

Application No: N/06/01980/REM

Date Registered: 29th November 2006

**Applicant:** **Kirkintilloch's Initiative Ltd**  
**Per HG Consulting**  
**20 Lynedoch Crescent**  
**Glasgow**  
**G3 6EQ**

Agent: McInally Associates Ltd  
6 Newton Place  
Glasgow  
G3 7PR

**Development:** **Formation of Kirkintilloch Link Road (Part Route)**

**Location:** **Off Hornshill Roundabout**  
**Stepps Road**  
**By Auchinloch (Stepps)**

Ward: 69 Chryston and Auchinloch : Councillor Charles Gray

Grid Reference: 266497 670040

File Reference: N/06/01980/REM

Site History: N/03/01457/OUT Formation of Kirkintilloch Link Road (Part Route)  
Approved October 2004

Development Plan: Northern Corridor Local Plan, 2005 : TR2 – Major Road Proposals.

Contrary to Development Plan: No

**Consultations:** Scottish Environment Protection Agency (Objection)  
Scottish Natural Heritage (Objection)

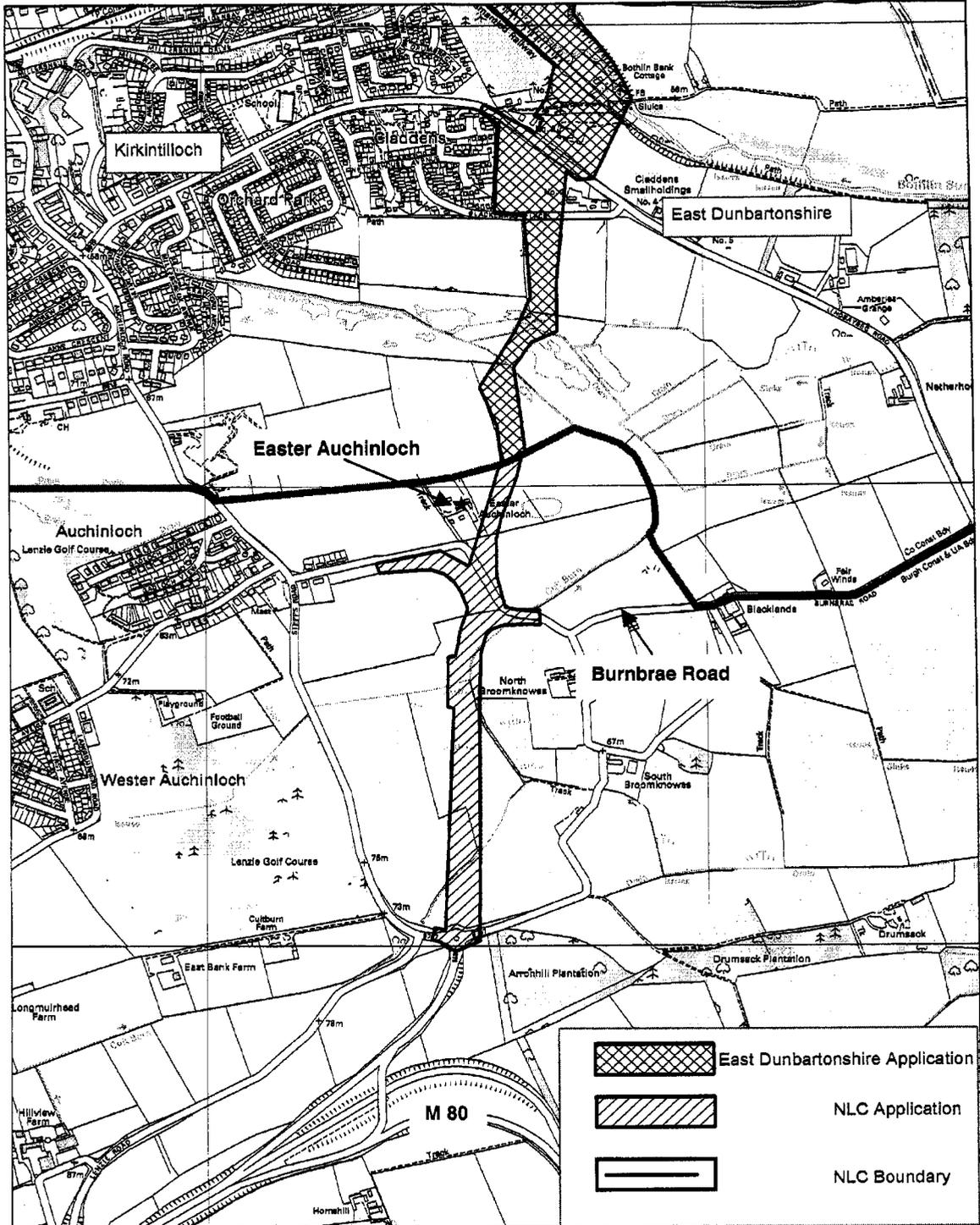
**Representations:** Three letters of representation received.

