 – Natural and Historic Environment

### SLLDP2 Volume 2 Policies

- ◆ Policy SDCC3 – Sustainable Drainage Systems
- ◆ Policy DM1 – Design
- ◆ Policy NHE13 – Trees and Woodland
- ◆ Policy NHE 9 Protected Species
- ◆ Policy DM15 – Water Supply
- ◆ Policy DM16 – Foul Drainage/Sewerage Provision
- ◆ Policy SDCC 7 – Low and Zero Carbon Emission from New Buildings

### South Lanarkshire Council (SLC) Supporting Planning Guidance

- ◆ Residential Design Guide 2011
- ◆ Electric Vehicle Charging Point Supporting Guidance 2022

## **9. Guidance**

- 9.1. NatureScot Developing with Nature Guidance is relevant to all local developments and provides advice and guidance on how to achieve Policy 3 Biodiversity of NPF4.

## **10. Assessment and Discussion**

### **10.1. Introduction**

Detailed planning permission is sought for the erection of 4 dwellinghouses at St Isidore's RC Church, Biggar. The main issues to be addressed in the determination of this application is the principle of residential development, layout, siting, design and technical matters. The policies contained within National Planning Framework 4 (NPF4) and the South Lanarkshire Local Development Plan 2 (SLLDP2) are the main consideration in this case, listed above, together with an assessment of any other material planning considerations.

### **10.2. Principle of Development**

The site is located within the general urban area of Biggar, as defined by Policy 3 of SLLDP2. The site is located within close proximity to the town centre of Biggar. A variety of facilities are available within 1km or less of the site and include shopping, health centre, pharmacy, dentists, nursery, primary and secondary school, public toilets, parks, open space, sports and recreation facilities. There is also access to bus connections and various employment opportunities.

- 10.3. Policy 3 does not specifically allocate sites for housing, however, the principle of residential development is acceptable in an urban location. NPF4 Policy 16 seeks to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations. It details that homes on land not allocated for housing shall only be supported in limited circumstances, as set out in part (f). This site of 4 dwellings in the context of Biggar is considered a small-scale opportunity within an existing settlement boundary satisfying part (iii). The site is consistent with local living and 20 minute neighbourhoods (NPF4 Policy 15) satisfying part (ii). A timing condition will be applied to any permission granted in line with part (i).

- 10.4. Overall, it is considered that the principle of development is acceptable on this site and the proposal complies with Policy 15 and 16 of NPF4 and Policy 3 of SLLDP2.
- 10.5. 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. SLLDP2 Policy SDCC 7 - Low and Zero Carbon Emission from New Buildings, also requires a further 10% reduction on emissions beyond that contained in the Building Regulations. NPF4 Policy 19 Heating and Cooling requires that buildings occupied by people (i.e. dwellings) ensure sustainable temperature management utilising passive methods where possible.
- 10.6. The site is well located for services within the existing settlement, where the majority of the daily needs could be achieved by walking, wheeling or cycling. The dwellings themselves shall be required to go through the Scottish Building Standards. However, that aside, further conditions shall be imposed to ensure electric car charging at each dwelling. A condition requiring further details on including low and zero carbon technologies shall be imposed on any permission granted. The site layout has positioned the main living area to face either south or southeast, to allow for sustainable temperature management. In addition, the proposal will have no significant adverse impact on the water or soil environment, flood risk, air quality, biodiversity and/or green networks. Therefore, overall the proposal is considered, on balance, to meet the terms of NPF4 Policy 1 and Policy 2 and SLLDP2 Policy 2 and SDCC7.
- 10.7. Layout, Siting and Design  
NPF4 Policy 14 Design Quality and Place and SLLDP2 Policy 5 Development Management and Placemaking and Policy DM1 New Development Design seeks to ensure well designed development that makes for successful places and considers the impact on residential amenity.
- 10.8. The proposal consists of 4 detached dwellinghouses. One of which is positioned to the front of the site, facing onto Lindsaylands Road. This dwelling would appear as a single storey dwelling with attic accommodation from Lindsaylands Road, although it has 3 storeys of accommodation due to site levels. The design includes an eyebrow dormer and double storey bay window projection, representing a modern interpretation of the traditional properties adjacent to it. The plans show the stone wall rebuilt at a lower height within the site.
- 10.9. Within the site the 3 other dwellings consist of 1½ storey dwellings, with 4 bedrooms and a modern projecting double height bay to the front elevation. The materials indicated include a mixture of white render, timber cladding and a grey roof tile. It is considered that the proposals are appropriate in terms of scale, siting and design for the surrounding area.
- 10.10. There are existing dwellings adjacent to the site, however, given the set back of the rear gardens proposed, and retention of trees on the eastern boundary, it is not considered there is a loss of residential amenity. Nor is the volume of traffic from 4 dwellings considered to be a significant issue.
- 10.11. NPF4 Zero Waste Policy 12 details that suitable bin storage inclusive of recycling bins shall be shown on site. In addition, NPF4 Policy 21 (d) Play, recreation and sport details for any dwelling occupied by children and young people shall incorporate well-designed, good quality provision for play, recreation and relaxation which is proportionate to the development and existing provision in the area.

