

**AGENDA ITEM NO. ....1.....**

Application No: S/04/02237/OUT

Date Registered: 21st December 2004

**Applicant:** Barr Heritable Ltd  
20 Lynedoch Crescent  
Glasgow  
G3 6EQ

Agent Stanley C Cook M.R.T.P.I.  
12 Beveridge Terrace  
Mossend  
Bellshill  
ML4 2RJ

**Development:** Residential Development in Outline

**Location:** Land West Of No.5 And East Of Primary School School Road  
Newmains Wishaw Lanarkshire

Ward: 16: Newmains Councillor David McKendrick

Grid Reference: 282004 655673

File Reference: S/PL/B/2/62/GORL

Site History: S/03/00255/OUT Residential Development (in outline)  
Granted 18.06.03

**Development Plan:** The site is zoned as Greenbelt in the Southern Area Local Plan Finalised Draft (modified 2001 & 2004) (policy ENV 6 applies) and as a site for Urban Fringe Improvement (Policy ENV 7 applies). The eastern section of the site is zoned as an Existing Housing Area (Policy HSG8 applies).

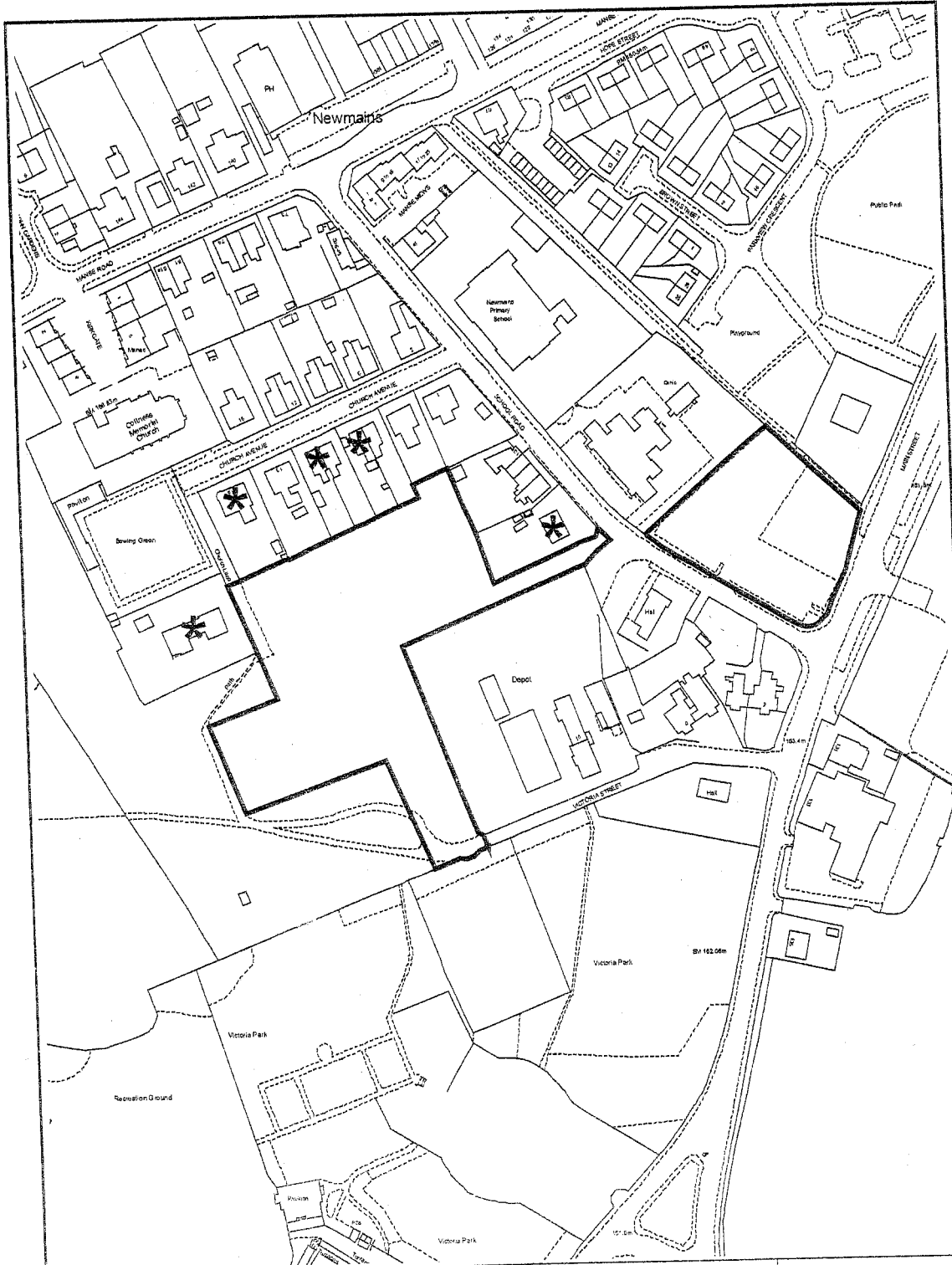
The adopted Central Industrial Area Part Development Plan (1964) zones the site as an Existing and Proposed Area for Development Other Than Major Industrial Development.

