

# North Lanarkshire Council Report

## Planning Sub Committee

X approval  noting

Ref 20/01211/PPP

Date 19th August 2021

### 20/01211/PPP - Residential Development and Associated Infrastructure and Landscaping (In Principle) at Steps – Response to Planning Appeal

**From** Lorna Bowden, Planning and Place Manager

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#### Executive Summary

The purpose of this report is firstly to advise Committee that the above application has been appealed to the Scottish Ministers on the grounds that it had not been determined within the statutory 4 months timescale and secondly seeking approval of the Planning Service's comments for submission to the Scottish Ministers that the appeal should be dismissed.

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#### Recommendations

It is recommended that the Planning Committee:

1. Consider the contents of this report and approve the recommendation that the appeal should be dismissed as set out in the report in Appendix 1.

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#### The Plan for North Lanarkshire

Priority Improve economic opportunities and outcomes

Ambition statement (17) Ensure we keep our environment clean, safe, and attractive

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#### 1. Background

- 1.1 Planning application 20/01211/PPP was submitted in October 2020 seeking permission in Principle for Residential Development and Associated Infrastructure and Landscaping on this site which is south of Dorlin Road, Cardowan, Steps.
- 1.2 The Council has four months to determine Major Planning Applications unless an extension of that period is agreed with the applicant. No formal written agreement was agreed in this instance and an application for non-determination was made to the Scottish Ministers after this four month period had elapsed. The planning service was working with the applicant's agent and thought we had an understanding that the application would only be reported to committee when all technical issues and the position regarding developer contributions had been fully explored and agreed upon. This would mean that any appeal would relate only to matters of policy i.e. should this green belt site be developed or not. To this end discussions were continuing in

relation to education contributions when without any reference to the planning service the applicant submitted a non determination appeal.

- 1.3 An Appeal Statement will be submitted to the Scottish Ministers in due course recommending that the Appeal be dismissed. The reasons for this are contained in the attached report (Appendix 1).

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## **2. Report**

- 2.1 As detailed in Appendix 1, the proposal is contrary to the Clydeplan Strategic Development Plan 2017 and the North Lanarkshire Local Plan 2012 for the reasons given in the attached report.

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## **3. Public Sector Equality Duty and Fairer Scotland Duty**

- 3.1 The subject of this report is not affected by either Duty

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## **4. Impact**

- 4.1 **Financial impact** – there is no financial impact to the Council.
- 4.2 **HR policy / Legislative impact** – there are no HR of policy impacts.
- 4.3 **Technology / Digital impact** – there are no Technology / Digital impacts.
- 4.4 **Environmental impact** – the dismissal of the appeal will safeguard green belt to the south of Dorlin Road, Cardowan, Stepps.
- 4.5 **Communications impact** – there are no communications implications.
- 4.6 **Risk impact** - there are no risk management issues .

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## **5. Measures of success**

- 5.1 The refusal to support this planning application will safeguard the green belt and allow residential development to be directed to planned growth areas where the impact of development can be actively and positively managed.

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## **6. Supporting documents**

- 6.1 Appendix 1 is a Committee Report for the proposal detailing why the committee should not be supportive of the proposed development due to its land use allocation as Green Belt. The endorsement of this report will enable the planning service to respond to the appeal.



**Lorna Bowden**  
**Planning and Place Manager**

## **Appendix 1**

**Application No:**

20/01211/PPP

**Proposed Development:**

Residential Development and Associated Infrastructure and Landscaping (In Principle)

