

Application No: C/06/01409/FUL

Date Registered: 7th September 2006

Applicant: Mrs M. Cairns
8 Moorfield Crescent
Airdrie
ML6 8ET

Development: Lane Closure

Location: Lane Between
6-8 Moorfield Crescent
Petersburn
Airdrie
North Lanarkshire
ML6 8ET

Ward: 44 Clarkston Councillor Campbell Cameron

Grid Reference: 278490 665144

File Reference: C/PL/AIM7388/CM/EL

Site History:

Development Plan: Under the terms of the Adopted Monklands District Local Plan 1991 the application site is located within an area covered by Policy HG9 (Housing Policy for Existing Residential Areas)

Contrary to Development Plan: Not contrary to residential zoning

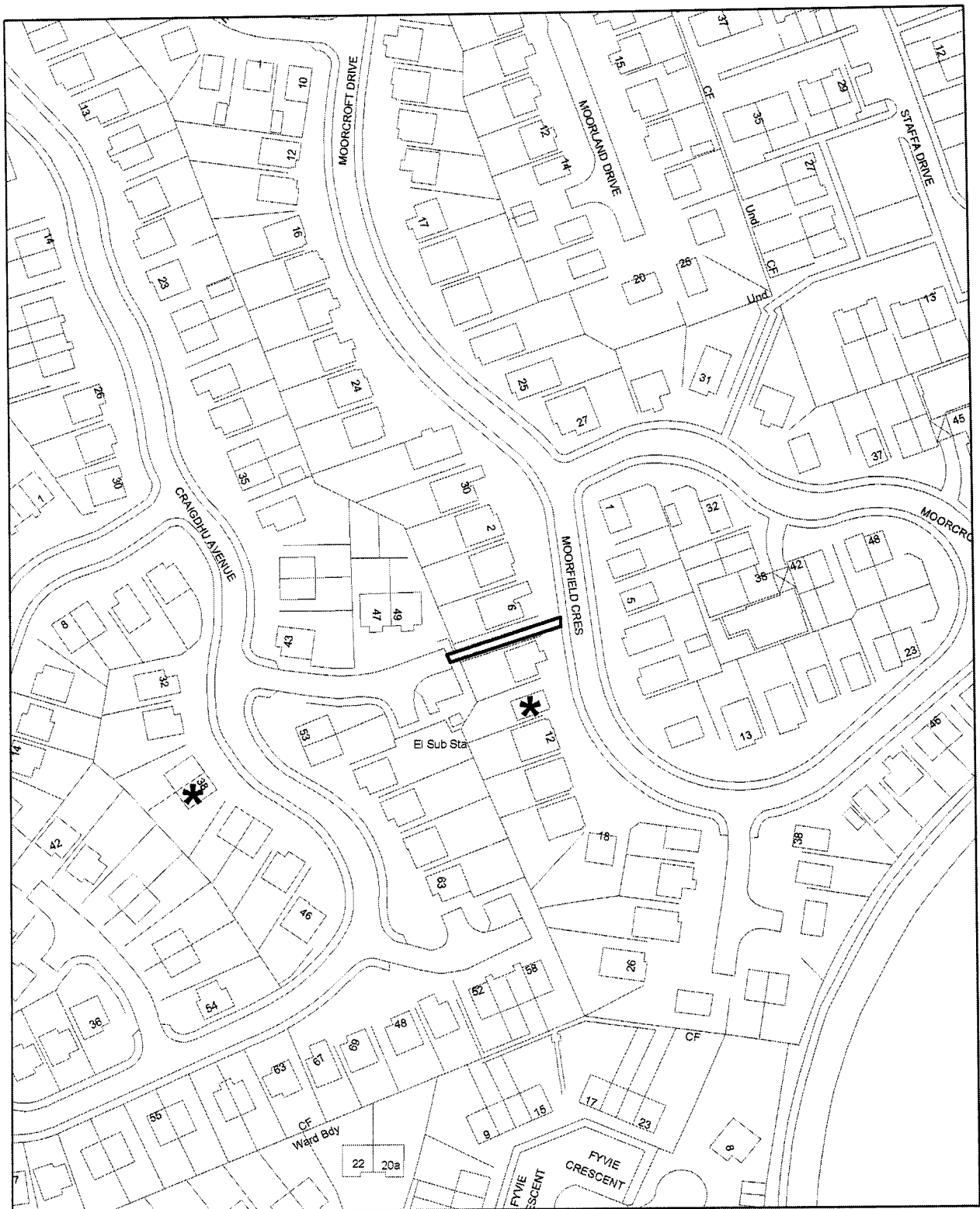
Consultations: Community Services (Objection)

Representations: Three Letters of Representation

Newspaper Advertisement: Advertised on 20th September 2006

Recommendation:

Refuse for the reason that the footpath currently provides an essential pedestrian link, not only in the immediate Moorcroft Crescent/Craigdhu Avenue area but also forms part of a network of footpaths, which provide an important pedestrian route serving the wider housing area. Its closure would result in an unacceptable detour of over 300m for pedestrians walking to Caldervale High School and also result in a break in the wider footpath network, to a public open space area to the west. Its closure would be detrimental to the amenity of the immediate and outlying residential area, contrary to Policy HG9(A) of the Adopted Monklands District Local Plan 1991.



Planning Application No C/06/01409/FUL

Lane Closure

Lane Between 6-8 Moorfield Crescent, Petersburn, Airdrie

* Representations

Produced by
North Lanarkshire Council
Planning and Environment Department
Planning House, 2 Tynes Road
Cumbernauld, G67 1NY
tel 01224 010219
fax 01224 010232

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Background Papers:

Application form and plans received 24th August 2006

Memo from Transportation received 18th October 2006

Memo from Community Services received 18th October 2006

Letter from Mr & Mrs S. Brown, 10 Moorfield Crescent, Airdrie, ML6 8ET received 29th August 2006.

