

Application No: N/05/00829/FUL

Date Registered: 26th May 2005

**Applicant:** **Farmfoods Ltd**  
**7 Greens Road**  
**Blairlinn**  
**Cumbernauld**  
**G67 2TU**

Agent: Darnton Elgee  
 The Coach House  
 Monk Fryston Hall  
 Monk Fryston  
 Leeds  
 LS25 5DU

**Development:** **Construction of a (Class 1) Retail Unit (800 sq metres)**

**Location:** **Car Park Opposite The Beefeater**  
**South Muirhead Road**  
**Seafar**  
**Cumbernauld**

Ward: 54 Seafar And The Village Councillor Neil McCallum

Grid Reference: 276128 674890

File Reference: N/05/00829/FUL

Site History: PA 89/158 Proposed Travel Inn Granted 03/04/90

Development Plan: The site is covered by Policies SH1 and SH8 in the adopted Cumbernauld Local Plan 1993.

Contrary to Development Plan: No

**Consultations:** NLC Community Services (Comments)  
 NLC Protective Services (Comments)

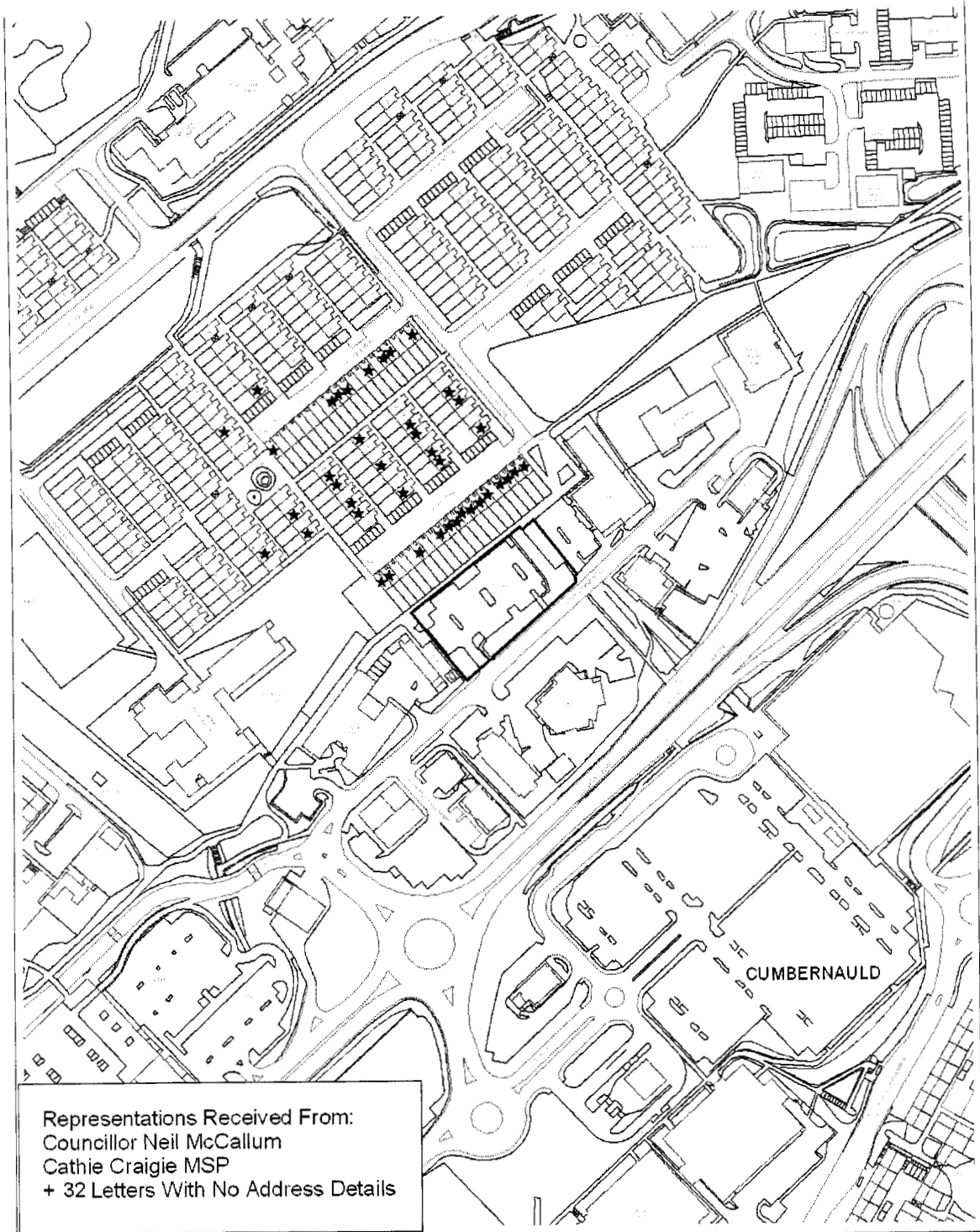
**Representations:** 85 Representations, including one from the Local Member and one Cathie Craigie MSP