**Site Address:**

Site To South Of  
Dorlin Road  
Cardowan  
Stepps

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**Date Registered:**

15th October 2020

**Applicant:**

Miller Homes Limited  
Miller House  
2 Lochside View  
Edinburgh  
EH129DH

**Agent:**

HolderPlanning Ltd  
5 South Charlotte Street  
Edinburgh  
EH2 4AN

**Application Level:**

Major Application

**Contrary to Development Plan:**

Yes

**Ward:**

05 Stepps, Chryston And Muirhead  
John McLaren, Lynne Anderson, Stephen  
Goldsack,

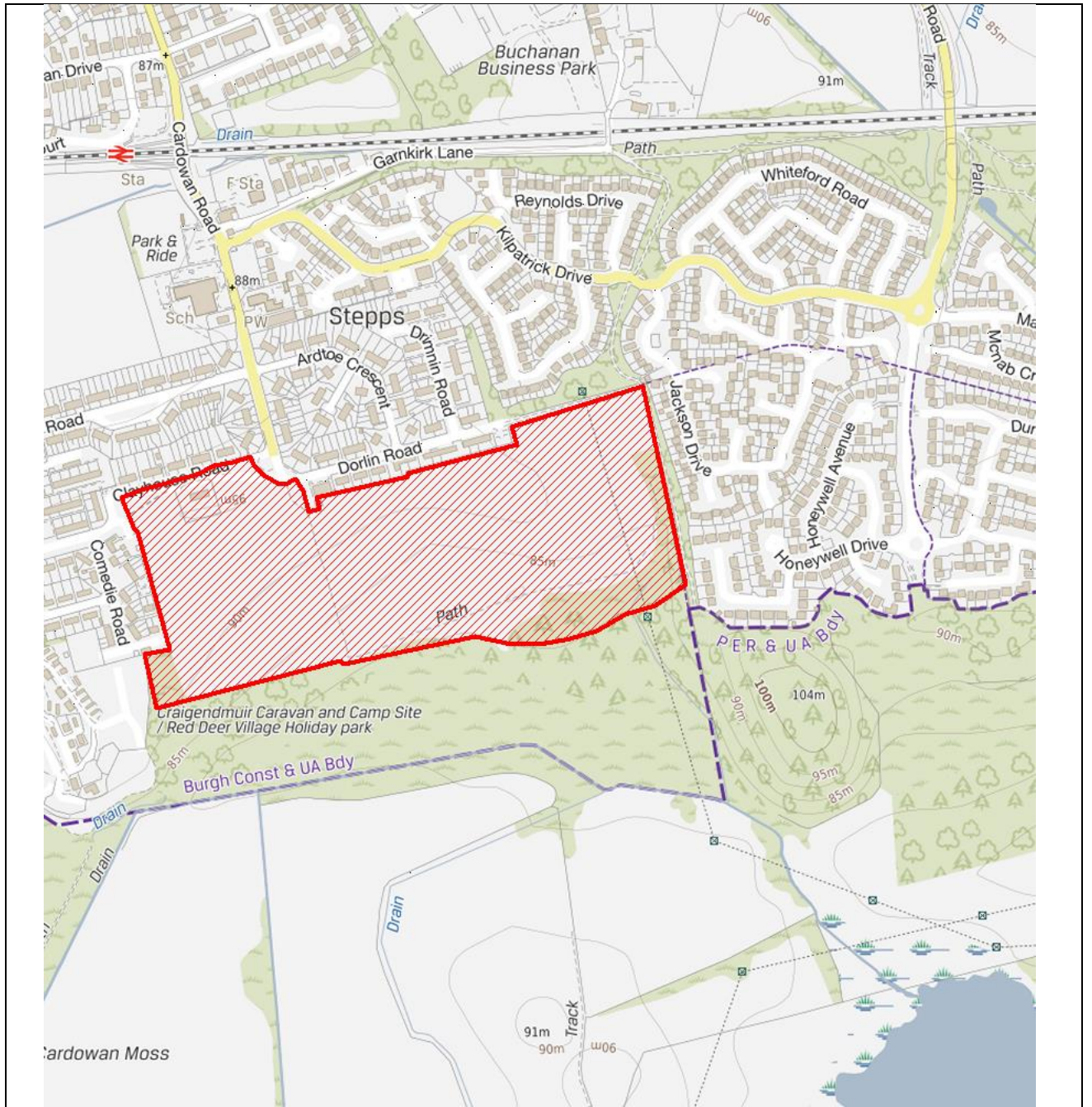
**Representations:**

442 letters of representation received.

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**Reasoned Justification:**

The proposed development is considered to constitute inappropriate and unjustified development in the Green Belt, specifically by virtue of the southern expansion of Stepps and the erosion of the Green Belt function of this area. The development is also considered to undermine the Spatial Development Strategy of the SDP in relation to the sustainable development locations set out as Community Growth Areas.



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**Planning Application: 20/01211/PPP**  
**Name (of applicant): Miller Homes Limited**  
**Site Address: Site To South Of Dorlin Road**  
**Cardowan Steps**  
**Development: Residential Development and Associated Infrastructure and Landscaping (In Principle)**



## **APPLICATION NO. 20/01211/PPP**

### **1. Purpose of Report**

- 1.1 The purpose of this report is firstly to advise the committee that the above application has been appealed to the Scottish Ministers on the grounds that it had not been determined within the statutory timescale and secondly to seek Committee's agreement to the conclusions and recommendations set out below.

### **2. Background**

- 2.1 Planning application reference 20/01211/PPP was submitted in October 2020 seeking planning permission for a Residential Development and Associated Infrastructure and Landscaping (in Principle) at a site south of Dorlin Road, Cardowan, Stepps.
- 2.2 The Council has four months to determine Major Planning Applications, unless an extension period is agreed with the applicant; in this case that period expired 25<sup>th</sup> March 2021. During the course of the application objections were received from a statutory consultee (SEPA) as well as NLC Greenspace and Scottish Gas Networks (SGN) and the applicant questioned the level of Education contribution and sought additional information from the Council. The developer subsequently submitted additional information to alleviate the concerns of SEPA, SGN and NLC Greenspace. At the time of this report, the Education contribution is the only outstanding issue to be addressed.
- 2.3 As this is a non-determination appeal, the Council must now come to a view on how to respond. The Planning Service must submit comments to the Scottish Ministers by a certain timeframe (23<sup>rd</sup> August) and this report requests the Committee's approval to allow the Planning Service to respond to the appeal and indicate that had the Committee determined the application it would have refused planning permission.

### **3. Site Description**

- 3.1 The application site lies to the south of Dorlin Road in the Cardowan area of Stepps. It is bounded by housing beyond Dorlin Road to the north and housing to the east and west and by Cardowan Moss/Garthamloch Quarry SINC (Site of Interest for Nature Conservation) to the south.
- 3.2 The site is some 13.72 hectares, is rectangular in shape, slopes down from north to south and comprises grassland with scattered trees and shrubs. Informal footpaths are located across the site from Dorlin Road and Clayhouse Road albeit that there are no Core Paths

### **4. Proposed Development**

- 4.1 The proposed development comprises residential development (no more than 300 Dwellings) and associated infrastructure and landscaping. A new access point is proposed to the south of Dorlin Road and Cardowan Road providing two accesses to the site and vehicle and pedestrian access is proposed from Comedie Road. Footpath access is also proposed from Clayhouse Road and other footpaths are envisaged throughout the site from other areas.
- 4.2 The applicant claims that a Landscape Framework is proposed which protects the existing landscape features including the SINC to the south with the applicant stating that it is by providing a clear settlement edge and link with positive landscape connections and recreation walking / cycle route. It is proposed to establish a landscape corridor at the site along the eastern boundary / pylon corridor that could accommodate play, SUDS and further define walking opportunities in and around the site.

### **5. Applicant's Supporting Information**

- 5.1 The application submitted a package of technical documents along with the application. The documents comprise:-
- Design and Access Statement
  - Pre-Application Consultation Report
  - Indicative Framework Survey

- Transport Assessment
- Landscape Appraisal, Design Statement and Visual Impact Assessment
- Preliminary Ecological Appraisal
- Cardowan Moss Management Plan
- Tree Survey and Arboricultural Constraints Report
- Flood Risk Assessment and Indicative Drainage Layout
- Stage 1 – Geo-environmental Investigation Report

## 6. Site History

6.1 The site is Greenfield, as such, there is no significant planning history associated with the site location.

## 7. Development Plan

7.1 This application raises issues of a strategic and local nature and therefore must be considered in terms of both the Strategic Development Plan (Clydeplan (SDP) 2017) and Local Plan (North Lanarkshire Local Plan). The site falls within a Green Belt designation in both the Clydeplan (SDP) 2017 and the North Lanarkshire Local Plan which identifies the site as NBE3 A (Green Belt).

## 8. Consultations

8.1 **Scottish Water** have no objections to the development and that once permission is granted for development, a formal application should be submitted to Scottish Water in order for them to review the availability of capacity at that time.

8.2 **NLC Greenspace** have no objection provided that updated Protected Species surveys are carried out if development is not carried out within one year. They have also requested that should development proceed, a full robust Habitat Management Plan should be in place for the adjacent SINC. They would also like to see more details of the SUDS design for the site.

8.3 **NLC Education** have no objection, however point out the issues within the area for schooling in terms of capacity. They have stated that a contributions of £10,316 per unit is required which the developer has challenged and not agreed to pay to date.

8.4 **NLC Landscape** have no objections provided that appropriate landscape mitigation measures are robustly implemented and that green corridors and path links are prioritised. They are concerned that people that currently use the area for recreational walks will move down towards the 'wetland area' and this may result in a detrimental impact on the flora and fauna within the SINC.

