AGENDA ITEM No. 2

North Lanarkshire Council

Planning Applications for consideration of Planning and Transportation Committee

Committee Date: 21 FEBRUARY 2013

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(P) 12/00407/PPP: If minded to grant, legal agreement required to tie houses to the land 12/00408/PPP: If minded to grant, legal agreement required to tie houses to the land
Application No: 09/00257/FUL

Proposed Development: Demolition of Existing Dwellinghouse and Erection of Two Storey Flatted Development

Site Address: 361 New Edinburgh Road Uddingston

Date Registered: 26th March 2009

Applicant: Mr & Mrs Wilson C/o Agent

Agent: James Wilson 3 Glasgow Road Uddingston Glasgow

Application Level: Local Application

Contrary to Development Plan: No

Ward: 013 Thorniewood Robert Burrows, James McCabe, Duncan McShannon

Representations: 5 letters of representation received.

Recommendation: Refuse

Reasoned Justification:

The proposed development is considered to be unacceptable in terms of the criteria set out in the relevant policies of the North Lanarkshire Local Plan 2012 in that it would have an adverse impact on the road network and amenity of the area.
Mr & Mrs Wilson
361 New Edinburgh Road, Uddingston
Demolition of Existing Dwellinghouse and
Erection of Two Storey Flattened Development
* Representation
Recommendation: Refuse for the Following Reason:-

1. That the proposed development is contrary to Policy HCF 1A and DSP 4 of the North Lanarkshire Local Plan 2012, as it would intensify the residential use at this location to the detriment of the local road network by virtue of the site's close proximity to junctions with no scope to achieve adequate spacing between junctions or visibility at the access to the detriment of road safety and residential amenity.
Background Papers:

Representation Letters

Letter from Mr & Mrs James Owen, 42 McGurk Way, Bellmill Park, Bellshill, ML4 3PJ received 19th March 2009.
Letter from Mrs Helen Bell, 40 McGurk Way, Bellmill Park, Bellshill, ML4 3PJ received 23rd March 2009.
Letter from Elizabeth Kinsella, 4 Philip Murray Road, Bellshill, ML4 3JX received 17th March 2009.

Consultation Responses:

Letter from Scottish Environment Protection Agency received 16th April 2009
Letter from British Telecom received 17th April 2009
Letter from Scottish Water received 23rd April 2009
Letter from Scotland Gas Network received 24th April 2009
Letter from Scottish Power received 24th April 2009

Internal Memo Transportation Team Leader received 22nd April 2009.
Email from Protective Services received 21st January 2013

Contact Information:

Any person wishing to inspect these documents should contact Graham Smith at 01236 632493

Report Date:

7th February 2013
APPLICATION NO. 09/00257/FUL

REPORT

1. Site Description

1.1 The site lies within an established residential area and contains a single storey dwellinghouse with attic accommodation forming part of a row of bungalows fronting onto New Edinburgh Road. The property, which would be demolished, stands in a mature garden with a separate enclosed area of grass to the east also forming part of the site. The site fronts onto the junction of New Edinburgh Road and Thomson Drive to the south. The existing dwelling has a dropped kerb driveway onto New Edinburgh Road and is bounded to north and west by the rear gardens of two storey detached properties on Ashley Grove and Philip Murray Road respectively and to the east is a row of bungalows. The levels slope gently downwards from east to west.

2. Proposed Development

2.1 Planning Permission is sought for the demolition of the existing dwelling and erection of a two storey residential development comprising of 8 two bedroom flats with associated open space and parking. The development would take access onto New Edinburgh Road via the existing driveway access which would be widened to accommodate two way traffic flow leading to a parking area at the rear with provision for 17 parking spaces.

3. Applicant’s Supporting Information

3.1 None

4. Site History

4.1 None relevant

5. Development Plan

5.1 The site is zoned as HCF 1A (Residential Areas) in the North Lanarkshire Local Plan 2012.

6. Consultations

6.1 Transportation recommends refusal of the application as the proposal would result in intensification of use of this access and result in inadequate spacing with nearby junctions with Thomson Drive and Philip Murray Road. They advise that the proposed access would be in close proximity to the two other junctions in the vicinity and is likely to lead to stationary traffic in very close proximity to one another waiting to perform manoeuvres into adjacent roads and the proposed access. They also advised that the maximum visibility splay that could be achieved falls significantly short of that usually required for this type of development and there is no scope to increase visibility to an acceptable level to the right due to the close proximity of Philip Murray Road. The development would therefore have an adverse impact upon road safety at these junctions on this main route through Uddingston.

6.2 Protective Services raised no objections subject to the submission of a site investigation.

6.3 Scottish Water, Scottish Power and Scottish Gas all made comments relating to the developer having due regard to their services.
7. **Representations**

7.1 Following the standard neighbourhood notification process five letters of representation were received from neighbouring residents. The points of objection can be fairly summarised as follows:

a) Loss of privacy due to overlooking;
b) Reduction in residential amenity due to the increased intensity in number of residents and the proximity of the parking area to adjacent properties. Also the flats would affect the appearance of the area as no others presently exist in the area.
c) Loss of large established trees;
d) Intensification of use of access would lead to traffic congestion and reduction in road and pedestrian safety;
e) The applicant may not own all the land within the red line boundary;
f) Neighbour Notification process not carried out properly;
g) Higher volume of CO₂ emissions, noise pollution from car parking and playing of ball games in car park; light pollution from car parking and security lighting.

8. **Planning Assessment**

8.1 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. The proposal raises no strategic issues and as such requires to be assessed against Local Plan Policies. In this instance the North Lanarkshire Local Plan 2012 is relevant.

**North Lanarkshire Plan 2012**

8.2 Policy HCF 1A contains a presumption against developments that would have an adverse impact on residential amenity and DSP4 (Quality of Development) lists the criteria for assessing the quality of development. Under DSP4 proposals are required to integrate successfully with the local area avoiding harm to the neighbouring amenity, avoiding adverse impact on adjacent properties through overlooking, loss of privacy or amenity, overshadowing, noise or disturbance. The provision of access and parking also requires to be assessed by Policy DSP4.

8.3 In relation to design, the flatted block proposed is two storeys in height as opposed to the existing single storey row of cottages; however the levels fall downwards gently from east to west along this part of New Edinburgh Road and the height of the development would therefore be in keeping with the surrounding properties. The existing sandstone cottage makes a positive contribution to the street however the design of the flats proposed is such that the development would integrate satisfactorily to the street scene. The proposal does not raise any adverse overlooking issues as the window to window distances exceed the minimum guidelines for overlooking. In relation to sunlight and daylight the distance of the development from surrounding properties is such that no adverse overshadowing would occur. The development conforms to the Council’s open space guidelines in terms of the amenity space afforded to the flats.

8.4 With regards to Transportation issues the proposal involves the intensification of use within the site to such an extent that the increased use of the access in such close proximity to nearby junctions along a busy route would have an adverse impact on road safety and residential amenity at this location. There is no scope to achieve an acceptable access to serve the development given the intensification of use, proximity of nearby junctions, and poor visibility.
8.5 While the proposal is considered to comply with some of the design criteria in Policy DSP 4, the vehicular access at this location is unsatisfactory and considered to be to the detriment of road safety and residential amenity in the area. On this basis, the proposal is contrary to policy HCF 1A and DSP4.

8.6 The NLLP also requires proposed developments to be assessed against policies DSP 1 (Amount of Development), DSP 2 (Location of Development), DSP 3 (Impact of Development). In this instance DSP1, DSP2 and DSP3 are not relevant to a development of this nature and scale.

Representations

8.7 In respect of the points made in the letters of representation, I would respond as follows:

a) The layout submitted by the applicant accords with current design guidance and, as detailed in paragraph 8.3, would not result in a loss of privacy as the window to window distances meet minimum guidelines;

b) The applicant is proposing a residential development in a residential area which is unlikely to result in a significant reduction in amenity due to noise and disturbance and, as highlighted in paragraph 8.3, the visual impact is considered to be acceptable;

c) No tree within the site boundary is afforded protection under the current planning legislation, however given the contribution of trees to the setting of the area it would be appropriate to impose a condition to protect the trees should this application be granted;

d) With regards to the road safety, as detailed in paragraph 8.4 the access is considered to be unacceptable;

e) The applicant has indicated on the land ownership certificate that he owns all the land within the red line boundary;

f) An initial error was made in neighbour notification, however the applicant carried out additional notification and has indicated that all neighbours with a notifiable interest have been informed;

g) The development is unlikely to result in a significant increase in CO₂ emissions, noise pollution or light pollution. The playing of ball games is not a material planning consideration.

9. Conclusions

9.1 In conclusion, the proposed development is contrary to policies HCF 1A and DSP4 of the North Lanarkshire Local Plan 2012 as it represents an intensification of the current use with 8 flats accessing where 1 house previously did without providing an acceptable access for a development of this size and nature given the proximity of the site to nearby junctions at Thomson Drive and Philip Murray Road. It is recommended that the application be refused.
Application No: 12/00236/FUL
Proposed Development: Change of use of Open Space to Garden Ground
Site Address:
   Ground To The Rear Of
   4 Laburnum Crescent
   Coltness
   Wishaw
   ML2 7EH

Date Registered: 1st March 2012

Applicant: Mr Eamonn Gallagher
            4 Laburnum Crescent
            Coltness
            Wishaw
            ML2 7EH

Agent: N/A

Contrary to Development Plan: No

Application Level: Local Application

Ward: 019 Murdostoun
       Alan Clinch, Robert McKendrick, Nicky Shevlin,
       John Taggart,

Representations: 8 letters of representation received.

Recommendation: Approve Subject to Conditions

Reasoned Justification:
The proposed development meets the criteria set out in the relevant policies contained within the Adopted North Lanarkshire Local Plan (2012). The proposal can be accommodated without detriment to the surrounding area.
Mr Eamonn Gallagher
Ground To The Rear Of
4 Laburnum Crescent, Coltness, Wishaw
Change of use of Open Space to
Garden Ground

8 Representations Received in total
From 4 Households
Proposed Conditions:-

1. That the development hereby permitted shall be started within three years of the date of this permission.
   
   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 the development hereby permitted shall not start until a Notice of Initiation has been submitted to the satisfaction of the Planning Authority.
   
   Reason: To accord with the provisions of the Town and Country Planning (Scotland) Act 1997 (as amended by the Planning etc (Scotland) Act 2006).

3. That within 4 weeks of the development hereby permitted being occupied or brought into use a Notice of Completion shall be submitted to the satisfaction of the Planning Authority.
   
   Reason: To accord with the provisions of the Town and Country Planning (Scotland) Act 1997 (as amended by the Planning etc (Scotland) Act 2006), to monitor the development, to enable the Planning Authority to retain effective control.

4. That no trees within the application site shall be lopped, topped, felled or otherwise affected without the prior approval in writing of the Planning Authority.
   
   Reason: To ensure that the trees within the application site are protected and that the Planning Authority retains control of any future works to these trees.

5. That BEFORE the development hereby permitted starts, full details of the design and location of the fence to be erected on the site shall be submitted to, and approved in writing by the Planning Authority. For the avoidance of doubt the fence shall be a vertically slatted, stained timber fence to match those in the vicinity and the details should include detailed drawings at an adequate scale of the fence and a site plan indicating the exact location of the fence and trees (including canopy spread) within the site.
   
   Reason: In the interest of the amenity of the site, trees and the general area.

6. That the permission hereby granted relates to a change of use only and, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, apart from the fence approve under condition (5), no buildings or structures shall be erected on the site.
   
   Reason: In order to retain the open aspect of this area and to allow retention of the trees within this area in the interest of the amenity of the site and the general area.

7. That the development hereby permitted shall be carried out strictly in accordance with the approved details submitted as part of the application and no change to those details shall be made without prior written approval of the Planning Authority.
   
   Reason: To clarify the drawings on which this approval of permission is founded.

8. That, within 2 months from the date of erection of the fence approved under condition (5) above, the fence shall be stained in a colour to be approved in writing by the Planning Authority.
   
   Reason: In the interest of the amenity of the site, and the general area
**Background Papers:**

**Representation Letters**

Letter from Mr Alan Holmes, 2 Laburnum Crescent, Coltness, Wishaw received 9th April 2012
Letter from Mr Gerry McKee, 12 Ballater Crescent, Coltness, Wishaw received 21st March 2012
Letter from Mrs Agnes McKee, 12 Ballater Crescent, Coltness, Wishaw received 28th March 2012
Letter from Mr Harry Dickson, 14 Ballater Crescent, Coltness, Wishaw received 2nd April 2012
Letter from Miss S McCormick, 10, Ballater Crescent, Wishaw received 25th March 2012
Letter from Mrs Ellie Dickson, 14 Ballater Crescent, Coltness, Wishaw received 2nd April 2012
Letter from Ms Marie Sharon Mcvey, 2 Laburnum Crescent, Coltness, Wishaw received 9th April 2012
Letter from Mr John McCormick, 10 Ballater Crescent, Wishaw, ML2 7YJ received 24th March 2012

**Consultation Responses:**

Memos from Greenspace received 4th April 2012 and 27th August 2012

**Contact Information:**

Any person wishing to inspect these documents should contact Mr Gary McEwan at 01698 274117

**Report Date:**

4th February 2013
APPLICATION NO. 12/00236/FUL

REPORT

1. **Site Description**

1.1 The site is a relatively flat area of grassed open space located to the rear of the property at 4 Laburnum Crescent and adjacent to the entrance to the Woodlands Estate on Ballater Crescent. The site contains 4 mature trees, 3 which are clumped together to the east of the site and one located to the west. These trees form part of a line of mature trees which run from east to west along the rear boundaries of the even numbered properties on Laburnum Crescent and beyond, and offer a clear demarcation between two distinct and separate housing estates.

2. **Proposed Development**

2.1 Planning permission is sought for the change of use of this area of public open space to private garden ground. No details have been submitted of the proposed boundary treatment.

3. **Applicant's Supporting Information**

3.1 The applicant has submitted a statement of support for the application which includes a response to objections received. In response to the objectors’ concerns the statement indicates that only 4 not 6 trees would be encompassed by the application site and that there are no plans to fell these trees, therefore wildlife will not be affected. In response to the comment regarding the removal of the branches last year the applicant indicates that these works were carried out by North Lanarkshire Council as the branches overhanging No. 4 Laburnum Crescent were considered a liability. The applicant also indicates that he had no say in relation to the extent of works required. In terms of privacy it is highlighted that one of the main selling points of the property was the trees. The applicant points out that in the construction of the Woodlands Estate, a great number of trees, shrubs and wildlife were destroyed. The applicant highlights that the site is subject to misuse by dog walkers and youths who loiter there, subjecting him to verbal abuse and causing damage to his property. He indicates that this is one of the reasons for wanting to purchase the land.

4. **Site History**

4.1 No relevant site history.

5. **Development Plan**

5.1 The site is zoned as HCF 1A (Residential Areas) in the Adopted North Lanarkshire Local Plan (2012).

6. **Consultations**

6.1 Greenspace have advised that in terms of biodiversity they are concerned that approval of this application would set a precedent for further garden extensions, which would lead to the destruction of a functioning wildlife corridor and recommends that the application site not be developed for this reason. Greenspace also indicated that if the application is granted and the applicant proposes to have works carried out to the trees which lie within the application site then the applicant would be required to have the trees inspected for bat potential and if the works were to be within the bird breeding season then they would require to be inspected by a suitably qualified ecologist. They have indicated that in terms of access they have no objection.
7. **Representations**

7.1 8 online comments were received from the residents of 4 properties following the neighbour notification and press advertisement procedures. The concerns raised can be summarised as follows:

I. Woodlands Gate (Barrett Estate) was established 29 years ago and was based on an area of natural beauty. This application to extend a garden into the open space will look out of place, will be an eyesore and would have a negative impact upon the visual amenity of Ballater Crescent.

II. The wooded area of which the application site is part is a stretch of green belt which is home to wildlife including the grey squirrel and several bird species. It is considered that the proposal would result in the destruction of their route of movement.

III. The trees that would be within the application site are good specimens and well over 100 years old; they add character and colour to the crescent as well as harbouring wildlife. It is understood that a Tree Preservation Order once covered the affected trees and it is assumed that this is still in force. The destruction of these woodlands will have a serious effect on the amenity of the area.

IV. The entrance to the estate is noted for its pillars existing from the days of Lord Belhaven and a significant historic feature which will be devalued if the garden extension is approved.

V. The implementation of this scheme will bring other living spaces closer to existing properties on Ballater Crescent, and if trees and shrubs are removed then this will have a negative impact upon the privacy of the residents of Ballater Crescent.

VI. The plan shows a garage in the existing area of the property, however as no garage currently exists is there a new garage proposed?

VII. The precedent set could then lead to further similar applications resulting in the complete redefinition of the entrance to the estate.

8. **Planning Assessment**

8.1 In accordance with Section 25 of the Town & Country Planning (Scotland) Act 1997 planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. The proposal raises no strategic issues and as such requires to be assessed against Local Plan Policies. In this instance the Adopted North Lanarkshire Local Plan (2012) is relevant. The site is zoned as HCF 1A (Residential Areas). Policies DSP 1-4, NBE1 A5b (Trees and Woodlands) and NBE2 A3 (Woodland Management and Structure Planting) are also relevant to this application.

**Adopted Local Plan**

8.2 Policy HCF 1A seeks to protect residential amenity by opposing developments detrimental to residential amenity in primarily residential areas. The application site is approximately 9.5 metres deep and the remainder of the grass verge area between the site and the public road would be retained. This verge would be approximately 9 metres deep to the east of the site, narrowing to approximately 5.6m to the west of the site. In terms of the impact of the proposal on the visual amenity of the site and surrounding area, the area to be enclosed would sit back from the existing tree/shrub-line to the east of the site and the rear of No. 2 Laburnum Crescent. The proposal would therefore not to be a prominent feature of the entrance to the Woodlands estate or negatively impact upon the sandstone pillars which signify the entrance to the estate. It should also be recognised that the existing fence-line to the rear of house Nos. 8-12 Laburnum Crescent and 14 Magnolia Street, graduates forward towards the road creating a narrower section of wood/grassland than currently exists to the rear of Nos. 4 and 6 Laburnum Crescent. The extent of grass verge that would be retained following the proposed change of use would be of similar depth to this. The applicant has confirmed that the trees are to be retained and a condition is
imposed to this effect. A condition is also recommended to ensure that the ground identified for the change of use will form private garden ground only and will remain free from built development in order to retain its open character and allow retention of the trees. Conditions are also recommended to ensure that the boundary fence will match those in the area. Subject to those conditions it is considered that the proposal will not have an adverse impact upon the amenity of the area and complies with policy HCF 1A.

8.3 The Adopted North Lanarkshire Local Plan (2012) requires that proposed developments are assessed against Policy 1 (Amount of Development), Policy DSP2 (Location of Development), Policy DSP3 (Impact of Development) and DSP 4 (Quality of Development). Policies DSP 1-3 are not relevant given the nature and scale of the development. DSP 4 indicates that developments should integrate successfully with the surrounding area and avoid harm to the neighbouring amenity by relating well to the existing context and avoiding adverse impact on existing properties through loss of amenity. It is considered that taking account of the points covered in paragraph 8.2 above in relation to visual amenity, it the proposal is acceptable in terms of the requirements of policies DSP 4.

8.4 Policy NBE1 A5b seeks to safeguard trees and woodlands. It is therefore important that the trees within the site are retained to preserve the integrity of this structure planting and also to preserve this wildlife corridor. As indicated at paragraph 8.2 above, subject to the proposed conditions it is considered that the development will not adversely affect the larger area of trees and woodlands of which this site forms part. It is therefore considered that the proposal complies with policy NBE 1A.

8.5 Policy NBE2 A3 seeks to retain existing trees and groupings including street and garden trees wherever possible. As the scheme does not involve the removal of, or works to any of the trees and as indicated in paragraphs 8.2 and 8.4 above, subject to the proposed conditions it is considered that the development will not adversely affect the larger area of trees and woodlands of which these in the site form part. It is therefore considered that the proposal complies with policy NBE2 A3.

Consultations

8.6 In relation to the comments from Greenspace regarding a precedent being set it should be noted that each application is determined on its own merits. In any case no tree works are proposed and as indicated in paragraph 8.2 a condition is proposed to protect the trees. As the trees are to be retained the change of use will not adversely affect the wildlife corridor.

Representations

8.7 In response to the points of representation I would comment as follows;

I. The impact of the proposal has been discussed in paragraph 8.2 above. It is not considered that the proposal would have a significant negative impact on visual amenity.

II. The wooded area is not Green Belt. As indicated in paragraphs 8.4 and 8.5 it is considered that the proposal would not result in the destruction of the Wildlife Corridor.

III. The trees are not covered by a Tree Preservation Order. However the applicant has indicated that the trees are to be retained and a condition is proposed to protect the trees.

IV. As indicated in paragraph 8.2 the boundary of the site will be far enough back not to have a significant negative impact upon the pillars and entrance to the site.

V. The proposal will result in the garden ground of No.4 Laburnum Crescent being in closer proximity to the houses along Ballater Crescent, particularly Nos. 10 and 12. However this proposal is for a change of use only and as indicated at paragraph 8.2 a condition is proposed to control any further development in this area. It is considered
that the proposal will therefore have no adverse impact upon the privacy of adjacent properties.

VI. There is currently no proposal for a replacement garage.

VII. As indicated above in paragraph 8.6 each application is determined on its own merits.

9. **Conclusions**

9.1 Subject to the recommended conditions, it is considered that this proposal would not have any significant adverse impact upon the character or amenity of the area and would comply with the relevant policies of the Adopted North Lanarkshire Local Plan (2012). It is therefore recommended that planning permission is granted subject to conditions.
Application No: 12/00407/PPP

Proposed Development:
Erection of 5 Dwellinghouses, each with an Associated Smallholding and Allotments for Community Use

Site Address:
Site 1
Mosshall Street
Newarthill
Motherwell

Date Registered:
4th May 2012

Applicant:
Mr Alasdair Brewster
Earn Farm
Thornhill
Stirling
FK8 3QL

Agent:
Sue Hudson
The Old Red Lion
Ringford
Castle Douglas
DG7 2AL

Application Level:
Major Application

Contrary to Development Plan:
Yes

Ward:
017 Motherwell North
Councillors Shahid Farooq, Annita McAuley, Helen McKenna & Peter Nolan

Representations:
6 letters of representation received from 5 parties.

Recommendation:
Refuse

Reasoned Justification:
The proposed development fails to meet the criteria contained in Policies NBE3A, DSP2 and DSP4 of the North Lanarkshire Local Plan and the associated Supplementary Planning Guidance SPG07 and SPG09 in that the proposals do not relate to an appropriate rural use as there is no suitable justification for the dwellings and smallholdings at this location, the required visibility splays for the access road cannot be met and the applicant has failed to demonstrate that the proposed development will not be at risk from flooding or cause flooding within the locality.
Erection of 5 Dwellinghouses, each with an Associated Smallholding and Allotments for Community Use

6 Representations Received in Total
★ From 5 Parties
3 Outwith Plan Area

Mr Alasdair Brewster
Site 1 Mosshall Street Newarthill Motherwell

Produced by
Planning and Development
Environmental Services
North Lanarkshire Council
Fleming House
2 Tryst Road
Cumbernauld
067 1JW
Recommendation: Refuse for the Following Reasons:-

1. The proposed application is contrary to Policies NBE 3A and DSP2 of the North Lanarkshire Local Plan and Supplementary Planning Guidance SPG 07 in that the proposed development does not relate to an appropriate rural use and there is no suitable justification for the dwellinghouses at this location.

