Planning Applications for consideration of Planning and Environment Committee

Committee Date: 29th March 2006

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(N/05/01986/OUT: If granted, refer to the Scottish Ministers (Contrary to Development Plan)
N/06/00092/FUL: If granted, refer to the Scottish Ministers (Significant Departure from Development Plan)
C/05/01446/OUT: If granted, refer to Scottish Minister (Significant Departure from Development Plan)
S/05/01952/AMD: If granted, refer to Scottish Ministers (Council Interest & Contrary to Policy)
Application No: N/05/01986/OUT
Date Registered: 7th December 2005
Applicant: Elphinstone Homes
Elphinstone House
295 Fenwick Road
Glasgow
G46 6UH
Agent: ARM Architects
2a Berkeley Street
Glasgow
G3 7DW
Development: Golf Centre (9 Hole Course, Clubhouse etc), Relocated Driving Range and Residential Development
Location: Site South East And West Of
The Stables
Waterhead Road
Palacerigg
Cumbernauld
Ward: 60 Carbrain East - Councillor William Homer
Grid Reference: 276741 673067
File Reference: N/05/01986/OUT
Site History:
N/98/01640/FUL: Change of Use of Agricultural Land to form golf course granted 4th February 1999
N/02/01605/OUT Construction of Golf Academy, 60 Bedroomed Hotel and Residential Development comprising 75 Dwellings withdrawn 3rd April 2003.
N/03/01920/OUT Golf Academy, Hotel and Residential Development refused 18th October 2004.
N/05/01946/OUT Residential Development (5.8 Hectares) withdrawn 1st December 2005
Development Plan: The Glasgow and the Clyde Valley Joint Structure Plan, 2000
relevant policies are Strategic Policy 1 (Strategic Development Locations); Strategic Policy 6 (Quality of Life and Health of Communities) and Strategic Policy 10 (Departures from the Structure Plan)
The site is covered by Policy EN26 (Significant Open Space) of the Cumbernauld Local Plan, 1993.
Contrary to Development Plan: Yes
Consultations:
Scottish Natural Heritage (Objection)
NLC Community Services (Comments)
West of Scotland Archaeology Service (Conditions)
Scottish Environment Protection Agency (Comments)
Elphinstone Homes
Site South East & West Of The Stables
Wheathead Road, Balcarres, Cumbernauld
Golf Centre (9 Hole Course, Clubhouse etc.)
Relocated Driving Range & Residential Development
Representation

Representation Received From Greenfaulds & Luggiebank Community Council
Scottish Water
SportScotland

Representations: 5 letters received
Newspaper Advertisement: Advertised on 14th December 2005

Recommendation: Refuse for the Following Reasons:

1. The proposed development is contrary to National Planning Policy Guidance covering sustainable development, the identification of land for housing, guiding housing development to suitable locations, fitting new housing development into the landscape, the protection of countryside from development, planning for sport and recreation, the protection of open space and golf courses and associated developments.

2. The proposed development is contrary to the provisions of The Glasgow and the Clyde Valley Joint Structure Plan, 2000 in particular, Strategic Policy 1 (Strategic Development Locations); Strategic Policy 6 (Quality of Life and Health of Communities) and Strategic Policy 10 (Departures from the Structure Plan). Furthermore, with regard to the scales of development identified in the structure plan, the proposed development represents a significant departure from the structure plan.

3. The residential element of the proposed development is contrary to the provisions of the Cumbernauld Local Plan, 1993, in particular, Policies EN7, EN8, EN9, EN24 and EN26 in that, the development will have a detrimental impact upon the level of amenity currently enjoyed by residents in this part of the town; housing in this location is detached and remote from the existing residential areas within the settlement and as such is remote from services and facilities; the proposed residential development is in close proximity to an established industrial area and prospective residents may be adversely affected by noise, fumes etc and the development will have an adverse impact on the landscape and will adversely alter the character of this important area of open space on the southern edge of the town.

4. That there is currently no immediate need to release further housing land within the Cumbernauld, Kilsyth and Moodiesburn Housing Market Area. Therefore, and notwithstanding the fact that the part of the site which is proposed for residential development may generally fall within the Cumbernauld South Community Growth Area identified in the Draft Structure Plan 2005, the application is considered premature as this designation is to be brought forward in the medium to long term post 2011.

NOTE TO COMMITTEE

If granted, this application will require to be referred to the Scottish Ministers in accordance with the Town & Country Planning (Notification of Applications) (Scotland) Direction 1997 because the Council has a potential financial interest in the site and 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 7th December 2005
Letter from Elphinstone Homes received 27th February 2005

Memo from NLC Planning & Environment Local Plans Section received 23rd December 2005
Memo from NLC Roads (Northern Division) received 5th January 2006
Memo from NLC Geotechnical Team Leader received 1 February 2006
Memo from NLC Protective Services received 17th January 2006
Memo from NLC Community Services received 13th January 2006
Letter from Scottish Natural Heritage received 28th December 2005
Letter from Scottish Environment Protection Agency received 16th January 2006
Letter from Scottish Water received 15th December 2005
Letter from SportScotland received 19th December 2005
Letter from West of Scotland Archaeological Service received 26th January 2005

Letter from Maggie Barry, Greenside Cottage, Palacerigg Road, Cumbernauld, G67 3HT received 7th December 2005.
Letter from Greenfaulds and Luggiebank Community Council, C/o Pamela Smith, Chairperson, 26 Scott Drive, Greenfaulds, Cumbernauld, G67 4LD received 16th December 2005.
Letter from Mr James McKenzie, 4 Blairlinn View, Luggiebank, Cumbernauld, G67 4AD received 21st December 2005.
Letters from Carol and David Corbett, East Waterhead Cottage, Palacerigg, Cumbernauld, G67 3HU received 29th December 2005 and 10th January 2006.
Letter from Mr & Mrs Marshall, West Waterhead Cottage, Waterhead Road, Palacerigg, Cumbernauld, G67 3HT received 5th January 2006.

Any person wishing to inspect these documents should contact Mr Graeme Lee at 01236 616474.

DATE : 6th March 2006
APPLICATION NO. N/05/01986/OUT

REPORT

1. **Description of Site and Proposal**

1.1 The application site lies to the south east of Cumbernauld and covers some 41 Hectares (101 Acres) in total. The application site includes the existing 9 hole golf course, driving range and pub/restaurant and these uses take up some 26 Hectares (63 Acres) of this total. The existing golf course has been formed on land owned by the Council and leased to the applicant. The proposed extension to the golf course and relocated driving range is over the agricultural land immediately to the east. This land is some 15 Hectares (38 acres) in area and is owned by the Council.

1.2 The applicant's overall estimation of the value of the proposed development is £4.5 million. The key elements of which are as follows:

- A redesigned, extended and improved 9 hole golf course
- A new golf clubhouse
- Golf Academy facilities
- An improved and extended driving range
- Potential crazy golf course
- The formation of 58 residential plots.

1.3 Members may recall a similar proposal (reference N/03/01920/OUT) that was refused outline planning permission. That scheme also included a budget hotel and other facilities that have not been included as part of this proposal. Also, with regards to the latest application, whilst the applicant has indicated that the proposed residential development is needed to cross fund the improvements to the facilities and the golf course, no business plan has been submitted in support of the application. Given the fundamental planning policy objections to the proposed development (see below) it was not considered reasonable to require the applicant to prepare a revised business plan.

1.4 The residential element of the development is proposed for the north western part of the application site (the previous application proposed housing on the driving range part of the site). This part of the site is presently occupied by the existing golf course (i.e. part of the fairway and green of the 6th, the tee, fairway and green of the 7th and the tee and part of the fairway of the 8th hole). The residential part of the development site is to be accessed from a separate access to be formed on Waterhead Road.

1.5 The existing driving range will be relocated to the agricultural grazing land adjacent to East Waterhead Cottage with the bays facing away towards the east.

1.6 The proposed revised golf course layout will utilise the remaining parts of the existing golf course with 2 new holes and a new length of fairway being formed over the proposed extension area to the east. The existing driving range will be utilised for the proposed 8th green and 9th teeing area and fairway.

1.7 The golf clubhouse and the car parking associated with the development will be constructed on the land presently occupied by the pub/restaurant and the old farm outbuildings.

1.8 It should be noted that the roads layout included as part of the indicative layout plan for the golf course part of the development shows access points to parcels of land for which no uses have been identified. Presumably these are to be reserved by the applicant for future development.
2. **Planning History**

2.1 As indicated above, this is not the first attempt by the applicant to secure outline planning permission for the redevelopment of the existing golf course and related facilities. An outline application (N/02/01605/OUT) for the Construction of Golf Academy, 60 Bedroomed Hotel and Residential Development comprising 75 Dwellings was withdrawn 3rd April 2003. Later that year a similar application was submitted (N/03/01920/OUT) for a Golf Academy, Hotel and Residential Development and this was refused by the Planning Committee on 18th October 2004. N/98/01640/FUL.

2.2 The existing 9 hole golf course was granted planning permission on 4th February 1999 (reference N/98/01640/FUL). The existing golf course was formed by the then owner of the public house and driving range without the need for any enabling development.

3. **National Planning Policy**

3.1 Given the nature of the proposed development there are a number of national planning policy documents that are of relevance. These documents are summarised below.

3.2 **SPP1 (The Planning System)** sets out Scottish Executive policy on nationally important land use and planning matters. SPP1 advises that the purpose of the planning system is to guide the future development and use of land in cities, towns and rural areas in the long term public interest (para.4) and to guide change through an efficient and effective process that respects the rights of the individual while acting in the interest of the wider community (para.5).

3.3 The document also reiterates the requirement that planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. The following advice is given on the proper procedure to be followed in deciding a planning application:

- identify any provisions of the development plan which are relevant to the decision;
- interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies;
- consider whether or not the proposal accords with the development plan;
- identify and consider relevant material considerations, for and against the proposal; and
- assess whether these considerations warrant a departure from the development plan.

The weight to be attached to any relevant material consideration is for the judgement of the decision-maker.

3.4 It also states that the Scottish Executive is committed to integrating the principles of sustainable development and that the Scottish Ministers expect the planning system to support and inform this wider policy agenda (para.6). It also advises that planning should encourage sustainable development by promoting the use of previously developed land and minimising greenfield development and by protecting and enhancing areas for recreation and natural heritage (para.7).

3.5 **SPP3 (Planning for Housing)** sets out Scottish Executive policy on Housing matters. This document advises that a key aim of planning is to provide well-located, high quality new housing. In meeting the requirements of housing markets across Scotland, planning authorities and housing providers should work closely together to:

- Create quality residential environments
- Guide new housing developments to the right places
- Deliver housing land
3.6 Of particular relevance in this instance is the advice contained in paras. 45 and 46 which state that:

'Extensions to existing settlements need careful planning. The landscape settings of existing towns and villages must be respected, and building types, designs and materials should also respect local architectural styles. Attention should be given not only to the visual impact within a village or town, but also to its appearance from outside, for example from major roads, public transport routes or other vantage points'

'Development plans should specify how the character and setting of a settlement is to be protected, guide new development to suitable sites and in some cases provide for the phased release of land.'

3.6 In the medium term, and through the North Lanarkshire Local Plan (NNLP), any southern extension of the town will be examined as part of the masterplan exercise associated with the Cumbernauld Community Growth Area to be delivered from 2011 onwards. It is also considered important that any southern extension to the town is on a planned rather than piecemeal basis and so any such masterplan exercise will fully reflect the requirements of SSP3. As this exercise has still to be commenced the proposed development is considered premature. Therefore, at this early stage of the planned process the proposed development must be considered against the existing adopted local plan. The prominent and visible location of the proposed residential development within the countryside setting of the town, identified as being an area of significant open space, and the site's remoteness from the existing residential development within the settlement is contrary to the guidance contained in SPP3 and the adopted local plan.

3.7 Advice on the implementation of the policies contained within SPP3 is provided by PAN38 (Housing Land), which advises of the requirement to undertake an annual audit of housing land. The PAN also describes the process under which new housing sites should be brought forward.

3.9 There is currently no need to release additional housing land within this housing market area. In the medium to long term (post 2011) the Council will be releasing further housing land within the context of agreed Community Growth Areas. Accordingly, the residential element of the proposed development is premature and contrary to the advice contained in PAN38.

3.10 PAN44 (Fitting New Housing Development Into the Landscape) supports the guidance contained in SPP3 relative to landscape setting and visual impact by advising that:

'Lack of integration with the landscape is particularly noticeable on the edges of our small and medium sized towns. Many new housing developments have been planned and carried out without evident regard to existing urban form and the local landscape, or to the wider visual impact particularly when seen from road and rail approaches. Insensitive development can undermine the special environmental quality of towns and their setting in the countryside' (para.9)

3.11 Although in the medium to long term there is a proposal to release further land to the south of the town it is vital that this is done on a planned basis and not piecemeal. With regards to the current local plan position, the residential element of the proposed development is remote and detached from the existing residential areas of Cumbernauld. Furthermore, the location of part of the proposed residential development on a prominent ridgeline and on higher ground to the south of the Town will have a significant adverse visual impact. It is considered that this particular area of open space
has an ongoing and important role to play in providing an attractive edge and setting to the settlement. It is considered that the proposed development is contrary to the advice contained in PAN44.

3.12 NPPG11 (Sport, Physical Recreation and Open Space) states that the Scottish Executive’s objectives for the planning system is to seek to protect and enhance the land and water resources required for the nation’s sport and physical recreation. The following guidance is of particular relevance:-

‘A golf course should not provide justification for approving an associated development if it would not normally be acceptable in itself’ (para.75)

3.13 It is considered that the funding of the improvements to the Golf Centre and course through the proposed residential development is contrary to the advice contained in NPPG11

3.14 PAN65 (Planning and Open Space) supports the guidance contained within NPPG11 and advises that the credibility of the planning system can be significantly undermined when policies on the protection and provision of open space are set aside, without sound and clear justification.

3.15 It is considered that funding of improvements to the Golf Centre and Golf Course through the proposed residential development does not justify setting aside current Executive planning guidance and adopted local plan policy for the area. Accordingly the proposed development is contrary to the advice in PAN65.

3.16 PAN67 (Housing Quality) Advises that among other things, planning has an essential role to play in ensuring that new housing is integrated into the movement and settlement patterns of the wider area.

3.17 Contrary to the advice contained in PAN67, the residential element of the proposed development is remote and detached from the existing residential areas of Cumbernauld.

3.18 PAN43 (Golf Course and Associated Developments) also contains advice that is of relevance. In particular it states that:

‘The leisure and tourist facility should not in itself provide the basis for approving housing development which would not normally be acceptable in planning terms….the housing element should be considered within the development plan requirement for housing land and assessed against development plan policies’(paras 29 &30)

3.19 In terms of the development plan, there is no need for immediate further housing land release. The proposed site is not zoned for residential development. Therefore, the applicant’s intention to utilise the monies released by the housing element to facilitate the upgrade of the golf centre and golf course, is contrary to the guidance contained in PAN43.
4. Development Plan

4.1 The development plan is comprised of the Glasgow and the Clyde Valley Joint Structure Plan, 2000 and the Cumbernauld Local Plan, 1993. The relevant policies are detailed below but can be summarised as follows.

4.2 The relevant policies from the structure plan are Strategic Policy 1 (Strategic Development Locations); Strategic Policy 6 (Quality of Life and Health of Communities); Strategic Policy 9 (Assessment of Development Proposals) and Strategic Policy 10 (Departures from the Structure Plan). The site is covered by Policy EN26 (Significant Open Space) of the Cumbernauld Local Plan.

4.3 Strategic Policy 1 (Schedule 1(c)) of the Glasgow and Clyde Valley Joint Structure Plan identifies Cumbernauld as an Established Urban Expansion Area for major physical change through housing and industrial development. However, the proposed development is located on a greenfield site. Strategic Policy 1 has a presumption in favour of maximising the scale of urban renewal. The Metropolitan Development Strategy includes a presumption against the spread of the built up area and the encroachment of development into the countryside.

4.4 The proposed development is contrary to Strategic Policy 1

4.5 Strategic Policy 6 states that the quality of life and health of communities will be supported by providing housing opportunities to meet the requirement for a continuing 5-year effective owner occupied land supply, with choice in terms of size and type of housing in each housing market area. There is an adequate supply of effective housing land to meet locally generated demands. In response to the requirements of Schedule 6 (b)(ii) of this policy the Council approved The Interim Housing Land Statement. The Interim Housing Land Statement addressed the mobile demand pre 2006, beyond this any further housing land that may require to be released to meet mobile demand will be dealt with through the local plan process. The residential element of this application is not required to contribute to Schedule 6(b)(ii), nor is the site included in Schedule 6(d) which relates to Environmental Improvement.

4.6 The proposed development is contrary to Strategic Policy 6.

4.7 Strategic Policy 9 identifies a set of criteria that development proposals require to satisfy, and any proposal which fails to meet these criteria will be regarded as a departure from the development plan then requiring to be justified against the criteria in Strategic Policy 10.

4.8 The development exceeds the thresholds for greenfield housing developments set out in Schedule 9 (10 or more units outwith the Established Urban Expansion Areas) and the additional housing requirements identified in Schedule 6(b)(iii)). Given the current position in relation to the housing supply within the relevant housing market area the case for the development cannot be established. The proposed development does not satisfy Criteria A of Strategic Policy 9.

4.9 In addition, the location of the development is appropriate in terms of the need to promote urban regeneration by giving preference to the use of brownfield urban land rather than greenfield land or open space. The proposed development does not satisfy Criteria B of Strategic Policy 9.

4.10 Any proposal that fails to meet the relevant criteria in Strategic Policy 9 will be regarded as a departure from the Development Plan.