Newspaper Advertisement: Not Required

**Recommendation: Grant Subject to the Following Conditions:-**

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

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



Representations Received From:  
 Councillor Neil McCallum  
 Cathie Craigie MSP  
 + 32 Letters With No Address Details

Produced by  
 Planning and Environment Department  
 Fleming House  
 2 Tryst Road  
 CUMBERNAULD  
 G67 1JW  
 Tel: 01236 010210 Fax: 01236 610232  
 OS Licence 100023369 2004

N/05/00825/FUL  
 Farmfoods Ltd  
 Car Park Opposite The Beefeater  
 South Muirhead Road Seafar Cumbernauld  
 Construction of a (Class 1) Retail Unit (800 sq metres)  
 ★ Representation  
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North Lanarkshire Council

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2. That before the development hereby permitted starts, full details of all external materials to be used in construction, including walls, roofs, windows, doors, gutters and downpipes, shall be submitted to, and approved in writing by the Planning Authority.

**Reason:** To enable the Planning Authority to consider these aspects in the interest of the visual amenity of the site and the surrounding area.

3. 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, 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) details of any boundary treatments;
  - (d) details of all hard landscaping areas;
  - (e) details of the phasing of these works.

**Reason:** To enable the Planning Authority to consider these aspects in the interest of the visual amenity of the site and the surrounding area.

4. That within one year of the occupation of the building hereby permitted, all planting, seeding, turfing and earth moulding included in the scheme of landscaping and planting, approved under the terms of Condition 3, shall be completed 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:** In the interest of the visual amenity of the site and the surrounding area.

5. 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 all footpaths, parking areas, landscaped areas, external lighting and boundary treatments within the development site.

**Reason:** To enable the Planning Authority to consider these aspects in the interest of the visual amenity of the site and the surrounding area.

6. That before completion of the development hereby permitted, the management and maintenance scheme approved under the terms of Condition 5 shall be in operation.

**Reason:** In the interest of the visual amenity of the site and the surrounding area.

7. That before the development hereby permitted starts, details of the finishing materials to be used in all footpaths, access, parking, service and manoeuvring areas shall be submitted to and approved in writing by the Planning Authority.

**Reason:** To enable the Planning Authority to consider these aspects in the interest of the visual amenity of the site and the surrounding area.

8. That before the building hereby permitted is occupied, all of the access, parking, manoeuvring and servicing areas shall be completed in accordance with the details approved under the terms

of Condition 7, and shall thereafter be maintained and kept available for those uses as shown on the approved plans.

**Reason:** To ensure the provision of adequate facilities for access, parking, servicing and manoeuvring within the site.

9. That before the building hereby permitted is occupied all of the footpaths, both within and adjacent to the site shall be completed in accordance with the details approved under the terms of Condition 7.

**Reason:** To ensure the provision of satisfactory pedestrian facilities.

10. That a visibility splay of 4.5 metres by 60 metres, measured from the road channel, shall be provided on both sides of the vehicular access to the site and before the development hereby permitted is 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.

**Reason:** In the interests of traffic safety.

11. That prior to the implementation of any management scheme for the parking area hereby permitted, details of the scheme shall be submitted to and approved in writing by the Planning Authority.

**Reason:** To ensure the efficient use of parking resources and make provision for parking associated with other uses in the immediate area.

12. That before the development hereby permitted starts, details of the signage to be erected at the site access indicating the provision of overflow parking for the adjacent Travel Inn / Beefeater shall be submitted to and approved in writing by the Planning Authority.

**Reason:** To enable the Planning Authority to consider these aspects in the interests of providing effective parking facilities.

13. That before the building hereby permitted is occupied the signage approved under the terms of Condition 12 shall be in place.

