

Application No: C/04/01492/AMD

Date Registered: 23rd August 2004

Applicant: **Heritage Park Design And Build**
5 East Avenue
Blantyre Industrial Estate
Blantyre
G72 0JB

Agent: Taymast Ltd
28 Millcroft Road
Rutherglen
G74 1EN

Development: **Alteration to Road Layout (Amendment to Planning Permission**
03/00637/FUL)

Location: **85 Greengairs Road**
Greengairs
Airdrie
Lanarkshire
ML6 7SY

Ward: 45 New Monklands West Councillor. S Coyle

Grid Reference: 277384 669805

File Reference: GWG900-IJ/LR

Site History:
C/03/00637/FUL Erection of 5 Dwellinghouses Approved 13th June 2003
C/03/01450/FUL Revised road layout and Demolition of Dwelling Withdrawn
C/03/01756/FUL Erection of Dwellinghouse (plot 7) Approved 31st December 2003
C/03/01877/AMD Erection of 2 Dwellinghouses (Amendment to Plots 4 and 5 of Planning Consent 03/00637/FUL) Approved 28th January 2004
C/03/01898/AMD Substitution of House Type (plot 1) Approved 28th January 2004
C/04/00902/AMD Revised road layout Refused 7th July 2004

Development Plan: The site is covered by residential policies contained in the Monklands District Local Plan 1991.

Contrary to Development Plan: No

Consultations: Scottish Water (No objections)
Scottish Power (No objections)

Representations: 14 Letters of Representation.

Newspaper Advertisement: Not Required



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Planning Application No C/04/01492/AMD
 Alteration to Road Layout (Amendment to
 Planning Permission 03/00637/FUL)

85 Greengairs Road Airdrie
 Representation Made from Councillor S. Coyle
 * Representations



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Recommendation: Grant Subject to the Following Conditions:-

1. That the development hereby permitted shall be started within 3 months of the date of this permission.

Reason: To ensure the timeous provision of a satisfactory site access.

2. That the development shall be carried out strictly in accordance with the amended plans hereby approved and no change to the road layout shall take place without the prior written approval of the Planning Authority.

Reason: To define the permission.

3. That no further work shall commence on any dwellinghouse not currently under construction within the development site until the new vehicular access has been constructed to final wearing course level for the first 15 metres from Greengairs Road and that the affected section of Greengairs Road has fully been re-aligned in accordance with the details hereby approved.

Reason: To ensure the provision of satisfactory vehicular and pedestrian access facilities within the site.

4. That, notwithstanding the terms of conditions 2 & 3 above, if for any reason the details hereby approved for the realignment of Greengairs Road cannot be implemented an alternative scheme shall be agreed with the Planning Authority prior to the commencement of work.

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

5. That, within 1 month of the date of this permission, full details of the design and location of a screen wall/fence to be erected along the western boundary of the access, as indicated in red on the approved plan, shall be submitted to, and approved in writing by the Planning Authority.

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

6. That no further work shall commence on any dwellinghouse not currently under construction within the site until a visibility splay of 2.4 metres by 120 metres, measured from the road channel, is provided, on both sides of the proposed vehicular access into the site on Greengairs Road.

Reason: In the interests of public safety.

7. That no further work shall commence on any dwellinghouse not currently under construction within the site until a 1.5 metre wide footway has been provided from Greengairs Road to the transition to shared surface within the development site and a 5.5 metre wide dropped kerb arrangement has been provided, to final wearing course level, at Greengairs Road.

Reason: To ensure the provision of satisfactory vehicular and pedestrian access facilities.

8. That individual driveways shall be 5 metres wide by 6 metres minimum length and shall be fully paved at least over the first 2 metres.

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

9. That no further work shall commence on any dwellinghouse not currently under construction within site until a scheme for the provision of additional signage (countdowns) on Greengairs Road has been submitted to, and approved in writing by the Planning Authority.

Reason: In the interests of road safety.

10. That no further work shall commence on any dwellinghouse not currently under construction within site until a scheme for the provision of street lighting along the new access, as approved under condition 2 above, has been submitted to, and approved in writing by the Planning Authority.

Reason: In the interests of road safety.

