AGENDA ITEM

Application No: 15/01010/FUL
Proposed Development: Three and a Half Storey Flatted Block Comprising 16 Flats with Associated Works

Site Address: 449 Main Street Bellshill ML4 1AX

Date Registered: 21st May 2015

Applicant: Fusion Assets Ltd 5th Floor Fleming House 2 Tryst Road Cumbernauld G67 1JW

Agent: Austin Smith Lord LLP 296 St Vincent Street Glasgow G2 5RU

Application Level: Local Application

Contrary to Development Plan: No

Ward: 015 Mossend And Holytown

Representations: 10 letters of representation received from 5 parties.

David Baird, James Coyle, Frank McNally,

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 mixed use 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 nos: L (00) – 100F, L (00) – 100F Survey, L (00) – 100F 2, L (00) -1005, (L) 108, 8503/401, and other plans stamped approved as part of this permission.

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

2. That the finishing materials for the flats shall be as described on page 6 of the amended design statement by Austin Smith Lord dated 4th September 2015, namely blue/black facing brick basecourse with white render above to walls, and smooth dark grey concrete tiles, unless otherwise agreed in writing by the Planning Authority, and that sample materials shall be submitted to, and approved in writing by the Planning Authority prior to commencement of development.

Reason: In the interests of the visual amenity of the site and surrounding area, and to enable the Planning Authority to consider these aspects in detail.

3. That before the development hereby permitted starts, details shall be submitted to, and approved in writing by the Planning Authority, of the proposed bin store enclosure including elevations and finishing materials, and before any of the flats are occupied the bin store shall be constructed in accordance with the details approved under this condition.

Reason: In the interests of the visual amenity of the site and surrounding area, and to enable the Planning Authority to consider these aspects in detail.

4. That before the development hereby permitted starts, full details of any walls or fences to be erected on the site shall be submitted to, and approved in writing by the Planning Authority and before the last flat hereby permitted is occupied, the fences or walls shall have been erected in accordance with the details approved under the terms of this condition.

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

5. Notwithstanding the generalities of condition 4 above, details to be submitted under the requirements of condition (4) above shall include measures to protect the existing brick wall forming the rear boundary of dwellings on Brandon Gate during construction; details of the extent if any, of the retention of the frontage stone wall and if the front wall is to be removed it shall be replaced by a wall/railing of no more that 1.05 metres in height.

Reason: To enable the Planning Authority to consider these aspects in the interests of the visual amenity of the area.

6. ‘That before the development hereby permitted starts, further to the noise report submitted by The Airshed dated 14th September 2015 and the further commentary and appendices dated 21st October 2015, further details shall be submitted to, and approved in writing by the Planning Authority, confirming the exact material specification of the proposed 3 metres high acoustic barrier to be sited along the north and part-east boundaries, and prior to the occupation of the first flat, a certificate (signed by an appropriately qualified Acoustic Engineer) shall be submitted to the Planning Authority confirming that the barrier, glazing and acoustic ventilation mitigation works have been carried out in accordance with the details approved under this condition.

Reason: To ensure future residents are suitably protected from noise disturbance in the interests of amenity.
7. 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 and no work shall take place on Sundays. 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.

8. That before the flats hereby permitted are occupied, a new vehicular access to the site shall be formed as shown on the approved site layout via a 6 metres wide dropped kerb footway crossing leading directly onto the car park manoeuvring aisle and the existing vehicular access at the south-east corner of the site shall be reinstated as footway in accordance with the specifications of the Roads Authority.

Reason: To ensure satisfactory access arrangements to the site.

9. That before the first of the flats hereby permitted becomes occupied, all the parking and manoeuvring areas, and footpath connection with the post sorting office fire exit 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.

10. That the surface water drainage scheme approved in terms of Condition 1 and as shown on approved drawing no. 8503/401 shall be implemented contemporaneously with the development in so far as is reasonably practical. Within three months of the construction of the SUDS, before the first flat is occupied a certificate (signed by a Chartered Civil Engineer experienced in drainage works) shall be submitted to the Planning Authority confirming that the SUDS have been constructed in accordance with the relevant CIRIA Manual and the approved plans.

Reason: To safeguard adjacent watercourses and groundwater from pollution.

11. 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.

12. That BEFORE development starts, a plan at 1:100 scale detailing the exact position, species, age, and condition of all the trees on the site, alongside details confirming those to be retained or removed, shall be submitted to, and approved in writing by the Planning Authority.

Reason: To enable the Planning Authority to consider these aspects in detail in the interests of the visual amenity of the site, and to provide screening and privacy to existing and proposed residents.

13. That no trees other than those approved for removal under condition 12 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.

