

REPORT

To: PLANNING AND TRANSPORTATION COMMITTEE		Subject:  Planning Application 16/01894/FUL Formation of Access Including Roundabout: 150 Drumcavel Road, Muirhead, G69 9ES  Notification of EIA Screening Direction and Appeal of Non-Determination to Scottish Ministers by Applicant and Confirmation of Planning Authority Position for Appeal Statement.
From: HEAD OF ENTERPRISE AND PLACE		
Date: 22 <sup>nd</sup> March 2017	Ref: 16/01894/FUL	

**1. Purpose of Report**

- 1.1 The purpose of this report is to notify Committee of the application, EIA Screening Direction and appeal for non-determination in relation to planning application 16/01894/FUL and to confirm the Committee's position on these matters. The position of the Planning Authority is required in order to finalise the statement of case in the appeal.
- 1.2 It is noted that the deadline for the Planning Authority's appeal statement fell before the date of this meeting. The Planning Service has therefore submitted an appeal statement in order to meet that deadline. Whilst Scottish Ministers did not formally grant an extension in time to allow a finalised statement to be prepared and lodged, they have acknowledged that the appeal statement may be updated. From the Council's perspective, this will be to either confirm the statement as being the formal position of the Planning Authority, or to update an amended position following consideration of the application and this report by the Planning and Transportation Committee.

**2. Background & Considerations**

- 2.1 The Council has received notification of an appeal for non-determination of planning application 16/01894/FUL for the formation of an access (including roundabout) at 150 Drumcavel Road, Muirhead. Also received is notification that the applicant has sought a Screening Direction from Scottish Ministers in respect to the requirement for an Environmental Impact Assessment (EIA). This follows the confirmation by the planning service of their opinion that an EIA would be required in order to determine the application.

Site Description

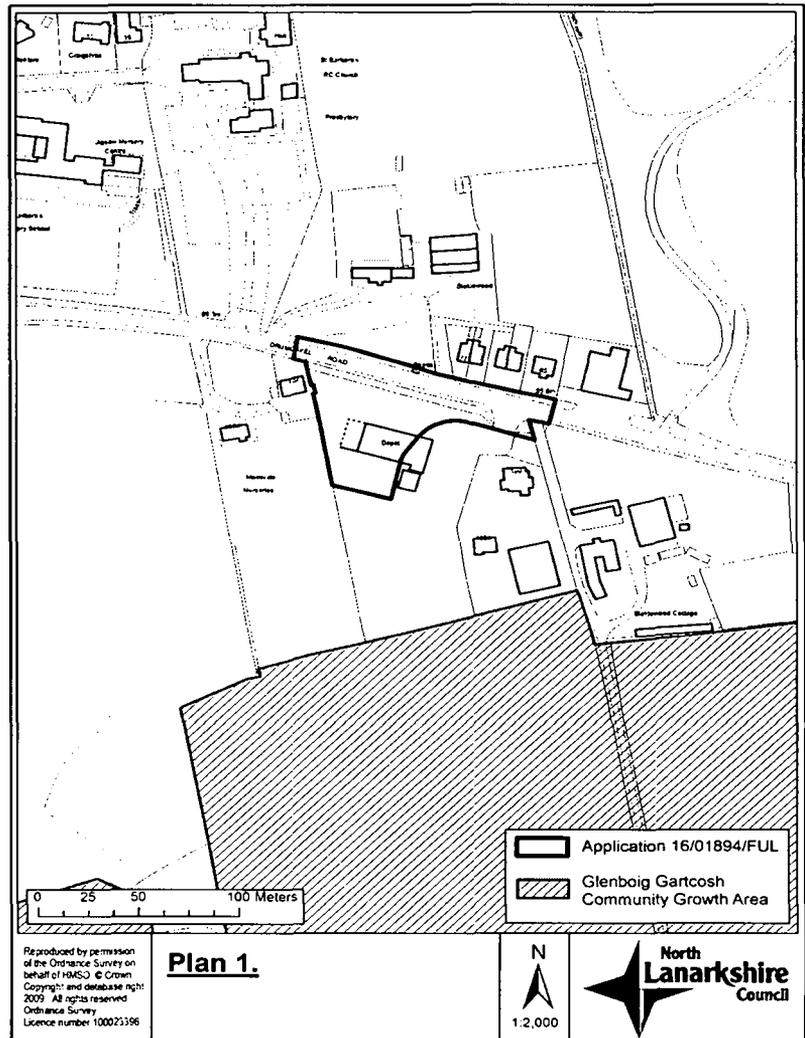
- 2.2 The site forms the front of the W.M. Goodfellow Contractors yard on Drumcavel Road, Muirhead. The yard is the base of operations, predominantly demolition and waste transfer. The site contains a central building and yard area with waste materials, associated machinery, skips and vehicles.
- 2.3 The application site is 0.52 Ha, although the wider yard and land also owned by the applicant to the rear is greater. The yard is broadly level, accessed from its north eastern corner off Drumcavel Road. The northern boundary is marked by a line of mature trees and fence, beyond which is Drumcavel Road and a number of residential properties. To the west is a further line of mature trees, beyond which is a residential property. To the east are houses within the applicants wider land holding, beyond which are a mix of uses including residential and an MOT Garage. To the south is the rest of the existing yard, bounded by a line of mature trees with open farmland beyond. The Glenboig Gartcosh Community Growth Area (CGA) lies to the south beyond the applicants wider land holding.