Newspaper Advertisement: Advertised on 10th January 2007

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

1. That the development hereby permitted shall be started by 30th September 2009 or within two years of the date on which the last of the reserved matters are approved, whichever is the latest.

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



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N/06/01980/REM  
Kirkintilloch's Initiative Ltd  
North Of Hornhill Roundabout By Steps  
Construction of the Kirkintilloch Link Road  
(Part Site)  
★ Representations

N  
North Lanarkshire Council  
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2. That before the development hereby permitted starts full details / reports of the following shall be submitted to and shall be approved in writing by the Planning Authority:-
- (a) Transport Assessment
  - (b) Noise Assessment and remediation measures,
  - (c) Archaeological Assessment,
  - (d) Sustainable Drainage Strategy,
  - (e) Air Quality Strategy,
  - (f) Culverts,
  - (g) Modified Cuilt Burn realignment,
  - (h) Access to Easter Auchinloch Farm,
  - (i) Environmental Management System,
  - (j) Landscaping of the road corridor,
  - (k) Flood mitigation measures,
  - (l) Ecological safeguards and mitigation.

**Reason:** In the interests of the proper planning of the area by ensuring that the above mentioned matters are fully considered and are deemed appropriate prior to works commencing.

3. That this permission does not cover flood mitigation measures, which remain as an outstanding reserved matter, as covered by condition 2 above.

**Reason:** In the interests of clarity and to ensure that flood mitigation measures can be fully considered.

4. That the details (including remedial measures) approved under conditions 2 and 3 above shall be fully implemented as part of the development proposals.

**Reason:** In the interests of the proper planning of the area by ensuring that the above mentioned approved matters are fully implemented.

5. That within one year of the opening of the road, all planting, seeding, turfing and earth moulding included in the scheme of approved landscaping and planting shall be completed and any trees, shrubs or areas of grass which die, are removed, damaged or become diseased shall be replaced within the following year with others of a similar size and species or such other scheme as is to the satisfaction of the Planning Authority.

**Reason:** In the interests of amenity by ensuring that landscaping is appropriate for the site and for 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 the proposed grassed, planted and landscaped areas, drainage areas plus all other communal areas.

**Reason:** In the interests of amenity by ensuring that landscaping is appropriate for the site and for the general area.

#### **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 because there is an outstanding objection from the Scottish Environment Protection Agency relating to flooding.**

**Background Papers :**

Application form and plans received 29th November 2006

Letter from Scottish Environment Protection Agency received 27<sup>th</sup> February 2007

Letter (e-mail) from Scottish Natural Heritage received 27<sup>th</sup> February 2007

Letter from Anne Anderson, Easter Auchinloch, Burnbrae Road, Lenzie, G66 5LF, received 6th December 2006.

