

Mr & Mrs C Brown,
83 Greengairs Road,
Wattston,
By Airdrie,
ML6 7SY
01236 830844

August 16th, 2005

Mr P Shiach
Planning Department
North Lanarkshire Council
Civic Centre
Motherwell
ML15 1TW

Planning Application C/04/01492/AMO-Alteration to road layout
Amendment to Planning permission C/03/00637/FUL
85 Greengairs Road, Greengairs, Airdrie, ML6 7SY

We are writing regarding the above and to confirm our attendance on Friday 19th August 2005 at which time we would like to address the committee at both the site visit and the hearing as requested in our letter of objection.

I would like to raise the following points

1. Planning Application should not have reached committee as stated on letters from planning (numbers 1 and 2) due to land ownership currently in court.
2. Developer has continued to breach planning conditions this has led to unauthorised development and use of an unsafe access road, letters from planning (numbers 3 and 4).
3. Council should act to protect the safety and environment of the existing occupiers and not put them at risk for the sake of a private developer. (See press statement from Stirling Observer.)
4. First plan passed on the basis of adoptable road standards being met with a visibility splay of 4.5m by 120m each way. This plan should not have been passed as it was unachievable.
5. Developers new application of visibility splay 2.4m by 120m west and 70m east does not meet safety requirements for a private development of seven houses. This would lead to severe safety implications for all road users and pedestrians.
6. Reference report section 3 sub-section 3.2, Roads Department considering what they can achieve not what is required taking into account regulations of the road (Scotland) Act 1984 when proposing these alterations. This is also mentioned in section 4.3 of report.
7. Section 4.4 sub section m) on report states 12m distance between driveways is commonplace on the B803, the proposed road is different as it serves 7 houses not 1. With commercial vehicles i.e. Refuse Trucks, Gas deliveries and visiting cars regularly parked at the front of 83 Greengairs Road this would restrict visibility.

8. Section 4.4 subsection (a) road alteration would lead to new access road being closer to bus stop which has already been knocked down several times.
9. Why are North Lanarkshire Council residents and tenants paying to change a road that does not meet an adoptable standard to aid a private developer and risk the lives of existing residents and children.
10. Road application is incomplete as requirements to tie the road surface at the frontage of 83's property is not achievable Section 4.4 sub-section I).

Whilst the committee are considering this application they should also consider the safety of the existing residents and their children and having been advised the application is based only on an achievable solution and not what is required to meet the relevant safety standards.

I would also like all points previously sent in letter of objection to be considered

Yours sincerely

A handwritten signature in black ink, appearing to read 'C. Brown'. The signature is written in a cursive style with a large, stylized 'S' at the end.

Mr & Mrs C Brown

No. 1

Contact: Campbell Dyer
Tel: 01236 812486
Fax: 01236 431068
E-mail: dyerc@northlan.gov.uk
Date: 27th January 2005
Our Ref: C/TT/74/17/CD/JC
Your Ref: 88473/KM/DRB

31 JAN 2005

Planning & Environment

David M Porch, Director
Area Office, Kildonan Street
Coatbridge ML5 3LN
www.northlan.gov.uk

Colin Buchanan and Partners
4 St Colme Street
Edinburgh
EH3 6AA

FAO Duncan Birrell

Dear Sir

85 Greengairs Road, Greengairs

I refer to your letter and associated drawings of 5th January regarding alterations to the B803, Greengairs Road in order to access a development at the above location and would comment as follows.

B803 Access Issues

- Extension of footway: I would consider the option of providing a 2.5% crossfall (towards the carriageway) across the existing and extended footway to be the most appropriate detail along the north side of the realigned carriageway. I note your comment advising that this option would result in a reduction in the required kerb upstand from 100mm to 50mm. Provided the proposed upstand is not less than 50mm, I will accept this proposal in this particular instance. It should be noted that where existing vehicular accesses require to be altered, the affected householder(s) should be notified of the proposals.
- Road Geometry: In order to assess the suitability of retaining the crown line on Greengairs Road in its current position with the result that it will be offset from the proposed centreline, will require level and gradient information to be provided. Should it be found that the change in camber is gradual (rolled) rather than a pronounced change in camber along the centreline I would be willing to accept your proposed arrangement.
- South kerblines: Alterations to the south kerblines of Greengairs Road may be carried out in a similar manner to the existing sub-standard detail, provided no additional difficulties are created with regards drainage and vehicular access. At no point should the width of the realigned footway be less than 2.0m.

