

***North
Lanarkshire
Council***

Planning Applications for consideration
of Planning Committee

Committee Date: **30-04-2020**

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APPLICATIONS FOR PLANNING COMMITTEE

30th April 2020

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	19/00011/PPP	Lunar Retail Sarl	Flatted Residential Development The Quadrant Main Street Coatbridge	Grant (P)
	19/00538/FUL	Dignity Funerals (No.3) Ltd	Crematorium and Associated Vehicular Access, Car Parking, Open Space and Landscaping Site Adjacent Drumpellier Country Park Gartcosh Road Coatbridge	Grant
	19/01170/FUL	Mr James Hayes	Part change of Use of land for siting and operation of snack cabin and manual car wash 285 Coltness Road Coltness Wishaw ML2 7EX	Refuse
	20/00060/AMD	Iris Strategic Land Fund Ltd.	Renewal of Planning Consent 15/02467/FUL : Formation of Cemetery Extension with Associated Access, Parking and Landscaping Bedlay Cemetery Cumbernauld Road Chryston G69 0HX	Grant
	20/00129/FUL	Miss Yvonne Howie	Change of Use to Dog Grooming Unit 33 Kelvin Road North Lenziemill Cumbernauld G67 2BD	Grant

(P)

19/00011/PPP - Should planning permission be approved then no decision notice should be issued until a Section 75 Legal Agreement has been concluded securing the required financial contributions towards off-site Play provision and Education provision.

Application No:

19/00011/PPP

Proposed Development:

Flatted Residential Development

Site Address:The Quadrant
Main Street
Coatbridge**Date Registered:**

6th February 2019

Applicant:Lunar Retail Sarl
4th Floor
2 Brook Street
London
W1S 1BQ**Agent:**Alan Fitzpatrick
302 St Vincent Street
Glasgow
G2 5RU**Application Level:**

Major Application

Contrary to Development Plan:

No

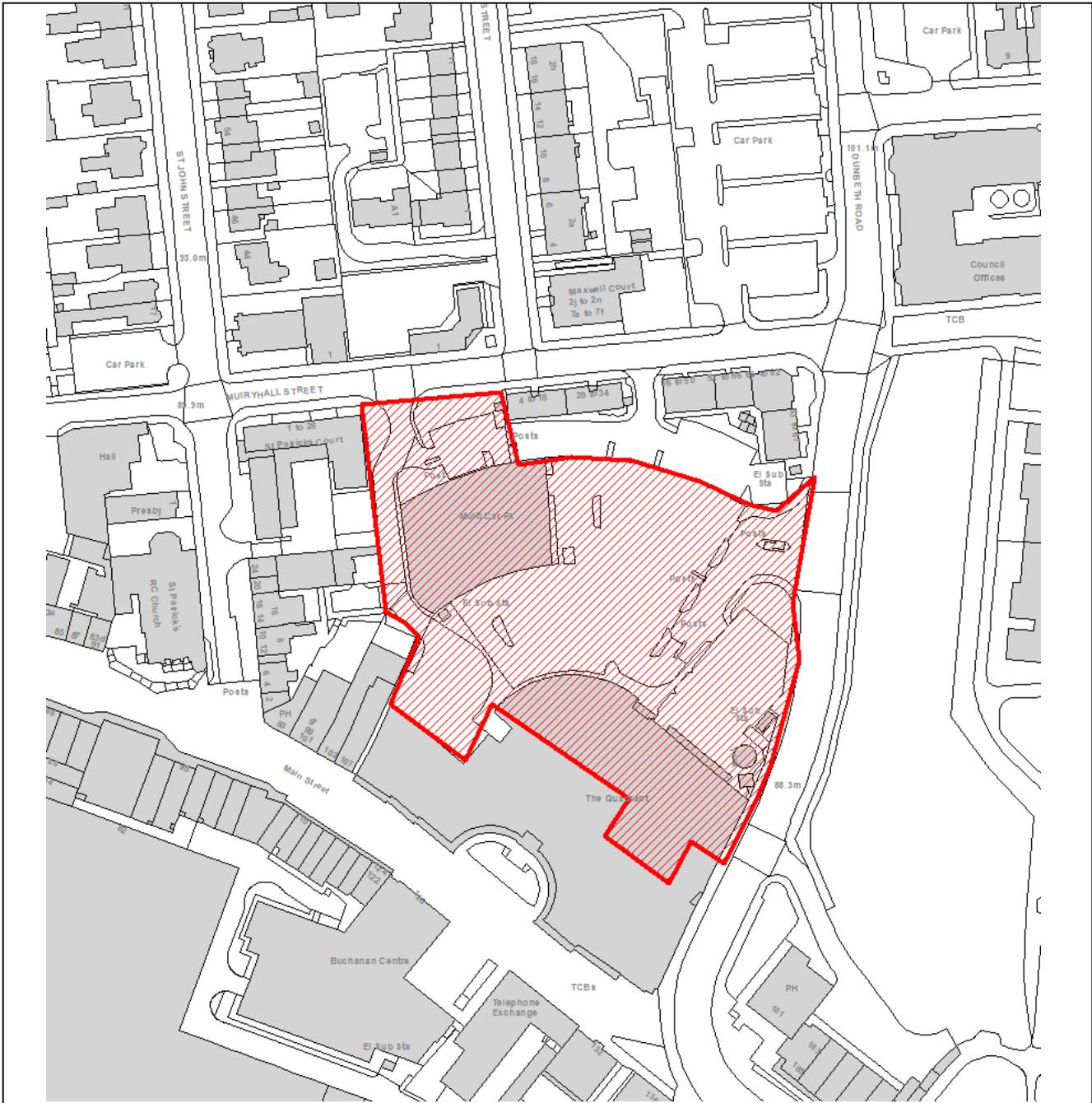
Ward:07 Coatbridge North
Kirsten Larson, Alex McVey, Bill Shields, Allan
Stubbs,**Representations:**

7 letters of representation received.

Recommendation:**Approve Subject to Conditions and Section 75 Legal Agreement****Reasoned Justification:**

The proposed development meets the criteria set out in the relevant policies contained within the North Lanarkshire Local Plan 2012. The principle of a flatted residential development is acceptable in terms of its impact upon the site and the surrounding residential area.

Note to Committee: Should planning permission be approved then no decision notice should be issued until a Section 75 Legal Agreement has been concluded securing the required financial contributions towards off-site Play provision and Education provision.



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Planning Application: 19/00011/PPP

Name (of applicant): Lunar Retail Sarl
Site Address: The Quadrant
Main Street
Coatbridge
Development: Flatted Residential
Development



Proposed Conditions:-

1. That before development starts, a further planning application shall be submitted to the Planning Authority in respect of the following matters:-

- (a) the siting, design and external appearance of all buildings and other structures;
- (b) the layout of the site, all roads, footways, cycle paths and parking areas (for the avoidance of doubt such a layout shall consider the principles of 'Designing Streets'.);
- (c) the details of, and timetable for, the hard and soft landscaping of the site;
- (d) the provision of public open space;
- (e) details for management and maintenance of the areas identified in (c) and (d) above;
- (f) the phasing of the development;
- (g) the provision of drainage works;
- (h) the disposal of sewage;
- (i) the design and location of all boundary walls and fences; and
- (j) details of existing and proposed site levels.

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

2. For the avoidance of doubt, all indicative plans which accompany the planning application are not approved and should not be taken as part of the planning permission.

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

3. That notwithstanding the requirements of Condition (1) above, the matters specified by conditions application to be submitted shall comply with the following requirements:-

- (a) Parking provision requires to be provided on the minimum basis of 1.5 spaces per 1 or 2 bedroom flat and 2 spaces per 3 bedroom flat plus 0.3 visitor spaces per flat.
- (b) Customer parking for the remaining Quadrant retail units requires to be provided on the minimum basis of 6 spaces/100 m² Gross Floor Area (Non Food) and 8 spaces per 100m² Gross Floor Area (Food). With the access to these spaces requiring to be segregated from both the residential and service areas.
- (c) Parking spaces require to be 2.5m x 5.0m accessed via a 6.0m wide aisle.
- (d) Existing visibility splays of 4.5m x 60m to be maintained in both directions from the proposed access on Muirhall Street.
- (e) The retail servicing facilities require to be segregated from the residential and retail customer parking areas.
- (f) The submission of a Transport Assessment.

