AGENDA ITEM No. 2

North Lanarkshire Council

Planning Applications for consideration of Planning and Transportation Committee

Committee Date: 23 September 2015

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Mr Mani Hussein

Subdivision of Class 1 Shop into Two Units. Change of Use of One Unit to Class 3 Hot Food, Erection of Pitched Roof and Rear Extension
56 Carfin Road
Newarthill
Motherwell
ML1 5AG

Request for Hearing
Application No: 15/00442/FUL

Date Registered: 20th August 2015

Applicant: Miss Janey McPartland
Coatbridge Craft Centre
60 East Stewart Street
Coatbridge
ML6 7QD

Agent: N/A

Application Level: Local Application

Contrary to Development Plan: No

Ward: 006 Coatbridge North And Glenboig
Fulton James MacGregor, Julie McAnulty, Michael McPake, William Shields,

Representations: 1 letter of representation received.

Recommendation: Approve Subject to Conditions

Reasoned Justification:
The proposal complies with Policy in HCF 1 A (Protecting Residential Amenity and Community Facilities – Residential Areas) and NBE 1 B2c (Listed Buildings) in the adopted North Lanarkshire Local Plan. The proposed use, scale and location of the development are considered to be acceptable and the proposal will not detrimentally affect the character and appearance of the listed building or the surrounding area. The impact on neighbouring properties is considered to be acceptable.
PLANNING APPLICATION: 15/00442/FUL

Construction of Porch (In Retrospect), Installation of Flue and Converting a Window into Door to Rear

Site North Of The Glasgow And Edinburgh Road, Newhouse ML1 5SG

* Representation
Proposed Conditions:-

1. That the development hereby permitted shall be carried out strictly in accordance with the approved details submitted as part of the application and no change to those details shall be made without prior written approval of the Planning Authority.

   Reason: To clarify the drawings on which this approval of permission is founded.

2. That within 28 days of the date of this decision, the colour of the timber sections of the porch, hereby approved, shall be finished in RAL 7015 (Slate Grey), unless otherwise be agreed in writing by the Planning Authority.

   Reason: In the interest of the amenity of the site and the general area.

3. That BEFORE the new door is formed, full details shall be provided including proportion, frame dimensions, materials, finish and method of opening shall be submitted to, and approved in writing by the Planning authority and the development shall be implemented in accordance with the details approved under the terms of this condition.

   Reason: To the interests of visual amenity and to preserve the character of the Listed Building.

4. That within 28 days of the date of this decision, the position of the flue hereby permitted shall be completed in accordance with the approved details submitted as part of the application, unless otherwise agreed in writing with the Planning Authority.

   Reason: To the interests of visual amenity and to preserve the character of the Listed Building.

5. No further development shall begin until the applicant obtains Listed Building Consent.

   Reason: To accord with the provisions of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006.

Background Papers:

Consultation Responses:
Memo from Protective Services received on 14th September 2015

Contact Information:
Any person wishing to inspect these documents should contact Mr Kevin Divin at 01236 632508

Report Date:
14th September 2015
APPLICATION NO. 15/00442/FUL

REPORT

1. **Site Description**

1.1 The application premises is a ‘C’ category listed church hall of the Former Coatdyke Parish Church at 275 Muiryhall Street East, Coatbridge. The former church hall is a two storey building with sandstone elevations and a slate roof. The building fronts onto East Stewart Street and currently operates as a craft shop with tea room. The site is bounded to the north and east by residential properties, to the west are shelter homes, and to the south is remainder of the former church which has been converted into residential use.

2. **Proposed Development**

2.1 Full planning permission is being sought for construction of porch (in retrospect), installation of flue and converting a window into a door to the rear. The porch to the front has been installed and has been constructed in timber with the slate roof measuring 4.22 metres wide, 3.35 metres high and projects 1.7 metres which then drops to 0.9 metres from the building. A flue has been installed on the north gable of the building, however, the proposal seeks to relocate this flue to a more appropriate position further up the roof of the building. The proposal also seeks permission to have a single door inserted on the rear elevation.

3. **Site History**

3.1 The application site has been the subject of a number of applications of which the details are as follows:

- 95/05121/COU Use of Former Church as Single Dwellinghouse and Use of Church Hall as Workshop (Class 4) – Approved 26th May 1995
- 96/05348/LB Internal Alterations to Listed Building to Form Dwellinghouse – Approved 13th December 1996
- 00/01156/LBC Removal of Stained Glass Windows and Installation of Brown UPVC Double Glazed Windows and Doorway – Approved 8th December 2000
- 11/01064/FUL Part Change of Use to Form Tea Room – Approved 17th November 2011
- 15/00443/LBC Construction of Porch (In Retrospect), Installation of Flue and Converting a Window into Door to Rear – Pending Consideration

3.2 The flue element of this planning application was brought to our attention by a complaint from a neighbouring property (14/00143/COMP) resulting in a letter being sent out on 21st July 2014 requiring the submission of a planning application for the structure. The current application was submitted by the applicant in an attempt to regularise the planning position.

4. **Development Plan**

4.1 The proposal raises no strategic issues and can therefore be assessed in terms of Local Plan policies.

4.2 The application site is zoned as HCF 1 A (Protecting Residential Amenity and Community Facilities – Residential Areas) within the adopted North Lanarkshire Local Plan 2012.
5. **Consultations**

5.1 **Protective Services** have indicated that the property is situated within a smoke control area (Smoke Control Area – Clean Air Act 1993) and advise that unless it is an exempt appliance only certain authorised fuels should be burnt ('smokeless' fuels such as anthracite, semi-anthracite, gas and low volatile steam coal). With reference to the installation of the flue, it is recommended that the flue terminates 1 metre above the eaves of the adjacent building and whilst it is noted that the applicant intends to take the flue to a higher level than it currently exists, its close proximity to upper storey of the neighbouring flats could result in emissions from the flue impacting on the adjacent property. It is further advised that if complaints about smoke, smell or ash causing a recurring problem to neighbouring properties they would be obligated to investigate and if statutory nuisance was established serve an abatement notice under the Environmental Protection Act 1990. Failure to comply with an abatement notice may result in prosecution.

6. **Representations**

6.1 Following the standard neighbour notification process and a notice in the local press, one letter of representation has been received which objects on the grounds of distance from property, impact on property value, unsightly & unhygienic, health implications, industrial appearance and should be removed.

7. **Planning Assessment**

7.1 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.

7.2 **Development Plan: North Lanarkshire Local Plan:** The site is located within the Cliftonville area of Coatbridge and zoned as HCF 1 A (Protecting Residential Amenity and Community Facilities – Residential Areas) within the adopted North Lanarkshire Local Plan 2012. Policy HCF 1 A has a presumption against developments detrimental to residential amenity in primarily residential areas. The proposed relocation of the flue is approximately 6 metres from the nearest residential property to the north, the change from an existing window into doorway is at least 18 metres from the nearest facing dwelling, while the porch directly faces the road at East Stewart Street. It is, therefore, considered that the proposed flue, doorway and porch, due to the nature of the proposed external alterations do not result in any significant impact on the amenity levels currently enjoyed by occupants of neighbouring residential properties which is in accordance with Policy HCF 1 A.

7.3 Given the proposal affects a listed building, policy NBE 1 B2c (Protecting the Natural and Built Environment – Listed Buildings) is also of relevance. This policy states that there is a presumption against works that would adversely affect the special interest of a listed building or its setting. The proposed flue will be located along the break in the roof where the single storey part of the former church hall meets the two storey element of the hall. The proposed flue will be set back from the side gable, will project approximately 1 metre from the roof plan and is finished in a dark colour to match the existing slate roof. The proposal to insert a doorway into an existing window opening on the rear (eastern) elevation of the former church hall is not in a prominent position or clearly visible from public view and does not detrimentally affect the character and appearance of the listed building. In addition, a planning condition is recommended for full details of the proposed new door to be submitted for approval. Concerning the porch, it is noted that the structure is in place, the design, location and materials are considered appropriate for the listed building, however, the timber structures are required to be painted in colour to complement the building and a planning condition is recommended to secure this. It is considered that the proposed external alterations are minor in nature, the proposed flue and doorway does not detrimentally affect the character and appearance of the listed building while the front porch is considered to
enhance the building by providing a focal point to the entrance. The proposals are, therefore, considered to be in keeping with policy NBE 1 B2c.

7.4 The North Lanarkshire Local Plan also requires proposed developments to be assessed against policies DSP 1 (Amount of Development), DSP 2 (Location of Development), DSP 3 (Impact of Development) and DSP 4 (Quality of Development). DSP 1, DSP 2 and DSP 3 are not an issue given the scale and nature of the development. Policy DSP 4 states that development will only be permitted when design is of a high standard, the proposed development will result in minor external alterations that do not detrimentally affect the character and appearance of the listed building. It is considered, therefore, that the proposal is in accordance with policies of the North Lanarkshire Local Plan.

7.5 Consultations: Concerning the Protective Services comments, the applicant has confirmed that only smokeless fuels are burnt. With reference to the position of the flue and potential nuisance factor from the smoke, the flue is to be repositioned away from the common boundary and further up the roof in order to alleviate any potential nuisance. In addition, the flue is connected to a solid fuel burner which is only used in cold weather and when the craft centre is opened (Tuesday to Saturdays from 9:30am to 4:30pm; closed Sundays and Mondays). It is, therefore, considered that given the repositioning of the flue and the frequency of use, this will not result in a significant smoke nuisance.

7.6 Representations: In terms of the objections raised, I would offer the following comments:

Point of Objection: The chimney is sited about 3.5 metres from, and below the level of the front door of No. 64 East Stewart Street. This is unsightly and unhygienic which will directly reduce the re-sell value of No. 64 East Stewart Street. Any extension of the chimney height will add to the unsightliness, and the location of the chimney in the narrow corridor between the two properties will not allow it to vent safely.

Comment: The proposed new position of the flue would be approximately 6 metres from the side elevation of No. 64 East Stewart Street which is set back from the original position on the gable of the existing property and further up the roof. The design and position is considered to be in keeping with the existing building. The potential impact on property values is not a material planning consideration.

Point of Objection: The chimney is an industrial-estate style chimney, totally unsuitable for a residential estate.

Comment: The chimney is considered to be of a simple, minimal design that does not result in a detrimental impact on the character and appearance of the listed building.

Point of Objection: The chimney poses a severe health risk for to the occupant a neighbouring property who currently suffers from a serious illness where the smoke from this chimney has been a major contributory factor.

Comment: Given the nature of the flue and that there was no objection on health grounds from Protective Services, it is not anticipated that the development will result in a direct health risk to the occupants of neighbouring residential properties.

Point of Objection: It is insisted that this chimney application be refused, and that the chimney be ordered to be removed.

Comment: This position is noted, however, the proposed external alterations, in particular the flue, was assessed in detail above and considered to be acceptable.

8. Conclusions
8.1 In conclusion, the proposal is acceptable and in accordance with the criteria stipulated in HCF 1 A (Protecting Residential Amenity and Community Facilities – Residential Areas) and NBE 1 B2c (Listed Buildings) in the adopted North Lanarkshire Local Plan. It is considered that the overall character and appearance of the listed building would not be adversely affected. The proposal is reasonably in keeping with the character and amenity of this location without resulting in a significant impact on residential amenity. Taking the above into consideration and notwithstanding the objections received, it is recommended that planning permission be granted.
Application No: 15/00985/FUL

Date Registered: 15th May 2015

Applicant: Fusion Assets
5th Floor, Fleming House
Tryst Road
Cumbernauld
G67 1JW

Agent: Albert Muckley
Ironside Farrar
111 McDonald Road
Edinburgh
EH7 4NW

Application Level: Major Application

Contrary to Development Plan: No

Ward: 015 Mossend And Holytown
Councillors David Baird, James Coyle & Frank McNally

Representations: No letters of representation received.

Recommendation: Approve Subject to Conditions

Reasoned Justification:

The proposed development is considered acceptable in terms of the criteria set out in the relevant policies of the North Lanarkshire Local Plan 2012 in that the scale, design and layout of the proposed enabling works are acceptable in order to prepare the site for future development and they will not adversely affect the character and function of the wider established industrial location.
PLANNING APPLICATION: 15/00985/FUL

Enabling Works Including Earthworks, Access Formation, Infrastructure and Services Provision, Erection of Security Fencing and Associated Development

Site North Of The Glasgow And Edinburgh Road Newhouse ML1 5SG

Produced by
Planning & Regeneration
Regeneration & Environmental Services
North Lanarkshire Council
Fleming House
2 Tryst Road
Cumbernauld
G67 1JW

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Proposed Conditions:-

1. That, except as may otherwise be agreed in writing by the Planning Authority, the development shall be implemented in accordance with drawing numbers:- 8427/104, 8427/105, 8427/108, 8427/109, 8427/304, 8427/305D, 8437/306A, 8427/307A, 8427/401A, 8427/402, 8427/403A, 8427/404 and 8427/601.

For the avoidance of doubt, no works shall be carried out within the land covered by Transport Scotland’s CPO area shown hatched on approved drawing number 8427/305D and the development hereby permitted shall be carried out strictly in accordance with the approved details noted above and no change to those details shall be made without prior written approval of the Planning Authority.

Reason: To clarify the drawings on which this approval of permission is founded.

2. That before the development hereby permitted starts, a scheme of landscaping for all the landscape embankments and surrounding the SUDS area, 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, boundary treatment, grass seeding and turving;
(b) A scheme of shrub planting, incorporating details of the location, number, variety and size of shrubs to be planted.
(c) A timetable for completion of these works contemporaneously with the development.

Reason: In the interest of amenity of the general area.

3. That all works included in the scheme of landscaping and planting, approved under the terms of condition 2; above, shall be implemented in accordance with the approved timetable associated with the phasing of the development and by the first planting season following the SUDS area being brought into use, and any trees, shrubs, or areas of grass which die, are removed, damaged, or become diseased, within two years of the completion of the landscaping, shall be replaced within the following year.

Reason: In the interest of amenity of the general area.

4. That all the access roads 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.

Reason: In the interest of the amenity of the site and the general area.

5. That before any works of any description start on the application site, unless otherwise agreed in writing with the Planning Authority, a further comprehensive site investigation report shall be submitted to and for the approval of the said Authority. The investigation must be carried out in accordance with current best practice advice, such as BS 10175: 'The Investigation of Potentially Contaminated Sites' or CLR 11. The report must include a site specific risk assessment of all relevant pollution linkages and a conceptual site model. Depending on the results of the investigation, a detailed Remediation Strategy may be required.

Reason: To establish whether or not site decontamination is required in the interests of the amenity and wellbeing of future users of the site.

6. That any remediation works identified by the site investigation required in terms of Condition 5, shall be carried out to the satisfaction of the Planning Authority. A certificate (signed by a chartered Environmental Engineer) shall be submitted to the
Planning Authority within three months of the completion of all enabling works confirming that any remediation works have been carried out in accordance with the terms of the Remediation Strategy.

Reason: To ensure that the site is free of contamination in the interests of the amenity of future users of the site.

7. That before the development hereby permitted starts, confirmation shall be provided to the Planning Authority on the estimated volume of any excess material requiring to be taken off-site following the regrading works and landscape mounding, and should any excess material arise, the following requirements shall be met in full during the course of these works:

a) That prior to the commencement of enabling works, wheel cleaning equipment shall be installed, details of which and their location, shall be agreed in writing by the Planning Authority prior to installation and shall be maintained throughout the duration of the operations to the satisfaction of the Planning Authority and in the event of any deposit of mud or any other material on the A775 Edinburgh Road, the deposits shall be cleared as soon as possible;

b) That the movement of vehicles to and from the site shall only take place between the hours of 0800 and 2000 hours Monday to Friday and 0800 to 1800 hours Saturday with no off-site movements occurring on Sunday;

c) That all vehicles leaving the site carrying material shall be fully covered by haps or sheets; and

d) That all vehicles and mobile plant on site shall be properly maintained, and provided with suitable and effective silencers where appropriate, or provided with full acoustic screening.

Reason: To prevent mud or detritus being carried onto the public roads in the interests of road safety; in order to protect the amenity of nearby residential properties and reduce the impact of lorry movements on the road network; to minimise dust emissions and to prevent material falling onto the public roads in the interests of amenity and road safety; and to minimise noise generation from plant/vehicle movement in the interest of amenity.

8. That before any works start on site, unless otherwise agreed in writing with the Planning Authority, full details of the proposed surface water drainage scheme shall be submitted to the said Authority and shall be certified by a chartered civil engineer as complying with the most recent SEPA SUDS guidance.

Reason: To ensure that the drainage scheme complies with best SUDS practice to protect adjacent watercourses and groundwater and in the interests of the amenity and wellbeing of future users of the site.

9. That the SUDS compliant surface water drainage scheme required under Condition 8 above shall be implemented contemporaneously with the development in so far as is reasonably practical. Within three months of the construction of the SUDS, a certificate (signed by a Chartered Civil Engineer experienced in drainage works) shall be submitted to the Planning Authority confirming that the SUDS has been constructed in accordance with the relevant CIRIA Manual and the approved plans.

Reason: To safeguard adjacent watercourses and groundwater from pollution and in the interests of the amenity and wellbeing of future users of the facility.

10. That prior to the commencement of the regrading and landscape mound works, all watercourse diversions proposed within the site boundary shall be certified once completed by a Chartered Structural Engineer to consider the structural stability of the resulting diversion on site and a validation certificate submitted within 3 months following these works, confirming they have been carried out in full and to a satisfactory standard.
Reason: To ensure the stability of the site for the proposed development and to protect the site and surrounding land from flooding.

11. That within three months of the last of the enabling works hereby approved, all fixed equipment, plant and machinery shall be removed from the site.