14. That before the development hereby permitted is started, details of a scheme of general planting for the landscaping areas coloured GREEN on the approved site layout shall be submitted to, and approved in writing by the Planning Authority before the development starts, and it shall include:-

(a) details of any earth moulding and hard landscaping, boundary treatment, grass seeding and turfing. For the avoidance of doubt, the boxed garden areas fronting the flats shall be laid to lawn with tree planting;

(b) a scheme of shrub planting, incorporating details of the location, number, variety and size of shrubs to be planted, which shall include replacement planting of trees removed by full standards with a clear stem of 1.8 metres or above including a mixture of species such as Rowan, Bird Cherry, Wild Cherry, and crab apple and planted in groups of 6-8 trees rather than groups of 2-3 trees, shall be submitted to, and approved in writing by the Planning Authority.

(c) a detailed timetable for all landscaping works which shall provide for these works being carried out contemporaneously with the development of the site and completed before the last flat within the site is occupied.

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

15. That all works included in the scheme of landscaping and planting, approved under the terms of condition 14 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 occupation of the last flat, shall be replaced within the following year with others of a similar size and species.

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

16. That before the development hereby permitted starts, a management and maintenance scheme which shall include proposals for the continuing care, maintenance and protection of the proposed trees/landscaping and communal areas, shall be submitted to, and approved in writing by the Planning Authority.

Reason: To enable the Planning Authority to consider these aspects in detail in the interests of the visual amenity of the area.

17. That the landscape maintenance scheme approved in terms of Condition 16 above shall be operational within 3 months of the landscaping scheme having been implemented and before the last flat within the site is occupied, whichever is the earlier.

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

18. That should the works not be carried out within 1 year of the date of the initial survey titled '449 Main Street Bellshill – Bat Activity Surveys' by Energised Environments dated 4th September 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.

Background Papers:

Consultation Responses:

Memo from Transportation received 24th June 2015 and 6th October 2015
Memos from Protective Services received 1st June 2015, 10th July 2015, 24th July 2015, 14th October 2015, and 28th October 2015
Memo from Greenspace received 22nd June 2015 and 22nd October 2015
Memos from Learning & Leisure received 22nd June 2015, 31st July 2015, and 26th August 2015

Contact Information:

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

Report Date:

6th November 2015
1. Site Description

1.1 The application site is presently occupied by a semi-derelict dwellinghouse at no. 449 Main Street, is L-shaped, relatively flat, contains several semi-mature trees and bushes. The site lies within a mixed use area with an industrial area to the north, housing estate to the north-west, the EU Congregational Church and Alhambra chip shop to the east, flats, doctors’ surgery and health centre to the south, and the jobcentre and post sorting office to the west. An area of wooded open space currently owned by the Council lies directly west. Presently the vehicular access is located at the south-east corner and a lay-by extends along the frontage. The lay-by fronting the church will be unaffected. A fire exit path serving the adjacent post sorting office leads into the site.

2. Proposed Development

2.1 Originally, permission was sought for a four storey block of flats of modern design with rear balconies, as well as two semi-detached properties at the rear. Following discussions, amended plans were received omitting the two semi-detached dwellings and rear balconies to the flats, whilst the flatted block was re-designed to reflect a more traditional design and finish. Permission is now sought for the construction of sixteen, two bedroom flats to be formed over four floors in the form of a three storey block with attic accommodation incorporating dormer and velux windows. The flats will be finished with a blue/black facing brick basecourse, with white render above to walls, and smooth dark grey concrete tiles. The flatted block will align with the front building line of the adjacent post sorting office and a footpath link will connect with their emergency fire exit, replacing the existing path which will be removed to allow formation of the parking court. A new vehicular access will be formed at the western corner of the site resulting in re-configuration of the adjacent lay-by. 30 parking spaces will serve the development with one further space allocated for motor cycles/bikes to be located to the eastern side and rear of the flats. Open space will be located throughout the development, where several existing trees are proposed for retention particularly to the rear of the existing dwelling of no. 449. A 3 metre high acoustic barrier is proposed to the rear of the flats along the north and east boundaries.

3. Applicant’s Supporting Information

3.1 The applicant submitted a planning/design statement, structural report, phase 1 desk study, noise impact assessment, protected species report, and drainage report in support of the proposals.

4. Site History

4.1 No planning applications have been received for the site. The dwellinghouse has been vacant for a number of years.

5. Development Plan

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

6. Consultations

6.1 Transportation advised they were satisfied with access, visibility and parking arrangements. They also noted that alterations to the footway and lay-by would require their separate consent via a Section 56 Road Opening Permit.
6.2 Protective Services confirmed their acceptance of the findings of the noise impact assessment and requested conditions are imposed requiring mitigation measures are installed as per the report recommendations, and that construction hours be limited.

6.3 Greenspace confirmed they were satisfied with the findings of the protected species report. They advised that in the event the development is not undertaken within 1 year of the date of the original report, that an updated report would be required. They also requested that existing trees be retained as far as possible and supplemented with additional replacements around the periphery for those lost.