**Reason:** In the interests of providing effective parking facilities.

14. That before the development hereby permitted starts, full details of the location and design of the surface water drainage scheme to be installed within the application site shall be submitted to and approved in writing by the Planning Authority, and for the avoidance of doubt the scheme shall comply with the Scottish Environment Protection Agency's principles of Sustainable Urban Drainage Systems.

**Reason:** To safeguard the amenity of the area and to ensure that the proposed drainage system complies with the latest Scottish Environment Protection Agency guidance.

15. That during the construction of the development hereby permitted no noise generating works shall take place outwith the hours of 08:00 to 19:00 Mon to Friday and 08:00 to 13:00 on Saturdays, and no construction works shall take place on Sundays or Public Holidays.

**Reason:** To safeguard the amenity of adjacent residents.

16. That the design, installation and operation of the proposed plant, air conditioning and ventilation systems shall be such that any noise generated (when measured within any nearby dwelling with windows open), shall not exceed the equivalent of Noise Rating Curve 35 between the hours of 07:00 and 20:00 and Noise Rating Curve 25 at all other times.

**Reason:** To safeguard the amenity of adjacent residents.

17. That the building hereby permitted shall not be open and trading outwith the hours of 08:00 to 20:00 Monday to Saturday and 10:00 to 18:00 on Sundays and Public Holidays.

**Reason:** To safeguard the amenity of adjacent residents.

18. That all servicing and deliveries to the building hereby permitted shall be carried out between the hours of 07:00 and 22:00 Mon to Saturday.

**Reason:** To safeguard the amenity of adjacent residents.

#### **Background Papers:**

Application form and plans received 19th May 2005  
Letter from Applicant dated 18<sup>th</sup> May 2005  
Letter from WSP Development dated 18<sup>th</sup> January 2005  
Amended Plans received 13th September 2005  
Noise Assessment Report received 13th September 2005

Memo from Roads (Northern Division) received 4th July 2005  
Memo from Leisure Services received 15th June 2005  
Memo from Head of Protective Services received 4th July 2005

Letter from Angus & Anne Pender, 1Q Blake Road, Seafar, Cumbernauld, received 31st May 2005.  
Letter from Mr Walter S Upton, 1u Blake Road, Seafar, Cumbernauld, received 26th May 2005.  
Letter from Mr & Mrs R Hutchison, 1K Blake Road, Seafar, Cumbernauld, received 31st May 2005.  
Letter from Mr P Mulholland, 1L Blake Road, Seafar, Cumbernauld, G67 1AG received 31st May 2005.  
Letter from Richard & Jessie Graham, 2B Blake Road, Seafar, Cumbernauld, received 1st June 2005.  
Letter from John M Norris & Margaret M Norris, 2C Blake Road, Seafar, Cumbernauld, received 1st June 2005.  
Letter from Barry McDonald, 1N Blake Road, Seafar, Cumbernauld, G67 1AG received 6th June 2005.  
Letter from Kenneth Scott, 1H Blake Road, Seafar, Cumbernauld, G67 1AG received 6th June 2005.  
Letter from T Scott, 1H Blake Road, Seafar, Cumbernauld, G67 1AG received 6th June 2005.  
Letter from Owner/Occupier, 1J Blake Road, Seafar, Cumbernauld, G67 1AG received 6th June 2005.  
Letter from Catherine Gibbs, 1B Blake Road, Seafar, Cumbernauld, G67 1AG received 6th June 2005.  
Letter from Janis Brown, 1N Blake Road, Seafar, Cumbernauld, G67 1AG received 6th June 2005.  
Letter from R Davies, 1A Blake Road, Seafar, Cumbernauld, G67 1AG received 6th June 2005.  
Letter from Alastair Quinn, 1G Blake Road, Seafar, Cumbernauld, G67 1AG received 6th June 2005.  
Letter from Linda Bruce, 1V Blake Road, Seafar, Cumbernauld, G67 1AG received 6th June 2005.