8.5 **NLC New Supply Team** raises no objection to the application. In this instance 25% affordable housing element is required for a development of this scale. This could be secured by planning condition.

8.6 **NLC Arboriculture** have no objections to the proposal and are satisfied with the Tree Report submitted. If approved they would seek replacement planting for those lost as a result of the development.

8.7 **NLC Play Services** have no objections provided that the required play area for a development of this scale is centrally located and is of a certain size and composition including being at least 2000 square metres and having a multi-use games area.

8.8 **NLC Protective Services** has not objected to the application and provided comments in relation to contaminated land.

8.9 **SEPA** initially considered that the applicant had failed to demonstrate that the development will not have a detrimental impact on wetlands and Groundwater Dependent Terrestrial Ecosystems (GWDTE). They requested additional information which was duly submitted. The development land drains into the Cardowan Moss to the south therefore disruption to water flow in this area will impact the water levels found in the Moss. Following their assessment of the applicant's supplementary information SEPA withdrew their objection.

8.10 **NLC Traffic and Transportation** raise no objection to the application subject to appropriate conditions being attached to any consent. Detailed discussions have taken place in respect to the area with additional supporting information being provided. There are no concerns raised over the relationship with the wider public road network, subject to appropriate measures being put in place. Transportation matters are further discussed in 10.20 and 10.21 below.

8.11 **Scottish Gas Networks** state that they have apparatus in the vicinity of the development, including two high pressure gas transmission pipelines, therefore they had initially objects to the proposals until such times as an agreement had been reached with them by the developer. This has now been reached.

## **9. Representations**

9.1 Following the standard neighbour notification process and advertisement in the local press, 442 letters of representation were received within the statutory period. Objections are summarised into sections as follows:

### **Road Safety**

There are road safety concerns as the existing road network mostly runs at single lane as the area is incredibly busy. The Transport Assessment Report is weak and fails to reflect reality. Major roadworks have taken place in the local area are to the amount of traffic within the area, this development would make it worse.

### **Amenity and community well being**

Increased noise and light pollution, disturbance, overlooking of existing properties, impact on residential amenity by virtue of Loss of amenity, existing trees and green space used for informal local play provision. Impact on people's mental health and wellbeing. The area has been a 'lifeline' during the pandemic as it is the heart of Cardowan and the area acts as a valued green space providing a significant level of amenity for existing residents for walking, dog walking, children's play and cycling. The character of the area is being eroded by the development.

### **Policy**

The site is designated planned and established Green Belt in both the existing and emerging Local Plans, it risks environmental damage and would see a vast reduction in available types of land uses. It also fails to meet the requirements of Scottish Planning Policy. Good urban planning should take into account the wellbeing of people who live in the area, the proposal offers no improvements to existing residents. The proposal will result in an adverse impact on the Green Belt as such contravenes government policy which favours brown field sites. It fails to meet the requirements of the local plan. NLC have not identified a shortfall in housing land supply in the area.

### **Infrastructure**

The following comments on infrastructure were received:

- Schools are struggling with numbers at present, this will exacerbate the problem.
- Lack of amenities, including shops and youth recreational facilities.
- Add further pressure on an already stretched healthcare service including Doctors and Dental surgeries.
- Further strain on sewer network.
- The site is at risk of flooding and the area has drainage problems at present, this will make it worse.

### **Ecology**

The site acts as a Wildlife corridor and its development will result in loss of habitat and wildlife displacement. There is a healthy water vole population that will be displaced as a result of the development. Healthy protected trees will be removed and a SINC impacted upon negatively. Fauna and flora will be detrimentally affected by the proposal as well as the natural drainage in the area. The site is within the boundary of the Seven Lochs Wetland Park.

### **Miscellaneous**

Development on the site would see a vast reduction in the available types of land uses in the area.

Monotonous architecture in the area is spoiling the historic centre. There is poor public transport supporting the area and the application site is even further from any transport route. Property being landlocked due to the development loss of open views. Not everyone in the area received notification from the Council of the application which is concerning.

## 10. Planning Assessment

- 10.1 In accordance with Section 25 of the Town and Country Planning (Scotland) Act 1997, planning decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise.

### **Scottish Planning Policy (SPP) (2020)**

- 10.2 Revisions to Scottish Planning Policy (specifically paragraphs 28, 29, 30, 32, 33 and 125), reinforce sustainability as the overarching factor when assessing planning applications against Strategic Development Plan and Local Plan policies. Paragraph 125 elevates sustainability to being the prime consideration in the assessment of a planning application and the principal criteria for establishing whether a site is sustainable are set out at paragraph 28 and 29. This in effect, tilted the balance towards sustainability rather than the adequacy of land supply. Furthermore, the significance attached to the age of a Local Development Plan was proposed to be removed. In paragraphs 32 and 33, words relating to a Local Development Plan being 'out of date' were deleted. It is worth noting that a formal legal challenge was made to the 'updated' Scottish Planning Policy (2020) document which seems to have resulted in the 2014 document taking precedence over the 2020 amendment policy document. Regardless of which document is considered at this time, the fact remains that there is no housing shortfall. This is supported by a recent planning appeal decision (planning application 19/00563/PPP & appeal reference PPA-320-2144) for a site close by at Potassels Road and the Report of Examination into the Local Development Plan both of which concluded that the Cumbernauld Housing Sub Market Area was not in shortfall.

- 10.3 **Development Plans:** The Development Plans consists of the Clydeplan Strategic Development Plan 2017 and the North Lanarkshire Local Plan. The application is of strategic significance due to the scale of the proposal and principle policy designation of the site in the adopted Local Plan.

### **Clydeplan Strategic Development Plan 2017 (SDP)**

- 10.4 The site lies to the south of Dorlin Road in Stepps and forms part of the Green Belt under the Spatial Development Strategy of the Clydeplan Strategic Development Plan 2016.