Background Papers:

Application form and plans received 23rd August 2004

Memo from Transportation received 30th June 2005

Letter from Scottish Water received 2nd September 2004

Letter from Scottish Power received 30th August 2004

Letter from Mr & Mrs Stirling, 97 Greengairs Road, Wattston, Airdrie, ML6 7SY received 7th September 2004.

Letter from Mr & Mrs Johnston, 86 Greengairs Road, Wattston, Greengairs, ML6 7SY received 7th September 2004.

Letter from Councillor S Coyle, P.O Box 14, Civic Centre, Motherwell received 7th September 2004.

Letter from Mr & Mrs C Brown, 83 Greengairs Road, Wattston, By Airdrie, ML6 7SY received 7th September 2004, 23rd November 2004 and 9th June 2005.

Letter from William Galletly, 78 Greengairs Road, Wattston, Airdrie, ML6 7SY received 7th September 2004.

Letter from J Houston, 99 Greengairs Road, Wattston, Greengairs, Airdrie received 7th September 2004.

Letter from Owner/Occupier, 101 Greengairs Road, Wattston, Greengairs, Airdrie, ML6 received 7th September 2004.

Letter from J Houston, 99 Greengairs Road, Wattston, Greengairs, By Airdrie received 16th September 2004.

Letters from Mr & Mrs A Clark, 90 Greengairs Road, Wattston, Greengairs, ML6 7SY received 10th September 2004 and 10th June 2005

Letter from E McCluskie & J Bergen, 88 Greengairs Road, Wattston, Lanarkshire, ML6 7SY received 11th November 2004.

Letter from I Isaac, 73 Greengairs Road, Wattston, By Airdrie received 9th June 2005.

Any person wishing to inspect these documents should contact Mr Ian Johnston at 01236 812382.

APPLICATION NO. C/04/01492/AMD

REPORT

1. Description of Site and Proposal

- 1.1 This application is for an amendment to the proposed access arrangements into the development site at 85 Greengairs Road, Greengairs as previously approved under the terms of planning applications C/03/00637/FUL (Erection of 5 dwellings, C/03/01756/FUL (Erection of dwelling) and C/03/01758/FUL (Erection of dwelling). The application site is located on the north side of Greengairs Road and to the rear of existing residential properties (nos. 83 & 85).
- 1.2 The current position on site is that 5 dwellings have been constructed with 2 now occupied, the access road is partially constructed, although to a sub-standard level, and the original developer, Heritage Park, has gone into receivership. Taymast Ltd. have been appointed by the receiver for Heritage Park to progress the current application as Agents and they are responsible for two of the plots on site (nos. 4 & 5).
- 1.3 The proposal seeks to amend the site access arrangements into the development site from Greengairs Road as initially approved under planning permission C/03/00637/FUL. Whereas that previous permission proposed a 5.5 metre wide road access with 2 metre footpaths the current proposal is seeking to re-design the access to accommodate a 5.5 metre road (with 1.5 metre wide single footpath) at the junction with Greengairs Road reducing in width within the site to 5.5 metres. In order to achieve acceptable visibility splays onto Greengairs Road a section of the existing road layout on the B803, Greengairs Road requires to be realigned with an alteration to the footway on the south side of Greengairs Road being necessary.
- 1.4 The proposal now under consideration has been adjusted to replace a previous proposal initially submitted under this same application. That superseded layout proposed a standard 5.5 metre wide access road with turning head, dropped kerb access and a 2 metre wide footway along its eastern side. No pedestrian footway was proposed along the eastern side of the new road. The earlier proposal cannot be implemented as there is insufficient width of land within the control of the developer.

2. Development Plan

- 2.1 The site is zoned HG9 Housing Policy for Existing Residential Areas in the Monklands District Local Plan 1991 and the proposal is assessed against associated design guidance. The proposals raise no strategic issues.

3. Consultations and Representations

- 3.1 None of the statutory consultees offered any objection to the proposal.
- 3.2 The Transportation Section has advised that although a development of this nature should be served by a road constructed to adoptable standards, the proposed layout is considered to be the best achievable solution to access the properties whilst providing the absolute minimum junction visibility splays and design features to operate satisfactorily for residents and general road users alike.