4.11 Thereafter, with regards to this particular proposal, consideration should be given under Strategic Policy 10 to the appropriateness of the development having regard to a range of criteria and any other material considerations. It is not considered that a case can be made for the development under the terms of the relevant parts of Criteria A (Updated supply and
demand estimates, Evidence of shortfall in existing and planned supply of land for Housing, Requirements for affordable or Social Housing, qualitative deficiencies in existing retail provision, specific locational need):  

4.12 Similarly, when the development is considered against the Criteria B (Economic Benefit, Social Benefit and Environmental Benefit) it is not considered that a sufficient case can be made for setting aside the development plan.

4.13 Having regard to the scales of development identified in Schedule 9, the proposed development is a significant departure from the structure plan.

4.14 Policy EN26 of the Cumbernauld Local Plan states that:

‘There will be a presumption against development in areas of open space defined on the Proposals Map, and other areas of recreational or amenity value to their surroundings except where the development provides for outdoor recreation, nature conservation or landscape protection’

4.15 This policy aims to prevent built development, such as housing and industry on established open space areas. The open space areas affected by this proposal are long established and all fall within the area previously designated as Cumbernauld New Town. A principal aim of the new town was to create a settlement with a high quality environment and this was achieved by integrating substantial areas of open space for informal recreation and amenity. Any move to reconsider the local plan zoning of the application site and the southern part of the town must be on a planned rather than piecemeal basis. The masterplan exercise that is to take place as part of the process to define the Cumbernauld Community Growth Area shall ensure that this occurs. At present, and in view of the fact that this master planning exercise will not happen immediately, and even if it were, there is no guarantee that the zoning of the application site will change, it is considered that the local plan objectives must continue to hold true. Accordingly this particular area of open space has an ongoing and important role to play in providing an attractive edge and setting to the settlement.

4.16 Although the recreational element of the proposed development is not inconsistent with the aims of this policy, the residential element does not accord. The scale of the built element is such that it represents an unwarranted intrusion into an important area of open space.

4.17 The proposed development is contrary to Policy EN26.

4.18 In conclusion the proposed development is contrary to the development plan. As indicated above the scale of the development is such that the development must be regarded as a significant departure from the development plan.

5. **Emerging Plans**

5.1 The Glasgow and the Clyde Valley 2025 Consultative Draft Structure Plan was published in May 2005. The 2005 Structure Plan Consultative Draft Alteration is committed to meeting the Scottish Executive medium-term objective of reversing population decline. The major proportion of housing land will continue to be supplied through existing commitments and regeneration of sites within the urban areas. However, the Consultation Draft Structure Plan (reported to Committee in June 2005) indicated additional land is needed to meet demand forecasts. This will need strategic additions to the Housing Land Supply in the period 2011-2018.

5.2 In response to this requirement, and in advance of the North Lanarkshire Local Plan, the Committee approved a strategy to meet these strategic additions to the housing land supply. A report was approved by the Committee on 30 August 2005 which identified 6 locations across the Council’s area as Community Growth Areas. These areas have been identified as strategic
medium to long term areas of growth post 2011. While the proposed residential site may
generally fall within the Cumbernauld South Community Growth Area there is no requirement to
bring forward early release of this site to meet a housing need in this area. Furthermore, in
recognition of the longer term development status of these locations the forthcoming NLLP will
require a master planning exercise to be undertaken to fully assess development capacity,
physical and social infrastructure requirements and environmental impact prior to considering
any specific site development proposals. This exercise is not scheduled to get underway for
some time given current needs, adequacy of supply and development programming

5.2 The North Lanarkshire Local Plan Consultative Draft (NNLP) is currently being prepared and
this plan will indicate the general location of the agreed Community Growth Areas. As the
residential element of this application may generally fall within the Cumbernauld South
Community Growth Area designation, consideration of this site as a potential housing release
will be deferred for consideration inside the master planning exercise referred to above.

5.3 Accordingly, and notwithstanding the emerging plans and policy, the residential element of the
proposed development is premature at this stage and cannot be justified in terms of need.

6. Consultations

6.1 Scottish Water – has objected unless a number of planning conditions are attached to any
planning permission. In particular Scottish Water advise that there are capacity issues at
Dunnswood Wastewater Treatment Works. The developer should be required to demonstrate
that the development could proceed without having an adverse impact on their assets or that
infrastructure can be put in place to support the development. A Sustainable Urban Drainage
System (SUDS) is also recommended.

Comment: If planning permission were to be granted the matters raised by Scottish Water
could be attached as planning conditions

6.2 NLC Community Services – responded on a number of aspects of the development and the
following concerns were raised:

➢ The site is zoned as an area of significant open space in the local plan
➢ the residential element of the development will be highly visible
➢ the residential development will adversely impact upon the rural character of this part of the
town
➢ the development will have an unacceptable adverse impact on the location's landscape
   character (loss of trees and hedgerows)
➢ the proposed development will have adverse impact on biodiversity.
➢ the impact of the development on flora and fauna needs to be fully and properly assessed

Comment: Given the fundamental planning policy objections to the proposed development it
was not considered reasonable to require the applicant to prepare further reports regarding
landscape and visual impact or biodiversity matters. If planning permission were to be granted
these matters could be addressed by planning conditions

6.3 Scottish Environment Protection Agency (SEPA) – No objection subject to a condition
covering to Sustainable Urban Drainage (SUDS). The proposed water features within the
course should be incorporated in SUDS system and SEPA would be happy advise on this
aspect. Also, in the interests of the environment and water quality, a planning condition should
be imposed to require the submission of a method statement covering the use of pesticides and
fertilisers on the golf course.

Comment: If planning permission were to be granted the matters raised by SEPA could be
attached as planning conditions
6.4 **SportScotland** – advise that, in general, they welcome private sector investment in sports facilities and seeks to encourage the private sector to play an increasing role in the delivery of the national strategy for sport. In 2004 a survey was undertaken which showed that there was demand for additional golf courses in North Lanarkshire. This would suggest that there is a strong case for retaining existing ‘pay as you play’ courses. The proposed development of the existing facility and the creation of a family golf centre is very much in line with SportScotland’s own priorities for golf. SportScotland recommend the use of a section 75 legal agreement to secure the phasing of the development to ensure that the course is upgraded in accordance with an agreed phasing plan. This would ensure that the improvements to the course do occur and that the residential development does not proceed in isolation.

**Comment:** The proposed residential development is in itself unacceptable and neither the economic case nor the need for further golf courses is sufficient to justify setting aside the provisions of the development plan.

6.5 **Scottish Natural Heritage (SNH)** – objects to the proposed development because the development includes a housing development in an area not identified for housing which may have a significant negative landscape and visual impacts upon the local area which are detrimental to the local recreational provisions.

In addition, there is insufficient information to enable SNH to assess the impacts of the development on various Natural Heritage interests within the area. Also, a landscape and visual impact assessment requires to be carried out.

SNH do not object to the golf course subject to conditions being imposed to protect Luggie Water Site of Importance for Nature Conservation (SINC) and it being demonstrated that the golf course layout will protect and enhance the landscape character of the area.

**Comment:** Given the fundamental planning policy objections to the proposed development it was not considered reasonable to require the applicant to prepare further reports regarding landscape and visual impact or biodiversity matters. If planning permission were to be granted these matters could be addressed by planning conditions.

6.6 **West of Scotland Archaeology Service** – advises that given the development is proposed for a green field site which is undersurveyed from an archaeological point of view. Accordingly, it is their view that an archaeological evaluation should be carried out prior to the application being determined.

**Comment:** If planning permission were to be granted the matters raised could be attached as planning conditions.

6.7 **NLC Traffic and Transportation Section** – Advise that a Transportation Assessment should be provided. That said, it is acknowledged that the assessment provided in connection with the previous refused planning application did conclude that only the upgrading of Waterhead Road and the junction with Lenziemill Road would be required. A range of requirements in relation to pedestrians, roads and access matters have also been specified.

**Comment:** If planning permission were to be granted the matters raised could be attached as planning conditions.
6.8 **NLC Protective Services** – advise that in view of historical data that indicates an area of unknown filled ground adjacent to the proposed hotel and residential parts of the development. Accordingly, a detailed Site Investigation is required. Also, it is recommended that a noise survey is carried out for the proposed residential development.

**Comment:** If planning permission were to be granted the matters raised could be attached as planning conditions.

6.9 **NLC Geotechnical Team Leader** – advises that no drainage strategy has been included with the application and that this should be addressed prior to development layouts being finalised. It is pointed out that a Sustainable Urban Drainage Strategy would be required; Scottish Water should determine whether or not there is any capacity constraints within their systems and that the developer will require to assess the risk of flooding associated with the development (there have been reports of flooding within the application site).

**Comment:** If planning permission were to be granted the matters raised could be attached as planning conditions.

7. **Representations**

7.1 A total of 5 letters of representation have been received, the points raised and my comments are summarised below:

7.2 The proposed development is contrary to the structure plan and local plan.

**Comment:** Agreed, it is considered that the proposed development is contrary to the development plan and due to the nature of the development it must be regarded as a significant departure from the plan.

7.3 The development will have:

- an unacceptable impact on the natural environment both during the construction phase and in the longer term
- an unacceptable visual impact
- will alter the character of this rural area
- will adversely affect an area which is an amenity for Cumbernauld
- will have an unacceptable impact on flora and fauna
- Badgers are known to be present in the local area

**Comment:** Scottish Natural Heritage and the NLC Community Services share these concerns. It is considered that, given the fundamental policy objection that exists in relation to the residential element of the development, even if it were possible to successfully mitigate against the impacts of this development, planning permission should be refused.

7.4 Road safety, traffic, parking and access problems

**Comment:** The previous application included a Traffic Assessment Report (TAR) which concluded that the existing junctions could cope with the resultant increase in traffic. My Traffic and Transportation Section has not objected to the current proposal and is satisfied that, subject to improvements, the local road network has the capacity to cope with the proposed development.

7.5 Lack of detail contained in the application

**Comment:** The application is in outline only.
7.6 The development will have an unacceptable impact on amenity of existing residents. Given the proximity of the development it will have an unacceptable impact on East Waterhead Cottage, in particular, the driving range and access.

Comment: The application is in outline only so it is difficult to fully assess the impacts of the proposed development. However, given the rural nature of the site and its surroundings, and the scale of the proposed development, it is safe to conclude that, if the development were to proceed, it would likely have a significant effect on the character of the area and on the levels of amenity currently enjoyed by the existing residents. In particular, by reason of its close proximity to the driving range and the access road, the development will have a significant impact on East Waterhead Cottage.

7.7 Lack of infrastructure, particular mains drainage and gas

Comment: As detailed above Scottish Water has objected to the proposed development.

7.8 Previous residential and commercial applications have been refused planning permission and If granted planning permission the proposed development would create an undesirable precedent

Comment: It is assumed that the objectors are referring to various applications submitted in connection with developments at Greenside which lies immediately to the North of the application site. One of these applications (reference N/00/00456/OUT) was for 5 dwellings and, following a call in, was refused planning permission by the Scottish Ministers. The main reasons given were that the development did not accord with the development plan and represented isolated development in the countryside. It is considered that the proposed development represents a similar but much more significant departure from the development plan and, if granted planning permission, an undesirable precedence may be created.

7.9 That there is no need for additional housing land; the proposed development is simply a 'Trojan Horse' for housing development; the Golf complex is being used as a pretext for residential development and the need to upgrade the existing golf facilities is questioned

Comment: The applicant advises that without the housing development, the improvements to the golf facility and golf course will not take place i.e. they are inextricably linked. Although not in a position to comment on the economic case being made for the residential development (this is beyond their remit) SportScotland are generally supportive of the proposed upgrade of the golf facilities.

National planning policy guidance (NPPG 11 & PAN 43) is quite clear that recreational facilities should not be used to justify developments that would not otherwise be acceptable in planning terms. As has been demonstrated above the proposed residential development is a significant departure from the development plan. Furthermore, there is currently no need for the release of further housing land. Therefore, even although it is accepted that the existing golf facility would benefit from upgrading and that a golf academy would be a useful addition to the facilities within the town, this is not considered to be significant justification to set aside the provisions of the development plan.
8. **Planning Assessment and Conclusions**

8.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. SPP 3 reiterates this requirement. In this instance, it has been demonstrated (see section 3 above) that the proposed development is contrary to the development plan. Indeed, when assessed against the scales of development identified in the Glasgow and the Clyde Valley Joint Structure Plan, the proposed development is a significant departure from the structure plan. Therefore, for planning permission to be granted in this instance there have to be material planning considerations which justify a departure from the development plan.

8.2 The future housing land requirements for this housing market area will be considered as part of the exercise to replace the Cumbernauld Local Plan within the North Lanarkshire Local Plan. This exercise will address both the needs arising within the local housing market area and any further housing land that may require to be released to meet the areas needs. Consequently, even if the site was considered to be an appropriate location for further housing the proposal is premature.

8.3 It is true that the facility could benefit from investment. By comparison to modern driving ranges, the existing range would probably benefit from some further investment (the current owners have carried out some upgrading works). The stables bar and restaurant is also in need of investment. The existing 9 hole golf course was constructed by the previous owners and, it is not disputed that the course would benefit from further investment. It is also worth noting that the proposed improvements for the facility are generally in line with SportScotland's own objectives for golf.

8.4 However, national planning policy guidance (NPPG 11 & PAN 43) is quite clear that recreational facilities should not be used to justify developments that would not otherwise be acceptable in planning terms. As has been demonstrated above, due to the rural nature of the application site and its surroundings the proposed residential development is a significant departure from the development plan. Furthermore, there is currently no need for the release of further housing land. Therefore, even although it is accepted that the existing golf facility would benefit from upgrading and that a golf academy would be a useful addition to the facilities within the town, this is not considered to be significant justification to set aside the provisions of the development plan.

8.5 It is perhaps worth noting that the previous owner of the facility formed the existing golf course without the need for any enabling housing development. In their supporting letter the applicants advise that the capital investment that will be realised from the residential development is entirely necessary to carry out the proposed improvements. The business plan submitted in support of the previous application was scrutinised by NLC Finance Department and they were not convinced that the golf facility was viable in the short to medium term without external support. This was the case even taking account of an initial proposed £2 million capital investment from the housing development. This investment was supposed to ensure that the facility started off from a strong position with no debt. It is also worth noting that the capital receipt that will be raised this time around may well be reduced – the applicant does not own the site being proposed for housing and would have to acquire this from the Council.

8.6 Given the fundamental policy objection to the proposed development there are a number of other matters that have not been pursued with the applicant but which may have a bearing on the proposed development. In other circumstances, further information would have been required to assess the impact of the development on the local roads network; in landscape and visual terms; on biodiversity and natural heritage interests; sustainable urban drainage and infrastructure (in particular Scottish Waters systems). The layout of the proposed housing development would also have been subject to closer scrutiny.
8.7 In conclusion, it is considered that, in this instance, there is insufficient justification to set aside the provisions of the development plan. It has been demonstrated that the proposed development is contrary to the development plan. Indeed, when assessed against the scales of development identified in the Glasgow and the Clyde Valley Joint Structure Plan, the proposed development is a significant departure from the structure plan. Therefore, given that there are considered to be no material planning considerations that justify a departure from the development plan, it is recommended that planning permission be refused.

8.8 If granted, this application will require to be referred to the Scottish Ministers in accordance with the Town & Country Planning (Notification of Applications) (Scotland) Direction 1997 because the Council has a potential financial interest in the site and the proposed development constitutes a significant departure from the Glasgow and the Clyde Valley Joint Structure Plan 2000.

8.9 Finally, please note that a request has been received that the Committee carry out a site visit and hearing prior to their determining this planning application.
Application No: N/06/00092/FUL
Date Registered: 25th January 2006
Applicant: Mr & Mrs R Chalmers
Woodend Farm
Kilsyth
G65 0PZ
Agent: RMJM
Skypark SP1
8 Elliot Place
Glasgow
G3 8EP
Development: Remodelling of Farm Steading to Form 18 Dwellinghouses
Location: Site at
Woodend Farm
Kilsyth
Glasgow
Ward: 66 Banton And Kilsyth East
Councillor Tom Barrie
Grid Reference: 273409 677680
File Reference: N/06/00092/FUL
Site History: N/05/00042/FUL Conversion of Steading to Form a Total of 10 Dwellinghouses and Relocation and Construction of Buildings to Form Equestrian Centre Approved in May 2005
Development Plan: The site is covered by Green Belt and Gas Pipeline Consultation Zone policies in the Kilsyth Local Plan 1999.
Contrary to Development Plan: Yes
Consultations: Scottish Natural Heritage (Comments)
Architecture+Design Scotland (Comments)
Scottish Environment Protection Agency (Comments)
Representations: None
Newspaper Advertisement: Advertised on 1st February 2006
Recommendation: Refuse for the Following Reasons:-
1. In the interests of the proper planning of the area in that the residential development would constitute inappropriate new development in the Green Belt and as such would be contrary to Scottish Executive Planning Policy (Scottish Planning Policy 3), the Glasgow and the Clyde Valley Structure Plan 2000 (Strategic Policy 1) and the Kilsyth Local Plan 1999 (Policies GB 1
2. In the interests of amenity in that the residential development would adversely affect the existing rural character of the site and the general area.

3. In the interests of sustainable development in that the proposed residential development will be significantly detached from other residential developments, shops and services and as such will encourage car usage; in this respect the proposed development is contrary to Scottish Executive Planning Policy on residential development (Scottish Planning Policy 3) and the Glasgow and the Clyde Valley Structure Plan (Strategic Policy 9).

4. That should planning permission be granted for this development a precedent may be set which would make it difficult for the Planning Authority to refuse other similar applications.

NOTE TO COMMITTEE

Should it be the decision of the Committee to grant planning permission, the application will require to be referred to the Scottish Ministers as a significant departure from the Structure Plan under the terms of the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997.