2. That the proposed development is contrary to Policy DSP4 and SPG09 of the North Lanarkshire Local Plan in that it has not been satisfactorily demonstrated that the proposed dwellinghouses, smallholdings and allotments will not be at risk from flooding, or that the development will not cause flooding within the vicinity of the site.

3. That the proposed development is contrary to Policy DSP4 of the North Lanarkshire Local Plan as the required visibility of 2.5 metres by 60 metres cannot be achieved at the junction of the access track with Mosshall Street which in turn would result in a substandard access to the detriment of vehicular and road safety.

Note to Committee:

If granted the planning permission is granted, the application requires to referred to the Scottish Ministers in accordance with the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 as there is an objection received from SEPA on flood risk grounds.

If granted, the application also requires a Section 75 Legal Agreement to formally tie the dwellinghouses to the smallholdings.
**Background Papers:**

Representation Letters

Letter from Anne Massie, Brucefield Over Bridge, Clackmannan, Clackmannanshire received 23rd May 2012
Letter from Douglas Ault, Lower Farm, Dolau, Llandrindod Wells, Powys received 23rd May 2012
Letter from Elizabeth Smullen, 7 Tillanburn Road, Newarthill, ML1 5HY received 7th May and 19th November 2012
Letter from Eileen Owens, Woodend Cottage, Buchlyvie, Stirlingshire received 2nd June 2012.
Letter from Patrick O'Rourke, 116 Mosshall Street, Newarthill, Motherwell received 11th June 2012.

Consultation Responses:

Emails from Scotland Gas Networks received 9th and 10th July 2012.
Letters from The Coal Authority received 30th April and 20th November 2012.
Memo from Transportation received 17th May 2012.
Memos from Protective Services received 2nd May 2012 and 28th January 2013.
Letter from SP Energy Systems received 7th May 2012.
Memos from Land Services (Greenspace) received 21st May and 14th November 2012.
Letters from SEPA received 8th May, 31st May and 11th December 2012.
Letter from Health and Safety Executive 30th May and 18th July 2012.

Contact Information:

Any person wishing to inspect these documents should contact Miss Heather Gebbie at 01236 632494.

Report Date:

6th February 2013
APPLICATION NO. 12/00407/PPP

REPORT

1. **Site Description**

1.1 The application site lies to the south east of Newarthill and comprises of 10.45 hectares of undulating open agricultural land at Mosshall Street, Newarthill. The site is bounded by open agricultural land to the north, north east and south. The Tillan Burn lies to the south east with Knowenoblehill Farm beyond and Mosshall Street to the west. A high pressure gas pipeline traverses the site in a north east to south west direction and this pipeline connects to a gas transfer station to the south west. There are hedgerows aligning the site boundaries and access to the site is taken via an access track to the north of the site which leads from Mosshall Street. It should be noted that the access track to the north is also a Core Path (No.253). There is also a Site for Importance for Nature Conservation (SINC) lying to the north of the site.

1.2 The Committee should note that the applicant has submitted a separate planning application Ref. 12/00408/PPP for the erection of two dwellinghouses with associated smallholdings at land to the south west of the application site. This application is also being reported to this Committee.

2. **Proposed Development**

2.1 Planning permission in principle is sought for the erection of 5 dwellinghouses each with an associated smallholding for the purposes of the occupiers being able to live self-sustainable lifestyles which would include producing their own food and working from home. The applicant proposes to divide the site into 5 plots which they consider would be sufficient for each smallholding to support their lifestyle. The applicant has advised that the proposed occupiers would not solely gain an income from their land, they would require an alternative source of income to assist them living on the smallholdings. The applicant has stated that they would be willing to enter into a Section 75 Legal Agreement to ensure the houses are legally tied to the land and cannot be sold off separately.

2.2 In addition to the smallholdings, the applicant also proposes allotments for community use which would be made available to local residents and community groups. They also noted that the site would hold potential for a farmer’s market.

3. **Applicant’s Supporting Information**

3.1 The applicant has submitted a planning statement, business plan, pre-application consultation with the community report, coal authority risk assessment, protected species survey and addendum, flood risk statement and noise impact assessment.

3.2 The Pre-application Consultation with the Community report summarised the public events which were held on 1st and 2nd July 2010 at Newarthill Community Centre and publicised the week prior to the event in the Bellshill Speaker. Following the exhibitions, a total of 19 comments were received from the public. The comments received were both positive and negative and included:

- The scheme would bring more jobs and money into the area.
- The existing Core Path may be affected however other members of the public felt it would be improved and allow access for all.
- An alternative lifestyle choice would be made available locally.
- The proposal would benefit the community.
- The proposal would make good use of a rather unproductive site and would improve its appearance.
- An opportunity to engage with and involve children in either growing their own food or buying locally grown food.
- The proposal would generate additional traffic.
- There is a lack of public transport in the area that would enable access to the allotments and farmer's market.
- The member of the public felt that the application would be an attempt to remove the Green Belt designation of the site.

4. **Site History**

4.1 There is no relevant site history.

5. **Development Plan**

5.1 The site is zoned under Policy NBE 3A (Green Belt) in the North Lanarkshire Local Plan 2012.

6. **Consultations**

6.1 A summary of the comments received from the consultees is as follows:

a) Transportation commented that the applicant requires to meet the required visibility splay from the proposed access onto Mosshall Street and the provision of an access road and pedestrian footway to a standard which meets their guidelines.

b) Protective Services have commented that a comprehensive site investigation report requires to be submitted prior to development commencing and they are content with the findings of the noise impact assessment.

c) Land Services (Greenspace) have reviewed the submitted ecology reports and note that the badger survey does not include the 30 metre buffer zone from the site boundary as initially requested. Furthermore they note that otter prints were recorded on site therefore best practice measures for sites with otters should be adhered to.

d) SP Energy Systems has advised that there is no apparatus within the site.

Se a) Scotland Gas Networks have advised that there is a high pressure gas pipeline within the site and advised of the servitude of access associated with the pipeline.

f) SEPA object to the proposal on the grounds that the applicant has failed to demonstrate that the proposed development may be subject to or cause flooding. Following review of the submitted Flood Risk Statement, they consider that insufficient information has been provided to assess flood risk within the application site.

g) HSE has no objections to the proposed development.

h) The Coal Authority recommends that a planning condition is imposed to ensure the intrusive investigation works contained within the submitted Mineral Desk Study and other remediation works identified in any site investigation report are undertaken prior to commencement of development.

7. **Representations**

7.1 There have been 6 letters of representation from 5 parties received following the neighbour notification procedure and press advertisement. 3 parties support the application while 2 object to the proposals.

The grounds of representation can be summarised as follows:

i. The application site is zoned as Green Belt in the Local Plan with no provision for housing on site within the local plan policy. The proposed development is not an agricultural application and if permission is granted for housing, this would contravene Green Belt policy. The development should be on a brownfield site.

    ii. The proposed development should not be considered an agricultural
development based upon having some livestock and growing your own vegetable plots.

iii. The application site is not desolate and an eyesore as it is more natural and used for cattle grazing and the site has significant wildlife including otters, buzzards, deer, bats and badgers.

iv. Given the nearby Ravenscraig redevelopment, there would be opportunities for this type of development at that location rather than this site.

v. The public rights of way would be adversely affected if building and parking facilities are permitted.

vi. There would be an adverse impact on the road network as the local roads have restricted vision at junctions and no footpaths for the main road which would falls under the national speed limit. Any increase in traffic has an impact on the local resident’s safety.

vii. The proposed allotments would be beneficial to local residents and schools however at this location, there would be a removal of green belt land which should be preserved as green corridors for wildlife.

The grounds of support are as follows:

viii. The proposal will provide smallholdings with appropriate land holdings for self sufficient lifestyles which are limited within the property market.

8. Planning Assessment

8.1 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. The application raises no strategic issues in terms of the Glasgow and Clyde Valley Strategic Development Plan (GCVSDP) 2012 and in turn it can therefore be assessed in terms of local plan. The site is zoned under Policy NBE 3A (Assessing Development in the Green Belt) in the North Lanarkshire Local Plan with the associated Supplementary Planning Guidance SPG07 (Development in the Green Belt) and SPG09 (Flooding and Drainage) also relevant.

Development Plan:

8.2 Policy NBE 3A seeks to protect the character of and to promote development in the Green Belt through restricting development to acceptable types. The definition of acceptable types of development is detailed as:

a. proposals necessary for agriculture, forestry or horticulture
b. facilities for outdoor recreation, education and tourism that are compatible with an agricultural or natural setting.

Developments are required to have a positive economic benefit; minimise adverse environmental impacts; not pose undue infrastructure implications and must have regard to PAN 72 Housing in the Countryside and PAN73 Rural Diversification.

8.3 In assessing the proposed development against Policy NBE 3A it is noted that the justification given for the proposed dwellinghouses and associated smallholdings in the applicant’s Supporting Statement refers to a specific type of house which has not been met through provision in the Motherwell Housing Market Area in the Glasgow and Clyde Valley Joint Structure Plan 2006 (now superseded by the adopted GCVSDP) and subsequently the housing allocations contained within the adopted North Lanarkshire Local Plan. The applicant considers that the proposed development would increase the choice of housing within the development plan area. The applicant also considers that the proposed dwellinghouses with smallholdings would develop either an agricultural, forestry or horticultural business and consider that the wording of Policy NBE3A does not exclude buildings or housings, which
would be required for the smallholdings and the applicant wishes such buildings to be
tied to and cannot be divided from the land through a Section 75 Legal Agreement. While the applicant has submitted a Business Plan, this is not detailed and financially robust as it only refers to the applicant's vision and further details of what the proposals comprise of. The applicant's Supporting Statement also details that the occupiers of the smallholdings will require a further source of income with opportunities for home working. With regard to the choice of housing, it is considered that the proposed smallholdings are dwellinghouses with larger areas of land for the occupiers to accommodate livestock and grow their own food for consumption and sale. In the absence of any appropriate financial justification and taking into account that the proposed dwellinghouses are not identified as or are required in relation to one of the acceptable developments as listed above, it is considered that they cannot be supported by Policy NBE 3A. Despite repeated requests for further justification for the dwellinghouses, the applicant has failed to confirm their position in respect of these matters, other than reiterate the information which has been provided to date. The proposed houses must therefore be considered new houses within the Green Belt without the appropriate justification. This element of the proposal is therefore contrary to Policy NBE 3A.

8.4 With regard to the proposed allotments for community use, it is considered that they would provide a facility for the local community and would not adversely affect the nature and function of the surrounding Green Belt. The allotments would provide a community facility which would enhance the outdoor facilities for local people interested in growing their own food. It is therefore considered that this element of the proposal complies with the terms of Policy NBE 3A.

8.5 The proposals require to be assessed against the criteria outlined in the related Supplementary Planning Guidance 07 “Assessing Development in the Green Belt”. Section I of SPG07 states that there is a general presumption against granting planning permission for new dwellings in the Green Belt not associated with agriculture or forestry workers. Exceptions to this policy must be justified by evidence if very special circumstances which must be demonstrated by the applicant. Given that the proposed dwellinghouses will not be occupied by agricultural or forestry workers and the applicant has failed to demonstrate that this will indeed be the case through supporting business plans, it is considered that there is not sufficient justification for the dwellinghouses and smallholdings at this Green Belt location as detailed in paragraph 8.3 above. Section C of SPG07 states that agricultural development includes horticulture, fruit growing, seed growing and dairy farming amongst other things such as livestock and grazing, nursery grounds and woodlands. In this case, the proposed allotments for community use comply with the SPG07. SPG07 Section K also defines appropriate design requirements for new buildings. As the applicant seeks planning permission in principle, there are no details regarding design of any buildings. Should permission be granted, the design and materials of any buildings would require to be assessed in a future matters specified in conditions application. Taking the above into account, while the proposed allotments are considered to be acceptable in terms of this supplementary planning guidance, it is considered overall that the wider proposed development is contrary to SPG07.

8.6 The proposed development also requires to be assessed against Development Strategy Policies DSP1-4 which include DSP1 (Amount of Development), DSP2 (Location of Development), DSP3 (Impact of Development) and DSP4 (Quality of Development). As the proposed development does not exceed the threshold which applies (10 units on Greenfield or non-urban brownfield locations) under the terms of Policy DSP1, it is considered that to accord with this policy. However the proposed dwellinghouses and smallholdings are not considered to accord with Policy DSP2 as they do not comply with the requirements of both Policy NBE 3A and the associated SPG07. In view of the limited scale of the development, DSP3 is not a material consideration in the determination of this application. With regard to DSP4, as the proposed dwellinghouses seek planning permission in principle only, therefore there is not sufficient information submitted to make a full assessment of the proposals in
regard to design and layout at this stage. However this local plan policy takes account of access for cars and road safety. The Transportation Section advised that a road to adoptable standards would require to be constructed by upgrading the existing access track and this would also make provision for a footway to ensure that the Core Path route is maintained. It is considered that this matter could be dealt with by a suitable planning condition. With regard to the access from the junction of Mosshall Street, the required visibility splay of 2.5 metres by 60 metres cannot be achieved. Despite repeated requests, the applicant has failed to submit further information demonstrating acceptable access arrangements to the site can be achieved with the above visibility splay, particularly as land to the north of the site is outwith their ownership. Accordingly, it is considered that applicant cannot address Transportation's requirements regarding the access arrangements and the proposal is therefore contrary to Policy DSP4. With regard to the comments received from Greenspace, the applicant has submitted two ecology surveys in support of the application. Whilst Greenspace have sought clarification regarding the extent of the badger survey outwith the application site, it is considered that planning conditions could suitably address the matters raised. In connection with the comments received from SEPA, the applicant has failed to submit the required flood risk information to demonstrate that the proposed development would not be subject to flooding or cause flooding of the adjacent burn upstream. As such, the proposal is considered contrary to DSP4 as the adjacent water body is not protected from flooding. In light of the aforementioned locational, transportation and flooding issues it must be considered that the proposal does not accord with the local plan.

8.7 The proposals require to be assessed against the criteria outlined in the related Supplementary Planning Guidance 09 'Flooding and Drainage'. Section D of SPG09 requires applicants to submit a flood risk assessment where there is a potential risk of flooding. In this case, part of the eastern part of the site falls with the SEPA indicative River and Coastal Flood Map. In this case the applicant was advised to submit a flood risk assessment however a flood risk statement was received. SEPA have reviewed the statement and consider the information to insufficient in order to make a full assessment of the flood risk arising from the proposals. Given that the applicant has failed to submit the information to fully assess flood risk required by SPG09, it is considered that the proposals are contrary to this supplementary planning guidance.

Consultations:

8.8 The consultation response received from Transportation, Land Services (Greenspace) and SEPA have been discussed in paragraphs 8.3 to 8.6 above. With regard to the response received from The Coal Authority and Protective Services, the issues raised could be addressed by suitable planning conditions.

Representations:

8.9 In terms of letters of representation, the following comments are in response:

i. As detailed at paragraphs 8.3 to 8.5 above, the proposal does not accord with Policy NBE 3A and SPG07 as the applicant has failed to sufficiently demonstrate the requirement for housing at this location in the Green Belt.

ii. As detailed at paragraphs 8.3 to 8.5 above, the proposed housing and associated smallholdings are not considered agricultural development based upon the information submitted however the allotments are considered to be an acceptable community agricultural use.

iii. The site is not considered to be an eyesore or desolate as it forms part of the surrounding Green Belt land comprising of agricultural fields. Furthermore the applicant has submitted ecology reports and following review by Greenspace, it is considered that the remaining issues raised could be dealt with by planning conditions.

iv. While there are many brownfield sites located within North Lanarkshire including Ravenscraig, the proposals require to be assessed in terms of their
acceptability at this location.

v. There is a Core Path along the northern boundary of the site which uses the route of the existing access track leading from Mosshall Street. Should permission be granted, the existing track could be upgraded to adoptable standards and incorporate a footway for the use of pedestrians utilising this route. It is therefore considered that there would be no adverse impacts on the Core Path.

vi. As detailed above in paragraph 8.6, it is considered that the proposed access arrangements are not acceptable as the applicant cannot achieve the required visibility splay onto Mosshall Street.

vii. The proposed allotments at this particular location are considered to be acceptable as detailed in paragraph 8.4 above.

viii. The lack of availability of this type of dwellinghouse and smallholding within the property market is not a material consideration in the determination of this application.

9 Conclusions

9.1 In conclusion, taking account of the development plan and all material considerations, the proposed development is contrary to Policies NBE 3A and DSP2 of the North Lanarkshire Local Plan and Supplementary Planning Guidance SPG 07 in that the proposed development does not have suitable justification for five dwellinghouses with smallholdings within this location. Furthermore the proposed development does not accord with the requirements of Policy DSP4 and SPG09 in that the applicant has not submitted sufficient information with regard to potential flood risk arising within and outwith the site. Given that the applicant cannot meet the required visibility splay required by Transportation, the proposal is also considered contrary to Policy DSP4. While the proposed allotments are considered acceptable in terms of the aforementioned local plan policies, this does not outweigh the policy position regarding the dwellinghouses. It is therefore recommended that the application be refused.
Application No: 12/00408/PPP

Proposed Development: Erection of 2 Dwellinghouses, each with an Associated Smallholding

Site Address: Site 2
Mosshall Street
Newarthill
Motherwell

Date Registered: 4th May 2012

Applicant: Mr Alasdair Brewster
Earn Farm
Earn Farm
Thornhill
Stirling
FK8 3QL

Agent: Sue Hudson Planning Ltd
The Old Red Lion
Ringford
Castle Douglas
DG7 2AL

Application Level: Major Application

Contrary to Development Plan: Yes

Ward: 017 Motherwell North
Councillors: Shahid Farooq, Annita McAuley, Helen McKenna & Peter Nolan

Representations: 3 letters of representation received.

Recommendation: Refuse

Reasoned Justification:

The proposed development fails to meet the criteria contained in Policies NBE3A, DSP2 and DSP4 of the North Lanarkshire Local Plan and the associated Supplementary Planning Guidance SPG07 in that the proposals do not relate to an appropriate rural use as there is no suitable justification for the dwellings and smallholdings at this location and the applicant has failed to demonstrate that the required visibility splays for the access road onto Mosshall Street can be met.
Planning Application 12/00406/PPP
Erection of 2 Dwellinghouses, each with an Associated Smallholding

Site 2, Mosshall Street, Newarthill, Motherwell

* Representation

3 Representations in total.
2 outwith plan area
Recommendation: Refuse for the Following Reasons:-

1. The proposed application, taking account of the development plan and all material considerations, is contrary to Policies NBE 3A and DSP2 of the North Lanarkshire Local Plan and Supplementary Planning Guidance SPG07 in that the proposed development does not relate to an appropriate rural use and there is no suitable justification for the dwellinghouses at this location.

2. That the proposed development is contrary to Policy DSP4 of the North Lanarkshire Local Plan as the required visibility of 2.5 metres by 90 metres cannot be achieved at the junction of the access track with Cleland Road/Mosshall Street which in turn would result in a substandard access to the detriment of vehicular and road safety.

Note to Committee:

If granted, the application also requires a Section 75 Legal Agreement to formally tie the dwellinghouses to the smallholdings.
Background Papers:

Representation Letters

Letter from Elizabeth Hann, 14/4 Leishman Tower, Callander Park, Falkirk received 29th May 2012.
Letter from Elizabeth Smullen, 7 Tillanburn Road, Newarthill, ML1 5HY received 7th May 2012.
Letter from Dan Smith, Gowkhall Avenue, Newarthill, Motherwell received 9th July 2012.

Consultation Responses:

Letters from Scotland Gas Networks received 9th and 10th July 2012.
Letters from The Coal Authority received 30th April 2012 and 20th November 2012.
Memo from Transportation received 18th May 2012.
Memos from Protective Services received 2 and 22nd May 2012 and 28th January 2013.
Memo from Land Services (Greenspace) received 18th May 2012 and 14th November 2012.
Letter from SP Energy Networks received 7th May 2012.
Letter from SEPA received 9th May 2012.
Letter from Scottish Water received 11th May 2012.
Letter received from HSE received 18th July 2012.

Contact Information:

Any person wishing to inspect these documents should contact Miss Heather Gebbie at 01236 632494

Report Date:

6th February 2013
APPLICATION NO. 12/00408/PPP

REPORT

1. **Site Description**

1.1 The application site lies to the south east of Newarthill and comprises of 2.5 hectares of undulating open agricultural land at Mosshall Street, Newarthill. The site comprises of agricultural land which has been previously used for cattle and horse grazing. The site is bounded by open agricultural land to the north and west. To the south lies open agricultural land with a railway line beyond. To the east lies a gas transfer station, an access track and Cleland Road beyond. The land slopes gently downwards in a north east to south west direction. Access to the site is taken via an access track leading from Cleland Road which also serves an adjoining field and the gas transfer station.

1.2 The Committee should note that the applicant has submitted a separate planning application Ref. 12/00407/PPP for the erection of five dwellinghouses with associated smallholdings and allotments for community use at land to the north east of the application site. This application is also being considered at this Committee.

2. **Proposed Development**

2.1 Planning permission in principle is sought for the erection of 2 dwellinghouses each with an associated smallholding for the purposes of the occupiers being able to live self-sustainable lifestyles which would include producing their own food and working from home. The applicant proposes to divide the site into 2 plots which they consider would be sufficient for each smallholding to support their lifestyle and any future housing would be of sustainable construction. The applicant has advised that the proposed occupiers would not solely gain their income from their land, they would require an alternative source of income to support a family living on the smallholdings. The applicant has stated that they would be willing to enter into a Section 75 Legal Agreement to ensure the houses were legally tied to the land and could not be sold off separately. The applicant has confirmed that they would be willing to upgrade the existing access track to the required standards from the site entrance to the junction with Cleland Road/Mosshall Street.

3. **Applicant’s Supporting Information**

3.1 The applicant has submitted a planning statement, business plan, pre-application consultation with the community report, coal authority risk assessment, flood risk statement, protected species survey and addendum and noise impact assessment.

3.2 The Pre-application Consultation with the Community report summarised the public events which were held on 1st and 2nd July 2010 at Newarthill Community Centre and publicised the week prior to the event in the Bellshill Speaker. Following the exhibitions, a total of 19 comments were received from the public. The comments received were both positive and negative and included:

- The scheme would bring more jobs and money into the area.
- The existing Core Path may be affected however other members of the public felt it would be improved and allow access for all.
- An alternative lifestyle choice would be made available locally.
- The proposal would benefit the community.
- The proposal would make good use of a rather unproductive site and would improve its appearance.
- An opportunity to engage with and involve children in either growing their own food or buying locally grown food.
- The proposal would generate additional traffic.
- There is a lack of public transport in the area that would enable access to the allotments and farmer’s market.
The member of the public felt that the application would be an attempt to remove the Green Belt designation of the site.