## Proposed Development

2.4 The proposed development subject of the appeal is a roundabout and access spur into the front section of the current yard. The roundabout would comprise a 32m diameter with central overrun strip, alterations to Drumcavel Road on both its approaches, relocation of a lighting column, dropped kerb crossings, 2 metre footways, relocation of an eastbound bus stop and some local formalisation of private accesses as they meet the new altered carriageway.

2.5 The roundabout would be positioned centrally at the yard frontage, with a requirement to demolish the main yard building. Otherwise, the works would be contained within the public road, including alterations to the road as a result of the roundabout approaches. The works would result in the loss of the established trees along the site frontage.

2.6 Considering the legal boundary of the application site and proposals put forward, it is important to highlight that no application is made for any alternative development at the wider yard, or any change of use, nor could any be formally considered or determined without an appropriate application.



## Applicants' Justification for Development

2.7 The applicant advises that the roundabout would facilitate the relocation of the business and future redevelopment of the site for residentially compatible purposes, resulting in an environmental improvement to the area. Details of 'bad neighbour' characteristics are provided, including HGV movement and noise. They also note that approval of the application would result in land-use compatibility benefits for the CGA to the south.

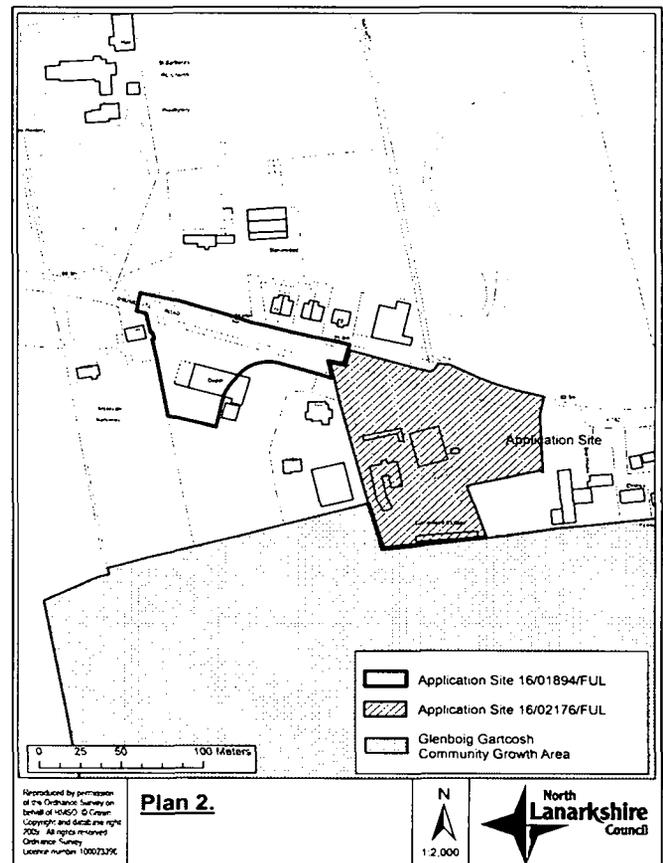
2.8 The applicant notes that the application has not been submitted as an access to the CGA, but it has been designed as a possible future link and could be an incidental benefit. The applicant gives reference to a Strategic Transport Assessment (STA) submitted as part of an earlier planning application for the CGA. The applicant notes that the STA assessed the wider CGA, highlighting that a point of access will be required from the A752 Drumcavel Road in the form of a roundabout connecting with the CGA. In practical terms this would mean through the application site or adjacent land, and the applicant sets out that the suitable access would be from a more westerly point (as proposed in their application). Notwithstanding this justification, the Planning Service would however highlight that proposed is only a roundabout and access spur.

