

Application No: S/04/02018/AMD

Date Registered: 29th November 2004

Applicant: **MTS Residential (Scotland) Ltd**
Suite 11
Victoria Business Centre
Rochsolloch Road
Airdrie
ML6 9BG

Agent Apex Drawing Services
4 Gala Crescent
Wishaw
ML2 7JS

Development: **Non-Compliance with Conditions (10), (19) and (20) of Permission Ref: S/02/01490/REM Relating to the Provision of an Access Link from this site to the Adjacent Residential Development & All Access Therefore to be Taken Via School Road**

Location: **Land West Of Morningside Road Newmains Wishaw Lanarkshire**

Ward: 16: Newmains Councillor David McKendrick

Grid Reference: 282807 655369

File Reference: **S/PL/B/3/80**

Site History:

1. S/98/00819/OUT - Outline permission granted 20 August 1998 for construction of 100 houses on land including this site.
2. S/02/01490/REM - Reserved matters approval for 54 houses granted 29 May 2003.
3. S//02/01737/FUL Permission granted 19 February 2003 for the erection of 2 storey nursing home, associated parking, landscaping and boundary treatment on part of the original housing site.
4. S/04/00569/AMD - Application for amendment to site and house types to form 52 houses currently under construction.

Contrary to Development Plan: No

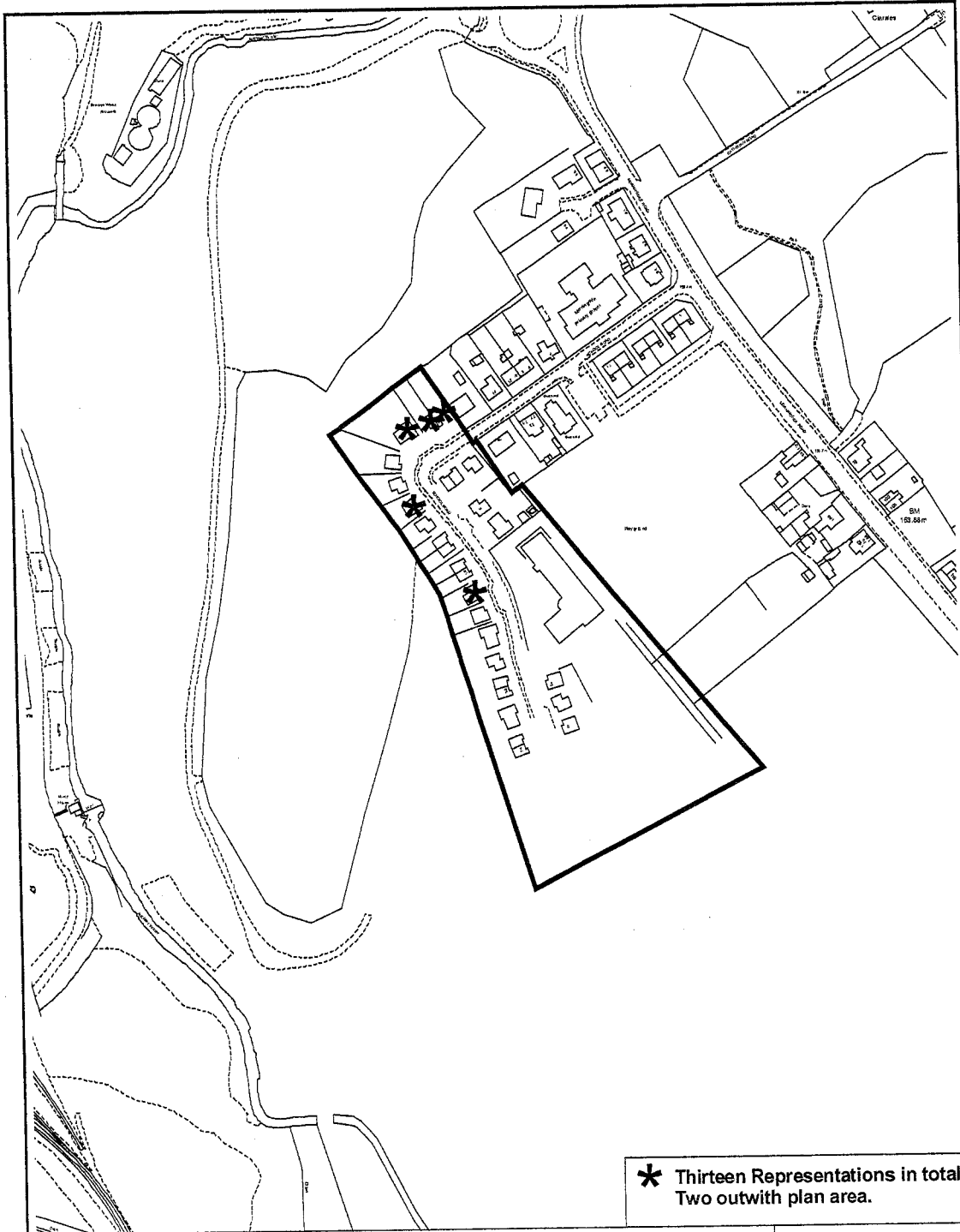
Development Plan: Within an area zoned industrial on the Central Industrial area Part Development Plan 1964.

