



---

Decision by Karen Black, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-320-2111
- Site address: Site between Oakridge Road and Drumpellier Golf Course, Glasgow Road, Coatbridge, ML5 1EL
- Appeal by BDW Trading Limited against the decision by North Lanarkshire Council
- Application for planning permission in principle 16/00455/PPP dated 29 February 2016 refused by notice dated 10 August 2016
- The development proposed: residential development with associated landscaping, infrastructure, access and miscellaneous works
- Application drawings: Location plan LP 001, Proposed layout plan
- Date of site visit by Reporter: 31 January 2017

Date of appeal decision: 30 May 2017

---

## Decision

I allow the appeal and grant planning permission in principle subject to the five conditions listed in Annex 1 below. Attention is drawn to the three advisory notes following the conditions.

## Reasoning

1. The reasoning for my decision is set out in the notice of intention dated 23 February 2017 which is attached as Annex 2 to this decision notice. In the notice of intention I stated that I was minded to allow the appeal and grant planning permission in principle, subject to the five conditions, and to a planning obligation or some suitable alternative arrangement to provide for a financial contribution to allow the education service to increase capacity in the area to allow any additional pupil yield from the development to be accommodated in the local schools.

2. I have now received a copy of a section 75 agreement signed by the parties covering the above matters in respect of land at Oakridge Road, Bargeddie. I have also received a copy of the confirmation of the receipt of the agreement for recording by the Registers of Scotland on 16 May 2017.

3. Although the obligation has not yet been recorded or registered, clause 12 of the Minute of Agreement states "In the event that the Keeper of the Registers of Scotland refuses or is unable to issue the registered Agreement by virtue of the Developers failure to comply .....hereof the Council, acting reasonably, are entitled, but not obliged, to revoke



the Planning Permission in terms of Section 65 of the 1997 Act and the Developers agree that they will not (1) oppose such revocation ...nor (2) seek compensation or expenses from the Council.” The council has also confirmed that it is content for the planning permission to be issued at this stage. On this basis I am prepared to grant planning permission in principle subject to the conditions in Annex 1.

*Karen Black*  
Reporter

## **ANNEX 1: Conditions**

1. That before development starts, a further planning application shall be submitted to the Planning Authority in respect of the following matters:-

- (a) the siting, design and external appearance of all buildings and other structures;
- (b) the means of access to the site;
- (c) the layout of the site, including all roads, footways, car and cycle parking areas;
- (d) the details of, and timetable for, the hard and soft landscaping of the site;
- (e) details of the management and maintenance of the areas identified in (d) above;
- (f) the design and location of all boundary walls and fences;
- (g) the provision of surface drainage works incorporating SUDS;
- (h) the disposal of sewage;
- (i) details of existing trees, shrubs and hedgerows to be retained;
- (j) details of existing and proposed site levels;
- (k) details of a play area commensurate with the scale of the proposed development;
- (l) details of the noise mitigation methods within the site and to buildings.

*Reason: To accord with the provisions of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006.*

2. That before any works of any description start on the application site, unless otherwise agreed in writing with the Planning Authority, a comprehensive site investigation report shall be submitted to and for the approval of the said authority. The investigation must be carried out in accordance with current best practice advice, such as BS 10175: 'The Investigation of Potentially Contaminated Sites' or CLR 11. The report must include a site specific risk assessment of all relevant pollution linkages and a conceptual site model. Depending on the results of the investigation, a detailed Remediation Strategy may be required.

*Reason: To establish whether or not site decontamination is required in the interests of the amenity and wellbeing of future users of the site.*

3. That any remediation works identified by the site investigation required in terms of Condition 2, shall be carried out to the satisfaction of the Planning Authority. Before the development is brought into use, a certificate (signed by a chartered Environmental Engineer) shall be submitted to the Planning Authority confirming that any remediation works have been carried out in accordance with the terms of the Remediation Strategy.

*Reason: To ensure that the site is free of contamination in the interests of the amenity and wellbeing of future users of the site.*

4. That should 12 months or more elapse between the timing of the initial Extended Phase 1 Habitat Survey by Wild Surveys Ltd dated November 2015 hereby approved, and development commencing, a further survey shall be undertaken on the site to determine the presence of any statutorily protected species, the said survey shall thereafter be submitted to and approved in writing by the Planning Authority before any development commences on the site. As a result of the study, should any mitigation measures be required for any protected species, this shall be implemented in accordance with the species protection plan agreed in writing with the Planning Authority in consultation with Scottish Natural Heritage before works commence on the site.

*Reason: To ensure compliance with The Conservation (Natural Habitats & c.) Regulations 1994 (as amended); the Wildlife and Countryside Act (1981) as amended; the Protection of Badgers Act 1992 (as amended); and the Nature Conservation (Scotland) Act 2004.*

5. No development shall take place within the development area until the developer has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant, agreed by the local Archaeology Service and approved by the Planning Authority.