6.4 Learning & Leisure noted that due to the proposal involving flats, it would likely result in a very low pupil yield and whilst the catchment school of St Gerard's Primary School would be operating over capacity by 2019, the impact of the development would be minimal.

7. Representations

7.1 Ten letters of representation were received from five parties including Bellshill Community Council, following neighbour notification and a press advertisement. A request was also made for Committee to undertake a site visit and hearing prior to making their decision. The concerns raised can be summarised as follows:

a) The height and design of the development are out of keeping with other properties of this type which are two or three storey;

b) Rear balconies and upper floors of the flats and the 2 semi-detached properties would adversely affect privacy. This will be compounded by removal of trees which also reduces privacy and security;

c) Highway safety and traffic circulation would be adversely affected with additional traffic being generated both from construction workers and eventual residents on an already busy route. Queries were raised over what measures would be put in place to minimise disruption. One neighbour considered parking provision was sub-standard whilst another considered it was excessive. Removal of the lay-by parking was also raised as a concern;

d) Proposals for 16 flats and 2 semi-detached houses represents over-development;

e) Existing trees positively add to the visual amenity of the area and provide some screening. It is proposed to retain some trees which is welcomed, but it is unclear which trees;

f) Use of the communal open space area to the rear for games, social activities and as a drying green would cause disturbance and it is requested that the 3 metre acoustic barrier be continued along the western boundary also to reduce disturbance. Noise disturbance is also likely to arise from use of the parking court;

g) One neighbour noted that the brick wall forming the rear garden boundary of properties on Brandon Gate is privately owned and should not be removed or modified. Another requested that should it be removed, it should be replaced with a new brick wall of similar height for privacy reasons. Queries were also raised regarding boundary treatment proposed for the site;

h) The development will result in reduction of daylight to the adjacent church;

i) It was questioned whether the development will be private or social housing; and

j) Concern was raised over the status of the applicant and the potential for a conflict of interest in determining the application given that Council officials are listed as board members of the applicant company.

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 1A (Residential Areas) on the adopted North Lanarkshire Local Plan (NLLP) (2012). Policies NBE 1A6 (Protecting the Natural and Built Environment) (Protected Species), NBE 2A3 (Protecting the Natural and Built Environment) (Woodland Management and Structure Planting), 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 1A states that there is a presumption against developments detrimental to residential amenity in primarily residential areas. The majority of the site comprises ground in association with an existing dwellinghouse and proposals for residential development are generally considered acceptable in principle in such areas in compliance with policy HCF 1A subject to detailed assessment of the proposals under policy DSP 4.

8.4 Policy DSP4 (Quality of Development) states that development will be permitted where sustainable design standards and site planning are achieved. In particular, proposals will need to demonstrate that: an appraisal has been carried out on the existing character and features of the site and a high quality development is achieved addressing siting, overall layout, density, form, scale, height, massing, proportion, detailing, materials, open space, access and parking. Developments are also required to integrate successfully into the local area avoiding harm and adverse impacts through overlooking, loss of privacy or amenity, overshadowing, or disturbance. 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 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. SPG 09 (Flooding & Drainage) requires that applicable developments demonstrate any risk and means for mitigation of flooding and detail the measures for treatment of surface water through the use of SUDS principles.

8.5 In considering the proposals against these policies and guidance the building line along Main Street has no rigid pattern with the church on the eastern side being sited in deeper recess from the footway than the post sorting office on the western side. Further along Main Street beyond the church, some buildings are sited hard on the heel of the footway. It is proposed to align the flats with the sorting office and whilst the block will project forward of the church, the building line relationship further east is even more marked such that the development will not appear at odds within the streetscene given the existing context. The scale and massing of buildings also varies along Main Street where single storey commercial buildings to three storey flats are evident, the latter presenting elongated facades. The proposed three storey block with attic accommodation and lengthy footprint is therefore not out of keeping with the streetscene given this context. Existing buildings comprise traditional designs with pitched or hipped roofs, varied footprint, architectural detailing, and a palette of traditional materials mainly, brick, render and grey flat tiles. Amended plans were submitted employing similar design tools incorporating full height glazing to stairwells, wall-head dormers, soldier courses of varied materials, and traditional duo-pitched roofs and finishing materials which will again assist in blending the development with its surroundings.