Letter from S Robison, 38 Craigdhu Avenue, Petersburn, Airdrie, North Lanarkshire, ML6 8EN received 3rd October 2006.

Email Alex Neil MSP received 9 October 2006

Any person wishing to inspect these documents should contact Mr Colin Marshall at 01236 812376.

Date: 24 October 2006

APPLICATION NO. C/06/01409/FUL

REPORT

1. Description of Site and Proposal

- 1.1 Planning permission is being sought for the closure of a public footpath between 6 and 8 Moorfield Crescent, Airdrie. The footpath provides a link between Craigdhu Avenue and Moorfield Crescent and was provided as part of an approved housing development constructed in 1994.
- 1.2 The proposals would involve the closure of the footpath, removal of the footpath surface, grass verges, and street lighting column, erection of timber screen fencing and kerb edging. The ground would be incorporated equally into the garden curtilages of 6 and 8 Moorfield Crescent.
- 1.3 The applicant has stated that lane should be closed as there are incidents of vandalism, (ie broken windows) harassment and dirt bike use.

2. Development Plan

- 2.1 Under the terms of the Adopted Monklands District Local Plan 1991 the application site is located within an area covered by Policy HG9 (Housing Policy for Existing Residential Areas). There are no strategic implications.

3. Consultations and Representations

- 3.1 The Transportation Section has recommended that the application be refused planning permission. It is considered that the footpath serves as important pedestrian link from not only the Moorfield Crescent area but also from Craigvale Crescent and potentially from West Drive to Towers Road and Caldervale High School. Should the footpath be closed, the alternative route for pedestrians using the footpath en-route to Caldervale High School would be at least 300m longer. Street lighting columns also illuminate the footpath.
- 3.2 NLC Community Services also objected to the proposals as the footpath forms part of a wider network of paths, which provide access to the high school and public open space areas. Detours would result in additional walking distances and lead children past busy roads to the detriment of pedestrian safety.
- 3.3 There was one letter of objection and the matters raised can be fairly summarised as follows:
 - The footpath is a widely used public amenity, particularly by children and people walking between neighbouring estates.
 - It would be grossly unfair to the wider community who use this existing facility should it be closed
 - The applicants should have considered the existing lane before purchasing their properties. Adjacent residents should have realised that this may lead to additional noise and activity from passing pedestrians.
 - The lane closure cannot be justified at the expense of endangering safety of pedestrians forced to walk further and closer to busy main roads against the limited benefits to the applicant.
 - The police or Council should resolve any nuisance issues.
- 3.4 Alex Neil MSP asked that the impact of the closure on antisocial behaviour and pedestrians be taken into account prior to any decision being taken to close the path.

- 3.5 There was a letter from the residents at No.10 Moorfield Crescent stating that they had no objection to the lane closure.

4. Planning Assessment and Conclusions

- 4.1 Under the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, Planning Authorities are required that in determining planning application proposals, where regard is to be had to the Development Plan, determination should be in accordance with this Plan unless material considerations indicate otherwise. In this instance there are no strategic issues, therefore the application details require to be determined under the terms of Policy HG9 of the local plan and any other material consideration.
- 4.2 Under the terms of Policy HG9 there is a presumption against development which is likely to adversely affect the amenity of the area or is not clearly of a nature ancillary to housing. The main issue to be determined in this case, is whether or not the footpath closure could take place with no detriment to residential amenity.
- 4.3 The Transportation Section has recommended that the proposals be refused planning permission, as the loss of this particular footpath would result in significant detours of over 300m for pedestrians that currently make use of the footpath. It is noted that this footpath provides a footpath link from the housing estate to the local school and also forms part of a longer thoroughfare through the estate. There are no other viable alternative routes, which offer similar walking distances.
- 4.4 Community Services also objected on a similar footing and added that there would be a loss of a footpath link to an area of public open space situated to the west of the housing estate.
- 4.5 The objector also raised significant concerns over the closure of the footpath and these can be sustained in this instance. Alex Neil MSP is concerned about the adverse effect on pedestrians and the potential for the transfer of antisocial behaviour from the vicinity of the footpath elsewhere within the area.
- 4.6 The residents who had no objection the proposals offered no additional reason as to why the lane should be closed.
- 4.7 On balance it is considered that the advantages gained by the residents adjacent to the lane do not outweigh the disadvantages that would be created by the closure of this footpath. There may be incidents of anti-social behaviour in the area and these are unfortunate but are essentially a matter for the Police to address. The objector also raised this, and such incidents should not be used as a reason to justify the closure of a well used footpath link.
- 4.8 One material factor that needs to be considered is the recent decision by the Council to close the lane between Staffa Drive and Moorcroft Drive. (Refer to planning permission C/05/01458/FUL). This small lane forms part of the aforesaid wider footpath network through this estate and its loss would effectively break the long distance footpath link route between the public open space area in the west and the high school located to the east of the housing estate. At the moment, this proposal is subject to an inquiry by the Scottish Ministers as there have been objections to the Stopping Up Order. Although the closure of this part of the link remains undecided, it is considered that, should it be closed to the public this should not be used as a justification for the current proposal, as outlying residents continue to benefit from its use.

4.9 It is therefore considered that the proposal would be detrimental to the amenity of the surrounding residential area, as the closure would result in a significant detour for the majority of residents in the area. The closure would also result in an additional break in continuity of the currently open pedestrian thoroughfare, which leads from Towers Road through the estate to the public open space area to the west. The proposal is considered to be a significant loss of an important amenity and is contrary to the terms of Policy HG9 of the Local Plan. It is recommended that planning permission be refused for the reason stated.