- 10.12. There is suitable space at each dwelling for access, parking, bin storage and garden ground. Given the location of the site within the centre of Biggar it is considered there is good quality play provision at parks in the surrounding area. There are also the opportunities for informal play within the site.
- 10.13. The proposal meets the terms of NPF4 Policies 12, 14 and 21 and SLLDP2 Policies 5 and DM1.
- 10.14. Biodiversity, Trees and Protected Species  
NPF4 Policy 3 Biodiversity under part (c) details that all local developments shall include appropriate measures to conserve, restore and enhance biodiversity. The Developing 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. NPF4 Policy 4 Natural Places requires that where proposals are likely to have an impact on a protected species (ie. bats), steps must be taken to establish its presence and a level of protection then afforded. SLLDP2 Policy NHE9 Protected Species, carries similar aims.
- 10.15. During the handling of the application, plans have been amended to retain further trees within the site, namely those on the eastern boundary. This allows for the part retention of a nature network for protected species within the site. Furthermore, compensatory bat boxes would be required. It is considered that the proposal in this regard has avoided, minimised and then restored. A condition requiring a tree protection plan across the site shall further ensure impact to existing trees is avoided.
- 10.16. However, the guidance requires the creation of new habitats, preferably on site. A condition would be imposed on any permission granted, requiring the submission of appropriate biodiversity measures; this should relate to the existing features on site such as trees and bats. Therefore, subject to conditions, the proposal meets the terms of NPF4 Policies 3 and 4 and SLLDP2 Policies 14, NHE9 and NHE13
- 10.17. Technical Matters  
SLLDP2 Policy SDCC 3 Sustainable Urban Drainage seeks to ensure suitable sustainable urban drainage. NPF4 Policy 22 Flood risk and water management details that proposals shall not increase the risk of surface water to others or themselves. Additionally, all rain and surface water should be managed through SUDS and form part of the proposed/existing, blue/green infrastructure and areas of impermeable surfaces are to be minimised. The site is not at risk from river or surface water flooding. A soakaway design for surface water is proposed for each dwelling. A suitable condition would ensure that a suitable SUDs scheme is implemented. The proposal meets the terms of SLLDP2 Policy SDCC3 and NPF4 Policy 22.
- 10.18. SLLDP2 Policy DM16 Water Supply and Policy DM16 Foul Drainage seeks to ensure appropriate water supply and foul drainage arrangements. The application form details connections will be made to the existing public water and sewerage system. Therefore, the proposal meets the terms of Policy DM15 and DM16.
- 10.19. A suitable road design and layout are proposed. Roads and Transportation Services have been consulted and have not raised any safety concerns.
- 10.20. Other matters raised by representations include the capacity of the school, loss of agricultural land and disruption during construction. There are no issues raised in terms of education or the loss of agricultural land since the site is located within an urban area. Appropriate conditions and advisory notes will be used to minimise any disruption from the development during the construction phase.

#### 10.21. Conclusion

In conclusion, the proposal seeks planning permission for 4 dwellings. The site is well located within the settlement boundary of Biggar and is a suitable location for residential use. The proposed layout can be achieved without significant impact on surrounding amenity and the natural environment and the design complements the surrounding area. Overall, it is considered that the proposals comply with the provisions of the relevant policies within National Planning Framework 4 and the South Lanarkshire Local Development Plan 2.

#### 11. **Recommendation and Conditions**

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

##### **Grant Planning Permission Subject to the following Conditions:-**

01. The development to which this permission relates shall be begun no later than the expiration of three years beginning with the date of grant of this decision notice.

Reason: To comply with Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).

02. That prior to any works starting on site an energy statement shall be submitted for the written approval of the Planning Authority. The development shall then be completed in accordance with the approved details.

Reason: To secure the timeous implementation of renewable and/or low carbon energy technologies.

03. That prior to any works starting on site details of biodiversity measure(s) shall be submitted for the written approval of the Planning Authority. The biodiversity measure(s) shall thereafter be implemented prior to occupation or completion of the approved dwellings, whichever occurs first.

Reason: In order to ensure the provision of biodiversity measures which restore and enhance the site and surrounding area.