Contrary to Development Plan: Yes

<b>Consultations:</b>	S.E.P.A.(West)	Comments
	Scottish Water	Objection
	British Gas Transco	Comments
	Scottish Power	No Response
	British Telecom	Comments
	NLC Community Services	Comments

**Representations:** 4 Representation Letters

Newspaper Advertisement: Advertised on 14th January 2005



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PLANNING APPLICATION No. S / 04 / 02237 / OUT

RESIDENTIAL DEVELOPMENT ( IN OUTLINE )

LAND WEST OF No.5, AND EAST OF PRIMARY SCHOOL,  
 SCHOOL ROAD, NWEAIMS, WISHAW.



Representation

Site Area = 1.4 ha. (1.03 & 0.39)

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**Recommendation: Refuse for the Following Reason:-**

1. That the proposed residential development is contrary to Strategic Policy 1 of the approved Glasgow and Clyde Valley Joint Structure Plan 2000 in that it would adversely affect the character of the Green Belt due to its visual impact upon the site and the surrounding area.
2. That the proposed residential development is contrary to policies ENV 6 Green Belt & ENV 7 Urban Fringe Improvement Opportunities of the Southern Area Local Plan Finalised Draft (Modified 2001 & 2004) in that it would adversely affect the character of the Green Belt due to its visual impact upon the site and the surrounding area and that there no justification to permit a departure from these policies.
3. That the proposed residential development is contrary to policies HSG 1 Housing Strategy of the Southern Area Local Plan Finalised Draft (Modified 2001 & 2004) in that the proposal does not contribute to urban renewal as the site is not a brownfield site within the built up area.
4. That the proposed residential development is contrary to policy ENV10 (Trees and Woodland Management) of the Southern Area Local Plan Finalised Draft (Modified 2001 & 2004) as it involves the loss of a woodland area within the site.

**NOTE TO COMMITTEE**

If granted, this application will have to be notified to the Scottish Ministers in accordance with the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997 because the proposed development constitutes a significant departure from the Glasgow and the Clyde Valley Joint Structure Plan 2000.

**Background Papers:**

Application form and plans received 21st December 2004

Memo from Countryside and Landscape Manager received 26th January 2005

Letter from S.E.P.A. (West) received 3rd February 2005

Letter from Scottish Water received 31st March 2005

Letter from British Gas Transco received 13th January 2005

Letter from British Telecom received 26th January 2005

Letter from Mrs J Gardiner, 7 Church Avenue, Newmains, ML2 9BH received 5th January 2005.

Letter from M Stevenson, 11 Church Avenue, Newmains, Wishaw, ML2 9BH received 5th January 2005.

Letter from J H Stevenson, 5 School Road, Newmains, Wishaw, ML2 9BE received 10th January 2005.

Letter from Mrs M Burns, 2 Church Lane, Newmains, ML2 9BF received 21st February 2005.

Any person wishing to inspect these documents should contact Gordon Liddell at 01698 302128.

## APPLICATION NO. S/04/02237/OUT

### REPORT

#### 1. Description of Site and Proposal

- 1.1 This outline application is for a residential development on two sections of land located off School Road, Newmains.
- 1.2 The larger section of the application site (1.03 ha) lies to the west of School Road, accessed from a tract of land adjacent to No.5 School Road. Victoria Street and Victoria Park forms the southern boundary to this part of the site. Victoria Park is a semi-derelict Victorian Park which has been allowed to regenerate over time. Open space and trees extend to the west and the wider area is criss-crossed with paths, some of which go across the proposed site. To the north are the rear of the residences on Church Avenue and School Road. Church Lane, which runs perpendicular to Church Avenue, connects with the site to the north and provides entry to the rear of some of the properties in the vicinity. The eastern boundary is marked by steel hoardings surrounding the adjacent depot. This section of the site is generally flat and has a quantity of naturally regenerated vegetation on it, of note are a significant band of willow and some Lime trees.
- 1.3 The smaller section of the site (0.30 ha) lies to the east of School Road. This is much more open in nature, consisting of degraded tarmac and is currently informally used as a car park. The site is bounded by School Road and Main Street, with the former British Car Auctions site opposite. Opposite on School Road is the Newmains Pipe Band Hall, an industrial unit and some residential properties. Newmains Pre-Nursery lies to the north and some open space with a portacabin style unit (Housing Office) to the rear. There is a mix of community, residential and industrial uses in the vicinity.
- 1.4 Planning application S/03/00255/OUT for Residential Development (in outline), was granted at the Planning & Environment Committee on 18th June 2003 on the site of the industrial unit opposite on School Road. This separates the two sites subject of this application.