Reason: In the interests of the amenity of the site.

12. That prior to commencement of development unless otherwise agreed in writing with the Planning Authority, a Construction Method Statement shall be submitted to and approved by the Planning Authority. For the avoidance of doubt, the Construction Method Statement shall cover:

- Details of the site compound;
- Details of the proposed phasing of all works;
- Details of all on-site construction including means of access to the site and;
- A dust management plan during the construction period:

The development shall be implemented in accordance with the approved Construction Method Statement.

Reason: In the interests of the amenity of the area particularly the neighbouring properties to ensure that necessary contingencies are in place, to minimise pollution risks arising from construction activities.

13. That should 12 months or more elapse between the timing of the initial ecological survey dated April 2015 hereby approved, and development commencing, a further survey shall be undertaken on the site to determine the presence of any statutorily protected species, the said survey shall thereafter be submitted to and approved in writing by the Planning Authority before any development commences on the site. As a result of the study, should any remediation measures be required for the relocation of any protected species, this shall be implemented in accordance with a timetable agreed in writing with the Planning Authority in consultation with Scottish Natural Heritage before works commence on the site.

Reason: In the interests of the protection of natural habitats and protected species.

14. That before the development hereby permitted commences, the applicant shall undertake a pre-start survey of the trees identified as having suitable roosting potential for bats in the Heritage Environmental Ltd Survey dated April 2015, to confirm if any bats are present and thereafter details of the findings of the survey, including any mitigation measures, shall be submitted to and approved in writing by the Planning Authority. For the avoidance of doubt, any mitigation measures shall be implemented in accordance with a timescale to be agreed with the Planning Authority.

Reason: In the interests of the protection of natural habitats and protected species.
Background Papers:

Consultation Responses:

The Coal Authority received 2\textsuperscript{nd} June 2015 and 26\textsuperscript{th} August 2015.
Transport Scotland received 29\textsuperscript{th} May 2015 and 18\textsuperscript{th} August 2015.
NLC Traffic & Transportation received 2\textsuperscript{nd} June 2015.
NLC Protective Services received 1\textsuperscript{st} June 2015.
NLC Greenspace received 18\textsuperscript{th} June 2015.
SEPA received 5\textsuperscript{th} June 2015, 27\textsuperscript{th} July 2015 and 31\textsuperscript{st} August 2015.
Scottish Gas Network received 16\textsuperscript{th} June 2015.

Contact Information:

Any person wishing to inspect these documents should contact Mrs Heather Philp at 01236 632494.

Report Date:

3\textsuperscript{rd} September 2015
APPLICATION NO. 15/00985/FUL

REPORT

1. Site Description

1.1 The application site measures approximately 2.4 hectares and comprises of open grassland, low level vegetation, a watercourse and mature trees. The site is located to the north east of Newhouse Industrial Estate and is located within a predominantly industrial area. The site is bounded by the A8 motorway to the north, Glasgow and Edinburgh Road to the south, the Co-op distribution centre to the east and vacant grassland to the west, which is currently a temporary compound for the M8 upgrade works. In terms of site levels, the site is undulating with the site sloping downwards towards the existing watercourse, the Kennel Burn, which crosses the site from south east to west. As a result of the recent earthworks for the M8 upgrade works, a bund has been formed along the northern boundary of the site. There is currently no vehicular access to the site from Glasgow and Edinburgh Road. Overhead transmission lines cross the centre of the site in a north-south direction with the closest pylon located approximately 60 metres to the south of the site. A Scottish Water main lies to the east of the site boundary.

2. Proposed Development

2.1 The applicant seeks planning permission for enabling works in order to facilitate future industrial and business development at Plot A1, Glasgow and Edinburgh Road, Newhouse. The applicant proposes to undertake the following enabling works within the site:

- Formation of two site access points from Glasgow and Edinburgh Road including a 75 metre long access road from eastern access point;
- Regrading of the site including earthworks to form two platformed areas and landscaped embankments along the northern, western and eastern boundaries of the site;
- Realignment of the Kennel Burn watercourse along the southern boundary of the site;
- Formation of a SUDS basin at the eastern part of the site and underground surface water storage tanks at the western part of the site;
- Erection of 2.4 metre high palisade fencing and;
- Installation of an electrical substation and a gas governor.

2.2 As a result of the M8 road improvement works scheme, a small section of the Kennel Burn within the western part of the site has been subject of a Compulsory Purchase Order (CPO) by Transport Scotland in order to facilitate works to the watercourse upstream. The applicant has confirmed that no works would be undertaken within the area of land covered by the CPO. With regard to the applicant’s proposal to realign the remaining section of the Kennel Burn within the site, it would be realigned from its current location (south east to west) to along the southern boundary of the site. The burn would be culverted under the proposed access points from Glasgow and Edinburgh Road.

3. Applicant’s Supporting Information

3.1 The applicant has submitted the following reports in support of their application:

- Coal Authority Risk Assessment;
- Phase 2 Site Investigation Report
- Drainage Statement;
- Planning Statement;
- Ecology Survey and;
3.2 The Pre-Application Consultation report summarised the public event which was held on 7th April 2015 and publicised the event on 25th March 2015 in the Motherwell Times.

4. Site History

4.1 The following planning applications are of relevance:

- 15/00669/EIASCR: Request for EIA Screening Opinion: Proposed Earthworks, Access, Infrastructure & Associated Development issued 14th April 2015 confirming that an EIA was not required.

5. Development Plan

5.1 The eastern part of the site is zoned as Policy EDI 1A1 (Existing Industrial and Business Areas) in the North Lanarkshire Local Plan 2012 with the remaining western part zoned under Policy EDI 2A (Industrial and Business Sites).

5.2 Development Strategy Policies (DSP) 1, 2, 3 and 4 are also relevant to the proposal.

6. Consultations

6.1 SEPA has no objections to the proposed development and offered comments to the applicant in respect of their regulations for the proposed diversion of the Kennel Burn.

6.2 Transport Scotland has no objections to the proposal subject to a planning condition to ensure that no works take place within the land covered by the Compulsory Purchase order for the M8 upgrade project to the north of the site.

6.3 NLC Protective Services noted that the applicant has submitted a site investigation report for review and following detailed assessment, further information requires to be submitted for their consideration.

6.4 NLC Greenspace advised that they are content with the findings of the submitted ecology report subject to a further bat survey.

6.5 NLC Transportation has no objections subject to condition relating to the proposed access from Glasgow and Edinburgh Road and turning facilities within the site.

6.6 The Coal Authority has no objections to the proposed development.

6.7 Scotland Gas Networks advised of their apparatus within the vicinity of the site.

7. Representations

7.1 No letters of representation have been received following the neighbour notification procedure and press advertisement.
8. **Planning Assessment**

8.1 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. The application raises no strategic issues; it can be assessed in terms of the local plan policy. The site is zoned as Policies EDI 1A1 (Existing Industrial and Business Areas) and EDI 2A (Industrial and Business Sites) in the North Lanarkshire Local Plan 2012.

**Development Plan:**

8.2 The eastern part of the site is covered by Policy EDI 1A1 (Existing Industrial and Business Areas) which seeks to support the continuing industrial and business character of existing industrial and business areas. It is considered that the application is consistent with the aims of this local plan policy by supporting this industrial and business location.

8.3 The western part of the site is also zoned under Policy EDI 2A (Industrial and Business Sites) which seeks to support industrial and business development by maintaining a 10 year land supply of quality marketable land and promoting the development of the industrial and business land supply. Given that the proposed development relates to enabling works in order to provide a site for industrial or business use, it is considered that the proposed development would be in accordance with this local plan policy.

8.4 The proposed development also requires to be assessed against Development Strategy Policies DSP1-4 which include DSP1 (Amount of Development), DSP2 (Location of Development), DSP3 (Impact of Development) and DSP4 (Quality of Development).

8.5 With regard to Policy DSP1 (Amount of Development), the proposal falls within a site allocated for industrial and business development as detailed in paragraph 8.2 above, therefore the amount of development is considered to be acceptable. The proposal is therefore in accordance with Policy DSP1.

8.6 Policy DSP2 (Location of Development) requires planning applications to be considered against a list of relevant locational criteria and in this case the relevant criteria is 1-Urban Regeneration. Given that the proposals will utilise a vacant site, it is considered that the proposed development accords with this criteria. In terms of location, the proposed enabling works would prepare the site for future development within an established industrial and business location. The proposal is therefore considered to be in accordance with the terms of this local plan policy.

8.7 Policy DSP3 (Impact of Development) considers the impact of the proposed development in terms of its requirements for additional community facilities or infrastructure which is necessary to meet future demands on existing provisions. As the proposals do not have any impact on the surrounding infrastructure or require additional community facilities, it is considered that the proposal complies with Policy DSP3.

8.8 Policy DSP4 (Quality of Development) requires development proposals to only be permitted where high standards of site planning and sustainable design are achieved. Proposals require to demonstrate that an appraisal has been carried out of the existing character and features of the site and its setting, existing rights of way or features or historic environment interest will be safeguarded or enhanced and the proposed development takes account of the site appraisal and any evaluation of design options and achieving a high quality development against a list of detailed criteria. In terms of the proposed site layout, it is considered that proposed earthworks and regrading of the site are acceptable. The two platformed areas will sit lower than the M8 road improvement works to the north however they will be broadly level with
Glasgow and Edinburgh Road to the south. While there would be a level of tree removal to facilitate the earthworks, the applicant proposes an embankment along the northern, western and eastern boundaries of the site which is required as a result of the proposed levelling earthworks within the site. The applicant has provided detailed proposed site levels and cross sections demonstrating that the proposed realignment of the burn can be suitably accommodated within the site. SEPA are satisfied with the location of the realignment of the Kennel Burn and note that the proposed works will increase the capacity of the watercourse. The proposal accords with this policy in that the realignment of the burn, including the proposed culverts, is required in order allow vehicular accesses serving the site. The site is traversed by overhead power lines and the applicant has designed the site layout to provide an access road in the central part of the site below the extent of the power lines. Any subsequent detailed planning applications would require to take the overhead power lines into account in relation to proposed building heights. In terms of immediately adjacent properties, there would be no impact on nearby buildings within the surrounding area, given the relatively isolated location at this part of Newhouse Industrial Estate. In addition to the platforming works, the applicant proposes to erect a 2.4 metre high palisade fence surrounding the site and install a substation and gas governor station. The proposed location and design of the fence is considered acceptable and would be in keeping with similar palisade fencing at the adjacent Co-operative distribution centre. The location of the substation and gas governor station within the central part of the site is also considered acceptable in terms of the overall site layout. Furthermore NLC Transportation has no objections to the proposal subject to conditions relating to access and turning facilities to ensure suitable access is provided for future users of the site. In terms of any detailed layout and turning facilities, this would be assessed as part of any future detailed application. As such, the proposal is considered compliant with Policy DSP4.

Consultations:

8.8 In terms of the other consultation responses received including responses from Transport Scotland and NLC Greenspace, it is considered that the outstanding matters which have not been covered earlier in this report could be suitably addressed by way of planning conditions attached to any permission.

9 Conclusions

9.1 In conclusion, the proposed development is considered acceptable and complies with the relevant policies contained within the North Lanarkshire Local Plan. It is considered that the proposed enabling works can be accommodated within the site without any significant adverse impacts on the surrounding area and it will complement and support the adjacent plot to the south which has recently been subject of preparatory platform works. It is therefore recommended that planning permission is granted subject to conditions.
<table>
<thead>
<tr>
<th>Application No:</th>
<th>Proposed Development:</th>
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<tbody>
<tr>
<td>15/01065/FUL</td>
<td>Proposed Formation of New Vehicular Access Road with Hardstanding, Footpath and Hammerhead Turning Area, and Erection of Control Kiosk</td>
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<table>
<thead>
<tr>
<th>Site Address:</th>
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<tr>
<td>Site To South West Of</td>
<td></td>
</tr>
<tr>
<td>1 Kethers Street</td>
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<td>Motherwell</td>
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<tr>
<td>Scottish Water</td>
<td>N/A</td>
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<tr>
<td>Scottish Water C/o Graham Leitch</td>
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<tr>
<td>The Bridge</td>
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<td>3 letters of representation received.</td>
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<tr>
<td>Paul Kelly, Michael Ross, Annette Valentine</td>
<td></td>
</tr>
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</table>

Recommendation: Approve Subject to Conditions

Reasoned Justification:

The development meets the criteria set out in the relevant policies contained within the Adopted North Lanarkshire Local Plan. The development is acceptable in terms of its impact upon the site and surrounding residential area.
15/01065/FUL
Site To South West Of 1 Kethers Street
Motherwell
Proposed Formation of New Vehicular Access
Road with Hardstanding, Footpath and
Hammerhead Turning Area, and Erection of
Control Kiosk
Proposed Conditions:-

1. That, except as may otherwise be agreed in writing by the Planning Authority, the development shall be implemented in accordance with drawing nos: 5000740583-SN-DRA-04131055-0B, 5000740583-SN-DRA-04131057-0A, 5000740583-SN-DRA-04131056-0D, 5000740583-SN-DRA-04131053-0F, and 5000740583-SN-DRA-04131054-0F.

Reason: To clarify the drawings on which this approval of permission is founded.

2. Construction work associated with this development shall conform to BS5228 – Noise from Construction and Open Sites and working hours shall be limited to 0800-1900 hours Monday-Friday, 0800-1300 Saturday only. Construction and/or demolition work associated with this development should conform to the recommendations/standards laid down in BS5228 “Noise and Vibration Control on Construction and Open Sites”. Best Practicable Means as defined in Section 72 of the Control of Pollution Act 1974 should be employed at all times to ensure noise levels are kept to a minimum.

Reason: To ensure that existing residents are suitably protected from construction work noise disturbance in the interests of amenity.

3. That BEFORE development starts, details of the surface finishing materials for the permanent access/turning facility and diverted path adjacent to Kethers Street, shall be submitted to, and approved in writing by the Planning Authority and thereafter the surfacing works shall be implemented in accordance with the details approved under the terms of this condition. For the avoidance of doubt, the first 4 metres of the access leading from the heel of the footway on Kethers Street shall comprise a sealed tarmac surface. In addition, before the permanent access road becomes available for use, a delineation kerb shall be installed at the heel of the public road in accordance with the specifications of the Roads Authority.

Reason: To enable the Planning Authority to consider these details in the interests of the visual amenity of the area, to ensure suitable access arrangements, to prevent deleterious material being carried onto the public highway, and to delineate the public road from the private access.

4. That upon completion of the works, the existing barriers (including collapsible bollards and railings.) at Kethers Street and Ladywell Road shall be reinstated in accordance with a scheme to be submitted to and approved in writing by the Planning Authority before work starts on site, and the temporary construction road shall be removed. In addition, the ground above the installed storage tank and associated pipework, and along the route of the temporary construction road shall be re-instated to its original condition to the satisfaction of the Planning Authority.

Reason: To ensure satisfactory re-instatement of barriers and areas affected by the development in the interests of the amenity of the area.

5. That BEFORE development starts, a plan at 1:100 scale detailing the exact position, species, age, and condition of the trees to be removed and a 1:100 scale plan detailing the same criteria of suitable replacements (which shall be of standard size and include a mixture of species such as bird cherry, crab apple, oak and silver birch) shall be submitted to, and approved in writing by the Planning Authority. That within the next available planting season following completion of the works, the replacement trees shall be planted as approved under the terms of this condition, and should any trees die, be removed, damaged, or become diseased within two years of the planting of the trees, they shall be replaced within the following year with others of a similar size and species.
6. That no trees other than those identified for removal under condition 5 above, shall be lopped, topped, or felled without the approval in writing by the Planning Authority, and 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 to be retained, and shall not be removed without the approval in writing of the Planning Authority.

Reason: To protect the area of woodland within the site and visual amenity of the surrounding area.

7. That should the works not be carried out within 1 year of the date of the initial ecological survey titled 'Scottish Water Specialist Service Delivery Ecological Constraints Report' by Tom Owens dated May 2015, a further survey shall be undertaken on the site to determine the presence of any statutorily protected species, the said survey shall thereafter be submitted to and approved in writing by the Planning Authority before any development commences on the site. As a result of the study, should any remediation measures be required for the relocation of any protected species, this shall be implemented in accordance with a timetable agreed in writing with the Planning Authority in consultation with Scottish Natural Heritage before works commence on the site."


8. That notwithstanding the terms of condition 1 above, development shall not commence until any temporary stopping up order(s) or permanent footpath diversion order(s), as may be required, have been confirmed.

Reason: To ensure compliance with the relevant legislation.

9. That BEFORE the development hereby permitted starts, a scheme of signage to direct traffic and pedestrians during construction works shall be submitted to, and approved in writing by the Planning Authority and thereafter displayed in prominent positions as agreed under the terms of this condition for the entire duration of the works to the satisfaction of the Planning Authority.

Reason: To ensure the provision of adequate directions to assist traffic and pedestrians in accessing in and around the site in the interests of highway safety.

10. That use of the permanent access to be formed from Kethers Street hereby approved shall be limited solely to Scottish Water maintenance vehicles and that construction vehicles are strictly prohibited from using this access at all times and must instead take all access from Ladywell Road to the satisfaction of the Planning Authority.

Reason: To ensure appropriate access arrangements in the interests of highway safety.
**Background Papers:**

**Consultation Responses:**

Memo from Greenspace received 25th June 2015  
Memo from Transportation received 1st September 2015  
Memo from Protective Services received 26th June 2015 & 12th August 2015  
Memo from Arboricultural Section (Greenspace) received 2nd June 2015

**Contact Information:**

Any person wishing to inspect these documents should contact Mrs Joanne Delaney at 01236 632647

**Report Date:**

14th September 2015
APPLICATION NO. 15/01065/FUL

REPORT

1. Site Description

1.1 The application site lies within an area of parkland located between Hamilton Road and Kethers Street in Motherwell. The site is adjoined to the north east, south west, and west by housing, by Parks motor garage and showroom to the south-east, and by parkland to the north and south. The site is fairly level and a network of footpaths dissect the site connecting Kethers Street with Ladywell Road and Hamilton Road through the park. Several trees are located in and around the site.