The above comments are in response to the sketch drawings submitted with your letter dated 5th January 2005. Following receipt of detailed drawings further amendments may be required and the above comments should therefore not be considered exhaustive.

In addition to the above comments regarding the proposed alterations on Greengairs Road to allow access to the development, the following comments relating to the Planning matters affecting the site should be noted and actioned.

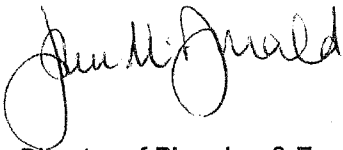
Planning Issues Relating to Development

I enclose for your attention copies of title plans supplied by the owners of No. 83 Greengairs Road which show the eastern boundary of their land running at an angle to the north east and not due north as indicated on the plan no.CBP/88471/01/005 submitted with application no. 04/01492/AMD. The effect of this is that your clients' current proposal to access the development site (including public utilities e.g drainage) is on land outwith your clients'

control and cannot be implemented as the owners indicate that no agreement exists with your clients for the inclusion of their land within your clients' development site. Given the extent of unauthorised development currently on site and the need to establish an achievable solution as quickly as possible, any submission to the Planning Authority at this stage must clearly indicate a proposal within your clients' ownership or control. If this is not possible then it must be demonstrated that a legal agreement exists between the relevant owners and your clients which allows inclusion of their land within the submission and demonstrates their willingness to dispose of that land for the purpose indicated. As your proposal also appears to involve demolition of part of the dwellinghouse at 85 Greengairs Road, it is essential that this is clearly indicated on the planning submission as this in itself requires planning permission.

I trust that the above information will be of assistance to you and look forward to receiving your comments in due course.

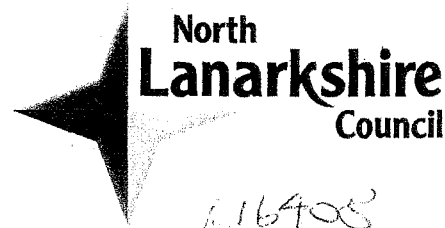
Yours faithfully



Director of Planning & Environment

cc Mr & Mrs Brown, 83 Greengairs Road, Wattston

Contact: Ian Johnston
Tel: 01236 812382
Fax: 01236 431068
E-mail: Johnstoni@northlan.gov.uk
Date: 04 April 2005
Our Ref: C/PL/C/04/01492/AMD/IJ/es
Your Ref:



616408

Planning & Environment

David M Porch, Director
Area Office, Kildonan Street
Coatbridge ML5 3LN
www.northlan.gov.uk

Mr & Mrs C Brown
83 Greengairs Road
Wattston
By Airdrie
ML6 7SY

616204
618136

Dear Sir/Madam,

**PLANNING APPLICATION C/04/01492/AMD
ALTERATION TO ROAD LAYOUT (AMENDMENT TO PLANNING PERMISSION C/03/00637/FUL)
85 GREENGAIRS ROAD, GREENGAIRS**

I am writing with regard to the above subject and refer to previous correspondence between this department and yourselves on the details of the proposal contained in this planning application.

As you are aware the planning application was to be considered following a site visit and hearing by the Planning & Environment Committee at their meeting on the 3rd August 2005. It was envisaged that the boundary dispute between yourselves and Taymast would have been settled and that the line of separation between both parties land interests would be clearly marked down on site by the court appointed surveyor by that time.

As the appointed surveyor has not as yet been able to mark off the definitive boundary on site and it has been decided to delay consideration of the planning application until this work has been completed. It is my understanding that the surveyor hopes to carry out the necessary "pegging out" shortly and in view of this I now intend taking forward the application for consideration by Committee at an appropriate meeting later this month. You will be notified of the date by the Committee Clerk.