04. That before any dwellinghouse hereby approved is completed or brought into use, an electric vehicle charging point shall be provided for each dwelling, and thereafter retained, and be capable of delivering a minimum 7kw charge all in accordance with the Council's 'Supporting Planning Guidance - Electric Vehicle Charging Points August 2022'.

Reason: To ensure timely and continued provision of electric vehicle charging point.

05. That before any development commences on site or before any materials are ordered or brought to the site, details and samples of all materials to be used as external finishes on the development shall be submitted to and approved by the Council as Planning Authority.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

06. Prior to the commencement of the development hereby approved (including any ground clearance, tree works, demolition or construction), details of all tree protection monitoring in relation to the area marked in green on the approved plans and site supervision by a suitably qualified tree specialist (where arboricultural expertise is required) shall be submitted to and approved in writing by the Council as Planning Authority. The development shall thereafter be implemented in strict accordance with the approved details.

Reason: To ensure that the Council as Planning Authority may be satisfied that the trees to be retained will not be damaged during development works and to ensure that, as far as is possible, the work is carried out in accordance with the approved details.

07. That no development shall commence until details of surface water drainage arrangements have been submitted to and approved in writing by the Council as Planning Authority; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's Sustainable Drainage Design Criteria and Soakaway Design Guidance - Technical Appendix May 2023 and shall include signed appendices as required. The surface water drainage arrangements shall investigate ground conditions and any potential impact from underground watercourses within the development site. The development shall not be occupied until the surface drainage works have been completed in accordance with the details submitted to and approved by the Council as Planning Authority.

Reason: To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.

08. That before the development hereby approved is completed or brought into use, 3 no. parking spaces (3m by 6m modules) per dwellinghouse approved shall be laid out, constructed to the specification of the Council as Roads and Planning Authority.

Reason: To ensure the provision of adequate parking facilities within the site.

09. The developer shall secure the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to the Council as Planning Authority, during all ground disturbance. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record and recover items of interest and finds. A method statement for the watching brief will be submitted by the applicant, agreed by the West of Scotland Archaeology Service and approved by the Council as Planning Authority prior to commencement of the watching brief. The name of the archaeological organisation retained by the developer shall be given to the Council as Planning Authority and to the West of Scotland Archaeology Service in writing not less than 14 days before development commences.

Reason: In order to safeguard any archaeological items of interest or finds.

10. The Bat Protection Plan as detailed in the Bat Roosts Surveys dated June - August 2022 shall be carried out. Any change shall be submitted to and approved in writing by the Council as Planning Authority.

Reason: In order to ensure the protection of the specified species.

11. That prior to the commencement of any works associated with the development detailed plans showing access and footway and wall facing onto Lindsaylands Road shall be submitted and approved in writing by the Council as Planning Authority. These plans shall show an access 5m wide with the first 4m of access constructed in hardstanding, 2m wide footway in a footway cross over form with dropped kerb crossing points, drainage gullies and a connection/outfall for those gullies. A method of trapping surface water onto the public road shall also be shown. That no dwellinghouse shall be occupied until the access roads, footpath and wall facing onto Lindsaylands Road have been constructed in accordance with the plans approved by this condition.

Reason: To ensure the provision of satisfactory vehicular and pedestrian access to the dwellings.

12. That prior to the commencement of any works associated with the development, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Council as Roads and Planning Authority and implemented thereafter. This document shall include details of access and a parking provision (including a parking plan) for staff and operatives, intended working hours, the management and storage of deliveries and the wheel washing facilities.

Reason: In order to retain effective planning control.

13. That before any work commences on site, a woodland management and maintenance scheme, covering the area coloured blue on the approved plans, shall be submitted to the Council as Planning Authority for written approval and it shall include:-

- (a) proposals for the continuing care, maintenance and protection of the trees, shrubs and hedges including details of the timing and phasing of all such works;
- (b) details of the number, variety and size of any replacement trees and shrubs to be planted and the phasing of such works; and
- (c) details of initial and future maintenance.

Reason: To ensure the protection and maintenance of the existing woodland within the area.

14. That before the development hereby approved is completed or brought into use, a visibility splay of 2.4 metres by 35 metres measured from the road channel shall be provided on both sides of the vehicular access.

Reason: In the interests of traffic and public safety.

## **12. Reason for Decision**

- 12.1. The application seeks detailed planning permission for 4 detached dwellings and associated access. The proposal consists of a small scale residential development well located within a settlement boundary. There is no significant adverse impact on amenity, public safety or the local environment. The proposal complies with Policies 1, 2, 3, 4, 5, 6, 12, 14, 15, 16, 19, 21, 22 of National Planning Framework 4 (adopted 2023) and Policies 2, 3, 5, 14, SDCC3, DM1, NHE13, NHE9, DM15, DM16 and SDCC7 of South Lanarkshire Local Development Plan 2 (adopted 2021).