4. Site History

4.1 There is no relevant site history.

5. Development Plan

5.1 The site is zoned under Policy NBE 3A (Green Belt) in the North Lanarkshire Local Plan 2012.

6. Consultations

6.1 A summary of the comments received from the consultees is as follows:

   i. Transportation has serious concerns regarding the junction with Cleland Road/Mosshall Street with the site access track as they consider it substandard with any further intensification of use being detrimental to road safety. They also note that should the application be granted, the development would require to meet their visibility splays and access road width standards.

   ii. Protective Services have commented that a comprehensive site investigation report requires to be submitted prior to development commencing and they are content with the findings of the noise impact assessment.

   iii. Land Services (Greenspace) have reviewed the submitted ecology reports and note that the badger survey does not include the 30 metre buffer zone from the site boundary as initially requested. Further they note that otter prints were recorded on site therefore best practice measures for sites with otters should be adhered to.

   iv. SEPA has no objection to the proposed development subject to a satisfactory drainage scheme.

   v. Scottish Water advised that there is capacity for the proposal at Daer Water Treatment Works and Daldowie Waste Water Treatment Works.

   vi. Scotland Gas Networks have advised that there is a high pressure gas pipeline to the north east of the site.

   vii. SP Energy Networks advised that there is nearby apparatus located at the gas transfer station however it is outwith the application site.

   viii. HSE has no objections to the proposed development.

   ix. Coal Authority recommends that a planning condition is imposed to require the intrusive investigation works contained within the submitted Mineral Desk Study and other remediation works identified in any site investigation report be undertaken prior to commencement of development.

7. Representations

7.1 Three letters of representation received following the neighbour notification and press advertisement. Two letters of representation received object to the proposal while one letter is in support.

The grounds of representation are summarised as follows:

   i. The proposal is contrary to Green Belt local plan policy as it the site is not zoned for residential use and the site is an important corridor which helps to define the communities of Newarthill and Cleland.

   ii. The proposed lifestyle identified in the supporting documents seems attractive however it does not demonstrate any significant economic or social reasons to override the local plan policy.

   iii. The site is not an unattractive legacy of a mining heritage as suggested by the applicant.
iv. Newarthill has a shortage of family accommodation and social housing as suggested by the number of people on the Council housing waiting list and this proposal does not help deal with these shortages.

The grounds of support are as follows:

v. The proposed development will provide accommodation for people who want to raise livestock and for their own food production. It would also provide alternative small business opportunities and family lifestyles which would develop and support a better community.

8. **Planning Assessment**

8.1 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. The application raises no strategic issues in terms of the Glasgow and Clyde Valley Strategic Development Plan (GCVSDP) 2012 and in turn it can therefore be assessed in terms of local plan policies. The site is zoned under Policy NBE 3A (Assessing Development in the Green Belt) in the North Lanarkshire Local Plan with the associated Supplementary Planning Guidance SPG07 (Development in the Green Belt) also relevant.

**Development Plan:**

8.2 Policy NBE 3A seeks to protect the character of and to promote development in the Green Belt through restricting development to acceptable types. The definition of acceptable types of development is detailed as:

a. proposals necessary for agriculture, forestry or horticulture
b. facilities for outdoor recreation, education and tourism that are compatible with an agricultural or natural setting.

Developments are required to have a positive economic benefit; minimise adverse environmental impacts; not pose undue infrastructure implications and must have regard to PAN 72 Housing in the Countryside and PAN73 Rural Diversification.

8.3 In assessing the proposed development against Policy NBE 3A it is noted that the justification given for the proposed dwellinghouses and associated smallholdings in the applicant's Supporting Statement refers to a specific type of house which has not been met through provision in the Motherwell Housing Market Area in the Glasgow and Clyde Valley Joint Structure Plan 2006 (now superseded by the adopted GCVSDP) and subsequently the housing allocations contained within the adopted North Lanarkshire Local Plan. The applicant considers that the proposed development would increase the choice of housing within the development plan area. The applicant also considers that the proposed dwellinghouses with smallholdings would develop either an agricultural, forestry or horticultural business and consider that the wording of Policy NBE3A does not exclude buildings or housings, which would be required for the smallholdings and the applicant wishes such buildings to be tied to and cannot be divided from the land through a Section 75 Legal Agreement.

While the applicant has submitted a Business Plan, this is not detailed and financially robust as it only refers to the applicant's vision and further details of what the proposals comprise of. The applicant's Supporting Statement also details that the occupiers of the smallholdings will require a further source of income with opportunities for home working. With regard to the choice of housing, it is considered that the proposed smallholdings are dwellinghouses with larger areas of land for the occupiers to accommodate livestock and grow their own food for consumption and sale. In the absence of any appropriate financial justification and taking into account that the proposed dwellinghouses are not identified as or are required in relation to one of the acceptable developments as listed above, it is considered that they cannot be supported by Policy NBE 3A. Despite repeated requests for further justification for
the dwellinghouses, the applicant has failed to confirm their position in respect of these matters, other than reiterate the information which has been provided to date. The proposed houses must therefore be considered new houses within the Green Belt without the appropriate justification. The proposal is therefore contrary to Policy NBE 3A.

8.4 The proposals require to be assessed against the criteria outlined in the related Supplementary Planning Guidance 07 "Assessing Development in the Green Belt". Section I of SPG07 states that there is a general presumption against granting planning permission for new dwellings in the Green Belt not associated with agriculture or forestry workers. Exceptions to this policy must be justified by evidence if very special circumstances which must be demonstrated by the applicant. Given that the proposed two dwellinghouses will not be occupied by not full time agricultural or forestry workers and the applicant has failed to demonstrate that this will indeed be the case through supporting business plans, it is considered that there is not sufficient justification for the dwellinghouses and smallholdings at this Green Belt location as detailed in paragraph 8.3 above. SPG 07 Section K also defines appropriate design requirements for new buildings. As the applicant seeks planning permission in principle, there are no details regarding the design of any buildings. Should permission be granted, the design and materials of any buildings would require to be assessed in a future matters specified in conditions application. Taking the above into account, it is considered that the proposed development is contrary to SPG07.

8.5 The proposed development also requires to be assessed against Development Strategy Policies DSP1-4 which include DSP1 (Amount of Development), DSP2 (Location of Development), DSP3 (Impact of Development) and DSP4 (Quality of Development). As the proposed development does not exceed the threshold which applies (10 units on Greenfield or non-urban brownfield locations) under the terms of Policy DSP1, it is considered that to accord with this policy. However the proposed dwellinghouses and smallholdings are not considered to accord with Policy DSP2 as they do not comply with the requirements of both Policy NBE 3A and the associated SPG07. In view of the limited scale of the development, DSP3 is not a material consideration in the determination of this application. With regard to Policy DSP4, the proposed dwellinghouses seek planning permission in principle only, however there is not sufficient information submitted to be make a full assessment of the proposals in regard to design and layout at this stage. This local plan policy also takes account of access for cars and road safety issues. In this case, the Transportation Section advised that a road to adoptable standards would require to be constructed by upgrading the existing access track which also serves the gas transfer station. However the required visibility splay cannot be achieved due to the geometry of the junction and land outwith control of the applicant. Despite repeated requests, the applicant has failed to submit further information with regard to the access arrangements to the site. As such, it is considered that applicant cannot address Transportation’s requirements in this regard and the proposal is considered contrary to Policy DSP4. With regard to the comments received from Greenspace, the applicant has submitted two ecology surveys in support of the application. Whilst Greenspace have sought clarification regarding the extent of the badger survey outwith the application site, it is considered that planning conditions could suitably address the matters raised. In light of the aforementioned locational and transportation issues it must be considered that the proposal does not accord with the local plan.

Consultations:

8.6 The consultation response received from Transportation, Land Services (Greenspace) and SEPA have been discussed in paragraphs 8.3 to 8.5 above. With regard to the response received from The Coal Authority and Protective Services, the issues raised could be addressed by suitable planning conditions.
Representations:

8.7 In terms of letters of representation, the following comments are in response:

i. As detailed at paragraphs 8.3 to 8.4 above, the proposal does not accord with Policy NBE 3A and SPG07 as the applicant has failed to sufficiently demonstrate the requirement for housing at this location in the Green Belt.

ii. There are no economic or social issues arising from this proposal which is significant enough to outweigh development plan policy.

iii. It is agreed that the site is not an eyesore or desolate as it forms part of the surrounding Green Belt land comprising of agricultural fields.

iv. It is considered that there are appropriate housing allocations within the local area as identified in the North Lanarkshire Local Plan and there is no justification for additional housing at this Green Belt location.

v. While the proposed development would provide accommodation and land for managing livestock, growing food and running small alternative businesses which are not readily available locally, as detailed at paragraphs 8.3 to 8.4 above the proposal is considered contrary to Policy NBE3A and SPG07.

9. Conclusions

9.1 In conclusion, taking account of the development plan and all material considerations, the proposed development is contrary to Policies NBE 3A and DSP2 of the North Lanarkshire Local Plan and Supplementary Planning Guidance SPG 07 in that the proposed development does not have suitable justification for two dwellinghouses with smallholdings within this location. Furthermore given that the applicant cannot meet the required visibility splay required by Transportation, the proposal is also considered contrary to Policy DSP4 in this regard. It is therefore recommended that the application be refused.
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<tr>
<th>Application No:</th>
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<tr>
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<tr>
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<th>Agent:</th>
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<tr>
<td>Windyedge Riding School</td>
<td>Graham Jinks (Planning Consultant)</td>
</tr>
<tr>
<td>C/o</td>
<td>28 Eriskay Avenue</td>
</tr>
<tr>
<td>1 Dunrobin Road</td>
<td>Hamilton</td>
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<tr>
<td>Airdrie</td>
<td>ML3 8QB</td>
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<tr>
<td>Alan Clinch, Robert McKendrick, Nicky Shevlin, John Taggart,</td>
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<tr>
<th>Recommendation:</th>
<th>Approve Subject to Conditions</th>
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**Reasoned Justification:**

The proposed application is considered to be acceptable in terms of the North Lanarkshire Local Plan and the approved supplementary planning guidance SPG 07 Assessing Development in the Green Belt. The proposal relates to an appropriate type and scale of development that can be accommodated at this location without significant adverse impact upon the surrounding rural area.
PLANNING APPLICATION 12/00628/FUL


Land To The North East Of Windyedge Toll House, Carlisle Road Cleland, Motherwell
Proposed Conditions:-

1. That the development hereby permitted shall be started within three years of the date of this permission.

Reason: To accord with the provisions of the Planning etc (Scotland) Act 2006.

2. That, except for the terms of conditions 4 & 5 below in relation to materials and boundary treatment, or as may otherwise be agreed in writing by the Planning Authority, the development shall be implemented in accordance with drawings numbers: AL-070-01 Rev 4, AE-000-01 Rev 1, AL-000-01 Rev 1 and AS-070-01 Rev 1.

Reason: To clarify the drawings on which this approval of permission is founded.

3. That the development hereby permitted shall not start until a Notice of Initiation has been submitted to the satisfaction of the Planning Authority.

Reason: To accord with the provisions of the Planning etc (Scotland) Act 2006.

4. That BEFORE the development hereby permitted starts, full details of the facing materials to be used on all external walls, and roof of the equestrian centre, shall be submitted to and approved in writing by the Planning Authority and the development shall thereafter be implemented in accordance with the details approved under the terms of this condition. For the avoidance of doubt walls shall be dark green in colour and the roofs are to be a dark grey in colour.

Reason: To enable the Planning Authority to consider these aspects in detail.

5. That before the development hereby permitted starts, a scheme of landscaping, including boundary treatment shall be submitted to, and approved in writing by the Planning Authority, and it shall include:-

(a) a landscaped buffer around the western, southern and north western boundaries of the land holding.
(b) details of the proposed scheme for retention of the hedgerow on the western boundary of the site, out with the visibility splay.
(c) details of any earth moulding and hard landscaping, grass seeding and turfing;
(d) a scheme of tree and hedge planting, incorporating details of the location, number, variety and size of trees and shrubs to be planted;
(e) a timetable for the implementation of these works contemporaneously with the development and to be completed before the building is brought into use;

Reason: To ensure the submission of appropriate details and to protects and enhance the visual amenity and character of the site and the wider area.

6. That prior to either the equestrian centre or the temporary residential accommodation hereby permitted being brought into use all planting, seeding, turfing and earth moulding included in the scheme of landscaping and planting, approved under the terms of Condition 5 above, shall be completed contemporaneously with the development; and any trees, shrubs, or areas of grass which die, are removed, damaged, or become diseased within two years of the completion of the development, shall be replaced within the following year with others of a similar size and species.

Reason: To ensure that the landscaping works are completed in a timeous manner in the interests of the amenity of the area.
7. That PRIOR to any works of any description being commenced on the application site, a comprehensive site investigation report shall be submitted to and approved in writing by the Planning Authority. The investigation must be carried out in accordance with current best practice, 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 as part of the above report.

In particular mine/landfill gas monitoring must be undertaken in accordance with the methodology detailed within CIRIA 665. It is deemed unacceptable in terms of CIRIA to monitor gas via open trial pit excavations.

Depending on the results of this investigation a detailed remediation strategy or gas preclusion measures may be required. Before development begins any remediation work required must be completed and verification provided by the developer to the satisfaction of the Planning Authority.

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

8. That prior to the building being brought into use, any remediation works identified by the site investigation report required in terms of Condition 7 above shall be completed and a certificate and verification report (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 the site is free of contamination in the interests of the amenity of future users of the site.

9. That BEFORE the development hereby permitted starts, full details of the design and location of all fences and walls to be erected on the site shall be submitted to and approved in writing by the Planning Authority and prior to the equestrian centre being brought into use, thereafter all walls and fences shall be erected in accordance with the approved details.

Reason: To enable the Planning Authority to consider these aspects in detail.

10. That PRIOR to the commencement of development, the applicant shall provide written confirmation to the Planning Authority that all the requirements of Scottish Water can be fully met to demonstrate that the development will not have an impact on their assets, and that suitable infrastructure can be put in place to support the development.

Reason: To ensure the provision of satisfactory drainage arrangements.

11. That all run-off from contaminated yards, manure heaps and stable washing must be contained and disposed of in such a manner that water pollution will not occur to the satisfaction of SEPA and the Planning Authority. Uncontaminated surface water, including roof water, should be disposed of through the use of Sustainable Urban Drainage Systems (SUDS) to the satisfaction of SEPA. Any effluent from toilet facilities must be disposed of to the satisfaction of SEPA.

Reason: To prevent groundwater or surface water contamination in the interests of environmental and amenity protection.

12. That a visibility splay of 2.5 metres by 90 metres, measured from the road channel, shall be provided on both sides of the vehicular access and before the development hereby permitted is brought into use, everything exceeding 1.05 metres in height above the road channel level shall be removed from the sight line areas and, thereafter, nothing exceeding 1.05 metres in height above road channel level shall be planted,
placed, erected, or allowed to grow, within these sight line areas.

Reason: To ensure satisfactory vehicular access to the site.

13. That the access to the site shall be via a 6 metre radius junction arrangement, shall be 6 metres in width and paved for the first 10 metres of the access and no gates, or other obstructions, shall be erected within the first 10 metres of the access as measured from the heel of the footway.

Reason: In the interests of pedestrian and traffic safety.

14. That prior to either the equestrian centre or the temporary residential accommodation hereby permitted being brought into use all of the access parking and turning areas shown on the approved plans, shall be levelled, properly drained and surfaced in a material which the Planning Authority has approved in writing before the start of surfacing work and clearly marked out. These areas shall thereafter be retained as such to the satisfaction of the Planning Authority.

Reason: To ensure the provision of adequate access, turning and parking facilities.

15. That unless a further planning application has been submitted to the Planning Authority the temporary residential accommodation shall be removed and the land returned to its previous condition by the 22nd February 2016.

Reason: In the interests of rural amenity by ensuring that the temporary residential accommodation is only on site for such limited period as is necessary to determine if the related equestrian activity can become commercially viable.

16. That no open air storage of materials, plant or equipment shall take place within the application site.

Reason: In the interest of the amenity of the site and the general area.

17. That should the development not be commenced by the end of May 2013, a survey shall be undertaken on the site to determine the presence of badgers, 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 the relocation or protection of badgers, these shall be implemented in accordance with a timetable agreed in writing with the Planning Authority in consultation with Scottish Natural Heritage before works commence on the site.


18. The PRIOR to the commencement of development, details of all external lighting, including any provision for CCTV Cameras, within the site shall be submitted to and approved by the Planning Authority, and shall thereafter be installed in accordance with the details approved under the terms of this condition.

Reason: In the interests of visual amenity of the site and to consider the impact on the Green Belt setting of the site.

19. That within 4 weeks of the development hereby permitted being occupied a Notice of Completion shall be submitted to the satisfaction of the Planning Authority.

Reason: To monitor the development, to enable the Planning Authority to retain effective control.
Background Papers:

Consultation Responses:

Memos from Transportation received 21st December 2012 and 29th January 2013.
Memo from Protective Services received 6th February 2013.
Memo from Landscape Services received 30th August 2012.
Memos from Greenspace Services received 23rd October and 5th November 2012.
Letter from SEPA received 24th August 2012.
Letter from Scottish Water received 23rd August 2012.
Letter from the Coal Authority received 24th August 2012.

Contact Information:

Any person wishing to inspect these documents should contact Mr Fraser Miller at 01236 632503

Report Date:

6th February 2013
APPLICATION NO. 12/00828/FUL

REPORT

1. Site Description

1.1 The application site is an area of land extending to 0.8 acres set within a land holding of 19 acres. The site is located to the east of the A73 to the north of Windyedge Toll House, off Hareshaw Road, Hareshaw, Cleland. The application site consists of open agricultural land bounded by similar open land to the south and east, the hedgerow that lines Hareshaw Road to the west with open land beyond and a small wooded area to the north. The application site is relatively level, however the land to the east and south sits at a lower level with the land to the north and west being at a similar level to the site. Mature hedging runs the length of the western boundary of the site the full length of Hareshaw Road.

2. Proposed Development

2.1 Planning permission is sought for the formation of an equestrian business consisting of a riding arena, stables and temporary residential accommodation with associated parking. The riding arena and stables are to be located within a steel portal framed building measuring 42 metres in length by 28 metres in width at a height of 4.5 metres to the eaves and 7.4 metres to the ridge. The building is to be finished in profiled steel and no details have been supplied detailing the finishing colour. Temporary accommodation is also proposed to the northern side of the building in the form of a caravan/chalet. The opening hours of the business are detailed as being 9am to 9pm, 7 days a week. Access to the site is to be formed onto Hareshaw Road and a car park is to be formed to the west of the proposed building.

3. Applicant’s Supporting Information

3.1 A Business Plan and Rural Justification Supporting Statement has been submitted with the application. It details that the business will consist of horse riding lessons, livery and Shetland pony breeding. The stables are to be internally located within the building adjacent to the indoor riding arena. The Business Plan details that the business is already in operation at a leased site at Bracco Riding School, near Caldercruix, Airdrie and it is the intention of the applicant to form a new stud and riding school at the application site. The business at first is to operate with 4 members of staff with there being the potential for additional employees as the business expands. Financial projections have also been submitted within the supporting statement. A mineral stability report has also been submitted in support of the application.

4. Site History

4.1 No relevant site history.

5. Development Plan

5.1 The application site is zoned as NBE 3A Assessing Development in the Green Belt in the North Lanarkshire Local Plan.

6. Consultations

6.1 Transportation advised that the required visibility splay of 2.5 metres by 150 metres cannot be achieved as part of the land required is out with the applicant’s control. However they have advised that, given the geometry of the road, a visibility splay of 2.5 metres by 90 metres connecting to a 6 metres wide access paved for the first 10 metres would be acceptable to serve the site. It has been further advised that a
turning facility for LGV's will be required within the internal layout of the site, in addition to parking requirements.

6.2 Protective Services have requested the submission of a Site Investigation Report, including mine/landfill gas monitoring.

6.3 Greenspace Services have requested that the hedgerow on the western boundary be maintained and that only the amount required to facilitate the proposed access is removed.

6.4 The Coal Authority, SEPA and Scottish Water have raised no objections to the application.

7. **Representations**

7.1 No letters of representation have been received following the neighbour notification and press advertisement procedures.

8. **Planning Assessment**

8.1 In accordance with Section 25 of Town and Country Planning (Scotland) Act 1997, planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. The application raises no strategic issues; it can therefore be assessed in terms of the local plan policies. In the North Lanarkshire Local Plan (NLLP) the site is zoned as NBE 3A Assessing Development in the Green Belt with the associated Supplementary Planning Guidance 07 (Development in the Green Belt) also relevant.

8.2 Policy NBE 3A seeks to protect the character of and to promote development in the Green Belt through restricting development to acceptable types and sets criteria for assessing the impact of developments. The definition of acceptable types of development includes proposals for outdoor recreation including equestrian developments. Other assessment criteria relating to new development require new businesses to be supported by detailed and financially robust Business Plans.

8.3 The associated SPG 07 section L. (Equestrian Development) echoes the Green Belt Policy in that favourable consideration will only be afforded to proposals where facilities are appropriately sited taking account of the landscaped setting of the site and where the appropriate materials and finishing colours are used to minimise the visual impacts of developments. Facilities should avoid sky line locations which are highly visible from roads and footpaths. Buildings are required to be grouped together using mature landscaping to reduce their visual impact and facilities should be within 15 metres of the access. Applications should also be accompanied by detailed schemes of planting to help minimise the visual impact. Fences are required to be post and rail and should be accompanied by new hedgerow planting with jumps being moveable to minimise the visual impact. Stables are to be finished in materials that minimise the visual impact and where possible adopting the characteristics and design of older agricultural buildings.

8.4 The proposed use is an acceptable type within the Green Belt. A business plan has been submitted and the report illustrates the potential viability of the riding school over the three year period. For welfare and security reasons the proposal includes temporary accommodation in the form of a static caravan. Policy NBE 3A 3 and SPG 07 section K states that houses associated with a new business will only be considered once that business has been operational for a minimum of 18 months and is deemed viable on inspection of detailed financial accounts. Therefore the proposal would need to demonstrate the business is viable for a minimum of 18 months before a permanent dwelling associated with the business could be assessed. Full details of the proposed temporary accommodation have been submitted and any dwelling would have to be assessed as a separate application at a later date. However the
principle of the proposed riding arena, stables and temporary accommodation are acceptable on this site subject to the detailed assessment of the application in relation to SPG 07 L. Equestrian Development.