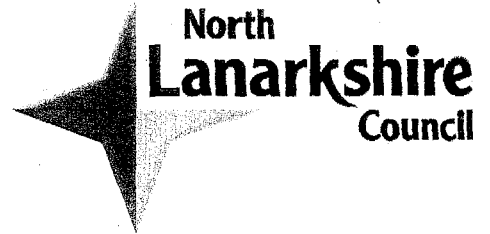
Notwithstanding the above, as this matter has been subject to delay outwith the applicants control and given the lengths to which the applicants have gone to establish the land ownership position, it would be my intention to present the matter to Committee on that day whether or not the ownership position is clear at that time. The reason for this is to establish the acceptability or otherwise of the proposal in the view of the Committee. If the applicant does not control all of the land shown as necessary to implement the proposals the works cannot legitimately proceed and if they do, you will have recourse to law to protect your interests.

I trust that this clarifies the situation.

Yours faithfully

Director of Planning & Environment

Contact: David Baxter
Tel: 01236 812372
Fax: 01236 431068;
E-mail: BaxterD@northlan.gov.uk
Date: 8th July 2004
Our Ref: C/04/00902/AMD
Your Ref:



Mr Craig Brown
83 Greengairs Road
Wattston
Airdrie

Planning & Environment

David M Porch, Director
Central Area Office,
Kildonan Street,
Coatbridge ML5 3LN
www.northlan.gov.uk

Dear Sir/Madam,

Town and Country Planning (Scotland) Act 1997
Intimation of Decision on Application

**Revised Access Road Layout (Amendment to Planning Permission C/03/00637/FUL - Construction of 5 Dwellinghouses)
85 Greengairs Road, Greengairs, Airdrie, Lanarkshire, ML6 7SY**

I refer to your letter, which was received on 8th June 2004 in relation to the above application for planning permission for an amendment. I would advise that at a meeting of the Planning and Environment Committee on 7th July 2004, the application was **refused for the following reason(s)**:

Reason : That the proposed development fails to provide a safe road access and is therefore contrary to guidance referred to in Policy HG9 of the Monklands District Local Plan 1991.

Reason : The proposed site access to the B803 Greengairs Road is at a point where there are no footways and the junction visibility would be below the standard required with no prospect for improvement.

I trust this will be of interest in light of your letter and would ask that you contact **David Baxter**, on **01236 812372**, should you require any further information regarding this case.

Yours faithfully,

David M Porch
Director of Planning & Environment

Contact: Mr G Arthur
Tel: 01236 812378
Fax: 01236 431068
E-mail: Arthurg@northlan.gov.uk
Date: 16th July 2004
Our Ref: C/PL/GWG90000085/GA
Your Ref: David Miller

Heritage Park Design & Build Ltd.
5 East Avenue
Blantyre Industrial Estate,
Blantyre
G72 0JB

Planning & Environment
David M Porch, Director
Area Office, Kildonan Street
Coatbridge ML5 3LN
www.northlan.gov.uk

Attention of Mr David Miller

Dear Mr Miller

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
Erection of 5 Dwellinghouses Planning Application C/03/00637/FUL
Revised access road layout (amendment to planning permission C/03/00637/FUL.)
Planning Application C/04/00902/AMD , 85 Greengairs Road Wattston Airdrie

I am writing with reference to the above and the decision of the Planning Committee 7th July 2004.

You should now be in receipt of your notification of refusal of planning application C/04/00902/AMD dated 7th July 2004 for the revised access road layout (amendment to planning permission C/03/00637/FUL.). Plots 1 & 5 at the above site are now occupied contrary to condition 7 of planning permission C/03/00637/FUL that states;

*That a visibility splay of 4.5metres by 120metres, measured from the road channel, shall be provided on both sides of the vehicular access onto Greengairs Road before the development hereby permitted is completed or **occupied**, 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.*

The Department takes the non-compliance with planning conditions extremely seriously, particularly in cases with implications for road safety. The Department is therefore proceeding to seek authority to take enforcement action with regard to the non-compliance of the above condition. It is anticipated that authority will be granted and you should expect to receive formal papers shortly. As the current site access does not have a Roads Construction Consent it is anticipated that action will also be taken in terms of The Roads (Scotland) Act 1984.