*Reason: To identify and protect any putative archaeological remains with the site area.*

### Advisory notes

- 1. Notice of the start of development:** The person carrying out the development must give advance notice in writing to the planning authority of the date when it is intended to start. Failure to do so is a breach of planning control. It could result in the planning authority taking enforcement action. (See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).)
- 2. Notice of the completion of the development:** As soon as possible after it is finished, the person who completed the development must write to the planning authority to confirm the position. (See section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended).)
- 3. Display of notice:** A notice must be displayed on or near the site while work is being carried out. The planning authority can provide more information about the form of that notice and where to display it. (See section 27C of the Town and Country Planning (Scotland) Act 1997 Act (as amended) and Schedule 7 to the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.)

**ANNEX 2**

Scottish Government  
Riaghaltas na h-Alba  
gov.scot

Planning and Environmental Appeals Division

**Appeal: Notice of Intention**

T: 01324 696 400

F: 01324 696 444

E: [dpea@gov.scot](mailto:dpea@gov.scot)

---

Notice of intention by Karen Black, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-320-2111
- Site address: Site between Oakridge Road and Drumpellier Golf Course, Glasgow Road, Coatbridge, ML5 1EL
- Appeal by BDW Trading Limited against the decision by North Lanarkshire Council
- Application for planning permission in principle 16/00455/PPP dated 29 February 2016 refused by notice dated 10 August 2016
- The development proposed: residential development with associated landscaping, infrastructure, access and miscellaneous works
- Application drawings: Location plan LP 001, Proposed layout plan
- Date of site visit by Reporter: 31 January 2017

Date of appeal decision: 23 February 2017

---

**Notice of Intention**

For the reasons given below I am minded to allow the appeal and grant planning permission subject to the five conditions listed at the end of the notice, following the signing and registering or recording of a planning obligation under section 75 of the Town and Country Planning (Scotland) Act 1997, or some suitable alternative arrangement, covering the matters listed in paragraph 32 below.

**Reasoning**

1. I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise.
2. The development plan comprises the Glasgow and Clyde Valley Strategic Development Plan 2012 and the North Lanarkshire Local Plan 2012. The proposed Clydeplan 2016 (the emerging Strategic Development Plan) is currently subject to examination by Scottish Ministers and will therefore be a material consideration in my determination of this appeal. North Lanarkshire Council is also currently preparing the North Lanarkshire Local Development Plan (the emerging local development plan) however the plan is still subject to consultation and subsequent examination. It therefore carries little weight in my consideration of this case.



3. The council in the refusal notice state that the application is contrary to the Spatial Development Strategy of the Glasgow and Clyde Valley Strategic Development Plan 2012 (SDP). Policies in the SDP provide general strategic guidance on the location of development. Strategy Support Measure 10 relates specifically to housing development and together with Diagram 4 provides a framework for assessing proposals where these are unrelated to a known need or demand that has been established in the development plan. Policy DSP1 in the local plan also relates to potential additions to planned land supplies. Together, they aim to ensure that local development plans have allocated sufficient housing land and maintain a five year effective supply of housing land.

4. The site also forms part of the green belt under the spatial development strategy of the SDP and is located within the green belt in the adopted local plan. Policies DSP2, NBE 3A and DSP4 of the local plan are also referenced by the council in the planning application decision notice and are therefore also relevant in my consideration of this appeal.

5. Having regard to the provisions of the development plan the main issues in this appeal are (a) housing land supply, (b) impact on the development plan spatial strategy, (c) impact on the green belt, including visual and landscape impacts, (d) whether the proposed development would be premature and undermine the process for approval of the new local development plan and (e) the weight of other material considerations, in particular the presumption in Scottish Planning Policy (SPP) in favour of development which contributes to sustainable development.

6. The proposed site comprising approximately 10 hectares, lies immediately north of Glasgow Road Bargeddie and west of Drumpellier Golf Course. Monklands Canal is located to the north separated by mature trees and shrubs and Bishop Burn runs along the north west boundary of the site. A modern residential development sits to the west of the site across Oakridge Road. Trees that border the site to the east and north are covered by Tree Preservation Orders and two designated Sites of Importance for Nature Conservation are also directly east and north. Informal pedestrian access is currently taken from gaps in parts of the fencing off Oakridge Road and Glasgow Road.

7. Although an application for residential development in principle only, the indicative layout provided by the appellant indicates the development would be accessed via a new signalled T junction access point on Glasgow Road to the south of the site. The applicant has provided an indicative layout plan demonstrating the potential capacity for 180 units split into two groupings to the north and south of the site linked by the main access. Drainage infrastructure in the form of a SUDS pond would be installed in the south west corner of the site.

#### *Housing land supply*

8. The appellant's position is that there is a shortfall in the five year effective supply of housing land that is required by the development plan and by SPP. The appellant concludes in their Housing Land Supply Statement that the shortfall amounts to 2,332 houses, equating only to a 3.73 year supply. By 2016 that shortfall is projected to increase to 3,341 houses.

9. Whether there is a housing land shortfall is relevant to the application of local plan policy DSP1. The policy identifies the circumstances where additions to land supplies are considered against demand assessment criteria. In the case of housing, the requirement is for a minimum of a five year housing land supply at all times.