2. Proposed Development

2.1 The works are part of a scheme to alleviate flooding problems in the area. It is proposed to form a permanent access road and turning facility leading from the south end of Kethers Street for maintenance vehicles to service a proposed underground storage tank and kiosk above ground. The storage tank will measure 15 metres in diameter and will reach a depth of 10.5 metres below ground level, to be constructed under permitted development rights. The kiosk will measure 3.5 metres long by 2.85 metres wide by 2.8 metres high and will be sited directly opposite the proposed hammerhead at the south-western corner of the site. The kiosk will house the electrical and instrumental equipment controlling the pumps and power supply for the site. Replacement pipework, upsizing of underground pipework to convey flows to the new tank, and replacement manholes will be undertaken under permitted development rights. A temporary site compound and access road of 'Type 1' material will also be formed under permitted development rights leading from Ladywell Road to the site to serve construction vehicles undertaking the works, the temporary access will be removed upon completion of the works. Nine trees (ranging from silver birch, rowan, sycamore, beech, and poplar) will require to be removed to make way for the proposals. A short section of footpath at the south end of Kethers Street will require to be permanently re-aligned to enable an area of segregation from the permanent access road, and will be relocated approximately 4.5 metres northward where it adjoins Kethers Street. In addition, for the duration of the works, the other footpaths lying within the site will require to be temporarily closed and pedestrians diverted around the surrounding public footways.

3. Applicant's Supporting Information

3.1 The applicant has submitted supporting statements to advise that the works are required to address properties suffering from flooding within The Loaning, Viewpark Road, and Hamilton Road. They have advised that the main cause of flooding is a lack of capacity in the sewer network and there is a need for the storage tank to be located in close proximity to these properties. The construction phase for the development is estimated to last 40 weeks with working hours proposed as between 0800-1900 hours Monday-Friday, 0800-1300 Saturday. Noise from construction or demolition works will be restricted to ensure that noise is inaudible at the site's perimeter on Sundays and public holidays. It is anticipated that the works will commence early new year. All construction vehicles will use the temporary access from Ladywell Road as the location of the Kethers Street access is considered unsuitable for heavy construction vehicles. The permanent access road proposed to be formed from Kethers Street will only be used following completion of the development by Scottish Water vans approximately once a week, with periodic visits by a small rigid tanker when more extensive maintenance is required. A turning facility is proposed within the site to enable vehicles to enter and leave the site via Kethers Street without having to conduct reversing manoeuvres within the narrow cul-de-sac. New bollards will be installed to ensure only Scottish Water vehicles will be able to access the site. A noise impact assessment and ecological constraints report were also submitted in support of the proposals.
4. **Site History**

4.1 None

5. **Development Plan**

5.1 The site is zoned as HCF 1 B2 (Town Parks and Community Parks) on the adopted North Lanarkshire Local Plan.

6. **Consultations**

6.1 Transportation has no objections subject to conditions relating to access, turning, and visibility requirements for the site.

6.2 Protective Services were satisfied with the findings of the noise impact assessment that noise resulting from the development should not adversely affect residents. They recommended the imposition of a condition restricting construction hours and addition of an advisory note with respect to any potential contamination.

6.3 Greenspace noted that the proposals require the felling of approximately 10 trees plus some scrub woodland but accepted that the trees to be removed are semi-mature. They raised no objections to removal of the trees subject to the requirement that these trees be replaced and request conditions relating to the paths that cross the site.

6.4 The Arboricultural Section raised no objections to the works but requested that the proposed access road be moved approximately 1 metre to the north to retain the birch trees as they provide a good visual buffer and amenity feature for the housing on Kethers Street.

7. **Representations**

7.1 Following neighbour notification and a press advertisement, 3 letters of representation were received. The concerns raised are summarised as follows:

- a) The proposed formation of the control kiosk and the access road would have a detrimental impact on the residential amenity of adjacent properties due to noise and disturbance. Noise from drilling/vibrating machinery, pumps and construction vehicles will be unacceptable;
- b) The proposed removal of trees and vegetation will have an adverse visual impact on the setting of properties on Kethers Street and the community park. It is also requested that the works not be undertaken during the bird breeding season;
- c) Temporary diversion of the footpath toward the rear of houses on Kethers Street and removal of vegetation would reduce privacy/security levels enjoyed by residents and bring undesirables closer to properties. It is requested that the footpath be closed for the duration of the works;
- d) The kiosk will become a centre for anti-social behaviour and graffiti. Management of vandalism has not been taken into account in the design or location of the kiosk;
- e) Kethers Street will be used for heavy plant and construction materials which it cannot accommodate due to its narrow dimensions with limited parking options for residents and visitors, and lack of turning facilities;
- f) Scottish Water state that they have engaged with the community on the proposals however no such consultation has taken place other than the Council’s standard neighbour notification;
- g) Reliance is made on permitted development rights under Class 14 of the GPDO (temporary buildings and uses) to form a substantial stretch of temporary access road. It is considered that this is an inappropriate use of permitted development.
rights and would set an undesirable precedent.

h) Drainage at the site is poor and the ground is often waterlogged at the intended time of year proposed for undertaking the works which is likely to lead to mud being carried onto local roads;

i) Concern had been raised regarding lack of information contained within the application, particularly the duration of construction works, noise impact, details of HGV movements and details of the works to be undertaken under PD rights. It is therefore not possible to assess the impact of the development on residents.

j) The site is not located close to any of the properties that are identified as being at risk of flooding. The applicants have failed to demonstrate the need for the development at this site in preference to other sites that may be more suitable;

k) It is requested that conditions be imposed on construction hours and noise limits; preventing construction vehicles from using Kethers Street and relating to the appearance of the kiosk.

8. **Planning Assessment**

8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997, requires that planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. The application raises no strategic issues and can be assessed against the local plan.

8.2 The site is designated under policy HCF 1 B2 (Town Parks and Community Parks) on the adopted North Lanarkshire Local Plan (NLLP) (2012). Policies NBE2A3 (Promoting the Natural & Built Environment) (Woodland Management and Structure Planting), NBE 1A6 (Protecting the Natural and Built Environment) (Protected Species), and DSP4 (Quality of Development) are also relevant as is Supplementary Planning Guidance (SPG) 02 (Trees and Development), 09 (Flooding & Drainage), and 20 (Biodiversity & Development).

8.3 Policy HCF 1 B2 seeks to maintain community well-being in residential areas by protecting identified Town and Community Parks. Policy NBE2A3 indicates that existing trees and groupings of trees should be retained where possible. Policy NBE 1A6 indicates that development that significantly affects a species protected by law will only be permitted where an appraisal has demonstrated that the protected species would not be compromised. SPG 20 (Biodiversity & Development) requires that applicable developments demonstrate any risk and means for mitigation of European Protected Species, in this case bats. In addition, SPG 02 (Trees and Development) seeks to ensure that existing planting is retained as an asset to new development, giving instant maturity and retaining natural visual amenity. In considering the proposals against these policies and guidance, it is noted that the application site occupies only a very small corner of the park where no protected species were detected during survey works, and which will have minimal disturbance on the established woodland and footpath network. As such, the community will continue to benefit from the pleasant natural visual environment and location for recreation currently offered by the park with suitable pedestrian access retained through the park once works are completed. The Arboricultural officer requested retention of the birch trees by relocating the access road, however it is considered important to retain a suitable area of segregation between the re-aligned footpath and new access road for safety reasons. Given the tight confines of land at this corner, there is not sufficient land to afford re-siting of the access road. In any case, should the road be relocated, it would alternatively impact on 3 other trees which would require to be removed, thereby providing little benefit. On balance, whilst it is regrettable that trees will require to be removed, they are located within a corner largely screened from general view, several trees will remain, and conditions are recommended to protect retained trees and provide details of suitable replacements. On this basis it is considered that the natural character and appearance of the area will be suitably retained. Greenspace raised no objections to the proposals. The proposals are considered to comply with policies HCF 1 B2, NBE2A3, NBE 1A6, and SPGs 02 and 20.
8.4 Policy DSP 4 (Quality of Development) requires developments to integrate successfully into the local area avoiding harm and adverse impacts on the amenity of the area or upon the road network. The works that require planning permission include a small kiosk to be coloured green to blend in more sympathetically with the surroundings and the provision of a short access road and turning head. The scale and location of the development are such that the impact on the site and surrounding area will be minimised. On completion of the works only limited traffic will use the site with generally only 1 visit per week anticipated by Scottish Water vehicles servicing the apparatus. The equipment to be installed will generate little noise and Protective Services were satisfied that there would be no disturbance to residents. It is accepted that there will be noise and disruption during construction works and a condition is recommended to restrict construction hours to limit disturbance to residents. Whilst visibility splays and turning head dimensions do not fully meet standards requested by Transportation, given the limited traffic and size of vehicles servicing the site, it is considered acceptable to relax the standards without causing any detriment to the road network. The existing footpath will be subject of minor re-alignment of approximately 4.5 metres to afford adequate separation of pedestrians from the new permanent access road in the interests of highway safety and Transportation raised no objections to the proposals. The development originally involved temporarily diverting the footpath toward the rear boundary of properties on Kethers Street and would have required removal of more trees which residents consider provide a degree of screening and enhanced privacy and security. However, a revised layout was submitted removing the requirement to divert this section of path, and in turn securing the retention of more trees. On this basis it is considered that privacy and the visual amenity currently enjoyed by residents will not be adversely affected, and that sufficient trees will remain thereby retaining the natural character and appearance of the site. The public will alternatively be diverted around surrounding streets with no direct pedestrian access being permitted through the site for the duration of the works for safety reasons. This matter may require to be addressed by temporary stopping up/permanent diversion order(s) for the affected footpaths and a condition is recommended in respect of this requirement should permission be granted. It is recommended that a condition be imposed to require a scheme of site signage to direct traffic and pedestrians during construction works. Overall, the proposals are considered to comply with policy DSP 4.

8.5 SPG 09 (Flooding & Drainage) requires that applicable developments demonstrate any risk and means for mitigation of flooding and details drainage measures. Supporting information has been submitted detailing the flooding difficulties experienced by householders in the local area. It is also confirmed that the works are required to address these flooding issues by providing greater storage capacity within the sewer network and have a locational need in that the apparatus requires to be in close proximity to the affected properties. As such, the proposals are considered to comply with the terms of SPG 09 and are essential to benefit the affected householders.

Representations

8.6 In terms of the objections raised, I would comment as follows:

a) A noise impact assessment was submitted and as detailed in paragraph 8.4 Protective Services confirmed there should be no adverse noise impacts on residents from the development proposed. A condition is recommended to restrict construction hours to protect the amenity of neighbouring residents;

b) The impact on the natural environment has been discussed above under paragraph 8.3 and is considered acceptable. Impact on the bird breeding season is governed by other legislation;

c) The layout was amended to remove the requirement to divert the affected area of footpath to the rear of houses on Kethers Street thereby retaining privacy/security levels;
d) Issues of anti-social behaviour/graffiti are a matter for the police and are not material planning considerations;

e) Construction access will be via Ladywell Road and the construction access can be formed under permitted development rights. Kethers Street will only be used for maintenance vehicles and a turning facility will be provided. As indicated in paragraph 8.4 it is considered there will be no adverse impact on the road network along Kethers Street;

f) There is no legislative requirement for the applicant to consult directly with the community;

g) Class 14 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 as amended 30th June 2014 allows: “the provision on land of buildings, moveable structures, works, plant or machinery required temporarily in connection with and for the duration of operations being carried out on, in, under or over that land or on land adjoining that land” and is applicable to the temporary access road for construction vehicles;

h) A condition is recommended requiring a sealed surface for the permanent access road which should reduce any instances of mud being carried onto the surrounding roads. The temporary access road does not require planning approval and any resultant debris on the public road can be controlled by the Roads Authority;

i) Following the representations further information was submitted providing additional details of the proposed development including a Noise Impact Assessment, details of traffic movements and it has been stated that it is anticipated that the project will take 40 weeks to complete. It has been indicated that the applicants have prepared a traffic management plan in relation to the construction period. The information submitted is adequate to properly assess the impact of the development proposed;

j) Supporting information submitted confirms that there is a locational need for the apparatus to be located in this position to facilitate connection of the new apparatus into the existing network taking account of ground levels within the area;

k) Appropriate conditions are recommended relating to the matters raised.

9. **Conclusions**

9.1 In conclusion, it is considered that the development can be accommodated without significant adverse impact on the character and amenity of the surrounding area or the road network. The loss of trees can be suitably addressed by the requirement for replanting. Some disruption is inevitable during construction works, however much of the works that form part of the flood alleviation project are permitted development and the project will have benefits to those suffering from flooding. It is considered that the development proposed complies with the relevant Local Plan policies and notwithstanding the representations received it is recommended that planning permission be granted.
Application No: 15/01274/FUL

Date Registered: 3rd August 2015

Applicant: Mr Calum Wilson
Sabhal Mor
Branziet Farm
Balmore
Torrance
G64 4AH

Agent: John White
John H White Architects Ltd
Ballat Crossroads
Balfron Station
Glasgow
G63 0SE

Application Level: Local Application

Contrary to Development Plan: Yes

Contrary to Development Plan: Yes

Ward: 005 Strathkelvin
William Hogg, Frances McGlinchey, John McLaren, Brian Wallace

Representations: 1 letter of representation received.

Recommendation: Refuse

Reasoned Justification:
The proposed development is considered contrary to Green Belt policy and would have a detrimental impact on the amenity and character of the Green Belt and would set an undesirable precedent for other such similar developments in Green Belt areas.
Recommendation: Refuse for the Following Reasons:

1. The proposed development will adversely affect the green belt rural environment of the local area by introducing new residential development that is not required for any rural use; in this respect the proposal is contrary to policies NBE 3A Green Belt and DSP4 Quality of Development in the North Lanarkshire Local Plan, NLC Supplementary Planning Guidance SPG 07- Green Belt and Scottish Planning Policy (SPP). It is considered that the proposed dwelling house would adversely affect the character of the area by introducing a permanent building which has no justification in terms of local plan policy and would as a result permanently alter the character of the area.

Background Papers:

Consultation Responses:

The Coal Authority received 2nd September 2015
Traffic & Transportation received 17th August 2015
Environmental Health (including Pollution Control) received 21st August 2015

Contact Information:

Any person wishing to inspect these documents should contact Mr Edward McLennaghan at 01236 632496

Report Date:

4th September 2015
APPLICATION NO. 15/012741/FUL

REPORT

1. Site Description

1.1 The applicant proposes the construction of a one and a half storey dwellinghouse adjacent to Easter Auchinloch Farm Steading. The steading is in a rural location east of Auchinloch and consists of a derelict farmhouse currently being converted into 4 houses as per planning consent 11/01189/FUL. The site is accessed via a private tarmaced road that connects onto Burnbrae Road and currently serves one occupied dwelling at present. The site of the proposed dwelling sits to the north west of the existing derelict farmhouse with access and parking proposed via the existing private road connecting to a parking area to the west of the steading building under conversion.

2. Proposed Development

2.1 The proposals would involve the construction of a 4 bedroom one and a half storey dwellinghouse (8.2m in height measuring 13.4m by 13.8 or 144m²) and would incorporate a fairly traditional design and would be finished in natural slate, white painted timber windows and doors and natural stonework finishing to the external walls to match the adjacent converted steading building. The proposed dwelling would be positioned within to the north west of the existing derelict farmhouse with access and parking proposed via the existing private road.

3. Applicant’s Supporting Information

3.1 The applicant has submitted supporting information in relation to this application which outlines that in order to sufficiently cover the cost of the works to convert the existing steading building a fifth house would be required to allow sufficient comfort for the bank to release the required funding for the proposed development. The applicant therefore seeks an additional sensitively designed house in keeping with the proposed finish of the conversion to allow sufficient funding to complete the approved works.

4. Site History

4.1 Relevant planning history includes the following:-

- 10/01390/FUL Renovation of Farmhouse and Outbuildings to Form Four Dwellinghouses withdrawn 18th October 2011

- 11/01189/FUL Renovation of Farmhouse and Outbuildings to Form Four Dwellinghouses approved 21st March 2012

5. Development Plan

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

5.2 In the adopted North Lanarkshire Local Plan, the application site is located within the green belt and is covered by Policy NBE 3A (Assessing Development in the Green Belt). Policy DSP 4 is also relevant.

6. Consultations

6.1 NLC Traffic and Transportation recommend refusal of the application as the applicant cannot provide a road to an adoptable standard to serve the development.
6.2 NLC Protective Services recommend that a noise survey demonstrating the impact of road traffic noise on the proposed development and any mitigation measure required be provided prior to the start of construction on site.

6.3 The Coal Authority has no objection subject to the inclusion of the Coal Authority's standing advice should planning permission be granted.

7. **Representations**

7.1 Following the neighbour notification and press advertisement procedures, 1 letter of objection has been received with the points of objection summarised below:

- Contrary to the local plan as the proposals are a new development and not refurbishment.
- The development is contrary to the previous advice from NLC Transportation which recommend refusal of application 11/01189/FUL due to access concerns relating to the existing access road to the site.
- The proposals constitute overdevelopment.
- The applicant has failed to address the conditions of the previous planning consent 11/01189/FUL in relation to drainage, the felling of trees or eradication of Japanese knotweed.
- The applicant has removed nesting birds during works to the existing approved steading in contravention of his warrant.