Within area covered by policy HSG2 Private Housing Development on the Southern Area Local Plan Finalised Draft Modified 2001 and 2004.

Consultations: None required

Representations: 10 Representation Letters

Newspaper Advertisement: Not Required



*** Thirteen Representations in total.
Two outwith plan area.**

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PLANNING APPLICATION No. S / 04 / 02018 / AMD
 NON-COMPLIANCE WITH CONDITIONS (10), (19) AND(20)
 OF PLANNING PERMISSION Ref. S / 02 / 01490 / REM.
 RELATING TO THE PROVISION OF AN ACCESS LINK FROM
 THIS SITE, TO THE ADJACENT RESIDENTIAL DEVELOPMENT
 AND ALL ACCESS THEREFORE TO BE TAKEN VIA SCHOOL ROAD.
 LAND WEST OF MORNINGSIDE ROAD, NEWMAINS, WISHAW.
 * Representation Site Area = 3.07 ha.

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North Lanarkshire Council

Recommendation: Refuse for the Following Reasons:-

1. That the proposal would be contrary to policies HSG 10 and TR 13 of the Southern Area Local Plan Finalised Draft Modified 2001 and 2004, in that it would result in increased traffic, on a permanent basis, using School Road to the detriment of traffic and pedestrian safety and the amenity of the residents of School Road, in that School Road is substandard in terms of footpath width and geometry and its visibility at its junction with Morningside Road.

Background Papers:

Application form and plans received 12th November 2004

Memos and emails from NLC Transportation Section received January 7th and February 4th and 8th 2005.

Letter from Marilyn MacFarlane, 209 Morningside Road, Newmains, ML2 9QN received 21st December 2004.

Letter from Josephine Steel, 28 School Road, Morningside Village, Newmains, Wishaw, ML2 9QW received 21st December 2004.

Letter from Lynsey Thomson & Neil Houston, 18 School Road, Morningside, ML2 9QW received 21st December 2004.

Letter from Margaret Lang, 40 School Road, Morningside Village, Newmains, Wishaw ML2 9QW received 22nd December 2004.

Letter from Miss Lorna Baxter, 20 School Road, Morningside Road, Morningside, Wishaw ML2 9QW received 22nd December 2004.

Letter from Mr Mark Halligan, 20 School Road, Morningside Road, Morningside, Wishaw ML2 9QW received 22nd December 2004.

Letter from Ann Costello, 22 School Road, Morningside, Wishaw, ML2 9QW received 16th December 2004.

Letter from Harry Costello, 22 School Road, Morningside, Wishaw, ML2 9QW received 16th December 2004.

Letter from Alan Steel, 28 School Road, Morningside Village, Newmains, Wishaw received 16th December 2005.

Letter from Charles F Young, 15 Holding Road, Morningside, Newmains, ML2 9QL received 13th December 2005.

Any person wishing to inspect these documents should contact Lorna McCallum at 01698 302090.

APPLICATION NO. S/04/02018/AMD

REPORT

1. Description of Site and Proposal

1.1 This application is for non-compliance with conditions upon the permission for the development of 54 houses at School Road, Morningside. The site lies to the south-west of the village green. To the south and west of the site is the former opencast site which has been largely restored and has outline permission for 200 houses. The outline and reserved matters permission for the current application site were subject to conditions requiring the stopping up of School Road within the site and formation of a link to the adjacent development site once an adoptable road was constructed to serve the larger site. It is these conditions that are the subject of this application.

1.2 In support of their application the applicants have made the following points: -

- (a) The ground levels to achieve the link severely disadvantages adjacent plots;
- (b) The proposed link adversely affects the process of good design for housing layouts and road safety;
- (c) The vertical gradients are outwith normal guidelines and not practical to achieve;
- (d) Council guidelines allow 100 houses served by a 5.5 metres wide road and the 52 house development is well within this;
- (e) Pedestrian routes, wayleaves and service links for statutory services have been maintained between phases 1 and 2;
- (f) The link is of no value to either housing development;
- (g) It would be at least 3 years before the link could be constructed and during that time the 52 houses would require to use School Road;
- (h) The deletion of the link has no monetary gain for their company; and
- (i) Other schools in North Lanarkshire Council have roads passing their sites.

2. Development Plan

- 2.1 The proposed development raises no strategic issues in terms of the Glasgow and Clyde Valley Joint Structure Plan 2000.
- 2.2 The site is zoned as Existing and Proposed Areas for Industrial Development within the Central Industrial Area Part Development Plan 1964.
- 2.3 The site is covered by policy HSG 2 Private Housing Development within the Southern Area Local Plan Finalised Draft (Modified 2001 and 2004).