10. Although the council include reference to policy DSP1 in the refusal notice, they later concede in the appeal submissions that in light of the acceptance that there is a housing land shortfall the development accords with the policy.

11. The council however refer to the Housing Needs and Demand Assessment 2015 prepared to inform both the emerging strategic and local development plans. They contend that this more accurately reflects current housing need and demand within North Lanarkshire. They also state that where there is a shortfall in housing land supply, this should be addressed through allocations in the emerging local development plan rather than incrementally through planning applications.

12. I note that the appellant refers to similar matters in a recent appeal decision in East Dunbartonshire where the reporter concluded that due to the statutory requirement for the proposed local development plan to be consistent with the approved strategic development plan, it is not appropriate to give any significant weight to the next emerging strategic development plan or the housing need and demand assessment on which it is to be based. The appellant argues that a similar position should be taken in this case and the assessment of the current housing land supply situation must be based on the requirements of the current development plan.

13. Whilst I understand the council's wish to meet its identified housing land targets through a plan-led process, the need to maintain a five-year effective housing land supply is a continuing and on-going requirement. I would agree with the appellant that this appeal must be assessed in the context of the housing requirements of the approved SDP and the SDP requires that a five-year supply of effective housing land be maintained at all times. The outcomes of the Housing Need & Demand Assessment 2015 are a matter for the emerging Clydeplan SDP, and the new local development plan.

14. I also recognise that once the new local development plan is adopted, there will be an increase in the housing land supply, including the supply of effective land. However I have previously noted that the plan is still subject to consultation and adoption is not programmed until 2018. On this basis, and in light of the council's subsequent acknowledgement that there is a housing land shortfall I conclude that the proposal therefore accords with local plan policy DSP1.

#### *Development Plan Spatial Strategy*

15. As I noted previously, in circumstances where there is an identified shortfall of effective housing land, I must consider the proposal against the spatial strategy policy guidance in the SDP relating to potential additions to planned land supplies.

16. Strategy Support Measure 10 of the approved SDP provides the policy mechanism to allow for the early release of land in advance of the adoption of the emerging local development plan (LDP) in order to contribute to the five year effective housing land supply.

The release of sites should be guided by criteria in Diagram 4 (the Sustainable Location Assessment) to find the most suitable locations, infrastructure constraints and funding, the site being of a scale which is capable of delivering its house completions in the next five years, and the vision and planning principles of both the Strategic Development Plan and the Local Development Plan.

#### *Strategic Development Plan Diagram 4*

17. I note that both the appellant and the council take opposing views in terms of the assessment against Diagram 4. On the one hand the appellant in their Sustainable Development Statement argues that the proposal satisfies the relevant supply-side criteria; is a sustainable location, there are no infrastructure constraints that would inhibit delivery, can be delivered in the next five years and contributes to the spatial development strategy of the SDP.

18. The council however concluded that many of the criteria were not relevant to the site or would be scored neutral at best. Given the green belt status of the site it is considered that the site scores negatively against the criteria.

19. I agree with the council that some of the criteria in Diagram 4 are not relevant in this case, namely; network of centres and low-carbon energy. The impact on climate change is dependent to some extent on my findings relating to sustainable transport and the water environment. Matters that are directly relevant in my assessment of the proposal against the specified criteria in Diagram 4 are sustainable transport, the water environment, the green network and low carbon economy.

20. With regard to sustainable transport, the Transportation Assessment submitted by the appellant takes cognisance of Transport Scotland guidance and considers all modes of access to the site, including walking and cycling, followed by public transport and finally private car trips. It refers to SPP which indicates that planning permission should not be granted for significant travel generating uses in locations where direct links to local facilities via walking and cycling networks are not, or cannot be made available; where access to local facilities via public transport would involve walking more than 400 metres; or the transport assessment does not identify satisfactory ways of meeting sustainable transport requirements.

21. As I noted at my site inspection, the area in the immediate vicinity of the site is well served by public footpaths and cycle paths, all providing good access to the canal, Drumpellier Country Park to the north, the surrounding towns and Glasgow. Figure 2 in the Transport Assessment provides a good indication of the proximity of these facilities. Many of the paths are signposted and access to the surrounding countryside, parkland and leisure facilities around the proposed site is in my view, a significant asset to the area.

22. I note however that the nearest train stations are located over a kilometre away therefore limiting the likelihood of walking to the stations. This is offset to a certain extent by the proximity of the bus stops on the A89 to the immediate south of the site. I also note that the council traffic management team, in their consultation response acknowledge that local bus services can provide a link to both Bargeddie and Kirkwood stations. Both bus stops are well within 400 metres of the proposed site and although some houses may be

beyond the recommended walking distance of 400 metres I am satisfied that in the event that I allow this appeal, suitable footpath links could be provided as an integral part of the layout and design of any future development. I also agree with the council who note in their committee report that the relative distances of the site from current public transport provision is not of a magnitude sufficient in recommending refusal of the application on this basis alone.