7.2 The objector has requested a site visit be carried out to allow the council members to see the inadequacy of the access road which services the development.

8. **Planning Assessment**

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

8.2 **Development Plan – North Lanarkshire Local Plan (NLLP):** Residential development in the Green Belt is covered by Policy NBE 3A (Assessing Development in the Green Belt). This policy protects the character and promotes acceptable development within the green belt by presuming against new residential development unless shown to be necessary for agriculture, forestry or other uses appropriate only to a rural area. The NLLP also requires proposed developments to be assessed against policies DSP 1 (Amount of Development), DSP 2 (Location of Development), DSP 3 (Impact of Development) and DSP 4 (Quality of Development). Due to the limited nature of the development the proposal raises no issues with regards to Policies DSP 1, DSP 2, and DSP 3.

8.3 **Other Material Considerations – SPG 07 Assessing Development in the Green Belt (SPG 07)** sets out that any exceptions to Policy NBE 3A must be evidenced by special circumstances demonstrated by the applicant. In this case despite the applicant's financial concerns relating to the current costs of renovating the existing steading building it is not considered sufficient to justify the proposed development in terms of existing Green Belt policy.

8.4 In terms of Policy NBE 3A a new residential dwelling as proposed, to satisfy assessment criteria, would require to be in conjunction with an acceptable green belt use and the proposed development does not meet this criteria. SPP sets out that developments not consistent with green belt policy can be considered if it can be demonstrated that the development is a national priority or meets an established need if no other suitable site is available. SPG 07 echoes this position in looking for new residential developments unconnected with a green belt use to demonstrate special circumstances. The applicant's justification for the proposed development does not satisfy the assessment criteria for Policy NBE 3A, SPP and SPG 07. Green
belt considerations of new developments do not include the requirement to assist in the funding of a related project. Furthermore notwithstanding the small scale nature of the development, the proposed use of a greenfield site is contrary to attempts to promote urban renewal through the use of brownfield sites. The proposed dwellinghouse will have a significantly greater adverse effect on the local rural amenity by adding an additional building on this site and reduce the openness of the area. The granting of permission will set a precedent for other inappropriate houses in the green belt, to the detriment of the amenity of the wider area. Accepting the applicant's justification for the proposed development would set an undesirable precedent for inappropriate development in countryside. In addition, they would not represent a material consideration that justifies an exceptional approval and as such the proposed development is considered contrary to Policy NBE 3A, SPP and SPG 07.

8.5 Policy DSP 4 – sets out that development will only be permitted where high standards of site planning and sustainable design are achieved. This policy sets out criteria and requirements in this respect which include; character and setting, site appraisal and evaluation of design options, water body status protection, integration into the local area, and safe access for cars. The dwelling is located in the green belt where development should avoid key corridors and wedges and maintain clearly defined urban/rural boundaries. The proposal is a new build dwelling, whilst traditional in appearance and finished in materials to complement the adjacent steading conversion it would an unjustified and inconsistent feature within the landscape at this location and therefore does not accord with this Policy. Policy DSP 4 states that development will only be permitted when design is of a high standard and the detail of the development is considered in line with design guidance for dwellings in the countryside. Notwithstanding the acceptability of the design in this instance the dwelling proposed at this location will significantly impact on the rural character and erode the openness of the green belt and constitutes development that would set an undesirable precedent for inappropriate development in countryside given that insufficient justification in terms of Green Belt policy has been provided. It is considered, therefore, that the proposal does not accord with local plan policy.

Other Material Considerations

8.6 In terms of the consultation response received NLC Transportation object to the proposed development given the substandard nature of the private access road however it is not considered in this instance that an additional dwelling at this location would have significant enough impact to warrant refusal of the application on transportation grounds. The private access road typifies a traditional rural style access which is considered sufficient to adequately accommodate an additional dwelling (increase of 5 to 6) at this particular location. In terms of the comments received from NLC Protective Services in relation to a noise survey being required it is considered that in this instance it is not deemed reasonable to request such a survey given the overriding policy objection and the fact the previous approval of the steading conversion which did not require any similar noise surveys for noise impacts associated with the road.

8.7 Turning to the letters of objection it should be noted:-

- Contrary to the local plan as the proposals are a new development and not refurbishment.

Response: As outlined in the assessment above it is considered that the proposed development is contrary to policies NBE 3A, DSP 4, SPG07 of the North Lanarkshire local Plan and Scottish Planning Policy (SPP).

- The development is contrary to the previous advice from NLC Transportation which recommend refusal of application 11/01189/FUL due to access concerns relating to the existing access road to the site.
Response: Whilst it is noted that NLC Traffic and Transportation object to the proposed development it is not considered in this instance that an additional dwelling at this location would have significant enough impact to warrant refusal of the application on transportation grounds. The private access road typifies a traditional rural style access which is considered sufficient to adequately accommodate an additional dwelling (increase of 5 to 6) at this particular location.

- The proposals constitute overdevelopment.

Response: It is not considered that the proposed development would constitute an overdevelopment of the site as both the proposed new dwelling and existing steading conversion building will have sufficient open space to adequately service these properties.

- The applicant has failed to address the conditions of the previous planning consent 11/01189/FUL in relation to drainage, the felling of trees or eradication of Japanese knotweed.

Response: The applicant has addressed all matters in relation to the conditions for planning consent 11/01189/FUL. It should be noted that these matters are not material planning considerations in relation to the assessment of the current application.

- The applicant has removed nesting birds during works to the existing approved steading in contravention of his warrant.

Response: The applicant submitted a protected species survey dated February 2015 in relation to condition 11 of planning consent 11/01189/FUL which outlined the requirement for breeding birds during construction. It should be noted that these matters are not material planning considerations in relation to the assessment of the current application.

9. **Conclusions**

9.1 Taking the above assessment into account, it is considered that this development fails to accord with the provisions of policies NBE 3A, DSP 4 and SPG 07 of the North Lanarkshire Local Plan as well as Scottish Planning Policy (SPP). Following detailed consideration of the proposals, it is considered that the proposed development does not demonstrate special circumstances that sufficiently justify approval of a dwelling contrary to Green Belt policy. Therefore, for the reasons detailed in the planning assessment above, it is recommended that planning permission be refused for the reasons outlined above.
Application No: 15/01436/FUL

Proposed Development:
Change of Use from Public House to Class 1 Retail Unit, 2 No. Hot Food Take Away Units (Sui Generis) and Installation of No1 ATM and 4No Flues

Site Address:
62 Lochinvar Road
Greenfaulds
Cumbernauld
G67 4AR

Date Registered: 14th July 2015

Applicant: Zahid Rasul

Agent: John Foster
C/O DTA Chartered Architects Ltd
9 Montgomery Street
The Village
East Kilbride
G74 4JS

Application Level: Local Application

Contrary to Development Plan: No

Ward: 003 Cumbernauld South
William Goldie, Allan Graham, Paddy Hogg, Stephanie Griffin,

Representations:
118 letters of representation received
558 signed petition (including a letter from Stuart McDonald MP and Jamie Hepburn MSP)

Recommendation: REFUSE

Reasoned Justification:
The proposed development fails to meet the relevant policies of the North Lanarkshire Local Plan in that it would have an adverse impact on the amenity of nearby residents by virtue of the cumulative impacts of two additional hot food takeaway units and the retail unit at this location and the proposed servicing arrangements which in addition have an adverse impact on road and pedestrian safety.
PLANNING APPLICATION: 15/01436/FUL

Change of Use from Public House to Class 1 Retail Unit, 2 No. Hot Food Take Away Units (Sui Generis) and Installation of No1 ATM, 4No Flues and Shopfront Alterations

62 Lochinvar Road, Greenfaulds, Cumbernauld

* Representation

117 Representations Received
Recommendation: Refuse for the Following Reasons:

1. The proposal does not comply with policies HCF 1A, RTC 3B and DSP 4 of the North Lanarkshire Local Plan as it would be detrimental to the amenity of the surrounding residential area by virtue of the cumulative impacts of further hot food takeaways and retail unit along with the adverse impacts associated with the servicing arrangements of particularly the Class 1 Retail Unit in terms of increased noise and detriment to road safety and pedestrian safety.

Background Papers:

Consultation Responses:

Traffic & Transportation received on the 17th July 2015
Environmental Health (including Pollution Control) received on the 15th July 2015

Contact Information:

Any person wishing to inspect these documents should contact Ms Suzanne Cusick at 01236 632645

Report Date:

13th August 2015
APPLICATION NO 15/01436/FUL

REPORT

1. Site Description

1.1 The application site comprises a vacant single storey detached commercial premises that previously operated as 'The Mallard Inn' public house. A range of dwellings types are within close proximity of the application site including 4 storey flats 22 metres to the north east (Marmion Road), two storey terraced dwelling 11 metres to the south east (Ashietiel Court) and terraced single storey dwellings 22 metres to the south west. A sports pitch and an extensive area of landscaped open space with semi mature trees are to the north and west. Opposite the site (south) across the large open plan car parking area are two commercial properties operating as a hot food takeaway and a local convenience store. The existing building has a polycarbonate pitched roof design with grey timber and buff rendering on the elevations. Entrance and service doors are on the front, rear and east facing elevations. A flue ventilation pipe that served the public house has been erected on the roof.

2. Proposed Development

2.1 The proposal is for the change of use and sub-division of the 'The Mallard' public house at 62 Lochinvar Road. The proposal is for three units. Unit 1 (Retail) with a gross floor area of 293.64 square metres, Unit 2 (Hot Food Take Away) with a gross floor area of 102.1 square metres and Unit 3 (Hot Food Take Away) with a gross floor area of 70.79 square metres. The external alterations to the building include the installation of two glazed entrance doors flanked by large windows units and one ATM on the front elevation, 3 No aluminium doors on the south elevation and on the north elevation one aluminium access door and an aluminium louvre ventilation panel. 4 flue ventilation systems 0.9 metres high will be erected on the roof.

3. Applicant's Supporting Information

3.1 The applicant has submitted a supporting statement. The following provides a summary of the information received:

3.2 The proposed Class 1 Retail Unit will operate as a convenience store 7 days a week between the hours of 6am to 11pm. The unit will be serviced 3 times per week by articulated lorries, 3 times per week by 12 tonne vehicles and daily (milk) by 12 or 24 tonne refrigerated vehicles. 12 deliveries of bread (two per day) will be made by 7.5 tonne lorries and newspaper will be delivered daily by means of transit vans. The majority of deliveries will be carried out between 6am - 9pm; the newspapers will be delivered between 4am - 5.30am and one supplier will deliver between 6am - 12pm. The hot food take away units will operate between 12noon and 11pm.

3.3 The statement advises that the application site is located within an area covered by residential policies which does not appear to reflect accurately the current situation on site due to the existing commercial uses within the site. The impact on the site would therefore not be so significant. The site would be contained by public footpath and car parking area limiting impact of development on neighbouring properties. The site would be at an adequate distance with no fumes relating to hot food takeaway impacting on properties. The proposed retail use is intended for local needs only is unlikely to raise any amenity issues greater than existing public house. The use of the long term vacant unit would result in improvement of the area.

3.4 The applicant indicates that the car park fronting the site can accommodate 30 vehicles. The public house was serviced by variety of vehicles including HGV's. The proposed increase in frequency of service vehicles is acknowledged but will not introduce any new activity to the location. The retail unit meets the minimum standards for parking provision and is accessible by foot. There are no set standards
for hot food takeaways however parking provision will be low. It is likely customers parking will be at different times that the convenience shop and short term therefore acceptable.

3.5 It is acknowledged by the applicant that the proposed development is considered a Bad Neighbour Development however it is not considered the hot food take away units will adversely affect the site and is similar to existing public house that operated late hours. A material consideration is planning permission for part change of use from public house to hot food takeaway with flue was granted planning permission in 2014.

3.6 It is considered the development is consistent with local plan policies HCF1A and RTC3B and the application should be granted permission.

4. Site History

4.1 Application for the Part Change of Use from Public House to Hot Food Takeaway, Shop front Alterations and Installation of a Flue was granted permission by virtue of application 14/01150/FUL on the 11th September 2014.

4.2 Application for the Installation of Fascia Signs, Poster Signs and ATM Signage is under assessment by virtue of application 15/01293/ADV registered on the 12th June 2015

5. Development Plan

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

5.2 The application site is covered by Policy HCF1A (Residential Area) in the North Lanarkshire Local Plan. This policy presumes against developments detrimental to residential amenity whilst indicating that development which is of an ancillary nature may be acceptable (e.g. guest houses, nurseries, surgeries or retail for local needs) subject to impact on residential amenity and provision for servicing and parking. Policy DSP 4 is also of relevance which seeks a high quality of development ensuring that proposals are well designed and safeguard the amenity of neighbouring properties. In this instance the hot food units proposed and the opening hours of the retail unit are considered ‘bad neighbour development’ their impact must therefore be assessed in detail under policy RTC 3B (Bad Neighbour Development). RTC 3B only allows developments that would not have an adverse impact on the character and amenity of the surrounding properties and takes account of the cumulative impact of such developments.

6. Consultations

6.1 Traffic and Transportation confirm the parking requirements for the proposed development would be 25 spaces. On the basis of the gross floor area of the public house 23 spaces were required which results in a shortfall of 2 spaces between the existing development and the proposed development. Traffic and Transportation note that the proposed swept path analysis plan does not show servicing by an articulated lorry as detailed in the supporting statement. The smaller lorry detailed on the plan would overrun onto parking bays, would reverse onto a public footpath causing obstruction and danger to pedestrians and block access to the car park or other vehicles. The communal nature of the car parking area means that service vehicles may be unable to carry out the required manoeuvres.

6.2 Protective Service (Pollution Control) confirm the development should meet the standard Environmental Health standards in relation to hours of construction, dust emission, burning of waste materials, cooking odours and lighting. Protective Service also confirm the noise level of the proposed flue ventilation system should not exceed
a Noise Rating Curve (NRC) of 35 between the hours of 7am and 10pm and not exceed an NRC of 25 all other times.

7. **Representations**

7.1 Following the standard neighbour notification process and press advertisement, A 558 signature petition has been received from residents of Greenfaulds as well as 115 representations objecting to the application and 3 representations in support of the proposal. The following provides a summary of the comments received:

7.2 The proposed development would result in major change to the character and environment of the area. Potential for anti-social behaviour by youth congregating and encourage underage drinking.

7.3 The existing Class 1 and Class 3 facilities (convenience unit, hot food take away shop and ATM facility) adjacent this site and within the surrounding area (hot food units, supermarkets) meet the needs of the community

7.4 The existing car parking area can be congested when existing the Community Hall or Church is in use. The proposal would result in increased traffic and delivery service vehicles causing parking, traffic congestion and danger to children walking to school/playing in nearby field. The junction of Lochinvar Road and Greenfaulds Road is very hazardous; visitors and service vehicle drivers are not aware of this danger. The application does not confirm the proposed car parking layout and servicing arrangements.

7.5 The proposal does not improve existing facilities and provide essential provisions under the Disability Discrimination Act 1995. There are no designated disabled car parking spaces therefore discriminating against disabled persons.

7.6 The proposal would be contrary to the Council's Community Vision plan as it would jeopardise the local area by quantity of hot food take away units. The proposal would not consider health and well being and fail to deliver a safe environment for the community. The change of use would result in increased energy consumption, accessibility issues and additional waste/pollution. The application does not make provision with regards to impact on amenity on residential area, noise disturbance, smell, fumes or litter.

7.7 The proposal does not accord with planning policies RTC3 and HCF1 in that it would be impossible to justify permission of an additional two 'Bad Neighbour Developments' and does not address safety, health and wellbeing of local residents and will have significant impact on access to car park.

7.8 It should also be noted that a joint submission was received by Jamie Hepburn MSP and Stuart McDonald MP following public consultation on the proposed development calling for the application to be refused as a result of the concerns raised by local residents (the concerns raised are the same as those included in the letters of objection submitted by the local residents).

7.9 The letters of support state the vacant pub is a fire hazard attracting vandalism. The proposal would add to the community and would not be worse than noise issues associated with public house

8. **Planning Assessment**

8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise.
8.2 As mentioned above the site is within an established residential area and will be assessed against local plan policies HCF 1A ((Residential Area), RTC 3B (Bad Neighbour Development) and DSP 4 (Quality of Development).

8.3 In assessing this application the main points to consider of the change of use from a public house to one retail unit and two hot food take away units, installation of the four flues and one ATM is the cumulative impact on the residential amenity of the two additional hot food take away units and the retail unit in terms of loss of privacy, noise, odour and also the provision of parking, suitable servicing and how this would impact on the pedestrian and road safety.

8.4 The site is zoned residential although it is acknowledged the existing public house, retail unit and hot food takeaway unit are long established resulting in the commercial nature of the site. It is also noted above in paragraph 4.1 permission for the part change of use from public house to hot food takeaway was also granted in 2014. It is worth noting that this is not a local centre and the commercial uses at this location are commensurate with the residential layout. Accordingly it is considered the proposed addition of such a large scale retail unit, two hot food takeaway units and an ATM facility at this location would significantly alter the residential character of the surrounding area and that the existing commercial units adequately serve the needs of the local community. Whilst the public house operated late hours the cumulative impact of a further three late opening businesses within very close proximity of the nearby dwellings units would have a significant detrimental impact on the amenity of residents in terms of noise, disturbance and late night activity. It is considered that the proposal in combination with the existing hot food facility will likely result in increased activity, additional noise from the proposed flues and increased car parking issues to the detriment of the amenity of nearby residents.