Letter from T P McGrath, 1D/1E Blake Road, Seafar, Cumbernauld, G67 1AG received 6th June 2005.  
Letter from Mrs Hall received 6th June 2005.  
Letter from Mr Hall received 6th June 2005.  
Letter from William Mitchell received 6th June 2005.  
Letter from Aidan McGrath, 1D Blake Road, Seafar, Cumbernauld, G67 1AG received 7th June 2005.  
Letter from Owner / Occupier, 1C Mitchell Road, Seafar, Cumbernauld, received 7th June 2005.  
Letter from J Adamson, 3A Blake Road, Seafar, Cumbernauld, G67 1AG received 7th June 2005.  
Letter from Owner / Occupier, 3D Blake Road, Seafar, Cumbernauld, G67 1AG received 7th June 2005.  
Letter from Owner / Occupier, 3G Blake Road, Seafar, Cumbernauld, G67 1AG received 7th June 2005.  
Letter from Owner / Occupier, 4E Blake Road, Seafar, Cumbernauld, G67 1AG received 7th June 2005.  
Letter from C Gibson, 4D Blake Road, Seafar, Cumbernauld, G67 1AG received 7th June 2005.  
Letter from Owner / Occupier, 4B Blake Road, Seafar, Cumbernauld, G67 1AG received 7th June 2005.  
Letter from Owner / Occupier, 2G Grieve Road, Seafar, Cumbernauld, received 7th June 2005.  
Letter from Owner / Occupier, 2D Grieve Road, Seafar, Cumbernauld, received 7th June 2005.  
Letter from Mr & Mrs Murphy, 2C Grieve Road, Seafar, Cumbernauld, G67 1AQ received 7th June 2005.  
Letter from Owner / Occupier, 1D Mitchell Road, Seafar, Cumbernauld, received 7th June 2005.  
Letter from Owner / Occupier, 1E Mitchell Road, Seafar, Cumbernauld, received 7th June 2005.  
Letter from Owner / Occupier, 1A Mitchell Road, Seafar, Cumbernauld, received 7th June 2005.  
Letter from Owner / Occupier, 1M Mitchell Road, Seafar, Cumbernauld, received 7th June 2005.  
Letter from Owner / Occupier, 1K Mitchell Road, Seafar, Cumbernauld, received 7th June 2005.  
Letter from Fiona Fraser, 1N Mitchell Road, Seafar, Cumbernauld, G67 1AF received 7th June 2005.  
Letter from Owner / Occupier, 1G Mitchell Road, Seafar, Cumbernauld, received 7th June 2005.  
Letter from Owner / Occupier, 4A Mitchell Road, Seafar, Cumbernauld, received 7th June 2005.  
Letter from Owner / Occupier, 3D Mitchell Road, Seafar, Cumbernauld, received 7th June 2005.  
Letter from Mr M Mutt, 1V Mitchell Road, Seafar, Cumbernauld, G67 1AF received 7th June 2005.  
Letter from Owner / Occupier, 2E Blake Road, Seafar, Cumbernauld, G67 1AG received 7th June 2005.  
Letter from Linda Oliver, 2A Mitchell Road, Seafar, Cumbernauld, G67 1AF received 7th June 2005.  
Letter from Owner / Occupier, 2C Mitchell Road, Seafar, Cumbernauld, received 7th June 2005.  
Letter from Owner / Occupier, 4A Blake Road, Seafar, Cumbernauld, G67 1AG received 7th June 2005.  
Letter from Owner / Occupier, 3D Blake Road, Seafar, Cumbernauld, G67 1AG received 7th June 2005.  
Letter from Richard Charleston, 2E Blake Road, Seafar, Cumbernauld, received 7th June 2005.  
Letter from Mary Ross, 2F Blake Road, Seafar, Cumbernauld, G67 1AG received 7th June 2005.  
Letter from Mrs Lawless, 3Q Brown Road, Seafar, Cumbernauld, G67 1AB received 7th June 2005.  
Letter from Owner / Occupier, 1B Blake Road, Seafar, Cumbernauld, G67 1AG received 7th June 2005.  
Letter from F Murphy, 1F Blake Road, Seafar, Cumbernauld, G67 1AG received 7th June 2005.  
Letter from J Murphy, 1F Blake Road, Seafar, Cumbernauld, G67 1AG received 7th June 2005.  
Letter from Jane Monaghan, 1G Blake Road, Seafar, Cumbernauld, G67 1AG received 7th June 2005.  
Letter from G. Moore received 7th June 2005.  
Letter from G. Kennedy received 7th June 2005.  
Letter from Charlene Moore received 7th June 2005.  
Letter from I. Smith received 7th June 2005.  
Letter from Debbie Rice received 7th June 2005.  
Letter from Christine received 7th June 2005.  
Letter from Agnes Elliot received 7th June 2005.  
Letter from W Elliot received 7th June 2005.  
Letter from M Simone received 7th June 2005.  
Letter from J M Simone received 7th June 2005.  
Letter from T Simone received 7th June 2005.  
Letter from C Simone received 7th June 2005.  
Letter from Evelyn Monaghan received 7th June 2005.  
Letter from Evelyn Higgins received 7th June 2005.  
Letter from Karen Fagan received 7th June 2005.  
Letter from D Roberts received 7th June 2005.  
Letter from Hugh McDowall received 7th June 2005.  
Letter from M McLachlan received 7th June 2005.  
Letter from N Pascoe received 7th June 2005.