23. The location of local amenities is shown in Figure 3 of the Transport Assessment. The local primary school lies to the south west of the appeal site, while shopping and other local facilities are available to the east and west. I also noted at my site inspection provision of a community centre and church facilities nearby.

24. The primary school is shown as being located approximately 1.4 kilometres from the proposed site, with a walking time of approximately 20 minutes. Other local facilities, including a nursery, shops, sports facilities and a dental surgery are shown as being within walking and cycling times of 30 and 40 minutes respectively.

25. I note however that local secondary schools are located 3 kilometres away, and although at this distance it is likely that pupils would be dependent on the use of the private car, that does not preclude walking or cycling via the existing footpaths and cyclepaths adjacent to the proposed site. The Transport Assessment also highlights that existing 'safe routes to school' are available. I also noted that pavements are provided along Glasgow Road and that a signal controlled pedestrian crossing is located to the south of the site. I am mindful however of the comments from the council's traffic management team that taking account of the distance of the proposed development from local secondary schools those residing in the proposed development would qualify for free school transport. They do however emphasise that given that the council will incur a financial burden to provide this school transport, it cannot be considered sustainable. Whilst this may be the case I am also aware that many secondary schools serving wide catchments in urban areas will rarely be within walking distance for many pupils.

26. Overall, whilst I acknowledge that some local facilities are located beyond the distance of 400 metres highlighted in SPP, I am satisfied that the Transport Assessment identifies satisfactory ways of meeting sustainable transport requirements. I have also considered the Transport Scotland guidance on walking and cycling times, and the suitability of the routes. I therefore agree with the conclusion of the Transport Assessment that the proposal would be accessible by foot, cycle and public transport and would be well located to encourage the use of sustainable transport modes, thus meeting this criterion in Diagram 4 of the SDP.

27. In terms of the water environment criterion, some of the representations raise concerns about the likelihood of increased flooding and drainage problems in the future. A Flood Risk Assessment and Drainage Strategy has been prepared by the appellant. It concludes that by implementing the recommendations relating to ground and floor levels, surface water run-off, construction of land drains using the existing foul sewer on Oakridge Road and formation of a SUDS pond, the proposed development is acceptable. I also note that the Scottish Environment Protection Agency comment that they have no objections to the proposal subject to the imposition of conditions relating to the submission of further modelling and technical data.



28. In relation to the low carbon economy criterion, I find that the proposal would not fall within one of the economic development categories that are referred to in Diagram 4. I concur however with the appellant that the proposal would support economic activity by providing employment opportunities during the construction period, thereby assisting in the support of the local economy and the overall economic competitiveness of the region.

29. Diagram 4 also sets out requirements in relation to addressing climate change. The proposed development, being located on previously undeveloped land in the green belt would not minimise the development footprint of the city region. However, the extent of that enlargement is modest, and the site lies adjacent to the existing settlement edge, with residential uses immediately adjoining.

30. With regard to the region's carbon footprint and greenhouse gas emissions, I have previously concluded that the site would be accessible by foot, cycle and public transport and would be well located to encourage the use of sustainable transport modes.

31. Drawing these elements together, I conclude that the proposal accords overall with the criteria for additional land releases as they relate to sustainable transport, the water environment, low carbon economy and climate change in Diagram 4. I shall address green belt and green network matters in more detail in paragraphs 37-58 of this notice.

#### *Infrastructure*

32. Turning to the remaining criteria in the SDP's Strategy Support Measure 10, in terms of infrastructure, I note the concerns of local residents about the lack of capacity at the local primary schools. The consultation reply from the council's learning and leisure services team confirms that the primary schools are currently at, or nearing capacity. In these circumstances therefore, they request a contribution of £4,000 per house to allow the education service to increase capacity in the area to allow any additional pupil yield from the development to be accommodated in the local schools if planning permission is granted. The appellant also acknowledges in the appeal statement that such a contribution could be made.

33. I also note that the council in the appeal submissions acknowledge that it has been demonstrated that there are no infrastructure constraints that could not be overcome as part of the submission of any detailed planning application. The proposal therefore complies with this criterion of SDP Strategy Support Measure 10.

#### *Scale of development and delivery within five years*

34. In terms of the scale of development that can be delivered in the next five years the appellant argues that the proposal, for around 180 homes at an annual build rate of around 50 homes per annum, the development will be completed over a four year period, including the affordable homes. If construction commences in 2018, then up to 100 homes will be complete by the end of the initial SDP period (2020), with the site fully built out by 2022.

35. The council does not dispute these figures but maintains that the housing land supply should not be addressed incrementally through planning applications.

36. In terms of the delivery rate for new housing within the five year period, it seems to me that accounting for the time it may take to conclude planning obligation matters, secure any subsequent detailed planning permission, make provision for on site infrastructure and construct the houses, I consider the timescale for construction of 180 houses by 2022 to be rather ambitious. I cannot conclude with any certainty that the proposed development is of a scale that is capable of being fully delivered in five years, nonetheless I consider that some development would be feasible and the site may make a modest contribution to the housing land shortfall within that period.