#### 2. Development Plan

- 2.1 The proposal is covered by Strategic Policy 1 in the Glasgow and Clyde Valley Joint Structure Plan 2000 which sets the development framework in terms of the Green Belt for the plan area.
- 2.2 The adopted Central Industrial Area Part Development Plan (1964) zones the both sections of the site as an Existing and Proposed Area for Development Other Than Major Industrial Development.
- 2.3 The western section of the site is zoned as Greenbelt in the Southern Area Local Plan Finalised Draft (modified 2001 & 2004) (policy ENV 6 applies). The site is also designated as an Urban Fringe Improvement opportunity and policy ENV 7 is also relevant.
- 2.4 The eastern section is zoned as an Existing Housing Area (Policy HSG8 applies).
- 2.5 Policy ENV 10 Trees and Woodland Management of the Southern Area Local Plan Finalised Draft (modified 2001 & 2004) details Council policy in regard to loss of woodland.

#### 3. Consultations and Representations

- 3.1 NLC Community Services have no objections to the proposed development although they have

several comments on issues relating to the detail and any future layout submitted, including boundary treatment, retention of trees, formal/informal routes across the site, access and traffic calming.

- 3.2 My Transportation Section have no objections subject to conditions. However, they have advised that Victoria Street is unsuitable for access to the western section of the site as it is substandard with respect to junction spacing, geometry, visibility onto the A73 and is not adopted by the Council. Furthermore Victoria Street is outwith the applicants control. They advise that connection to both sites should be via a new roundabout arrangement from School Road, with the western section of the site connecting from an access approximately located at the Pipe Band Hall (as per planning permission S/03/00255/OUT). They further advise that the southwest footway on School Road should be increased in width and that all roads, parking etc should be provided in accordance with current guidelines.
- 3.3 SEPA have no objection to the proposed development subject to written assurances from Scottish Water that the additional flow arising from the development will not cause or contribute to the premature operation of consented storm overflows and that sufficient capacity exists within the network to adequately treat any additional flow. SEPA also require that surface water from the site is treated in accordance with the principles of Sustainable Urban Drainage Systems. Further comments are provided regarding waste management.
- 3.4 Scottish Water have objected to the application on grounds that the cost of providing infrastructure to serve the development is outwith their "reasonable cost" obligations in terms of the Sewerage (Scotland) Act 1968. Scottish Water advise that they will remove their objection should the applicant bear the infrastructure costs and provide an appropriate scheme.
- 3.5 British Telecom have no objection to the proposed development but advise the developer that diversionary costs may be required.
- 3.6 Transco indicate that existing equipment may require to be protected or diverted. They advise that the developer should verify and establish the actual position of Transco pipelines/apparatus as in compliance with Health and Safety Executive Document HSG47 before any mechanical plant is used.
- 3.10 Four letters of representation have been received from notified neighbours at 2 Church Lane, 5 School Road and 7 & 11 Church Avenue. The points raised by the neighbours can be summarised as follows:-
1. Increased traffic and congestion resulting from the development, particularly during school hours.
  2. Displacement of existing informal car park exacerbating congestion/parking problems in the vicinity.
  3. Increased traffic will be to the detriment of road safety, particularly around the Schools
  4. Newmains Primary School currently recommends parents to use the informal car park during peak periods.
  5. Anti-social issues due to congestion when parents dropping children off
  6. Unclear how the proposal can achieve adequate access.
  7. No access details outlined on the application plans.
  8. Noise pollution as a result of a new access to the western section of the site.
  9. Problems with ground stability in the eastern section of the site.
  10. Detriment of land which is a 'sanctuary for wildlife', including many species of wild animals, vegetation and a pond fed by an underground spring
  11. Detriment to Silver Birch Trees (which are protected under the Scottish Wildlife Act) and Hawthorn bushes.
  12. Footpaths on the western section of the site are used regularly for access to the local woodland and football park.