Reason: To define the permission and to ensure that the development is appropriate for the site and for the general area.

4. A comprehensive site investigation requires to be submitted. The investigation must be carried out in accordance with the British Standard Code of Practice **BS 10175: 2011** "The Investigation of Potentially Contaminated Sites". The report must include a site specific risk assessment of all relevant pollution linkages, be carried out in accordance with the Environment Agency publication, Model Procedures for the Management of Land Contamination **CLR11**, and be submitted in both hard copy and electronic format. Depending on the results of this investigation a detailed remediation strategy may be required. Any remediation work required must be completed and verification provided by the developer to the Local Authorities satisfaction.

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

5. That any remediation works identified by the site investigation required in terms of Condition 3 above, shall be carried out to the satisfaction of the Planning Authority. Before the development is brought into use, a certificate (signed by a chartered 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 in the interests of the amenity of future residents.

6. That before any development works start on the application site (with the exception of demolition of the rear portion of the Quadrant shopping centre), an intrusive site investigation shall be undertaken to establish the exact situation regarding the coal mining legacy on site. For avoidance of doubt this shall include the submission of a scheme of intrusive site investigations for mine entry and shallow coal workings, including a layout plan which identifies appropriate zones of influence for the mine entries on site, and the definition of suitable 'no-build' zones. The findings of the intrusive site investigation shall be submitted to the Planning Authority in the form of a detailed report for written approval in consultation with the Coal Authority. The remediation works identified for the treatment of mine entries and shallow coal workings identified by the site investigation deemed necessary to implement this development shall be outlined in this report.

Reason: To ensure that matters relating to coal mining risk are adequately addressed.

7. That before any development works start on the application site the remediation works identified for the treatment of mine entries and shallow coal workings identified by the intrusive site investigation required in terms of Condition 6 above, shall be carried out to the satisfaction of the Planning Authority in consultation with the Coal Authority. A certificate (signed by a Chartered Engineer experienced in mining works) shall be submitted to the Planning Authority confirming that the remediation works have been implemented in accordance with the relevant Coal Authority Guidance.

Reason: To ensure that matters relating to coal mining risk are adequately addressed.

8. 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, in the interests of the amenity and wellbeing of existing and future residents adjacent to and within the development site.

9. That the SUDS compliant surface water drainage scheme approved in terms of Condition 8 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.

10. That notwithstanding the terms of Condition 8 above, and before any works start on site a Flood Risk Assessment, carried out by an appropriately qualified engineer, shall be submitted with the application for the approval of Matters Specified in Condition for the written approval of the Planning Authority. For the avoidance of doubt further investigation into the risk of surface water flooding should be undertaken to ensure that the proposed development will not potentially increase flood risk in the local area. It is recommended that the requirements for the management of surface water at the application site is assessed including any mitigation measures.

Reason: To ensure all matters relating to flood risk are adequately addressed and that it will not give rise to flooding within the application site or increase the flood risk elsewhere.

11. That any flood mitigation works identified in the Flood Risk Assessment, approved in terms of Condition 10 above shall be implemented contemporaneously with the development in so far as is reasonably practical. Following the construction of all of the flood mitigation works, a certificate (signed by a Chartered Civil Engineer experienced in flood mitigation) shall be submitted to the Planning Authority confirming that the flood mitigation works have been constructed in accordance with the approved plans.

Reason: To ensure that the development site and adjacent land and property will not be subjected to unacceptable flooding, in the interests of public safety and amenity.

12. That before any works start on site, the applicant must confirm in writing to the Planning Authority that the foul drainage can be connected to the public sewer in accordance with the requirements of Scottish Water. The surface water must be treated in accordance with the principles of the Sustainable

Urban Drainage Systems Design Manual for Scotland and Northern Ireland published by CIRIA in March 2000.

Reason: To prevent groundwater or surface water contamination in the interests of environmental and amenity protection.

13. That before the development hereby permitted starts, the applicant shall provide written confirmation to the Planning Authority that all the requirements of Scottish Water have been 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 that there is sufficient capacity in the sewerage and water supply systems to allow the residential development to proceed.

14. That three months prior to any works commencing on site a Construction Method Statement (CMS) shall be submitted to and approved by the Planning Authority. The Construction Method Statement shall cover:

- (a) Details of the proposed phasing of all works;
- (b) Details of all on-site construction including means of access to the site;
- (c) Details of the site compound; and
- (d) Details of welfare facilities;

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

Reason: To ensure that necessary contingencies are in place and to minimise risks arising from construction activities and in the interests of road safety.

15. That notwithstanding the terms of condition 1 above, any future layout within the site shall be supported by a Noise Impact Assessment (NIA). The NIA requires to be undertaken in accordance with the guidelines contained within the Scottish Government Planning Advice Note 1/2011 and accompanying Technical Advice Note to assess any possible adverse effect that road traffic noise and noise from nearby entertainment establishments (public houses and night clubs) may have on the development when completed. The findings of the assessment should be submitted in the form of a report which details the extent of any associated impact and any amelioration measures proposed.

Reason: In the interests of the amenity of future residents of the development and to ensure that the above criteria are met within the development in relation to road traffic and entertainment noise.

16. That before occupation of the first flat confirmation that the agreed noise amelioration measures have been carried out shall be provided to the satisfaction of the Planning Authority.

Reason: In the interests of the amenity of future residents of the development.

17. That notwithstanding the terms of condition 1, any future layout which provides more than 300 car parking spaces within the site shall be supported by an Air Quality Impact Assessment (AQIA). The AQIA shall be submitted in both hard copy and electronic format.

Reason: In the interests of the amenity of existing adjacent residents and future residents of the development.

18. That notwithstanding the requirements of Condition 1, any subsequent detailed application must observe the open space standards set out in the Council's Developers Guide to Open Space.

Reason: To ensure that adequate public open space and communal amenity areas are provided to serve the development.

Background Papers:

Consultation Responses:

Environmental Health (including Pollution Control) received 26.03.2019, 25.09.2019 and 24.01.2020

The Coal Authority received 13.02.2019 and 21.02.2019

Scottish Environment Protection Agency received 13.02.2019

Scottish Water received 13.02.2019

NLC Roads Operations received 01.04.2019 and 16.10.2019

NLC Education received 27th February 2020

NLC Play Services received 3rd March 2020

Contact Information:

Any person wishing to discuss this report contact Ms Lorna Bowden at bowdenl@northlan.gov.uk

Report Date:

15th April 2020

APPLICATION NO. 19/00011/PPP

REPORT

1. Site Description

- 1.1 The application site consists of the current car park, servicing area and the rear portion of the Quadrant shopping centre (which has planning permission for demolition) in Coatbridge town centre. The application site is 1.29 hectares and rises from north to south. Directly south lies what will be the remaining front portion of the Quadrant shopping centre, to the east is Dunbeth Road which has 2 x 15 storey tower blocks sited to the south of the Council's sandstone Municipal Buildings, north are 4 storey flats on Muiryhall Street and west lies flats, shops and public houses on Main Street.

2. Proposed Development

- 2.1 Planning permission in principle is sought for a flatted residential development. Indicative plans show a layout for 213 flats in the form of 3 blocks of 6 storey flats to the south of Muiryhall Street flats and a 5 storey block of flats at the access from Muiryhall Street. The plans show 2 vehicular accesses, parking courtyards and a designated parking and servicing area behind the remaining portion of the Quadrant.