## Glenboig Gartcosh Community Growth Area

- 2.9 The Glasgow and Clyde Valley Joint Structure Plan 2006 set an agenda for sustained population growth as the basis of a 20 year development strategy for the conurbation. New areas of urban expansion were required for approximately 19,000 additional houses. In a local context this translated as the Glenboig Gartcosh Community Growth Area in the North Lanarkshire Local Plan, providing 3000 new houses. The CGA is an important strategic priority of the Council, fully supported through adopted policy and a Strategic Development Framework (SDF). The SDF sets out how the CGA will be delivered through a comprehensive masterplanned approach. The SDF allowed for applications supported by Environmental Statements to be submitted for significantly large areas. Committee will be aware that three applications have now been determined for other main areas of the CGA with legal agreements concluded to secure developer contributions towards road and education infrastructure. The Council is also contributing to this process through the construction of the Glenboig Link Road with funding secured through City Deal. No application has yet been submitted for the main remaining section of the CGA, behind the applicant's yard, referred to in the SDF as Heathfield & Mount Ellen. As such, no masterplan has been developed or assessed.
- 2.10 The SDF does not allow for single components of the CGA to be brought forward via applications in isolation. This is to ensure than a non-strategic ineffective piecemeal approach to development is prevented.

### Current Circumstances

- 2.11 The application subject of this report has been under consideration by the Planning Service. It is highlighted that also under consideration is an application for a roundabout and access directly to the east, under planning application 16/02176/FUL as shown on Plan 2. The justification put forward in that case is different - specifically to serve the CGA. Following assessment, it has been established that the proximity to one another and characteristics of the public road at this location is such that only one of the proposals could be constructed. The impact of approving one would be to create committed development in terms of a planning permission, resulting in the other proposal being technically untenable. It is also highlighted that each applicant has objected to the others' application. Through the assessment process, the Planning Service has concluded that links to the CGA, whether direct or indirect, from both applications can be made. As such, the CGA and SDF have material weight. It is considered that the weight is such, in terms of creating a primary road link, either directly, or as a consequence, that both applications should be supported by an EIA to ensure both strategic and technical issues are comprehensively considered in any decision making. The applicant for 16/01894/FUL has appealed to Scottish Ministers, in respect to non-determination of their application, but also in respect to the opinion given on Environmental Impact Assessment. In order to participate in the appeal process, the Planning Authority now requires to confirm their position on the development proposal. This is considered in more detail below.



### 3. Planning Service Position

- 3.1 In order to arrive at a position, it is important to consider assessment of the proposal against the development plan. As described earlier, this application is for a roundabout and access spur. 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 site is zoned under Policy ED1 A1 in the North Lanarkshire Local Plan (NLLP). This policy zoning seeks to support the continuing use of business and industry areas for those purposes.