Background Papers:

Application form and plans received 25th January 2006

Letter from Scottish Natural Heritage received 13th February 2006
Letter from Architecture+Design Scotland received 6th March 2006
Letter from Scottish Environment Protection Agency received 24th February 2006

Any person wishing to inspect these documents should contact Mr Martin Dean at 01236 616459.

Date: 21st March 2006
APPLICATION NO. N/06/00092/FUL

REPORT

1. **Description of Site and Proposal**

1.1 The application is for the contemporary "remodelling" of the Woodend Farm Steading by Kilsyth to form 18 residential units. It is proposed to demolish and reform the existing steading, largely using existing stone. The proposed development will be on almost the existing footprint and will remain within the general height range of the current steading.

1.2 In order to accommodate the proposed 18 residential units, the following ancillary features are proposed.

- a road to adoptable standard from the existing public road to the application site.
- a private road circling the development and serving each of the units.
- parking provision, both close to the dwellinghouses and at a discreet distance.

1.3 The steading currently consists of a dwellinghouse and attached buildings used for stabling and equestrian storage. The large indoor equestrian arena would be relocated to a different part of the farm.

2. **National Planning Policies/ Development Plan**

2.1 **Scottish Planning Policy 3 “Planning for Housing”**

Key themes are promoting development in brownfield rather than greenfield locations, developing in accessible locations (which can reduce the demand for travel and minimise reliance on the private car), seeking to maintain the effectiveness of existing Green Belts and safeguarding the character and amenity of the countryside.

2.2 **Scottish Planning Policy 15 “Planning for Rural Development”**

This policy document has the objective of allowing rural areas to evolve in response to national and international economic changes. Developments should be appropriate to particular locations, with location, scale, design, and sustainable transport being important themes.

2.3 **Circular 24/1985 “Development in the Countryside and Greenbelts”**

The three main purposes of the Green Belt are: to maintain the identity of towns by establishing a clear definition of their physical boundaries and preventing coalescence; to provide countryside for recreation or institutional purposes of various kinds; and to maintain the landscape settings of towns.

2.4 **Kilsyth Local Plan 1999**

The relevant policies can be summarised as follows:

**GB1:** The site is within the Green Belt;

**GB2:** There is a presumption against new development in the Green Belt unless required for agriculture, forestry, horticulture, nature conservation, appropriate countryside recreation and tourism dependant upon a countryside location, and other development which can be shown to require to be located in the Green Belt;
GB3: There is a presumption against residential development in the Green Belt unless it is shown to be necessary for furtherance of agriculture, forestry and horticulture or other uses appropriate only to a rural area;

GB4: There is a presumption in favour of the restoration and renovation of existing redundant buildings which are of some vernacular interest to form buildings for a use considered appropriate by the Council;

GB6: Within the Green Belt proposals for the extension of existing residential, industrial or commercial premises shall be given favourable consideration when the proposals are small in scale and well integrated with the existing buildings.

2.5 Glasgow and the Clyde Valley Joint Structure Plan 2000

Policies relevant to the proposed development and its Green Belt setting are summarised as follows:-

Strategic Policy 1 – Strategic Development Locations: The Metropolitan Development Strategy requires the continued designation and safeguarding of the Glasgow and Clyde Valley Greenbelt within which there is a presumption against the spread of built up areas and the encroachment of development into the countryside. Local Plans shall define the detailed boundaries and policies to safeguard the greenbelt;

Strategic Policy 6 – Quality of Life and Health of Local Communities: Strategic Policy 6 indicates that the quality of life and health of the communities will be supported through providing housing opportunities to meet the requirement for a continuing 5 year effective owner occupied land supply. Schedule 6(b) provides the basis for the identification of additional housing land allocation to meet any demand shortfall in the period 1999-2006 and 2006-2011;

Strategic Policy 9 – Assessment of Development Proposals: This policy indicates that proposals that fail to meet the criteria set out in this policy will be regarded as a departure from the Development Plan and requires to be justified against Strategic Policy 10;

Strategic Policy 10 – Departures from the Structure Plan: Strategic Policy 10 indicates that consideration should be given to the appropriateness of the development having regard to the criteria contained in it and any other material consideration.

3. Consultations and Representations

3.1 Consultation responses are as follows:-

3.2 Architecture and Design Scotland: The complete demolition of the existing solid stone farmhouse is questioned. There is support for a more respectful and sustainable approach by retaining, repairing and adapting the existing buildings wherever possible. This should be augmented with considered new work of good quality, with integrity of its own but with a respect for the established pattern of redevelopment.

3.3 Scottish Environment Protection Agency: SEPA have some concerns regarding the foul drainage arrangements. The applicant will require to pipe the final effluent from the site a considerable distance to a final discharge point on the River Kelvin. The submitted plans do not clarify this matter and SEPA would reaffirm that, until the applicant identifies the outfall route and, in particular, the point of discharge on the River Kelvin, SEPA cannot fully endorse the proposed foul drainage scheme.

3.4 Scottish Natural Heritage: SNH reserves its position until further information is provided. Records show that great crested newts are within the site boundary of the proposal and may well be adversely affected by the development. Detailed surveys should be supplied to determine the presence or absence of great crested newts, bats and badgers on the site and the affects of the potential development on the species and the places they use. A plan should
be submitted showing existing trees that are planned to be removed or affected. Any trees and shrubs to be removed or cut down should be done so outwith the bird breeding season.

3.5 There are no objections from the Transportation Manager subject to conditions. My Head of Protective Services has recommended that, should planning permission be granted, there be an appropriate site survey to determine whether there is any pollution on site and what remedial measures may be required.

3.6 No letters of representations have been received.

4. Planning Assessment and Conclusions

4.1 All planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise.

National Planning Policy

4.2 As covered in section 2 above, national policy on Green Belts (Circular 24/1985) requires strict control of development within the designated greenbelt in order, amongst other objectives, to maintain the identity of towns by establishing a clear definition of their physical boundaries, by maintaining the landscape settings and by providing countryside for recreation. The proposed remodelling of the farm steading is contrary to these objectives by representing an urban intrusion into the countryside with a resulting adverse effect on the setting of Kilsyth and a reduction of the potential enjoyment of countryside pursuits, including walking.

4.3 Scottish Planning Policy 15 “Planning for Rural Development” (SPP 15) has elements which both support and run counter to the proposed development. Paragraph 23 points out opportunities to replace rundown housing and steadings with innovative designs using new materials. Planning Authorities are encouraged to not unreasonably constrain such modernisation and steading conversion within the original footprint or height limit unless there are compelling design or conservation reasons for doing so. This paragraph further states that consideration should be given by Planning Authorities to formulating supportive policies in their local plans where such developments may be justified for economic reasons. Paragraph 10, however, highlights the particular role of the Green Belt in maintaining the setting and separate of towns and cities by presuming against most new development. This paragraph advises that any proposals to release land for development within the Green Belt should be part of a longer term strategic settlement policy and should be set out in the Development Plan. Paragraph 11 clarifies that the greater scope for more innovative planning policies is in less populated areas.

4.4 Scottish Planning Policy 3 “Planning for Housing” (SPP3) supports development in brown field rather than green field locations. Although the site does not currently meet the SPP3 definition of brownfield land (as the buildings are not redundant or unused) it could be argued that the proposed relocation of the equestrian centre will allow the steading to be termed potential brownfield land. The proposal is, however, contrary to important themes of requiring development to be in accessible locations (which can reduce the demand for travel and minimise reliance on the private car) (paragraphs 35 to 37) and which seek to maintain the effectiveness of existing Green Belts by safeguarding the character and amenity of the countryside (paragraphs 38 to 40). The proposal will have a marked effect on the local landscape setting and, as such, will run counter to the advice given in paragraph 5 concerning the respecting of such settings.
Development Plan

4.5 Having regard to the Structure Plan it is considered that the proposal is a departure from the Development Plan in that it does not comply with the key Strategic Policy 9. The proposal is development in the Green Belt and is not in a sustainable location (in that it can only be reasonably accessed by private car). It is not an acceptable departure from the Structure Plan under Strategic Policy 10 in that it can not be supported under the defined criteria of economic benefit, social benefit and environmental benefit. With respect to the Strategic Policy 10 reference to housing land supply it should be noted that there is an identified shortfall in mobile housing demand for the relevant conurbation area. North Lanarkshire Council has addressed this shortfall through a number of identified large-scale residential sites.

4.6 The proposal is contrary to Green Belt policy in the Kilsyth Local Plan. Although there is a small element of potential renovation, (the potential rebuilding of two walls and the reuse of existing stone), the “remodelling” of the farm steading is deemed to be a new build operation and, as such, the proposal is contrary to relevant Green Belt policies. The Green Belt policies are designed to maintain the open rural setting of Kilsyth by preventing inappropriate new development.

Innovative Design

4.7 An attractive modern innovative design is proposed with the variety of styles and masses of the existing buildings being respected. Although design is a material consideration it is not considered that the proposal is sufficiently meritorious to lead to a recommendation for approval for such a significant development in the Green Belt.

Affect on Rural Amenity

4.8 It is considered that the modern design of the building and the introduction of significant numbers of new residents to the site will have an adverse affect on the local rural environment.

4.9 The proposed development will be seen over a considerable distance, including to and from the sensitive Kelvin Valley, Forth and Clyde Canal and Antonine Wall. It will be viewed as more urban than rural in character. The urbanising effect of the building is compounded by the urban paraphernalia associated with 18 sets of residents. This includes vehicles, gardens, garden furniture, extra traffic and extra general activity. This will detract from the enjoyment by Kilsyth residents and others of the local countryside. The proposal for 18 residential units represents the creation of a new settlement rather than the addition of one or two new residential units that is associated with the majority of agriculturally related developments or conversion of redundant agricultural buildings. In this respect, the previous approval for a 10 unit residential conversion for the existing farm steading buildings was an exceptionally high number of units in a rural environment and was only deemed acceptable due to the satisfactory quality of the conversion proposals.

4.10 A grant of permission for the current application will set an undesirable precedent for further inappropriate developments in the Green Belt, to the detriment of the local rural amenity.

Previous Approval for Residential Renovation of Woodend Farm Steading

4.11 Planning permission (N/05/0042/FUL) was approved in May 2005 for the conversion of the steading to form 10 dwellinghouses and the relocation/construction of buildings to form an equestrian centre. This permission does not, however, support the current proposal. The previously approved conversion accords with the Kilsyth Local Plan Green Belt Policy (GB4) which supports suitable renovations of attractive but redundant agricultural buildings. This allows the retention of such buildings to the benefit of the local area. This is in contrast to the current new build proposal which is contrary to Green Belt policies and which will create a more...
obtrusive urban form of development in a rural area.

Conclusion

4.12 The exciting and innovative characteristics of the proposed development are recognised. This is not, however, considered to be a strong enough advantage to outweigh the urbanising effect of the proposed development and the significant breach of development plan Green Belt policy. Taking account of the above, it is recommended that planning permission be refused.

4.13 Should it be the decision of the Committee to grant planning permission, the application will require to be referred to the Scottish Ministers as a significant departure from the Structure Plan under the terms of the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997.
Application No: N/06/00128/AMD

Date Registered: 31st January 2006

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

Agent: Muir Smith Evans
203 Bath Street
Glasgow
G2 4HZ

Development: Variation to Condition 18 of Planning Permission N/05/00829/FUL to Change Servicing Times

Location: Car Park Opposite The Beefeater
South Muirhead Road
Town Centre
Cumbernauld
Glasgow
G67 1AX

Ward: 54 Seafar And The Village

Grid Reference: 276172 674833

File Reference: N/06/00128/AMD

Site History: N/05/00829/FUL Construction of a (Class 1) Retail Unit Granted 30th November 2005

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

Contrary to Development Plan: No

Consultations: None Required

Representations: 1 Letter of Representation

Newspaper Advertisement: Not Required

Recommendation: Grant Subject to the Following Conditions:-

1. That all servicing and deliveries to the building permitted under the terms of Planning Permission Reference N/05/00829/FUL shall be carried out between the following hours:-

   07:00 until 20:00 Monday to Friday
   07:00 until 18:00 Saturdays
   08:00 until 16:00 Sundays
**Reason:** To safeguard the amenity of adjacent residents.

**Background Papers:**

Application form and plans received 31st January 2006  
Letter from Angus & Anne Pender, 1Q Blake Road, Seafar, Cumbernauld received 15th February 2006.

Any person wishing to inspect these documents should contact Mrs Mary Stewart at 01236 616473.
APPLICATION NO. N/06/00128/AMD

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 Planning permission was granted for the construction of a Class 1 (Retail) unit of 800 square metres with 69 parking spaces in November 2005. Condition 18 of that permission stated:-

   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.

1.3 The applicants seek to vary the terms of that Condition to allow servicing to take place on Sundays. In recognition of the need to protect residential amenity the applicants have offered to further limit delivery times on other days.

2. **Development Plan**

2.1 The application raises no strategic issues and can therefore be assessed in terms of Local Plan Policies.

2.2 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 No consultations were required.

3.2 One letter of representation was received as a result of publicity on the application. The points of objection can be summarised as follows:

   - We feel that the permitted servicing hours are adequate to deliver goods and any extension to these times will adversely affect residential amenity.

   **Comment:** The permitted hours fail to take account of the operators need to provide for deliveries of fresh goods such as bread and milk on Sundays. Whilst the change will create additional potential for service activity on a Sunday it would also remove the opportunity for servicing between 8:00 p.m. and 10:00 p.m. Monday to Friday and between 6:00 p.m. and 10:00 p.m. on Saturdays.

3.3 It should also be noted that a large number of representations were received in relation to the original application. One of the concerns expressed related to the impact on the amenity of
adjacent residential properties of noise arising from service deliveries. Condition 18 was imposed in recognition of the potential impact of such noise when the planning permission was granted following a Site Visit and Hearing.

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 proposal accords with Policies SH1 and SH8 of the adopted Cumbernauld Local Plan.

4.2 The applicants consider that the ability to take delivery of fresh goods on Sundays is essential to the successful operation of the retail unit. Whilst this will introduce potential for additional noise and disturbance to residents on a Sunday, the potential for noise and disturbance late in the evenings is removed. The proposal would not result in an overall increase in the permitted delivery hours and is therefore unlikely to lead to any increased impact on the amenity of adjacent residents.

4.3 Having taken all relevant material considerations into account, it is therefore recommended that planning permission be granted.
Application No: N/06/00142/FUL
Date Registered: 6th February 2006
Applicant: Earls Property
23 Earls Hill
Cumbernauld
G68 9ET
Development: Alterations, Extension and Change of Use from Class 1 (Retail) to Class 2 (Financial Professional and Other Services)
Location: 47 Main Street
The Village
Cumbernauld
G67 2RT
Ward: 54 Seafar And The Village
Councillor Neil McCallum
Grid Reference: 276771 676105
File Reference: N/06/00142/FUL
Site History: N/05/01733/FUL
Alterations, Extension and Change of Use from Class 1 (Retail) to Class 2 (Financial and Professional Services) and Demolition of External Store
Approved 14th December 2005
Development Plan: The property lies within Cumbernauld Village Conservation Area, and is therefore covered by Policy EN1 of the adopted Cumbernauld Local Plan 1993.
Contrary to Development Plan: No
Consultations: None Required
Representations: 1 Letter of Representation Received
Newspaper Advertisement: Advertised on 15th February 2006

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.

2. That before the development hereby permitted starts, a sample of the natural slate to be used on the roof shall be submitted to, and approved in writing by the Planning Authority.
   Reason: To enable the Planning Authority to consider this aspect in the interest of the visual amenity of the building and Conservation Area.
3. That before the development hereby permitted starts, details of all replacement rainwater goods shall be submitted to and approved in writing by the Planning Authority, and for the avoidance of doubt these shall have a painted finish.

**Reason:** To enable the Planning Authority to consider this aspect in the interest of the visual amenity of the building and Conservation Area.

4. That before the development hereby permitted starts, details of the final colour of all external paintwork shall be submitted to and approved in writing by the Planning Authority.

**Reason:** To enable the Planning Authority to consider this aspect in the interest of the visual amenity of the building and Conservation Area.

5. That all demolition and construction work associated with the development hereby permitted shall conform to "BS5228 Noise from Construction and Open Sites" and that no noise producing works shall take place outwith the following hours:-

   Monday to Friday 08:00 - 21:00
   Saturday 08:00 - 13:00

**Reason:** To protect the amenity of adjacent residential properties.

**Background Papers:**

Application form and plans received 6th February 2006

Planning Permission N/05/01733/FUL

Letter from Dr Penny Munn, 45A Main Street, The Village, Cumbernauld, G67 2RT received 20th February 2006.

Any person wishing to inspect these documents should contact Mrs Mary Stewart at 01236 616473.
APPLICATION NO. N/06/00142/FUL

REPORT

1. **Description of Site and Proposal**

1.1 The property is a traditional stone built single storey building forming part of a terrace of mainly two storey buildings on Cumbernauld Village Main Street. It is within the Cumbernauld Village Conservation Area. The property was last used as a shop but has been vacant for a number of years.

1.2 The applicant proposes to alter the property to create a new upper floor by building up from the existing wallhead and re-roofing with a shallower pitch of roof, which will align with that of the adjoining two storey property. He also proposes the demolition of an existing outbuilding to the rear and a rear extension to provide stair to access the upper floor. The use of the property would then be changed from Class 1 (Retail) to Class 2 (Financial Professional and Other Services).

1.3 Planning permission was granted for a similar scheme, which included proposals to extend the property at the rear, in December 2005, under delegated powers. The approved scheme can not be implemented because of land ownership issues with ground to the rear of the property.

2. **Development Plan**

2.1 The application raises no strategic issues and can therefore be assessed in terms of Local Plan Policies.

2.2 This is a traditional property within the Cumbernauld Village Conservation Area. Policy EN1 of the adopted Cumbernauld Local Plan 1993 is therefore of relevance. Policy EN1 presumes against development which does not preserve and enhance the character of a Conservation Area.