- 10.5 While the vision and strategy of Clydeplan (SDP 2017) is not considered to differ significantly from that taken in the Glasgow and Clyde Valley 2012 and the role of the Green Belt figure heavily in both plans' development strategy. In summary, of particular relevance to this application within the Clydeplan SDP 2017 are the following:

- SDP Policy 1 (Place making)
- Policy 8 (Housing Land Requirement)
- Policy 14 (Green Belt)
- Diagram 10 (Assessment of Development Proposals)
- Policy 12 (Green network and Green Infrastructure Policy)

- 10.6 SDP Policy 1 Place making states that new development should take account of the place making principle set out in Table 1, which provides a range of criteria under the six qualities of a place set out in 'Creating Places 2013' and 'Place Standard for Scotland 2015'. An assessment of the proposal against these six qualities is as follows:-

- **Distinctive:** The proposal fails to enhance the landscape character of the area or support the objectives of the Glasgow and Clyde Valley Green network.
- **Safe and Pleasant:** The proposal, in principle, is capable of complying with detailed design policy and also capable of producing a safe local environment with scope for sustainable connectivity into and through the site to the wider area through sympathetic design at detailed stage.



- **Easy to Move Around:** The proposal, in principle is capable of linking into the existing footpath network around the site and there is scope for connectivity, however it is some 900m away from the nearest bus stop.
- **Welcoming:** The loss of this area to housing would have a detrimental impact on the residential amenity of the surrounding area as it is a valuable piece of open space used by the local community.
- **Adaptable:** the development does not support these criteria as it runs counter to the 'compact city' model which prioritises brownfield sites for development and mixed use development, this is a single use development on a Greenfield site.
- **Resource Efficient:** The development is capable of finding a technical solution in connecting to existing infrastructure but will require investment in public infrastructure to mitigate its impacts (Sewer, Transportation, local school upgrades etc.).

The proposal fails three of the six qualities set out above and on balance the proposal does not comply with Policy 1 of the SDP on Place making. It is therefore an unacceptable departure from the Strategic Development Plan.

- 10.7 The applicants have stated that they consider there to be a shortfall in the Housing land supply and has presented discourse on the fact and degree on this shortfall in the supporting planning statement and supplementary information. As such policy 8 of the SDP merits consideration. However, in light of the Scottish Planning Policy revisions outlined above, the balance has tilted towards sustainability and whether the site is a sustainable site first and foremost, means that the order of Policy 8 requires careful consideration, with bullet point two now taking precedence over bullet point one. However, as mentioned in 10.2 above, the consensus is that the 2014 takes precedence over the 2020 amendment.

**Policy 8 (Housing Land Requirement)** states that:

*"In order to provide a generous supply of land for housing and assist in the delivery of the Housing Supply Targets in support of the Vision and Spatial Development Strategy, Local Authorities should:*

- *make provisions in Local Development Plans for the all tenure Housing Land Requirement by Local Authority set out in Schedule 8, for the Private Housing Land Requirement by Housing Sub-Market Area set out in Schedule 9 and for the Private Housing Land Requirement by Local Authority set out in Schedule 10;*
- *allocate a range of sites which are effective or expected to become effective in the plan periods to meet the housing land requirements ,for each housing sub-market area and for each local authority, of the SDP up to year 10 from the expected year of adoption;*
- *provide for a minimum of 5 years effective land supply at all times for each housing sub-market area and for each local authority'*
- *Undertake annual monitoring of completions and land supply through Housing Land Audits.*

In response to the above criteria, reference should be made to para 10.12 below, which outlines the Council's view on housing land supply within the area and that there is no shortfall.

Policy 8 goes on to say that:

*'Local Authorities should take steps to remedy any shortfalls in the five-year supply of effective housing land through the granting of planning permission for housing developments, on greenfield or brownfield sites, subject to satisfying each of the following criteria:*

- *The development will help to remedy the shortfall which has been identified;*

Response – North Lanarkshire Council maintains that there is no overall shortfall and that the current housing land supply proposed in the emerging Local Development Plan, which has been through examination, is sufficient. In addition the recent Planning Appeal Decision at Potassells Road (Appeal Ref.no. PPA-320-2144, Planning Ref.no. 19/00563/PPP) confirmed that there was no shortfall in the effective five year housing land supply (para 74 of Appeal Decision).

- *The development will contribute to sustainable development;*

Response: In terms of impact on the Green Belt, community wellbeing, nature conservation interests and encouraging modal shift, the proposed development is not seen as sustainable.

- *The development will be in keeping with the character of the settlement and the local area.*

Response: There is concern that the development would have a wider negative impact on the character of the area and in this regard is considered to be unsustainable.

- *The development will not undermine green belt objectives;*

Response: It is considered that this green space is a valuable asset in the Cardowan community and is a well used area for rural pleasure.

- *Any additional infrastructure required as a result of the development is either committed or to be funded by the developer.'*

Response: This requirement is met only if the appellant accepts the need to make suitable contributions towards mitigating impacts on local education infrastructure. The applicant has questioned the Council on their per unit calculation and have not, to date, confirmed their acceptance of the contributions sought.

- 10.8 In concluding the assessment of Policy 8, it is considered that the development being assessed is unsustainable, it undermines the Green Belt objectives set out in the development plan and does not concur with the aims of the SDP or SPP para.33 in supporting the vision and spatial development strategy in providing housing at the right location. The policy, on balance, cannot therefore reasonably be said to add any weight to the proposed development.

#### **Policy 14 (Green Belt)**

- 10.9 Policy 14 states that "In support of the Vision and Spatial Development Strategy, Local Authorities should:

- *designate within Local Development Plans, the inner and outer boundaries of the Green Belt to ensure the objectives set out in paragraph 8.15 of the SDP are achieved;*

Response: The emerging LDP process incorporates a review of Green Belt boundaries. Furthermore, this site was part of the 'Call for Sites' process thus allowing further opportunity for a review of the Green Belt in this location. The Council's conclusion was that there was no merit in adjusting the Green Belt boundary at this site. Clearly, a further opportunity is now afforded for a review of the Green Belt boundary through the planning application process and it would be relevant now to assess the development proposals against the criteria within para 8.15 of the Clydeplan SDP 2017 as follows:

- *Collaborate to ensure consistency across Local Development Plan areas when defining or altering Green Belt boundaries.*

Response: not relevant to this assessment.

- *directing planned growth to the most appropriate locations;*

Response: It is not clear how redrawing the Green Belt Boundary in this instance would assist in directing planned growth to most appropriate locations given the Council's view that the application proposals are not sustainable. Through successive plans the Council has promoted the Community Growth Area at Glenboig and Gartcosh as the appropriate location for planned growth in the northern corridor. In addition, there are two specific housing sites in Stepps already identified in the Modified Local Development Plan

- *supporting regeneration;*

Response: The urban incursion of this site into the current Green Belt boundary would not support regeneration. With reference to the point above there is a partially brownfield development site identified in the Modified Plan delivery of which would be potentially undermined by this proposal.