#### Development Plan:

- 3.2 In respect to policy ED1 A1, the application could be seen as negatively impacting industrial land by displacing a notable part of an operational use and negatively impacting on the local environment through the loss of existing screening. While there could potentially be some positive impacts in providing an upgraded access for a reduced remaining operation, the application site does not cover the remaining yard. It is not clear therefore that the proposed junction is appropriate in scale or design to serve such a purpose. While it is acknowledged that this is not the stated future aim of the applicant, permission for the physical changes applied for would create this circumstance. Overall, it is considered that the application does rate positively against policy ED1 A1.
- 3.3 In respect to the applicants' justification, future redevelopment does not form part of this application.
- 3.4 Otherwise, 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). An application for a roundabout and access spur does not in itself raise considerations in respect to policies DSP 1 and 2. Any consequential development may, and would require to be assessed through an appropriate application.
- 3.5 Policy DSP3 (Impact of Development) considers the impact of the proposed development in terms of its requirements for additional community facilities or infrastructure necessary to meet future demands. Again, an application for a roundabout and access spur does not in itself raise considerations. The applicants' make the case that the proposal is to serve site redevelopment and the infrastructure has been designed specifically to a standard that may serve the CGA. Such end-uses would have considerations in respect to policy DSP3 and would require to be assessed through an appropriate application.
- 3.6 Policy DSP4 (Quality of Development) requires development proposals to only be permitted where high standards of site planning and sustainable design are achieved, also considering other impacts like amenity and privacy.

#### Proposals are required to establish a clear vision for the site with design principles which lead to the creation of a distinct, successful place. This would include siting, overall layout, density, form and scale:

- 3.7 While future redevelopment of the remainder of the yard with an alternative use is intimated, no proposals are included within this application. A substantial access in isolation is proposed and this fails to comply with the policy requirements of clear vision and strong design principles to create distinct and successful places. This is likely to be in excess of any arrangement required to facilitate redevelopment of the wider yard. The concept is not design led or integrated with any future remaining industrial use. In terms of the proposition that it could also provide a northern access to the CGA, there is currently no masterplan or planning permission for that part of the CGA. It is not possible, or appropriate to pre-judge such a significant and strategic development without full and proper consideration of a planning application. As well as failing to comply with policy requirements of vision and design in this regard, the proposal could also potentially impact on the delivery of the CGA by prematurely constraining access options.

Proposals are required to provide safe, inclusive, convenient and welcoming developments, including access that is attractive to pedestrians, cyclists, people with disabilities, integration with public transport, safe for all road users, and contain appropriate parking and traffic calming

- 3.8 While the access is promoted to serve future redevelopment of the remainder of the yard, no such proposals are included within this application. It is not possible to adequately assess how acceptable or appropriate the access would be for an unspecified future use. In respect to the redevelopment of the yard for residential purposes, it is not clear that the level of engineering would be commensurate to the scale of development, particularly in light of national policy Designing Streets. This application could be viewed as premature to any future development plans. Similarly, in respect to the CGA, this assessment criterion would require to be reviewed holistically as part of a larger strategic framework, guiding development for the right reasons and in the right place. NLC Traffic and Transportation have carried out a higher level technical assessment of how the infrastructure rates against general standards. As a standalone feature, it broadly achieves standards but is less preferred in respect to diameter and the incorporation of an overrun strip, which may have additional maintenance. It is important to note however this is purely a technical assessment of the design submitted. There is no context to any development that the access would support, nor can the CGA be given any material weight as no detail for that has yet been taken forward.

Proposals should address energy, resources and waste issues to create sustainable development

- 3.9 It is considered that the application would rate neutrally on these matters, however, the approach taken raises concern in respect to assessing sustainable development in an informed way.

Proposals should consider air quality, noise and pollution Impacts

- 3.10 Displacement of the current yard could have some local environmental benefits taking into account the nature of the use. However, only construction of a roundabout and access spur is proposed. Displacement of the remaining yard would not be addressed by granting permission and it is not possible to assess any future uses without such an application. While the access is promoted as a potential future northern access to the CGA, it must be highlighted that full and proper consideration of the CGA would also need to be carried out as part of a formal application. This has the potential to have significant considerations on transport strategy, noise and air quality at this location. The Planning Authority has already confirmed such an application would be subject to Environmental Impact Assessment. It would be inappropriate therefore to prejudge the outcome of such a fundamental assessment and approving an access here may impact on more informed and wider access options.