2.3 The Cumbernauld Village Plan presumes against changes of use from Class 1 to Class 2 unless reasonable effort has been made to dispose of the premises for retail use over a period of at least 12 months.

3. **Consultations and Representations**

3.1 As a repeat application proposing a lesser scheme of development than that recently approved no consultations were required. In relation to the application reference N/05/01733/FUL, the Architectural Heritage Society of Scotland had commented on the need for improvements to the proposed specification. These comments were addressed by the submission of amended proposals, which were then approved. West of Scotland Archaeological Service commented that there were no substantive archaeological issues raised. My Transportation Section had no objections and my Protective Services Section advised on the need to restrict construction activity times. The current proposal accords with this earlier approval.

3.2 One letter of representation was received as a result of publicity on the application. The points of objection can be summarised as follows:

- The enlarged window to the rear of the property will overlook my garden and impact on my privacy.
Comment: The window will overlook the objectors garden, as at some time in the past the garden area has been extended to include ground to the rear of number 47. The objector could provide screening, whereas the applicant does not have sufficient ground within his control to the rear of the property to do so.

- The enlarged window to the rear of the will property prevent the addition of storm doors to my newly built front door.

Comment: At its closest point the window would be 1.2 metres from the mutual property boundary.

- The foundation of the building is characterised by the use of large stones, giving a bulging appearance at the foot and the application does not clarify the treatment of this important feature.

Comment: The applicant proposes no changes to the foundation stones of the building.

- The windows at the rear are characteristic and will be obliterated by the proposed treatment of the rear elevation.

Comment: The rear elevation may have been subject to considerable alteration in the past. It is unlikely that the existing window and door openings are the only ones which would have been present originally. The proposed window openings are appropriate in terms of their random positioning, design and scale.

- The slope and appearance of the existing roof adds character which will be eroded by the raising of the roof to match adjacent, newer buildings.

Comment: The unusually large distance between the lintel above the existing windows and the wallhead would suggest that this property has been altered at some time in the past, possibly reducing it to a single storey.

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 development accords with Policy EN1 of the adopted Cumbernauld Local Plan.

4.2 The raising of the height of the roof will introduce a dramatic change to the appearance of the property. It is considered that the resulting external appearance will nevertheless be appropriate to its location within a Conservation Area. This is particularly so because of the proposed use of traditional materials and design.

4.3 Whilst the Cumbernauld Village Plan presumes against changes of use from Class 1 to Class 2, this unit has been vacant for several years and any interest shown has been for hot food uses which are also contrary to policies within the Village Plan. Bringing the building back into use will be beneficial in terms of improving the vitality of the village centre and in terms of securing the future of the building itself.

4.4 The recent approval of planning permission for a similar, although more extensive, proposal is material to the consideration of the current proposal and establishes to some extent the acceptability of the development. None of the concerns expressed by the objector have been found to be such that they would outweigh these other considerations.
4.5 Having taken all relevant material considerations into account, it is therefore recommended that planning permission be granted.
Application No: N/06/00177/FUL
Date Registered: 8th February 2006

Applicant: Mr & Mrs Murray Brady
C/o James Baird Assoc. Ltd
153 Union Street
Larkhall
ML9 1EB

Agent: James Baird Assoc. Ltd
153 Union Street
Larkhall
ML9 1EB

Development: Construction of a Dwellinghouse
Location: Site At
32 Glasgow Road
Kilsyth
G65 9AD

Ward: 65 Queenzieburn And Kilsyth West
Councillor Jean Jones

Grid Reference: 271210 678030
File Reference: N/06/00177/FUL

Site History: N/00/01336/FUL: Construction of a Dwellinghouse Approved in April 2001

Development Plan: This site is covered by Policies HG3 - 5 (Retention of Residential Amenity) in the adopted Kilsyth Local Plan (1999).

Contrary to Development Plan: Yes

Consultations: Scottish Water
(Comments)

Representations: 5 Letters of Representation

Newspaper Advertisement: Advertised on 15th February 2006

Recommendation: Refuse for the Following Reasons:-

1. The proposed dwellinghouse will adversely affect a locally important streetscape by;
   - interfering with an imposing established building line,
   - introducing a backland form of development whereby the existing dwellinghouse "Clachanhhuill" will be located in a haphazard and secondary position to the rear of the
Representations Received From:
Sulven House, Allantauld Road Kilcreggan
20 Horsburgh Avenue, Kilcreggan

N/05/00177/FUL
Mr & Mrs Murray Brady
Site At 32 Glasgow Road Kilcreggan
Construction of a Dwellinghouse
★ Representations
proposed dwelling house;
in this respect the proposal is contrary to policy HG3 of the adopted Kilsyth Local Plan (1999) which states new houses should be in keeping with the character of the surrounding area, should properly front onto an adjacent road and should acceptably relate to a suitable orderly disposition of buildings.

2. That should planning permission be granted for this development a precedent may be set which would make it difficult for the Planning Authority to refuse other similar applications.

**Background Papers:**

Application form and plans received 8th February 2006

Letter from Scottish Water received 14th February 2006

Letter from Mr Scott M Johnson, Suilven House, Allanfauld Road, Kilsyth, G65 9DE received 1st March 2006.
Letter from Anthony R Wyber, Craigmount, Glasgow Road, Kilsyth, G65 9AD received 6th March 2006.
Letter from Mr Ian W Stevenson, Garrell House, 34 Glasgow Road, Kilsyth, G65 9AD received 22nd February 2006.
Letter from Mr J D Smithson, 20 Horsburgh Avenue, Kilsyth, G65 9BZ received 23rd February 2006.
Letter from Mr & Mrs A G Stevenson, Garrell House, 36 Glasgow Road, Kilsyth, G65 9AD received 24th February 2006.

Any person wishing to inspect these documents should contact Mr Alan Graham at 01236 616394.
APPLICATION NO. N/06/00177/FUL

REPORT

1. **Description of Site and Proposal**

   1.1 Planning consent is sought for the construction of a dwellinghouse and formation of new access in the front garden of 32 Glasgow Road 'Clachanmuillan', Kilsyth. The proposed dwellinghouse would be situated to the front of the existing dwellinghouse at 32 Glasgow Road and would be bounded by residential properties 28/30 and 34/36 Glasgow Road to the east and west respectively, 32 Glasgow Road to the north and Glasgow Road to the south. The site is currently part of a private front garden with numerous mature trees. It covers approximately 985 square metres and is downward sloping from north to south.

2. **Development Plan**

   2.1 The application raises no strategic issues and can therefore be assessed in terms of Local Plan Policies.

   2.2 Within the adopted Kilsyth Local Plan 1999 the application site is located within an area covered by policy HG3 "Development Control in Housing Areas" Relevant sections of this policy advise that new houses should be in keeping with the character of the surrounding area, should properly front onto an adjacent road and should acceptably relate to a suitable orderly disposition of buildings.

3. **Consultations and Representations**

   3.1 Scottish Water has no objections subject to conditions regarding connection to the public wastewater system and/or water network.

   3.2 The Transportation Team Leader has no objections subject to conditions relating to road safety. The Pollution Control Team Leader has advised that a phase I site investigation should be provided to investigate the possibility of any contamination on the site.

   3.3 Five letters of representation have been received with the following points of objection being raised.

   - The proposed dwellinghouse does not respect the existing style and positioning of the existing dwellinghouses on this prominent section of Glasgow Road. This is an architecturally and historically important part of Kilsyth. Mature trees and a section of attractive boundary wall would require to be removed. A precedent would be set for other houses in large adjacent front gardens. In view of the foregoing the proposal is contrary to Kilsyth Local Plan policy HG3 concerning residential amenity.

   **Comments:** Concerns regarding the setting, impact upon the local character of the area and over development are justified. The development would significantly breach an established layout pattern in a prominent location, to the detriment of the established amenity and character of the surrounding area. This in turn confirms that the proposal is contrary to Policy HG3 of the Kilsyth Local Plan (1999), which requires that new development be in keeping with the surrounding area.
• An existing, recently constructed dwellinghouse in the rear garden of Clachanmhuillan has already adversely affected the amenity of the area. The proposed dwellinghouse, in addition to that in the rear garden will be an overdevelopment of the site.

Comments: The rear dwellinghouse was deemed to be acceptable in that it is not in such a sensitive position and relates to Corrie Road and therefore does not render the main dwellinghouse (which fronts onto Glasgow Road) as backland development. In view of the large size of the existing front garden it is not considered that the proposal is overdevelopment. It is, however, out of keeping with its surroundings.

• There are shortcomings in the planning submission. There will be nuisance conditions and roads danger during the construction period. Valued views from neighbouring properties will be lost. Local property values will be lowered.

Comments: The above comments are noted, but do not raise any material planning issues.

4. Planning Assessment and Conclusions

4.1 In accordance with Section 25 of the Town and Country Planning (Scotland) Act 1997, planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise.

4.2 It is considered that the proposal for the construction of a dwellinghouse and formation of new access in the front garden of 32 Glasgow Road Kilsyth, is unacceptable when assessed against Policy HG3 of the adopted Kilsyth Local Plan (1999). The proposed development would have a detrimental effect on existing residential amenity, would adversely affect an important local streetscape and would create backland development whereby the existing property at 32 Glasgow Road would no longer front onto an adjacent road. If approved, the application would set an undesirable precedent for other similar backland developments to the detriment of residential amenity.

4.3 Taking account of the above it is recommended that planning permission be refused.

Date: 21st March 2006
Application No: C/05/01446/OUT
Date Registered: 29th August 2005
Applicant: G. Street Property Ltd
Clo Maclay Murray & Spence
151 St. Vincent
Glasgow
G2 5NJ
Agent James Barr Limited
226 West George Street
Glasgow
G2 2LN
Development: Residential Development (In Outline)
Location: Land North Of & Including 135-143 Greengairs Road
Greengairs
Airdrie
Lanarkshire
Ward: 45 New Monklands West Councillor Sophia Coyle
Grid Reference: 277335 669998
File Reference: GWG9000135-IJ/LR
Site History: The site is covered by policies GB1:Restrict Development in Green Belt, policy HG9: Existing Residential Area, policy LI1/1: Landscape Improvements and policy CU1/5: Safety Restraint Areas – Landfill Gas in the Monklands District Local Plan 1991. The site should also be assessed in terms of Strategic Policies 9&10 in the Glasgow and Clyde Valley Joint Structure Plan 2000 and with regard to the Metropolitan Development Strategy which seeks to safeguard the Green Belt against the spread of built up areas.
Contrary to Development Plan: Yes
Consultations: Scottish Environment Protection Agency (Objection)
Scottish Water (Objection)
British Gas (No objections)
Scottish Power (No objection)
Representations: 14 Letters of objection
Newspaper Advertisement: 7th December 2005
Recommendation: Refuse for the following reasons:

1. That the proposed residential development is contrary to The Glasgow and the Clyde Valley Structure Plan 2000 in that it represents a significant departure in terms of Strategic Policy 9 A ii & C i and cannot be justified under Strategic Policy 10 in terms of need for residential land, specific locational need or in terms of economic, social or environmental benefit.

2. That the proposed residential development is contrary to the Monklands District Local Plan 1991 specifically policies GB1 Restrict Development in the Greenbelt and HG 10 Residential Development outwith Residential Areas, in that it represents inappropriate development in the countryside in a area of high/good quality landscape (Policy LI1 1&2) not requiring a rural location and unrelated to forestry or agriculture.

NOTE TO COMMITTEE:

If granted, this application will have to be notified to the Scottish Ministers in accordance with the Town & Country Planning (Notification of Applications) (Scotland) Direction 1997 as 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 29th August 2005

Memo from Transportation Section received 22nd November 2005
Letter from Scottish Environment Protection Agency received 3rd October 2005
Letter from Scottish Water received 22nd September 2005
Letter from British Gas received 6th October 2005
Letter from Scottish Power received 22nd September 2005
Letter from Charles Sneddon, 113 Greengairs Road, Wattston, Airdrie, ML6 7SY received 2nd September 2005.
Letter from B Ferguson, 96 Greengairs Road, Wattston, Airdrie, ML6 7SY received 9th September 2005.
Letter from Mr & Mrs H Toye, 2 Meikle Crescent, Wattston, Greengairs received 9th September 2005.
Letter from E Angel, 10 Meikle Crescent, Wattston, Greengairs, ML6 7UQ received 9th September 2005.
Letter from Mr & Mrs R Weir, 4 Meikle Crescent, Wattston, Airdrie, ML6 7UQ received 9th September 2005.
Letter from MS. Y.A. Reilly, 5 Roadside Place, Wattston, Airdrie, ML6 7UF received 9th September 2005.
Letter from C Davis & I Brown, 12 Meikle Crescent, Wattston, Greengairs, ML6 7UQ received 9th September 2005.
Letter from M McCluskey, 8 Meikle Crescent, Hillview Estate, Wattston, Airdrie, ML6 7UQ received 9th September 2005.
Letter from Greengairs Community Council, 429 Greengairs Road, Greengairs, ML6 7TE received 9th September 2005.
Letter from Mr & Mrs C. Brown, 83 Greengairs Road, Wattston, By Airdrie, ML6 7SY received 12th September 2005.
Letter from J Davies, 149 Greengairs Road, Greengairs, By Airdrie, ML6 7SY received 12th September 2005.
Letter from WRG Waste Services Limited, Greengairs Landfill, Meikle Drumgray Road, Greengairs, Airdrie, ML6 7TD received 13th September 2005.
Letter from J Houston, 99 Greengairs Road, Wattston, Greengairs, By Airdrie, ML6 7SY received 13th September 2005.
Letter from Councillor Sophia Coyle, P.O. Box 14, Civic Centre, Motherwell, ML1 1TW received 19th September 2005.

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

Dated: 21 March 2006
APPLICATION NO. C/05/01446/OUT

REPORT

1. **Description of Site and Proposal**

1.1 The application site measures 7.7 hectares and is located on the north side of Greengairs Road at the western edge of the village of Wattston. The majority of the site is made up of open fields although the most easterly section, from which vehicular access onto Greengairs Road is proposed, currently contains a number of properties including residential units, a club and a builder's yard.

1.2 The proposal is seeking permission for outline residential development of the application. Therefore no details have been submitted at this stage as these matters would be considered as part of a subsequent “reserved matters” application should this present submission be approved. Vehicular access to the development site is proposed via a new roundabout arrangement on Greengairs Road which would require the demolition of a number of existing properties including a club and the residential properties at 135-137 Greengairs Road.

2. **Development Plan**

2.1 The site is covered by Policies GB1: Restrict Development in Green Belt, Policy HG9: Existing Residential Area and Policy LI 1 & 2: Landscape Improvement in the Monklands District Local Plan 1991. Policy HG10 Residential Development outwith Residential Areas of the Local Plan is also relevant. The site requires to be assessed against Strategic Policies 9 & 10 of the Glasgow and Clyde Valley Joint Structure Plan 2000 and the aims of the Metropolitan Development Strategy which seeks to safeguard the Green Belt against the spread of built up areas.

3. **Consultations and Representations**

3.1 Following the consultation process the following observations were received:

- **Scotland Gas** – Notes position of service apparatus within vicinity of site.
- **Scottish Power** – Notes position of service apparatus within vicinity of site.
- **Scottish Water** – Objection to proposal although willing to withdraw objection if appropriate conditions are attached to any planning permission in respect of agreement between applicant and Scottish Water for the provision of a drainage and/or water scheme to serve the development.
- **SEPA** – Objection and recommends that planning permission be withheld until SEPA receives clarification from Scottish Water on how the current non-conformities associates with the flow/treatment regime at Greengairs STW (which is currently hydraulically overloaded with no residual capacity to accommodate additional volume of foul flow) are to be resolved. Highlighted that site is within close proximity to a closed hazardous/non-hazardous waste landfill site and as such there are potential implications with respect to landfill gas mitigation.
- **Transportation Section** – No objections subject to conditions including submission of a Transport Assessment (if number of units exceed 100) and preferred location of roundabout which requires to be designed in accordance with Design Manual for Roads and Bridges.

3.2 Following the standard neighbour notification and public advertisement procedures 12 letters of objection were received against this proposal. The relevant points of objection are as follows:
a. The proposed new site access road will result in significant increase in traffic, noise and pollution within the village with potential for congestion and concerns over safety for pedestrians in the area.
b. During construction of the new road and throughout the development phase there will be major upheaval in terms of roadworks, dirt and noise caused by heavy lorries journeying to and from the site.
c. The existing infrastructure is not capable of accommodating such a large scale development.
d. The proposed roundabout will be located in close proximity to a sharp bend and raises safety concerns for potential accidents. This location also affects an existing bus stop as well as a pick up/drop off point for the local primary and secondary schools.
e. The roundabout will detrimentally affect the value of the properties adjacent to it.
f. This new development with its proposed single access road will impact on the road (Greengairs Road) that currently serves the village through increased traffic levels.
g. No assessment of the impact of the development on the surrounding environments appears to have been undertaken and the application is lacking in information sufficient to permit overall consideration of the proposed development.
h. The site is adjacent to several closed landfill waste sites (within 250 metres) and consideration requires to be given by the Applicant to both risk assessment and the need for gas protection measures to the development site together with long term monitoring.

3.3 Greengairs Community Council objected to this proposal as did the local member Councillor Sophia Coyle who objected on the grounds of road safety and the proposal being an infringement of the Green Belt.

4. Planning Assessment and Conclusions

4.1 Under the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, the determination of planning applications should be in accordance with the Development Plan unless material considerations indicate otherwise.