Letters from Paull & Williamsons Solicitors, Investment House, 6 Union Row, Aberdeen, AB10 1DQ received 21st February and 5<sup>th</sup> March 2007

Northern Corridor Local Plan, 2005

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

**DATE : 5<sup>th</sup> March 2007**

## **APPLICATION NO. N/06/01980/REM**

### **REPORT**

#### **1. Description of Site and Proposal**

- 1.1 The reserved matters application is for the 1 kilometre section of the Kirkintilloch Link Road which runs through North Lanarkshire from the Hornhill Roundabout to a point close to Easter Auchinloch Farm via a route to the east of Auchinloch. East Dunbartonshire Council is processing a similar application for the main part of the Kirkintilloch Link Road. Outline planning permission (N/03/01457/OUT) was granted for the relevant section of road in October 2004.
- 1.2 The aims for the proposed road are to link Kirkintilloch town centre with the motorway network, to be a catalyst for economic regeneration within Kirkintilloch, to relieve local road congestion and to help realise development potential within the former Woodilee Hospital site in Kirkintilloch. Within North Lanarkshire, the road will have the advantage of taking traffic away from Auchinloch. The planning application was accompanied by an Environmental Statement which considered all the implications of the proposed roadway on the environment and communities.
- 1.3 The single carriageway road will run in a north-south line via cuttings and embankments through open rolling countryside within North Lanarkshire.

#### **2. Development Plan**

- 2.1 This application for the approval of reserved matters raises no strategic implications for the Glasgow and the Clyde valley Joint Structure Plan 2000. Given that outline planning consent has been granted, there are no implications in so far as the Northern Corridor Local Plan 2005 is concerned. The Local Plan recognises the road proposal in terms of Policy TR2

#### **3. Consultations and Representations**

- 3.1 Consultation responses are as follows :-
  1. The Scottish Environment Protection Agency (received via East Dunbartonshire Council) :- There is no information on how the flood risk aspects have been dealt with. SEPA therefore objects to the proposal on the grounds that it may place buildings and persons at flood risk. There are concerns at the potential ability to comply with the relevant water environmental regulations.
  2. Scottish Natural Heritage (initial comments received via East Dunbartonshire Council) :- SNH objects unless assurance and further information is received on a number of specified ecological issues.No other consultation responses have been received.
- 3.2 Three letters of objection has been received by and on behalf of a neighbouring property owner at Easter Auchinloch Farm on the border between East Dunbartonshire and North Lanarkshire. The grounds of objection and my comments are as follows:
  - Permission should not be granted until all necessary reports are submitted and considered. This includes noise, landscaping and air quality reports.

**Comments:** It would be preferable for all necessary information to be at hand and properly assessed prior to a planning decision being reached. It is, however, an accepted practice for secondary matters to be covered by conditions such that the information requires to be submitted and approved prior to works starting. This is appropriate in this case since the decision in principle has already been taken (through the outline permission) that the road is acceptable.

- There will be an unacceptable increase in noise, fumes, and light pollution to people living locally. Noise reduction measures, a landscaped buffer area and a bund are required at Easter Auchinloch Farm. Additional land should be compulsorily purchased to act as additional screening at the farm. The road is inappropriately designed with a dangerous long straight section. Valuable natural environment and habitat will be lost. The road is unnecessary.

**Comments:** As previously stated, the principal of the road and its route has been established through the outline permission. Potential noise nuisance is, however, an issue which can be tackled through this application. Due to the proximity of the road to Easter Auchinloch Farm it is anticipated that there will be some adverse noise spillage. At the time of writing the noise report and mitigation measures have still to be received. It is, however, understood that the collected data has shown that noise mitigation will be required at Easter Auchinloch. There have already been discussions between the road promoters and the property owners regarding such mitigation. A recommended condition requires that a noise report with noise reduction measures be submitted and approved prior to works commencing. It is also a condition requirement that landscape details be approved, again prior to works starting.

- A section of former road will be left with no clear ownership and this will attract fly tipping and camping. Proposed changes to Burnbrae Road will make access by large commercial vehicles difficult from the east.

**Comments:** It is understood that discussions have taken place between the property owners and the applicants concerning what sections of the realigned Burnbrae Road will remain in public ownership and what section can be transferred to the owner of Easter Auchinloch. Private ownership will allow the owners to take measures against inappropriate use. The precise details of the access geometry to Easter Auchinloch is covered by a condition requiring approval prior to works starting

- It was originally proposed that the road be a greater distance from Easter Auchinloch Farm. Increasing the separation of the road from the farm would reduce its impact.