Proposals should consider drainage and water body status

- 3.11 Considering solely the physical works of the proposed roundabout and access spur, it is accepted that appropriate arrangements could be put in place in respect to matters such as drainage. Again however, it is highlighted the application does not address any wider development that the access would serve and should such an access become part of any plans for the wider CGA this could only be assessed as part of a wider application and Environmental Impact Assessment.

Proposals should integrate successfully into the local area and avoid harm to the neighbouring amenity

- 3.12 This application in isolation from an unknown future use does not allow full assessment. As noted earlier, it is accepted that displacement of the current yard could have some local environmental benefits, however, only the construction of a roundabout and access spur is proposed. It is not possible to assess any hypothetical future uses without an appropriate planning application and again, while the access is highlighted as a potential future northern access to the CGA, full and proper consideration of the CGA would require to be carried out as part of a formal planning application and Environmental Impact Assessment.
- 3.13 In light of all of the above, it is considered that the proposal fails to accord with Policy DSP4.

## Policy DSAP3 Community Growth Area

- 3.14 Policy DSAP3 and the approved SDF sets out that it is essential that a coordinated strategic planned approach is adopted to CGA delivery. The framework requires developers to prepare and submit comprehensive masterplans and to consider all the terms of the SDF in taking projects forward. Three applications have now been determined for other main areas of the wider CGA. The SDF does not however allow for single aspects of the CGA, or individual points of detail to be brought forward via applications in isolation. The part of the CGA to the rear of the yard currently has no planning permission or masterplan.
- 3.15 In respect to the current application, it is acknowledged that the site does not fall within the CGA and that the applicant states that this is not what the application is for, other than being an incidental possibility. However, there are important considerations raised. A promoted by-product of the application is that it could provide access to the CGA and the design has been specifically taken forward on that basis.
- 3.16 In light of approved policy relating to the CGA, it is considered that the promoted by-product cannot be given material weight in the assessment of the application, nor can the acceptability of the link (or otherwise) be properly assessed. Confirming such a detail in isolation would not comply with policy DSAP3, the SDF, nor would it be informed through the full and proper consideration of a wider planning application for the CGA. Other than a high level review of the roundabout against broad standards, it is not possible to assess whether a link as proposed would be acceptable without an application looking at all the interrelated issues. In terms of planning process and the Environmental Impact Regulations appropriate community involvement has also not been afforded. Current assessment has however identified that approval of this access could potentially impact on the ability to deliver an appropriate solution which has been developed through a masterplanned approach. It is therefore considered that the application unacceptably impacts on policy DSAP3 and the related Strategic Development Framework.

## Representations

- 3.17 4 letters of objection have been received from local residents, adjacent landowners related to the CGA and Gartcosh Community Council. One includes a request for a site visit and hearing. A further request for a site visit and hearing has been received from Cllr McGlinchey. 3 other letters have been received from legal representatives of landowners and parties with an interest in the CGA. These relate to legal matters and are not relevant to the planning assessment. The representations have been taken into account in this assessment and are summarised as follows:

### Objection

- Impact on the public road network and its existing users
- Increased congestion and pollution
- Road and pedestrian safety, including for school children
- Uncertainty over the proposals applied for
- Noise impact
- Visual Impact
- Justification for proposal
- Overdevelopment for a stand-alone proposal
- Application premature
- Lack of consideration of the bigger picture when considering the existing village
- Uncertainty over relationship to CGA, and related impacts
- Deliverability of CGA
- Undermining of proper approach to delivery of CGA
- Potential to compromise the effective delivery of CGA
- Contrary to national policy in respect to the delivery of housing, urban expansion and the CGA
- Contrary to approved approach for delivering the CGA
- The application has no ability to delivery future development at the CGA
- Creation of ransom position and to frustrate other development

### Neutral

- Proposals seen to have merit and no legal reason why access could not be taken via the

applicants land to the CGA, subject to commercial agreement

### Consultation Responses

- 3.18 Although there are less preferred aspects of the design in respect to diameter and the inclusion of an over-run strip, no objections have been received by Traffic and Transportation or the other consultees. It is important to note however, this application has been assessed on its merits and not as part of any wider development proposals. Traffic and Transportation have noted that due to junction spacing requirements, the roundabout proposed as part of this application would likely compromise the ability to provide another roundabout immediately east of this development site as proposed in application 16/02176/FUL, and vice versa.