- *creating and safeguarding identity through place-setting and protecting the separation between communities;*

Response: There is potential in the setting of precedence for unsustainable Green Belt release enabling further major residential proposals in the Green belt area. Particularly in the Stepps area where the greenbelt is under significant pressure indicted by the fact that in recent years the remaining greenbelt surrounding the settlement has been the subject of Proposal of Application Notices. To conclude that a sites proximity to established residential area is the main consideration to assessing whether or not the site is sustainable is to significantly underplay the role and function of greenbelt.

- *protecting and enhancing the quality, character, landscape setting and identity of settlements;*

Response: The proposal will impact negatively on the open rural character of the area. The proposal undermines the Green Belt objectives in terms of character, landscape setting and identity of the settlement, as such, does not concur with the aims of the SDP in supporting the vision and spatial development strategy in providing housing at the right location.

- *protecting open space and sustainable access and opportunities for countryside recreation;*

Response: The site provides recreational open space (see letters of representation) for the adjacent community within the Cardowan area of Stepps which will be lost due to the transformative nature of residential development on this scale.

- *Maintaining the natural role of the environment, whether in terms of floodplain capacity, carbon sequestration or biodiversity.*

Response: The development could proceed without having a detrimental impact on the environment in terms of flooding or biodiversity but again the loss of a natural area of land that links to the surrounding countryside is considered to be significant.

- *supporting the farming economy of the city region;*

Response: Not relevant in this instance.

- *Meeting requirements for the sustainable location of rural industries including biomass, renewable energy, mineral extraction and timber production.*

Response: Not relevant in this instance.

In conclusion, it is considered that the development is contrary to SDP Policy 14.

10.10 Diagram 10 (Assessment of Development Proposals) –Box 1 asks the question:

*Does the development proposal support the Vision, Spatial Development Strategy and the Place making Policy including having regard to the Glasgow City Centre Joint Strategic Commitment?*

10.11 The Council's view is that the answer to this question is 'no' given the assessment of policies 1, 8, 12 and 14 above. Accordingly, the development is considered to be a departure from the SDP. On this basis, the proposals are contrary to Clydeplan SDP 2017.

Box 2 goes on to pose the question:

*Is the development proposal an acceptable departure from the Strategic Development Plan having regard to the following criteria and any other material considerations?*

- *make a significant contribution to sustainable development particularly through enabling modal shift and the contribution to carbon reduction;*

Response: There is no evidence that the development will make such a significant contribution.

- *provide significant net economic benefit including the need to accommodate inward investment that would otherwise be lost to the city region or Scotland;*

Response: There is no evidence that the development will afford a significant economic benefit of this nature. Any benefit (however large) could be accommodated on a suitable and sustainable location.

- *respond to economic issues, challenges and opportunities, including the protection of jobs or the creation of a significant number of net additional permanent jobs to the city region;*

Response: Not relevant

- *specific locational need;*

Response: There is no suggestion that there is specific locational need for this development.

- *protect enhance and promote natural and cultural heritage, including green infrastructure, landscape and the wider environment;*

Response: The Landscape Appraisal Report contains numerous references to the sustainability of the development. Sustainability can be defined as “avoidance of the depletion of natural resources in order to maintain an ecological balance” and it is unclear just how such a large scale housing development on a Greenfield site can achieve this aim. The change from rural agricultural, providing a sense of place in the landscape transition (currently from urban to rural ) will, as a result of introducing a suburban housing area, result in profound and substantial negative effects on the landscape character, visual amenity and accessibility of the area.

- *improve health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation;*

Response: There is no evidence that the development in itself will offer benefits of this nature. Indeed, the intentions stated by the developer to promote and facilitate better countryside access for recreation and to enhance local landscapes and natural features are not required here. The implementation of the proposals would see the numerous current users of the site marginalised to the periphery of the area with their options reduced rather than enhanced with many existing opportunities removed. The Council’s aim to maintain community wellbeing will thus be compromised by allowing this proposal to proceed.

- *Support the provision of digital connectivity in new developments and rural areas.*

Response: Not relevant.

On balance, the development is not considered to be in accordance with the vision and spatial development strategy of the SDP, neither has it been found to be an acceptable departure.

- 10.12 The applicant states in para 4.4 of the Planning Statement that the North Lanarkshire Council Local Plan 2012 (NLLP) is out of date and also that there is a shortfall in the 5 year effective land supply. As a consequence of this belief, the applicant further states in para 4.5 of said statement that as it can be demonstrated that it is a sustainable development, then there should be a ‘presumption in favour’ of development on the site. In light of the proposed revisions to Scottish Planning Policy, outlined at paragraph 10.2 above, it was considered that words relating to the age of a plan are no longer relevant, however as mentioned in paragraph 10.2 above, formal legal challenge was made to the ‘updated’ Scottish Planning Policy (2020) document which seems to have resulted in the 2014 document taking precedence over the 2020 amendment policy document. The first and foremost question is then, is the site a sustainable site before considering if there is an identified shortfall, and if it is sustainable and a shortfall has been identified, does the Council want to remedy this by approving this site. The Council’s

view is that the site is not a sustainable development and that even if it was, there is no shortfall of housing land in the Cumbernauld sub-market area. A view which is shared with the Reporter on deliberating on the Council's modified plan recently as discussed in paragraph 13.7 below.

### ***Green network and Green Infrastructure Policy 12***

10.14 Policy 12 seeks to support the vision of the spatial development strategy and delivery of the Glasgow and the Clyde Valley Green Network by identifying, protecting, and enhancing the green network. Ensuring that development proposals prioritise green infrastructure prioritising the Green Network in strategic delivery areas identified in Schedule 11. Opportunities for delivery are associated with land uses which could deliver greater societal and wildlife benefits. These are:

- New build of scale.
- Vacant and derelict land.
- Underperforming green space.

Whilst the site is not identified in Schedule 11, it none the less forms part of the Green Network (Diagram 7) and in considering the opportunities identified in paragraph 8.7 of Clydeplan, cannot reasonably be considered to fall within the description set out above. This view is supported by comments provided by the Council's Greenspace Service and NLC Landscape who state it is clear that the site is extremely important as public greenspace that is well used by them and this should be taken into account when making a decision on the merits of the case. The Landscape Appraisal Report contains numerous references to the sustainability of the development. Sustainability can be defined as "avoidance of the depletion of natural resources in order to maintain an ecological balance" and it is unclear just how such a large scale housing development on a green field site can achieve this aim. It is therefore considered that the proposal is contrary to Policy 12 of the SDP in that the proposal does not support the aims of the spatial development strategy and delivery of the Glasgow and the Clyde Valley Green Network.