3. Applicant's Supporting Information

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

- Pre-Application Community Consultation Report
- Design and Access Statement
- Non-Residential Mining Report
- Coal Mining Risk Assessment
- Air Quality Assessment
- Noise Impact Assessment
- Dust Management Plan

4. Site History

- 4.1 The following applications have been received in connection with the application site:

- 16/00481/FUL Redevelopment of Shopping Centre including Introduction of a Class 11 (Assembly & Leisure) Use and Associated Works - Approved 10th July 2018
- 18/01299/PAN Residential Development and Associated Works - Comments 28th August 2018
- 18/01551/FUL Partial Demolition of Shopping Centre and Alterations - Approved 20th December 2018
- 19/01665/AMD Non-Compliance with Conditions 6 & 7 of Planning Permission 18/01551/FUL (Intrusive Site Investigations) – Approved 21st January 2020

5. Development Plan

- 5.1 The site is zoned as RTC1 A: Town Centres in the North Lanarkshire Local Plan 2012. This policy aims to protect the network of larger and medium town centres with the emphasis on comparison and convenience retail. The types of appropriate use classes are 1 (Shops), 2 (Financial, professional and other services), 3 (Food and Drink), 4 (Business), 7 (Hotels and hostels), 8 (Residential Institutions), 9 (Houses), 10 (Non-residential Institutions) and 11 (Assembly and leisure).
- 5.2 All applications require to comply with Policy DSP4 Quality of Development, which seeks to secure developments with high standards of site planning and sustainable design.

6. Consultations

- 6.1 A summary of the comments received following the formal consultation process is as follows:

The Coal Authority initially objected to the proposal as the site falls within the defined Development High Risk Area and the required Coal Mining Risk Assessment (CMRA) had not been received. The Coal Authority were re-consulted upon receipt of the CMRA and concurred with the recommendations that coal mining legacy poses a high risk to the proposed development and that intrusive site investigation works should be undertaken to establish the exact situation with regards

to coal mining legacy issues on site. The Coal Authority therefore withdrew their objection subject to the imposition of conditions to secure the findings of intrusive site investigations for mine entries and shallow coal workings, a layout plan which identifies appropriate zones of influence for mine entries and 'no-build' zones, remedial measures and implementation of agreed remedial measures prior to commencement of development. These matters are covered by planning conditions.

Scottish Environment Protection Agency has no objection to the proposal and recommends that further investigation into the risk of surface water flooding is undertaken to ensure that the proposed development will not potentially increase flood risk in the local area. This has been covered by planning conditions

Scottish Water has no objection to the proposal and advised that there is currently sufficient water capacity in the Balmore Water Treatment Works to accommodate this development subject to further assessment upon formal application. Foul capacity is serviced by Daldowie Waste Water Treatment Works. Capacity cannot be confirmed at this time and the applicant is requested to complete a Pre-Development Enquiry (PDE) Form and submit it to Scottish Water.

NLC Pollution Control provided standard comments relating to noise, dust, construction operating hours and external lighting. As the site is adjacent to Coatbridge town centre and a busy road a Noise Impact Assessment (NIA) was requested. It was also outlined that an Air Quality Impact Assessment may also be necessary depending on more detailed plans. The NIA confirmed the location is busy and that the applicant cannot meet the external daytime noise standards for outdoor amenity areas or the daytime and nighttime indoor standards assessed with windows open, without the inclusion of mitigation measures. The report suggested the development should be classified as "special circumstances" and noise impact be assessed with windows closed for road traffic noise. Pollution Control agrees with this approach and further agrees that a combination of remedial measures including improved glazing, lowering the height of some of the flats and at source acoustic measures for adjacent noise receptors – pubs/nightclubs. As the current layout is indicative a further NIA would be required for any future detailed layout to determine what mitigation measures would be required at what location. For the AQIA the applicant predicted annual daily traffic data numbers of 500 for which it was stated an AQIA is not required. This was accepted by Pollution Control with the caveat that any detailed application with more than 300 parking spaces would require the submission of an AQIA.

NLC Roads Operations initially objected to the application as the application scale and changes to the characteristics of the traffic flows results in the requirement for a Transport Assessment (TA) which had not been submitted. There were also significant concerns around serving the majority of the flats from parking courtyards as opposed to streets designed and constructed to adoptable standards. Retail servicing facilities have not been segregated from the residential and retail customer parking with these arrangements likely to result in conflict arising. Parking standards require provision of 1.5 spaces per 1 or 2 bedroom flats and 2 spaces for 3 bedroom flats, on top of which 0.3 visitor spaces per unit. A total of 385 spaces are required for the indicative layout opposed to the 181 proposed, this lack of parking is considered a reason for refusal. There is also concern that there is not sufficient customer parking for the remaining retail units – which should be provided at 6 spaces per 100 square metres gross floor area (non-food) and 8 spaces per 100 square metres gross floor area (food). A Transport Assessment was provided and has been assessed with Roads Operations still objecting to the application as the proposed parking levels are still considered to be significantly substandard. It is considered that the imposition of conditions can secure the requirements of Roads Operations.

NLC Learning and Leisure has confirmed that Greenhill Primary School and St. Patrick's Primary School are near capacity and as such a financial contribution of £2,543.22 is required per flat (with more than 1 bedroom).

NLC Play Services have no objection and have requested an off-site financial contribution of £250 per flat be made towards upgrading an existing nearby Council facility (£500 per dwellinghouse).

7. Representations

7.1 7 letters of representation have been received in connection with the application. The points raised and comments thereon are as follows:

Point of Objection: The design of the proposal is aesthetically unappealing being more akin to a prison compound.

Comment: The above is noted and agreed with. The purpose of this application however is to establish the principle of development. If approved, it would be subject to a further application which would focus on the detailed design, scale and layout.

Point of Objection: Residents in the Muiryhall Street flats to the north are concerned that the proposal will lead to overlooking and privacy issues.

Comment: As above, if approved any further application for the detailed design and siting of the development would require to assess the above issues.

Point of Objection: The proposal will result in a loss of view.

Comment: There is no right to a view under planning legislation.

Point of Objection: The proposal will restrict outlook.

Comment: The above is agreed with and is a matter that would be assessed at the detailed planning application stage.

Point of Objection: The development will result in sunlight and daylight issues for the existing residents at Muiryhall Street.

Comment: As above, this matter would be considered during the assessment of any detailed planning application received.

Point of Objection: If approved the proposal would have a detrimental impact on neighbouring property values.

Comment: The purported impact on property value is not a material planning consideration.

Point of Objection: The site is within a Conservation Area and as such there was an expectation that such an application would never be submitted.

Comment: The application site is adjacent to but not within the Conservation Area.

Point of Objection: There are concerns that the proposal would exacerbate issues already occurring with people using private residents' parking and make access and egress to the parking area more hazardous.

Comment: The development will have its own parking provision and as such there should not be a need to use surrounding private parking areas or park on-street.

Point of Objection: Following on from the above point, the developer should implement measures (bollards or similar) at the Muiryhall Street flats to control the parking.

Comment: The above would be a private matter between the developer and the existing residents.

Point of Objection: What considerations have been given to the parking issue and town centre parking in general and what solutions/guarantees can be given by the Council?

Comment: The development will require to provide a sufficient level of parking so as not to exacerbate existing parking issues. This matter is covered by planning conditions.

Point of Objection: There are concerns relating to noise and dust pollution during construction for existing residents of the flats. How long will the building work take, when will it be carried out and will it include weekends? What solutions or guarantees can the Council give on this matter?

Comment: There is always an element of disturbance when development is being constructed, this however, is of a temporary nature and is not a reason in itself to justify refusing planning permission. Controlling noise and dust are matters the developer will need to take into consideration and will be regulated by Waste Management and Regulatory Services of the Council.

Point of Objection: Lighting should be directional so as not to pollute neighbouring properties.

Comment: The above is noted and agreed with.

Point of Objection: The proposal will result in more people using the area associated with the existing flats on Muirhall Street thus leading to litter, noise and damage.

Comment: Although directly adjacent to the existing flats, the development will have its own pedestrian and vehicular accesses and as such should not result in an increase in usage for the adjacent flats.