Letter from J Reid received 7th June 2005.  
Letter from Deborah Moore received 7th June 2005.  
Letter from Janet Munro received 7th June 2005.  
Letter from E McIlwraith received 7th June 2005.  
Letter from E & A Carruthers received 7th June 2005.  
Letter from Jean Marie Martin received 7th June 2005.  
Letter from Daniel Vaughan received 7th June 2005.  
Letter from Agnes Elliot received 7th June 2005.  
Letter from Elizabeth Masterton, 1c Blake Road, Seafar, Cumbernauld, received 8th June 2005.  
Letter from Bruce Masterton, 1c Blake Road, Seafar, Cumbernauld, G67 1AG received 8th June 2005.  
Letter from Councillor Neil McCallum, Ward 54, Seafar And The Village, PO Box 14, Civic Centre, Motherwell, ML1 1TW received 14th June 2005.  
Letter from Cathie Craigie MSP, 6 Market Square, Kilsyth received 17th June 2005.

Any person wishing to inspect these documents should contact Mrs Mary Stewart at 01236 616473.

## APPLICATION NO. N/05/00829/FUL

### REPORT

#### 1. Description of Site and Proposal

- 1.1 The site comprises a surfaced car park, accessed from South Muirhead Road. The car park provides 62 additional parking spaces for the Travel Inn and the Beefeater which are both on the opposite side of South Muirhead Road. The site is bounded by a public footpath to the North, the Jobcentre parking area to the West and the Police Station to the East.
- 1.2 The applicants propose to construct a Class 1 (Retail) unit of 800 square metres with 69 parking spaces. The requirement for parking for the retail use is 49 spaces, whilst the shortfall in provision for the Beefeater / Travel Inn is 23 spaces. Overall, therefore this will give a shortfall of three spaces in the level of provision.

#### 2. Development Plan

- 2.1 The site lies within the defined Town Centre in the adopted Cumbernauld Local Plan and is covered by Policies SH1 and SH8. Policy SH1 seeks to maintain and enhance the defined central area as the main shopping centre, whilst Policy SH8 seeks to secure improvements to the environment of the Town Centre.

#### 3. Consultations and Representations

- 3.1 **North Lanarkshire Council's Community Services Department** commented on the industrial nature of the building design and the lack of soft landscaping and visual interest for pedestrians utilising the adjacent footpath network. They also commented on the need for planting to be of native species and that above ground drainage systems would be preferred.
- 3.2 My **Transportation Section** commented on the need for alterations to the geometry and position of the site access and on the required visibility splay.
- 3.3 My **Protective Services Section** commented on the need to restrict the hours of construction activities on the site and the noise levels considered acceptable in the area.
- 3.4 A total of 85 representations were received in response to the proposals. These included an objection from the Local Member and a request for a Site Visit and Hearing from Cathie Craigie MSP. 70 of the representations were pro forma letters and 32 of these gave no address details.
- 3.5 The main concerns of the objectors can be summarised as follows:-

- The development would result in the loss of a direct footpath link to Asda.

**Comment :** The submitted amended plans propose the retention of this north to south link at the eastern edge of the site.

- The main footpath on the northern edge of the site would become a narrow alleyway.

**Comment :** The existing footpath is bounded by 2 metre high garden boundaries of residential properties on one side and the open car park area on the other. The original submission proposed a building set back 2.3 metres from the edge of the footpath with a wall head height of 4 metres. The amended proposals are for a building set back 2 metres with a wall head height of 3.4 metres. At this point the path is straight and level with good visibility along the 40 metre



stretch which would be bounded by the building. The footpath itself is 3.8 metres wide and has lighting. Whilst the building will create a greater sense of enclosure for pedestrians on the footpath, the overlooking by residential properties, the width of the path, the relatively short length of path affected and the presence of lighting will negate any feeling of walking along a dark alleyway.

- The building would overshadow residential properties to the north of the site and cause sunlighting and daylighting problems for residents.