**Comments:** The route of the road has been established through the outline permission and it will be 55 metres from the house. Prior to the submission of the outline application, a previous proposal illustrated the road being about 130 metres from the house. This earlier proposal was withdrawn by the applicants. In granting outline permission, the Committee took account of an objection about the proximity of the road to Easter Auchinloch Farm.

- Property values will be adversely affected.

**Comments:** Property values are not a planning consideration although background matters, such as noise and outlook are legitimate planning concerns.

- The correct planning procedures were not followed during the outline application.

**Comments:** It is not clear what is being referred to. A failure to inform objectors of the outline application decision has been rectified.

- In their letter of 5<sup>th</sup> March 2007, Paull & Williamsons (on behalf of Mr. & Mrs. P. Anderson) make the following additional points :-

- Since our letter of 20<sup>th</sup> February, our clients have been approached by the Applicants to discuss their concerns. Whilst a verbal agreement has been reached on some of the issues, our clients await written confirmation of the terms. Further time is required to consider and agree the outstanding issues.
- We respectfully request that the application does not go to the Committee meeting on 13<sup>th</sup> March for determination in light of the ongoing discussions between our clients and the Applicants. We understand that there is a further meeting (of the Committee) on 28<sup>th</sup> March.
- In addition, we understand that further information is still awaited from the Applicants. It is imperative that the Council obtain and scrutinise all of the relevant information in advance of determining this application.
- We understand that East Dunbartonshire Council are determining a Reserved Matters application for their part of the Link Road. They appear to have been provided with different information by the Applicant. It is unclear why varying amounts of information have been submitted for the different applications. Each Council has a responsibility to ensure that they have sufficient information before them to determine the relevant application. It would not appear that North Lanarkshire Council have all the information they require at this stage.
- We would reiterate that our client wishes to address the Committee at whichever meeting a determination on this application is to be made.

- **Comments :**

1. The direct approach by the Applicants to the objectors is to be welcomed and it is hoped that a satisfactory outcome is reached.
2. It is conceded that some information is awaited from the Applicants. Most of the information relates to technical issues and can be covered by conditions on the reserved matters approval. The main issues still to be resolved are those in relation to flood mitigation (particularly in light of SEPA's current objection) and noise assessment and remediation measures.
3. Since the larger part of the proposed Link Road lies within East Dunbartonshire, they carried out the formal consultation exercise and communication with the Applicants on behalf of both Authorities – this is common practice with 'cross-border' planning applications. While East Dunbartonshire would have required more information than North Lanarkshire because of the nature of the proposed works within their area, it is unfortunate that the flow of information received by them to North Lanarkshire has not been as efficient as it might have been. However, it is still considered that it is competent for North Lanarkshire Council to determine its relevant reserved matters application, subject to conditions.

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

- 4.1 In terms of Section 25 of the Town & Country Planning (Scotland) Act 1997, planning decisions must be made in accordance with the development plan unless there are material considerations which dictate otherwise. The proposed road conforms with the development plan.
- 4.2 The key issues to be determined through the current reserved matters application are technical details relating to the precise road carriageway design, noise attenuation measures, the number of road crossings of the Cult Burn and necessary nature conservation measures. The outstanding details can be covered by the imposition of conditions on the reserved matters approval requiring that the outstanding information is submitted to and approved by the Council before works commence on site.
- 4.3 The SEPA flooding objection is significant. It is noted, however, that this matter is likely to be resolved through the submission of appropriate flood risk information including any mitigation measures. A planning condition requires that this information be submitted and approved prior to works commencing. It should be noted that under appropriate regulations the application requires to be notified to the Scottish Ministers if it is approved with an outstanding SEPA flooding objection.
- 4.4 A planning condition requiring the submission and approval of ecological and culverting details covers the concerns of SNH.
- 4.5 Notwithstanding the objections received from the owners of Easter Auchinloch Farm, it is recommended that conditional reserved matters approval be granted in respect of that part of the Kirkintilloch Link Road which lies within North Lanarkshire.
- 4.6 It should be noted that the owners of Easter Auchinloch have requested that the Committee conduct a hearing before determining this reserved matters application.