8.5 As mentioned above Traffic and Transportation confirm that the existing pub required 23 spaces whilst parking requirements for the three proposed units is 25 spaces. The supporting statement refers to parking provision for 30 vehicles in the car parking area fronting the site however more formalised parking layout plans received confirms only 19 vehicles would be accommodated. It should be noted the car parking area is owned by NLC and exists for the benefit of all commercial units within the site. Although the car parking area and informal car parking on Lochinvar Road may absorb any additional parking associated with the proposed uses given customers to the proposed units and the ATM facility are likely to park for short intermittent periods. However planning policy also requires that proposals are adequately serviced without detriment to existing road users and pedestrian safety and as mentioned above in paragraph 6.1 Traffic and Transportation confirm the proposed servicing of the retail unit would result in a danger to pedestrian safety, obstruct access to the car parking area during service delivery times and may be unachievable due to the lack of ownership of the existing car parking area. It should also be noted information received shows the delivery arrangement by a smaller lorry than the articulated lorry referenced in the supporting statement.

8.6 The supporting statement advises the proposed service delivery of the unit would not introduce any new activity into the site. However the swept path analysis finds that manoeuvres may be difficult for larger delivery vehicles and that may be unachievable by articulated lorries servicing the retail unit. The arrangements would bring lorries into unacceptable conflict with pedestrians reversing over a public footpath in a location used by school children, the elderly etc. As the car parking area is outwith the applicant’s ownership there is high potential for parking bays to be occupied at the time of delivery resulting in deliveries blocking the car park area and having a significant adverse impact on the surrounding road network. As a result the proposal would not provide for a safe nor incorporate adequate facilities to service the retail unit. In this instance there is no scope to achieve the necessary servicing arrangements. Furthermore the considerable frequency of the delivery vehicles often at unsociable hours before 8am causing excessive traffic noise/vibration would result in unacceptable levels of noise disturbance of neighbouring properties within very
close proximity of the application site. The noise associated with servicing will not be limited to vehicle movements and reverse signal alarms, the noise from roll cages and pallet trucks will also cause undue disturbance to residents.

8.7 The proposal is considered incompatible in this residential area due to the likely intensity on the site and inability to properly and safely service the development which would both significantly adversely impact on the surrounding residential amenity. Drawing all matters together, the proposal would therefore be to the detriment of the surrounding residential area, local road users and pedestrians, and create inappropriate intensification in the site, all of which is considered to be contrary to local plan policies HCF1A, RTC3B and DSP 4.

8.8 **Representations**

8.9 A summary in response to the comments received following neighbour notification and press advertisement process is as follows:

8.10 The residential amenity of the area has been assessed in detail as mentioned in paragraphs 8.4 to 8.7. The proposal is considered to be contrary to local plan policies HCF1A, DSP 4 and RTC3B. As mentioned in paragraph 8.5 whilst the proposed car parking provision may be considered acceptable the proposed servicing arrangements are not satisfactory and are contrary to local plan policies DSP4 and HCF1A.

8.11 The following matters are not planning considerations; the provision of disabled facilities in relation to the Disability Discrimination Act 1995, the health and well being of residents, water pollution, energy consumption, anti social behaviour and the potential of the existing vacant building as a fire hazard.

9. **Conclusions**

9.1 The proposed development fails to meet the relevant policies of the North Lanarkshire Local Plan in that it that would have an adverse impact on the amenity of nearby dwellings by virtue of the cumulative impacts of the hot food takeaways and retail unit at this location and the detrimental impact of service delivery vehicles on road and pedestrian safety.
**Application No:** 15/01493/FUL  
**Proposed Development:** Construction of 12 Houses and 8 Flats (1 and 2 Storey)

**Site Address:**  
Police Station  
20 Victoria Street  
Harthill  
Shotts  
ML7 5QE

**Date Registered:** 17th July 2015

**Applicant:** North Lanarkshire Council  
Design Property Services  
Phillip Murray Road  
Bellshill  
ML4 3PA

**Agent:** Linear7 Limited  
32 Tylney Road  
Paisley  
PA1 3HB

**Application Level:** Local Application

**Contrary to Development Plan:** No

**Ward:** 012 Fortissat  
Charles Cefferty, Thomas Cochrane, James Robertson,

**Representations:** 7 letters of representation received.

**Recommendation:** Approve Subject to Conditions

**Reasoned Justification:**  
The design, scale, materials and positioning of the proposed 12 houses and 8 flats are considered to be acceptable and will not impact negatively on the character or amenity of the surrounding area and is therefore considered to be acceptable. In this respect the proposal complies with the adopted North Lanarkshire Local Plan.
PLANNING APPLICATION: 15/01493/FUL

Construction of 12 Houses and 8 Flats (1 and 2 Storey)

Site At Police Station, 20 Victoria Street, Harthill, Shotts

* Representation

Produced by Planning & Regeneration
Regeneration & Environmental Services
North Lanarkshire Council
Fleming House
2 Tryst Road
Cumbernauld
G67 1JW
Proposed Conditions:-

1. That, except for the requirements of conditions below or as may otherwise be agreed in writing by the Planning Authority, the development shall be implemented in accordance with drawing numbers: 121(E)01, 121(0)01, 121(0)02, 121(3)01, 121(3)10, 121(3)11, 121(3)12, 121(3)13, LOV_HTF_PL-01, LOV_HTC_PL-01, LOV_HTC1_PL-01, LOV_HTC2_PL-01, LOV_HTC2_PL-01, LOV_HTG_PL-01, E10242/1001 Rev C and E10242/2001.

Reason: To clarify the drawings on which this approval of permission is founded.

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, including any modifications as may be required.

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

3. 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, including any modifications as may be required.

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

4. That BEFORE any of the development hereby permitted, situated on a site upon which a fence or wall is to be erected, are occupied, the fence, or wall, as approved under the terms of Condition 3 above, shall be erected.

Reason: To ensure the provision of adequate boundary treatment.

5. That BEFORE the development hereby permitted starts, a scheme of landscaping shall be submitted to, and approved in writing by the Planning Authority, and it shall include:-

(a) details of any earth moulding and hard landscaping, boundary treatment, grass seeding and turfing;
(b) a scheme of tree and shrub planting, incorporating details of the location, number, variety and size of trees and shrubs to be planted;
(c) a detailed timetable for all landscaping works which shall provide for these works being carried out contemporaneously with the development of the site.

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

6. That all works included in the scheme of landscaping and planting, approved under the terms of condition 5 above, shall be completed in accordance with the approved timetable, and any trees, shrubs, or areas of grass which die, are removed, damaged, or become diseased, within two years of the full occupation of the development hereby permitted, shall be replaced within the following year with others of a similar size and species.

Reason: In the interests of amenity.

7. That before the development hereby permitted starts, a management and maintenance scheme shall be submitted to, and approved in writing by the Planning Authority, including any modifications as may be required, and it shall include proposals for the continuing care, maintenance and protection of:-

(a) the proposed footpaths detailed on the approved plans;
(b) the proposed parking areas detailed on the approved plans;
(c) the proposed grassed, planted and landscaped areas detailed on the approved plans;
(d) the proposed fences to be erected along the boundaries detailed on the approved plans.
plans.

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

8. That before the occupation of the development hereby permitted, the management and maintenance scheme approved under the terms of condition 7 shall be in operation.

Reason: In the interests of amenity.

9. That PRIOR to any works of any description being commenced on the application site, a comprehensive site investigation report incorporating mineral stability issues shall be submitted to and approved in writing by the Planning Authority. The investigation must be carried out in accordance with current best practice, such as BS 10175: The Investigation of Potentially Contaminated Sites, or CLR 11. The report must include a site specific risk assessment of all relevant pollution linkages and a conceptual site model. Depending on the results of the investigation, a detailed Remediation Strategy may be required as part of the above report.

Reason: To ensure that the site is free of contamination.

10. That for the avoidance of doubt, any remediation works identified by the site investigation required in terms of Condition 9 above, shall be carried out to the satisfaction of the Planning Authority. A certificate (signed by a responsible Environmental Engineer) shall be submitted to the Planning Authority confirming that any remediation works have been carried out in accordance with the terms of the Remediation Strategy.

Reason: To ensure that the site is free of contamination.

11. That BEFORE the development hereby permitted starts, unless otherwise agreed in writing with the Planning Authority, full details of the proposed surface water drainage scheme shall be submitted to the said Authority and shall be certified by a chartered civil engineer as complying with the most recent SEPA SUDS guidance.

Reason: To ensure that the drainage scheme complies with best SUDS practice to protect adjacent watercourses and groundwater.

12. That the SUDS compliant surface water drainage scheme approved in terms of Condition 11 shall be implemented contemporaneously with the development in so far as is reasonably practical. Within three months of the construction of the SUDS, a certificate (signed by a Chartered Civil Engineer) shall be submitted to the Planning Authority confirming that the SUDS has been constructed in accordance with the relevant SEPA SUDS guidance.

Reason: To safeguard adjacent watercourses and groundwater from pollution.

13. That notwithstanding the requirements of condition 1 above and BEFORE the development hereby permitted starts, full details of the proposed vehicular and pedestrian accesses, shall be submitted to, and approved in writing by the Planning Authority, and it shall include the following unless otherwise agreed in writing:

(a) Access shall be taken via a 5.5m wide drop kerb footway crossing arrangement.

(b) Visibility splays of 2.5m x 60m shall be provided in both directions from proposed access along Victoria Street.

(c) No traffic calming measures shall be provided along proposed access within 20m of junction with Victoria Street.

(d) All parking shall be located within the parking courtyard as opposed to incurtilage as shown at units 19 and 20.

(e) Car parking bays shall be a minimum of 2.5m x 5.0m or 3.3m x 5.0m for those intended for use by blue badge holders, all accessed via a 6.0m,
Footpaths leading from Victoria Street and surrounding parking courtyard shall be a minimum of 2.0m wide.

Reason: To ensure the provision of satisfactory vehicular and pedestrian access facilities.

14. 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 satisfactory vehicular and pedestrian access facilities.

15. That before the development hereby permitted starts, unless otherwise agreed in writing by the Planning Authority; 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.

16. That before the development hereby permitted starts, unless otherwise agreed in writing by the Planning Authority; full details shall be provided of the replacement equipped play area shall be submitted to, and approved in writing by the Planning Authority, and works shall be carried out in accordance with the approved details.

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

Background Papers:
Consultation Responses:
Memo from Traffic & Transportation received on 9th September 2015
Memo from Protective Services received on 22nd July 2015
Memo from Play Services received on 24th August 2015

Contact Information:
Any person wishing to inspect these documents should contact Mr Kevin Divin at 01236 632508

Report Date:
14th September 2015
REPORT

1. **Site Description**

1.1 The application site is approximately 0.92 ha and located at Victoria Street, Harthill. The applicant site was previously occupied by Harthill Primary School and the Police Station at Victoria Street both of which have since been demolished, while the remainder of the site is grassed open space with a small central equipped play area. The site is bounded to the north by commercial/residential properties, to the west is bowling club and residential properties, to the east are NLC buildings and a health centre with residential properties beyond, while to the south are residential properties. The topography of the application site falls from south to north.

2. **Proposed Development**

2.1 Full planning permission is being sought for construction of 12 houses and 8 flats (1 and 2 storey). The proposal will take the form of eight residential blocks. Block 1 is located along the northern boundary of the site, parallel with West Main Street and consists of 4 two bed cottage flats in the form of a two storey building which will measure 20.3 metres long by 11 metres wide and a pitched roof with the maximum height of 8 metres. Block 2 is located along the northeast corner of the site, parallel with West Main Street and consists of 4 one bed cottage flats in the form of a two storey building which will measure 17.6 metres long by 10.3 metres wide and a pitched roof with the maximum height of 8 metres. Block 3 is located along the northwest corner of the site and consists of a pair of semi-detached 3/4 bed bungalows in the form of a single storey building which will measure 29 metres long by 12 metres wide and a pitched roof with the maximum height of 5.8 metres. Blocks 4, 5, 6, 7 and 8 are identical pairs of semi-detached 2 bed bungalows arranged in a cul de sac layout in the remainder of the site, each block will measure 17.2 metres long by 10.1 metres wide and a pitched roof with the maximum height of 5.4 metres. The proposed associated works also includes the formation of a new vehicular and pedestrian access off Victoria Street, 40 off-street car parking spaces, footpaths and landscaping.

3. **Applicant’s Supporting Information**

3.1 The planning application was submitted with a drainage statement which concludes that the development would not be at risk of flooding and that the development will not cause flooding out with the application site. A design statement has been submitted that provides a detailed site description and a commentary on the design of the proposed residential development. A site investigation report has been submitted which concludes that there are no outstanding issues to prevent the site being used for residential development.

4. **Site History**

4.1 The application site has no relevant planning history.

5. **Development Plan**

5.1 The proposal raises no strategic issues and can therefore be assessed in terms of Local Plan policies.

5.2 The application site is jointly zoned as HCF 2 A1 (Sites for (Short-term) Housing Developments), HCF 1 A (Protecting Residential Amenity and Community Facilities – Residential Areas) and RTC 1C (Neighbourhood and Local Centres) within the adopted North Lanarkshire Local Plan 2012.
6. **Consultations**

6.1 A summary of comments from the consultees is as follows:

i. **Traffic & Transportation** no objection subject to conditions relating to:
   - Access to be taken via a 5.5m wide drop kerb footway crossing arrangement.
   - Visibility splays of 2.5m x 60m to be provided in both directions from proposed access along Victoria Street.
   - No traffic calming measures to be provided along proposed access within 20m of junction with Victoria Street.
   - All parking should preferably be located within the parking courtyard as opposed to incurtilage as shown at units 19 and 20.
   - Car parking bays to be a minimum of 2.5m x 5.0m or 3.3m x 5.0m for those intended for use by blue badge holders, all accessed via a 6.0m, minimum, wide aisle.
   - Footpaths leading from Victoria Street and surrounding parking courtyard to be a minimum of 2.0m wide.

ii. **Protective Services** have no objection to the proposal subject to the submission of a site investigation with a detailed remediation strategy if required and refers to best practice relating to noise from construction, construction hours, dust control, construction waste, light pollution and the presence of any unsuspected contamination. In addition, there is a request for a noise impact assessment as the proposed dwelling houses to the north of the site are likely to be affected by noise from day time and (potentially) from night time road traffic using the B7066 Main Street. The proposed dwelling houses to the west of the site may be affected by occasional early morning noise (i.e. green cutting) from the neighbouring bowling club and from night time social use of the bowling club premises (e.g. entertainment noise).

iii. **Play Services** have no objection to the residential development or the loss of the existing equipped play area. The existing play area at Victoria Street is approximately 20 years old and is in a poor condition where none of the equipment meets the current EU safety standards and therefore requires to be replaced. The play area is small and contains a 2 seat swing bay, a springer and a 3 tower multi-activity unit. The Council’s policy is to have a play area within 750 metres of where a child lives as detailed in the strategic document Time for Play, a framework for children’s play in North Lanarkshire 2012 – 2015. Play Services are currently working with Harthill Play Park initiative on the development of a new play area to replace the existing play area in Harthill Public Park and most of the funding is in place at this time. This upgraded play area at Harthill Public Park is located on the opposite side of West Main Street where there is an existing pedestrian crossing which was used by children getting to school and within 750 metres which is approximately 280 metres from the Victoria Street play area.

7. **Representations**

7.1 Following the standard neighbour notification process and a notice in the local press, six letters of objections (including a letter from Harthill Community Council) have been received as well as a Petition with 272 signatures (against the loss of play area and no replacement) which object on the grounds of loss of play area, overshadowing/loss of daylight, loss of privacy, orientation, prominent location, proposed materials, poor design, construction traffic, noise & air pollution during construction, not in keeping and increased traffic.

8. **Planning Assessment**

8.1 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.
8.2 Development Plan: North Lanarkshire Local Plan: The site is located within Harthill and jointly zoned as HCF 2 A1 (Sites for (Short-term) Housing Developments), HCF 1 A (Protecting Residential Amenity and Community Facilities – Residential Areas) and RTC 1C (Neighbourhood and Local Centres) within the adopted North Lanarkshire Local Plan 2012. The northern section of the application site which was formally occupied by Harthill Primary School is covered by policy HCF 2 A1 (Sites for (Short-term) Housing Developments) which identifies the site for residential development. The southern section of the application site which is currently an open grassed area with a central small equipped play area is covered by Policy HCF 1 A (Protecting Residential Amenity and Community Facilities – Residential Areas) where there is a presumption against developments detrimental to residential amenity in primarily residential areas. The eastern section of the application site that was formally occupied by the Police Station is covered by policy RTC 1C (Neighbourhood and Local Centres) which identifies the site for various commercial development (Use Classes 1, 2, 3 & 10) as well as residential development. It is considered that, given the local plan zoning of the application site, the nature of the development, the surrounding residential area and that the principle of the proposed residential development therefore complies, with policies HCF 2 A1, HCF 1 A and RTC 1C subject to the formal assessment of the details of the proposal against the criteria set out in DSP 4 below.

8.3 The North Lanarkshire Local Plan also requires proposed developments to be assessed against policies DSP 1 (Amount of Development), DSP 2 (Location of Development), DSP 3 (Impact of Development) and DSP 4 (Quality of Development). DSP 1, DSP 2 and DSP 3 are not an issue given the scale and nature of the development. Policy DSP 4 states that development will only be permitted when design is of a high standard and the detail of the development is considered in paragraph 8.4 below, however, the development of residential development at this location, whilst resulting in the loss of an area of amenity grass and equipped play area, will not so significantly impact on the character of the area to justify refusing planning permission given the nature of the proposal, density and layout and its wider residential location. It is considered, therefore, that the proposal is in accordance with policies of the North Lanarkshire Local Plan.