**David Booth**  
**Executive Director (Community and Enterprise Resources)**

**Date:** 22 September 2023

### **Background Papers**

Further information relating to the application can be found online:-

[P/21/2176 | Erection of 4 no. detached dwellings with associated car parking and landscaping | Land At St Isidore's R.C. Church Lindsaylands Road Biggar \(southlanarkshire.gov.uk\)](#)

### **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.

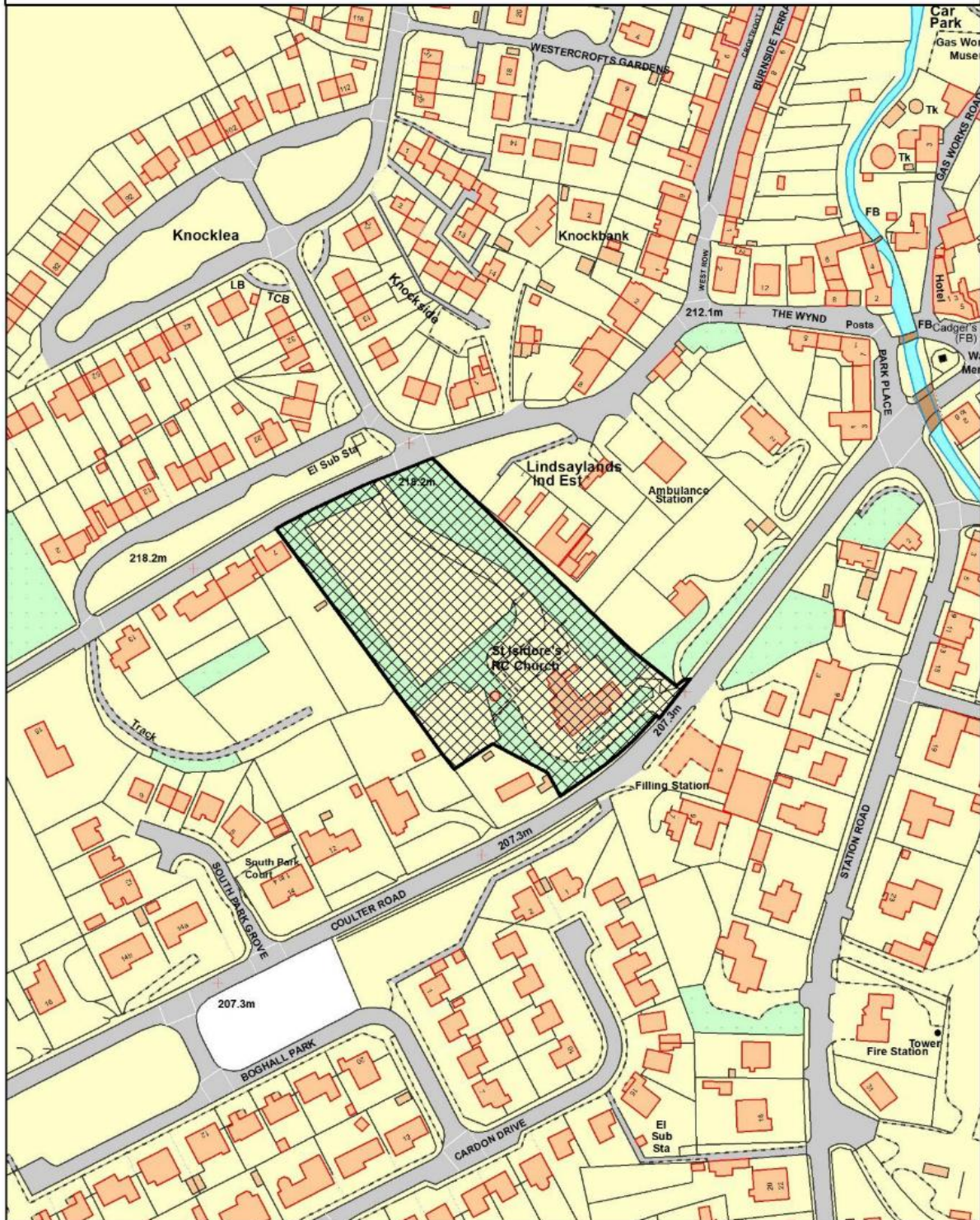
### **Contact for Further Information**

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

Tel: 01698 454867

E-mail: [planning@southlanarkshire.gov.uk](mailto:planning@southlanarkshire.gov.uk)

P/21/2176 Land At St Isidore's R.C. Church, Lindsaylands Road, Biggar



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Scale:  
1:2,000  
Date:  
11/09/2023



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