4.2 Under the terms of Strategic Policy 9A, the proposals falls within the scale of development likely to be significant as a departure from the development plan in terms of Schedule 9 i.e. Greenfield Housing Developments of 10 or more units outwith the established Urban Expansion Areas.

4.3 In order to accord with the Structure Plan, development proposals require to satisfy the criteria set out under Strategic Policy 9. Any proposals, which fail to meet these criteria will be regarded as a departure from the Development Plan and will require to be justified against the criteria in Strategic Policy 10. In assessing the current proposal it fails to meet 9A ii, housing need against current supply and 9Ci, infrastructure required.

4.4 In terms of Strategic Policy 10 Aii there is a recognised shortfall to the year 2011 of 250 units, using the 31 March 2004 Land Supply as a base, in the planned supply of housing land in the Airdrie & Coatbridge Housing Sub-Market Area. However, non land supply residential permissions within the Sub-Market Area have resulted in this shortfall being more than satisfied, resulting in a significant surplus of over 500 units. At this time there are alternative sites with planning permission for residential use within the Greengairs/Wattston settlement i.e. Meikle Drumgray Road (137 units), Rankin Crescent (50 units), Hillrigg (12 units) and, consequently, there is no need for the development in terms of any shortfall in housing land.

4.5 In terms of Strategic Policy 10A(v) the proposed residential development does not require a rural location and therefore there is no specific locational need for the development.
4.6 Taken that the application is in outline at this stage and only minimal details have been submitted no submission has been made by the applicants which would allow assessment in terms of the criteria specified in Strategic Policy 10B i.e. Economic/Social/Environmental Benefits.

4.7 Under the terms of Strategic Policy 9C, which requires developers to make appropriate infrastructure provision, the application, being in outline, do not indicate that any provision would be made by the developer in regards to infrastructure, remedial environmental action, and provision of a SUDS scheme with appropriate maintenance measures. It should be noted that SEPA have raised concern over the capability of the existing sewage treatment works to accommodate the additional volume of foul flow arising from this development and have recommended that planning permission is withheld until this issue has been addressed. As such the proposed development would not accord with the terms of Policy 9C.

4.8 In terms of the Monklands District Local Plan 1991(adopted 1995) the application site is located within a Policy GB1 (Green Belt) area which states that no development will be permitted except for; new houses for full time workers in agriculture or forestry; non residential developments in connection with agriculture or forestry and uses requiring a rural location. When considered against the terms of the Green Belt policy the use of the site for unrestricted residential purposes is clearly a non-conforming use and therefore contrary to Green Belt policy.

4.9 Local Plan Policy HG10 is also relevant in that it seeks to limit any (residential) development outwith designated residential areas as defined by Policy HG9, to small development sites identified in Appendix 12 of the Local Plan) or those with particular justification under green belt policy (GB1). In this regard the proposals is considered to be contrary to policy HG10.

4.10 With regard to the points of objection raised I would offer the following specific comments:

a. while it is accepted that the details submitted in respect of the proposed new access roundabout are in draft form, taken the outline status of the application, the Transportation Section are satisfied that such a roundabout can be constructed at the proposed location to the standards required in the Design Manual for Roads and Bridges. The introduction of this new roundabout with the associated road serving the development site would inevitably increase the level of traffic movement around the junction with Greengairs Road although the design of the constructions would have due regard to all safety issues especially pedestrian movement around that junction. Any new roundabout would be designed in a manner as to negate any potential congestion problems either side of the roundabout on Greengairs Road.

b. It is inevitable that during any construction phase there would be an inevitable inconvenience caused due to the movement of construction traffic both within the development site and along Greengairs Road itself. However, this is only a temporary inconvenience and the Council would seek to ensure that adequate precautions are taken during the construction phase to prevent excess dirt etc. being deposited on the public road.

c. The statutory consultation process has established that there is concern, raised by SEPA and Scottish Water, that the existing sewage treatment works at Greengairs cannot accommodate the additional volume of foul flow arising from this development. The applicant has failed to provide any supportive evidence to demonstrate how his development can be served in respect of drainage/surface water disposal. While the application is only in outline and the information available is limited there is a recognised concern over the impact of any development on the existing infrastructure.

d. As per a. above the design of the roundabout would have regard to the adjoining road (Greengairs Road) conditions to ensure maximum safety of movement both for vehicles and pedestrians around the junction.

e. Market value is not a relevant planning consideration.

f. Maintenance of the public road (Greengairs Road) it the responsibility of this Authority and whilst the inevitable increase in traffic movement along that road would be limited, in the
event that this development were to be granted, there would be little effect on the fabric of the road by this increased traffic.

g. This current planning application is seeking solely to establish the principle of acceptability of the proposal use in land use terms and in the event that this application is approved then the detailed aspects of the proposal, including its potential impact on the surrounding environments, would require to be considered at a subsequent “reserved matters” submission.

h. Policy CU1/5 of the Local Plan states that “no development shall be permitted within 250 metres of either operational or completed landfill sites unless it can be demonstrated by way of suitable scientific investigation that the site in question is not producing, and is unlikely at any time in the future to produce, any potential dangerous gases.” As advised in g. above this current submission is only seeking to establish the principle of acceptability of a residential use and should permission be granted then it will be the responsibility of the applicant to bring forward compelling evidence at a subsequent “reserved matters” stage to demonstrate that the site is neither producing or likely to produce potential dangerous gases.

4.11 In conclusion, it is considered that the proposal is a significant departure from the development plan and clearly contrary both to the Structure Plan as assessed under under Strategic Policies 9 & 10 and the Local Plan under Policies GB1 & HG10. There are no relevant material considerations other than the potential impact of this development on the existing sewage infrastructure that have a direct impact on the consideration of this application and therefore I consider the proposal unacceptable on both this basis and on policy grounds. I therefore recommend that planning permission be refused for the stated reasons.

4.12 As this proposal represents a significant departure from the development plan then should the Committee be minded to granted permission then the application would require to be referred to the Scottish Ministers.
Application No: C/06/00265/OUT
Date Registered: 22nd February 2006
Applicant: Mr And Mrs G. Smith
27 Brightside Avenue
Uddingston
Agent: Volero Contracts Ltd
Block 7 Unit 4
Chapelhall Industrial Estate
Airdrie
ML6 8QH
Development: Erection of Two Storey Dwellinghouse
Location: Fernmead Nursery Coltswood House
Gartliston Road
Coatbridge
Lanarkshire
Ward: 33 North Central And Glenboig
Councillor Mary Clark
Grid Reference: 272788 667119
File Reference: C/PL/CTG2400020000/CM/LR
Site History:
97/361 Erection of Dwellinghouse Refused October 1997
95/583 Upfilling/Re-Contouring of Ground Levels, Formation of Car
Park and Play area Granted June 1996
94/454 Use of Vacant Outbuildings as Extension to Nursery Granted
December 1994
90/225 Part Use of Dwellinghouse as Nursery School and Erection of
Rear Extension Granted August 1990.
Development Plan: Under the terms of the Adopted Monklands District Local Plan 1991
the application site is located within an area covered by policy GB1
(Restrict Development in the Greenbelt), CU1/3 gas pipeline safety
zone and LI1/1 High Quality landscape.
Contrary to Development Plan: Yes
Consultations:
Scottish Environment Protection Agency (No Response)
Scottish Water (No Response)
Health and Safety Executive (Comments)
British Gas (Comments)
Scottish Power (Comments)
Representations: One letter of representation.
Newspaper Advertisement: Advertised on 1st March 2006
Recommendation: Refuse for the Following Reasons:-

1. That the proposed dwelling house is contrary to the Monklands District Local Plan 1991 specifically policies GB1 Restrict Development in the Greenbelt and HG 10 Residential Development outwith Residential Areas, in that it represents inappropriate development in the countryside in a area of good quality landscape (Policy L11/2), not requiring a rural location and unrelated to forestry or agriculture.

2. The applicant has failed to demonstrate that there is a locational need for the dwellinghouse and that such a house is essential to the continued operation of the children's nursery school.

3. The proposed dwellinghouse would be accessed from a de-restricted length of Gartliston Road where there are sub-standard width footways, visibility splays and no street lighting and the development of the site would result in an increase in braking and turning manoeuvres to the detriment of road safety.

Background Papers:

Application form and plans received 22nd February 2006
Memo from Transportation Section received 14th March 2006
Letter from Scottish Water received 3rd March 2006
Letter from Health and Safety Executive received 1st March 2006
Letter from British Gas received 3rd March 2006
Letter from Scottish Power received 2nd March 2006
Letter of Representation from Mr Hughes Coltswood House, Gartliston Road, Coatbridge received on 10 March 2006.

Any person wishing to inspect these documents should contact Mr Colin Marshall at 01236 812382.

Dated: 21 March 2006
APPLICATION NO. C/06/00265/OUT

REPORT

1. Description of Site and Proposal

1.1 Planning permission is being sought in outline for the erection of a two-storey dwellinghouse at Fermead Nursery School, Gartliston Road, Coatbridge. This remote site sits to the west of Gartliston Road within a predominantly rural area. Access is taken from the B804, Gartliston Road.

1.2 The Nursery School originally formed part of Coltswood House and has been established since 1990 when part of the house was adapted for use as children’s nursery. Various extensions were added and a new vehicular access was formed in 1995.

1.3 A letter from the applicant’s agents advised that the Fermead Nursery School business now operates separately from Coltswood House following the retirement of the original owner about 2 years ago. The proposed dwellinghouse is required by the new owners of the Nursery for on site security and maintenance purposes relating to the Nursery business. It would be the intention of the applicants to legally tie the proposed house to the nursery business should planning permission be granted.

1.4 There were no indicative plans to identify the type of house required although the agents considered a house design similar in type and scale to Coltswood would be provided.

2. Development Plan


2.2 The application site falls within the Metropolitan Green Belt of The Glasgow and Clyde Valley Joint Structure Plan 2000. Under the terms of the Adopted Monklands District Local Plan 1991 the application site is located within an area covered by policy GBI (Restrict Development in the Greenbelt). The terms of this policy are noted as follows:-

Within areas designated as Green Belt no development will shall be permitted except for:-

a) New Houses for full time workers in connection with forestry or agriculture where the applicant:-

(i) can show that a new house on the site proposed has the support of the Forestry Commission or Department of Agriculture and Fisheries for Scotland

(ii) can show that there is no house, building plot, or building suitable for conversion available nearby or within a nearby settlement

(iii) is willing to enter into a Section 75 Agreement to restrict future occupancy of the house to a full time forestry or agricultural worker.

(iv) Is proposing a development, which conforms to the District Council’s design guidance.

b) Non residential developments in connection with forestry or agriculture

c) Uses requiring a rural location:-

(i) to avoid nuisance to neighbours (e.g. animal boarding kennels)

(ii) since they need large areas of open space (e.g. riding stables or golf courses).

2.3 The application site also falls within a gas pipeline safety zone and under the terms of policy
CU1/3 the application details require to be forwarded to the Health and Safety Executive and British Gas for comments.

3. Consultations and Representations

3.1 Scotland Gas Networks Limited (British Gas) confirmed there is high-pressure apparatus in the vicinity and advised that details of the proposals have been forwarded to their engineers who may respond separately. As yet no response has been received.

3.2 The Health and Safety Executive have requested additional information on the proposal.

3.3 The Transportation Section recommended that planning permission be refused. They advised that visibility splays at the access were poor and increased use of the access by permanent residents would be detrimental to road safety. There is also poor pedestrian provision and no street lighting on this section of Coltswood Road.

3.4 There was one letter of representation from the current owner/occupier of Coltswood House.

- Whilst there was no objection to the erection of a dwellinghouse, there were concerns over its position within the site and its height, particularly if this were to obstruct outlooks and create overshadowing of rear garden area attached to Coltswood House.

4. Planning Assessment and Conclusions

4.1 The terms of Section 25 of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. As noted above, the site falls within an area designated as Green Belt in the Approved Glasgow and Clyde Valley Joint Structure Plan 2000 and falls within an area zoned as GB1 in the Adopted Monklands District Local Plan 1991.

4.2 While the development is not of a scale to be regarded as a significant departure it would be contrary to the aims of the Metropolitan Strategy which seeks to avoid isolated and sporadic development in the Greenbelt and the wider countryside.

4.3 The proposals are also contrary to the terms of local plan policy GB1 (Restrict Development in the Green Belt). The dwellinghouse would not be occupied by either, a full time agriculture or forestry worker, and the current Nursery does not require a full time residential use on site to enable it to operate. The new proposed dwellinghouse cannot be justified in this instance, as there is no locational need for the house at the site.

4.4 A material consideration in this case is that the applicant considers that the proposed dwellinghouse is required to support the continued operation of the children's nursery by allowing on-site management of the building and playground and offer additional security to children attending the nursery. It is on this basis that applicant considers there is a locational need for the dwellinghouse at the site. However, the Nursery has operated separately from Coltswood House for approximately two years and it is considered that there is no operational need for a dwellinghouse to oversee its management. In addition, security measures for visiting children are provided when staff members are present at the school. When the Nursery is closed, the residents of Coltswood House overlook the building and this would offer some indirect security. It is therefore considered that the Nursery does not require a residential use on site and that the provision of a new dwellinghouse cannot be justified.

4.5 The applicant offered to enter into a legally binding agreement with the Council to restrict the occupation of the dwellinghouse to the full time manager of the Nursery, and provide a house
design in keeping with Coltswood House. Whilst such standard provisions would be required for a proposal that is in accordance with the development plan, this proposal is not acceptable and cannot be justified under the terms of the development plan.

4.6 It can be noted the proposed site is located within a high-pressure gas pipe notification zone where there is a presumption against development. However both Scottish Gas and the Health and Safety Executive had not offered a final response to their respective consultations.

4.7 The observations offered by the owner/occupier of Coltswood House can be noted, however if the proposals had been acceptable in principle the site area is large enough to enable a two storey house to be located in an area where there would be no harm to amenity.

4.8 The Transportation Section recommended that planning permission be refused on road safety grounds. The proposed dwelling would lead to increased use of an existing access from a de-restricted length of Gartliston Road, where there is sub-standard width footways, poor visibility splays and no street lighting. The further development of the site would result in an increase in braking and turning manoeuvres to the detriment of road safety.

4.9 As noted above it has been determined that firstly the proposed development is contrary to the aims of the structure plan. Secondly, the proposal are is considered contrary to Local Plan Policy GB1 as the dwellinghouse is not required to support a use associated with forestry or agriculture or which specifically requires a rural location. It has also not been demonstrated that there is a specific need for a permanent residential use at the site for the purposes of providing support for the existing Nursery School. Indeed it has been in operation for some 2 years without a supporting residential use. Third, the proposals would also lead to an increase in traffic using the existing substandard access and this would be detrimental to traffic safety at the locus. It is therefore recommended that planning permission be refused for the reasons noted.
Application No: S/05/01275/AMD
Date Registered: 27th July 2005
Applicant: Mr Brian Kerr
34 Wellview Drive
Motherwell
Lanarkshire
ML1 3ET
Agent: Russell Paterson Associates
27 Bothwell Road
Hamilton
ML3 0AS
Development: Single Storey Rear Extension to Dwellinghouse
Location: 34 Wellview Drive
Motherwell
Lanarkshire
ML1 3ET
Ward: 1 Ladywell
Grid Reference: 274537 657064
File Reference: S/PL/B/13/22/PWS
Site History: S/03/01745/FUL Two-Storey Extension to Dwellinghouse
Approved 19th November 2004
Development Plan: Zoned within an Established Residential Area – Policy HSG 8 in The
Southern Area Local Plan Finalised Draft (Modified 2001 and 2004)
Contrary to Development Plan: No
Consultations: Not Required
Representations: 1 Letter of representation
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.
2. That the facing materials to be used for the external walls and roof shall match in colour and texture those of the existing dwelling.

Reason: To ensure that the proposed extension blends harmoniously with the existing dwelling in the interests of residential amenity.

Background Papers:

Application form and plans received 27th July 2005

Letter from Mr George S & Mrs Janice BM Watters, 36 Wellview Drive, Motherwell, ML1 3ET received 8th August 2005 requesting a Site Visit and Hearing.
Letter from Mr George S Watters And Janice B M Watters, 36 Wellview Drive, Motherwell, ML1 3ET received 22nd August 2005 requesting copies of all correspondence relating to Planning Applications S/03/01745/FUL and S/05/01275/FUL
Letter from Boyds Solicitors representing applicants received 14th September 2005
Letter from Russell Paterson Architects enclosing amended plans received 17th November 2005
Letter from Mr George S Watters, 36 Wellview Drive, requesting copies of all file information from 25th of August 2005 under Freedom of Information Act

The Southern Area Local Plan Finalised Draft (Modified 2001 and 2004)

Any person wishing to inspect these documents should contact Mr Paul Williams at 01698 302091.
APPLICATION NO. S/05/01275/AMD

REPORT

1. Description of Site and Proposal

1.1 This application seeks consent for the extension of 34 Wellview Drive, Motherwell, a semi-detached one and a half storey dwelling. Members may recall that a previous application for a similar proposal received planning permission on 19th of November 2004. However, this consent was unimplementable, as it abutted the mutual boundary line with the adjoining dwelling, 36 Wellview Drive and the owner occupiers would not allow a legal right of access to carry out construction work.

1.2 This application was originally an amended version of the above proposal with the exception that the proposed extension was set back 2 metres from the mutual boundary with no 36. The proposed extension has been subsequently amended to a single storey rear extension to take into account the concerns of the adjoining neighbours at 36 Wellview Drive in terms of overshadowing and overlooking. This amendment application is now for a rear single storey extension measuring approximately 8 metres long by 7 metres wide, with a small conservatory projection to the rear. It has a shallow dual-pitched and hipped roof, which is 4.5 metres at its highest point. It is set back 1.5 metres from the mutual boundary with no 36 reducing to 1.05 metres, 6 metres away from the original rear elevation.