8.5 The application site is located to the south of a semi mature grouping of trees and to the west of a well established hedgerow. Open land adjoins the site to the south resulting in a site that is open when viewed from the A73. Mature hedging does adjoin the A73 and the indicative landscape plan details a proposed 5 metre planted buffer on the southern and western boundaries of the land holding. The land is marginally elevated above the immediately adjoining land while the profiled contours of Auchinlea Land Fill sit at a higher level than the application site minimising views of the site from the south along the A73 and providing a degree of back drop to the development. A condition is proposed to secure satisfactory landscape planting to soften views of the site, particularly from the North West along the A 73. The proposed arena building is to be situated at right angles to Hareshaw Road. In landscape terms 50% of the site will be developed with the remaining 50% being landscaped/grass. Additional land is owned by the applicant adjoining this site and through the imposition of detailed conditions relating to landscaping it is considered that the visually prominence of the site can be satisfactorily reduced to ensure that the development is not to the detriment of this Green Belt location. It is considered that the siting of the building combined with the existing and proposed vegetation will ensure that the visual impact of the development would comply with the requirements of the SPG. The proposed agricultural style building, measuring 45 by 30 metres, is not considered to be out of character with similar functional rural development in the vicinity. The proposed scale and design of the building in combination with the proposed site layout have the appearance of a general agricultural building within the Green Belt as per the requirements of SPG 07 sections K and L. Furthermore appropriate materials can be controlled through the imposition of suitable planning conditions. With regards to the access requirements SPG 07 section P (Access and Parking) seeks to minimise the impact of new accesses avoiding the removal of hedgerows or trees while seeking to minimise the visual impact of parking areas. In this instance, the development will require the removal of part of the established hedge along the frontage of Hareshaw Road, however, the majority of planting behind the visibility splay is to be maintained and strengthened through the imposition of a planning condition. The parking area is to be set behind the established hedgerow and is to have a gravel finish tying in with the Green Belt setting and the requirements of SPG 07 section P.

8.6 It is therefore considered that subject to the recommended conditions relating to the design and external finishing materials of the equestrian centre and the proposed temporary accommodation to be utilised in association with the business, landscaping, access and parking, the proposals will not have an adverse environmental impact on this Green Belt location. The proposed development is therefore considered to accord with NBE 3A and the associated SPG 07.

8.7 The NLLP also requires proposed developments to be assessed against policies DSP 1 (Amount of Development), DSP 2 (Location of Development), DSP 3 (Impact of Development) and DSP 4 (Quality of Development). The proposed development is below the threshold requirements for policy DSP1 and as stated above accords with policy NBE3A and the associated SPG 07 and by virtue policy DSP2. Given the limited scale of the development DSP3 is not a material consideration. With respect to policy DSP 4 the proposed design and finishing materials of the proposed building have been considered above at paragraph 8.4 to 8.6 and as such accord with policies NBE 3A, DSP 4 and SPG 07. The requirements of Transportation can also be met and conditions are to be utilised to secure the appropriate site access, visibility requirements and parking requirements. As such, the proposal accords with policy DSP4.
Consultations:

8.8 The Transportation implications of the development have been discussed above at paragraph 8.5. The remaining consultation responses received offer no objections and all issues raised can be addressed by suitable planning conditions and submission of further details.

9 Conclusions

9.1 To conclude, it is considered that, subject to conditions, the proposed development is acceptable in terms of the North Lanarkshire Local Plan and the approved supplementary planning guidance SPG 07 “Assessing Development in the Green Belt”. The proposal relates to an appropriate type and scale of development that can be accommodated at this location without significant adverse impact upon the site and the surrounding area as per the requirements of the North Lanarkshire Local Plan and the approved SPG 07. It is recommended that permission be granted subject to conditions.
Application No: 12/0184/FUL

Proposed Development:
Change of Use from Class 1 (Retail) to Class 6 (Storage and Distribution)

Site Address:
Unit 3
1 Manse Road
Motherwell

Date Registered:
21st December 2012

Applicant:
Edgemor (Motherwell Ltd)
C/o Agent

Agent:
Alexandra Campbell
Montagu Evans
19 Canning Street
Edinburgh

Application Level:
Committee

Contrary to Development Plan:
Yes

Ward:
018 Motherwell South East And Ravenscraig
Kaye Harmon, Thomas Lunny, Gary O'Rorke, Alan Valentine

Representations:
No letters of representation received.

Recommendation:
Approve Subject to Conditions

Reasoned Justification:
The proposed development meets the criteria set out in the relevant policies of the North Lanarkshire Local Plan 2012 in that road improvements associated with Ravenscraig have not yet been implemented and this proposal would result in the re-use of a vacant unit without detriment to the amenity of the surrounding area and as such is considered to be acceptable.
Proposed Conditions:-

1. That the development hereby permitted shall be started within three years of the date of this permission.
   
   **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 the development hereby permitted shall not start until a Notice of Initiation has been submitted to the satisfaction of the Planning Authority.
   
   **Reason:** To accord with the Town and Country Planning (Scotland) Act 1997 (as amended by the Planning etc (Scotland) Act 2006).

3. That within 4 weeks of the development hereby permitted being brought into use a Notice of Completion shall be submitted to the satisfaction of the Planning Authority.
   
   **Reason:** To accord with the provisions of the Town and Country Planning (Scotland) Act 1997 (as amended by the Planning etc (Scotland) Act 2006), to monitor the development, to enable the Planning Authority to retain effective control.

4. That, except as may otherwise be agreed in writing by the Planning Authority, the development shall be implemented in accordance with the location plan stamped approved and plan marked 055/01
   
   **Reason:** To clarify the drawings on which this approval of permission is founded.

5. That the use hereby permitted shall be restricted to Unit 3 only as shown on the location plan.
   
   **Reason:** To define the permission.

6. That notwithstanding the terms of condition 4 above, for the avoidance of doubt, no approval is hereby granted for any signage and notwithstanding the terms of the Town and Country Planning (Control of Advertisements)(Scotland) Regulations 1984, a separate application will be submitted for any associated signage.
   
   **Reason:** To define the permission.

7. That deliveries to the site shall be restricted from 0800 to 1730 on Monday to Friday and Saturday from 0900 to 1200 only, unless otherwise agreed beforehand in writing by the Planning Authority.
   
   **Reason:** In order to limit the impact of the development.
Background Papers:

Representation Letters

None

Consultation Responses:

Memo from Transportation received 1\textsuperscript{st} February 2013
Memo from Protective Services received 17\textsuperscript{th} January 2013

Contact Information:

Any person wishing to inspect these documents should contact Mr Graham Smith at 01236 632493

Report Date:

4\textsuperscript{th} February 2013
APPLICATION NO. 12/01184/FUL

REPORT

1. **Site Description**

1.1 The application property is the former ‘Motorworld’ which is a unit within the stand alone retail warehouse at the junction of Manse Road, Airbles Road and Windmillhill Street. The warehouse was originally occupied by Halfords but has since been subdivided into 2 units. A car valeting business has been operating out of the rear of the unit that forms part of this application since Motorworld moved out. The other unit within the building is also currently vacant and had previously operated as a flooring shop. The property is located prominently with the junction and Civic Centre to the north, Evan’s Halshaw car garage to the east, dwellings to the south and NHS Resource Centre to the west. Access is taken from Manse Road and a communal parking area/servicing is located to the side of the building.

2. **Proposed Development**

2.1 Permission is sought for a change of use from class 1 (retail) to class 6 (storage and distribution). The business associated with the proposal would store products for electrical contractors for a wholesale market such as cabling, lighting and wiring accessories and would have an ancillary trade counter so that contractors and members of the public could collect products that have been ordered from the unit. A separate application has been submitted for the external alterations associated with the development (reference: 12/01361/FUL)

3. **Applicant’s Supporting Information**

3.1 None

4. **Site History**

4.1 The application property had initially been one single warehouse (Halfords) until permission was granted to subdivide (reference: 01/00830/FUL) on the 14th August 2001. A condition was placed on this permission restricting the type of goods sold and a condition on consent 01/01615/FUL limited hours of operation. Planning permission has since been granted on appeal for further subdivision and variation of the conditions lifting the restrictions on goods sold and hours of operation (reference: 12/00033/FUL).

4.2 Two other outline planning permissions for mixed use development at the former Ravenscraig Steelworks (references 01/00758/OUT and 07/01660/AMD) are of relevance to this site. These permit use of the site for road and junction improvements.

5. **Development Plan**

5.2 The site is zoned as DSAP 2 (Ravenscraig) in the North Lanarkshire Local Plan 2012.

6. **Consultations**

6.1 Protective Services raised no objections to the proposal subject to restrictions on delivery times.

6.2 Transportation raised no objections

7. **Representations**

7.1 No letters of representation were received.
8. Planning Assessment

8.1 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. The proposal raises no strategic issues and as such requires to be assessed against Local Plan Policies. In this instance the North Lanarkshire Local Plan 2012 is relevant. The site is zoned as Policy DSAP 2 (Ravenscraig).

8.2 Policy DSAP 2 identifies the site as a development strategy area relating to the redevelopment of Ravenscraig. As noted in paragraph 4.2 above, planning consents exist which will require the site of the proposed storage unit for the provision of an enlarged roundabout. Whilst these consents exist, they have yet to be implemented, and regard must be given to the established use on site hence the application must be considered on its current merits. The proposed use conflicts with the Council’s longer term intentions for the site however it is not considered to be reasonable in the short term to refuse the application on this basis.

8.3 The NLLP also requires proposed developments to be assessed against policies DSP 1 (Amount of Development), DSP 2 (Location of Development), DSP 3 (Impact of Development) and DSP 4 (Quality of Development). DSP1, DSP2 and DSP3 are not relevant to a development of this nature and scale.

8.4 Policy DSP 4 Quality of Development states that development will be permitted where sustainable design standards and site planning are achieved. In particular, proposals will need to demonstrate that: an appraisal has been carried out on the existing character and features of the site and a high quality development is achieved with design principles which lead to the creation of distinct, successful places addressing matters including, overall layout, access and parking. Developments are required to integrate successfully into the local area avoiding harm to the neighbouring amenity, avoiding adverse impact on adjacent properties through loss of amenity, noise or disturbance. Proposals for storage are generally directed to areas identified for industrial purposes in the local plan, however, this unit is unique in that it is a stand alone established retail warehouse. Currently both units are vacant with a small car valet business operating out of the rear of this unit. In this instance it is considered that the proposal would re-use the full unit and, subject to a condition restricting operating hours, it could be accommodated within the site without detriment to the surrounding area. Given that permission exists for class 1 use, subject to restrictions on delivery times, it is considered that the use proposed would not give rise to any adverse noise or disturbance issues for nearby dwellings. Furthermore the use is unlikely to give rise to significant volumes of traffic accessing the site at peak times and the impact on the local road network is not considered to be significant.

8.5 As detailed above in paragraph 6.1 and 6.2 Transportation and Protective Services raised no objections to the proposal. As such the proposal accords with DSP4.

9. Conclusions

9.1 In conclusion, following the detailed assessment of the application, while the proposed use doesn’t comply with the council’s longer term planned road improvements to serve Ravenscraig, the property is an established commercial unit which could be re-used without detriment to surrounding dwellings and it therefore accords with the other criteria set out in the relevant policies of the North Lanarkshire Local Plan 2012. It is recommended that permission be granted subject to conditions.
Application No: 12/01195/PPP

Proposed Development:
Variation of Conditions 1, 2, 3 and 5 of Planning Permission 08/00250/OUT to Extend the Time Period by 5 years for the Submission of Matters Specified in Conditions to Allow for the Phased Approval of Details, Phased Development of the Site and to Incorporate Access Road to the Site from Woodside, Eurocentral

Site Address:
Orchard Farm
Carnbroe Road
Shirrel
Bellshill
ML4 1RU

Date Registered: 15th November 2012

Applicant: Trustee Of Isabella Dennistoun Meiklam
C/o Anderson Strathern
1 Ruthland Court
Edinburgh
Scotland
EH3 8EY

Agent: Ironside Farrar
111 McDonald Road
Edinburgh
UK
EH7 4NW

Application Level: Major Application

Contrary to Development Plan: No

Ward: 015 Mossend And Holytown
Councillors David Baird, James Coyle & Frank McNally

Representations: No letters of representation received.

Recommendation: Approve Subject to Conditions

Reasoned Justification:
The proposed development is considered acceptable in terms of the criteria set out in the relevant policies of the North Lanarkshire Local Plan 2012 in that the proposal can be accommodated without detriment to the surrounding area.
Trustee Of Isabella Dennistoun Meiklam
Orchard Farm Carnbroe Road Shirrel Bellshill
Variation of Conditions 1, 2, 3 and 5 of Planning years for the Submission of Matters Specified in Conditions to Allow for the Phased Approval of Details, Phased the Site from Woodside, Eurocentral

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12/01195/FUL
Trustee Of Isabella Dennistoun Meiklam
C/o Anderson Strathern
Orchard Farm Carnbroe Road Shirrel Bellshill
Variation of Conditions 1, 2, 3 and 5 of Planning Permission 08/00250/OUT to Extend the Time Period by 5 years for the Submission of Matters Specified in Conditions to Allow for the Phased Approval of Details, Phased Development of the Site and to Incorporate Access Road to the Site from Woodside, Eurocentral

Produced by Planning and Development Environmental Services North Lanarkshire Council Fleming House 2 Tryet Road Cumbernauld G67 1JW
Proposed 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 buildings and other structures;
   b) the layout of the site, including all roads, footways, and parking areas;
   c) the design, location of all boundary gates, walls and fences;
   d) the provision for loading and unloading of all goods vehicles;
   e) the provision of drainage works;
   f) the disposal of sewage;
   g) details of existing trees, shrubs and hedgerows to be retained;
   h) details of existing and proposed site levels;
   i) the phasing of the development.

Reason: To accord with the provisions of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006 and to enable the Planning Authority to consider these aspects in detail.

2. Notwithstanding the generalities of Condition 1 above and before the development hereby permitted starts, an illustrative Masterplan for the entire development site which shall include details of the phasing of the development, landscaping strategy, drainage strategy, road layout and plot layout shall be submitted to and approved in writing by the Planning Authority. For the avoidance of doubt, the Masterplan should tie into the existing Eurocentral Masterplan approved under the terms of planning permission Ref 522/91 (Outline) granted 28th October 1992 and its associated permissions and all further applications in respect of the above matters detailed in Condition 1 shall take cognisance of the approved illustrative Masterplan approved under the terms of this condition, unless agreed otherwise in writing.

Reason: To enable the Planning Authority to consider these aspects in detail and to define this permission.

3. That as the development will be undertaken in phases, within five years of the date of this permission, an application for the matters specified in Condition 1 above, shall be made to the Planning Authority in respect of at least one of the proposed phases. Thereafter, further matters specified in conditions applications will follow for the remaining phases of the development.

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

4. That the development hereby permitted shall be started, either within 5 years of the date of this permission, or within 2 years of the date of which the last of the matters specified in conditions applications are approved, whichever is the later.

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

5. That vehicular and pedestrian access to the site shall take the form of the access road approved under the terms of planning permission Ref. 11/01442/FUL granted 14th June 2012 which extends west from Woodside, Eurocentral.

Reason: To ensure satisfactory vehicular and pedestrian access to the application site.
6. For the avoidance of doubt, all conditions imposed by Planning Permission Ref. 08/00250/OUT granted 30th April 2010 shall apply to this consent, with the exception of Conditions 1, 2, 3 and 5 which are now amended under the terms of this permission.

Reason: In order that the Planning Authority retain control of the industrial and business development in the interests of amenity and environmental protection.

7. With the exception of the indicative Illustrative Masterplan shown in the Supporting Statement, the development hereby permitted shall be carried out strictly in accordance with the approved details submitted as part of the application and no change to those details shall be made without prior written approval of the Planning Authority.

Reason: To clarify the drawings on which this approval of permission is founded.
Background Papers:

Representation Letters

None

Consultation Responses:

Memo from Transportation received 4th February 2013.
Memo from Protective Services received 29th November 2012.
Email from The Coal Authority received 22nd November 2012.
Letter from Scottish Water received 22nd November 2012.
Email and letters from Scotland Gas Networks received 16th November, 11th December and 12th December 2012.
Email from HSE received 17th January 2013.

Contact Information:

Any person wishing to inspect these documents should contact Miss Heather Gebbie at 01236 632494.

Report Date:

11th February 2013
APPLICATION NO. 12/01195/PPP

REPORT

1. Site Description

1.1 The application site measures 12.23 hectares and comprises of open grassland with mature tree belts along the northern, southern and eastern boundaries at land at Orchard Farm, Carnbroe Road, Shirrel, Bellshill. There are also some trees within the site which align the field boundaries. The site lies south of the A8 and the former Orchard Farm buildings, to the west of the existing Eurocentral industrial and business location and east of the Mossend/Eurocentral rail freight line. There is also a large wooded area to the south which is a Site of Importance for Nature Conservation. There is currently no vehicular access to the site however planning permission was granted on 14th June 2012 for a 7.3 metre wide access road Ref 11/01442/FUL leading from Woodside to the east. With regard to existing ground levels, the site is relatively flat however it is approximately 4 to 5 metres higher than the adjacent platformed Eurocentral site known as Plot R on the Masterplan, and Merson industrial buildings which lie to the east of the site. The site slopes gently downwards from north east to south west. There is a high pressure gas pipeline which runs along the western boundary of the application site.

2. Proposed Development

2.1 Outline planning permission Ref. 01/01059/OUT was granted on 23rd January 2003 for Development Incorporating Classes 4, 5 and 6. There were two subsequent renewal applications Ref's. 05/00989/OUT and 08/00250/OUT submitted and granted on 2nd September 2005 and 30th April 2010 respectively. The applicant is seeking permission to amend Conditions 1, 2, 3 and 5 of that permission which state the following:

Condition 1

That BEFORE the development hereby permitted 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, and parking areas;
(d) the design and location of all boundary walls and fences;
(e) the provision for loading and unloading of all goods vehicles;
(f) the phasing of the development;
(g) the provision of drainage works;
(h) the disposal of sewage;
(i) details of existing trees, shrubs and hedgerows to be retained;
(j) details of existing and proposed site levels.

Reason: To enable the Planning Authority to consider these aspects in detail.

Condition 2

That within 3 years of the date of this permission, an application for the approval of the matters specified in Condition 1 above, shall be made to the Planning Authority.

Reason: To accord with the provisions of the Town and Country Planning (Scotland) Act 1997 (as amended by the Planning etc (Scotland) Act 2006).
Condition 3

That the development hereby permitted shall be started, either within 3 years of the date of this permission, or within 2 years of the date of which the last of the Matters Specified are approved, whichever is the later.

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

Condition 5

That notwithstanding the terms of condition 1 above, the application for approval of the matters specified shall include the following:

a) details of the means of access to the site including details of a suitable route for both pedestrian and vehicular access to the site, such access to be to the satisfaction of the Planning Authority. For the sake of further clarification, no direct access to the A8 (T) shall be permitted.

b) A road and footway layout that is designed in accordance with the former Strathclyde Regional Council’s Guidelines for Development Roads 1986 and where applicable the Design Manual for Roads and Bridges. For the avoidance of doubt the proposed termination (turning head) on the indicative layout is unacceptable and the proposed road should take the form of a ‘loop’ road by connecting to the east leg of the existing roundabout or alternatively it should terminate in a 26m diameter turning circle.

c) A road layout that complies with the Eurocentral roads masterplan being developed in conjunction with Scottish Enterprise Lanarkshire.

Reason: To ensure satisfactory vehicular and pedestrian access to the application site.

2.2 The applicant seeks to amend the above conditions in order to extend the time period of the permission by 5 years for the submission of the matters specified in the conditions and to allow for the phased approval of details, phased development of the site and to incorporate the previously approved access road to the site covered by planning permission 11/01442/FUL.

3. Applicant’s Supporting Information

3.1 The applicant has submitted a planning statement and Pre-Application Consultation with the Community Report in support of this application.

3.2 The Pre-application Consultation with the Community report summarised the public event which was held on 3rd October 2012 at Maxim Office Park, Eurocentral and publicised in the week prior to the event in the Motherwell Times. In addition to the public event, all occupiers of Eurocentral were contacted regarding the proposals. No feedback was received from any of the occupiers. One member of the public attended the event however they did not leave any comments on the proposals.

4. Site History

4.1 There have been a number of planning applications relating to this site, the most relevant include:

- 01/01509/OUT: Development Incorporating Classes 4, 5 and 6 granted 23rd January 2003.
- 05/00989/OUT: Development Incorporating Class 4, 5 and 6 (Renewal of S/01/01509/OUT) granted 2nd September 2005.
5. **Development Plan**

5.1 The site is identified as a Strategic Economic Investment Location (Eurocentral) in the Glasgow and the Clyde Valley Strategic Development Plan 2012.

5.2 The site is covered by Policy EDI 2A (Industrial and Business Sites) in the North Lanarkshire Local Plan 2012. A small area of the northern part of the site is also covered by Policy EDI 2B (Transport Development).

6. **Consultations**

6.1 A summary of the comments received from the consultees is as follows:

a) Transportation commented that an update to the Transportation Assessment submitted with the original application would require to accompany any future applications. They also note that all the car parking, service arrangements, roads and footways should meet their guidelines.

b) Protective Services have commented that a detailed site investigation report and a site specific risk assessment of any associated hazards would require to be submitted to the Planning Authority.

c) Scotland Gas Networks have commented that there is a High Pressure Gas Transmission Pipeline in the vicinity of the site and this pipeline has a building proximity distance of 16 metres and was laid within a legally obtained servitude for maintenance and protection purposes.

d) HSE has no objection to the proposals.

e) The Coal Authority made no comments in relation to this application given the nature of the proposals and noted it has no impact on coal mining related issues.

f) Scottish Water have commented that they will require to assess the impact the new demand will have on their infrastructure and as such, a Development Impact Assessment will require to be submitted.

7. **Representations**

7.1 No letters of representation have been received in relation to this application following the neighbour notification procedure and press advertisement.

8. **Planning Assessment**

8.1 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. As the site is identified as a Strategic Economic Investment Location (Eurocentral) in the Glasgow and the Clyde Valley Strategic Development Plan (SDP) 2012, it is considered that the proposal complies with the SDP. In terms of local plan policy, the site is covered by Policy EDI 2A (Industrial and Business Sites) in the North Lanarkshire Local Plan 2012. The northern part of the site is also covered by Policy EDI 2B (Transport Development) which relates to the future A9/M8 upgrade works. The proposed development also requires to be assessed against Development Strategy Policies DSP1-4 which include DSP1 (Amount of Development), DSP2 (Location of Development), DSP3 (Impact of Development) and DSP4 (Quality of Development).
Development Plan:

8.2 The site is zoned under Policy EDI 2A (Industrial and Business Sites) which seeks to maintain a 10 year supply of quality marketable industrial land and promote development of such identified sites. In this case the zoning of the site reflects the existing outline planning permission for industrial development at the site which dates back to 2001. In view of the site history and local plan position, the application is considered to be acceptable in principle.

8.3 Policy EDI 2B applies to the northern part of the site and this relates to transport infrastructure developments. In this case the improvement works relate to the A8/M8 motorway upgrade which is anticipated to commence in late 2013. Given that outline planning permission has been granted previously, any subsequent matters specified in conditions application would require to take account of the A8/M8 upgrade works including any land take necessary for the infrastructure works. It is therefore considered that the proposal complies with this local plan policy.

8.4 With regard to Policy DSP1 (Amount of Development), the proposal falls within a site allocated for industrial and business development as detailed in paragraph 8.2 above, therefore the amount of development is considered to be acceptable. The proposal is therefore in accordance with Policy DSP1.