Point of Objection: The boundary wall between the existing flats and new development will become a shared wall which should be increased in height to retain privacy?

Comment: The above is considered to be an unnecessary request.

Point of Objection: The Council should be considering proposals for revitalising the already ailing Main Street shopping area. The proposal will all but kill off what remains of the Main Street.

Comment: The Quadrant shopping centre has struggled with high vacancy levels for number of years. Retaining the successful units on Main Street is considered to be reasonable.

Point of Objection: The owner of Platinum Night Club located within the Quadrant is concerned about the close proximity of the flats which will be affected by noise from the premises. It is requested that if permission is granted the applicant be required to sound proof the roof of the nightclub.

Comment: From the NIA submitted it is accepted that any new residential development will require noise mitigation measures (such as triple glazing). This matter would be investigated thoroughly at the detailed design stage.

Point of Objection: Following on from the above it is requested that any noise survey is carried out at the loudest and busiest times i.e. Thursday to Sunday between 2 am and 3am.

Comment: The scope of the submitted Noise Impact Assessment is considered to be acceptable. Any detailed application for the site would require the submission of a further Noise Impact Assessment to take account of the proposed detailed layout.

Point of Objection: The objector wants an assurance that gaining planning permission for this development will not result in a further application to demolish the remainder of the Quadrant.

Comment: The Planning Authority is not in a position to give such an assurance.

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 development plan consists of the Glasgow and Clyde Valley Strategic Development Plan (SDP) 2012 and the Adopted North Lanarkshire Local Plan 2012. The application is not of a strategic nature and as such will be assessed under the terms of the Local Plan.

North Lanarkshire Local Plan 2012 (NLLLP)

8.2 The site falls within an area zoned as RTC1 A: Town Centres in the North Lanarkshire Local Plan 2012. This policy aims to protect the network of larger and medium town centres with the emphasis on comparison and convenience retail. The types of appropriate use classes are 1 (Shops), 2 (Financial, professional and other services), 3 (Food and Drink), 4 (Business), 7 (Hotels and hostels), 8 (Residential Institutions), 9 (Houses), 10 (Non-residential Institutions) and 11 (Assembly and Leisure). As the proposal is for residential development the principle of flats on the site is broadly compliant with local plan policy.

- 8.3 Policies DSP1-4 apply to all planning applications and are addressed in turn below.
- 8.4 *Policy DSP1 (Amount of Development):* The application site is not within the planned housing supply and as such requires to be assessed against policy DSP2 (Amount of Development) below.
- 8.5 *Policy DSP2 (Location of Development):* This policy covers proposals which would include additions to the planned land supplies. The proposal involves using existing urban land and will support the hierarchy of walking/cycling/public transport/private transport given its town centre location. It also safeguards the vitality and viability of Coatbridge town centre by supporting its diversification.
- 8.6 *Policy DSP 3 (Impact of Development):* This policy 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. Detailed proposals if designed appropriately should not have a significant impact on the existing road network. While Roads Operations have objected to the proposal their requirements can be met through the imposition of planning conditions. Turning to the impact of the development on education infrastructure there is recognition that there will be a significant impact on current primary schools in the catchment area requiring a developer contribution (£2,543.22 per flat with > 1 bedroom) in offsetting this impact. Furthermore, a contribution of £250 per flat is required for off-site play provision upgrading. The applicant has confirmed in writing that they are willing to enter into such an agreement.
- 8.7 Taking the above into account it is considered that the relevant planning conditions and legal agreement ensures the development accords with policy DSP3.
- 8.8 *Policy DSP4 (Quality of Development):* This policy sets out to ensure that any proposed development will only be permitted where high standards of site planning and sustainable design are achieved. Developments are also required to integrate successfully into the local area and the following criteria are considered against this application. These matters are addressed below:
- 8.8 **Part 1 & 2:** The applicant has submitted various supporting information noted in section 3 above setting out their appraisal of the existing character and features of the site and its setting.

Part 3(a) Siting, Overall Layout, density, form, scale, height, massing, proportion, detailing, colour, materials and open space and Part 3(f) integrating successfully into the local area and avoiding harm to the neighbouring amenity. As this application seeks planning permission in principle, design details and site layout would be assessed through any subsequent matters specified in conditions (MSC) application. Planning conditions can be proposed to ensure that any development approved meets the Council's requirements in terms of a high quality design, open space, play provision, access and parking and landscape requirements and minimising the impact on the surrounding area and future residents. It is considered that there is adequate provision within the site to accommodate a new flatted residential development which should be of a scale and proportion that would be in keeping with the character of the surrounding town centre and residential area. The proposal take cognisance of the existing residential density and considers footpath links to neighbouring areas and town centre and incorporate these in the final design. Where possible public elevations should present a suitable level of variety and richness of elevation detail at prominent positions in order to provide the development with a distinctive and welcoming sense of place. This may be considered on the submission of a matters specified application should the principle application be approved.

- 8.9 The Developers Guide to Open Space minimum space around dwellings guidance requires flatted development provide 20 square metres of communal garden space per bedroom. A planning condition can be proposed to ensure the foregoing although it is accepted there may be scope to reduce this at the detailed stage given the site's location within Coatbridge town centre.
- 8.10 **Part 3(b) safe inclusive convenient and welcoming development. Attractive pedestrian links, integration with public transport, green networks, wider links, access for cars and appropriate car parking being well located.** The proposal is exceptionally well placed for accessing the town centre, public buildings and public transport.

8.11 Part 3(c) Sustainable Development: Having assessed the proposal it is considered that the proposed development accords with the principles of sustainable design by virtue of location in the town centre and being adjacent to the urban area forming an important component of design of the urban area and a means of attracting people into local recreation opportunities.

- 8.11 **Part 3(d) Mitigating likely air quality, noise or pollution impacts:** The likely scale of development of the site will result in a significant increase in residential units and, as such, is likely to increase any impact on air quality. Pollution Control require any development of more than 300 car parking spaces to require the submission of an AQIA which is covered by the imposition of a planning condition. It has also been established that a further NIA will be required for any future detailed layout to determine what mitigation measures would be required at what location, again covered by the imposition of a planning condition. It is acknowledged that there will be noise associated with construction works, however this impact will be of a temporary nature. Ground investigation works form part of recommended conditions and, should any contaminants be found as a result of the investigation, suitable mitigation works would be carried out. Protective Services have no objections to the proposed development subject to recommended conditions. The Coal Authority has no objection subject to the imposition of planning conditions for intrusive site investigations for mine entries and shallow coal workings and if required the submission of and implementation of a scheme of remedial works.
- 8.12 **Part 3(e) Protecting Water bodies and SUDS/Drainage:** There are no water courses within the site which require specific protection. A planning condition will be imposed requiring the submission of a more detailed certified drainage scheme should members be minded to approve the application.
- 8.13 **Part 3(f) Integrating successfully into the local area and avoiding harm to the neighbouring amenity by relating well to the existing context:** This policy is in two parts the first being the contextual element considering the existing local area. The other part considers the avoidance of adverse impact resulting in loss of loss of privacy, sunlight daylight, amenity and disturbance to existing and proposed dwellings. In considering the contextual part the form and positioning of this site is compatible with the surrounding area – both town centre and residential area. The detailed design stage will secure a development of a scale and proportion that would be in keeping with the character of the surrounding area. The proposal will also take cognisance of the existing residential density and consider footpath links to neighbouring areas and the town centre and incorporate these in the final design. Where possible public elevations should present a suitable level of variety and richness of elevation detail at prominent positions in order to provide the development with a distinctive and welcoming sense of place. There is also scope at the detailed design stage for the proposal to comply with the requirements of policy DSP4 (3f) on sunlight day light, privacy, disturbance etc.
- 8.14 In concluding the assessment of the proposal against DSP4 it is considered that overall the proposal complies with this policy.

Other Material Considerations

Local Development Plan Modified Proposed Plan

- 8.15 The North Lanarkshire Modified proposed plan continues to place this site within Coatbridge town centre as such the designated policy remains unchanged from the adopted Local Plan, protecting residential amenity and place policies.