- 3.3 Following neighbour notification procedures carried out in respect of the planning application as initially submitted, 11 letters of objection were received and made reference to the following points:
- a) The proposed entrance is closer to a bus stop;
 - b) There is nothing to restrict speeding on this road and as a result traffic entering the village only slows down once past the proposed entrance;
 - c) The increased number of vehicle movements at this proposed entrance on a bad bend could represent a serious hazard;
 - d) There is a wall and fence that stands only 4m from the proposed road that due to ground levels will restrict the views onto Greengairs Road;
 - e) The re-aligned road is on land that the applicant does not own.
- 3.4 Following submission of the amended layout proposals the neighbour notification procedures were carried out again and 3 further letters of objection were subsequently received. These letters made the following additional points of objection.
- f) the narrowing of the road and the positioning of bollards at the road frontage would cause accidents and cause problems for refuse vehicles and delivery vans.
 - g) There is no justification for a private road being allowed in contravention of the previous requirement for a public road with two footpaths.
 - h) There is insufficient street lighting provided for the site.
 - i) The proposed visibility splays at the site access are substandard.
 - j) The proposed footpath directly south of the entrance should be reduced from 3.3 metres to 2 metres in order to achieve the 6 metre road width required.
 - k) No kerb radius at the junction with Greengairs road is specified.
 - l) There should be no footpath and bollards fronting no. 83 Greengairs road as no details have been supplied to show how the land will tie in with the existing driveway and service vehicles (fuel tanker) parks on the main road to refill tanks within existing curtilages.
 - m) The existing adjacent driveway is only 12 metres away from the new road and below the recommended 20 metres.
 - n) Why are the applicants allowed to apply for an amendment to a road that doesn't have planning consent.
- 3.5 **A specific letter of objection dated 6th June 2005 and received from Mr & Mrs C Brown, 83 Greengairs Road requests that a site visit and hearing be arranged prior to any decision being made on this application.**

4. Planning Assessment and Conclusions

- 4.1 In assessing this application the local plan policy HG9 in the Monklands District Local Plan 1991 indicates that development proposals contrary to design guidance will not generally obtain planning permission. This application differs from the one granted planning permission (ref: C/03/00637/FUL) only in respect of access arrangements and although that previous planning permission approved a single access road serving this site it was on the understanding that the adjoining land owner at 83 Greengairs Road was prepared to assist in facilitating the formation of the access and removing the current obstructions (fence) to permit the required sightlines. The Design Guidance on Infill Housing contained in the Local Plan identifies one of the main principles in identifying a suitable infill housing site as one that has satisfactory access arrangements.