8.4 Residential Layout and Design: The proposed 12 houses and 8 flats, along with associated works are in keeping with wider residential area which is dominated by terraced two storey dwellings, bungalows, and three storey flatted properties. In considering the immediate locational impact, the distance to the nearest facing habitable window exceeds the minimum required distance of 18 metres, the height of the proposed buildings is lower than the neighbouring dwellings to the east, the development far exceeds the minimum amenity space standards for the proposal of this nature, therefore, the impact of the proposal is acceptable in that the proposed residential development will not result in an overriding loss of amenity to the existing neighbouring residential properties. In addition to layout and setting, it is also considered that the detailed design of the buildings are acceptable and that materials can be considered by way of a condition. In terms of parking, the proposed residential development has a car parking requirement of 38 car parking spaces, while the proposed site layout provides 40 car parking spaces, it is considered that the parking provision is sufficient for this development of this size.

8.5 Consultations: Concerning the Protective Services comments, planning conditions are recommended to cover site investigation, while the comments relating to best practice relating to noise from construction, construction hours, dust control, construction waste, light pollution and the presence of any unsuspected contamination will be added as informatives on any planning permission. With respect to the requested noise impact assessment, this is not considered reasonable given the amount of existing residential properties located closer to the identified noise issues (B7066...
Main Street and the bowling club). In response to the comments made by Traffic & Transportation, suitable planning conditions to this affect are recommended.

8.6 **Representations:** In terms of the objections raised, I would offer the following comments:

**Point of Objection:** It is wrong to take the whole of the park for housing as it is well used by the local children.

**Comment:** The application site is not zoned as a protected community facility in the adopted local plan and NLC Play Services has no objection to the proposal as Council policy is to provide a play area within 750 m of where a child lives and the play area in the Harthill Public Park will provide this level of provision for the children of Harthill.

**Point of Objection:** No play area is being proposed as part of this residential development.

**Comment:** NLC Design Guidance states that for small residential developments under 30 units, there is no requirement for a play area to be provided and NLC Play Service confirmed that there is adequate play provision within Harthill.

**Point of Objection:** The proposed Block 1 Flats are to be built very close to No. 51 West Main Street and will overshadow adjacent kitchen and bedroom windows, cutting out the amount of natural daylight, especially to the kitchen.

**Comment:** The proposed position of Block 1 Flats are approximately the same location as the recently demolished school and therefore share the same building line as No. 51 West Main Street which will not result in a significant impact on the sunlight/daylight implications.

**Point of Objection:** The proposed Block 1 Flats are to be built very close to No. 51 West Main Street where the upstairs flat will have a window on the side elevation which will look directly into my bedroom and look down on the kitchen.

**Comment:** The upstairs window to the side elevation of Block 1 Flats will serve a stairway landing area and therefore, not a habitable room, thus resulting in no loss of privacy.

**Point of Objection:** The orientation of the proposed flats that run parallel with West Main Street are facing inwards result in their back gardens and drying greens facing the Main Street which is totally unacceptable as it will detract from the visual amenity of the main thoroughfare of this village.

**Comment:** It is considered that the proposed orientation of the proposed residential properties that run parallel with West Main Street does not result in a detrimental impact on the visual amenity of the area due level difference, approximately 2 metre level difference between the public footpath and the garden ground of the proposed residential properties.

**Point of Objection:** It would be better that 1 storey houses could have been placed at this very prominent space along West Main Street.

**Comment:** Either side of the blocks 1 and 2 on West Main Street are the Community Education Centre and No. 51 West Main Street, both of which are two storey properties, therefore, the proposed two storey blocks are in keeping with the scale and mass of the immediate area.

**Point of Objection:** The materials used match the houses located at the corner of West Main Street and Victoria Street but they do not match the vast majority of
houses which make up the Main Street.

**Comment:** It is noted that proposed finished materials match those residential properties on the corner of West Main Street and Victoria Street, therefore, the finish is in keeping with the immediate area.

**Point of Objection:** It is recognised that Harthill needs these houses and the new development welcomed but there are serious design flaws within this one.

**Comment:** The proposed design, finish, mass, scale and location of the proposed 12 houses and 8 flats are considered to be acceptable.

**Point of Objection:** Where does construction traffic park during the building period as there is a concern regarding volume of traffic, access and egress through narrow Victoria Street.

**Comment:** It is noted that there will be a temporary period of disruption during the construction period where the construction traffic will be managed by the house builder to ensure minimal disturbance.

**Point of Objection:** Who is controlling noise and air pollution during building works?

**Comment:** Construction noise and dust control will be the responsibly of the contractor carrying out the works and these are required to meet current environmental legislation to ensure that these do not become a nuisance.

**Point of Objection:** The appearance and design of proposed development bear no resemblance and would look out of place in the area.

**Comment:** The proposed design, finish, mass, scale and location of the proposed 12 houses and 8 flats are considered to be acceptable.

**Point of Objection:** Traffic to and from the proposed development will add to what is already a busy area given the proximity to the GP surgery, Community Centre and nearby houses. At busy times, it will be difficult for traffic coming onto Victoria Street to see if the road is clear of traffic before pulling out.

**Comment:** It is not considered that the proposal will result in a detrimental impact on the traffic circulation.

### 9. Conclusions

9.1 It is considered that the proposal accords with the adopted North Lanarkshire Local Plan in that the proposal is in keeping with wider established residential area as the design, scale, materials and positioning of the proposed 12 houses and 8 flats are considered to be acceptable. Taking the above into consideration and notwithstanding the objections received, it is recommended that planning permission be granted.
<table>
<thead>
<tr>
<th><strong>Application No:</strong></th>
<th><strong>Proposed Development:</strong></th>
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<tbody>
<tr>
<td>15/01500/FUL</td>
<td>Erection of 16 No. Flats and Associated Works</td>
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**Site Address:**
Beacon Inn  
Kilsyth Road  
Queenzieburn  
G65 9ED

**Date Registered:**
16th July 2015

**Applicant:** Clyde Valley Housing Contracts UK Ltd  
C/o Agent:  
**Agent:** ID Partnership Ltd  
95 South Woodside Road  
Glasgow  
G20 6NT

**Application Level:** Local Application  
**Contrary to Development Plan:** No

**Ward:** 001 Kilsyth  
Jean Jones, Heather McVey, Alan Stevenson,  
**Representations:** 1 letter of representation received.

**Recommendation:** Approve Subject to Conditions

**Reasoned Justification:**
The proposed residential development on this site is considered acceptable in terms of the development plan and meets the criteria set out in the relevant policies of the North Lanarkshire Local Plan 2012. The proposal can be accommodated without detriment of the surrounding area.
Proposed Conditions:-

1. That except as may otherwise be agreed in writing by the Planning Authority, the
development shall be implemented in accordance with drawing numbers:-

Reason: To clarify the drawings on which this approval of permission is founded.

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 and the development shall be
implemented in accordance with the details approved under the terms of this
condition.

Reason: To enable the Planning Authority to consider these aspects, in order to
ensure that materials are visually acceptable in a local context.

3. That BEFORE the development hereby permitted starts, a scheme of landscaping for
all landscaped areas detailed on the approved plans and all boundary treatments,
shall be submitted to, and approved in writing by the Planning Authority, and it shall
include:-

(a) details of any earth moulding and hard landscaping, grass seeding and turfing;
(b) a scheme of tree and shrub planting, incorporating details of the location,
number, variety and size of trees and shrubs to be planted;
(c) identification of any trees to be retained and their protection in the course of
development. For the avoidance of doubt any mature trees lost shall be replaced
with trees of a suitable age and species.
(d) a timetable for the completion of these works contemporaneously with the
development.

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

4. That before the development hereby permitted is brought into use, all planting,
seeding, turfing and earth moulding included in the scheme of landscaping and
planting, approved under the terms of condition 3 above, shall be completed; and any
trees, shrubs, or areas of grass which die, are removed, damaged, or become
diseased within two years of completion of the development, shall be replaced within
the following year with others of a similar size and species.

Reason: In the interests of the environmental amenity of the area.

5. That BEFORE the development hereby permitted starts, a management and
maintenance scheme shall be submitted to, and approved in writing by the Planning
Authority, and it shall include proposals for the continuing care, maintenance and
protection of:-

(a) the proposed footpaths.
(b) the proposed parking areas shown on the approved plans;
(c) the proposed grassed, planted and landscaped areas shown on the approved
plans;
(d) the proposed fences to be erected along the boundaries.

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

6. That BEFORE completion of the development hereby permitted, the management
and maintenance scheme approved under the terms of condition 5 shall be in
operation.
Reason: To safeguard the residential amenity of the area.

7. That a visibility splay on land within the application site of 2.5 metres by 120 metres, measured from the road channel, shall be provided on both sides of the vehicular access and before the development hereby permitted is brought into use, everything exceeding 900mm in height above the road channel level shall be removed from the sight line areas and, thereafter, nothing exceeding 900mm in height above road channel level shall be planted, placed, erected, or allowed to grow, within these sight line areas.

Reason: In the interests of road safety by ensuring that there is satisfactory driver visibility at the access.

8. That before any of the flats hereby permitted are occupied, all the access, parking and manoeuvring areas serving those flats, 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. Thereafter, all off-street car parking spaces shall be provided within the site, as described on the approved plans and shall, thereafter, be maintained as car parking spaces.

Reason: To ensure adequate provision of access, parking and manoeuvring areas.

9. That unless otherwise agreed in writing by the Planning Authority access to the development shall be via a dropped kerb vehicular access with internal aisle width of 6m to service the parking areas.

Reason: To ensure adequate provision of access.

10. That before the development hereby permitted starts, unless otherwise agreed in writing with the Planning Authority, full details of the proposed surface water drainage scheme shall be submitted to the said Authority and shall be certified by a chartered civil engineer as complying with the most recent SEPA SUDS guidance.

Reason: To ensure that the drainage scheme complies with best SUDS practice to protect adjacent watercourses and groundwater and in the interests of the amenity and wellbeing of existing and future residents adjacent to and within the development site.

11. That the SUDS compliant surface water drainage scheme approved in terms of Condition 10 shall be implemented contemporaneously with the development in so far as is reasonably practical. Within three months of the construction of the SUDS, a certificate (signed by a Chartered Civil Engineer experienced in drainage works) shall be submitted to the Planning Authority confirming that the SUDS has been constructed in accordance with the relevant CIRIA Manual and the approved plans.

Reason: To safeguard adjacent watercourses and groundwater from pollution and in the interests of the amenity and wellbeing of existing and future residents adjacent to and within the development site.

12. That prior to the commencement of development, the applicant shall provide written confirmation to the Planning Authority that all the requirements of Scottish Water can be fully met to demonstrate that the development will not have an impact on their assets, and that suitable infrastructure can be put in place to support the development.

Reason: To ensure the provision of satisfactory drainage arrangements.

13. That BEFORE any works of any description start on the application site, unless otherwise agreed in writing with the Planning Authority, a comprehensive site
investigation report shall be submitted to and for the approval of the said Authority. The investigation must be carried out in accordance with current best practice advice, such as BS 10175: 'The Investigation of Potentially Contaminated Sites' or CLR 11. The report must include a site specific risk assessment of all relevant pollution linkages and a conceptual site model. Depending on the results of the investigation, a detailed Remediation Strategy may be required.

Reason: To establish whether or not site decontamination is required in the interests of the amenity and wellbeing of future residents.

14. That BEFORE any works of any description start on the application site, unless otherwise agreed in writing with the Planning Authority, a scheme of intrusive site investigations in relation to the mineral stability shall be submitted to and approved in writing. Depending on the results of the investigations, a detailed Remediation Strategy may be required and these shall be submitted to and approved in writing by the Planning Authority prior to any works being undertaken.

Reason: To ensure the mineral stability of the site.

Background Papers:

Consultation Responses:
Traffic & Transportation received 11th September 2015
Environmental Health (including Pollution Control) received 4th September 2015
Education received 24th August 2015
The Coal Authority received 6th August and 10th September 2015

Contact Information:
Any person wishing to inspect these documents should contact Mr Edward McLennaghan at 01236 632496

Report Date:
11th September 2015
APPLICATION NO. 15/01500/FUL

REPORT

1. Site Description

1.1 The application site is the site of the former Beacon Inn public house which fronted onto Kilsyth Road, Queenzieburn. The site which has an area of approximately 0.2ha is bounded by Kilsyth Road to the north and two storey residential flatted developments (4 in a block type) beyond, open fields to the south and east and sports pitch to the west. The overall site is on two distinct levels with the rear of the site lying substantially lower than the front (the former public house car park).

2. Proposed Development

2.1 This application is for planning permission for the construction of 16 flatted dwellings arranged over a split level block of flats appearing two storeys to the front and three storeys to the rear utilising the existing ground levels of the site. The block incorporates a contemporary design and associated palette of finishing materials and vehicular access is proposed from Kilsyth Road with parking to the front.

3. Applicant's Supporting Information

3.1 The applicant has submitted a supporting statement and a Coal Mining Risk Assessment.

4. Site History

4.1 The application site has been subject to a number of previous applications including:-

- Application 01/00991/FUL - Extension to Public House approved 12th October 2015
- Application 06/01623/FUL - Erection of Flatted Development Comprising 14 Flats withdrawn 13th July 2009
- Application 09/00905/FUL - Demolition of Existing Two and a Half Storey Building and Erection of 12 Flatted Units withdrawn 9th February 2010
- Application 10/00312/FUL Construction of Residential Development (12 Flats) withdrawn 16th December 2013 (Application was previously approved by committee but applicant failed to conclude the required legal agreement for a commuted sum in relation to the Council's Affordable Housing Policy)

5. Development Plan

5.1 The application site is covered by policy HCF 1A (Protecting Residential Amenity and Community Facilities) - Residential Areas in the North Lanarkshire Local Plan.

6. Consultations

6.1 A summary of the comments received are as follows:

i) Traffic & Transportation have no objection to the proposed development subject to adequate provision of access, parking and visibility display.

ii) Environmental Health (including Pollution Control) has no objection subject to conditions relating to the provision of a site investigation report and remediation measures if necessary.

iii) Education have no objection provided that the development is completed within the next 5 years.
iv) The Coal Authority have no objection to the proposed development subject to conditions relating to the mineral stability of the site.

7. **Representations**

7.1 Following the standard neighbour notification process and press advertisement 1 letter of representation has been received. The points are summarised below:-

- The proposed development is out of character and scale for the village.
- The proposed development will be overbearing and visually intrusive given it is three storeys.

8. **Planning Assessment**

8.1 Under Section 25 of the Town and Country Planning (Scotland) Act 1997, planning decisions must be made in accordance with the relevant development plan unless material considerations indicate otherwise. The application raises no strategic issues in terms of the Glasgow and the Clyde Valley Strategic Development Plan and therefore it can be assessed in terms of local plan policy.

**North Lanarkshire Local Plan**

8.2 Policy HCF1A (Protecting Residential Amenity and Community Facilities) - Residential Areas in the North Lanarkshire Local Plan sets out that there is a presumption against developments detrimental to residential amenity in primarily residential areas. It is considered that the redevelopment of the site for residential purposes would not adversely affect the amenity of the area. The proposal would be in keeping with the character of the surrounding area and the site can accommodate a residential development without adversely affecting the amenity of adjacent properties. In land use terms the principle of the development is therefore acceptable, subject to the detailed assessment of the proposals against Policies DSP1-4.

8.3 **DSP 1 Amount of Development and DSP2 Location of Development**: As noted above this application for housing is located on a site within the established residential area and would form a natural extension to the existing settlement. As such the proposal is considered to comply with Policies DSP 1 and DSP2.

8.4 **DSP3 Impact of Development**: As noted above NLC Transportation and Protective Services have no objections to the proposed development subject to recommended conditions. NLC Education comment that they have no objection to the proposed development provided it is completed within the next five years.

8.5 **DSP4 Quality of Development**: This policy considers development specific impacts in terms of existing site attributes and provides a range of assessment criteria which are addressed in turn below.

8.6 Given the nature and scale of the proposals a formal Design and Access statement is not required and a site visit is sufficient to appraise the site, surrounding area and the proposals. In terms of layout, it is considered that the proposed development can be accommodated within the site without detriment to the surrounding mixture of uses and the proposed flatted block would complement the surrounding area incorporating finishing materials which whilst contemporary are acceptable and in keeping with the locale. The layout ensures that there is no unacceptable adverse impact on residential amenity of adjacent neighbouring properties in terms of privacy, overlooking or overshadowing and, for the reasons outlined above, the development will in all other respects integrate satisfactorily with the surrounding area. Notwithstanding the concerns raised from NLC Transportation in terms of the level of parking provision it is considered that in this instance given the previous consented parking levels at 150% and the good availability of transportation links in the area, a level of 150% can be considered acceptable in this particular instance. The
development is therefore not considered to have a detrimental impact on traffic or parking within the surrounding area.

8.7 In terms of DSP 4 requirements regarding the principles of sustainable development, mitigation of impacts (noise, air quality, pollution etc) and protecting water bodies and SUDS/drainage issues it is considered that the proposals accord with these policies and that the recommended conditions are such that all matters have been adequately addressed.

8.8 Turning to the letters of objection it should be noted:

- The proposed development is out of character and scale for the village.

Response: Having assessed the proposed development it is considered acceptable in design terms and accords with policies HCF1 and DSP 4 in terms of layout and design. Whilst incorporating a contemporary design and split level appearance (two storey to front and three storey to rear) it is considered that the new flatted block will integrate suitably with the surrounding area.

- The proposed development will be overbearing and visually intrusive given that it is three storeys.

Response: It is not considered that the development will be overbearing or visually intrusive given its distance to neighbouring properties and proposed contemporary design.