#### *Green belt and green network*

37. Strategy Support Measure 10 and the related Diagram 4 also require assessment of proposals in terms of impacts on the green network, green belt objectives, and the vision and planning principles of the development plan. A substantial number of objections also focus on green belt issues and the council's three reasons for refusing the application relate to the loss of green belt land and the adverse visual impact of the proposed development. Local Plan policies DSP2, NBE 3A and DSP4 are also specifically referenced. I shall therefore consider these matters in more detail below.

38. The site forms part of the green belt under the Spatial Development Strategy of the Glasgow and Clyde Valley Strategic Development Plan (SDP). It is identified as a component of the Spatial Development Strategy that contributes to all 10 of the objectives of the SDP's Spatial Vision.

39. The site is also zoned as NBE3A in the adopted North Lanarkshire Local Plan and falls to be considered against local plan Policy DSP2. Located in the green belt and not forming part of the strategic housing land supply, criterion B is relevant. This states that new development may be granted in the green belt, where they are consistent with locational criteria and the council's supplementary planning guidance on green belt development.

40. The council and the appellant disagree on how the proposed development impacts on the green belt. On the one hand, the council considers that the appeal proposal does not accord with the principles of green belt protection. The proposal is considered to result in the expansion of Bargeddie having a significant effect on the open character of the area, and more broadly is a form of urban sprawl that encroaches into the rural area that contributes to the wider green belt function. In this respect the council contends the proposal fails to comply with policies NBE3 and DSP2.

41. The council also acknowledge however that in terms of the green network criterion in Diagram 4 of the SDP, the proposal may have some perceived benefit if a public footpath connection could be included to link the development to the canal and that biodiversity would be encouraged through the green network (landscape planting).

42. The consultation response from the council's landscape service also comments on the potential landscape and visual impacts and asserts that the present perception of the open agricultural land and landscape character would be lost. They state that the present open grassland is contributory to the visual impact of the wooded hilltop landscape feature

in the adjacent golf course. In addition, the concern is that the proposed screen/mitigation planting, whilst intended to reduce the visibility of the proposed development would restrict or preclude present views into and over the site and would not be effective until approaching maturity. From a landscape and visual aspect the location of the proposed residential development does not justify a departure from the requirements of development of land in the green belt. The council's reasons for refusing the application reflect this view.

43. The appellant acknowledges that the green belt is an important component of the SDP's Spatial Development Strategy. However they contend that the proposal supports the SDP's strategic objectives of the green belt.

44. The appellant also refers to the conclusions of their Landscape and Visual Impact Assessment where effects of the proposed development are assessed. The assessment includes five viewpoints within a 3 kilometre radius of the site. The assessment methodology follows recognised national guidelines and considers the magnitude of change, the effect and significance. It includes criteria for determining the significance of visual effects and takes account of the sensitivity of 'receptors'. These include residential properties, roads, footpaths, cycle routes and recreational facilities. Where the landscape or visual effect is identified as major or major/moderate, this is considered to be significant. The assessment highlights that significant effects may in some circumstances not be unacceptable or necessarily negative, and may be reversible. All other effects are considered to be non-significant. Whilst the sensitivity of some receptors such as Drumpellier Country Park and the canal towpath were considered to be high to medium, the magnitude of change is considered to be low due to proposed planting. Some impacts are found to be of a medium scale. The visual assessment concludes that taking account of mitigation (in most cases planting of trees) there would not be any significant landscape or visual effects arising from the proposed development.

45. The appellant also considers that little weight can be attributed to policy NBE3A, the council's SPG on 'Assessing Development in the Green Belt' and policies DSP1 and DSP2 given the agreed shortfall in the five year effective housing land supply. Previous appeal decisions are cited which confirm that in circumstances where there is a shortfall in the five year housing land supply, SPP requires action to be taken as soon as possible in order to bring forward sites for development. In such circumstances, development plan policies for the supply of housing land (regardless of their date of adoption) are to be regarded as out of date and, where a proposal can be shown to contribute to sustainable development, this will be a significant material consideration.

46. As I previously noted, Strategy Support Measure 10 of the SDP requires assessment of proposals to be guided by the impact on the vision and principles of the development plan. In terms of the green belt these are; directing planned growth to appropriate locations, supporting regeneration, creating and safeguarding identity through place-setting, protecting separation between communities, protecting open space, sustainable access, natural environment, the farming economy, biomass renewable energy and timber production.