2. Development Plan

2.1 The site is zoned within an Established Residential Area, Policy HSG 8 in the Southern Area Local Plan Finalised Draft (Modified 2001 and 2004).

2.2 The most relevant and applicable policy is HSG 13 (House Extensions). This policy requires assessment of proposed extensions in terms of size, effect on private garden ground, impact on street scene, relationship to neighbouring properties, especially the potential effect on privacy and the amount of daylight and sunlight received.

3. Consultations and Representations

3.1 No consultations were carried out as none were appropriate in this case.

3.2 A letter of objection, including a request for a site visit and hearing, was received from the adjoining household at 36 Wellview Drive regarding the originally proposed one and a half storey extension. The objection was on the following grounds:

- Extension too large/tall
- Overlooking windows
- Effect on daylight and sunlight into rear living room window
- Effect on the existing mutual boundary wall and the roof of no 36 due to close proximity of proposed extension

3.3 No representations have been made following re-notification of the revised proposals.

4. Planning Assessment and Conclusions

4.1 The proposed rear extension as amended, is single-storey with a shallow dual-pitched, hipped...
roof, which has significantly reduced the height and massing of the proposed extension. Additionally, the amended proposal sets the proposed extension back 1.5 metres and 1.05 metres back from the mutual boundary with 36 Wellview Drive.

4.2 The appropriate daylight/sunlight tests have been carried out which demonstrate that the proposal as amended is acceptable. Furthermore, it is considered that there are no issues of overlooking as the amended proposal has two windows on the proposed mutual boundary elevation, one of which is a high level kitchen window and the other an obscured glass bathroom window. It is therefore considered that the proposed extension in its amended form presents no amenity issues for the adjoining dwelling at no 36. Additionally, it should be noted that there are no overlooking issues for the adjacent dwelling at 32 Wellview Drive, due to boundary treatment and that fact that there are no windows on the gable of no 32 at this location.

4.3 The proposed extension, as amended, is considered to be acceptable in terms of scale and design and in keeping with the original design of the dwelling. Additionally, the proposed extension will result in an adequate residual rear garden depth (12 metres) for the dwelling. It is therefore considered that the revised proposal addresses the points of objection to the original scheme as listed in 3.2 above.

4.4 It is therefore considered that the proposed extension, as amended, complies with the aims of Policy HSG 13 in the Southern Area Local Plan Finalised Draft (Modified 2001 and 2004). This application is therefore recommended for approval subject to the application of the appropriate conditions.
Application No: S/05/01642/FUL
Date Registered: 3rd October 2005
Applicant: Allstones Properties Limited
8 Bell Street
Wishaw
Lanarkshire
Agent: Russell Paterson Associates
27 Bothwell Road
Hamilton
ML3 0AS
Development: Erection of Office/Storage Unit
Location: 8 Bell Street
Wishaw
Lanarkshire
Ward: 7 Belhaven
Grid Reference: 279066 655102
File Reference: S/PL/B/10/18(81)
Site History: None.
Development Plan: The application site is designated Areas Primarily for Residential Use in the Burgh of Motherwell and Wishaw Development Plan 1953. The site is within an area designated as IND 8 (Established Industrial and Business Areas) in the Southern Area Local Plan Finalised Draft (Modified 2001 and 2004). Policy IND 9 (Assessing Applications for Industrial and Business Development) also applies.
Contrary to Development Plan: No
Consultations: Scottish Environment Protection Agency (No Objections)
Scottish Water (Objection)
British Gas (No Objections)
Representations: One letter of representation
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.

2. That before the development hereby permitted starts, full details of the facing materials to be used on all external walls and roofs shall be submitted to, and approved in writing by the Planning Authority.
   
   **Reason:** To enable the Planning Authority to consider these aspects in detail.

3. That before the development hereby permitted starts, the applicant shall provide written confirmation to the Planning Authority that all the requirements of Scottish Water, as specified in their letter dated 24th October 2005, have been fully met in respect of providing the necessary site drainage infrastructure to serve the development.
   
   **Reason:** To ensure the provision of satisfactory site drainage arrangements.

4. That before the development hereby permitted starts, a report describing the soil and ground conditions prevailing over the application site (including details of the nature, concentration and distribution of any contaminants), shall be submitted to the Planning Authority and the works required in order to remove or render harmless these contaminants, having regard to the proposed use of the site, shall be agreed in writing with the Planning Authority, and development shall not be commenced until these works have been completed.
   
   **Reason:** To ensure the site is free of contamination.

5. That noise associated with the air conditioning, ventilation system or plant and any other associated noise shall not give rise to a noise level, assessed with windows open, within any dwelling in excess of the equivalent of Noise Rating Curve 35 between 7.00 am and 10.00 p.m. and Noise Rating Curve 25 at all other times.
   
   **Reason:** To safeguard the residential amenity of the area.

6. The office/storage unit hereby permitted shall operate only between the hours of 08:00 and 17:00 unless otherwise agreed in writing by the Planning Authority.
   
   **Reason:** To safeguard the residential amenity of the area.

7. That the new building hereby permitted shall be used primarily for Office (Class IV) / Storage (Class VI) combined usage, unless otherwise approved in writing by the Planning Authority.
   
   **Reason:** To accord with the terms of the application and to enable the Planning Authority to effectively control the future use of the site in the interests of the amenity of the area.

8. That before the development hereby permitted is brought into use the access and all of the parking and manoeuvring areas to serve the existing and proposed development as shown on the approved plans shall be levelled, properly drained, surfaced in a material which the Planning Authority has approved in writing before the start of surfacing works, and clearly marked out and shall, thereafter, be retained to the satisfaction of the Planning Authority and Roads Authority.
   
   **Reason:** In the interests of road safety and residential amenity.
Background Papers:

Application form and plans received 3rd October 2005, letter from applicant received 21st November 2005 and amended plans received 7th March 2005.


Letter from Mr & Mrs J Dundas, 9 Bell Street, Wishaw, ML2 7NU received 8th December 2005.

Southern Area Local Plan Finalised Draft (Modified 2001 and 2004)

Any person wishing to inspect these documents should contact Mr Edward McLennaghan at 01698 302137.

Date: 16 March 2006
APPLICATION NO. S/05/01642/FUL

REPORT

1. **Description of Site and Proposal**

1.1 Planning permission is sought for the erection of a new office/storage unit at 8 Bell Street, Wishaw.

1.2 The site is on the northern side of Bell Street located within an existing industrial area and would be located in the yard area to the south of the existing workshop unit. The site is bounded by industrial units to the north and east, a gap site to the west which has planning consent for the Erection of 42 Flatted Dwellings and 10 Dwellinghouses with Associated Car Parking and Landscaping (Ref 04/01878/FUL) and by existing residential dwellings to the south of Bell Street.

1.3 The proposed office/storage unit will measure 72 square metres and will be two storeys, 7.6 metres in height, incorporating a workshop and storage area on the ground floor and offices and reception on the first floor. The office/storage unit will be constructed in materials to match the existing workshop and boundary wall. The proposed development will also provide a yard area of some 200 square metres which will incorporate a turning area and three parking spaces. The new unit is to be occupied by a property investment company. The main use would be as a base for the property maintenance and development staff. The building would be used primarily for storage of equipment and administration with some occasional fabrication of windows and doors. The first floor will provide office accommodation for the business.

2. **Development Plan**

2.1 The application raises no strategic issues and can therefore be assessed in terms of local plan policies.

2.2 The application site is designated Areas Primarily for Residential Use in the Burgh of Motherwell and Wishaw Development Plan 1953.

2.3 The site is covered by Policy IND 8 (Established Industrial and Business Areas) in the Southern Area Local Plan Finalised Draft (Modified 2001 and 2004). Policy IND 8 seeks to retain the existing character of established industrial and business areas. Policy IND 9 (Assessing Applications for Industrial and Business Development) is also relevant and outlines the criteria that the Council will take into account when considering applications for industrial and business development. Policy TR 13 (Assessing the Transport Implications of Development) is relevant and states the transportation criteria to be assessed for any new development.

3. **Consultations and Representations**

3.1 The Transportation Team Leader has recommended refusal of this application. He indicates that the access for each of the premises is less than 3.5m in width which is insufficient to allow 2 vehicles to pass each other successfully. Bay 1 shown for the existing workshop is impractical to allow a vehicle to manoeuvre to and from the bay successfully. The turning area shown for each unit is impractical for the largest vehicle likely to serve each unit to manoeuvre and load without posing an obstruction to vehicles wishing to manoeuvre to and from the designated parking bays.

3.2 The Protective Services section has offered no objection subject to a condition regarding limits upon noise from the premises. Given the hours of operation and the mainly office/storage use a
noise assessment was not deemed necessary. It is recommended that a contamination report be submitted.

3.3 Scottish Water has objected to the application on the basis that the applicant must reach an agreement with Scottish Water for the provision of drainage and/or water scheme to serve the development. They have indicated this can be considered as withdrawn if a suitable condition is imposed to address this matter.

3.4 SEPA and Transco have made no objection to the application.

3.5 One letter of objection from the neighbouring property at 9 Bell Street, Wishaw has been received. The main points of objection can be summarised as follows:

- Concerns relating to the visual prominence of the workshop given its higher profile and closer proximity to the objector's property. Also that by moving the development closer to their property there would no longer be as much protection from the industrial properties.
- Concerns relating to potential noise levels and increased manufacturing levels.

4. Planning Assessment and Conclusions

4.1 Planning decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise. The main considerations in assessing this application are whether or not it accords with local plan policy and the impact on the amenity of surrounding properties.

4.2 Policy IND 8 (Established Industrial and Business Areas) of the Southern Area Local Plan Finalised Draft (Modified 2001 and 2004) indicates that the Council will seek to retain the existing character of such areas by safeguarding existing uses and supporting the development of General Industrial, Distribution, Storage or Class 4 Business Uses where appropriate. The proposed use of the site for an office/storage unit therefore accords with the zoning of the site for business and industry.

4.3 Policy IND 9 (Assessing Applications for Industrial and Business Development) of the Southern Area Local Plan Finalised Draft (Modified 2001 and 2004) outlines the following criteria which should be taken into account when assessing applications for Business and Industrial Developments:

- Whether the proposal is located within an Established Industrial and Business Area or on a site forming part of the land supply for industry and business.
- The extent to which vacant and derelict land is to be reused.
- Whether significant economic benefit is offered to the Plan area.
- Suitability to the character of the area within which it is set.
- Detailed design elements such as building height, materials and positioning.
- Provisions made for landscaping, screening, fencing and security.
- Provisions made for servicing, access, vehicle circulation, manoeuvring and parking.

4.4 The proposed workshop will be located in an established industrial area and will utilise excess yard area not used by the existing office/storage unit. The applicant intends to lease or sell the existing unit and will move to the proposed smaller unit, which more adequately meets the needs of the business. The intended use accords with the industrial and business zoning and is likely to bring employment benefits to the area. The existing area is characterised by a mix of residential and industrial/business uses. The development is therefore considered to be acceptable at this location. As indicated above Pollution Control have raised no objections subject to an appropriate condition. The proposed design of the office/storage unit is considered
acceptable, as it will incorporate materials to match the existing workshop and boundary wall. The building will benefit from the existing screening and fencing already located on site helping to ameliorate the noise impact on the adjacent neighbouring residential properties. The site has an access and existing yard area measuring 200 square metres incorporating 3 parking bays and turning areas. The provision made for access, parking etc is discussed in section 4.6 below. The proposed office/storage unit will have a minimal impact on the adjacent residential properties and meets the requirements of policy IND 9.

4.5 Policy TR 13 (Assessing the Transportation Implications of Development) of the Southern Area Local Plan Finalised Draft (Modified 2001 and 2004) outlines the following criteria which should be taken into account when assessing the transportation implications of development:

- The level of traffic generated and its impact on the environment and adjoining land uses.
- The scope to integrate development proposals with existing public transport facilities.
- Impact of the development on road traffic circulation and road safety.
- The provisions made for access, parking and vehicle manoeuvring

4.6 The applicant has shown 3 parking bays and turning areas for both the existing and proposed industrial units. Based on the size of the proposed development and the information supplied by the applicant, I am satisfied that the proposed office/storage unit will have a minimal impact on traffic generated and will provide sufficient access, parking and vehicle manoeuvring. It should be noted that the adjacent workshop premises do not benefit from individual yard space, parking or turning areas. Although that the site cannot meet the requirements of the Transportation Section and does not fully accord with policy TR13, it is not considered that this merits a refusal of the application.

4.7 In terms of the concerns raised by the objector, I would respond as follows:

- With regard to the visual prominence and proximity of the office/storage unit, it is considered there will be a minimal impact on the objector's property. The proposed office/storage unit will be located some 20 metres from the objector's dwelling and will incorporate materials to match the existing workshop. It is therefore considered that given the industrial nature of the area an additional unit located in the proposed position will have a minimal impact in terms of visual outlook. The office/storage unit measures 7.6 metres in height but will have no impact on the neighbouring residential properties in terms of overshadowing given that it is located to 20 metres to the north of the dwellings.
- I acknowledge the concerns raised by the objector relating to potential for noise and disturbance. However, I am satisfied that with suitable conditions to restrict the use of the premises to mainly an office/store, to limit the hours of operation and to impose noise limits, the development will not significantly affect the surrounding residential properties.

4.8 In conclusion the proposal is in accordance with local plan policies IND 8 and IND 9 of the Southern Area Local Plan Finalised Draft (Modified 2001 and 2004). The proposed office/storage unit will be located in an existing industrial area and will incorporate a design which matches the surrounding industrial units. With suitable conditions applied the office/storage unit is likely to have a minimal impact on the surrounding residential properties. Although the proposed development does not fully comply in terms of local plan policy TR13 and the Transportation team leader recommends refusal, I consider that it would be unreasonable to refuse permission in this case given the nature of the site and surrounding area. Notwithstanding the points raised by the objector, I recommend that permission is granted.
Application No: S/05/01952/FUL
Date Registered: 28th November 2005
Applicant: J R Dalziel Ltd
8 Beligowan Street
Bellshill
ML4 3NS
Agent: Thomas Design Architects
244 Kittochside Road
Carmunnock
Glasgow
Development: Extension to Existing Warehouse/Yard and Associated Parking
Location: 8 Beligowan Street
Bellshill Industrial Estate
Bellshill
Lanarkshire
ML4 3NS
Ward: 24 Bellshill North - Councillor Harry McGuigan
Grid Reference: 273036 661457
File Reference: S/PL/B/7/25
Development Plan: The site is zoned as policy H2 (Housing) in the Bellshill and Mossend Local Plan 1985. The site is situated within an area covered by Policy IND8 (Established Industrial and Business Areas) Policy L3 (Protected Open Space) in the Southern Area Local Plan Finalised Draft (Modified 2001 & 2004)
Contrary to Development Plan: Yes
Consultations: Scottish Water (Conditions)
Representations: None
Newspaper Advertisement: 2nd March 2006
PLANNING APPLICATION No. S / 05 / 01952 / FUL

ERECOTION OF EXTENSION TO EXISTING WAREHOUSE.

8 BELGOWAN STREET, BELLSHILL INDUSTRIAL ESTATE, BELLSHILL.

* Representation
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.

2. That before the development hereby permitted starts, full details of the facing materials to be used on all external walls and roofs shall be submitted to, and approved in writing by the Planning Authority.

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

3. That before the development hereby permitted is brought into use, all the parking and manoeuvring areas shown on the approved plans, shall be levelled, properly drained, surfaced in a material which the Planning Authority has approved in writing before the start of surfacing work and clearly marked out, and shall, thereafter, be maintained as parking and manoeuvring areas.

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

4. That before the development hereby permitted starts, the applicant shall provide written confirmation to the Planning Authority that all the requirements of Scottish Water have been fully met in respect of providing the necessary site drainage infrastructure to serve the development.

   **Reason:** To ensure the provision of satisfactory site drainage arrangements.

5. That before development 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 Environmental Protection Agency's (SEPA) principles of Sustainable Urban Drainage Systems (SUDS).

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

6. That before the development hereby permitted starts, a scheme of landscaping, including boundary treatment, shall be submitted to, and approved in writing by the Planning Authority, and it shall include:
   (1) details of any earth moulding and hard landscaping, grass seeding and turfing;
   (2) a scheme of tree and shrub planting for the areas outlined GREEN on the approved plans, incorporating details of the location, number, variety and size of trees and shrubs to be planted;
   (3) an indication of all existing trees and hedgerows, plus details of those to be retained, and measures for their protection in the course of development.

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

7. That within one year of the occupation of the hereby permitted, all planting, seeding, turfing and earth moulding included in the scheme of landscaping and planting, approved under the terms of condition 6 above 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:** To ensure proper implementation of the landscaping scheme.

8. That before the development hereby permitted starts, a report describing the soil and ground
conditions prevailing over the application site (including details of the nature, concentration and
distribution of any contaminants), shall be submitted to the Planning Authority and the works
required in order to remove or render harmless these contaminants, having regard to the
proposed use of the site, shall be agreed in writing with the Planning Authority, and development
shall not be commenced until these works have been completed.

**Reason:** To enable the Planning Authority to consider these aspects in detail and to ensure that
the site is free from contamination.

9. That before the development hereby permitted starts, tree protection measures in accordance
with British Standard BS 5837 shall be erected along the drip line of the trees, as shown hatched
blue on the approved plans, and shall not be removed without the approval in writing of the
Planning Authority.

**Reason:** To safeguard the residential amenity of the area.

10. That no trees or shrubs within the area hatched blue shall be lopped, topped, felled, or otherwise
affected, without the approval in writing of the Planning Authority.

**Reason:** To safeguard the amenity of the area.

11. That before the development hereby permitted starts, full details of the design and location of all
fences and walls to be erected on the site shall be submitted to, and approved in writing by the
Planning Authority.