**Comment** : The amended proposals are for the construction of a building with a curved single pitch roof. The highest part of the roof (5.7 metres) would be on the south side of the building, some 40 metres from the nearest residential properties. At a distance of 20 metres from the dwellings the building would be 3.7 metres high, which is lower than a 2 storey dwelling. The existing 3 storey dwellings are approximately 8 metres in height and have south facing living accommodation on the first floor. The impact in terms of sunlight and daylight standards would therefore be minimal although the gardens of these properties would experience a greater degree of shading as a result of the development.

- Customers arriving and departing from the development would impact on the privacy of our gardens.

**Comment** : The gardens all have 2 metre high walls or fencing separating them from the existing public footpath. The footpath is a busy town centre link which provides access between various residential areas and town centre facilities. The development of a single retail unit will not add significantly to the existing level of use of the footpath.

- The rear wall of the development will increase opportunities for graffiti.

**Comment** : The amended plans indicate the use of block work and metal cladding on the rear elevation. Whilst the lack of windows on this elevation may make this prone to graffiti, the adjacent dwellings provide a degree of passive security. When combined with the proximity of the police station and the presence of lighting on the adjacent footpath, this should provide a significant deterrent.

- Residential properties will be affected by noise from ventilation and refrigeration plant, noise from customers arriving and departing from the car park, noise from deliveries and noise from security alarms.

**Comment** : The applicants submitted noise assessment confirms that noise from plant and deliveries will be at acceptable levels at adjacent residential properties subject to the implementation of the mitigation measures proposed as part of the amended plans. The use of the existing car park for customers of the Travel Inn / Beefeater is more likely to generate noise from customers in the late evening than the proposed retail unit, given that the opening hours of the unit are to be restricted by Planning Condition. There is no reason to assume that the security alarm will give any greater frequency of disturbance than from other house alarms or car alarms in the vicinity.

- The development will prevent access to residential properties for fire fighting in emergencies.

**Comment** : Whilst there is no existing formal right of access from the car park, it is true that such access would be restricted by the proposed building for eight dwellings, over a distance of approximately 40 metres. However, the owner of the site could prevent such access without carrying out development which would require planning permission.

- The development will result in increased traffic on South Muirhead Road.
- The development will increase traffic danger, particularly for children and pets.

**Comment** : My Transportation Section are satisfied that the existing public road network can accommodate the increase in traffic generated by the development.

- Parking problems on Blake Road would be exacerbated by customers opting to park there when visiting the store.

**Comment** : Most customers arriving by car would elect to park as close to the store entrance as possible, particularly when doing combined trips to different shops or collecting bulky goods or weekly groceries. The option of parking in Blake Road would not be immediately obvious to any one other than residents of the immediate area. It is therefore unlikely there would be any discernible impact on parking within Blake Road.

- The development would result in an increase air pollution because of the increase in traffic.

**Comment** : The site is part of the existing town centre which already generates high levels of existing traffic. Any increase in air pollution would be negligible against the background of existing uses which already generate traffic in the vicinity.

- The development would result in a loss of parking for residents.

**Comment** : Whilst it is accepted that residents have utilised the existing car park, they have no legal right to do so and the existing owner could take steps to prevent such access by residents and their visitors at any time. However, the applicant has not indicated proposals to control the use of the new parking area. Assuming the residents use continued at a level which did not prevent customers of the unit from using the car park, there would be no reason for the applicant to introduce such controls.

- The development will result in the loss of the view from residential properties.
- The development will impact on residential property values.
- The development will result in increased litter and vermin.

**Comment** : These are not material planning considerations.

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

- 4.1 Under Section 25 of the Town & Country Planning (Scotland) Act 1997 planning decisions require to be made in accordance with the development plan unless material considerations indicate otherwise. The proposed development falls below the threshold for consideration against the Structure Plan and is in accordance with Policies SH1 and SH 8 of the adopted Cumbernauld Local Plan.
- 4.2 Amended proposal have been submitted which satisfactorily address a number of the concerns originally expressed by both consultees and objectors. Some of the remaining concerns can also be addressed through the imposition of planning conditions.
- 4.3 Whilst the development will have some impact on adjacent residential properties, none of the impacts will be so significant as to justify withholding of consent for the development. Accordingly, I recommend that reserved matters consent be granted subject to the attached conditions.
- 4.4 As noted in Para. 3.4, a request has been made by Cathie Craigie MSP that the Committee conduct a Site Visit prior to their determination of this application.