This is to advise you of the Department's current position in regard to this matter.

Yours faithfully,



Director of Planning & Environment

Cc Premier Design Associates 26 Howard Court East Kilbride G74 4QZ
Cc (Taymast Construction) Heritage Park Design & Build Ltd. 5 East Avenue Blantyre G72 0JB
Cc Mr Craig Brown 83 Greengairs Road Wattston Airdrie ML6 7SY
Cc John S Angus associates 125 Muir Street Hamilton ML3 6JB
Cc Mr Gavin Wallace 52 Quarry Street Hamilton ML3

WHICH SIDE WOULD FOR LUXURY HOME

A BRAND new luxury five-bedroomed house in Kippen is being taken down and relocated after developers built it in the wrong place.

The £425,000 house (pictured below) — one of three new homes on a site at Castlehill Loan — was built just metres out from the approved site and at the wrong angle.

Granted

Planning permission was granted by Stirling Council in August last year to a Mr Ross Henderson through an agent, Dunblane-based architects Harley and Murray.

But after a recent investigation, council planners pointed out the mistake and the developers agreed to have the house moved.

It is believed the structure of the house was vir-

By Kaiya Marjoribanks

tually complete by the time the error was discovered.

Planners say as well as being built up to four metres from the approved site it was also wrongly positioned so that it overlooked neighbouring properties.

Overlooking was one of the main concerns of neighbours when the planning application for the development was originally submitted and an attached condition recommended by the planners when issuing consent was aimed as a safeguard.

One-off

The council's planning panel chair Councillor Charlie McKean said the case was a one-off and that he had been impressed by the co-operation between officials and the developer to solve the problem.

But he added that there was a lesson to be learned by other developers.

"This is the first time Stirling Council has experienced anything like this," said Councillor McKean.

"It is an unusual case and full credit goes to the way planning officers and the developers worked together to solve the problem.

Lesson

"This case should serve as a salutary lesson to developers that it pays to take more care sticking to approved planning layouts on sites.

"Developers have to realise that planning controls have been developed to protect our environment and to ensure that the use of land and buildings is not prejudicial to the wider public interest.

"Councils have a duty to investigate when a breach of control occurs. In the majority of cases, issues of non compliance can be dealt with

through discussion and negotiation.

"In this case, although a serious one, it has been resolved without the need for lengthy formal proceedings, which avoids a long period of uncertainty for all involved."