### ***North Lanarkshire Local Plan (NLLP):***

10.15 The site is zoned as NBE3A 'Green Belt' in the North Lanarkshire Local Plan. This Policy defines acceptable forms of development in the Green Belt, including proposals necessary for agriculture, forestry, horticulture, telecommunications, renewables or appropriate outdoor recreation. Mainstream housing, as proposed here, is inconsistent with the general principles of this policy. The associated SPG outlines the key purposes of the Green Belt as set out in Scottish Planning Policy (SPP) as including directing growth to the most appropriate locations and to protect and enhance the landscape setting and identity of towns. This proposal will result in the expansion of the urban area south of Dorlin Road in Stepps, resulting in a substantial effect on the character of the area and loss of an area of agricultural land which contributes strongly to and forms part of the wider Green Belt function. The application is therefore considered to be contrary to policy NBE3A 'Assessing Development in the Green Belt' of the NLLP and SPG 07 (Green Belt).

10.16 The applicant puts forward an argument based on a deficiency in the housing land supply in the local authority area, as such, Policy DSP1 'Amount of Development' becomes important in considering a potential addition to the supply of housing land, Criterion B Potential Additions to Planned Land Supplies due to the Green Belt status of the site. Additions to housing land supplies greater than certain thresholds (more than 10 units on greenfield or non-urban brownfield locations) outside identified sites require to be justified by demand assessments. Given the position outlined in Clydeplan SDP 2017 above, it follows that this proposal represents an unnecessary addition to the planned land supply requiring locational assessment under DSP2 'Location of Development' and Green Belt Policy and whether it would impact on the function of the Green Belt, retaining a significant landscape setting and self-contained defensible boundaries which would otherwise enable further incursion into the Green Belt.

10.17 Policy DSP2 'Location of Development' further considers the strategic approach to development locations. Located in the Green Belt and not forming part of the strategic housing land supply (as set out in policy HCF2 'Promoting Housing Development and Community Facilities'), reference to Criterion B: 'a Potential addition to planned land supplies' is relevant. This states that new development may be granted in the Green Belt, where they are consistent with locational criteria (maintaining clearly defined

urban and rural boundaries) and the associated Supplementary Planning Guidance (SPG) on Green Belt Development. The spatial form of the Green Belt should be appropriate to the location which is realised through the plan process rather than an urban incursion through speculative development. The Council is of the view that the development in the Green Belt is contrary to the vision and planning principles of the SDP, the site is unsustainable and, that there is no shortfall in Housing Land Supply (Para 10.16 above). On balance, the proposal is not supported by Policy DSP2 (Location of Development).

- 10.18 Policy DSP3 (Impact of Development) assesses proposals in terms of their impact on the economic, social and environmental infrastructure of the Community. The applicant makes the case that the development will accord with this policy in terms of any developer contributions required, which is welcome, however, it should be noted that these would be policy requirements in considering a development of this nature anywhere and would be as a consequence of the development itself. The applicant also states that the land to the south of the application site will be enhanced for long term sustainable nature conservation and informal recreation purposes, as set out in the Cardowan Moss Management Plan which is welcomed. The proposed development is considered contrary to DSP 3 – of the North Lanarkshire Local Plan, in as much as the developer has not agreed to the developer contributions required to mitigate the impact of the development on Education provision in the area.
- 10.19 Policy DSP4 (Quality of Development) states that development will only be permitted where high design standards of site planning and sustainable design are achieved, a consideration which is predominantly considered at the detailed stage of the planning process. That said, part 3(a) of the policy considers links to nearby green networks in considering design principles and in this case a valuable rural community resource will be lost to the detriment of residential development. Developments are also required to integrate successfully into the local area avoiding harm to neighbouring amenity and adverse impact on adjacent properties. In this respect it is considered that by virtue of the transformative nature of the development, this would have profound and substantial negative effects on the landscape character, visual amenity and accessibility of the area. A significantly large number of the 442 objections received for the development proposal noted the loss of the area as a recreational area and effective green space as being a major factor in their objection to the development proposal stating that it was a crucial outside space and access to this area was a great help in terms of their mental health in these trying Covid times.
- 10.20 On transportation matters, the applicant has submitted a Transportation Assessment which demonstrates that the existing local road infrastructure is capable of maintaining an accepted level of road safety as a result of the development at this location. In respect of more technical assessment points, should planning permission in principle be granted, it is accepted, as with any application in principle approval, that a suitable internal layout could be achieved, subject to detailed consideration. Some additional traffic calming measures would be required on Cardowan Road and would be subject to further discussion.
- 10.21 It is recommended by Traffic and Transportation that access to public transport services should be less than 400m. The current location of the bus stop on A80 Cumbernauld Road is approx. 900m walking distance. Given that all residents within the proposed development would be faced with excessive walking distances to access public bus service (900m plus to nearest bus stop taken from the centre of the site), the site cannot be said to be readily accessible via public bus transport. The nearest train service at Stepps is located approx. 600m from the proposed site which provides good accessibility for commuting purposes to Glasgow and beyond again however this too is located outwith readily walkable distances recommended by Traffic and Transportation. In conclusion, due to the excessive walking distance for buses and trains, the proposed site cannot be considered one which would encourage modal shift away from private car use. There would be a reliance on private car use when commuting to and from the development.
- 10.22 In considering part 1 ground stability, Pollution Control commented on potential contamination and it is recommended that site investigation be carried out. This could be covered by appropriately worded conditions should permission be granted.
- 10.23 In terms of part 2 of the policy, the applicant has submitted an ecology habitat survey and supplementary information on protected species and habitat. It is considered that wildlife interests have been considered and where relevant safeguarded. A condition could be imposed if permission in principle

were to be so that should 12 months or more elapse from the habitat surveys submitted with this application then a further survey should be undertaken. Similarly, conditions could secure the implementation of measures identified in mitigating any impact on protected species resulting from updated surveys. Greenspace have also recommended a number of habitat improvement measures which could be the subject of a planning condition. Part 2 also seeks to protect landscape setting which is discussed further under Policy NBE1 Protecting the Natural and Built Environment (para. 10.26 below).

#### Drainage and Water Body Status

- 10.24 In considering whether the site itself will be subject to flooding, SEPA, in their initial consultation response, considered that the applicant had failed to demonstrate that the development will not have a detrimental impact on wetlands and Groundwater Dependent Terrestrial Ecosystems (GWDTE). They requested additional information which was duly submitted. The development land drains into the Cardowan Moss to the south therefore disruption to water flow in this area will impact the water levels found in the Moss. Following their assessment of the applicant's supplementary information, SEPA withdrew their objection. It is therefore considered that in this regard the proposal has the potential to accords with Policy DSP4 (Quality of Development).
- 10.25 In concluding the foregoing comments, the proposal is considered to be contrary to policy DSP 4 in that it does not meet the standards of sustainable design, landscape setting or amenity value.