8.6 In terms of privacy, habitable public rooms are positioned toward Main Street where ample distance exists between opposing windows. Bedrooms will be located on the rear elevation facing existing dwellings on Brandon Gate and balconies have been removed from the proposals. The flats are sited a minimum of 27 metres from the nearest dwelling in excess of the required 18 metres thereby raising no privacy
issues, particularly as some houses on Brandon Gate have their lounges to the rear. Similarly, the flats are sited a minimum of 17 metres from rear garden boundaries on Brandon Gate thereby retaining privacy to gardens. The flatted block will be sited approximately 6.5 metres to the side of the church with only approximately 3 metres of footprint depth overlapping the church footprint given the forward positioning of the flats, such that no significant overshadowing should occur. The 3 metre high acoustic barrier will also be sited approximately 3.5 metres distant from the church raising no overshadowing issues. Otherwise the flats and barrier are sited sufficiently distant to raise no significant sunlight/daylight issues for other properties. A noise impact assessment concluded that with the provision of the acoustic barrier along the north and east boundaries, alongside acoustic glazing and trickle vents to the southern and gable elevations, that future residents will be suitably protected from noise emanating from the industrial area and traffic noise from Main Street and conditions are recommended to ensure these are implemented in accordance with the report recommendations.

8.7 Transportation confirmed their satisfaction with the access and parking arrangements. Provision will be made for a connecting footpath through the parking court to the fire exit of the post sorting office retaining a formalised route in the event of evacuation. Due to the layout design, some trees would be lost to facilitate the development and some bushes and low growing vegetation will require to be cleared to facilitate construction of the required 3 metres high acoustic barrier. Some existing trees will be retained behind the proposed flats retaining an instant maturity of planting on the site and a condition is recommended to secure replacement planting to protect the visual amenity of the area. A large area of communal open space measuring 870 square metres will be retained at the rear, well in excess of the required 640 square metres, whilst further pockets of planted open space will be located in and around the flats to further soften the site and provide visual interest in complement with the existing site attributes.

8.8 It is noted that no protected species were found within the grounds or the semi-dilapidated dwelling. A drainage layout and impact assessment were submitted. SUDS proposed on the site include the incorporation of aquacells beneath permeable paving within the car park to attenuate flooding or run-off from the site disposing to the Scottish Water network. Conditions are recommended that confirmation be provided that the proposed drainage scheme has been implemented in accordance with the submitted plans and to ensure that the requirements of Scottish Water have been met. Overall, subject to conditions, the proposals are considered to comply with policies DSP4, NBE 2A3, NBE 1A6, and SPGs 02, 09 and 20.

Consultations

8.9 Conditions are recommended to address the matters raised by Transportation, Protective Services and Greenspace’s comments.

Representations

8.10 With respect to the concerns raised, I would comments as follows:

a) The building has been reduced in scale to three storey with attic accommodation and will be of a similar height to existing three storey flats on Main Street. Given the existing built context as described more fully in paragraph 8.5 above, the flats can be accommodated without detriment to the streetscene;

b) The two semi-detached dwellings and rear balconies to the flats have been removed and the effects on privacy have been discussed above in paragraph 8.6. It is intended to retain as many existing trees as possible and conditions are recommended to address this matter;

c) It is recognised that the site fronts a main traffic corridor and that works would be undertaken to facilitate formation of the new vehicular access, alterations to the footway and lay-by, and other works within the roadway with the possibility of the
provision of a right hand turn storage bay, a traffic island for pedestrians, and relining out. Traffic management would be handled by the Traffic and Transportation Section with any measures deemed necessary being implemented to ensure minimum disruption to traffic circulation. Parking standards for the site have been met, and three lay-by spaces will also be retained which are considered acceptable;
d) The two semi-detached dwellings have been omitted and as discussed above, the development meets Council standards in terms of open space, parking, and the effect on the built form;
e) Conditions are recommended to confirm exact details of trees to be retained and those to form replacements;
f) Provision of open space is a requirement to ensure satisfactory levels of outdoor amenity for future residents and the use of the open space and parking court are unlikely to cause significant disturbance. Provision of the acoustic barrier is in response to an identified need to mitigate noise from an industrial source which would cause significant disturbance. It is not considered appropriate to install this form of barrier simply to separate housing and flats from disturbance from general use of garden and parking areas;
g) The brick wall is not within the ownership of the applicant and they have confirmed they will not be undertaking any works on this wall. Conditions are recommended in respect of boundary treatment for the site;
h) The impact on the church in terms of sunlight/daylight has been addressed above in paragraph 8.6;
i) The applicant has not confirmed the tenure of the flats and is not required to do so as this is not a material consideration in determining the application in any case; and
j) The assessment of any planning application considers only material planning matters and the ownership of the site and the nature of the company making the application are not taken into account. The application requires to be determined by the Planning & Transportation Committee, and any members of the Committee who may have a conflict of interest would be expected to declare that at the meeting and not participate in the decision.

9. Conclusions

9.1 In conclusion, it is considered that the development can be accommodated without detriment to the character and amenity of the surrounding area and complies with the relevant Local Plan policies. The development will bring a long term vacant site back into beneficial use and will offer additional housing opportunities for the community of Bellshill. It is recommended that planning permission be granted subject to conditions.