47. I noted at my site inspection that the proposed site comprises agricultural land lying immediately east of a new housing development in the village of Bargeddie. I also note its designation as a landscape character area of 'Fragmented Farmlands' in the Glasgow and

Clyde Valley Landscape Assessment published by Scottish Natural Heritage confirming its key characteristics of gently undulating topography, pockets of remnant pastoral farming and urban edge. At the time of my inspection the site did not appear to be in any productive agricultural use and has the appearance of rough grazing land. The site slopes gently up from its southern boundary and is relatively open when viewed from the A89 to the south. From within the site in all other respects it is well enclosed by trees and hedging on the north, east and west boundaries. The modern housing development immediately to the west is similarly well screened by an established tree belt. I visited the five viewpoints provided by the appellants' landscape and visual assessment (and addendum). I also viewed the site from other locations in and around the site that I considered most likely to experience any visual impact. These included viewing the site from Culhill Road, the clubhouse area at Drumpellier Golf Club, Davaar Drive, Tinto Grove and immediately south of the site on Glasgow Road.

48. I agree to a certain extent with the assessment of the council's landscape service that there is an open outlook from both the A89 and the canal to the north. Reference is specifically made by the council to the hilltop feature of trees within the neighbouring golf course. The assertion is that visual impacts of this feature would be diminished or totally obscured if proposed residential development and tree-planting is located in the present open foreground of this view. In my view the wooded hilltop, although visible from within the site does not on its own contribute to any perceived visual attributes of the appeal site.

49. On the other hand I accept the appellants' submissions that the location of the site, immediately adjacent to the settlement edge with housing adjacent, taken together with the proposed retention and strengthening of the existing tree belts on the boundary and its relatively low-lying nature would sit comfortably within the rolling topography. There would be no potential for coalescence between Bargeddie and any nearby settlement, as the site fits closely into the existing settlement edge and is separated from any other settlement (in this case Coatbridge) by the golf course. I accept that the new planting may take a number of years to become established. However with the addition of additional landscaping and tree belts together with the gateway and landscaped entrance feature which would provide a structure to the southern boundary of the development, there is an opportunity to enhance the visual appearance of the site.

50. The development would also be sufficiently separated from, and screened from the adjacent modern housing development by the tree belt running along Oakridge Road. The relatively low lying nature of the majority of the site, combined with the existing screening from trees on the boundaries leads me to the conclusion that the landscape assessment undertaken by the appellant is a fair assessment of the potential landscape and visual impacts of the proposal. In this context I also find that given the relatively enclosed and self-contained nature of the site its contribution to the setting and identity of Bargeddie at present is somewhat limited. Overall I agree with the appellant that in terms of the objective of creating and safeguarding identity through place-setting and protecting the separation between communities, the proposal will not impact on this objective as the adjoining golf course will retain that function to the east. In addition the land is rough grassland and is not designated as formal open space. I also support the contention that the proposed landscape framework provides an appropriate setting for the proposal on the edge of the settlement.

51. In my judgement the development of the site for housing would cause little harm in landscape and visual terms, and the proposal would also accord with the locational criteria for new development in local plan policy DSP2 in relation to the green belt.

52. Looking at the remaining green belt objectives, in terms of supporting regeneration, the proposal will have somewhat limited impact, although I agree with the appellant that given the accessible location of the site, there is scope for residents to use and potentially support local facilities.

53. In relation to protecting of open space, I noted on the day of my visit that although the site is currently used on an informal basis for dog walking, it is not designated as formal open space.

54. In terms of the impact on the farming economy and natural environment, I have already noted that the site does not appear to be in any productive agricultural use. I also note that the council's greenspace team have no objection to the application provided detailed plans and mitigation proposals protecting biodiversity, birds and mammals that may be affected by the proposed development are received with any detailed planning application.

55. The criterion relating to biomass renewable energy and timber production is not directly relevant to the proposed development.

56. The council, in their reasons for refusing the application also reference policy DSP4 of the local plan. The policy requires that high design standards of site planning and sustainable design are achieved. Developments are also required to integrate successfully into the local area avoiding harm to neighbouring amenity and adverse impact on adjacent properties. The provision of roads, access and parking also requires to be assessed. In the council committee report I note that it is accepted that in terms of internal design and layout, a suitable layout could be achieved subject to detailed consideration. This would include play provision requiring the submission of further detail within the overall development in complying with current adopted standards. Similarly, in terms of infrastructure requirements no substantive reason for refusal is identified.

57. On transportation matters, the council acknowledge that as the application is in principle only, it is accepted that final details of the access and internal layout could be considered as part of a future application ensuring that outstanding matters are satisfactorily achieved. I also previously noted that the council acknowledge that the relative distances of the site from current public transport provision is not of a magnitude sufficient in recommending refusal of this application. I therefore consider that there would be no significant impact in landscape and visual terms and the design standards set out in local plan policy could be achieved. Overall, I find that the proposal complies with local plan policy DSP4.

58. Taking all these matters together, I therefore find that although the principle of developing this site for housing is contrary to the development plan green belt allocation, it would not cause any harm to the objectives which lie behind that designation. The proposal, in my judgement also satisfies the majority of the supply-side considerations of SDP Strategy Support Measure 10 and the locational criteria in Diagram 4. On balance

therefore, the proposal is compliant with the spatial vision of the strategic development plan. For these reasons, I also find that the proposal would meet the location criteria for the release of additional sites set out in local plan policy DSP2 and the design guidance in policy DSP4.