8.5 Policy DSP2 (Location of Development) requires planning applications to be considered against a list of relevant locational criteria and in this case the relevant criteria are: 4- Accessibility and 7- Health and Safety. In terms for 4- Accessibility, the proposed variation of Condition 5 is to take into account planning permission 11/01442/FUL which permits the construction of vehicular access into the site from Woodside. Given that there is a vehicular access approved, which also allows pedestrian movements, it is considered that Condition 5 (also Condition 5 in this report) should be amended to take this permission Ref. 11/1442/FUL into account and as such, the condition is therefore amended to reflect this. With regard to 7- Health and Safety, applications for new development should avoid areas of flooding, pipeline routes or areas subject to hazardous development exclusion zones. In this case, there is no risk of flooding as there are no watercourses nearby however there is a gas pipeline along the western boundary of the application site. Following consultation with HSE, they have no objections to the proposal. Taking account of the above, it is considered that the proposals are held to comply with Policy DSP2.

8.6 Policy DSP3 (Impact of Development) considers the impact of the proposed development in terms of its requirements for additional community facilities or infrastructure which is necessary to meet future demands on existing provisions. As the proposals do not have any impact on the surrounding infrastructure or require additional community facilities, it is considered that the proposal complies with Policy DSP3.

8.7 Policy DSP4 (Quality of Development) requires development proposals to only be permitted where high standards of site planning and sustainable design are achieved. Proposals require to demonstrate that an appraisal has been carried out of the existing character and features of the site and its setting, existing rights of way or features or historic environment interest will be safeguarded or enhanced. This policy also requires a site appraisal with an evaluation of design options to ensure that a high quality development is achieved. In view of the previous approval for industrial and business use at this site and the current local plan zoning, it is accepted that the principle of development at this location has already been established. The applicant is proposing to amend Conditions 2 and 3 in order to extend the time period for the development to commence and for the submission of matters specified in conditions by 5 years. The proposed time period would exceed the standard 3 year time period for applications of this nature, however it is considered that this time period extension is acceptable as the applicant seeks a longer 5 year period in order to take into
account of the imminent M8 upgrade, which partly affects the application site and is likely to commence in late 2013 until 2018. In view of this, it is considered that the proposed time period is acceptable as the applicant may not be in a position to submit all details within subsequent applications as a result of these infrastructure works. It is also considered that the proposed amendment of planning condition 1 to incorporate phasing of the future development of the site is acceptable given that the adjacent Eurocentral site has been developed in a similar manner. In order to secure future phasing of the site, the wording of planning condition is amended to ensure the phased development of the site is in line with an indicative masterplan which shall require to be submitted to and approved by the Planning Authority. The masterplan should tie in with the existing Eurocentral Masterplan. The applicant seeks that this permission now takes account of the previously approved 130 metre long access road (permission Ref. 11/01442/FUL) into the site from Woodside. The current wording of Condition 5 requires the submission of an application for the means of access to the site. Given the previous permission noted above, it is recommended that the condition now refers to the above permission for the access road as the means of access to the site for all vehicular and pedestrian movements. With regard to matters relating to design and layout of the buildings, car parks and landscaping, such matters will be addressed in any future matters specified in conditions applications. As such, the proposal is considered compliant with Policy DSP4.

Consultations:

8.8 With regard to the response received from Transportation, any future matters specified in conditions applications will suitably address the comments raised. In terms of the consultation responses received from Scottish Water and Protective Services, planning conditions are recommended in respect of their requirements for drainage infrastructure and a site investigation report. With regard to the comments received from Scotland Gas Networks, this matter can be dealt with through advisory notes to the applicant.

9. Conclusions

9.1 In conclusion, as planning permission has already been granted, it is considered that the proposed variation of Conditions 1, 2, 3 and 5 does not raise any policy issues in terms of the development plan. It is therefore recommended that planning permission is granted for the amendment to Conditions 2 and 3 to allow a further five years for the submission of matters specified in conditions and the amendments to Conditions 1 and 5 which take into account phased development of the site and the previous application for the vehicular access Ref 11/01442/FUL. It is therefore recommended that planning permission be granted.
Application No: 12/01256/PPP

Proposed Development:
Conversion of Existing Stable Block to Dwellinghouse, Conversion of Main House into Two Separate Apartments and Erection of Two New Build Dwellings within Grounds of Main House (In Principle)

Site Address:
Viewbank
Arran Drive
Airdrie
North Lanarkshire
ML6 6NJ

Date Registered:
30th November 2012

Applicant:
Mr Edward Dornan
Viewbank House
Arran Drive
Airdrie
ML6 6NJ

Agent:
Grant A Johnston
Construction Design Architects
19B Academy Street
Coatbridge
ML5 3AW

Application Level:
Local Application

Contrary to Development Plan:
No

Ward:
007 Airdrie North
Alan Beveridge, Sophia Coyle, Thomas Morgan, Andrew Spowart,

Representations:
7 letters of representation received.

Recommendation:
Approve Subject to Conditions

Reasoned Justification:
It is considered that the proposal will not impact negatively on the character or amenity of the surrounding area and is therefore in accordance with the principles of Policy HCF1 A in the adopted North Lanarkshire Local Plan. The application is therefore considered to be acceptable in principle subject to the application of appropriate planning conditions.
Proposed Conditions:-

1. That before the development hereby permitted 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 the proposed dwellings and other structures;
   (b) the means of access to the site;
   (c) the layout of the site with parking provision to the Council's standards
   (d) the details of the hard and soft landscaping of the site;
   (e) details of any landscaping to be removed to accommodate development on the site;
   (f) the design and location of all boundary walls and fences;
   (g) details of existing and proposed site levels with particular regard being paid to the visual mitigation of any retaining feature which may be required depending on proposed site levels;
   (h) the provision of drainage works;
   (i) the disposal of sewage;
   (j) details of area to be used for the storage and access to each plot during the construction stage of the development.

Reason: To enable the Planning Authority to consider these aspects in detail and to protect visual amenity.

2. That notwithstanding the requirements of condition 1 above, a further application shall be submitted which includes the sub-division of the main house as well as both new build plots.

Reason: In the interests of the visual cohesion and residential amenity of the surrounding area.

3. That notwithstanding the requirements of condition 1 above, the height of the new build dwellings shall not exceed 6.5 metres from ground level to roof apex.

Reason: In the interests of the visual and residential amenity of the surrounding area.

4. That notwithstanding the requirements of condition 1 above, no trees within the application site shall be lopped, topped or felled without the prior written approval of the Planning Authority and any such works shall be carried out outwith the bird breeding season. As part of the subsequent detailed planning application(s), details of tree protection measures, in relation to the existing trees on site as identified on layout plan 1256/PL03 in accordance with British Standard BS 5837 shall be submitted to and approved in writing by the Planning Authority.

Reason: To ensure the continued health of the trees in the interests of residential amenity.

5. That notwithstanding the requirements of condition 1 above, no fencing or walling above 0.5 metres in height will be allowed along the frontages of the curtilages of plots 1, 2, 4 and 5.

Reason: In the interests of the visual character of the locale.

6. That notwithstanding the requirements of condition 1 above and unless otherwise agreed in writing by the Planning Authority, with regard to the sub-division of ‘Viewbank House’ and to the conversion of the stable block (Plot 3 on layout drawing 1256/PL03) the subsequent detailed planning applications in terms of proposed works shall include the retention of original features, use of traditional sash and case windows and
traditional finishing materials.

**Reason:** In the interests of heritage and visual amenity.

7. That notwithstanding the requirements of condition 1 and unless otherwise agreed in writing by the Planning Authority, with regard to the conversion of the stable block, the following access provisions shall be included in any subsequent detailed application: -

1) Access to be taken from Ballochney Street via a dropped kerb vehicular access.
2) Visibility splays of 2.0m x 45m to be established and maintained at the access onto Ballochney Street within which nothing exceeding 900mm in height should be built or allowed to grow at any time.
3) A 2.0m wide footway to be constructed along the full frontage of the stable block facing onto Ballochney Street to the satisfaction of North Lanarkshire Council.
4) Off street parking to be provided at the rate of 2 spaces for 1-2 bedrooms, 3 spaces for 3-4 bedrooms, 4 spaces for 5+ bedrooms.
5) Drainage to be installed to prevent surface water running from the site onto the public road.
6) The first 2m of the driveway to be paved.

**Reason:** In the interests of road safety and residential amenity.

8. That within three years of the date of this permission, an application (or applications) for approval of the matters specified in conditions 1-7 above shall be made to the Planning Authority.

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

9. That the development hereby permitted shall be started, either within three years of the date of this permission, or within two years of the date on which the last of the matters specified by condition are approved, whichever is the later.

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

10. For the avoidance of doubt, although the detailed layout proposals to be submitted shall accord with the principles of the illustrative layout plan in terms of access, plot positioning and orientation, no approval is hereby given for the submitted indicative layouts.

**Reason:** In order that the Planning Authority can consider the design and layout in detail.

11. That the design and layout of the dwellings hereby permitted shall:

   a) reflect and complement the local character of the surrounding area in terms of design and use of building materials and include a shared formal driveway and turning circle and communal amenity planting to reflect the historical layout of the original plot.
   b) have regard to the Council’s Guidance on Open Space requirements for residential dwellings.
   c) have regard to the Council’s Guidance on parking provision for residential dwellings on the minimum basis of: Houses: 1-2 bedrooms (2 spaces), 3-4 bedroom (3 spaces).
   d) incorporate frontages onto the turning area, as illustrated on the illustrative layout.

**Reason:** In the interests of the residential amenity of the area.

12. Details of the required turning circle at the end of the driveway shall be submitted to and approved in writing by the Planning Authority as part of the submission of a further
planning application for the dwellings hereby permitted including the sub-division of Viewbank House.

**Reason:** To ensure the provision of an adequate access/egress to the residential units hereby approved.

13. That the turning circle approved under condition 12 above shall be formed to the satisfaction of the Planning Authority prior to the occupation of any residential units hereby approved.

**Reason:** To ensure the provision of an adequate access/egress to the residential units hereby approved.

14. That unless otherwise agreed in writing, before any works start on the site and as part of subsequent detailed planning applications, a comprehensive and intrusive site investigation shall be carried out to determine the extent of historic shallow mine workings on site which will allow any required remediation measures to be finalised. A report detailing these investigations and remediation measures shall be submitted for the written approval of the Planning Authority in consultation with the Coal Authority as part of subsequent detailed planning applications.

**Reason:** To ensure that the development takes account of historic shallow mine workings.

15. That before the development commences on site, any remediation works identified by the report required under the terms of Condition 14 above shall be implemented in full.

**Reason:** To ensure that the develop takes account of historic shallow mine workings.

16. That unless otherwise agreed in writing, before any works start on the site and as part of subsequent further planning applications, a comprehensive and intrusive site investigation shall be carried out in accordance with the British Standard Code of Practice BS 10175: 2001 "The Investigation of Potentially Contaminated Sites" including ground gas and potential off-site pollutants, ground investigation for foundation design including chemical testing and gas monitoring to determine conditions on site which will allow any required remediation measures to be finalised. A report detailing these investigations and remediation measures shall be submitted for the written approval of the Planning Authority.

**Reason:** To ensure that the development takes account of these aspects.

17. That before the development commences on site, any remediation works identified by the report associated with the site investigation required under the terms of Condition 16 above shall be approved in writing by the Planning Authority. Before construction commences on site a certificate (signed by a Chartered Environmental Engineer) shall be submitted to the Planning Authority confirming that the approved remediation works have been carried out in accordance with the terms of the Remediation Strategy contained in the associated report.

**Reason:** To ensure that the development takes account of these aspects.
**Background Papers:**

**Representation Letters**

Letter from Mrs Rebecca Jamieson, 3D Arranview, Arran Drive, Airdrie received 24th December 2012.

Letter from Margaret Gray, 1A Arran View, Arran Drive, Airdrie received 3rd January 2013.

Letter from Mr Gavin Kerr, 105 Ballochney Street, Airdrie, ML6 0LA received 30th December 2012.

Letter from Mr Alexander Reid, 103 Ballochney Street, Burnfoot, Airdrie received 13th December 2012.

Letter from Mrs. Maureen Agnew, 2A Arran View Arran Drive, Airdrie, ML6 6NJ received 22nd December 2012.

Letter from Mr William Watson, 2D Arran View, Arran Drive, Airdrie received 23rd December 2012.

Letter from Mr Thomas Anderson, 107 Ballochney Street, Airdrie, ML6 OLA received 11th January 2013.

**Consultation Responses:**

Traffic & Transportation dated 24th January 2013

Scottish Water (Glasgow) dated 28th December 2012

NLC Greenspace dated 1st November 2012

The Coal Authority dated 17th December 2012 and 30th January 2013

Scottish Environment Protection Agency dated 10th December 2012

Environmental Health (including Pollution Control) dated 12th December 2012 and 31st January 2013.

**Contact Information:**

Any person wishing to inspect these documents should contact Mr Paul Williams at 01236 632519

**Report Date:**

30th January 2013
APPLICATION NO. 12/01256/PPP

REPORT

1. **Site Description**

1.1 The application site lies on the northern edge of Airdrie and is accessed from Commonhead Street via Arran Drive. Arran Drive runs east west along the ridge of a hill with panoramic views to the south. The site lies in an area characterised by substantial Victorian villas. The site comprises of ‘Viewbank’, a detached Victorian two storey villa and its garden curtilage as well as an associated coach house along its northern boundary with Ballochney Street. The villa is set in large grounds and is a two storey detached villa with a dual pitched roof with hipped gables, finished in blond sandstone with a slate roof. The villa is T-shaped in plan with a front dormer and two original chimney stacks on each gable of the main part of the house. The site is accessed from Arran Drive, a private access road which connects with Commonhead Street. A long formal driveway runs north-south from Arran Drive into the site where there is a traditional style vehicle turning loop in front of the main entrance to the house.

1.2 The site is bounded to the east and west by large villas that have been converted and extended and operate as nursing homes or flats. There is also a mixture of dwellings to the east. To the north the site is bounded by Ballochney Street and Arran Drive to the south. The junction of Arran Drive and Commonhead Street has visibility splays with two way markings. Arran Drive has recently been resurfaced with a fully tarmaced surface to a good standard and varies in width from 5.3 metres to 5.9 metres. The access driveway running north-south into the site is 6 metres wide. There is also a secondary, albeit disused, site access which run east-west from the site onto Commonhead Street.

1.3 Although some tree felling has taken place within the site, there are mature trees along the majority of the boundary of the site. The boundary treatment of the site varies from brick and stone walls to walls of adjacent buildings related to the nursing home. There are also mature hedges running along either side of the driveway.

2. **Proposed Development**

2.1 The proposal is for Planning Permission in Principle for the conversion of the main house into two flats (ground and first floor), the construction of two new build dwellings in the front garden of the villa set to the east and west of the driveway and also the conversion of the coach house to one dwelling accessed from Ballochney Street. The applicant has gone through a rigorous pre-application enquiry process which has informed and led to the submission of this application.

3. **Applicant’s Supporting Information**

3.1 Although the application is in principle, the applicant has submitted an illustrative layout plan as well as three dimensional drawings which illustrate the proposed new build dwellings as one and a half storey dwellings with dormers at right angles to the main villa set back to the east and west of the main villa in the front garden area in order to minimise the impact on the character and setting of the villa and its grounds giving the new build houses the feel and look of ancillary pavilions to the villa in terms of positioning, height and massing.

4. **Site History**

4.1 There is no relevant history.
5. **Development Plan**

5.1 The site is zoned within HCF1 A, a residential area within the North Lanarkshire Local Plan. Within such areas there is a presumption against developments detrimental to residential amenity in primarily residential areas. Developments of an ancillary nature may be acceptable (e.g. guest houses, children's nurseries, medical surgeries or retail to meet local needs) subject to impact on residential amenity and provision for servicing and parking.

6. **Consultations**

6.1 Scottish Environment Protection Agency has provided standing advice applicable to this type of small scale local development. Scottish Water has expressed no objection to the proposals stating that Water Treatment works currently have capacity to service the proposal and the water network and the waste water network is currently able to supply the new demand.

6.2 The Coal Authority recommended that a Coal Risk Assessment is carried out due to the location of the application site. After assessment of the submitted site investigation, the Coal Authority has withdrawn its initial objection subject to the application of a planning condition requiring an intrusive site investigation to assess the nature of shallow mine workings and also the application of a related remedial condition.

6.3 Environmental Health (including Pollution Control) recommended that a Site Investigation is carried out in accordance with the British Standard Code of Practice BS 10175: 2001 “The Investigation of Potentially Contaminated Sites”. The report must include a site specific risk assessment of all relevant pollution linkages, be carried out in accordance with the Environment Agency publication, Model Procedures for the Management of Land Contamination CLR11. After assessment of the submitted Environmental Risk Assessment, Environmental Health has recommended that an intrusive site investigation is carried out in order to measure any potential ground gas and off-site pollutants and any required remediation works.

6.4 NLC Greenspace has commented that clearance of the site is already in progress as several of the trees and scrub have been removed. Any further scrub clearance of the site should be done outwith the breeding bird season (breeding season is March to August, inclusive). Greenspace further commented that much of the scrub that has been removed is Rhododendron and some trees have also been removed. Greenspace Development request that no further clearance of trees occurs within the development site, but have no other objections to the proposal.

6.5 Traffic & Transportation has commented that the applicant proposes to serve a total of 4 dwellings from an access leading from Arran Drive (this is a net gain of 3 units). Arran Drive is not listed as a public road and presently serves a number of other dwellings and a nursing home. It is substandard in terms of width being less than 4.0m along parts of its length, with no turning facilities at its termination. There are no footways or footpaths along its length. The access into the site from Arran Drive is 5.9m wide. Visibility from the proposed site access onto Arran Drive is only 4.5m x 7.2m to the west and 4.5m x 20m to the east (if the existing hedge was removed) as opposed to the minimum requirement of 4.5m x 60m. From Arran Drive onto Commonhead Street the visibility to the north is 4.5m x 14.4m as opposed to the minimum requirement of 4.5m x 120m. The site should be served by a public road and no scope appears to exist to upgrade Arran Drive and the site access to the required 5.5m wide carriageway with 2.0m wide footways and to achieve the required visibility splays. Therefore Traffic & Transportation has recommended that the application is refused. Traffic and Transportation has also provided detailed advice regarding the specification of the access onto Ballochnaey Street that would be required to serve
the converted stable block.

7. **Representations**

7.1 7 letters of representation have been received and the points of objection can be summarised as follows:-

- Additional traffic generated along Arran Drive (Arran Drive services 2 Nursing Homes, 12 Flats and 4 Houses).
- Additional traffic generated in Ballochney Street/ Ballochney Street being used as access.
- No pedestrian footpath on Arran Drive.
- Confusion over who has right of way on Arran Drive.
- Inadequate drainage on Arran Drive.
- Would any damage to Arran Drive caused by construction traffic be made good?
- Privacy issue – dormer windows of plot 4 will affect privacy of bedroom windows of 3 Arran View.
- Windows of stable conversion will affect privacy of dwellings opposite on Ballochney Drive.

8. **Planning Assessment**

8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that the application be determined in accordance with the development plan unless material considerations indicate otherwise. As the development is not of strategic importance the relevant policies are contained in the adopted North Lanarkshire Local Plan.

8.2 **Development Plan - North Lanarkshire Local Plan**: The principal policy within the adopted plan for the area is HCF 1A (Residential Amenity), where there is a presumption against developments detrimental to residential amenity in primarily residential areas. It is considered that the application complies with the principal policy in the Local Plan. The North Lanarkshire Local Plan goes on to assess developments under policies DSP 1 (Amount of Development), DSP 2 (Location of Development), DSP 3 (Impact of Development) and DSP 4 (Quality of Development). Given the scale, nature and location of the development DSP 1, DSP 2 and DSP 3 are not an issue. As the application is in principle only, there is no detailed design to consider, however the aims of DSP 4 can be addressed through the imposition of planning conditions requiring the detailed design to be assessed at a later date. In this regard, it is considered important that the two proposed new build dwellings are visually ancillary/ subservient to the existing Viewbank House in order to protect the character of the house and its setting. The dwellings should be sited and massed with height limited to give the effect almost of side pavilions to the main house.

8.3 **Consultations**: In considering the merits of the site for development, it is considered that 2 dwellinghouses can be constructed within the application site, provided that they are built in such a position that will not interfere with the setting and character of Viewbank and that the houses are sympathetic in design terms. It is proposed to attach conditions that will limit development of the site to specific areas as well as limit the height and massing of the proposed dwellings, whilst ensuring that the site benefits from adequate in curtilage parking provision.

8.4 It is noted that SEPA has provided standing advice applicable to this type of small scale development. Scottish Water has expressed no objections in terms of water treatment works capacity and the water network. The Coal Authority has withdrawn its initial objection to the proposal in terms of coal mining risk subject to the
application of a relevant planning condition requiring further site investigation. The Council's Greenspace section has no objections in terms of flora and fauna provided that tree protection measures are put in place during construction works and that no tree works are carried out during the bird breeding season. Pollution Control has recommended that a further site investigation is required to ascertain potential levels of ground gas and off-site pollutants and it is considered that conditions can be applied to deal with this.

8.5 Representations: In terms of the comments made by Traffic and Transportation, it is recognised that Arran Drive, although 'tarmac' surfaced is not to an adoptable standard in terms of width, footpath provision and visibility play onto Commonhead Street. However, it is at present wide enough to allow two vehicles to pass in opposite directions. Furthermore, a visibility splay exists onto Commonhead Street and the junction into Arran View has two-way road markings. In terms of additional traffic generated along Arran Drive, the proposal would result in a net increase of 3 residential units. Arran Drive currently serves 12 flats, 4 houses and 2 nursing homes with a combined capacity of 50 residents without any evidence of access issues. It is considered that the net increase in 3 residential units will not have a significant impact on levels of traffic given the level of traffic activity currently being supported by Arran Drive.

8.6 In terms of the points of objection, I would comment in turn as follows:-

- Additional traffic generated along Arran Drive (Arran Drive services 2 Nursing Homes, 12 Flats and 4 Houses).
  Comment: As previously stated in paragraph 8.5 above, it is considered that the additional 3 residential units accessed from Arran Drive that this proposal would result in will not have a significant impact on the levels of traffic using Arran Drive.

- Additional traffic generated in Ballochney Street/ Ballochney Street being used as access.
  Comment: The proposal would result in one additional dwelling using Ballochney Street for vehicular access, this being the old coach house. Furthermore, an acceptable vehicular access can be achieved.

- No pedestrian footpath on Arran Drive.
  Comment: As previously noted Arran Drive currently serves a significant number of houses and flats as well as the nursing homes, with no pedestrian footpath. Similarly, as above, it is considered that the proposal will not have a significant impact regarding pedestrian activity along Arran Drive.

- Confusion over who has right of way on Arran Drive.
  Comment: Although Arran Drive is not wide enough to conform to adoptable standards, its width varies from 5.3 metres wide to 5.9 metres wide which is adequate to allow two cars to pass each other in opposite directions. Furthermore, the mouth of Arran Drive has two-way paint road markings applied.