13. Detriment to the purpose and intentions of the green belt.
14. No details provided regarding layout, house types etc.
15. There are currently not enough children's play facilities and additional houses will add to this problem.
16. Former car auction site better suited for new residential development.
17. Any permission granted should incorporate appropriate landscaping, play provision and an off road car park for parents when dropping off/collecting.

#### **4. Planning Assessment and Conclusions**

- 4.1 The proposals require to be assessed under the terms of the development plan and any other material considerations. In relation to the adopted local plan (The Central Industrial Area Part Development Plan 1964), the site is zoned for development including residential, but not industrial. Given the age of the adopted plan it is not considered relevant to the current status of the site. The relevant up to date local plan position is that stated in the emerging Southern Area Local Plan Finalised Draft (modified 2001 & 2004). I propose to deal firstly with the western section of the application site and secondly with the eastern section.
- 4.2 The significant western section of the application site (which makes up almost 70% of the overall site) is zoned as Green Belt and as an 'urban fringe improvement opportunity' in the Southern Area Local Plan Finalised Draft (Modified 2001 & 2004). Policy ENV6 (Green Belt) states that the Council will safeguard the character and function of the Green Belt with a presumption against development other than that required for agriculture or appropriate other rural uses. Policy ENV7 (Urban Fringe Improvement) recognises that Green Belt and urban fringe areas face pressures and problems typical of land on urban/rural margins. The poor quality of parts of the Green Belt, a lack of public access and absence of appropriate recreational opportunities is recognised and through policy ENV7 the council is seeking to promote improvements and to encourage and support initiatives which enhance its amenity and ecological value and general Green Belt function. This policy therefore further strengthens this Council's commitment to preserving this Green Belt site.
- 4.3 It is my opinion that the western section of the application site contributes positively to the purposes of the Green Belt within which it lies and serves an important informal open space function which relates to the recreational needs of nearby housing. Its use for recreational purposes is highlighted through the existing path network in and around the site and through representations made on this application. Use of the site for informal recreation purposes (dog walking) was also observed during site inspections. Nature conservation interests are highlighted by the consultation response from NLC Community Services who acknowledge that the site has regenerated and now provides an area of diverse vegetation. The valued ecological aspects of the site are also re-enforced through letters of representation received from residents in the vicinity. I am also of the view that the site forms a valuable buffer between the urban area and the countryside to the west and south and clearly constitutes a strong defensible Green Belt boundary.
- 4.4 This aspect of the application is therefore also contrary to Policy HSG 1 (Housing Strategy) which seeks to direct new residential development to brownfield sites within built up areas in preference to the release of land in greenfield locations.
- 4.5 Strategic Policy 1 of the Glasgow and the Clyde Valley Joint Structure Plan requires the continued safeguarding of the Green Belt, and imposes a presumption against the spread of built up areas and the encroachment of development into the countryside. In light of the circumstances surrounding both the adopted and emerging local plans, and the weight given to the Southern Area Local Plan Finalised Draft (Modified 2001 & 2004) as a material consideration, the proposals are considered to be contrary to Strategic Policy 1.