#### *Policy NBE1 Protecting the Natural and Built Environment*

- 10.26 Policy NBE1 Protecting the Natural and Built Environment Green space advise that the site is adjacent to a protected ecological area, namely Cardowan Moss SINC. This policy exists to protect the natural environment from development. It states that planning permission will only be granted for proposals potentially affecting SINC's if it can be demonstrated to the Council's satisfaction that there will be no adverse impact or that any impact can be mitigated in environmental terms relevant to the impact. Should planning permission in principle be granted, then conditions could secure any standoff areas which may be required to be implemented in order to mitigate environmental impact on both the SINC and protected species.
- 10.27 In concluding this section of the report on North Lanarkshire Local Plan (NLLP), there are substantial planning policy issues not just in relation to eth local plan but also SPP & the SDP. This proposal is contrary to Green Belt policy, is unsustainable and there is no shortfall in housing land supply for the area. The proposed development is also considered contrary to Policies DSP1, DSP2, DSP3, DSP4 and NBE3A of the North Lanarkshire Local Plan in that the supporting information submitted does not justify the loss of valuable green belt land and the proposed development would have a substantial adverse visual impact on the character of the surrounding area. If granted, the proposal would set an undesirable precedent for the continuation of the Stepps settlement into the Green Belt. Accordingly, given this conclusion and the assessment of the SDP in earlier paragraphs, it is concluded that the proposal is contrary to the Development Plan and must therefore be refused planning permission unless material considerations suggest otherwise.

#### **11. Other Material Considerations**

##### *Scottish Planning Policy (SPP):*

- 11.1 The applicant offers Scottish Planning Policy as being a material consideration where a greater weight should be afforded than that of the polices in the adopted Development Plan. The Council agrees SPP is a material consideration, particularly in light of the revisions introduced in 18th December 2020 which emphasises sustainability of a site as the first and foremost consideration. However, as discussed previously in paragraph 10.2 above, the revision document is subject to Legal challenge which seems to have resulted in the 2014 document taking precedence over the 2020 amendment policy document meaning that the existing Local Plan carries the most weight, regardless of age. The purposes of Green Belts include directing growth to the most appropriate locations and to protect and enhance the quality, character, landscape setting and identity of towns. It notes that Green Belt designation should provide clarity and certainty on where development will and will not take place. The Council has expressly defined Green Belt boundaries within the North Lanarkshire Local Plan and has very clear related

policies on acceptable Green Belt proposals. A review of Green Belt boundaries has been undertaken as part of the LDP process (which included this site) with the conclusion (in the case of this site) that the existing Green Belt boundary is appropriate and that an amendment to the boundary (as set out by the developer as part of the Call for Sites process) was inappropriate (see paragraph 13.7). The nature and extent of the development proposed here is contrary to those policies and therefore, Scottish Planning Policy.

- 11.2 SPP indicates that 'where a proposal would not normally be consistent with Green Belt policy, it may still be considered appropriate either as a national priority or to meet an established need if no other suitable site is available'. No component of the proposed development could be justified as an overriding national policy in terms of established need and an effective short term housing land supply has been identified by the development plan process, as such, this is not considered to be an appropriate site, as it is not sustainable.

## **12. Assessment of Representations**

- 12.1 In response to representations, the following comments are given on topic subjects put forward:

### **Road Safety**

North Lanarkshire Council Roads and Transportation section are satisfied that a development of this scale and nature could be developed without detriment to the road network provided that certain conditions were met. These conditions could be attached to any approval of planning permission.

### **Amenity and community well being**

Noise, light pollution, disturbance, overlooking of existing properties can all be mitigated against during the assessment of a detailed application, should permission in principle be approved. It is agreed that a well used area of amenity open space and informal play area would be lost as a result of the development to the detriment of the area and peoples general health and wellbeing.

### **Policy**

It is agreed that the site is allocated as Greenbelt in both the approved Local Plan and emerging plan. It would result in limited land uses in the Stepps area and does not meet the requirements of the Scottish Planning Policy. It will have an adverse effect on the Greenbelt and contravenes Government and Council policy on directing new development to brownfield sites or identified other suitable locations promoted for development such as the Glenboig/Gartcosh Community Growth Area. It is also agreed that there is no shortfall in housing land supply in the area.

### **Infrastructure**

It is a fact that schools within the catchment area of the site are at capacity or nearing capacity, however NLC Education service request a financial contribution per dwellinghouse to help mitigate any future capacity issues. It is not for the developer to affect the market in terms of retail or community facilities nor to solve any recreational issues within the area. Neither Scottish Water nor SEPA have objections to the proposals in terms of water supply/foul sewer connection or flooding.

### **Ecology**

NLC Greenspace have no objections to the proposal as the appropriate ecological surveys have taken place and a Habitat Management Plan has been recommended for the 'wetland' area to the south of the site (the SINC). If approved, adequate access could be achieved on the outskirts of the SINC.

### **Miscellaneous**

It is agreed that if developed, there will be a reduction in available land uses in the area which is at odds with planning policy and community planning. It is a very well used passive recreational area and, if lost, will certainly have a negative impact on the general wellbeing of the users of this important area.



As mentioned in 10.21 above, the site is outwith the 400m distance as recommended by NLC Transportation section as it is some 900m from the closest bus stop. The railway station is closer at 600m. Landlocked domestic property is not a material planning consideration nor is loss of a view. Only dwelling owners within 20m of the application site are notified of a planning application, the application was also advertised in the local press and some 442 representations were received.