- Inadequate drainage on Arran Drive.
  Comment: Regardless of the state of existing drainage provision on Arran Drive, it is considered that the proposal would have no direct impact on this.

- Would any damage to Arran Drive caused by construction traffic be made good?
  Comment: This is not a material planning consideration and would be a private
matter between residents and the developer.

- Privacy issue – dormer windows of plot 4 will affect privacy of bedroom windows of 3 Arran View.

Comment: It is considered that there is sufficient distance between the indicated location of the proposed dwelling on plot 3 and 3 Arran View. I am satisfied that it will be possible to ensure that privacy is safeguarded when any further detailed application is considered.

- Windows of stable conversion will affect privacy of dwellings opposite on Ballochney Drive.

Comment: It is considered that there is sufficient distance from the stables/coach house to the houses opposite on Ballochney Street. Detailed considerations such as privacy can be addressed at the Matters Specified by Condition stage.

9. **Conclusions**

9.1 In conclusion and having regard to the foregoing, it is considered that the proposal will not impact negatively on the character or amenity of the surrounding area provided that it is developed in accordance with the parameters of the reserved matters set out by condition relating to layout and massing as specified by applied conditions and illustrated on accompanying layout drawings. The proposal is therefore considered to be in accordance with the principles of Policy HCF1 A in the adopted North Lanarkshire Local Plan. The application is therefore considered to be acceptable in principle and is accordingly recommended for approval subject to the application of appropriate planning conditions.
Application No: 12/01287/FUL


Site Address:
Peatside
Telegraph Road
Longriggend
ML6 7RR

Date Registered: 4th December 2012

Applicant: Mr Darren Muir
D Muir Farriers
Peatside
Telegraph Road
Longriggend
Airdrie
ML6 7RR

Agent: Architecture4U
Riverbank House
283 Allanton Road
Allanton
Shotts
ML7 5AQ

Application Level: Local Application

Contrary to Development Plan: No

Ward: 007 Airdrie North
Alan Beveridge, Sophia Coyle, Thomas Morgan, Andrew Spowart,

Representations: 6 letters of representation received.

Recommendation: Approve Subject to Conditions

Reasoned Justification:
The proposal complies with Policy NBE 3B (Rural Investment Area) in the North Lanarkshire Local Plan. The design, scale, location and use are considered to be acceptable in this rural area.

Peatside, Telegraph Road, Longriggend

7 Representations in total, including 1 unfound.
Proposed Conditions:-

1. That within 6 months of the date of this decision, the development shall be implemented in accordance with drawing numbers 20 and 22A, unless otherwise agreed in writing with the Planning Authority.

Reason: To clarify the drawings on which this approval of permission is founded.

2. That the development hereby permitted shall remain on site for a period of three years from the date of this permission whilst the new business is being established, unless further consent is granted by the Planning Authority for it to remain, the caravan, stable buildings, equine evaluation yard shall be removed from the site and the ground made good no later than 22nd February 2016.

Reason: To accord with policy NBE 3B (Rural Investment Area) in the North Lanarkshire Local Plan.

3. That the occupation of the temporary residential accommodation hereby permitted shall at all times be limited to a person who is employed full time in the farrier business.

Reason: To enable the Planning Authority to retain effective control.

4. That within 2 months of the date of this decision, full details of the design and location of all fences and walls to be erected on the site shall be submitted to and approved in writing by the Planning Authority.

Reason: In the interests of rural amenity by ensuring that walls and fences are appropriate for the site and the general area.

5. That within 2 months of the date of this decision, a scheme of landscaping shall be submitted to, and approved in writing by the Planning Authority, and it shall include:-

   (a) details of any earth moulding and hard landscaping, boundary treatment, grass seeding and turfing;
   (b) a scheme of tree and shrub planting, incorporating details of the location, number, variety and size of trees and shrubs to be planted;
   (c) an indication of all existing trees and hedgerows, plus details of those to be retained, and measures for their protection in the course of development
   (d) a detailed timetable for all landscaping works which shall provide for these works being carried out contemporaneously with the development of the site.

Reason: To enable the Planning Authority to consider these aspects in detail.

6. That all works included in the scheme of landscaping and planting approved under the terms of condition 5 above, shall be completed within 6 months from the date of this permission and any trees, shrubs, or areas of grass which die, are removed, damaged, or become diseased, within the following two years, shall be replaced within the following year with others of a similar size and species.

Reason: To ensure effective landscaping.

7. That within 2 months of the date of this decision, details of access improvements and the surface finishes to all parking and manoeuvring areas, shall be submitted to, and approved in writing by the Planning Authority and will thereafter be implemented on site.

Reason: To ensure the provision of adequate parking facilities within the site.
8. That within 4 weeks of completion of all building works on site, of the development hereby permitted, a Notice of Completion shall be submitted to the Planning Authority.

Reason: To accord with the provisions of the Planning etc (Scotland) Act 2006, to monitor the development, to enable the Planning Authority to retain effective control.

Background Papers:

Representation Letters:
Letter from Sharon McGlynn, 110 Main Street, Longriggend, Airdrie received 3rd January 2013
Letter from Mrs J Paterson, 38 Telegraph Road, Longriggend, Airdrie received 18th December 2012
Letter from Mrs Margaret Spiers, 28 Telegraph Road, Longriggend, Airdrie received 11th January 2013
Letter from Miss L Smart, 34a telegraph road, Longriggend, Airdrie received 28th December 2012
Letter from Ms Carolann Nesbitt, 34a telegraph road, Airdrie, North Lanarkshire received 28th December 2012
Letter from Mrs A Smart, Roadside cottage, Longriggend, Airdrie received 28th December 2012

Consultation Responses:
Memo from Traffic & Transportation received on 21st January 2013
Letter from Scottish Environment Protection Agency received on 18th December 2012
Memo from Protective Service received on 21st December 2012

Contact Information:
Any person wishing to inspect these documents should contact Mr Kevin Divin at 01236 632508

Report Date:
8th February 2013
APPLICATION NO. 12/01287/FUL

REPORT

1. **Site Description**

1.1 The application site at Peatside, Telegraph Road, Longriggend lies just beyond the southern boundary of village in the countryside with the surrounding area mainly characterised by open fields. The site currently consists of an equine evaluation yard approximately 500 square metre, two stable blocks, temporary accommodation with lean-to and a small holding which includes a vegetable patch, pig styes, and a hen coup all of which is unauthorised. Vehicular access has been created onto Telegraph Road. Located to the north are residential properties which form part of the village.

2. **Proposed Development**

2.1 Full planning permission is being sought for temporary accommodation associated with a farriers business, lean-to entrance, two no. stables, equine evaluation yard, secure equipment store, hard standing, boundary fencing, entrance gate and landscaping. This planning application seeks to regularise the existing temporary residential accommodation, stables, small agricultural holding and vehicular access. In addition, it is proposed to re-size and relocate the equine evaluation yard to the east of the site, just south of the access point which will measure 375 square metres and create an area of hardstanding approximately 500 square metres in the northern section of the site. Native landscaping planting is proposed along the eastern, southern and western boundaries of the site.

3. **Applicant's Supporting Information**

3.1 The applicant has provided the following supporting information:

3.2 Supporting Statement: This argues that the establishment of a farriers business at this location is supported by the North Lanarkshire Local Plan and by other material considerations in that there are justifications in terms of site history, existing a local plan, example of similar developments, acceptable environmental impact, supporting letters and testimonials, rural diversification and design, layout and materials.

3.3 Business Plan: This outlines the intention to establish a permanent workshop/forge at this location. The applicant states that the business has been operational for four years and has established a client base from Lanarkshire, Lothians and Stirlingshire. The applicant considers it necessary to establish a permanent work base from which to promote specialist hoof care, conformation assessment, equine shoeing and the sale of hoof care products. The applicant has confirmed that business is currently a one man operation (the applicant).

4. **Site History**


5. **Development Plan**

5.1 The application raises no strategic issues and it can be assessed in terms of the local plan policy.

5.2 The application site is zoned as NBE 3B (Rural Investment Area) within the adopted North Lanarkshire Local Plan.
6. Consultations

6.1 A summary of comments from consultees is as follows:

i) Traffic and Transportation have objected on the grounds that:
   - The proposed development would take frontage access from a de-restricted section of road. There is no system of street lighting and the width of the road is below the standard 5.5m, averaging 5.0m over the length of the site. Such a development may result in an increase in stopping and turning manoeuvres.
   - Minimum visibility splay required on this road is 4.5m x 215m (160m absolute minimum). The proposal is to retain the existing 6 feet fence which severely limits visibility at the access to 2.5 x 4m. The land required to achieve the required visibility splay to the north is outwith the application boundary and the visibility splay is not indicated on the proposal. Additional hedge planting higher than 0.9m would also prevent the minimum visibility being achieved.
   - There are no footways at this location and none are proposed as part of the development. This could lead to pedestrians walking to the development on an unlit de-restricted carriageway to the detriment of road safety. This may result in requests for road infrastructure improvements.
   - Gates should open inwards and be set back 10m minimum to accommodate a vehicle towing a horsebox this dimension is not indicated on the application but would appear to be approx 6m.
   - There is no off street parking layout indicated. The applicant should submit details of a parking layout for approval with 2.5m x 5.0m bays, provision for horsebox parking and turning facilities to ensure vehicles enter and leave the site in a forward gear.

ii) Protective Services have no objection to the proposal subject site investigation and potential noise issues. Reference is also made to best practice relating to noise from construction, construction hours, dust control, construction waste and light pollution.

7. Representations

7.1 Following the standard neighbour notification process and newspaper advertisement, six letters of objection have been received on the grounds of unauthorised development, impact on residential amenity, equipment may attract thieves, light pollution, contrary to the local plan, Green Belt location, other suitable sites, detrimental visual impact, urban clutter, access issues, set an unacceptable precedent and should be refused similar to the site opposite.

8. Planning Assessment

8.1 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.

8.2 Development Plan: North Lanarkshire Local Plan: The site falls within an area covered by Policy NBE 3B (Rural Investment Area) which provides protection for the rural character and promotes limited forms of development. The policy seeks to protect the character and promote development in the Rural Investment Area by restricting development to acceptable types and operating assessment criteria as follows: developments considered appropriate in the Green Belt (and meeting NBE 3A assessment criteria); up to 4 housing units; and business, industry or tourism up to 1,000 sqm gross floorspace, demonstrating economic benefit. In addition to this, the impact of Developments of up to 4 housing units, business, industry or tourism up to
1,000 sqm gross floor space will be assessed against the following relevant criteria: enhance an existing cluster of development and acceptable in terms of design, scale, access and countryside integration; enhance natural heritage value (e.g. through new planting or removal of intrusive features); respect natural boundaries (road, tree line, watercourse) and include works to reinforce and enhance boundaries and buffers; avoid loss of prime agricultural land (Classes 1, 2 and 3.1); and respect local amenity (if adjoining industrial or business uses are proposed). The proposed farrier business is considered to be an acceptable business venture within a rural location and the size of the proposal is well within the 1000 square metres identified by policy NBE 3B. The proposal is small scale in nature and due to this, will integrate into this rural location with minimal impact. The proposal will result in a small economic benefit to the area and seeks to respect and enhance existing boundaries with a landscaping proposal to aid the proposals integration. The farrier and the subsequent residential element in connection with the proposed business venture is acceptable given it is required for the supervision of the animals associated with the proposal. When assessed against this policy, the proposed farrier business, temporary residential accommodation and associated development are considered to be an acceptable development.

With this in mind the NLLP also requires proposed developments to be assessed against policies DSP 1 (Amount of Development), DSP 2 (Location of Development), DSP 3 (Impact of Development) and DSP 4 (Quality of Development). Policy DSP 1 refers to thresholds of development that is outwith the planned land supplies, this proposal for a small business and one residential unit is below these thresholds of 10 units per greenfield land for residential development and 2000 square metres for commercial development. Policy DSP 2 states that new development will only be permitted if they are consistent with its location, the proposed farrier business and associated residential unit is considered to be appropriate at this rural location given the rural nature of the proposal. Policy DSP 3 refers to the potential additional demands on community facilities or infrastructure of proposals on the infrastructure of the community, the proposal is small in nature and therefore will only have a minimal impact on existing infrastructure. While policy DSP 4 states that development will only be permitted when design is of a high standard, in this instance, it is considered that the design and scale of the development is appropriate in this location. It is considered, therefore, that the proposal is in accordance with policies NBE 3B, DSP 2, DSP 3 and DSP4 of the North Lanarkshire Local Plan.

8.4 Other Material Considerations: – Supplementary Planning Guidance: A material consideration is Supplementary Planning Guidance (SPG) 08 ‘Assessing Development in the Rural Investment Area’, which covers all varieties of development on land zoned as Rural Investment Area. Section H ‘New Dwellings & House Extensions’ and Section L ‘Equestrian Development’ of this SPG are of particular relevance. In relation to Section H, it is considered that the residential element of this proposal is ancillary in nature to the proposed farrier business, given its temporary nature, it is recommended that temporary consent for three years be granted for the caravan. With reference to the Section L, the guidance states that facilities associated with the keeping of horses avoid harming the visual amenity and character of the countryside in that the stables and associated development should be carefully located, well landscaped and built in materials which help them “fit in” and make them unobtrusive features in the landscape. It is considered that the proposed farrier business is directly linked to the keeping of horses where the stables, store and equine evaluation yard, although basic in design, are well positioned within the site, constructed of suitable timber materials and of a scale that will have little impact on the visual amenity of the area. In addition, landscaping is proposed along the eastern, western and southern boundaries, of which a planning condition is recommended for full details to be submitted, to as help minimise the visual impact of the development. It is, therefore, considered that the development complies with SPG 08.

8.5 Consultations: Traffic & Transportation have objected on the grounds of substandard road, visibility, no footways, gate positioning and car parking. The issue of the de-
restricted section of road and its dimension can not be adequately addressed by the applicant. An amended plan has been submitted to address the issues of visibility and gate positioning. Concerning the lack of footway issue, there is no existing footway to the north of the application site on Telegraph Road and it would be unreasonable to request a footway for this small section of Telegraph Road that will not link into any existing footways. Regarding the parking issue, the proposal includes a large area of hardstanding which will provide sufficient space for car parking as well as horsebox parking and turning facilities. Concerning the Protective Services comments, given the temporary nature of the buildings and little noise impact due to the size of the farriers business, it is considered that these are not required in this instance, while the comments relating to best practice relating to noise from construction, construction hours, dust control, construction waste, light pollution and the presence of any unsuspected contamination will be added as informatives on any planning permission.

8.6 **Representations:** In terms of the objections raised, I would offer the following comments:

- **Point of Objection:** The farrier business is currently operational and it appears that the owners are already living on the property for almost two years.

  **Comment:** The unauthorised nature of this development is noted and this planning application seeks to address this issue.

- **Point of Objection:** The proposal has a loss of residential amenity due to its proximity to other residential properties.

  **Comment:** The impact of the proposal has been assessed in detail above and considered to be acceptable.

- **Point of Objection:** The storage of equipment associated with the farrier business may attract thieves to the area.

  **Comment:** This is not a material planning consideration and would be a matter for the police.

- **Point of Objection:** There should be no external lighting on the site as this would result in light pollution.

  **Comment:** The proposal does not include any flood lighting to be installed at the site.

- **Point of Objection:** This development would be against Policies GB 2 "Countryside Around Towns" and HG 10 "Residential Development Outwith Residential Areas" of the Monklands Local Plan 1991 and Policy NBE 3B ‘Rural Investment Area’ of the Finalised Draft North Lanarkshire Local Plan.

  **Comment:** The Monklands District Local Plan 1991 has since been replaced by the North Lanarkshire Local Plan and the development has been assessed this document in detail above.

- **Point of Objection:** This development is located within a Green Belt area.

  **Comment:** The site is not within the Green Belt but designated as a Rural Investment Area in the North Lanarkshire Local Plan.

- **Point of Objection:** There are also other gap sites in this village which could have been developed; there is not a need for development in this particular area.
Comment: This planning application seeks to assess the suitability of the Farrier business, temporary residential accommodation and associated development at this location, therefore, other sites are not currently being considered in this application.

Point of Objection: This development will not improve the attractiveness of the area, will not have a positive economic benefit such as job creation or promote tourism and will not enhance the natural environment or the wider landscape setting.

Comment: The impact of the proposed development on the visual amenity of the area and local economy has been discussed in detail above.

Point of Objection: The property at present has already introduced urban clutter such as an exposed caravan and loads of unsightly shed type buildings which harbour animals next to the road.

Comment: The proposal, due to its scale and nature, is considered to be acceptable in this rural location.

Point of Objection: The road access is inappropriate for entry and exit to the site as it is outwith the 30mph limit. There are no suitable street lighting or footpaths. The vehicular access is unsuitable for horses entering and leaving this site where an accident waiting to happen.

Comment: The traffic implications of the proposed development has been assessed in detail above and considered to be acceptable.

Point of Objection: It is considered that if this application is granted, a precedence will be set for similar back door building arrangements and create a free for all situation that will be detrimental to the village.

Comment: As discussed in detail above, the proposal has been assessed against local plan and considered to be acceptable, other developments will be required to be assessed on their own merits against the relevant local plan policy.

Point of Objection: The adjacent temporary dwelling houses were refused retrospective planning permission and to allow this application would be discriminatory.

Comment: The circumstances of between this application and the development proposed on the opposite side of the road vary greatly. In addition, each planning application must be considered on its own merits.

9. **Conclusions**

9.1 In conclusion, it is considered that the proposal can be justified against policy NBE 3B (Rural Investment Area) in the North Lanarkshire Local Plan and Supplement Planning Guidance 08. It is accepted that the proposed farrier business is suitable at this rural location and that the residential caravan is required for the supervision of the animals associated with the proposed business. Taking account of these matters and the objections received, it is recommended that temporary planning permission is granted, subject to conditions, for three years to reflect the nature of the proposed buildings (Stables Building and Caravan) and allow sufficient time for the business to establish.
Application No: 12/01292/FUL

Proposed Development:
Construction of Fourteen Cottage Flats

Site Address:
Albert Primary School
North Biggar Road
Airdrie
North Lanarkshire

Date Registered: 5th December 2012

Applicant: Housing & Social Work Services
North Lanarkshire Council
Dalziel Building
7 Scott Street
Motherwell
ML1 1SX

Agent: B3-G5 Architects
Unit 2 The Matrix
114 Cowcaddens Road
Glasgow
G4 0HL

Application Level: Local Application

Contrary to Development Plan: No

Ward: Representations:
8 Airdrie Central
Councillors James Logue, David Stocks and Peter Sullivan
2 letters of representation received.

Recommendation: Approve Subject to Conditions

Reasoned Justification:
The proposed residential developments accords with relevant policies within the Adopted North Lanarkshire Local Plan 2012. The scale, design and layout of the development is considered acceptable and the development will integrate well with the existing streetscape and Conservation Areas without detriment to the character or residential amenity of the area.
Proposed Conditions:-

1. That the development hereby permitted shall be started within three years of the date of this permission.

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 except as may otherwise be agreed in writing by the Planning Authority, the development shall be implemented in accordance with drawing numbers:- (0)001, (0)002, (0)003, (0)004, A(0)10 rev B, A(2)001 rev A, A(2)002 rev A, A(2)003 rev C, A(2)004 rev C, A(3)001 rev A, A(3)002 rev A, A(3)003 rev A, A(3)004, A(3)005, A(3)006, A(3)010, L(52)01 and L(52)02

Reason: To clarify the drawings on which this approval of permission is founded.

3. That the development hereby permitted shall not start until a Notice of Initiation has been submitted to the satisfaction of the Planning Authority.

Reason: To accord with the provisions of the Planning etc (Scotland) Act 2006.

4. That within 4 weeks of completion of all building works on site, of the development hereby permitted, a Notice of Completion shall be submitted to the Planning Authority.

Reason: To accord with the provisions of the Planning etc (Scotland) Act 2006, to monitor the development, to enable the Planning Authority to retain effective control.

5. 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 residents.

6. That any remediation works identified by the site investigation required in terms of Condition 5, shall be carried out to the satisfaction of the Planning Authority. 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 residents.

7. That before the development hereby permitted is occupied, all the parking and manouevring areas shown on the approved plans, shall be levelled, properly drained, surfaced in a material which the Planning Authority has approved in writing before the start of surfacing work and clearly marked out, and shall, thereafter, be maintained as parking and manouevring areas.

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

8. That before the development hereby permitted starts, full details (including materials) of the design and location of all fences and walls (including retaining walls) to be erected
on the site shall be submitted to, and approved in writing by the Planning Authority and
the development shall be constructed in accordance with these details approved under
this condition. For the avoidance of doubt the screen fence on the southern boundary
shall extend along the full length of the boundary and the design and construction of all
fences and walls shall have regard to the Conservation Area.

Reason: To enable the Planning Authority to consider these aspects in detail and in
order to protect the visual amenity of the Conservation Area.

9. That before the development hereby permitted starts, unless otherwise agreed in
writing with the Planning Authority, the proposed surface water drainage scheme
approved under drawings L(52)01 and L(52)02 as part of this planning permission shall
be certified in writing by a Chartered Civil Engineer experienced in drainage works as
complying with the most recent SEPA SUDS requirements and guidance. This written
certification shall be submitted for the approval of the Planning Authority.

Reason: To ensure that the drainage scheme complies with best SUDS practice to
protect adjacent watercourses and groundwater and in the interests of the amenity and
wellbeing of existing and future residents adjacent to and within the development site.

10. That the surface water drainage scheme hereby approved as part of this planning
permission shall be implemented contemporaneously with the development in so far as
is reasonably practical. Following the construction of the surface water drainage
scheme, a certificate (signed by a Chartered Civil Engineer) shall be submitted to the
Planning Authority confirming that surface water drainage scheme have been
constructed in accordance with the relevant SEPA SUDS requirements and guidelines
and the approved plans.

Reason: To safeguard adjacent watercourses and groundwater from pollution and in
the interests of the amenity and wellbeing of existing and future residents adjacent to
and within the development site.

11. That before the development hereby permitted starts, the developer shall provide
written confirmation to the Planning Authority that all the requirements of Scottish
Water can be fully met to demonstrate that the development will not have an impact on
their assets, and that suitable infrastructure can be put in place to support the
development.

Reason: To ensure the provision of satisfactory drainage arrangements.

12. That before the development hereby permitted starts, a scheme of landscaping shall be
submitted to, and approved in writing by the Planning Authority, and it shall include:-

(a) details of any earth moulding and hard landscaping, boundary treatment, grass
seeding and turfing;
(b) a scheme of tree and shrub planting, incorporating details of the location, number,
variety and size of trees and shrubs to be planted; in particular this should include a
scheme for tree and shrub planting for all open space areas and planting areas and a
scheme of tree planting between block 2 and Flowerhill Street. For the avoidance of
doubt the tree species shall be of a deciduous, native species appropriate for the
Conservation Area and any trees planted adjacent to the southern boundary retaining
wall shall have a contained and restrained foliage and root system to avoid interference
with the structural integrity of the wall.
(c) a detailed schedule for all landscaping works which shall provide for these works
being carried out contemporaneously with the development of the site and completed
before the last house is occupied.