**Reason:** To enable the Planning Authority to consider these aspects in detail and in order to
protect the visual amenity of the area.

**Note to Committee:**

If granted this application will require to be referred to the Scottish Ministers in accordance with the
Town and Country Planning (Notification of Applications)(Scotland) Direction 1997 as the Council has
an interest in the site and the proposed development is partly contrary to the Southern Area Local Plan
Finalised Draft (Modified 2001 and 2004).

**Background Papers:**

Application form and plans received 28th November 2005. Revised plans received 13th February 2006.

Memos from Transportation Manager received 19th December 2005 and 20th February 2006
Memo from Geotechnical Team Leader received 8th February 2006
Letter from Scottish Water received 21st February 2006

Letter from Iain Siekman, Managing Director, Howden Electro Heating, 10-12 Belgowan Street, Bellshill
Industrial Estate, Bellshill, ML4 3NS received 12th January 2006.

Southern Area Local Plan Finalised Draft (Modified 2001 and 2004)

Any person wishing to inspect these documents should contact Mrs Lesley Carus on 01698 302137.

**Date:** 21 March 2006
Description of Site and Proposal

Planning permission is sought for an extension to an existing industrial unit and yard and the provision of additional parking areas at 8 Bellgowan Street, Bellshill Industrial Estate.

The existing industrial unit is located to the eastern boundary of the Industrial estate and is bounded by Industrial and Distribution units on three sides and open space to the east. The site is relatively flat and presently benefits from screening by mature Birch trees which run along the eastern edge of the existing site.

The existing site is approximately 0.46 Hectares in area, and in order to facilitate the extension and additional car parking, a further 0.21 hectares of land has been purchased by the developer from North Lanarkshire Council. This land is currently an area of tree and shrub planting which separates the industrial area from a football pitch and public open space.

The proposed extension to the industrial unit will measure 530 square metres in area, will be 8.4 metres at its highest point and will be finished in materials to match the existing unit. It is also proposed to demolish a section of the existing unit to incorporate access for additional parking areas within the site. It is also proposed to alter the entrance to the site to have two entrances; one for staff and visitor parking and one for heavy goods vehicles and workforce parking. Much of the extension area will incorporate parking and access to that parking. The area to the east of the service yard will incorporate an additional 20 parking spaces, and much of the area to the north of these parking bays will be retained as landscaped open space.

Development Plan

The application raises no strategic issues in terms of the Structure Plan and can therefore be assessed in terms of local plan policies.

The site is zoned as Policy H2 (Housing) in the Bellshill and Mossend Local Plan 1985. More contemporary is the Southern Area Local Plan Finalised Draft (Modified 2001 and 2004) which zones the site as IND 8 (Established Industrial and Business Areas) and Policy L3 (Protected Open Space). Policy IND 9 (Assessing Applications for Industrial and Business Development) is also relevant in this instance as is policy TR13 (Assessing the Transport Implications of Development).

Consultations and Representations

The Transportation Team Leader has no objections.

The Geotechnical Team Leader has no objections subject to the development according with the Scottish Environmental Protection Agency's (SEPA) principles of Sustainable Urban Drainage Systems (SUDS).

Scottish Water have no objections on the basis that the applicant makes a separate application to Scottish Water for connection to the public wastewater system.
4. **Planning Assessment and Conclusions**

4.1 In accordance with Section 25 of the Town and Country Planning (Scotland) Act 1997, planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise.

4.2 Policy IND 8 indicates that the Council will seek to retain established industrial areas and support further development. As the proposed development seeks to retain and upgrade an existing site used for industrial purposes, the development is in accordance with Policy IND 8.

4.3 Policy L3 indicates that the council will seek to protect from development formal and informal public and private open space by resisting proposals which would adversely affect such spaces. However, the area of open space in question is of little aesthetic value. The shrubs and trees are not well maintained and the whole area suffers from litter problems. Therefore, it is considered that the expansion of the industrial site within the protected open space is acceptable given that the site in question offers no recreational value and the nearest dwellinghouse is some 120 metres distant from the site. It should also be noted that given the constraints of the site, the applicants have no option but to expand their operation into the protected open space area other than to relocate their business.

4.5 Policy IND 9 of the Southern Area Local Plan Finalised Draft (Modified 2001 and 2004) outlines the following criteria that should be taken into account when assessing applications for Business and Industrial Developments:

- Whether the proposal is located within an Established Industrial and Business Area or on a site forming part of the land supply for industry and business.
- The extent to which vacant and derelict land is to be reused.
- Whether significant economic benefit is offered to the Plan area.
- Suitability to the character of the area within which it is set.
- Detailed design elements such as building height, materials and positioning.
- Provisions made for landscaping, screening, fencing and security.
- Provisions made for servicing, access, vehicle circulation, manoeuvring and parking.

4.6 The acceptability of the proposal in land use terms is considered in paragraphs 4.2 and 4.3 above. The proposed design of the extension and layout of the site are considered acceptable, and the extension will be finished in materials to match the existing industrial unit. The extension will benefit from some screening already located on site; however, it is accepted that most of the existing screening will be lost and as such, additional screening will be required as part of additional landscaping conditions proposed. The proposed development is therefore considered acceptable when assessed against the criteria of policy IND 9.

4.7 The Transportation Team Leader has assessed the proposals and has offered no objections with respect to the access, existing yard area, and parking proposed. The application therefore accords with policy TR 13 of the Southern Area Local Plan Finalised Draft (Modified 2001 and 2004) and is considered acceptable.

4.8 In conclusion, the proposal is in accordance with local plan policies IND 8, IND 9, and TR 13 of the Southern Area Local Plan Finalised Draft (Modified 2001 and 2004). Despite part of the proposal being within an area designated as Policy L3 (Protected Open Space), it is considered that this open space is not useable amenity space due to the poorly maintained shrubs and trees within the site, and offers little aesthetic benefit to the surrounding area. In addition, the conditions of this consent require the submission of a landscaping and maintenance scheme for the remaining area of open space and this will ensure the environmental impacts of the proposal will be minimised. It is therefore recommended that permission be granted.
Application No: S/05/02091/FUL
Date Registered: 22nd December 2005

Applicant: C & F Car Sales
C/o 12 Beveridge Terrace
Mossend
Bellshill
ML4 2RJ

Agent: Stanley C Cook
12 Beveridge Terrace
Mossend
Bellshill
ML4 2RJ

Development: Erection of Flatted Development Comprising 4 Flats, Formation of Access and Parking

Location: Land At
1-3 Edward Street
Motherwell
Lanarkshire

Ward: 12 Knowetop
Councillor William Wilson JP

Grid Reference: 275800 656021

File Reference: S/PL/B/12/19

Site History: S/04/02269/OUT – Residential Development in Outline (In the Form of Two and a Half Storey Block of 4 Two Bedroom Flats) granted 13th April 2005

580/92 – Erection of a Pair of Semi-Detached Dwellings approved in March 1993 (not implemented)

Development Plan: The site is zoned as RTL 6 (Secondary, Village and Neighbourhood Commercial Areas) within the Southern Area Local Plan Finalised Draft (Modified 2001 and 2004).

In the Burgh of Motherwell and Wishaw Development Plan 1953 the site lies within a wider area zoned for public open space.

Contrary to Development Plan: No

Consultations: Scottish Environment Protection Agency (Objection)
Scottish Water (Objection)
British Gas (No Objection)
Scottish Power (No Response)

Representations: 1 Representation Letter

Newspaper Advertisement: Not Required
PLANING APPLICATION No. S/05/02091/FL

ERECTION OF FLATTED DEVELOPMENT, COMPRISING FOUR FLATS AND FORMATION OF ACCESS AND PARKING.

LAND AT 1-3 EDWARD STREET, MOTHERWELL.

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

1. That the development hereby permitted shall be started not later than three years from the date of this permission.

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

2. That before the development hereby permitted starts, full details of all external materials to be used in construction, including walls, roof, 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 detail.

3. That before the development hereby permitted starts, full details of all external materials the design and location of all fences and walls to be erected on the site shall be submitted to, and approved in writing by the Planning Authority.

Reason: To ensure that the boundary walls and fences are appropriate to the site and the general area.

4. That before the development hereby permitted starts, a scheme of landscaping including boundary treatment 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 for the location, number, variety and size of trees and shrubs to be planted.

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

5. That before the occupation of the last flatted dwellinghouse within the development hereby permitted, all planting, seeding, turfing and earth moulding included in the scheme of landscaping and planting, approved under the terms of Condition 4 above, 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: To ensure that the landscape is appropriate for the site and the general area.

6. 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:-

(a) the proposed parking areas;
(b) the proposed grassed, planted and landscaped areas; and
(c) the proposed fences/walls to be erected along the boundaries.

Reason: To ensure the effective future maintenance in the interests of amenity of future residents and the visual amenity of the area.
7. That the management and maintenance of the scheme approved under Condition (6) above shall be implemented concurrently with the timing and phasing of the works shall be in place before any of the flats hereby permitted are occupied.

Reason: In the interests of the amenity of future residents.

8. That before any development commences on site written confirmation shall be submitted to the Planning Authority that the drainage works are able to be carried out to the satisfaction of Scottish Water and the Scottish Environmental Protection Agency and shall comply with appropriate good practice and design guidance in respect of Sustainable Urban Drainage Systems and before any dwelling is occupied written confirmation shall be submitted to the Planning Authority that these works have been completed to the satisfaction of Scottish Water and SEPA.

Reason: In the interests of amenity and public health in relation to the drainage of dwellings, gardens and all hard surfaces.

9. That before the development starts, the applicant shall provide written confirmation to the Planning Authority that all the requirements of Scottish Water and SEPA stated in their letters dated 16th and 30th January 2006, have been fully met in respect of providing the necessary site drainage infrastructure and water supply to serve the development.

Reason: To ensure the provision of satisfactory site drainage arrangements.

Background Papers:

Application form and plans received 22nd December 2005
Memo from Transportation Manager received 27th January 2006
Letter from Scottish Environment Protection Agency received 30th January 2006
Letter from Scottish Water received 16th January 2006
Letter from British Gas received 12th January 2006
Letter from J Higgins, 71 Manse Road, Motherwell, ML1 2PW received 12th January 2006.
Southern Area Local Plan Finalised Draft (Modified 2001 and 2004)

Any person wishing to inspect these documents should contact Mrs Marlaine Lavery at 01698 302099.

Date: 16 March 2006
APPLICATION NO. S/05/02091/FUL

REPORT

1. Description of Site and Proposal

1.1 The application relates to the erection of a flatted development comprising 4 Flats and formation of access and parking at 1-3 Edward Street, Motherwell. The application is a reserved matters submission associated with the previous granting of an outline application for four flats at this site (S/04/02269/OUT). The application site of 0.05 hectares lies on the north side of Edward Street between the Fir Park Social Club and the rear of two storey terraced properties fronting Manse Road. Opposite are other two storey terraced dwellings in Edward Street. The application site currently has the appearance of derelict garden ground and lies to the rear of the Manse Road properties from which the land has been sold.

1.2 The building will have a hipped gable roof with an eaves height of approximately 6.2 metres. The upper flats will have a bedroom in the roof space and as a result there will be 4 No. velux windows on the front elevation, 2 No on the rear elevation and a velux rooflight on the hipped gable roof at each side. The windows on the gable of the roof will provide light to the staircase.

1.3 As stated above, outline planning permission for a 2½ storey block of 4 No. 2 two bedroom flats was granted in April 2005. An indicative plan was submitted and approved at the outline stage showing the block centrally located within the site and provision for 6 parking spaces, 4 spaces to the front with 2 spaces to either side of the flats. The block of flats is in the same position on the detailed plan, however the footprint is slightly wider than shown on the outline consent and as a result the car parking spaces are to the front of the building.

1.4 The original plans submitted for the reserved matters application depicted 4 No. flats, as in the outline, however the two upper flats comprised of 3 bedrooms, instead of 2 bedrooms. This would require a further 2 car parking spaces, however the plans have since been amended and the proposal now consists of 4 No. 2 bedroom flats as per the outline consent.

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 within a wider area for public open space within the Burgh of Motherwell and Wishaw Development Plan 1953.

2.3 The site is covered by policy RTL 6 (Secondary, Village and Neighbourhood Commercial Areas) within the Southern Area Local Plan Finalised Draft (Modified 2001 and 2004).

2.4 Also relevant is Policy TR 13 (Assessing the Transportation Implications of Development). This Policy seeks to ensure that when assessing an application for a new development, consideration is given to the level of traffic generated and its impact on the environment and adjoining land uses and the provisions made for access, parking and vehicle manoeuvring.

3. Consultations and Representations

3.1 My Transportation Section had commented that the parking provision for the proposed flats was unacceptable as the original plan showed that the two upper flats had 3 No. bedrooms, however
the plans have since been amended reducing the flats to 2 bedrooms and the parking provided now meet, Transportation's requirements.

3.2 No objections were received from the utility bodies consulted, with the exception of Scottish Water. They objected to the proposal on the grounds of providing infrastructure to allow the development to drain into the public sewerage system. This is due to the cost of providing such infrastructure being outwith Scottish Water's "reasonable cost" obligations. They also objected due to capacity issues at Daldowie and potential water supply problems. However, they confirm that they would withdraw their objection if the applicant bore the cost of the increase of the existing infrastructure and/or promoted a scheme which did not compromise the quality and quantity of discharge in terms which were satisfactory to them.

3.3 SEPA have objections to the proposal and state that Carbarns sewage treatment works is constrained with no spare capacity. However, they advise that the works may be subject to upgrade as part of Scottish Water's next investment programme, which in the long term could address their concerns. They advise that they may withdraw this objection if the applicant provides confirmation that a sewer connection can be achieved in agreement with Scottish Water. SEPA ask that any planning permission granted should contain a condition requiring the applicant to treat surface water from the site in accordance with the principles of Sustainable Urban Drainage Systems. SEPA also suggest that contamination may be an issue at this site and that a site investigation may be required.

3.4 One letter of objection was received from a neighbour at 71 Manse Road, Motherwell. The points of objection are summarised as follows:

(1) The site was originally intended for 2 flats why has this become 4;
(2) The residents of the new flats and their visitors may need more than 6 car parking spaces. If this is the case people may park on the road and this could be a serious problem for the site as it is adjacent to the Fir Park Social Club and close to Fir Park Football Stadium;
(3) There are existing problems with flooded drains at the shops on Manse Road and unless they are upgraded or replaced this situation can only worsen;
(4) That the objectors flat will be overshadowed particularly during the winter months when the sun is lower in the sky as the building is now 3 1/2 storeys high.
(5) That the objectors privacy will be affected as there will be people looking out of at least 9 windows straight into his flat and back garden.

The objector also asks if the proposal meets the Councils requirements on open space.

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. The primary issues to be considered here are the compliance with the relevant development plan policies and the affect the proposal will have on the surrounding area.

4.2 As stated above the site is zoned for public open space within the Burgh of Motherwell and Wishaw 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 policy relating to this site is RTL 6 (Secondary, Village and Neighbourhood Commercial Areas) within the emerging Southern Area Local Plan, which supports appropriate commercial and complementary uses on such land and the improvement of the environment. As stated above outline planning permission for residential use has been granted on this site and therefore the principle of a residential development has been considered acceptable.
4.3 Policy HSG 11 (Infill Housing Development) is also relevant and sets out criteria when considering planning applications for infill residential developments including the impact of the proposal on the character and amenity of the surrounding area as well as detailed design matters. The proposal complies with the indicative drawing approved at outline stage and the conditions set out at this stage. The proposed development is of a scale and design that is sympathetic to the surrounding residential area which comprises mainly of traditional flatted dwellings. The proposal does not significantly affect the amenity of the surrounding residential properties by way of privacy, sunlight/daylight. I therefore consider that the proposal is acceptable at this location and that Policy HSG 11’s requirements for infill housing developments are met.

4.4 There is adequate car parking provision and my Transportation Team have no objection to the proposal. The proposal therefore complies with Policy TR 13 (Assessing the Transportation Implications of Development).

4.5 The objections raised by Scottish Water and SEPA can mostly be met by way of conditions. SEPA have commented that the site may be contaminated, however the site history shows that the site has never been used for any other use other than residential or residential garden ground. In this case I do not consider it reasonable to request a site investigation report.

4.6 In response to the points of objection given above I would comment as follows:

(1) As stated above planning permission was granted in March 1993 for a pair of semi-detached dwellings on the site. The proposal was never implemented and permission was subsequently granted for 4 flats at the site.

(2) The proposal has been assessed with regard to parking provision and meets the Council's parking standards which requires one space for each of the 4 flats and 2 visitor parking spaces.

(3) The history of drainage and flooding problems in the area is a matter which can be met by conditions requiring the drainage to be of a standard acceptable to Scottish Water and SEPA.

(4) The proposed block will have an eaves height of 6.2 metres which is similar in height to the older two storey terraced properties immediately to the west and south of the site. The objectors garden lies to the west of the site and will be approximately 8 metres from the proposed development. It is not considered that the proposed block of flats will overshadow the objectors garden. However, in the winter months when the sun is lower it may overshadow part of the objectors garden, however it will be a very small portion in relation to the objectors overall garden. I do not consider it reasonable to refuse the proposal as planning permission has previously been granted for a similar development.

(5) There will be no direct overlooking of the objectors flat as it is situated to the west of the proposed flats. There will be windows overlooking the objectors garden, however as stated above the windows will be 8 metres from the objectors garden and it is not unusual within a residential area to have neighbouring windows overlooking garden areas.

The objector also asks if the proposal meets the Council's open space standards. The open space guidelines requires 20 square metres of garden space per bedroom. In this case there are 8 bedrooms which would require 160 square metres of garden ground. The proposal provides approximately 187 square metres of garden area which is adequate for this proposal.