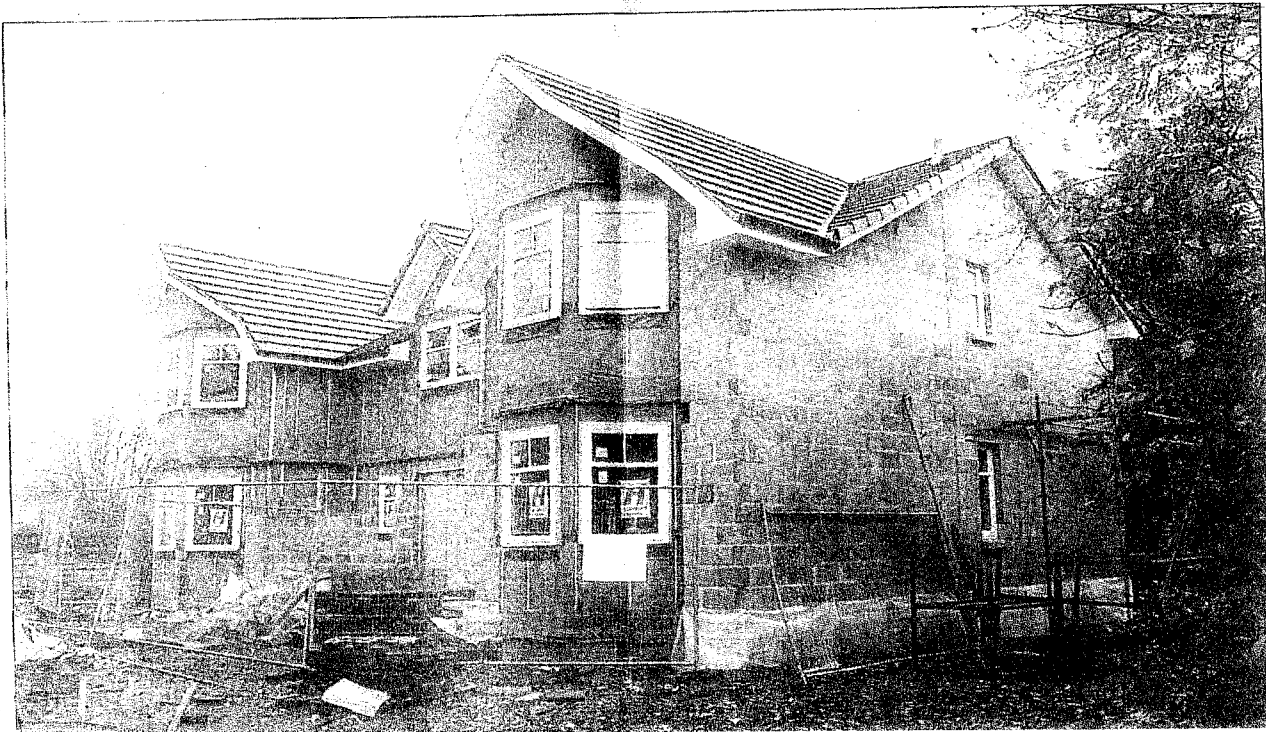
Concern

One local, who did not wish to be named, said: "It seems incredible that a house, especially one like this, is having to be taken down for the sake of a few metres.

"But there was a lot of concern from the neighbours originally about just the sort of problems which seem to have arisen.

"At least the developers seem to have agreed to sort it out without having to be forced into it which can't always be said in some cases."

Neither Mr Henderson or anyone from Harley and Murray commented before the Observer went to press.



Contact: Mr George Johnstone/Mrs Audrey Johnstone
Tel: (01236) 830536
Date 16 August 2005

Mr & Mrs G Johnstone
86 Greengairs Road
Greengairs
Airdrie
ML6 7SY

Mr P Shiach
Planning Department
North Lanarkshire Council
Civic Centre
Motherwell

Dear Sir

**Planning Application C/04/01492/AMO – Alterations to road layout.
Amendment to Planning permission C/03/00637/FUL
85 Greengairs Road, Greengairs, Airdrie, ML6 7SY**

I am writing regarding the above and to confirm my attendance on Friday 19 August 2005 at which time I would like to address the committee.

I would like to raise the following points:

- 2 accidents have already occurred removing existing walls from 88 and 90 Greengairs Road caused by traffic exiting Greengairs, due to bad visibility or bend.
- Bus stop already knocked down outside 86 Greengairs Road by HGV's exiting from 85 Greengairs Road with no room to turn on road and entering pavement, which children use for access to school.
- Constant traffic going through the village with only south side having pavement – no pavement on north side at all.
- 4.6 or report advises "best achievable solution although not to adoptable standards" are council going to take responsibility in my child or any other children in this area are injured by their decision to pass application which is not to "adoptable standard"
- Report does not advise why permission was given for properties to be built at 85 Greengairs Road Airdrie only advises of assumptions they made, when existing road was not suitable and did not comply with regulations
- Why are North Lanarkshire Council residents and tenants paying to change a road that does not meet an adoptable standard to aid a private developer and risk the lives of existing residents and children.
- Why are North Lanarkshire Council not taking into account regulations of the Road (Scotland) Act 1984 when proposing these alterations

I would advise that whilst the committee are considering this application that they also consider the safety of the existing residents and their children having been advised that this application is only an achievable solution and is not of the required standard.

Yours sincerely

Mr & Mrs G Johnstone