Reason: To enable the Planning Authority to consider these aspects in detail in the
interests of the amenity of the Conservation Area.
13. That all works included in the scheme of landscaping and planting, approved under the terms of condition 12 above, shall be completed in accordance with the approved timetable, and any trees, shrubs, or areas of grass which die, are removed, damaged, or become diseased, within two years of the full occupation of the development hereby permitted, shall be replaced within the following year with others of a similar size and species.

Reason: To ensure the implementation of the landscaping scheme in the interest of amenity.

14. That before the development hereby permitted starts, a management and maintenance scheme shall be submitted to, and approved in writing by the Planning Authority, and it shall include proposals for the continuing care, maintenance and protection of communal areas, planting areas and landscaped areas.

Reason: To enable the Planning Authority to consider these aspects in detail.

15. That before the occupation of the last house within the development hereby permitted the management and maintenance scheme approved under the terms of condition 14 shall be in operation.

Reason: To ensure ongoing maintenance in the interest of visual amenity and the Conservation Area.

16. That before the development hereby permitted starts, full details and specification of the windows, doors and construction and facing materials to be used on all external walls and roofs shall be submitted to, and approved in writing by the Planning Authority and the development shall be implemented in accordance with the details approved under the terms of this condition. For the avoidance of doubt the details submitted as part of this condition shall have regard to the Conservation Area status of the site.

Reason: To consider these aspects in detail in the interests of the amenity of the Conservation Area.

17. That before the development hereby permitted starts, elevation plans showing details of any features such as vents, expansion joints, rainwater goods or similar that will have a visual impact on the frontage of the building and specific details of the eaves of the building shall be submitted for the approval of the Planning Authority.

Reason: To consider these aspects in detail in the interests of the amenity of the Conservation Area.

18. That before the development hereby permitted starts, a letter from a Chartered Civil Engineer certifying that the retaining wall on the southern boundary of the site is of sufficient structural integrity to accommodate the development shall be submitted for the approval of the Planning Authority. Any works required to strengthen or stabilise the retaining wall shall be detailed and certified to the Planning Authority in this correspondence.

Reason: To ensure the stability of the retaining wall in the interests of residential amenity.

19. That before the development hereby permitted starts a site plan shall be submitted to the Planning Authority for written approval showing a visibility splay of 2.5 x 60m within the site to the south of the access and for the avoidance no vegetation or boundary treatment within this visibility splay shall exceed 900m in height. The development shall be implemented in accordance with the details approved under the terms of this condition.

Reason: In the interests of traffic safety.
Background Papers:

Representation Letters

Letter from Mrs Audrey Clement, The Beeches, 29 North Biggar Road, Airdrie received 30 December 2012
Letter from Mr William Thomson, 5 Albert Place, Airdrie, ML6 6DT received 21 December 2012

Consultation Responses:

Letter from Scottish Gas Network received on 12 December 2012
Letter from Scottish Power Energy Networks received on 21 December 2012
Memo from Protective Services received on 21 December 2012
Memo from Traffic & Transportation received on 24 January 2013
Letter from The Coal Authority received on 19 December 2012

Contact Information:

Any person wishing to inspect these documents should contact Mr William Shand at 01236 632499

Report Date:

4 February 2013
REPORT

1. Site Description

1.1 Planning permission is sought for the construction of 14 cottage flats within a brownfield corner gap site at the junction of North Biggar Road and Flowerhill Street. The site is approximately 0.3 hectares in area. The site is on a significant gradient with Flowerhill Street to the north being on an elevated position with North Biggar Road sloping downward from the junction in a southerly direction. North Biggar Road is a one-way street with vehicles only permitted to travel in a northerly direction.

1.2 The site was formerly used for Albert Primary School which contained a single L-shaped three storey building which was situated in the southern part of the site and was surrounded by the school playground. The school was deemed to be no longer fit for purpose and renovation was considered too costly. The school was closed and consideration was given to reuse or conversion. Due to the layout and state of the building no viable reuse or conversion options were available and the school was demolished and the site cleared. The site has remained clear and vacant for over a year.

1.3 The surrounding area is predominantly residential with varying styles and heights of properties. The properties on the other side of the street on North Biggar Road are predominantly single story in height however the immediate neighbour to the south is two storeys in height. The other properties to the south on Albert Place are a mixture of one and a half and two storey dwellings. Flowerhill Street to the north has a mixture of heights and styles of dwellings along with modern industrial buildings. Diagonally across from the site on Flowerhill Street is a two storey corner dwelling with corner feature. The site is relatively close to Airdrie Town centre and is situated within the Drumgelloch Conservation Area.

2. Proposed Development

2.1 The application involves the construction of 14 cottage flats with associated parking area and access. The flats would be provided in three residential blocks. The largest block would be situated on the north east corner of the site and would act as a prominent corner feature for the site. This would include 6 flatted properties in an L-shaped block which would be two storeys in height. The corner of the block would have a prominent roof design increasing its height and scale. The other cottage flats would be contained within the other two blocks each containing four cottage flats. One block would be in the north west corner of the site while the other would be to the south east. The buildings would be positioned to have a street frontage and would follow the landform of North Biggar Road with the block to the south stepping down from the northern most block. Internally, each flat is contained on one floor of the building with access doors being provided for each individual flat. All flats have two bedrooms.

2.2 The development would include a parking area to the rear of the residential blocks. To accommodate this, an access would be taken directly from North Biggar Road into a parking courtyard containing 26 car parking spaces.

2.3 For information purposes, it is noted that this application is made by North Lanarkshire Council and contributes towards new Local Authority housing requirements.

3. Applicant's Supporting Information

3.1 The applicant has submitted a Design and Access statement along with a coal mining risk assessment to support the application. The design statement briefly explores the
sites context both as a residential development site and its location within the Conservation Area, before discussing the specific design principles of the proposal. The statement also outlines how the development meets the specific design brief for the site.

4. **Site History**

4.1 The site was previously used as the former Albert Primary School with associated playground however the pupils of the school were relocated and the building became surplus to requirements. Conservation Area Consent (08/00724/CON) to demolish the school was applied for in 2008 but later withdrawn. A further application for Conservation Area Consent (11/01038/CON) was approved by Historic Scotland for the removal of the building on the site. A site specific design brief has been carried out by the Council for this site.

5. **Development Plan**

5.1 The application site is located within an area covered by policy HCF2 A1 (Sites for Housing Development – Housing Land Supply) in the Adopted North Lanarkshire Local Plan 2012. This policy seeks to promote housing to these allocated sites in order to satisfy housing demand.

5.2 As the site is located within the Drumgelloch Conservation Area the development should also be assessed against Policy NBE1 83 (Protecting the Natural and Built Environment (Conservation Areas)).

5.3 Policies DSP 1-4 are also relevant and are addressed in detail in the Planning Assessment Section below.

6. **Consultations**

6.1 A summary of the comments received from the consultees are as follows:

6.2 Traffic and Transportation raise no objection to the proposal subject to the following points:

   - The access should be located a minimum distance of 25m from the junction with Flowerhill Street/ Drumbathie Road
   - A visibility splay of 2.5 x 60m to the south of the access to be established and maintained within which nothing exceeding 900mm in height should be built or allowed to grow at any time.
   - There should be no direct frontage access onto North Biggar Road and/or Flowerhill Street. There is a pedestrian access shown to the north of the vehicular access and this should be deleted.

6.3 The Coal Authority have indicated that the site does not fall within a Coal Authority referral area and therefore a Coal Mining Risk Assessment is not required.

6.4 Protective Services have requested that a site investigation be undertaken prior to any development occurring on site. Further comment has been provided in relation to noise during construction, waste and dust.

6.5 Scottish Power have no objection to the proposal and indicate in their response where their infrastructure is.

7. **Representations**

7.1 Following the standard neighbour notification procedure and an advert in the local press two letters of representation were received. The points of representation can be summarised as follows:
8. **Planning Assessment**

8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 as amended requires that the application be determined in accordance with the development plan unless material considerations indicate otherwise. The application raises no strategic issues in terms of the Glasgow and Clyde Valley Strategic Development Plan and therefore should be assessed in terms of the relevant local plan.

**Adopted North Lanarkshire Local Plan**

8.2 **HCF2 A1 (Sites for Housing Development – Housing Land Supply):** The application site is located within an area covered by policy HCF2 A1 (Sites for Housing Development – Housing Land Supply) in the Adopted North Lanarkshire Local Plan 2012. This policy seeks to promote housing to these allocated sites in order to satisfy housing demand. This development would therefore accord with this policy subject to specific detailed matters.

8.3 **NBE1 B3 (Protecting the Natural and Built Environment (Conservation Areas)):** As this site is located within the Blairhill and Dunbeth Conservation Area policy NBE1 B3
would also be of relevance. This policy states that planning permission will only be
granted for sites where the character and appearance of the site and its setting is
preserved or enhanced. The design, materials, scale and siting of any development
should be appropriate to the character of the Conservation Area and its setting.
Having regards to the setting of the immediate area and in particular the
Conservation Area it is noted that there is no consistency in scale, built form and
design of properties on North Biggar Road and Flowerhill Street for this development
to follow. It is noted that the immediate properties to the east are predominantly single
storey in height however to the south of North Biggar Road and the properties on
Flowerhill Street tend to vary in height between one and a half and two storeys. The
character and setting of the immediate area is not easily definable and this
development although different in style from many of the immediate buildings fits
acceptably with the built form. It is noted that the buildings would be forward of the
immediate building line on North Biggar Road however when looking further south it
is noted that there is no definable building line with properties already at a forward
position as proposed here. As the buildings would be north of the neighbouring
properties on North Biggar Road there is the opportunity to move these blocks
forward without unacceptable detriment to residential amenity. This positioning is
already apparent directly opposite in Stanley Park. The scaling, mass and design
features of the proposed buildings are a mix of modern styles with traditional design
features. It is noted that this mix of style and design has been used for bungalows to
the eastern side of North Biggar Road. The requirement for a distinctive and defining
corner block was designated within the design brief for the site given the difference in
levels between the site and the road level of Flowerhill Street. It is considered that the
corner block achieves this, while still being sympathetic to the Conservation Area in
height and materials. The blocks maximise the use of the site while retaining the
character of the area and creating a distinctive development in a prominent location.

8.4 The development has been given a relatively modern design with some traditional
features and detailing to help it integrate with the existing street. The development
follows the sloping context of North Biggar Road but also creates a prominent
frontage onto Flowerhill Street given the level differences. Detailing on the front
elevations include small bay projections, varying eaves overhangs, stone cills, render
bands around the windows and stone skew details between the properties. In terms
of materials the applicant has indicated in the Design and Access statement that the
majority of the building would be clad in white render with the features and detailing in
buff stone. These materials are considered appropriate for this area and the
traditional material types, textures and colours would help the development integrate
with the Conservation Area. While it is recognised that the development is not fully
traditional in design, through the use of the proposed materials the development
would fit acceptably in the area. It is noted that the developer proposes to use dark
upvc window frames which may be less appropriate given the predominance of white
window frames in the area. The proposed roofing tile may also not be considered
appropriate given its size and profile and the position of the development in the
Conservation Area. Further details on these aspects should be conditioned for further
consideration. It is also noted that the scheme improves on the previous school which
dominated the site, was of limited architectural value and was surrounded by
extensive hardstanding.

8.5 There are no trees within the site to be removed however it is noted that there are
trees within the plots of other immediate properties which add to the amenity of the
streetscape and Conservation Area. The proposal includes the provision of trees
along the boundaries of Flowerhill Street and North Biggar Road. These should be
native mature deciduous trees in order to add value to the area and this should be
included as a condition in the event that planning permissions is approved. The trees
along Flowerhill Street should also be used to provide privacy given the differing
levels between the street and the ground floor flats.
8.6 **DSP 1 Amount of development:** As the application involves a small number of residential units within an existing residential area and does not represent an addition to the allocated housing supply it is considered that this policy would not be of relevance.

8.7 **DSP 2 Location of Development:** As noted above this application does not represent an addition to the allocated housing land supply. In terms of location it involves the development of a brownfield site in an established residential area and therefore is considered acceptable in this regard.

8.8 **DSP 3 Impact of Development:** Given the number of dwellings proposed for this site it is not considered that this development will place significant additional demands on community facilities and infrastructure that would necessitate new facilities or improvements to existing provision. For this reason this policy is not considered relevant.

8.9 **DSP 4 Quality of Development:** This policy considers development specific impacts in terms of existing site attributes, and provides a range of assessment criteria which are addressed in turn below:

8.10 **Part 1:** The applicant has submitted a Design and Access Statement in support of the application since the site is located within a Conservation Area. The content of the Design and Access statement is considered adequate.

8.11 **Part 2:** There are no specific features of natural or historic environment interests to be enhanced or safeguards both on site and in the surrounding area but the site does fall within the Conservation Area and the assessment of this is considered in paragraphs 8.3 – 8.5.

8.12 **Part 3(a) Siting, overall layout, density, form, scale, height, massing, proportion, detailing, colour, materials and open space and Part 3(f) integrating successfully into the local area and avoiding harm to the neighbouring amenity:** The development is considered acceptable in density, form, scale, height, massing and proportion for both the site and streetscape as discussed in paragraph 8.3 above. It is considered that the development has been designed to sympathetically consider the form of the landscape and varying gradients and is in accordance with the design brief. As discussed in paragraph 8.4 the specific detailing, colour and materials proposed for the buildings are in principle appropriate however the finer details of this can be confirmed through condition.

8.13 **The Developer's Guide to Open Space minimum space around dwellings guidance requires that flatted developments have 20sqm of garden space per bedroom. Although some properties would not meet this requirement in private amenity space it is noted that the communal amenity space when added to the total would result in the standards being met. The area of open space available to each flatted property is therefore adequate and would also meet the design brief. While on the northern block the garden layouts and enclosures do not form a regular garden/flat relationship it is acknowledged that this is as a result of site constraints and the desire to have good frontage to the street. While this is less regular, the visual impact is reduced by boundary treatment to the street frontages enclosing the development from view. The low wall with railing is to be retained to the immediate front of the development which is in keeping with the property to the south of the site. Natural boundary treatment and high traditional walls could be used as screens adjacent to the existing buildings to both connect the development together and help reduce the visual impact of internal fencing and car parking areas. Whilst the general boundary treatment layout principle is acceptable in principle the details of these aspects should be finalised through condition.

8.14 **Given the position of the blocks relative to the neighbouring properties there would be no significant issues created in terms of loss of sunlight, daylight or privacy. The rear**
windows from Block 1 would look towards the neighbouring properties to the south however privacy would be retained through boundary treatment and the distance between the block and these properties being greater than 18m. The windows from the rear of block 3 adjacent to 29 North Biggar Road are from non-habitable rooms and would be at such an angle as to not cause any privacy issues. In terms of sunlight and daylight as the block would be north of the existing properties on North Biggar Road there would be no loss of sunlight created and it is found that any loss of daylight to neighbouring properties would be insignificant.

8.15 Part 3(b) Safe inclusive convenient and welcoming development. Attractive pedestrian links, integration with public transport, green networks, wider links, access for cars and appropriate car parking being well located: The Transportation Section are generally content with the layout of the parking and the access subject to the visibility splay being achieved and the junction spacing from the junction to the north being adequate. These aspects can be achieved. The parking space provision and access is considered acceptable in layout and materials and would meet the requirements of the brief. The front boundary treatment and proposed planting should add value to the development by screening and enclosing the parking court from the street. None of the blocks have direct frontage access onto the street with all access leading to the parking court either by design or levels.

8.16 Part 3(c) Sustainable Development: The design brief specifies that the design of all the properties should seek to achieve the principles of sustainable design as outlined in The Sustainable Housing Design Guide for Scotland. This requirement should ensure that the development accords with this section of the policy.

8.17 Part 3(d) Mitigating likely air quality, noise or pollution impacts: The development of the site would not result in a significant increase in residential units and consequently it is unlikely to lead to a decrease in air quality. Noise and nuisance associated with construction works are likely, however these would be temporary for the period of construction can be controlled by Environmental Legislation. Protective Services have requested the submission of a site investigation and this shall be conditioned.

8.18 Part 3(e) Protecting Water Bodies and SUDS/ Drainage: There are no water courses within or near the site which require specific protection in terms of runoff or pollution. The applicant has indicated that the surface water from the site will be treated through permeable surfaces on site which will pass into a storage tank that would then be released into the existing sewers. This scheme should slow the release of water into the sewer system while providing adequate drainage for the site.

Other Material Considerations

8.19 Supplementary Planning Guidance: The recently approved Supplementary Planning Guidance (SPG) documents on the Drumgelloch Conservation Area (No.29) and Conservation Areas (no.31) should also be considered. Both documents look to protect, promote and enhance the Conservation Area through appropriate development. As indicated throughout this report it is considered that the development generally accords with the requirements of the policies and guidance on the Conservation Area including this document.

8.20 Consultation Responses: Generally the consultation responses do not raise any significant issues. Scottish Power and the Coal Authority raise no objections to the proposal and make no comment on the development. The requirement of a site investigation stipulated by Protective Services should be included as a condition to any planning permission. In terms of the matters raised by the Transportation Section it is noted that the visibility splay and junction spacing can be achieved. Although the visibility splay can be achieved details of this should be conditioned to ensure that no obstructions in terms of boundary treatment or planting are proposed. Transportation have requested the closure of an existing access gate which would take entrance to
the side garden of block 2. It is considered however that this gate adds value to the boundary treatment and streetscape and should be retained. It is unlikely that this would lead to on street parking given the distance that an individual would need to walk from their car to an entrance door. The most convenient parking would be to within the parking court. It is therefore considered that the development meets the requirements of the consultation responses.

8.21 Representations: In response to the letters of objection the following comments should be noted:

(a) A condition should be applied to any planning permission requiring the developer to have a charted civil engineer certify that the proposed drainage is sufficient for the site and is built in accordance with the plans following completion.

(b) Informally the developer has indicated that no significant vegetation would be planted along the boundary with the retaining wall. A stipulation within any landscaping condition should specify that planting on the boundary should be of a species type with roots and foliage that would not interfere with the wall.

(c) It is accepted that the development does not completely reflect the immediate neighbouring dwellings however as noted in paragraphs 8.3 and 8.4 there is no apparent consistent design or style of property in the immediate area. Consequently it is considered that the development would adequately integrate with the streetscape and would not adversely affect the character of the Conservation Area and in turn would comply with the relevant Local Plan policies and guidance.

(d) As stated in paragraphs 8.3 and 8.4 the development is not out of scale or mass with the existing area. The two storey blocks are similar in height and scale to those nearby and the scale of the corner block has been increased to give it prominence due to the differing levels. As specified in paragraph 8.14 there is unlikely to be any significant loss of daylight, sunlight or privacy for any neighbouring property or indeed an increase in noise nuisance.

(e) It is accepted that the colouring chosen for the windows might not be appropriate for this area given the neighbouring windows. The detailing and colouration can be considered further through the submission of samples required through condition. The use of upvc dominates the street however and with the right design should not adversely affect the character of the area.

(f) Due to the scale of the development no Transport Assessment is required. As specified in paragraph 8.15 the development meets the requirements of the Transportation Section in terms of access and parking and would not lead to a detrimental impact on the road network.

(g) The Transportation Section have not indicated that any alterations to the road network on North Biggar Road would be required to accommodate this development.

(h) Each flat has sufficient garden ground and amenity space and the development is not out of scale with the surrounding properties. The development is designed to take into account the sloping gradient and the site constraints and is not considered to be overdevelopment of the site or indeed to be at too high a density for this area.

(i) The position of trees can be considered through a landscape condition but ultimately the loss of light to future residents would be a design matter for the developer to consider not the Planning Authority to control.

(j) A condition should be applied to have the retaining wall certified by a Chartered Civil Engineer to ensure that it is in sufficient order to accommodate the development and that repair is carried out where necessary. The impact on the retaining wall during construction would be a legal matter between the applicant and neighbour but the applicant has indicated informally that an engineer will be carrying out assessments of the wall during the lifetime of the works.

(k) Paragraph 8.14 considers privacy and daylight/sunlight.
It is agreed that the screen fence should be continued further to provide adequate screening and privacy. This should be dealt with through condition. Statutory requirements have been followed.

9. **Conclusions**

9.1 Taking the foregoing into account it is considered that the proposed development would accord with the designated residential and Conservation Area policies for this area as well as the relevant impact policies within the Adopted North Lanarkshire Local Plan. The residential development is considered acceptable in scale, form, layout, height and design and the development is generally appropriate for the Conservation Area and street subject to the agreement of specific details. The development would also acceptably accord with the terms of the design brief agreed for the site. The proposed detailing and materials add to the value of the development and it is considered that no significant issues with regards to loss of sunlight, daylight or privacy are likely. The parking and access to service the site are adequate in terms of the brief and general guidance. Following the standard neighbour notification procedure and a press advert two letters of objection were received however it is considered that the objections do not raise a significant material consideration that would warrant refusal of the application. It is therefore recommended that the application be approved subject to the attached conditions.
Application No: 12/01304/FUL
Proposed Development:
Cabin for Office and Welfare Facilities

Site Address:
RSPB
Barons Haugh
Manse Road
Motherwell

Date Registered:
20th December 2012

Applicant:
Mr Gerry McAuley
RSPB Scotland
10 Park Quadrant
Glasgow
G3 6BS

Application Level:
Local Application

Agent:
N/A

Contrary to Development Plan:
No

Ward:
018 Motherwell South East And Ravenscraig
Kaye Harmon, Thomas Lunny, Gary O'Rorke, Alan Valentine,

Representations:
No letters of representation received.

Recommendation:
Approve Subject to Conditions

Reasoned Justification:
The development meets the criteria set out in the relevant policies contained within the Adopted North Lanarkshire Local Plan. The proposed cabin would have a minimal visual impact on the site and would not affect its natural heritage value.
Proposed Conditions:-

1. That this permission shall endure for a temporary period only and the container hereby permitted shall be removed from the site, and the land restored to its former condition to the satisfaction of the Planning Authority, within 5 years of the date of this permission, unless a further application has been submitted to and approved by the Planning Authority.

   Reason: In the interests of the visual amenity of this Green Belt location.

2. That except for the requirements of condition (3) below, or as may otherwise be agreed in writing by the Planning Authority, the development shall be implemented in accordance with the drawings submitted with and stamped approved a part of this application.

   Reason: To clarify the drawings on which this approval of permission is founded.

3. That notwithstanding the details shown on the approved plans BEFORE the development hereby permitted starts, a full specification of the cabin and a colour sample of the finish shall be submitted to, and approved in writing by, the Planning Authority. For the avoidance of doubt, this colour should be RAL 6029 or an agreed equivalent.

   Reason: To ensure that colour and design of the cabin hereby approved is appropriate for the location.

4. No footpaths or rights of way should be severed or lost as a result of this development.

   Reason: To minimise negative impacts upon access and recreation.
Background Papers:

Representation Letters

None received.