## **4. Conclusions**

- 4.1 In respect to the development plan, following assessment of the application, the planning service considers that the proposed development to be an unjustified, pre-emptive feature of roads infrastructure that displaces currently operational industrial land, fails to be led by appropriate design principles and lacks in enough information to allow sufficient assessment of appropriateness or impacts. Furthermore, the potential future link to the Community Growth Area, albeit promoted as incidental, is not supported in terms of the necessary process or information required for such an important Council regeneration priority.
- 4.2 It is highlighted that assessment of the wider CGA requires to be assessed along with an Environmental Impact Assessment. This is to ensure important complex and inter-related aspects of the development are appropriately considered. This would include access strategies and the related impacts that would result. The planning service has concluded that there are sufficient linkages between this proposal and the CGA that would merit an EIA. It is noted the same applies for application 16/02176/FUL.
- 4.3 To conclude, had the application been presented to the Planning and Transportation Committee, it would have been recommended for refusal, failing to comply with policies DSP4 and DSAP3 in respect to it being an isolated feature of roads infrastructure, there being a lack of appropriate design approach, loss of trees and the potential to impact on the effective delivery of the CGA.

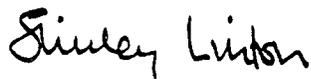
## **5. Corporate Considerations**

- 5.1 The planning application has no direct corporate implications for the Council, perhaps other than a change to the public road network if approved. The Planning Service does however consider there to be reasonably linked planning considerations in respect to the delivery of the Glenboig Gartcosh Community Growth Area. In this respect, it is considered that there are potentially significant indirect considerations of a corporate nature in terms of the delivery of such a large scale release of strategic housing land, both from the perspective of properly assessing the impacts of development and in terms of council considerations post construction.

## **6. Recommendation**

- 6.1 In conclusion and taking the above into account, it is recommended that the Committee agrees that, had the application proceeded to determination, it would have been refused for the reasons set out below.
- 6.2 It is therefore recommended:
1. That the Committee agrees that had application 16/01894/FUL proceeded to determination, the application would have been refused for the following reasons, vis
    - (i) That the application is contrary to Policy DSP4 (Quality of Development) of the North Lanarkshire Local Plan 2012, as it is an isolated feature of roads infrastructure, promoted to serve an unknown future use for which there is no planning permission in place. As such, it fails to establish a clear vision for the site and fails to be led by design principles for the creation of distinct, successful places. Furthermore, in the absence of any application for development for which the access would serve, it is not possible to assess important matters such as the appropriateness of scale and design, impacts on local amenity, or to assess integration with the wider yard and local area.

- (iii) That the application is contrary to Policy DSP4 (Quality of Development) of the North Lanarkshire Local Plan 2012, as it would result in an unacceptable visual impact through the loss of trees screening a residual area of yard on which there is an established industrial use.
- (iii) That the application is contrary to Policy DSAP3 (Development Strategy Area Priorities) (Gartcosh and Glenboig Community Growth Area) of the North Lanarkshire Local Plan 2012, and the related Strategic Development Framework, as the promoted benefit of a potential future link to the Community Growth Area is premature, unjustified and has not been fully supported or assessed through a wider application for planning permission, Environmental Impact Assessment and masterplan for the Community Growth Area to the south. As a result, the proposed development has the potential to impact adversely on the delivery of a key regeneration priority of the Council.
- (iv) That the Committee agrees to homologate the appeal statement submitted to Scottish Ministers on this basis.



**Shirley Linton**  
**Head of Enterprise and Place**  
(3<sup>rd</sup> March 2017)