- 4.2 The land owner at no 83 Greengairs Road was notified of the approved application (C/03/00637/FUL) and did not object to the proposal at that time. On this basis planning permission was granted and the then applicant, Heritage Park was pursuing Roads Construction Consent as there was a reasonable expectation that the negotiations between the two parties would be concluded. The developer however proceeded with the development without either achieving CC or concluding any formal agreement with the land owner. The current position on site is that 5 dwellings have been constructed, the access road is sub-standard and Heritage Park has gone into receivership. Taymast Ltd. have been appointed by the receiver for Heritage Park to process the current application as Agents. Taymast Ltd. are responsible for two of the plots on site and the current submission for an amendment to the road layout has been the result of discussion with Taymast to achieve the best possible solution on land within their control. There is a dispute between Taymast Ltd. and the owner at no.83 over the ownership of a section of land required to accommodate this new access and this matter is currently being resolved through the courts.
- 4.3 In terms of the current planning application the agent initially submitted proposals to amend the previously approved details of the access road although following the submission of a number of objections and further discussions with this department. These proposals have subsequently been further amended to take the form now under consideration. The Transportation Section are of the view that whilst this type of development (7 dwellings) should be served from an adoptable road circumstances have now prevented such an adoptable road from being provided. The proposal now under consideration is the best achievable solution to access the properties whilst providing the absolute minimum junction visibility splays and design features to operate satisfactorily for residents and general road users alike.
- 4.4 In respect of the points of objection raised in the initial letters of objection I would offer the following observations:
- a) the existing bus stop is located on the southern footpath of Greengairs Road at an acceptable distance away from the vehicular access to the development site and on a straight stretch of Greengairs Road with good visibility in either direction. Neither the bus stop nor the access to the development site has altered since approval of the initial planning application for this development.
 - b) the sections of Greengairs Road to the east and west of the development site have a statutory speed limit of 30mph and therefore appropriate speed limits should be observed by vehicles passing the site in either direction. The current proposal to slightly realign a section of Greengairs Road (to 6 metres in width) will in itself act as a traffic management measure by influencing speeds on that section of public road.
 - c) the Transportation Section is satisfied that the design of the new road and the realignment of a section of Greengairs Road will allow for adequate visibility splays to be provided for the improvement of road safety at that junction for the small increase in vehicle movements.
 - d) the realignment of Greengairs Road will provide acceptable visibility splays taken the presence of the existing wall and fence at no.83.
 - e) any legal issue regarding land ownership is outwith the remit of the Planning Authority although it is understood that the dispute between Taymast and the adjacent land owner may be resolved through ongoing representations to the courts. Notwithstanding this, the proposals under consideration represent a feasible solution to the site access requirements in the event that the applicant establishes control over sufficient land to implement this proposal. Should legal procedures find against the applicant then the proposal cannot physically be implemented and alternative proposals must then be investigated.
 - f) the realignment of Greengairs Road will not impact on the functioning of that road and while it is accepted that the bollards at the road frontage will require service vehicles etc. to stop for short periods on the public road there are current speed restrictions (30mph) on Greengairs Road with acceptable visibility either side of the site access.
 - g) the Transportation Section is satisfied that the proposed road layout including visibility splays offers the best available solution in view of the special circumstances and constraints surrounding this development.

- h) the Transportation Section has highlighted the deficiency in street lighting and will seek to address this matter in ongoing discussions with the applicant including the upgrading of existing lighting in the vicinity of the new junction onto Greengairs Road if necessary.
- i) & j) the Transportation Section is satisfied that the realignment of Greengairs Road allows for the provision of acceptable visibility splays provided that the width of Greengairs Road is at no point less than 6 metres in width and the footpath on the south side of that road is at no point less than 2 metres in width.
- k) the proposed design of the access road onto Greengairs Road is to be via a dropped kerb footway crossing arrangement.
- l) the Transportation Section is currently seeking detailed proposals to establish the envisaged method of tying in the proposed road detail along Greengairs Road with existing levels into adjacent curtilages. If the developer fails to reach agreement with the adjacent landowner (no.83) with regard to the details of the realignment of the Greengairs Road at the frontage of the property, alternative proposals can be devised to implement the overall scheme without affecting the land owned by no.83 Greengairs Road.
- m) the recommended minimum distance of 20 metres between the adjacent driveway and the proposed access, as stated in a Design Bulletin, relates to junction distances and not access distances as in this case. The available 12 metres between both driveways is commonplace along Greengairs Road and is considered acceptable.
- n) It is common procedure that planning applications may, during the processing of the application, be the subject of amendment prior to the determination by the Council. Following consideration of the points of objection received in respect of the initial submission, and following discussions with this department amended the proposals to overcome the concerns raised. The required re-notification procedures for the amended proposals were properly carried out and all interested parties were given the opportunity to comment on these amended proposals. Of the original 11 objectors to the initial submission only 3 objections were received to the amended proposals.

- 4.5 Taken the difference in ground level between the proposed access and the adjacent garden (no.83) there may be a requirement for some form of retaining wall to prevent possible land slippage towards the new access. However, in view of the on-going legal dispute over land ownership the position has not as yet been clarified over who controls the land concerned. The applicant is willing to agree to proposals for such a structure in the event that legal ownership of the affected land allows its implementation.
- 4.6 Having regard to the foregoing I consider that the proposed design of the access serving the site is the best achievable solution although not to adoptable standards, which will meet the Transportation Section's minimum requirements with regard to access and visibility. While the points of objection have carefully been considered I do not consider that these merit the refusal of the planning application. I therefore recommend that planning permission be approved subject to the conditions stated. The Committee should note the request for a site visit and hearing.