Consultation Responses:

Memo from Traffic & Transportation received 08th January 2013
Memo from Greenspace Development received 18th January 2013

Contact Information:

Any person wishing to inspect these documents should contact Mr Michael Kordas at 01236 632649

Report Date:

30th January 2013
APPLICATION NO. 12/01304/FUL

REPORT

1. **Site Description**

1.1 The application site is an area of car parking serving the Barons Haugh nature reserve. It is surrounded on all sides by established woodland and connects to footpaths within the reserve.

2. **Proposed Development**

2.1 Full planning permission is sought for the siting of a site cabin to serve volunteers on the nature reserve.

2.2 The proposed cabin would take the form of a metal storage container measuring approximately 8 metres by 2.4 metres. The cabin would house a canteen, office and toilet.

3. **Site History**

- 05/00862/NID Walk Way and Footpath Upgrades and Other Access Improvements (Approved 16th September 2005)

4. **Development Plan**

4.1 The proposal raises no strategic issues and can therefore be assessed in terms of Local Plan policies.

4.2 The application site is zoned as NBE 3 A (Green Belt) and HCF 1 B 2 (Community Parks within the Green Belt) within the adopted North Lanarkshire Local Plan.

5. **Consultations**

5.1 Transportation has no objections to the proposal.

5.2 Greenspace Development has no objections to the proposal provided that works to overhanging trees are not carried out within the breeding bird season and that no public footpaths are obstructed as a result of the development.

6. **Representations**

6.1 Following the standard neighbour notification process and newspaper advert, no letters of representation have been received.

7. **Planning Assessment**

7.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. The proposal raises no strategic issues and can be assessed against the local plan.

**North Lanarkshire Local Plan**

7.2 The site is zoned as NBE 3 A (Greenbelt) in the Adopted North Lanarkshire Local Plan (2012). This policy seeks to protect the Green Belt from inappropriate forms of development. As facilities for outdoor education compatible with a natural setting are acceptable in principle, no issues are raised in terms of this policy.
7.3 The site is also within an area zoned under Policy HCF 1 B 2 (Community Parks within the Greenbelt). However, no issues are raised as the proposal is of an ancillary nature to the use of the parkland for recreation and conservation.

7.4 The site lies directly adjacent to an area covered by Policy NBE 1 A4a (Sites of Importance for Nature Conservation). Under this policy the council will protect sites of importance for natural heritage and biodiversity from development. The proposed cabin does not encroach upon and would not adversely affect the adjacent SINC. It is considered the development fully complies with this policy.

7.5 The Local Plan requires all applications to be assessed against Policies DSP 1 (Amount of Development), DSP 2 (Location of Development), DSP3 (Impact of Development) and DSP 4 (Quality of Development). In this instance given the nature and scale of the proposals it is considered that only DSP 4 is relevant. DSP 4 requires that all proposals are based on a comprehensive site assessment, respond to the features of the site, and achieve a high quality development. The proposed cabin is of a minimal scale and will be located at an existing parking area well screened within the nature reserve. It would be sited clear of any connected footpaths. A portacabin style building existed at this location a number of years ago. The applicant has confirmed that the cabin may be painted in such a way as to be visually unobtrusive within the setting. The application is therefore considered to comply with policy DSP 4.

7.6 In relation to the consultation responses detailed above, the matters raised by Greenspace Development may be satisfactorily addressed through advisory notes attached to the planning permission.

8. **Conclusions**

9.1 The development meets the criteria set out in the relevant policies contained within the Adopted North Lanarkshire Local Plan. The proposed cabin would have a minimal visual impact on the site and would not affect its natural heritage value.
Application No: 12/01341/AMD

Proposed Development: Time Extension for commencement of Proposed Data Centre (Section 42 Variation to Conditions 2 and 3 of Planning Permission 09/00865/PPP)

Site Address:
Drumshangie Former Opencast Site
Ballochney Road
By Plains
North Lanarkshire

Date Registered: 17th December 2012

Applicant:
Price Waterhouse Cooper
John McPherson
P.W.C
Erskine House
68-73 Queen Street
Edinburgh
EH2 4NH

Agent:
James Barr Ltd
226 West George Street
Glasgow
G2 2LN

Application Level: Major Application

Contrary to Development Plan: Yes

Ward: 007 Airdrie North
Alan Beveridge, Sophia Coyle, Thomas Morgan, Andrew Spowart.

Representations: No letter(s) of representation received.

Recommendation: Approve Subject to Conditions

Reasoned Justification:

Whilst the Data Centre proposal is considered to be contrary to the policies of the recently adopted North Lanarkshire Local Plan 2012, the previous decision taken by the Council to grant planning permission in principle 09/00865/PPP on the basis of potential economic benefits accrued from such a development retains sufficient weight to justify the further extension to time period to allow the proposed Data Centre development to start on site.
Proposed 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, and parking areas;
   (d) the details of, timetable for, management and maintenance, the hard and soft landscaping of the site;
   (e) the design and location of all boundary walls and fences;
   (f) the provision of drainage works;
   (g) the disposal of sewage;
   (h) details of existing and proposed site levels;
   (i) ground conditions and any necessary remediation;
   (j) phasing of the development.

   **Reason:** To enable the Planning Authority to consider these aspects in detail.

2. That within three years of the date of this amended permission, an application for approval of the matters, specified in Condition 1 above, shall be made to the Planning Authority.

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

3. That the development hereby permitted shall be started, either within 3 years of the date of this amended permission, or within 2 years of the date of which the last of the matters as specified in Condition 1 above are approved, whichever is the later.

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

4. The site and premises shall be used solely as a data centre as defined in the Design Statement and for no other purposes; for the avoidance of doubt the site and premises shall not be used in whole or in part for industrial, business or storage and distribution uses (Classes 4, 5 and 6 of the Schedule to the Town and Country Planning (Use Classes) (Scotland) Order 1997).

   **Reason:** For the avoidance of doubt; to direct industrial, business and storage and distribution uses to appropriately zoned sites; and to ensure that there is not an inappropriately high level of traffic on local rural roads.

5. That, except as may otherwise be agreed in writing by the Planning Authority, the development shall be implemented in accordance with drawing number AR48978(1)11 (Site Plan).

   **Reason:** To clarify the drawing on which this approval of permission is founded.

6. That notwithstanding the general terms of Condition 1 above, the application for approval of the matters covered by conditions shall reasonably accord with indicative plans AR48978(1)05A, AR48978(1)06B, AR48978(1)08, AR48978(1)09A and AR48978(1)12 with respect to the general layout, the maximum height of the buildings, the relationship of the buildings with the land form, land engineering and the extent of strategic landscaping, or such other scheme as may be deemed acceptable by the Planning Authority.

   **Reason:** In the interests of the visual amenity of the area.
7. That there shall be a maximum of 40 employees at the approved data centre site unless an amended Transport Assessment is submitted covering the ability of local roads to cope with increased traffic levels and agreement is given in writing by the Planning Authority for increased employment levels.

   **Reason:** In the interests of road safety by ensuring that there is not an inappropriately high level of traffic on local rural roads.

8. That notwithstanding the general terms of Condition 1 above, the landscape details of the application for approval of the matters covered by conditions shall include strategic landscaping, the integration of the landscaping into the general character of the area and the promotion of biodiversity.

   **Reason:** In the interests of the visual amenity of the area and of nature conservation.

9. That notwithstanding the general terms of Condition 1 above, the application for approval of the matters covered by conditions shall include:
   a) nature conservation surveys and enhancement proposals for the site and the general area, these shall include a peatland national vegetation classification survey (if the site impacts on peatland), an updated protected species surveys, a management plan for great crested newts, small pearl-bordered fritillary surveys, breeding and non-breeding bird surveys and habitat maps and reports; and
   b) walking and cycling access enhancement proposals for the site and the general area.

   **Reason:** In the interests of nature conservation and of accessibility.

10. That notwithstanding the general terms of Condition 1 above, the application for approval of the matters covered by conditions shall include:
    a) a junction visibility assessment for the Ballochney Road/ Dykehead Road and Dykehead Road/ A73 junctions with the assessment covering safety and efficiency with regards the extra traffic from the proposed development and including any required remedial measures;
    b) a visibility splay of 4.5 metres by 160 metres, measured from the road channel, on both sides of the vehicular access;
    c) a construction phase transport assessment demonstrating that the surrounding road network is able to cope with construction traffic;
    d) the formation of a 2m wide footway on Ballochney Road along the western and northern frontages of the site; and
    e) the submission of a Travel Plan, that sets out proposals for reducing dependency on the private car and which shall identify measures to be implemented; the system of management, monitoring, review and reporting and the duration of the plan.

   **Reason:** In the interests of road safety and in the interests of sustainable transport by encouraging employees to use non private car means of transport.

11. That notwithstanding the general terms of Condition 1 above, the application for approval of the matters covered by conditions shall include:
    a) the connection of foul drainage to the public sewer in accordance with the requirements of Scottish Water;
    b) the treatment of surface water in accordance with the principles of the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland published by CIIRIA in February 2007.

   **Reason:** To prevent groundwater or surface water contamination in the interests of environmental and amenity protection.
Background Papers:

Representation Letters

None

Consultation Responses:

SEPA received 9th January 2013.
The Coal Authority received 11th January 2013.

Contact Information:

Any person wishing to inspect these documents should contact Mr Colin Marshall at 01236 632497

Report Date:

7th February 2013
APPLICATION NO. 12/01341/AMD

REPORT

1. **Site Description**

1.1 The application site extends to some 66 hectares of reinstated former opencast land at Drumshangie to the north of Plains. The site lies within a plateau moorland landscape and consists of marsh, marshy grassland, broadleaf and coniferous plantation woodland, unimproved acid grassland, improved and semi improved grassland and bare land. There is a water body running east-west through the centre of the site.

1.2 The application site boundary incorporates part of Darngavil Road which leads between Plains and Greengairs villages.

1.3 The application site lies immediately to the south-east of a site for a proposed energy from waste incinerator plant (EfW) which was originally approved under planning permission 08/01023/FUL in May 2009 and subsequently amended under the terms of planning permission 12/01012/AMD in December 2012.

2. **Proposed Development**

2.1 Planning permission in principle (09/00865/PPP) was previously granted on 3rd March 2010 for the construction of an eight building data centre (150,000 square metres in gross floor area) on 66 hectares of reinstated former opencast land at Drumshangie to the north of Plains. A data centre is described as a large collection of computer server rooms which contain off-site storage of digital information for organisations and businesses.

2.2 This planning application has been submitted under the terms of Section 42 of the Town and Country Planning (Scotland) Act 1997 and seeks to vary the terms of conditions 2 and 3 of planning permission in principle (09/00865/PPP) to extend the time period allowed for the submission of a further detailed planning application (MSC) under condition 2 until February 2016 and to extend the period allowed for the actual commencement of the Data Centre development (condition 3) until February 2018. No other amendments are proposed at this stage.

2.3 The planning conditions 2 and 3 relating to 09/00865/PPP that are subject to the proposed variations are set out below.

**Condition 2:** That within three years of the date of this permission, an application for approval of the matters, specified in Condition 1 above, shall be made to the Planning Authority.

Reason: To accord with the provisions of the Town and Country Planning (Scotland) Act 1997.

**Condition 3:** That the development hereby permitted shall be started, either within 3 years of the date of this permission, or within 2 years of the date of which the last of the matters as specified in Condition 1 above are approved, whichever is the later.

Reason: To accord with the provisions of the Town and Country Planning (Scotland) Act 1997.

3. **Applicant’s Supporting Information**

3.1 The applicant provided a Planning Statement in support of the proposed amendments and included a Pre-Application Consultation (PAC) Report. This includes a summary of responses received from members of the public who attended two separate pre-
application public exhibitions held by the applicant. This advised that the majority of attendees at the public meetings did not raise any objection or comment on the proposal to extend the timescale for the existing permission for a further 3 years.

3.2 The Planning Statement considers the proposed variations to the current planning permission should be supported for the following reasons:-

- The current planning permission in principle (09/00865/PPP) is still extant and is therefore a material consideration that must be afforded due weight in the determination of this application.
- NLC has already confirmed that the Data Centre is a permitted use due to the Rural Investment Area policy.
- The proposed Data Centre is inextricably linked to the proposed EfW Plant in terms of energy synergy. It is envisaged by the applicant that the Data Centre (once constructed) would make use of the energy produced and exported by the EfW Plant via the required Combined Heat and Power infrastructure associated with this development.

4. **Site History**

4.1 Application 09/00865/PPP Construction of Data Centre (In-Principle) granted planning permission in principle subject to conditions on 3rd March 2010.

5. **Development Plan**

5.1 The application site is zoned as NBE 3B Assessing Development in the Rural Investment Area in the North Lanarkshire Local Plan 2012.

6. **Representations**

6.1 There were no letters of representation received.

7. **Consultations**

7.1 There were no objections from SEPA or The Coal Authority.

8. **Planning Assessment**

8.1 This planning application was submitted under the terms of Section 42 of the Town and Country Planning (Scotland) Act 1997, which allows for the determination of applications to develop land without compliance with conditions previously attached to existing planning consents.

8.2 Section 42 of the Act sets out that on receiving such an application, the planning authority need only consider the question of the conditions subject to which planning permission was granted. If it is decided that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, planning permission should be granted.
8.3 Conversely, should it be decided that planning permission be granted with the same conditions to which the previous permission was granted, then planning permission should be refused.

8.4 The principle of developing this remote rural site for the purposes of a large scale Data Centre was previously granted planning permission in principle (PPP) on the basis that it constituted an acceptable departure to the terms of the former development plan which at that time included the former Glasgow and Clyde Valley Joint Structure Plan 2006 and Monklands District Local Plan 1991. The Council decided (at that time) that the economic benefits to North Lanarkshire from the proposed development could not be guaranteed to the area if the application were refused and that this material consideration outweighed the opposing terms of the former development plan policies.

8.5 Whilst the Data Centre proposals would also be considered contrary to the policies of the recently adopted North Lanarkshire Local Plan 2012, it is considered in this instance that the previous reasoned justification and decision taken by the Council should retain sufficient weight to allow the terms of the existing extant permission to be renewed through the respective proposed variations to conditions 2 and 3. The proposed variations would allow an additional 3 years to the submission of a further detailed (MSC) application which in turn (if approved) would allow a further 2 years for the proposed Data Centre development to actually commence on site. The effect of this amended proposal would be to allow the applicant an additional 5 years for the Data Centre to commence construction on site.

8.6 The other existing planning conditions set out under the terms of planning permission 09/00865/PPP are still considered relevant and would be retained and applied to any amended permission.

8.7 Whilst it can be noted from the applicant's Planning Statement that the proposed Data Centre development may benefit from exported energy from a proposed EfW Plant (once this is constructed in accordance with its own planning permission) this aspect cannot be given any weight in the determination of this application as both proposals were previously considered separately and on their own individual merits.

9. **Conclusions**

9.1 The principle of developing this remote rural site for the purposes of a Data Centre was previously granted planning permission in principle on the basis that the economic benefits to North Lanarkshire of the proposed development could not be guaranteed to the area if the application were refused. This material consideration was considered by the Council to outweigh the opposing terms of the former development plan.

9.2 Whilst the Data Centre outline proposal is still considered to be contrary to the policies of the recently adopted North Lanarkshire Local Plan 2012, the previous decision taken by the Council to grant planning permission 09/00865/PPP should (on this occasion) retain sufficient weight and to justify the proposed variation to conditions 2 and 3 thereby allowing additional time for the proposed Data Centre development to start on site. This updated planning permission in principle (as amended) would also require the developer to submit a further detailed planning application (MSC) to the Council within the next 3 years with an additional 2 years allowed to commence the proposed Data Centre development.

9.3 The other existing planning conditions set out under the terms of planning permission 09/00865/PPP are still considered relevant and are retained to this amended permission.

9.4 It is therefore recommended that the proposed variations to planning conditions 2 and 3 of the extant planning permission in principle 09/00865/PPP be approved subject to
a revised list of planning conditions as set out above and in accordance with the requirements of Section 42 of the Act.
**Application No:** 13/00034/FUL  
**Proposed Development:** Change of Use from Hot Food Takeaway (Sui Generis) to Bookmakers (Class 2)  
**Site Address:** 216 Main Street  
Bellshill  
ML4 1AB

**Date Registered:** 17th January 2013

**Applicant:**  
Magon & Co  
16 Foundry Wynd  
Kilwinning  
KA13 6UF

**Agent:**  
Scott Mackay  
Mackay Planning  
PO Box 12  
145 Kilmarnock Road  
Glasgow  
G41 3JA

**Application Level:** Local Application

**Contrary to Development Plan:** No

**Ward:** 015 Mossend And Holytown  
David Baird, James Coyle, Frank McNally,

**Representations:** Two letters of representation received.

**Recommendation:**

**Reasoned Justification:**  
The development meets the criteria set out in the relevant policies contained within the North Lanarkshire Local Plan. The proposed change of use is acceptable in terms of its impact upon the town centre area.
Planning Application 13/00834/FUL
Magon & Co
216 Main Street, Bellshill, ML4 1AB
Change of Use from Hot Food Takeaway (Sui Generis) to Bookmakers (Class 2)
* Representation

2 Representation Received in Total
Including Representation From Bellshill Community Council and 1 Representation Outwith Plan Area
Proposed Conditions:-

1. That the development hereby permitted shall be started within three years of the date of this permission.

   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 except as may otherwise be agreed in writing by the Planning Authority, the development shall be implemented in accordance with the drawings submitted with and stamped approved as part of this planning application.

   Reason: To clarify the drawings on which this approval of permission is founded.

3. That the development hereby permitted shall not start until a Notice of Initiation has been submitted to the satisfaction of the Planning Authority.

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

4. That within 4 weeks of the development hereby permitted being occupied or brought into use a Notice of Completion shall be submitted to the satisfaction of the Planning Authority.

   Reason: To accord with the provisions of the Town and Country Planning (Scotland) Act 1997 (as amended by the Planning etc (Scotland) Act 2006, to monitor the development, to enable the Planning Authority to retain effective control.
**Background Papers:**

**Representation Letters**

1 email from Bellshill Community Council, received 24th January 2013.

1 online comment from Mrs Sheena Catherwood, 4 Napier Square, Bellshill, received 31st January 2013

**Consultation Responses:**

None

**Contact Information:**

Any person wishing to inspect these documents should contact Mr Michael Kordas at 01236 632649

**Report Date:**

4th February 2013
APPLICATION NO. 13/00034/FUL

REPORT

1. Site Description

1.1 The application relates to a ground floor shop unit, last used as a hot food takeaway within a two storey tenement property in Bellshill Town Centre. The application site is surrounded by other town centre properties with a Post Office and opticians directly adjacent.

2. Proposed Development

2.1 Full planning permission is sought for the change of use of the premises from a hot food takeaway (Sui Generis) to a bookmakers shop (Class 2). The bookmakers will operate until 10pm in the evening. This application relates to the principle of change of use only. Shopfront and other external works and signage related to this application are assessed, for decision under delegated powers, by planning application 13/00035/FUL and advertisement consent application 13/00036/ADV.

3. Applicant’s Supporting Information

3.1 A supporting statement has been submitted justifying the use in terms of previous planning and appeal decisions and the argued benefits to the Town Centre area. The statement claims that while the proposal will have late opening hours, this is acceptable in a town centre environment with other uses generating footfall in the evening. The applicant considers that the proposed use is justified in terms of the relevant local plan policies and Scottish Government guidance which considers Class 2 uses acceptable in town centres. A number of appeal decisions from other town centre locations in the UK with respect to Class 2 are also put forward in support of the proposal.

4. Site History

- 96/10538/FUL Erection of Satellite Dish (Retrospect) (Permitted October 1996)
- 98/00846/ADV Installation of Illuminated Sign (Permitted July 1998)
- 98/00847/FUL Installation of ATM (Permitted July 1998)
- 08/00234/FUL Change of Use of Retail Shop to Hot Food Takeaway (Permitted April 2008)

5. Development Plan

5.1 The proposal raises no strategic issues and can therefore be assessed in terms of Local Plan policies.

5.2 The application site is zoned as RTC 1 A (Town Centres) within the adopted North Lanarkshire Local Plan. Policy RTC 3B Bad Neighbour Developments also applies.

6. Consultations

6.1 No consultations required.
7. **Representations**

7.1 Following the standard neighbour notification process and newspaper advert, two representations were received; one from Bellshill Community Council and another from a local resident. Both representations are opposed to the proposal on the basis that Bellshill is over provisioned with betting shops, there being 5 in the immediate town centre area.

8. **Planning Assessment**

8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. The proposal raises no strategic issues and can be assessed against the local plan.

**North Lanarkshire Local Plan**

8.2 The application site is designated under policy RTC 1 A (Town Centres) in the adopted North Lanarkshire Local Plan (2012). This policy seeks to protect the network of local town centres as continuing focal points for retail, leisure, civic and community uses and defines appropriate use classes for these locations. Class 2, which includes office uses such as estate agents and solicitors and professional services such as doctors and vets, is included as an acceptable use and the proposal is therefore in compliance with this policy.

8.3 Policy RTC 3 B (Bad Neighbour Developments) indicates that planning permission will only be granted for such developments where it can be demonstrated that amenity would not be adversely affected. Assessment of proposals also requires consideration of the cumulative impact of such developments. It is considered that the proposed bookmakers will result in fewer potentially negative impacts on amenity than the previous use of the unit as a hot food takeaway. The proposed bookmakers would close earlier in the evening and would also be expected to generate a lower level of activity in the evening hours than the hot food takeaway use. In terms of cumulative impact, Bellshill Town Centre is provisioned with a mix of Class 1 (retail shop) and Class 2 uses, with no one use predominating. It is therefore considered that a change of use of one unit would not significantly alter this balance in planning terms. The proposed bookmakers would also bring a vacant unit back into a use that would, unlike the existing hot food takeaway, be open during daytime hours. The proposal therefore has the potential to attract footfall into the town centre, adding to its vitality and viability.

8.4 The Local Plan requires all applications to be assessed against Policies DSP 1 (Amount of Development), DSP 2 (Location of Development), DSP3 (Impact of Development) and DSP 4 (Quality of Development). In this instance given the nature and scale of the proposals it is considered that only DSP 4 is relevant. DSP 4 requires that all proposals are based on a comprehensive site assessment and achieve a high quality development taking account of various criteria. In this case relevant considerations would include impact on amenity; this matter is addressed in paragraph 8.3 above. It is not considered that the proposal would detrimentally affect the amenity or character of the application site or surrounding town centre area. The proposal is in compliance with policy DSP 4.
8.5 In response to the concerns raised regarding over provision, reference is made to paragraphs 8.2 and 8.3 above. Class 2 is an acceptable town centre use and given the previous use of the site and the balance of uses in the town centre area, it would not be unreasonable in this case to grant planning permission. Furthermore, the potential benefits of bringing a vacant unit back into a footfall generating use to the town centre, are considered to outweigh the potential cumulative impact of these uses within the area.

9. Conclusions

9.1 The development meets the criteria set out in policies RTC 1 A, RTC 3 B and DSP 4 contained within the North Lanarkshire Local Plan. The Class 2 use proposed is acceptable within the town centre and would not be of detriment to the amenity of the area. The proposed change will result in a previously vacant unit being brought back into a footfall generating use, adding to the vitality of the Town Centre. It is therefore recommended that permission is granted.