### *Material considerations*

#### *Scottish Planning Policy*

59. Scottish Planning Policy (SPP) is an important material consideration. SPP says that where (as is the case here) there is less than a five year supply of effective housing land, development plan policies for the supply of housing are not to be considered up to date and the presumption in favour of development which contributes to sustainable development is to be a significant material consideration. In such cases any adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the wider policies in SPP should be taken into account.

60. In this case there is no dispute that there is a shortfall in the effective housing land supply. I also consider that the construction of at least 180 houses on the site could make a modest contribution to the housing shortfall. The presumption in favour of development that contributes to sustainable development is therefore a significant material consideration in my determination of this appeal.

61. SPP also identifies the uses of green belt designation in paragraph 49. These are directing development to the most appropriate locations, supporting regeneration, protecting and enhancing the character and landscape setting of the settlement; and protecting and enhancing access to open space. It confirms that where green belt designation is justified, it will be for local development plans to define the boundaries as part of their spatial strategies.

62. I have previously concluded that the proposal, for the reasons already outlined, meets the terms of the relevant policy guidance in respect of the SDP and the adopted local plan (which reflect that of SPP) and can be regarded as sustainable development.

#### *Clydeplan*

63. The emerging Clydeplan Strategic Development Plan is another important material consideration. As I noted in my introduction the proposed plan is currently subject to examination. Following hearings on housing related issues in December 2016 the reporters undertaking the examination have issued a number of further information requests on matters related to housing land supply, infrastructure, climate change and network of centres. The reporters will issue their report in due course.

64. The green belt is identified as having a significant role to play in supporting the delivery of the Spatial Development Strategy and in achieving the strategic objectives of the plan. The strategic objectives reflect those in the approved SDP and again relate to planned growth, regeneration, place setting, protection of open space, sustainable access, natural environment, farming economy, biomass renewable energy and timber production. These principles are also embedded in the emerging Clydeplan policy 14.

65. In circumstances where there is a shortfall of housing land Clydeplan also makes provision in Diagram 11 to assess proposals that may impact on the plan strategy. The criteria reflect those in Strategy Support Measure 10 and Diagram 4 of the approved SDP but also include improving opportunities for physical activity, including sport and recreation and the provision of digital connectivity in new developments.

66. Although digital connectivity has not been addressed specifically by parties I have no reason to doubt that such infrastructure will be provided in this case. In respect of other matters I have previously found that the appeal proposal meets the majority of the policy tests.

67. Drawing these elements together, I conclude that emerging Clydeplan lends further support to my previous conclusions in relation to the green belt objectives and spatial strategy of the development plan.

#### *Precedence*

68. The council, in their reasons for refusal of the application also refer to the issue of precedence. The contention is that approval of the proposal may be set a precedent for other unjustified and inappropriate development within protected green belt areas.

69. I agree with the appellant however that any proposed development in the green belt would require to be justified on its own merits and circumstances are rarely identical.

#### *Prematurity*

70. Although not a reason for refusing the planning application, there is some debate in the appeal submissions from both parties regarding the impact on, and the due process of the emerging LDP.

71. The appellant contends that very little weight should be attached to the emerging LDP and prematurity is not an issue in relation to this appeal. They cite a previous planning appeal in East Dunbartonshire where the matter of the significance of the emerging LDP was considered. In that case reference is made to the requirements of SPP and the importance of maintaining an effective five year housing land supply and the significant weight that has when considering housing development proposals. The appellant states that the reporter in that case concluded that the need to provide effective housing land is more important than any benefit that could be secured by delaying the consideration of how best to address the housing supply shortfall in the emerging LDP.

72. On the other hand the council state that approval of this application would prejudice the emerging LDP by undermining the plan making process, predetermining decisions on the location of new residential developments central to the emerging plan. The site was assessed during the 'Call for Sites' Main Issues Report consultation process for inclusion into the emerging LDP. It was considered the appeal site was an important part of the green belt countryside between Bargeddie and Coatbridge and therefore the site failed the assessment.

73. In relation to prematurity, SPP states that where a plan is under review it may be appropriate to consider whether granting planning permission would prejudice the emerging plan. Such circumstances are only likely to apply where the development proposed is so substantial or its cumulative effect would be so significant that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new developments that are central to the emerging plan. Prematurity will be more relevant the closer the plan is to adoption or approval.

74. In this case I noted in my introduction that the emerging LDP is still subject to consultation. The consultation process runs until the end of March. I am also mindful that there are further stages in the plan preparation process before the LDP is adopted. The plan will still be subject to examination by Scottish Ministers and it will be for the reporters carrying out that examination to reach their own conclusions on the adequacy of the housing land supply within that plan. Thereafter, adoption is not likely until 2018.

75. I have found that the proposal would generally accord with the SDP and adopted local plan strategy and policies. When considered at the level of the plan area as a whole it is not of a size that would in my view undermine the plan-making process by predetermining decisions about the scale, location or phasing of new developments that are central to the emerging plan. Given the current stage of plan preparation I do not therefore consider the granting of planning permission in principle in this case to be premature.