4.7 In conclusion, I am satisfied that the design, scale and impact of the proposed development is acceptable from a planning viewpoint and that the proposal is therefore in compliance with the development plan and the conditions of the approve outline consent. Notwithstanding the objections raised by the neighbour at 71 Manse Road and, for the reasons stated above, it is recommended that planning permission be granted subject to conditions.
Application No: S/06/00088/FUL
Date Registered: 1st February 2006
Applicant: Ladbrokes Ltd
28 La Porte Precinct
Grangemouth
Stirlingshire
FK3 8BG
Agent: Richard Raper Planning Ltd
82a Otley Road
Headingley
Leeds
LS6 4BA
Development: Change of Use from (Class 1) Vacant Shop to (Class 2) Licensed Betting Office, Installation of a Shopfront, and Retrospective Subdivision of Retail Unit
Location: 2-8 Shottskirk Road
Shotts
Lanarkshire
ML7 4AB
Ward: 20 Benhar
Councillor Charles Cefferty
Grid Reference: 286886 659995
File Reference: S/PL/BF/17/48 (4) (73)
Site History: No applications of relevance.
The opticians unit forming the northwestern part of the application site was created by subdivision some years ago, and the current application seeks retrospective planning permission for this.
Development Plan: The site is zoned within an area of mixed land use in the Shotts Local Plan 1982.
The site is covered by Policy RTL 6 (Secondary, Village and Neighbourhood Commercial Areas) in the Southern Area Local Plan Finalised Draft (Modified 2001 and 2004).
Contrary to Development Plan: No
Consultations: No external consultations
Representations: None
Newspaper Advertisement: 8th February 2006
PLANNING APPLICATION No. SI06/00088

CHANGE OF USE FROM (CLASS 1) VACANT SHOP,
TO (CLASS 2) LICENSED BETTING OFFICE AND
INSTALLATION OF SHOPFRONT.

2-8 SHOTTSKIRK ROAD, SHOTTS.
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.

Background Papers:

Application form and plans received 24th January 2006 and amended plan and letter received 16th March 2006

Memo from Traffic and Transportation Team Leader received 28th February 2006
Memo from Head of Protective Services received 24th February 2006

Southern Area Local Plan Finalised Draft (Modified 2001 and 2004)

Any person wishing to inspect these documents should contact Miss Heather Gebbie at 01698 302102.

Date: 16 March 2006
APPLICATION NO. S/06/00088/FUL

REPORT

1. Description of Site and Proposal

1.1 Planning permission is sought for a Change of Use from a Class 1 Retail unit to a Class 2 Licensed Betting Office and the installation of a Shopfront at 2-8 Shottskirk Road, Shotts. The application site comprises the ground floor of a two storey commercial building. This building comprises of two retail units, and an optician has occupied the unit on the northwestern side for some years, without the benefit of planning permission. The current application seeks retrospective consent for this subdivision. The site is bounded by a service access road to the north, car park to the east, Station Road to the west and a public house to the south.

1.2 The site of the change of use application was formerly occupied by retail operator “Your More Store”, however it has been vacant since December 2004. The applicant seeks planning permission in order to relocate from their existing smaller, betting office, which lies approximately 40 metres to the south west of the current application site. It should be noted that there is only pedestrian access from Station Road and Shottskirk Road to the application site. The applicant proposes the installation of new green/blue powder coated aluminium shopfront, shutters and door, with silver finished aluminium stallriser, cream ceramic tiles on three pilasters and a pavement ramp.

2. Development Plan

2.1 This application raises no strategic issues and can therefore be assessed in terms of Local Plan policies.

2.2 The site lies within an area of mixed land use in the Shotts Local Plan 1982.

2.3 The site is covered by RTL 6 (Secondary, Village and Neighbourhood Commercial Areas) in the Southern Area Local Plan Finalised Draft (Modified 2001 and 2004). Policy RTL 11 (Assessing Applications for Bad Neighbour Development) and Policy TR 13 (Assessing the Transport Implications of Development) are also relevant.

3. Consultations and Representations

3.1 My Transportation Section has no objections to this application. They commented that there are existing waiting restrictions in place on Shottskirk Road.

3.2 My Protective Services have no objections in relation to this proposal.

3.3 Following the press advertisement and neighbour notification procedure, no letters of representation have been received in relation to this application.

4. Planning Assessment and Conclusions

4.1 In accordance with Section 25 of the Town and Country Planning (Scotland) Act 1997, planning decisions must be in accordance with the development plan unless material considerations indicate otherwise.
The main local plan policy relevant in the determination of this application is Policy RTL 6 (Secondary, Village and Neighbourhood Commercial Areas) in the Southern Area Local Plan Finalised Draft (Modified 2001 and 2004). This policy seeks to encourage the expansion of Class 1 retail floorspace, however the policy also supports other types of commercial activities including Class 2 Offices, where the development does not adversely affect the character and amenity of the Commercial Area and accords with the provisions of Policy RTL 11 (Bad Neighbour Developments). The application site is located within a commercial area and there are a number of hot food takeaways, a public house, shops and offices within the vicinity. The applicant proposes to relocate from their smaller existing licensed betting office premises, which lies approximately 40 metres to the south west of the current application site. It should be noted that the Class 1 retail unit which is subject to the change of use application has been vacant for a considerable period. Given the nature of the surrounding land uses, it is considered that the proposed Class 2 Licensed Betting Office would be acceptable in this location. In addition, the use would not adversely affect the character and amenity of the commercial area, and the new shopfront design is acceptable and in keeping with the character of other shopfronts within the vicinity. The subdivision of the overall unit which has previously been carried out raises no policy concerns and is acceptable.

Policy RTL 11 (Bad Neighbour Developments) in the Southern Area Local Plan Finalised Draft (Modified 2001 and 2004) is also a material consideration in the determination of this application. This policy states that Secondary, Village and Neighbourhood Commercial Areas are the preferred location for such uses and sets out the criteria for assessing potential bad neighbour developments. The main relevant criteria for considering the current proposal are the provision for vehicle access and parking, the resultant mix of retail and non-retail uses, and the fundamental impact on the character and amenity of the surrounding area. The main shopping and commercial areas in Shotts are located within Shottskirk Road and Station Road. The application site is located within an area of retail and non-retail uses, within a block of commercial units and adjacent to two hot food takeaways and a public house. It is considered that the proposed change of use would be compatible with the surrounding land uses and in keeping with the character and amenity of the commercial area. It is therefore considered that the proposal satisfies the criteria contained in Policy RTL 11.

In assessing the transport implications of development, Policy TR 13 applies. My Transportation Section has no objections to the proposal. There is no provision for any private off-street parking and there are waiting restrictions in place on Shottskirk Road, however there is a public car park located approximately 60 metres south west of the application site. It is therefore considered that the proposal is in accordance with Policy TR 13.

Given that the proposed development will occupy an existing vacant unit and the change of use is supported by Policies RTL 6 and RTL 11, it is considered that the Class 2 Licensed Betting Office will improve the character of the commercial area at Shottskirk Road. The subdivision of the overall unit to form the separate opticians retail unit also accords with Policies RTL 6 and TR 13. I would therefore recommend that planning permission be granted.
Application No: S/06/00278/FUL
Date Registered: 22nd February 2006
Applicant: Mr & Mrs Khan
13 Hermes Way
Mossend
ML4 1HY
Development: Erection of Garage
Location: 13 Hermes Way
Mossend
Bellshill
Lanarkshire
ML4 1HY
Ward: 28 Mossend East And New Stevenston North
Councillor Kevin McKeown
Grid Reference: 275611 660218
File Reference: S/PL/B/5/74
Development Plan: Zoned as H4 Housing Redevelopment in the Northern Area Local Plan 1986.
The site is situated within an Established Housing Area (Policy HSG8) on the Southern Area Local Plan Finalised Draft (Modified 2001 & 2004).
Contrary to Development Plan: No
Consultations: None
Representations: 1 Letter of representation
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.

2. That the use of the garage hereby permitted shall be restricted to private use incidental to the enjoyment of the dwellinghouse on the site and no commercial activity shall be carried out, in, or from, the garage.

   Reason: To safeguard the residential amenity of the area.
PLANNING APPLICATION No. S / 06 / 00278 / FUL

ERECITION OF GARAGE

13 HERMES WAY, MOSSEND, BELLSHILL.

* Representation
**Background Papers:**

Application form and plans received 22nd February 2006

Letter from Peter Bradley, 11 Hermes Way, Mossend, Bellshill, ML4 1HY received 6th March 2006.

Southern Area Local Plan Finalised Draft (Modified 2001 and 2004)

Any person wishing to inspect these documents should contact Mr Edward McLennaghan at 01698 302137.

Date: 13 March 2006
APPLICATION NO. S/06/00278/FUL

REPORT

1. **Description of Site and Proposal**

1.1 This planning application seeks permission for the erection of a garage to the rear of 13 Hermes Way, Mossend, Bellshill. The garage measures approximately 4 metres in width, 6 metres in length, approximately 24 square metres in area and will measure 2.9 metres in height. The dwelling is a two-storey detached dwellinghouse and is bounded by dwellings on three sides with open space to the east.

1.2 The application site forms part of a cul-de-sac of detached and semi-detached dwellings, which lie at the end of Hermes Way. The applicant's site is the most easterly of the dwellings and the proposed garage would be located to the rear of the garden adjacent to the rear garden of 11 Hermes Way.

2. **Development Plan**

2.1 The application raises no strategic issues in terms of the Structure Plan and can therefore be assessed in terms of local plan policies.

2.2 The site is zoned as H4 Housing Redevelopment in the Northern Area Local Plan 1986. The site is situated within an area covered by policy HSG8 (Established Housing Areas), of the Southern Area Local Plan Finalised Draft (Modified 2001 & 2004), policy HSG13 (House Extensions) is also relevant.

3. **Consultations and Representations**

3.1 One letter of objection has been received from the occupiers of 11 Hermes Way, the adjacent detached property. The objection may be summarised as follows:

- The proposal would result in loss of sunlight/daylight of the objector's decking area within his garden.
- The block and location plan submitted by the applicant did not match the actual existing boundary fence line making the dimensions impossible to scale.
- The garage would be used for commercial purposes as the applicant owns a shop and uses their existing garage for storage. Therefore the development would lead to more traffic/parking hazards with the delivery of goods.

4. **Planning Assessment and Conclusions**

4.1 In accordance with Section 25 of the Town and Country Planning (Scotland) Act 1997, planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise.

4.2 Policy HSG 8 indicates that the Council will seek to protect the established character of existing and new housing areas by opposing development which is incompatible with a residential setting or adversely affects the amenity of Established Housing Areas. It is considered that the proposed development will not adversely affect the amenity of the established housing area and that it can be accommodated without detriment to the surrounding residential properties. This will be discussed in more detail in the following paragraph. Additionally a condition is
recommended to ensure that the proposed garage is used only for domestic purposes.

4.3 Policy HSG 13 indicates that the Council when determining applications for extensions will take account the size, proportion, positioning and effect that the development will have on garden ground and the impact on neighbouring properties in terms of privacy, daylight and sunlight. The policy also requires assessment of the proposal in terms of the effect on parking provision, access, road safety and the external finish and design of the proposal.

4.4 It is considered that the proposed garage will have a minimal impact on the surrounding properties given its design, height and distance from the neighbouring properties. The proposed garage will be located to the rear corner of the garden area and will run 6 metres along the common boundary with 11 Hermes way adjacent to the existing 2 metre high boundary fence. The garage will have no impact on the current parking provision. A sunlight/daylight test has been carried out and has shown that the development will not adversely impact on the amount of sunlight/daylight received by the objector's rear garden. The proposed height of the garage is 2.9 metres which is only 0.9 metre increase on the existing boundary fence. The increase in overshadowing is therefore not considered sufficient to warrant refusal in this instance.

4.5 In response to the points of objection given above I would comment as follows:

- With regard to the issues of overshadowing it is not considered that the garage will have an adverse impact on the neighbouring property as indicated in section 4.4 above.
- The originally submitted plans did not show the applicants extended garden ground. The applicant has now submitted amended plans, which show an accurate representation of the site boundary. The position of the garage has been amended accordingly.
- With regard to the objector's comments concerning the use of the garage for commercial purposes and associated traffic issues. As indicated in paragraph 4.2 above it is proposed that a restrictive condition be imposed addressing this matter.

4.6 In conclusion the design and location of the proposed garage is considered to be acceptable in this particular case. The application therefore complies with policies HSG8 (Established Housing Areas) and HSG13 (House Extensions) of the Southern Area Local Plan Finalised Draft (Modified 2001 & 2004). Therefore I recommended that permission be granted.
Application No: S/06/00292/FUL

Date Registered: 24th February 2006

Applicant: Mr Docherty
81 Glencroft Avenue
Uddingston
Glasgow
G71 6BZ

Agent: Ray Varney
Everest
35 Douglas Street
Ayrshire

Development: Conservatory Extension

Location: 81 Glencroft Avenue
Uddingston
Glasgow
G71 6BZ

Ward: 21 Tannochside

Grid Reference: 269591 661559

File Reference: S/PL/BF/9/75 (5) (392)

Site History: 30/95 Extension to Dwellinghouse. – Granted 20th February 1995.

Development Plan: Zoned as areas primarily for residential use in the Uddingston/Tannochside Town Map 1973. The site is situated within an Established Housing Area (Policy HSG8) on the Southern Area Local Plan Finalised Draft (Modified 2001 & 2004)

Contrary to Development Plan: No

Consultations: None

Representations: One letter of representation

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.
2. That the facing materials to be used for the external walls shall match in colour and texture those of the existing adjoining building.

Reason: To safeguard the residential amenity of the area.

Background Papers:

Application form and plans received 23rd February 2006

Letter from Callan Anderson, 83 Glencroft Avenue, Uddingston, G71 6BZ received 1st March 2006.

Southern Area Local Plan Finalised Draft (Modified 2001 and 2004)

Any person wishing to inspect these documents should contact Mr Edward McLennaghan at 01698 302137.

Date 16 March 2006
APPLICATION NO. S/06/00292/FUL

REPORT

1. Description of Site and Proposal

1.1 This planning application seeks permission for the erection of a conservatory to the rear of 81 Glencroft Avenue, Uddingston. The conservatory measures approximately 3.4 metres in width and would project 3.7 metres along the common boundary with number 83 Glencroft Avenue. The dwelling is a two storey semi detached property and is bounded by dwellings on three sides with open space opposite to the Southeast.

1.2 The application site forms part of a pair of semi detached dwellings which lie on the corner of Glencroft Avenue and Dalveen Drive. The applicant’s site is the southern dwelling of the pair of semis and has a rear garden that sits approximately 0.9m below the garden level of the adjacent property of 83 Glencroft Avenue.

2. Development Plan

2.1 The application raises no strategic issues in terms of the Structure Plan and can therefore be assessed in terms of local plan policies.

2.2 The site is zoned as an area primarily for residential use in the Uddingston/Tannochside Town Map 1973. The site is situated within an area covered by policy HSG8 (Established Housing Areas) of the Southern Area Local Plan Finalised Draft (Modified 2001 & 2004), Policy HSG 13 (House Extensions) is also relevant.

3. Consultations and Representations

3.1 One letter of objection has been received from the occupier of 83 Glencroft Avenue, Uddingston in connection with the proposal. This property is the other half of the semi which forms the application site property. The objection may be summarised as follows:

- Concern that the proposed brick and render fire wall adjacent to the objector’s property would form an unattractive feature and spoil their view.
- The proposal would lead to overshadowing of the objector’s patio and dining room. This will promote moss and lichen on the wall and adjacent patio thus incurring additional maintenance.
- The extension would reduce the future value and saleability of the objector’s property.

4. Planning Assessment and Conclusions

4.1 In accordance with Section 25 of the Town and Country Planning (Scotland) Act 1997, planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise.

4.2 Policy HSG 8 indicates that the Council will seek to protect the established character of existing and new housing areas by opposing development which is incompatible with a residential setting or adversely affects the amenity of Established Housing Areas. It is considered that the proposed development will not adversely affect the amenity of the established housing area and that it can be accommodated without detriment to the surrounding residential properties. This will be discussed in more detail in the following paragraph.
4.3 Policy HSG 13 indicates that the Council when determining applications for extensions will take account the size, proportion, positioning and effect that the extension will have on garden ground and the impact of the extension on neighbouring properties in terms of privacy, daylight and sunlight and the external finish and design of the proposal. It is considered that the proposed conservatory will have a minimal impact on the surrounding properties given its design, height and distance from neighbouring properties. The proposed conservatory projects 3.7 metres from the rear elevation along the common boundary with 83 Glencroft Avenue. A sunlight/daylight test has been carried out and has shown that the conservatory will not adversely impact on the amount of sunlight/daylight received by the patio and dining room of the objector’s property. In terms of residential amenity it is considered that the conservatory can be incorporated without significant detriment to the neighbouring properties. It will have no impact on the adjacent property in terms of privacy given the position of the windows. The development will be finished in materials to match the existing dwelling.

4.4 In response to the points of objection given above I would comment as follows:

- With regard to the issues of overshadowing it is not considered that the conservatory will have an adverse impact on the neighbouring property as indicated in section 4.3 above.
- As indicated in paragraph 4.3 above the firewall of the conservatory will be finished in materials to match the existing house. I therefore do not agree that it will be an unattractive feature. With respect to the outlook from the objector’s property the right to a view is not a material planning consideration.
- The effect of the extension on the future value of the objector’s property is not a material planning consideration.

4.5 In conclusion the design and location of the conservatory is considered to be acceptable in this particular case. The application therefore complies with policies HSG8 (Established Housing Areas) and HSG13 (House Extensions) of the Southern Area Local Plan Finalised Draft (Modified 2001 & 2004). It is therefore recommended that permission be granted.