### **13. Conclusions**

- 13.1 The following conclusions are drawn from assessment of the application and presented in summary on the main points.
- 13.2 The proposal fails three of the six qualities set out above and on balance the proposal does not comply with Policy 1 of the SDP on Place making. It is therefore contrary to Policy 1 of the Strategic Development Plan.
- 13.3 In terms of Policy 14, the development does not, on balance, support the aims of the policy which is an important strategic tool with a significant role to play in supporting the delivery of the Spatial Development Strategy and in achieving the stated strategic objectives. Locally, the site is zoned as NBE3 A 'Green Belt' in the North Lanarkshire Local Plan. This Policy defines acceptable forms of development in the Green Belt, mainstream housing, as proposed here, is inconsistent. This proposal will result in the expansion of the urban area south of Stepps, resulting in a substantial adverse effect on the character of the area and loss of a section of rural, passive open space which contributes strongly to and forms part of the wider Green Belt function. The application is therefore considered to be contrary to policy NBE3 A 'Assessing Development in the Green Belt', SPG 07 (Green Belt).
- 13.4 The emerging LDP process incorporates a review of Green Belt boundaries. Furthermore, this site was part of the 'Call for Sites' process, thus allowing further opportunity for a review of the Green Belt in this location. The Council's conclusion was that there was no merit in adjusting the Green Belt boundary at this site. This was supported through the findings of the report of examination into the modified plan.
- 13.5 The applicants make numerous references to the sustainability of the development. Sustainability can be defined as "avoidance of the depletion of natural resources in order to maintain an ecological balance" and it is unclear just how such a large scale housing development on a green field site can achieve this aim. It is therefore considered that the proposal is contrary to Policy 12 of the SDP in that the proposal does not support the aims of the spatial development strategy and delivery of the Glasgow and the Clyde Valley Green Network.
- 13.6 The applicant considers there to be a shortfall in the Housing land supply and has presented discourse on the fact and degree on this shortfall in the supporting planning statement and supplementary information. Notwithstanding the changes to Scottish Planning Policy outlined above, the Council maintains that there is no overall shortfall and that the current housing land supply in the Modified Local Development Plan is sufficient. The recent Planning Appeal Decision at Potassells Road (Appeal Ref.no. PPA-320-2144, Planning Ref.no. 19/00563/PPP) confirmed that there was no shortfall in the effective five year housing land supply (para 74 of Appeal Decision).
- 13.7 The Council has recently received the Reporters 'Report of Examination' for the Council wide Development Plan where it should be highlighted that the outcome for the application site was that it was considered that there is no need for more housing land and no need to redefine the green belt boundary at this location. The Reporter concluded his assessment by saying that in terms of housing land supply, the modified plan identifies sites in the Cumbernauld housing sub-market area sufficient to meet the housing land requirements specified in the Clydeplan and that there was no imperative for the Reporter to consider allocating further sites to ensure that the plan is sufficient in regard to its provision of housing land. It is further stated by the Reporter that, in regards to the green belt, the site provides a pleasant setting for and an open outlook from the adjacent urban area. It was also noted during the inspection that the site was being used by people out walking. It was concluded 'that the site makes a positive contribution to the function of the green belt in this locality' and that the green belt designation of the site is appropriate and that the proposed plan need not be altered.

- 13.8 With regards to Policy DSP4 (Quality of Development) part 3(a) of the policy considers links to nearby green networks in considering design principles and in this case a green, rural community resource will be lost to the detriment of residential development. Developments are also required to integrate successfully into the local area avoiding harm to neighbouring amenity and adverse impact on adjacent properties. In this respect, it is considered that by virtue of the transformative nature of the development, it would have profound and substantial negative effects on the landscape character, visual amenity and accessibility of the area. A significantly large number of the 442 objections received for the development proposal noted the loss of the area as a recreational area and effective green space as being a major factor in their objection to the development proposal stating that it was a crucial outside space and utilising this area helped their mental health in these trying Covid times.
- 13.9 Overall, the applicant refers to Scottish Planning Policy as being a material consideration where a greater weight should be afforded than that of the policies in the adopted Development Plan, that 'there is a presumption in favour of development', albeit that this is subject to legal challenge as discussed in paragraph 10.2 above. However, paragraph 32 of SPP states "The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making". In support of this, the foregoing discussion of the report considers that this is not the case and that the Green Belt should be maintained, the site is unsustainable and there is no shortfall of housing land. Given that the development proposal does not support the Vision, Spatial Development Strategy and the Place making Policy including having regard to the Glasgow City Centre Joint Strategic Commitment and as such is a departure from the SDP. On balance, the development is not considered to be in accordance with the vision and spatial development strategy of the SDP and neither has it been found to be an acceptable departure and is contrary to Local Plan Greenbelt policy.
- 13.10 As stated in 10.2 above, it is worth re-iterating that a formal legal challenge was made to the 'revised' Scottish Planning Policy (2020) document discussed in 10.2 above which seems to have resulted in the 2014 document taking precedence over the 2020 amendment policy document. Regardless of which document is considered at this time, the fact remains that there is no housing shortfall, a conclusion that is shared with the Scottish Government Reporter as discussed in paragraph 13.7 above.
- 13.11 Given the above, the proposal has been found to be contrary to the development plan and is not an acceptable departure and, given that there are no material considerations which indicate that the development plan should be overturned, it is recommended that the Council agrees that, had the application proceeded to determination, it would have been refused for the reasons set out below:-
1. The application is contrary to Scottish Planning Policy, the Sustainable Location Assessment of the Spatial Development Strategy of the Clydeplan Strategic Development Plan 2017, Policy 1 - Place Making, Policy 8 (Housing Land Requirement) and Policy 12 - Green Network and Green Infrastructure, Policies DSP1, DSP2 and NBE3 of the North Lanarkshire Local Plan and Supplementary Planning Guidance, as the development is considered to be an inappropriate and unjustified form of development in the Green Belt, specifically through the expansion of Stepps, resulting in an unacceptable erosion of the Green Belt, and Green Belt function at this location.
  2. The proposed development is considered contrary to Scottish Planning Policy, Clydeplan Strategic Development Plan 2017, Policy 8 (Housing Land Requirement) and DSP2 B Additions to Planned Land Supplies of the North Lanarkshire Local Plan in that there is no shortage of housing land and to release this site for residential development would not be sustainable, it would be detrimental to the character and setting of the area and thereby also contrary to policies NBE3A (Green Belt) and DSP 4 Quality of Development of the North Lanarkshire Local Plan as it is considered that the removal of this area of green belt that has considerable visual and amenity value as open space would have a detrimental impact on the setting and established amenity of both the adjacent dwellings and wider housing area and settlement. The site offers a valuable established green space which contextually provides balance to the existing urban built settlement pattern and form and to the localised street scene by complementing existing boundary planting, all of which contributes to and maintains a valued sense of place as set out in the National guidance on design 'Designing Streets'.
  3. To allow residential development on this site would be contrary to the careful planning of the area and the strategic aims of the Development Plan in directing development to appropriate

locations and would set a precedent for other inappropriate Green Belt development along the A80 corridor.

4. The proposed development is considered contrary to DSP 3 – Impact of Development of the North Lanarkshire Local Plan, in as much as the developer has not agreed to the developer contributions required to mitigate the impact of the development on Education provision in the area.