9 Conclusions

- 9.1 Taking into account the assessment carried out in the above report, the proposed development is considered to accord in principle with the criteria set out in the relevant policies of the North Lanarkshire Local Plan. The objections raised have been noted, however, it is considered that these have been adequately addressed and have not raised matters which carry such significant weight as to recommend refusal of this application. It is therefore recommended that planning permission in principle be granted subject to conditions and the conclusion of a legal agreement in respect of

securing financial contributions towards off-site play provision and education provision.

- 9.2 If the Committee is minded to grant planning permission, then the permission should not be issued until such times as the required legal agreement covering off-site play provision and education provision has been concluded

Application No:

19/00538/FUL

Proposed Development:Crematorium and Associated Vehicular Access, Car Parking,
Open Space and Landscaping**Site Address:**Site Adjacent and West of Drumpellier Country Park
Gartcosh Road
Coatbridge**Date Registered:**

16th May 2019

Applicant:Dignity Funerals (No.3) Ltd
4 King Edwards Court
King Edwards Square
Sutton Coldfield,
England
B73 6AP**Agent:**DO-Architecture
139 Stockwell Street
Glasgow
G1 4LR**Application Level:**

Major Application

Contrary to Development Plan:

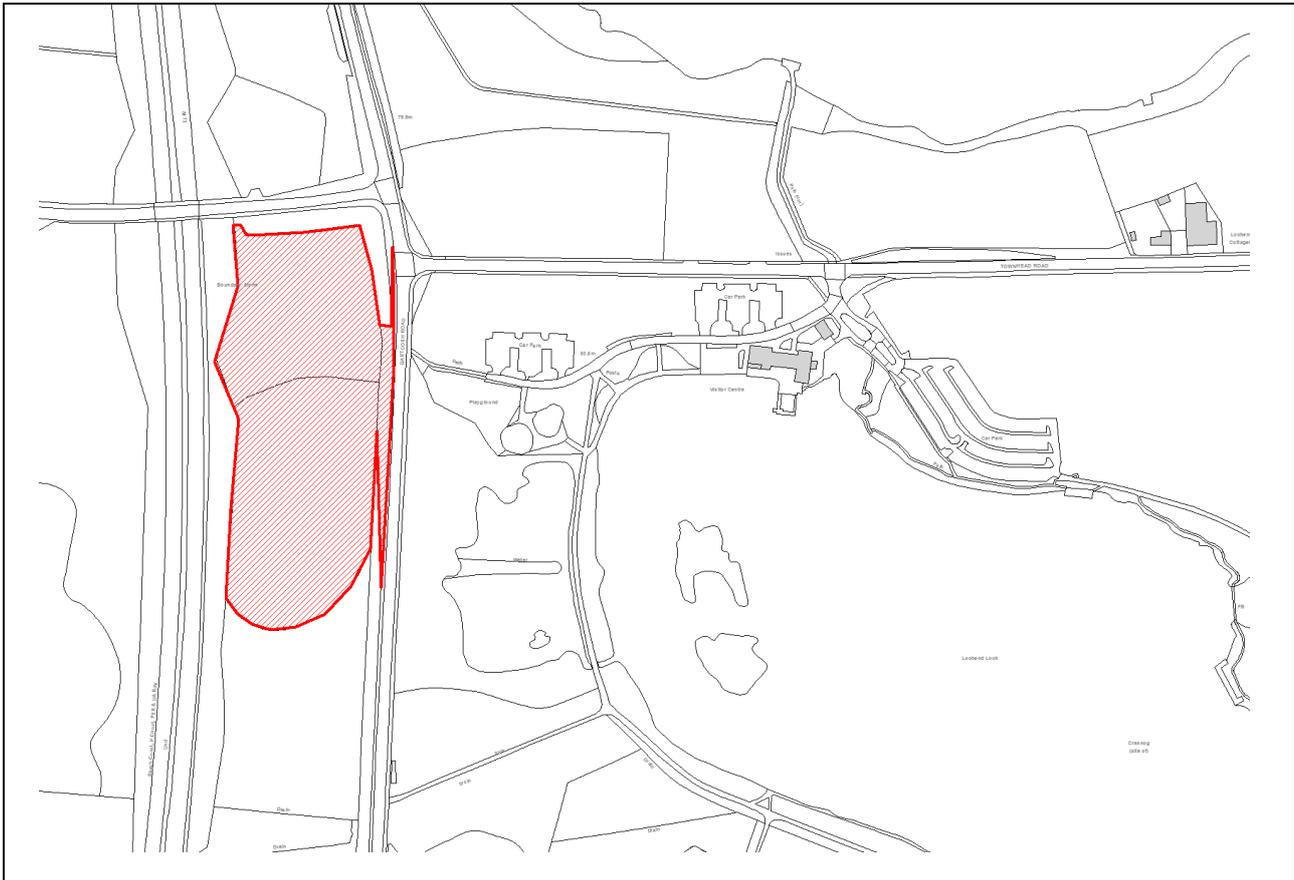
Yes

Ward:07 Coatbridge North
Kirsten Larson, Alex McVey, Bill Shields, Allan
Stubbs,**Representations:**

1 letter of representation received.

Recommendation:**Approve Subject to Conditions****Reasoned Justification:**

It is considered that the application site is appropriate in terms of location regarding the proposed use in the context of the relevant local plan policies and that the proposed Crematorium is a justifiable exception in terms of Green Belt policy



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Planning Application: 19/00538/FUL
Name (of applicant): Dignity Funerals (No.3) Ltd
Site Address: Site Adjacent Drumpellier Country Park
Gartcosh Road
Coatbridge
Development: Crematorium and Associated Vehicular Access, Car Parking, Open Space and Landscaping



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: - (PL) 02 B, (PL) 03 B, (PL) 01, (PE) 10, (PS) 20, 18.0528-701 rev A, EX 10 and WSP drawing SK05 Rev D (ghost Island).

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

2. That no other development (construction or operational) shall take place on site unless and until a visibility splay of 9m x 160m is provided from the site access to the A752 Gartcosh Road in both directions (including any earthworks within the site required to achieve the visibility splay) and thereafter the visibility splays shall be maintained with nothing above 1.05 m in height being placed or allowed to grow above 1.05 m.

Reason: In the interests of road safety.

3. That before the use hereby approved comes into operation, the ghost island and right hand storage bay as illustrated on the approved layout drawings as well as drawing SK05 Rev D, shall be formed and completed to the satisfaction of the Planning Authority.

Reason: In the interests of road safety.

4. That the use as approved shall operate between 9.00 am to 5.30 pm with the first service starting at 9.30 am and the last service starting at 4.30 pm and finishing at 5.00 pm, with all non-public activity ceasing at 7.00 pm.

Reason: To accord with the Transportation Assessment carried out by WSP numbered 7005422-TA-02 dated March 2020 and this to ensure no detrimental impact on the carrying capacity of the existing surrounding road infrastructure.

5. That no development shall take place until details of the proposed fencing between the development site and the M73 motorway has been submitted to the Planning Authority to be approved in consultation with Transport Scotland and that the approved fencing shall be implemented to the satisfaction of the Planning Authority prior to the operation of the use hereby granted.

Reason: To ensure that there is no distraction or dazzle caused by internal site lighting to drivers on the M73 in the interests of road safety.

6. That prior to any works of any description being commenced on the application site, a scheme of intrusive site investigation shall be carried and an associated accompanying report identifying any remedial works that may be required as a result of historical mine workings shall be submitted to and approved in writing by the Planning Authority.

Reason: To ensure acceptable ground stability.

7. That any remedial works identified under condition 6 above shall be carried out to the satisfaction of the Planning Authority. A certificate (signed by a certified Mineral 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 acceptable ground stability.