9. Conclusions

9.1 Taking the above assessment into account, it is considered that this development accords with the provisions of policies HCF1 A and DSP 4 of the North Lanarkshire Local Plan and following detailed consideration of the proposals, it is considered that it will integrate satisfactorily with the surrounding area and cause no adverse impact on established residential amenity. Therefore, for the reasons detailed in the planning assessment above, it is recommended that planning permission be granted subject to conditions.
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<tr>
<th><strong>Application No:</strong></th>
<th>15/01501/FUL</th>
<th><strong>Proposed Development:</strong></th>
<th>Construction of 16 Flats (2 Storey High)</th>
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<tr>
<td><strong>Date Registered:</strong></td>
<td>11th July 2015</td>
<td></td>
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<tr>
<td><strong>Applicant:</strong></td>
<td>North Lanarkshire Council Design Property Services Phillip Murray Road Bellshill ML4 3PA</td>
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<tr>
<td><strong>Agent:</strong></td>
<td>Linear7 Limited 32 Tynney Road Paisley PA1 3HB</td>
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<td><strong>Application Level:</strong></td>
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<tr>
<td><strong>Contrary to Development Plan:</strong></td>
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<tr>
<td><strong>Ward:</strong></td>
<td>004 Abronhill, Kildrum And The Village Stephen Grant, Elizabeth Irvine, Tom Johnston,</td>
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<td><strong>Representations:</strong></td>
<td>2 letters of representation received.</td>
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<td><strong>Recommendation:</strong></td>
<td>Approve Subject to Conditions</td>
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**Reasoned Justification:**

The design, scale, materials and positioning of the proposed 16 flats are considered to be acceptable and will not impact negatively on the character or amenity of the surrounding area and is therefore considered to be acceptable. In this respect the proposal complies with the adopted North Lanarkshire Local Plan.
Representations received from Kildrum Community Council & 1 outwith plan area

PLANNING APPLICATION 15/01501/FUL
Construction of 16 Flats (2 Storey High)
Former Kildrum Nursery Centre Atton Road, Kildrum Cumbernauld
Proposed Conditions:-

1. That, except for the requirements of conditions below or as may otherwise be agreed in writing by the Planning Authority, the development shall be implemented in accordance with drawing numbers: 0(01), 0(02), 122(3)10, 03, 122(3)01, 12(3)11, LOV HTF PL 01, LOV HTH PL 01 and E(01).

   Reason: To clarify the drawings on which this approval of permission is founded.

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, including any modifications as may be required.

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

3. 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, including any modifications as may be required.

   For the avoidance of doubt, no fence or wall shall be erected between the dwelling and the road along the southern and eastern boundary.

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

4. That BEFORE any of the development hereby permitted, situated on a site upon which a fence or wall is to be erected, are occupied, the fence, or wall, as approved under the terms of Condition 3 above, shall be erected.

   Reason: To ensure the provision of adequate boundary treatment.

5. That BEFORE the development hereby permitted starts, a scheme of landscaping shall be submitted to, and approved in writing by the Planning Authority, and it shall include:

   (a) details of any earth moulding and hard landscaping, boundary treatment, grass seeding and turfing;
   (b) a scheme of tree and shrub planting, incorporating details of the location, number, variety and size of trees and shrubs to be planted;
   (c) a detailed timetable for all landscaping works which shall provide for these works being carried out contemporaneously with the development of the site.

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

6. That all works included in the scheme of landscaping and planting, approved under the terms of condition 5 above, shall be completed in accordance with the approved timetable, and any trees, shrubs, or areas of grass which die, are removed, damaged, or become diseased, within two years of the full occupation of the development hereby permitted, shall be replaced within the following year with others of a similar size and species.

   Reason: In the interests of amenity.

7. That before the development hereby permitted starts, a management and maintenance scheme shall be submitted to, and approved in writing by the Planning Authority, including any modifications as may be required, and it shall include proposals for the continuing care, maintenance and protection of:

   (a) the proposed footpaths detailed on the approved plans;
   (b) the proposed parking areas detailed on the approved plans;
(c) the proposed grassed, planted and landscaped areas detailed on the approved plans;
(d) the proposed fences to be erected along the boundaries detailed on the approved plans.

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

8. That before the occupation of the development hereby permitted, the management and maintenance scheme approved under the terms of condition 7 shall be in operation.

Reason: In the interests of amenity.

9. That PRIOR to any works of any description being commenced on the application site, a comprehensive site investigation report incorporating mineral stability issues shall be submitted to and approved in writing by the Planning Authority. The investigation must be carried out in accordance with current best practice, such as BS 10175: The Investigation of Potentially Contaminated Sites, or CLR 11. The report must include a site specific risk assessment of all relevant pollution linkages and a conceptual site model. Depending on the results of the investigation, a detailed Remediation Strategy may be required as part of the above report.

Reason: To ensure that the site is free of contamination.

10. That for the avoidance of doubt, any remediation works identified by the site investigation required in terms of Condition 9 above, shall be carried out to the satisfaction of the Planning Authority. A certificate (signed by a responsible Environmental Engineer) shall be submitted to the Planning Authority confirming that any remediation works have been carried out in accordance with the terms of the Remediation Strategy.

Reason: To ensure that the site is free of contamination.

11. That BEFORE the development hereby permitted starts, unless otherwise agreed in writing with the Planning Authority, full details of the proposed surface water drainage scheme shall be submitted to the said Authority and shall be certified by a chartered civil engineer as complying with the most recent SEPA SUDS guidance.

Reason: To ensure that the drainage scheme complies with best SUDS practice to protect adjacent watercourses and groundwater.

12. That the SUDS compliant surface water drainage scheme approved in terms of Condition 11 shall be implemented contemporaneously with the development in so far as is reasonably practical. Within three months of the construction of the SUDS, a certificate (signed by a Chartered Civil Engineer) shall be submitted to the Planning Authority confirming that the SUDS has been constructed in accordance with the relevant SEPA SUDS guidance.

Reason: To safeguard adjacent watercourses and groundwater from pollution.

13. That notwithstanding the requirements of condition 1 above and BEFORE the development hereby permitted starts, full details of the proposed vehicular and pedestrian accesses, shall be submitted to, and approved in writing by the Planning Authority, and it shall include the following unless otherwise agreed in writing:
(a) Access shall be taken via a 5.5m wide drop kerb footway crossing arrangement.
(b) Visibility splays of 4.5m x 60m shall be provided.
(c) Parking bays shall be a minimum of 2.5m x 5.0m other than those designated for use by those displaying blue badges which shall be 3.6 m x 5.0m, all accessed via 6.0m wide aisle.
(d) New retaining structures shall not be provided to support or be within the
zone of influence of any existing public roads, footways or footpaths.

(e) The proposed access is being taken from the outside of a right angled bend which may give the impression of a through road for vehicles travelling north on Lochlea Road. The introduction of either a vertical measure or change in surface colour shall be provided to prevent the appearance of a through road.

Reason: To ensure the provision of satisfactory vehicular and pedestrian access facilities.

14. 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 satisfactory vehicular and pedestrian access facilities.

15. That before the development hereby permitted starts, unless otherwise agreed in writing by the Planning Authority; 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.

Background Papers:

Consultation Responses:
Memo from Traffic & Transportation received on 3rd August 2015
Memo from Protective Services received on 18th August 2015

Contact Information:
Any person wishing to inspect these documents should contact Mr Kevin Divin at 01236 632508

Report Date:
3rd September 2015
APPLICATION NO. 15/01501/FUL

REPORT

1. Site Description

1.1 The application site is approximately 0.4ha and located at Afton Road, Kildrum, Cumbernauld. The applicant site was previously occupied by Former Kildrum Nursery Centre which has since been demolished and is now an overgrown grassed area. The site is bounded to the north, south and west by residential properties, while to the east is public open space. The topography of the application site increases slightly from south to north.

2. Proposed Development

2.1 Full planning permission is being sought for construction of 16 flats (2 storey high). The proposal will take the form of four residential blocks. Blocks 1 and 2 are identical blocks of flats located along the northern boundary of the site, parallel with Afton Road Street that consists of No. 4 two bed cottage flats in the form of a two storey building which will measure 20.3 metres long by 11 metres wide and a pitched roof with the maximum height of 8 metres. Blocks 3 and 4 are identical blocks of flats located along the northeast corner of the site, parallel with West Main Street that consists of No. 4 one bed cottage flats in the form of a two storey building which will measure 17.6 metres long by 10.3 metres wide and a pitched roof with the maximum height of 8 metres. The proposed associated works also includes the formation of a new vehicular and pedestrian access off Lochlea Road, 24 off-street car parking spaces, footpaths and landscaping.

3. Applicant's Supporting Information

3.1 The planning application was submitted with a drainage statement which concludes that the development would not be at risk of flooding and that the development will not cause flooding out with the application site. A design statement has been submitted that provides a detailed site description and a commentary on the design of the proposed residential development. A site investigation report has been submitted which concludes that there are no outstanding issues to prevent the site being used for residential development.

4. Site History

4.1 The application site has no relevant planning history.

5. Development Plan

5.1 The proposal raises no strategic issues and can therefore be assessed in terms of Local Plan policies.

5.2 The application site is zoned as HCF 1 A (Protecting Residential Amenity and Community Facilities – Residential Areas) within the adopted North Lanarkshire Local Plan 2012.

6. Consultations

6.1 A summary of comments from the consultees is as follows:

i. Traffic & Transportation no objection subject to conditions relating to:
   - Visibility splays of 4.5m x 60m to be provided as opposed to Stopping Sight Distances (SDD) of 45m as shown.
   - Access to the site should be taken via a 5.5m wide drop kerb footway crossing arrangement as opposed to junction as indicated.
• Parking bays to be a minimum of 2.5m x 5.0m other than those designated for use by those displaying blue badges which should be 3.6 m x 5.0m, all accessed via 6.0m wide aisle.
• New retaining structures should not be provided to support or be within the zone of influence of any existing public roads, footways or footpaths.
• The proposed access is being taken from the outside of a right angled bend which may give the impression of a through road for vehicles travelling north on Lochlea Road. The introduction of either a vertical measure or change in surface colour should be provided to prevent the appearance of a through road.

ii. **Protective Services** have no objection to the proposal subject to the submission of a site investigation with a detailed remediation strategy if required and refers to best practice relating to noise from construction, construction hours, dust control, construction waste, light pollution and the presence of any unsuspected contamination.

7. **Representations**

7.1 Following the standard neighbour notification process, two letters of representation (including a letter from Kildrum Community Council) have been received which object on the grounds of loss of view, overdevelopment, details proposed, outlook and increased traffic.

8. **Planning Assessment**

8.1 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.

8.2 **Development Plan: North Lanarkshire Local Plan:** The site is located within the Kildrum area of Cumbernauld and zoned as HCF 1 A (Protecting Residential Amenity and Community Facilities – Residential Areas) within the adopted North Lanarkshire Local Plan 2012. Policy HCF 1 A has a presumption against developments detrimental to residential amenity in primarily residential areas. It is considered that, given the local plan zoning of the application site, the nature of the development, the surrounding residential area, the principle of the proposed residential development is in keeping with the immediate area and therefore complies, with policies HCF 2 A1, HCF 1 A and RTC 1C subject to the formal assessment of the details of the proposal against the criteria set out in DSP 4 below.

8.3 The North Lanarkshire Local Plan also requires proposed developments to be assessed against policies DSP 1 (Amount of Development), DSP 2 (Location of Development), DSP 3 (Impact of Development) and DSP 4 (Quality of Development). DSP 1, DSP 2 and DSP 3 are not an issue given the scale and nature of the development. Policy DSP 4 states that development will only be permitted when design is of a high standard and the detail of the development is considered in paragraph 8.4 below, however, the development of residential development at this location is in keeping with the density and layout of this wider residential location. It is considered, therefore, that the proposal is in accordance with policies of the North Lanarkshire Local Plan.

8.4 **Residential Layout and Design:** The proposed 16 flats, along with associated works are in keeping with wider residential area which is dominated by terraced two storey dwelling. In considering the immediate locational impact, the distance to the nearest facing habitable window exceeds the minimum required distance of 18 metres, the height of the proposed buildings is lower than the neighbouring dwellings to the east, the development exceeds the minimal amenity space standards for the proposal of this nature, therefore, the impact of the proposal is acceptable in that the proposed
residential development will not result in an overriding loss of amenity to the existing neighbouring residential properties. In addition to layout and setting, it is also considered that the detailed design of the buildings are acceptable and that materials can be considered by way of a condition. In terms of parking, the proposed residential development has a car parking requirement of 24 car parking spaces, while the proposed site layout provides 24 car parking spaces, it is considered that the parking provision is sufficient for this development of this size.

8.5 **Consultations:** Concerning the Protective Services comments, planning conditions are recommended to cover the requirement for a site investigation, while the comments relating to best practice relating to noise from construction, construction hours, dust control, construction waste, light pollution and the presence of any unsuspected contamination will be added as informatives on any planning permission. In response to the comments made by Traffic & Transportation, suitable planning conditions to this affect are recommended.

8.6 **Representations:** In terms of the objections raised, I would offer the following comments:

**Point of Objection:** The two F type cottage flats on the Lochlea Road site will block the view of the local residents and having a detrimental effect on their property and lives by changing their surrounding environment.

**Comment:** The loss of view is not a material planning consideration and it is considered that the proposed residential development is in keeping with the surrounding area without resulting in a detrimental impact on the residential amenity.

**Point of Objection:** The proposal appears to have been shoehorned into an already congested area to accommodate even more people (max 48) and causing a major impact on the lives of the residents in Afton Road.

**Comment:** The proposal will have sufficient amenity space and each building is sufficient distance apart, therefore, the quantity of residential units and layout is not considered to result in overdevelopment.

**Point of Objection:** The proposals put forward show a total disregard for the feelings of the local residents in Kildrum, after attending meetings with the Council, sharing their concerns and openly discussing the best way forward, only to find their wishes totally re-buffed.

**Comment:** The proposed mass, design, scale, finish and layout of the residential development is considered to be in keeping with the wider residential without resulting in a detrimental impact on the amenity levels currently enjoyed by neighbouring residential properties and therefore acceptable.

**Point of Objection:** It is understood that the loss of outlook doesn't constitute a planning consideration, but when options are available to avoid this, especially long-term economic options (gaining one extra bungalow between both sites with the extra income involved) it would serve the community well if the public authority were to seriously consider this alternative and a compromise was made to secure the goodwill of the local residents.

**Comment:** It is noted that the loss of view is not a material planning consideration and it is considered that the proposed design, finish, mass, scale and location of the proposed 16 flats are considered to be acceptable.

**Point of Objection:** The proposal will increase traffic movements up and down Lochlea Road where no traffic calming provisions are present; although road bumps, etc. were deemed necessary on the new part of Clouden Road.
Comment: It is not considered that the proposal will result in a detrimental impact on the traffic circulation and the Council’s Traffic & Transportation Service have no objection to the proposed residential development.

9. Conclusions

9.1 It is considered that the proposal accords with the adopted North Lanarkshire Local Plan in that the proposal is in keeping with wider established residential area as the design, scale, materials and positioning of the proposed 12 houses and 8 flats are considered to be acceptable. Taking the above into consideration and notwithstanding the objections received, it is recommended that planning permission be granted.
### Application No:
15/01645/FUL

### Date Registered:
31st July 2015

### Applicant:
Amarjit & Harbhajan Singh & Kaur  
26 Blenheim Drive  
Stepps  
G33 6DP

### Proposed Development:
Conversion of Vacant Office into 4 no. Dwelling Flats

### Site Address:
Former Council Housing Office  
25 Broomknoll Street  
Town Centre  
Airdrie  
ML6 6BN

### Agent:
Alan McEwan  
McEwan Designs  
99 Philips Wynd  
Wellhall Grange  
Hamilton  
ML3 8PH

### Application Level:
Local Application

### Contrary to Development Plan:
No

### Ward:
008 Airdrie Central  
James Logue, David Stocks, Peter Sullivan,

### Recommendation:
Approve Subject to Conditions

### Representations:
No letters of representation received.

### Reasoned Justification:
The proposal complies with the relevant policies within the North Lanarkshire Local Plan and will result in safeguarding of this prominent C listed building within the town centre and Conservation Area.
PLANNING APPLICATION 15/01645/FUL

Conversion of Vacant Office into 4 no. Dwelling Flats

Former North Lanarkshire Council, Housing Dept.,
25 Broomknoll Street, Airdrie, ML6 6BN
Proposed Conditions:-

1. That, except as may otherwise be agreed in writing by the Planning Authority, the development shall be implemented in accordance with drawing numbers – A01- A07 inclusive.

   Reason: To clarify the drawings on which this approval of permission is founded.

2. No development shall begin until the applicant obtains Listed Building Consent.

   Reason: To accord with the provisions of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006.

3. That prior to the commencement of work on site, material samples of all external finishing materials, including fencing and refuse bin storage structures shall be submitted to and approved in writing by the Planning Authority.

   Reason: In the interests of the visual amenity of the Listed Building.

4. That prior to the occupation of the first flat hereby permitted, the proposed access and boundary wall remodelling works and car park as illustrated on drawing A07 and shall be carried out to the satisfaction of the Planning Authority.

   Reason: To ensure that appropriate parking facilities are in place.

5. That BEFORE the development hereby permitted starts, a scheme of landscaping shall be submitted to, and approved in writing by the Planning Authority, and it shall include:-

   (a) details of any earth moulding and hard landscaping, boundary treatment, grass seeding and turfing;
   (b) a scheme of tree and shrub planting, incorporating details of the location, number, variety and size of trees and shrubs to be planted;
   (c) a detailed timetable for all landscaping works which shall provide for these works being carried out contemporaneously with the development of the site.

   Reason: To allow the Planning Authority to assess these details in the interests of the character and amenity of the site.