3. Consultations and Representations

3.1 My Transportation Section object to this application and their comments in relation to the case made by the applicants can be summarised as follows: -

- (a) The applicants have not made any technical case for the removal of the link and no details have been provided to clarify the applicants meaning in relation to point (b) in paragraph 1.2 above;
- (b) Drawings submitted by the applicants agent and engineers show a 5% gradient on the proposed link and this is perfectly acceptable for a general access road, which may be as

steep as 8%. It is also possible to reduce this by introducing vertical curves. Any cut and fill required can be taken into account in the design of the adjacent site.

- (c) A 5.5 metres wide road to adoptable standards can serve up to 200 houses. School Road cannot be brought up to Council standards as there is no space to provide a continuous 2 metre wide footway on both sides;
- (d) The conditions were originally imposed upon the permission as it was considered, in the interests of pupils safety, that the volumes of traffic passing Morningside Primary School should be minimised. The provision of the link represents best practice in terms of road safety and also reflects the road safety concerns of both residents and the school, which have been brought to the attention of the department over several years;
- (e) The retention of footways and service links is not relevant to this case. Even without the road link, pedestrian links could be formed; and
- (f) There will be costs associated with the provision of the road link and accompanying stopping up works.

3.2 A total of 10 letters of representation have been submitted in respect of this application, 8 are from residents of School Road within the applicants current housing site and 2 are from other residents of the village. The points of concern may be summarised as follows: -

- (a) The original applicants for this site gave a public commitment that only the first 19 new houses would permanently use School Road and the rest would access via the adjacent site. This was because School Road is not fit to take the extra traffic involved and cannot be upgraded to do so and because it was unacceptable to increase traffic past the primary school and existing houses.
- (b) School Road is not safe for existing users.
- (c) The proposal is contrary to the previous approval agreed by MTS and the Council.
- (d) The only apparent reason for the removal of the link is to save the developers money, this is not acceptable.
- (e) As the applicant is also involved in the development of the adjacent site there is no reason why the original conditions should not be adhered to.

3.3 Of the letters of objection received from the residents of the new development it is clear from their letters that they have misunderstand the nature of this application. They appear to believe that this application seeks to use School Road as the access to the adjacent 200 house site. Their concerns, not listed above, regarding the impact of this development due to additional are therefore flawed. It is only possible to state that they have concerns regarding increased traffic using School Road and going past the primary school.

4. Planning Assessment and Conclusions

4.1 The application raises no strategic issues and can therefore be assessed in terms of the Local Plan policies. As stated above the site is zoned industrial within the Central Industrial Area Part Development Plan 1953, however, given the age of this plan the Southern Area Local Plan Finalised Draft is a more recent statement of Planning Policy for the area. The application requires to be assessed against the terms of policies HSG 10 Assessing Applications for Housing Development and TR 13 Assessing the Transport Implications of Development. Both of these policies require the Council, when determining an application such as this, to take into

account of traffic issues including the provision made for roads and access; the level of traffic generated by the development and its impact on the environment and adjoining land uses; the impact of the development on road traffic circulation and road safety. As indicated in paragraph 2.1 (c) above School Road is substandard in terms of footpath provision. The geometry and visibility at the junction of School Road and Morningside Road are also substandard. Under the terms of the current permission for the site the applicants should have undertaken works to traffic calm and improve School Road before the first new house was occupied. Negotiations have taken place; however, it has not so far been possible to get the developer to complete these works. The works were to have included improvements to the geometry and visibility at the School Road/ Morningside Road junction. Even with these improvement works the junction would still be substandard and there is no possibility of providing full width footpaths on both sides of School Road. For these reasons it was and still is considered that this is not a suitable permanent access for all of the applicants' development as it would be detrimental to pedestrian and traffic safety of existing and proposed residents, users of the primary school as well as the general public.

- 4.2 There has been no change in circumstances since the previous permission were granted. The original concerns regarding the unsuitability of School Road and increases in traffic affecting the primary school and original residents remain.
- 4.3 The applicants have not been able to demonstrate any technical reason why the link road cannot be successfully constructed. The layout approved as part of the reserved matters application included the link and the layout has not yet been approved for the adjacent site. Consequently, the link can easily be accommodated in design terms.
- 4.4 The applicants have been asked to consider an alternative position for the link road within their site. An informal access has been created at the south east corner of the site as soil and other materials have been being deposited, without permission, in the applicants' adjacent site. There is less difference in levels between the two sites at that location and the applicant has an interest in both areas of land. The alternative access could be formed without any adverse impact upon the layout of current site. In response to this the applicant has simply stated they do not want any links between the two sites.
- 4.5 There are no other material considerations that would merit the removal of these conditions. The applicants would clearly benefit in financial terms from its removal as a requirement upon both sites but this is not a reasonable justification to override the road safety concerns that led to the imposition of these conditions. Whilst alternatives exist to the use of the substandard School Road I must recommend that permission be refused to remove these conditions. It should be noted that both the applicants and one of the objectors has requested a site visit and hearing.