8. That no development shall take place within the site until the developer has secured the implementation of a programme of archaeological works in a written scheme of investigation to be submitted by the applicant and agreed by the Planning Authority and then carried out prior to construction works on site. This shall include a photographic survey of site conditions, 5% ground breaking and if these works identify sites or objects of interest then further works including excavation, post excavation, publishing and archiving.

Reason: In the interests of proper archaeological practise.

9. That prior to commencement of works on site, the applicant shall submit a 5 year Species and Habitat Management Plan (SHMP) for the Small Pearl Bearded Flotillary butterflies and associated flora and fauna in accordance with the method statement by Baker Ecology dated 23.08.19.

Reason: In order to protect the special status of the SIN C.

10. That following on from the Phase 1 Geo-Environmental desk study carried out by Geovia dated April 2019 ref (1903-01) and 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.

11. That for the avoidance of doubt, any remediation works identified by the site investigation required in terms of Condition 10 above, a certificate (signed by a certified 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.

12. That prior to the commencement of works on site, the applicant shall secure an Air Quality PPC permit from SEPA with regard to emissions from the site.

Reason: To ensure no detrimental impact on air quality.

13. 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.

14. That all works included in the scheme of landscaping and planting, approved under the terms of condition 13 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.

15. That before the commencement of construction works, unless otherwise agreed in writing with the Planning Authority; full details of the final surface water drainage scheme shall be submitted to the said Authority and 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 ensure that the drainage scheme complies with best SUDS practice to protect adjacent watercourses and groundwater, in the interests of the amenity.

16. That the surface water drainage scheme approved under the terms of condition 15 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 existing and future residents adjacent to and within the development site.

17. 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 sewerage and surface water drainage arrangements.

18. 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.

Reason: In the interests of amenity and design by ensuring that external materials are appropriate for the site.

19. That before the development hereby permitted starts, unless otherwise agreed in writing with the Planning Authority, full details of the design and finish materials to be used in the construction of the vehicle circulation areas, footways, junctions and parking, shall be submitted to and approved in writing by the Planning Authority.

Reason: In the interests of amenity and design by ensuring that the materials are appropriate for the site.

20. 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.

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

21. The development shall be completed in accordance with the details approved under the terms of condition 18, 19 & 20 above

Reason: In the interests of amenity and design by ensuring that the materials are appropriate for the site.

Background Papers:

Transport Scotland received 06/03/20.
The Coal Authority received 04/06/19.
Scottish Environment Protection Agency received 10/06/19 and 03/09/19.
Scottish Water received 07/01/20.

NLC Traffic & Transportation received 13/06/19, 29/07/19, 20/08/19, 11/10/19, 31/10/19, 19/12/19, 25/02/20 and 06/04/20.
NLC Archaeology Service received 10/06/19.
NLC Greenspace received 13/06/19.
NLC Environmental Health (including Pollution Control) received 09/07/19.

Application Supporting Information

Planning Statement 03/05/19, Transport Assessment 03/05/19. & TA 2 dated 25/05/19.
Also the following all dated 03/05/19 – Geotechnical Phase 1 Study, Design and Access Statement, EIA Screening, PAN feedback, Air Quality Report, Development Need Statement, Drainage Strategy Report, Habitat Survey, Internal visualisation and External visualisation.

Contact Information:

Any person wishing to discuss this report contact Ms Lorna Bowden at bowdenl@northlan.gov.uk

Report Date:

15th April 2020

APPLICATION NO. 19/00538/FUL

REPORT

1. Site Description

- 1.1 The application site lies directly to the west of Drumpellier Country Park and is bound to the west by the M73 Motorway, to the north by Lochend Road, to the east by the A752 Gartcosh Road and to the south by land similar in nature to the application site. The site is rectangular with a north south orientation and covers an area of approximately 4.5 Hectares.
- 1.2 The site is characterised by open grassland and heath which is bounded by mature trees and shrubs to the north, south, east and west. The site gently slopes downwards to the south before levelling off.
- 1.3 The southern two thirds of the site lies within a Site of Importance for Nature Conservation (SINC), this being SINC 76/02 Gartcosh Road Mire, part of a wetland Heath.

2. Proposed Development

- 2.1 The proposal is for a Crematorium facility with a single storey building occupying the northern third of the site with associated parking and circulation areas surrounding the proposed building. The proposed vehicular access into the site is from Gartcosh Road some 95 metres to the south of the junction of Gartcosh Road and Townhead Road. After consultation with NLC Roads, a central ghost Island with right hand storage bay for southbound traffic on Gartcosh Road is proposed as well as a visibility splay of 9 metres by 160 metres in both directions.
- 2.2 The facility would be constructed in the northern third of the site outwith the SINC with the exception of the proposed site access which would cover a small part of the northeastern corner of the SINC. The proposed building would sit centrally in the northern third of the site with the main service area/sanctuary being a contemporary A-Frame building orientated north-south with glass curtain wall on the southern gable to take advantage of the southern aspect and sun path. There would be smaller flat roofed ancillary wings to the building. The total building footprint would be 500 square metres and the apex height of the building being approximately 12 metres. Proposed finishing materials are facing brick, timber shingle or slate and grey aluminium glazing.
- 2.3 A one way clockwise vehicular circulation system is proposed around the main construction with parking for 119 cars including 4 disabled spaces. Hard and soft landscaping is also proposed around the building with a memorial garden walk to the south of the building.
- 2.4 In terms of the hours of operation of the proposed crematorium this would be 9.00 a.m. to 5.30 p.m. with the first service starting at 9.30 a.m. and the last service starting at 4.30 p.m. Monday to Friday. Allowing for up to 9 service slots. There would be limited associated activity on site outwith the operating hours as most backroom activity associated with public services would take place contemporaneously with the services and within the operating hours. Although depending on business cremation staff may have to work on until 7p.m.
- 2.5 It should be noted that no smoke will result from the proposed cremation process due to the modern technology used and that all other aspects relating to air quality are controlled by SEPA by the issue of a permit.

3. Applicant's Supporting Information

- 3.1 The applicant has provided an extensive suite of supporting information including the following:- Planning Statement 03/05/19, Transport Assessment (TA) 03/05/19 & TA 2 dated 25/05/19. Also the following all dated 03/05/19 – Geotechnical Phase 1 Study, Design and Access Statement, EIA Screening, PAN feedback, Air Quality Report, Development Need Statement, Drainage Strategy Report, Habitat Survey, Internal visualisation and External visualisation.
- 3.2 The Development Need Statement produced by Montague Evans makes a study of the quantity and quality of existing provision in terms of the catchment area. The report states that there is no specific planning guidance or policy in terms of assessing the need for a crematorium. The existing facilities being Maryhill, Daldowie, Holytown and Falkirk crematoriums which are all running over core capacity (with the exception of Maryhill) with delays common. The business model aims to shorten journey times and waiting times while allowing for longer service times and taking the extra capacity that exists and allowing more scope at peak times. A related Planning Statement follows in from this

statement concluding that the site is appropriate in terms of location and low impact in terms of landscape, habitat and roads infrastructure.

4. Site History

4.1 There is no relevant site history.

5. Development Plan

5.1 In terms of the Development Plan the site lies within the Greenbelt (Policy NBE3A) in the North Lanarkshire Local Plan (as well as Green Belt within the emerging local plan). The policy cites types of acceptable development being : proposals necessary for agriculture, forestry or horticulture, telecommunications, generation of power from renewable sources, or other appropriate rural uses, including opencast coal extraction, subject to assessment of proposals against Scottish Planning Policy, Structure Plan and other Local Plan policies. Impact criteria for assessing acceptable development include developments that: have a positive economic benefit, minimise any adverse environmental impacts, do not pose undue infrastructure implications, have a specific locational need, be of a suitable scale and form for the location. Also that applications should include a landscape assessment and scheme which reinforces the rural character and provides a buffer to the development. In addition the impact on biodiversity will be material considerations in determining any development proposals.

5.2 Policies DSP2 Location of development, DSP 3, Impact of Development and Policy DSP 4, Quality of Development in the North Lanarkshire Local Plan are relevant to the assessment of the proposal (policy DSP1 is not relevant due to the size of the site).