6. That all works included in the scheme of landscaping and planting, approved under the terms of condition 5 above, shall be completed in accordance with the approved timetable, and any trees, shrubs, or areas of grass which die, are removed, damaged, or become diseased, within two years of the full occupation of the development hereby permitted, shall be replaced within the following year with others of a similar size and species.

   Reason: In the interests of the character and amenity of the site.

7. 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 footpaths on the approved plans;
   (b) the proposed parking areas on the approved plans;
   (c) the proposed external lighting
   (d) the proposed grassed, planted and landscaped areas on the approved plans.

   Reason: In the interests of the character and amenity of the site.
8. That BEFORE completion of the development hereby permitted, the management and maintenance scheme approved under the terms of condition 7 shall be in operation.

Reason: In the interests of the character and amenity of the site.

**Background Papers:**

**Consultation Responses:**

Traffic & Transportation dated 8th of September 2015
The Coal Authority dated the 5th of August 2015

**Contact Information:**

Any person wishing to inspect these documents should contact Mr Paul Williams at 01236 632519

**Report Date:**

31st August 2015
APPLICATION NO. 15/01645/FUL

REPORT

1. **Site Description**

1.1 The application site is the former Council Housing Office at the southern end of Broomknoll Street in Airdrie town centre and the Victoria and Town Centre Conservation Area. The building is C Listed and fronts onto Broomknoll Street and is prominently located adjacent to a busy roundabout. It was vacated a number of years ago and has since been actively marketed by the Council’s Property department which has resulted in the prospective purchaser/developer submitting this planning application as well as the related Listed Building Consent application. The building is centrally located within a rectangular site. It is two-storey and finished in red sandstone with a dual-pitched slate roof. It has a flat gable on the southern elevation and a hipped gable on the northern elevation to accommodate a turret. It is of a neo-classical Jacobethan style with a grand portico, round arched windows on the ground floor and a Dutch gable featuring a large carving of the Airdrie Coat of Arms and also the turret on the front elevation. The site is bounded to the north by a pedestrian footpath, to the east by a public car park, to the south by the A89 ring road and to the west by Broomknoll Street and the listed Broomknoll Street church. The site is surrounded town centre mixed uses all of a traditional 2 or 3 storey scale.

1.2 The site is relatively flat and level and has a rear yard area which is enclosed by a 2 metre high vertical slatted timber fence.

1.3 The building was designed by Alexander McGregor Mitchell architect and built in 1900 as offices for the Airdrie Water Board. The listing description describes the intricate architectural details of the elevations which come together to make this a ‘mixed classical-Jacobethan’ style building.

2. **Proposed Development**

2.1 The proposal is for the conversion of the former Housing Office to provide 4 flatted dwellings with associated access road, carparking and landscaping. The applicant proposes minimal sympathetic maintenance works to the external fabric of the building including keeping the existing windows and perimeter fencing.

2.2 The proposed flats are formed over the existing ground floor and first floor of the building with 2 flats on the ground floor and 2 flats on the first floor. The proposed formation of the flats has been done to go with grain of the building and to minimise any works that would detrimentally affect the original internal features, fixtures and fittings such as the staircase, art nouveau tiling, cornicing, oak panelling, doors etc.

3. **Applicant’s Supporting Information**

3.1 The applicant has submitted a Design and Conservation Statement in support of the application. The applicant states that the existing Sandstone Building is a landmark building in its own right and the upgrading of the external façade through stone and roof repairs signifies investment in this local feature. The design intention internally is to keep works to a minimum i.e. works to existing doors /fittings etc. is to keep everything in situ unless no alternative. A ‘light touch’ approach to conversion is intended. If existing features need to be covered e.g. wall panelling etc, the intention is to conceal using lightweight metal stud partitions, in a way that in future the finishes can be re-exposed. The applicant further states that externally, the aim is to retain and enhance the appearance of the building by improving the two existing rear flat roof extensions by rendering the walls and by adding pitched slate roofs, to match and enhance the appearance of the main building, and by essential repairs of the existing fabric and cleaning of the existing sandstone. The existing sandstone building which is to be retained requires refurbishment work to the external leaf,
including stone repairs, work to rain water goods, windows and doors. The visible red sandstone is currently in good condition with some blackening and salt staining. The intention is to clean this at low pressure as required and carry out localised repairs — sand blasting will not be used, nor will plastic repairs be carried out and care will be taken not to erode any of the original features. The entire façade will be cleaned and re-pointed where required with lime mortar.

4. **Site History**

4.1 None relevant.

5. **Development Plan**

5.1 The application site lies within the Victoria and Town Centre Conservation Area Policy NBE 2 B2 and also a Town Centre Policy RTC 1 A. As the building in question is listed, Listed Building policy NBE1 2C is also of relevance as well as policy DSP 4 (Quality of Design).

6. **Consultations**

6.1 Traffic and Transportation has expressed no objections to the proposal. Although the proposed vehicular access from the existing car park will result in the loss of 2 spaces within the existing public car park, the proposed car park for the flats will create 8 dedicated spaces.

6.2 The Coal Authority has expressed no objections to the proposal because although there is a capped mine shaft in the vicinity of the proposed car park, the proposal is purely for change of use to an existing building, this means that there will be no operational development resulting from this proposal that intersects the ground and could therefore present risks to the coal mining features. Therefore the Coal Authority do not consider that a Coal Mining Risk Assessment is necessary for this proposal and do not object to this planning application. The Coal Authority has recommended that if Planning Permission is granted that an informative regarding the mine workings and best practise in terms of development is placed within the decision notice.

7. **Representations**

7.1 No letters of representation have been received.

8. **Planning Assessment**

8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 states that a planning application should be assessed against the relevant Development plan policies unless material consideration indicate otherwise. In this case, the proposal is not of strategic significance and as such, should be assessed in terms of the relevant local plan policies.

8.2 In this case, as the application site lies within the Victoria and Town Centre Conservation Area and the town centre, Conservation Area Policy NBE 2 B2 and Town Centre Policy RTC 1 A are applicable. As the building in question is listed, Listed Building policy NBE1 2C is also of relevance as well as policy DSP 4 (Quality of Design).

8.3 The town centre location means that the site is surrounded by typical town centre mixed uses, however, the principle of residential use for the building has been accepted as part of the marketing brief. The main determining policies in terms of the assessment of the proposal are therefore Conservation Area Policy NBE 2 B2, NBE1 2C — Listed Buildings and policy DSP4 — Quality of development.
8.4 In terms of policy NBE 2 B2, this policy states that development shall be consistent with the character of the Conservation Area. In this case the proposal safeguards the future of a prominent listed building within the Conservation Area which will contribute to the continuing quality and character of the Conservation Area. It is therefore considered that the proposal complies with this policy. In terms of the Listed Building status, Policy NBE1 2C, this states that there is a presumption against demolition or other works that adversely affect the special interest of a listed building and its setting. In this case, it is considered that the proposed works are sympathetic and will not detrimentally affect the external appearance of the listed building. Internally, the applicant intends to retain as many original features as is practicable. Furthermore, the proposed boundary and access works, landscaping and parking arrangements are considered to be acceptable and proportionate in terms of impact on the setting of the listed building. For the above reasons as well as adequate parking and access provision, it is considered that the proposal complies with policies NBE 2 B2, NBE 1 2C and DSP4.

9. Conclusions

9.1 It is therefore considered that the proposed conversion (and associated works) of this vacant listed building are acceptable and will safeguard the future of this listed building without detriment to the special interest of this listed building or the character of the Conservation Area. This application is therefore recommended for approval subject to the application of the appropriate conditions.
Application No: 15/01711/FUL

Proposed Development: Subdivision of Class 1 Shop into Two Units. Change of Use of One Unit to Class 3 Hot Food, Alterations to Shop front, Erection of Pitched Roof and Rear Extension

Site Address: 56 Carfin Road
Newarthill
Motherwell
ML1 5AG

Date Registered: 7th August 2015

Applicant: Mr Mani Hussein
72 Carfin Road
Newarthill
ML1 5JZ

Agent: Bryan McAlister
Bryan McAlister Architect
12 The Maltings
Linlithgow
EH49 6DS

Application Level: Local Application

Contrary to Development Plan: No

Ward: 017 Motherwell North
Shahid Farooq, Helen McKenna, Peter Nolan, Pat O’Rourke,

Recommendation: Approve Subject to Conditions

Reasoned Justification:
The proposed development meets the criteria set out in the relevant policies contained within the North Lanarkshire Local Plan. The proposed development is acceptable in terms of its impact upon the amenity of the surrounding residential area and the road network.
PLANNING APPLICATION : 15/01711/FUL

Subdivision of Class 1 Shop into Two Units. Change of Use of One Unit to Class 3 Hot Food, Erection of Pitched Roof and Rear Extension

56 Carfin Road, Newarthill, Motherwell, ML1 5AG

Produced by Planning & Regeneration
Regeneration & Environmental Services
North Lanarkshire Council
Fleming House
2 Tryst Road
Cumbernauld
G67 1JW

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Proposed Conditions:-

1. That except as may otherwise be agreed in writing by the Planning Authority, the development shall be implemented in accordance with drawing numbers 001, 001a, 002 and 003.

   Reason: To clarify the drawings on which this approval of permission is founded.

2. That notwithstanding the terms of condition (1) above, before the development hereby permitted is brought into use, confirmation in writing shall be provided from a suitably qualified source to the Planning Authority that the flue and any associated apparatus has been installed in accordance with the requirements of Protective Services.

   Reason: In the interests of the amenity of the area.

3. Noise from or associated with the completed development (buildings/fixed plant) shall not give rise to a noise level, assessed with windows open, within any dwelling or noise sensitive building in excess of that equivalent to Noise Rating Curve 35 between 0700 and 2200, and Noise Rating Curve 25 at all other times.

   Reason: In the interests of the residential amenity of the surrounding area and to ensure that the noise associated with the development will be within acceptable limits.

4. That before the development hereby permitted is brought into use the existing footway and dropped kerb shall be relocated in the position shown on the approved plans and shall be constructed in accordance with the specifications of the Roads Authority and as described in the Roads Guidelines published by the said Roads Authority.

   Reason: To ensure the provision of adequate access to serve the site.

5. 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 and turning areas within the site to enable vehicles to enter and leave the site in forward gear at all times.

6. That BEFORE the development hereby permitted starts, a scheme of close boarded screen fencing to be erected along the south western boundary of the site shall be submitted to, and approved in writing by the Planning Authority. Before the development hereby permitted is brought into use the fencing approved under the terms of this condition shall be completed and shall thereafter be retained.

   Reason: To safeguard the amenity of the adjacent residents.

Background Papers:

Consultation Responses:
Transportation received on the 28th August 2015
Environmental Health (including Pollution Control) received on the 27th August 2015

Contact Information:
Any person wishing to inspect these documents should contact Ms Suzanne Cusick at 01236 632645

Report Date: 14th September 2015
1. **Site Description**

1.1 The application site comprises of a vacant detached single storey building that previously operated as a Class 1 retail unit (convenience store) within an established residential area of Newarthill. A vehicle access and car parking area are located to the side and rear of the site. The site is bound by two storey four in a block dwellings to the south west, two storey semi detached dwellings to the north and a single storey detached dwelling to the north east and open countryside to rear (south east). A 1.8 metres high vertical slatted screen fence is located along the southern boundary of the site; the remainder of the boundaries are bordered by bushes. Two hot food take away units operate 30 metres to the east in a single storey detached building and a doctor’s surgery is 20 metres to the north west opposite on Carfin Road.

2. **Proposed Development**

2.1 This application proposes the sub division and part change of use of the existing retail unit to accommodate one Class 1 retail unit and one Class 3 hot food unit, alterations to form 2 new shop fronts, the erection of a pitched roof, rear extension and the installation of a flue ventilation system. The hot food unit would be on the south side of the building adjacent to the site access and car parking area.

2.2 The proposed rear extension would replace the existing L shaped store room at the rear of the building and would measure 8.7 metres wide, 4.6 metres deep. The proposed pitched roof would be 5.8 metres to the ridge and 2.9 metres to the eaves; an increase of 2.6 metres. The proposed flue would protrude 2.3 metres from the west facing roof plane that is the adjacent to the proposed parking area; 1 metre above ridge height. The proposed works also include the resurfacing and extension of the existing car parking area with parking and turning proposed for 10 vehicles.

3. **Applicant’s Supporting Information**

3.1 The following comments summarise the supporting statement submitted by the applicant.

3.2 The site is self contained with parking area via lowered kerb; dwellings are not immediately adjacent.

   - The owner of the application site aims to manage the proposed units to complement and add variety to the nearest retail unit at 72 Carfin Road that they also own.

   - Measures to maintain amenity include the installation of a pitched roof to provide space for installation of suitable ventilation system. The new extract equipment will comply with current standards with respect to noise control.

   - The building is set back from the road enabling site litter collection by means of covered bin storage within the site. The applicant also advises the majority of takeaway customers will consume food at home.

   - The development will operate within any guidelines conserved applicable by the Council and surrounding neighbours will be accustomed to the opening hours of the previous operation of the premises as a convenience store.

   - Carfin Road is a ‘through road’ with the busiest periods of operation likely to be outwith the busy periods for the neighbouring businesses and unlikely to
cause significant conflict. The car parking area has potential to accommodate 12 spaces.

4. **Site History**

4.1 No relevant planning history

5. **Development Plan**

5.1 The site is zoned as HCF 1A (Residential Areas) in the North Lanarkshire Local Plan.

6. **Consultations**

6.1 Protective Service (Pollution Control) confirms no objection to the development subject to conditions relating to noise and ventilation.

6.2 Transportation confirms no objection to the proposed development subject to conditions on access, parking and turning.

7. **Representations**

7.1 Following the neighbour notification and press advertisement process three letters of representation were received from neighbouring residents. The following summarises the comments received:

   A) The proposed development will increase vehicle activity and result in congestion and the blocking of residents’ driveways.

   B) The proposed hot food use would adversely affect adjacent residential properties as a result of increased activity, noise, odours and litter.

   C) There are already three fast food outlets and a burger van in the area.

7.2 One of the objectors has requested a hearing.

8. **Planning Assessment**

8.1 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. The application raises no strategic issues; it can therefore be assessed in terms of the local plan policy.

   **Development Plan**

8.2 Policy HCF 1A contains a presumption against proposals that would have a detrimental impact on residential amenity in housing areas. In this instance the use proposed is a ‘bad neighbour development’ and the impact must therefore be assessed in detail under policies RTC 3B (Bad Neighbour Development) and DSP 4 (Quality of Development).

8.3 Policy RTC 3B only allows developments that would not have an adverse impact on the amenity surrounding properties and takes account of the cumulative impact of such developments.

8.4 Policy DSP 4 seeks a high quality of development ensuring that proposals integrate with the local area and safeguard the amenity of neighbouring properties, taking account of access, parking and any impact on the road network.

8.5 SPG 18 - Shop fronts and Security is of relevance to this application. SPG 18 aims to encourage high standards of design in line with Local Plan policies to ensure proposals achieve good design and maintain the rhythm, character and hierarchy of
existing buildings along the street.

8.6 Although not zoned for retail use the site is located on a busy main route and taking account of the established commercial nature of the premises and the existing hot food takeaway and retail units east of the site it is considered that the proposed development will not significantly alter the character or amenity of the area. It is acknowledged the site is bound by dwellings however the car parking area provides a buffer to the dwellings to the south and a condition is recommended to secure adequate screen fencing between the proposed parking and the adjacent residential properties. The proposed flue would be installed on the roof plane 7 metres back from the front elevation, 10 metres from the nearest dwelling to the east and 15 metres from the dwellings to the west. As mentioned above in paragraph 6.1 Protective Services confirms no objection to the proposed flue subject to conditions.

8.7 In relation to scale and design, it is not considered that the proposed pitched roof, flue installation, rear extension and shop front alterations would cause any adverse impact on the visual amenity of the area. The proposed pitched roof height would be consistent with the existing dwellings fronting Carfin Road which would add to the uniformity of the existing linear street pattern. The rear extension would be hidden from street view and would result in only a very slight increase to the length of the existing building; it would have no adverse impact upon adjacent residential properties in terms of loss of privacy or overshadowing. It is therefore considered the external alterations to the premises are well designed and would integrate with the site and setting without visually detracting from the surrounding area. As detailed above in paragraph 6.2, Transportation advises the cumulative parking requirement for the retail unit and the proposed hot food takeaway is 10 spaces. The submitted plans show that the required parking and turning can be accommodated.

8.8 It is considered that the proposal can be accommodated without any significant adverse impact on the character or amenity of the area or upon the road network and is considered to be in accordance with policies HCF 1A and RTC 3B and DSP4 while the external alterations accord with the SPG 18 guidance in terms of scale, design, siting and finishing materials.

Representations

8.9 Comments in respect of the points made in the letters of representation as follows:

8.10 a) Adequate access, parking and turning are proposed to serve the development and Transportation has raised no objections to the application.

b) As detailed in paragraphs 8.6 and 8.7 it is considered that taking account of the location and history of the site and the character of the area that the proposal would not have a significant adverse impact on the amenity of the area. Conditions are proposed to protect the amenity of adjacent residents.

c) Concerns regarding over provision are not a material planning consideration. It is noted that the nearest hot food facility is 30 metres from the site and as indicated above it is considered that an additional hot food takeaway would not have a significant detrimental impact upon the residential character of the area.

9.0 Conclusions

9.1 In conclusion it is considered that the proposed development will not significantly adversely affect the character or amenity of the area or the road network and complies with policies HCF1A, DSP4 and RTC3 of the North Lanarkshire Local Plan. Notwithstanding the objections received it is recommended that planning permission is granted.