#### *Other matters*

76. I have also considered the substantial number of objections from local residents in response to both the planning application and this appeal in relation to the capacity of the local road network to accommodate the additional traffic that may be generated by the proposal. Most of the local concerns about traffic impact relate to the impact on traffic levels on Coatbridge Road (A89) and around the local schools.

77. Whilst I accept that traffic may increase, I note that the council's traffic management team raise no objection to the Transport Assessment in this respect. They also state that a 'Designing Streets' layout accessing onto a district distributor road (the A89) would not be acceptable. Further modifications to the proposed junction and the A89 would therefore be required as part of the prior submission of any detailed planning application. They also confirm that justification for a signal controlled junction at the A89 would be required as part of the prior submission of any detailed planning application.

78. I have addressed other matters raised by residents in respect of school and infrastructure capacity, including flooding and drainage matters in the preceding sections of this notice.

79. I also agree with the council officers, who acknowledge in the committee report that the comments from the council archaeology and greenspace officers in regard to the implementation of a programme of archaeological work and biodiversity mitigation reports could be addressed by conditions. Similarly, the site investigation and validation report requested by the council's protective service could also be included as a condition in the event that the appeal is allowed. The scale and design of the development to overcome



any noise concerns raised by protective service would be assessed once a detailed layout is submitted. A similar approach is suggested in respect of flooding and drainage matters.

80. Concerns are also expressed about the impact on the loss of open space for dog walking and the potential impact on wildlife. As I noted at my site visit, the site is used for dog walking and some informal footpaths were also evident around the perimeter of the site. I have also noted that the site does not have any formal open space allocation and given the proximity of good footpath connections to the adjacent country park, I do not consider this to be a matter which would justify refusal of the proposal. The council's play service also confirms that there is a policy requirement for play area and facilities commensurate with the number of houses to be located within the development in the event that planning permission is granted.

81. All matters relating to impacts on the site's ecology and biodiversity from the proposal have been addressed in the Extended Phase 1 Habitat Survey submitted by the appellant. I also note that the site itself has no protective designations for its ecological value. In this respect the council greenspace team advise that they have no objection to the application provided detailed plans and mitigation proposals protecting biodiversity, birds and mammals that may be affected by the proposed development are received with any detailed planning application. They also ask that footpath connections are provided from the site to the wider area.

82. This appeal seeks to establish the principle of residential development and any future application would require to address the above technical aspects in more detail. I also note acceptance of the proposals, subject to appropriate conditions on any subsequent planning permission from the relevant bodies and council teams in respect of matters relating to built heritage, pollution control, noise, vibration and coal mining risks.

83. Some local residents also expressed concerns about the neighbour notification process. This is a matter which is outwith the remit of this appeal; however I note that the council, in the committee report confirm that legislation requires that all property and land owners within 20 metres of the boundary of an application site must be notified. In this instance all nearby dwellings were outwith the 20 metre buffer however in accordance with legislation the application was published in the local newspaper.

### *Conclusion*

84. Taking all these matters together, I find that although the appeal proposal relates to a site which would result in expansion into green belt land, the development plan allows that to be set aside in certain circumstances by virtue of the policy mechanism in Strategy Support Measure 10, which allows for the release of such land in circumstances where there is a shortfall in the supply of housing land. My assessment of the proposal against the relevant policy criteria in the approved SDP and adopted local plan shows that overall, the proposal is acceptable. Policy guidance in SPP and the emerging SDP lend further support to my conclusions. In addition the proposal cannot be ruled out on grounds of prematurity in relation to the work on the new local development plan. Further accessibility improvements and matters relating to school capacities could be secured and the development of the land for housing would, in my judgement have minimal adverse landscape and visual impacts on the green belt.

85. I therefore conclude, for the reasons set out above, that the proposed development accords overall with the relevant provisions of the development plan and that there are no material considerations which would still justify refusing to grant planning permission in principle, subject to conditions and the completion of a planning obligation to address the matters specified in paragraph 32.

86. In respect of the proposed conditions suggested by the council, I propose to delete conditions 4 and 5 as details of the sustainable urban drainage system are required by virtue of condition 1 in any case. The technical operation of such a facility is also controlled by other legislation and there is no need to duplicate these requirements in a planning consent. Similarly, the proposed condition relating to confirmation that a connection to the public sewer can be made is a procedural matter for the appellant and Scottish Water not normally enforceable under planning legislation.

87. I will accordingly defer determination of this appeal for a period of 3 months to enable the relevant planning obligation (either an agreement with the planning authority or a unilateral obligation by the appellant under section 75 of the Town and Country Planning (Scotland) Act 1997 or some suitable alternative arrangement as may be agreed by the parties) to be completed and registered or recorded, as the case may be. If, by the end of the 3 month period, a copy of the relevant obligation with evidence of registration or recording has not been submitted to this office, I will consider whether planning permission should be refused or granted without a planning obligation.

*Karen Black*  
Reporter

### Conditions

As set out in the decision notice

### Advisory notes

As set out in the decision notice