- 4.6 Whilst only in outline, it is important to note, given the size of the western section of the site the application could be of strategic significance. Should the final number of units be 10 or more it would not comply with Strategic Policy 9 - Assessment of Development Proposals and Schedule 9.
- 4.7 The application would be contrary to Strategic Policy 9 Section A ii, as it is a greenfield site and conflicts with Schedule 6(b) (ii). There is no requirement at this time for any additional residential development over and above that included in the established housing land supply. The application would also be contrary to Section B ii, iv and v as it does not promote urban regeneration, protect the Green Belt, safeguard environmental resources or avoid isolated and sporadic development in the Green Belt.
- 4.8 I therefore consider that Development Plan policies clearly preclude the granting of outline consent for residential development on this part of the site as it constitutes an inappropriate form of development in the Green Belt and I do not consider that there are any material considerations, which would justify departing from the presumption against development. If members were minded to approve this application, it would need to be referred to the Scottish Ministers as a significant departure from the Development Plan.
- 4.9 Turning to the eastern section of the site, this is zoned as HSG8 (Established Housing Areas) in the Southern Area Local Plan Finalised Draft (modified 2001 & 2004). Through policy HSG8 the council seeks to protect the established residential character by opposing incompatible uses. The 'principle' of new housing on this section of the site is however acceptable. Policy HSG10 (Assessing Applications for Housing Development) details criteria against which new housing development should be assessed and I consider that subject to detailed design and layout, parking, access etc I would have no objections to the principle of residential development at this location. It is noted that the wider area has a mix of uses, predominantly residential to the north.
- 4.10 Access and road safety issues have been raised in third party representations and by my own Transportation Section (see paragraphs 3.10 and 3.2 above respectively). Clearly, were the application to proceed to detailed application stage, then the detailed means of access to the site and the layout of all roads, footways and parking areas would need to be fully addressed. My Transportation Section have no objection in principle to the development but would require that conditions be imposed if approval were to be given. Outline planning permission currently exists for a new access at approximately the location of the Pipe Band Hall. While this section of ground is not within the application site, it is within land under the control of the applicant. My Transportation Section would require access to be taken at this location to a new roundabout arrangement on Station Road serving both sections of the site.
- 4.11 Turning to consultation responses and third party representations. I consider that the issues raised by SEPA, British Telecom and Transco call all be adequately dealt with by way of conditions.
- 4.12 I would comment on the points of representation listed at paragraph 3.10 as follows:-
- (a) In relation to points 1 – 5, my Transportation Section have no objections to the development proposal subject to conditions. Subsequently these points are not supported. With appropriate infrastructure changes, including a new roundabout and an improved section of footway I consider that the proposed development could be accommodated without unreasonable detriment to highway safety. While the smaller section of the site is utilised as a car park this is currently an informal use and I do not consider that the loss of this informal parking facility is in itself sufficient to merit refusal of the proposed residential development. It is noted that the School currently requests that the car park be used, however it's provision is not formally associated with the School. As such the car park is unused for most of the time and only used for short periods by a small number of parents

during pick ups/drop offs. My Transportation Section do not consider that loss of this car park and the proposed development would result in an unacceptable increase in traffic congestion. With regards to safety it is noted that School Road is a residential road in nature and is subject to the Council's 20's Plenty initiative with signs at both the Manse Road and Main Street entrances.

- (b) It is noted that anti-social experiences (point 5) have resulted from parking and congestion issues in the vicinity. While anti-social behaviour is not covered by planning legislation, the background to these incidents is noted. I refer again to the above paragraph on transportation issues. In relation to points 6 & 7, my Transportation Section would require any access to the western section of the site to be taken approximately at the location of the Pipe Band Hall, on land under the applicants control but outwith the application site. I do not consider that a new access at this location would result in an unreasonable level of noise pollution (point 8) for the adjacent residents. Furthermore, planning permission already exists for the residential development of the industrial yard with access taken at this location.
  - (c) In relation to point 9 regarding ground stability of the eastern section of the site. This point is noted and can be adequately covered via planning conditions requiring the submission of Geotechnical Reports and the implementation of any remediation work to ensure ground stability.
  - (d) In relation to points 10,11,12 &13 I would refer to my earlier paragraphs 4.1 – 4.5. I would concur with the view that the western section of the site has important ecological and recreational characteristics and serves a valuable Green Belt function. Policy ENV 10 Trees and Woodland Management of the Southern Area Local Plan Finalised Draft (modified 2001 & 2004) adds further weight by stating that the Council will encourage the protection and enhancement of the area's tree and woodland resources by, amongst other things, resisting development proposals which could adversely affect woodland areas.
  - (e) In relation to point 14, I can confirm that this application is in outline and currently only seeks to establish the principle of residential development on the site. Specific layout, house types etc would be considered at the detailed stage of a planning application in conjunction with open space guidelines and design standards.
  - (f) Point 15 states that there are not enough facilities for children in the vicinity and that further houses at this location would be unacceptable as a result. I do not consider that the level of facilities for play provision in the area is such that would merit refusal of this application. The Council has play provision standards that would be applied in the event of a detailed planning application being submitted.
  - (g) In relation to points 16 and 17, the objectors view that the former British Car Auction site would be better suited for residential development is noted. However, each application should be assessed on its merits and the possible/potential development opportunities relevant to the former British Car Auction site does not affect the assessment on this application. I am content that the views relating to the inclusion of landscaping, off-road parking and provision of play facilities are already adequately covered by this report.
- 4.13 In conclusion, due to the location of the western section of the site, I consider that Development Plan policies clearly preclude the granting of outline consent for residential development as it constitutes an inappropriate form of development in the Green Belt and I do not consider that there are any material considerations, which would justify departing from the presumption against development.
- 4.14 It should be noted that should the Committee be minded to approve this application it will require to be referred to the Scottish Ministers.