6. Consultations

6.1 The consultation responses can be summarised as follows:-

- Transport Scotland received 06/03/20. – No objections provided that a condition be applied to any consent regarding boundary fencing between the site and the M73 to ensure that there is no glare for motorists on the M73 caused by on site operational lighting.
- The Coal Authority received 04/06/19. – No objections provided that conditions be applied regarding an obtrusive survey and possible related remediation works.
- Scottish Environment Protection Agency (SEPA) received 10/06/19 and 03/09/19.- No objections subject to the applicant obtaining an Air Quality PPC permit.
- Scottish Water received 07/01/20. – No Objections.
- NLC Traffic & Transportation received 13/06/19, 29/07/19, 20/08/19, 11/10/19, 31/10/19, 19/12/19, 25/02/20 and 06/04/20 – after extensive consultation, no objections subject to conditions being applied relating to visibility splay, ghost island, RHT storage bay (southbound) and restriction to operating hours as outlined in the revised Transportation Assessment dated 26/05/19. – this being first service starting 9.30 a.m. and last service starting at 4.30 p.m.
- NLC Archaeology Service received 10/06/19. – No Objections subject to the application of archaeological conditions
- NLC Greenspace received 13/06/19.- Habitat management conditions appropriate in terms of SINC and butterflies.
- NLC Environmental Health (including Pollution Control) received 09/07/19.- Peer Review of stage 1 assessment ok subject to conditions regarding intrusive site investigations and any follow up remedial works required.

7. Representations

7.1 One letter of representation has been received expressing concern about extra traffic generated by the proposal and suggesting that the busy junction of Townhead Road and Gartcosh Road should be upgraded. A further letter was received from an MSP not as a result of the newspaper advert of the 29/05/19 enquiring into the lack of progress of the application.

8. Planning Assessment

8.1 Under the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, Planning Authorities are required that in determining planning application proposals, where regard is to be had to the Development Plan, determination should be in accordance with this Plan unless material considerations indicate otherwise. In this instance there are no strategic implications and the

application will therefore be considered in relation to Local Plan Policy. Therefore the proposal requires to be determined under the terms of the North Lanarkshire Local Plan and any other material considerations.

- 8.2 In this case the site lies within the Green Belt, Policy NBE3A in the North Lanarkshire Local Plan (also Green Belt in the emerging Local Plan) the proposal has to be assessed in terms of the relevant Green Belt assessment criteria, with acceptable types of development being : proposals necessary for agriculture, forestry or horticulture, telecommunications, generation of power from renewable sources, or other appropriate rural uses, including opencast coal extraction, subject to assessment of proposals against Scottish Planning Policy, Structure Plan and other Local Plan policies. Impact criteria for assessing acceptable development include developments that: have a positive economic benefit, minimise any adverse environmental impacts, do not pose undue infrastructure implications, have a specific locational need, be of a suitable scale and form for the location. Also that applications should include a landscape assessment and scheme which reinforces the rural character and provides a buffer to the development. In addition the impact on biodiversity will be material considerations in determining any development proposals. In this context, it leaves the proposal to be assessed against policies DSP2 Location, DSP 3, Impact of Development and Policy DSP 4, Quality of Development in the North Lanarkshire Local Plan requires (as policies DSP1 is not relevant due to the size of the site).
- 8.3 With regard to Green Belt criteria, although the proposed use does not fall within the identified appropriate uses in the policy it is considered that it has been demonstrated by submission of a Development Need Statement that there is a demand for this proposed additional provision and that the proposed location is acceptable in terms of surrounding existing conurbations and existing provision. It is also noted that typically crematoria are located in parkland or countryside settings so there is an argument that, along with site being well located in terms of its relationship to surrounding conurbations, there is a specific locational need for the development to be in a countryside setting. In this regard the location of this site next to the main road network but also to Drumpellier Country Park makes this a suitable site. Furthermore, being a well-defined and self-contained site it is not considered that the development undermines the role or purpose of the green belt in this location. It is also considered that the site can be developed without significant impact on the existing road infrastructure or in terms of ecological impact subject to the application of appropriate conditions related to the proposed access, hours of operation and habitat management in relation to the SINC. It is therefore considered that the proposal represents a justifiable exception to Green Belt policy in this case.
- 8.4 In terms of Policy DSP2 (location of development) again, it is considered that that the proposed location is acceptable in terms of surrounding existing conurbations and existing provision.
- 8.5 In relation to DSP3 (Impact on Infrastructure) it is considered that there are no significant issues with regard to the potential impact of the proposal on existing infrastructure as confirmed by consultation responses subject to the application of appropriate planning conditions.
- 8.6 With regard to DSP4 (Quality of Development) an assessment has to be made. With regards to the proposed layout, it is considered that the design of the layout and the buildings is acceptable and will have an acceptable minimal impact on the existing and surrounding environment of the site. With boundary planting remaining as existing (with the exception of the access) and the vast majority of the SINC unaltered. The proposed buildings on the site will have minimal landscape impact due to site topography and retained existing boundary trees and shrubs.
- 8.7 In terms of consultation responses, appropriate conditions can be applied where necessary as outlined in paragraph 6.1 above. With regard to the neutral point of representation, the point about the junction of Gartcosh Road and Townhead Road is noted, however after consultation with NLC Roads it is considered that the traffic generated by the proposal can be mitigated by the application of appropriate conditions.

9. Conclusions

- 9.1 Although the proposal and associated use is not a direct fit in terms of Green Belt criteria it is considered that it has been demonstrated that there is a demand for an increase in this type of provision. It is further considered that it has been demonstrated that the proposed location is acceptable in terms of surrounding existing conurbations and existing provision. It is also considered that the site can be developed without significant impact on the existing road infrastructure or in terms of ecological impact subject to the application of appropriate conditions related to the proposed access, hours of operation and habitat management in relation to the SINC. Furthermore,

being a well-defined and self-contained site it is not considered that the development undermines the role or purpose of the green belt in this location. Accordingly the proposal is therefore considered to represent a justifiable exception to Green Belt policy.

9.2 This application is therefore recommended for approval subject to the application of appropriate conditions.

Application No:

19/01170/FUL

Proposed Development:

Part change of Use of land for siting and operation of snack cabin and manual car wash

Site Address:285 Coltness Road
Coltness
Wishaw
ML2 7EX

Date Registered:

30th September 2019

Applicant:Mr James Hayes
20 Sunart Street
Pather
Wishaw
ML2 0JJ**Agent:**

N/A

Application Level:

Local Application

Contrary to Development Plan:

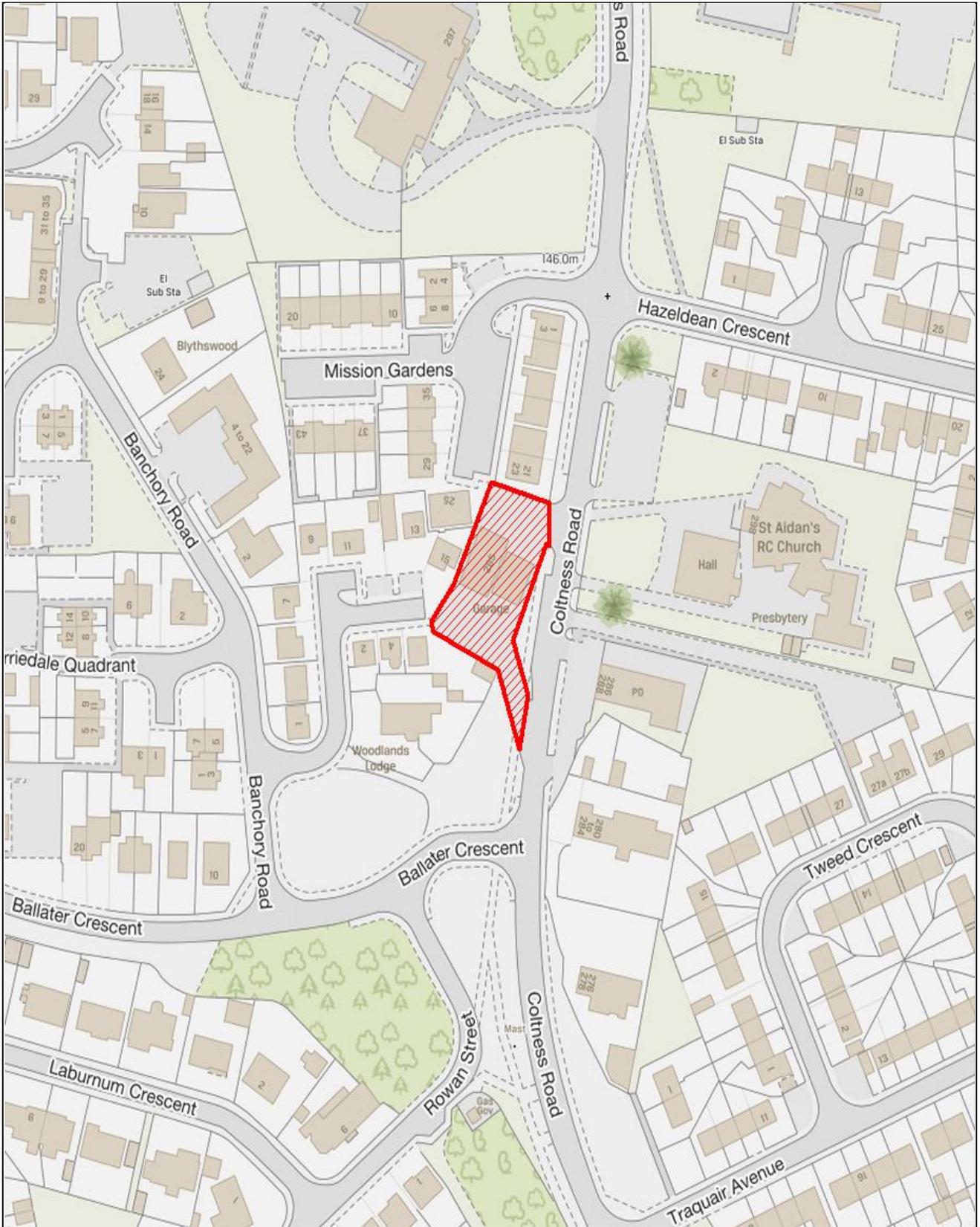
No

Ward:20 Murdostoun
Robert McKendrick, Cameron McManus, Louise
Roarty, Nicky Shevlin,**Representations:**

7 letter(s) of representation received.

Recommendation:**Refuse****Reasoned Justification:**

Insufficient information has been submitted to allow a full assessment of the proposed development to be made in terms of the suitability of the site to accommodate the two proposed uses and the existing mot service, whilst protecting the amenity of neighbours from cooking odours, fumes, noise from proposed uses that have the potential to be Bad Neighbour Developments.



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Planning Application: 19/01170/FUL
Name (of applicant): Mr James Hayes
Site Address: 285 Coltness Road
Coltness, Wishaw, ML2 7EX
Development: Part change of Use of land for siting and operation of snack cabin and manual car wash



Recommendation: Refuse for the Following Reason:-

1. The development is considered contrary to policies RTC 3B, HCF 1A and DSP 4 of the North Lanarkshire Local Plan 2012 as the applicant has failed to provide sufficient information to assess the potential noise and odour impacts from the proposed development as well as from the cumulative impacts from the current authorised uses within the site. Furthermore the site is in close proximity to residential properties and there is a high probability that the proposed development will have a significant adverse impact on the amenity of those properties.

Background Papers:

Consultation Responses:

Environmental Health (including Pollution Control) – received 20.11.19, 10.12.19, 24.1.20, 27.2.20
Traffic & Transportation – received 19.12.19

Contact Information:

Any person wishing to discuss this report should contact Ms Lorna Bowden at bowdenl@northlan.gov.uk

Report Date:

16th March 2020

APPLICATION NO. 19/01170/FUL

REPORT

1. Site Description

- 1.1 The application site is part of an existing mot garage operation which is located within an established residential area surrounded by houses in close proximity to the north, west and south. The site of the proposed snack cabin is directly behind a residential cul-de-sac. Across the road from the development (east) is St Aiden's Church, another convenience store with hot food provision and more housing. At time of the site visit the mot garage was not operational with works being undertaken which appear to have been decommissioning petrol pumps. There is a 3 metre high fence and 1.8 metre high fence at the south and south west section of the site whilst to north and north west there is a 1 metre high wall with houses in close proximity.

2. Proposed Development

- 2.1 The proposed development is a part change of use of land at an existing mot garage to include the operation of a static snack cabin and manual car wash. The proposed snack cabin is a flat roof structure measuring 3 metres high at its highest point, 9.75 metres wide and 3 metres deep and will be located south of the existing garage building powered by electricity from the existing garage building. There is a wide glass frontage and customer access to the front of the proposed cabin (with metal roller shutter doors for security) and a side door entry to the kitchen area on the north side of the proposed structure. The kitchen area has an internal floor space of 11.6 sqm and the customer waiting area with seating measures 13.5 sqm. It is proposed to operate with two staff 7 days a week from 7am to 3pm. The car wash operation is proposed to be located east of the existing garage building but with an access route through the site directly next to the existing garage building. It is proposed to operate with two people manually hand washing using external cold water wash lances run by electricity and water pumps which are located inside the garage. It is proposed that this operates 7 days a week from 8am to 6pm.

3. Applicant's Supporting Information

- 3.1 The applicant has provided the following additional information in support of the application:
- A garage has been at the application site with a car wash, shop, petrol and mot service for 50 years;
 - No valeting services will be provided at the site;
 - The snack cabin will not provide sit in facilities;
 - The applicant contends that a flue is not required for the snack cabin as the proposed extract system will operate with a grease filter system with smells captured in carbon filters, an extract canopy and an extract fan, with cleaning and will be properly maintained.
 - The applicant contends that a Noise Impact Assessment is not required for the snack cabin as it is supplied by electricity from the existing garage building with equipment which operates at low noise levels;
 - A Noise Impact Assessment is not required for the car wash as it is located to the front of the site, using two cold water washing lances that are supplied by water pumps and electricity from inside the existing garage building
 - Three noise assessment companies have confirmed verbally to the applicant that the development proposed should not need a noise impact assessment;
 - The applicant has raised concerns about other businesses in the area that don't have permission, with no flue, or were not required to conduct noise impact assessments;
 - The proposed development will provide employment for local people including an apprenticeship for a Mechanic;

4. Development Plan

- 4.1 In the adopted North Lanarkshire Local Plan, the application site is located within an existing residential area designated as Policy HCF 1A – protecting residential amenity -residential areas. Policies DSP 4 Quality of Development and RTC 3B Assessing Retail and Commercial Leisure Development - Bad Neighbour development are also relevant.

5. Consultations

- 5.1 Roads and Transportation – have no objection to the development on the basis that there are 5 in-curtilage spaces for the snack cabin, 5 spaces for car wash queuing, 1 space per two staff and 4 spaces per bay for the MOT station with all parking bays to be designed to allow safe movement within the site and adequate drainage facilities to treat all surface water from the proposed operation within the application site. In addition, existing visibility splays of 4.5m x 120m to the right and 4.5m x exit from Coltness Road/Hazeldean Crescent/Mission Gardens mini roundabout to the left from each access point require to be maintained.
- 5.2 Protective Services - have raised concerns about disposal of cooking odours and fumes in connection with the close proximity of the proposed snack cabin to residential properties. They ask that details of a flue are provided, which discharges 1 metre above the ridge line of any building within 15 metres of the cabin (Nearby houses are two storeys in height). Guidance was also provided about ventilation and filtration. It is noted that the applicant has proposed a different system without a flue and Protective Services requested information from a suitably qualified individual to demonstrate its design and operational suitability.

A noise impact assessment was requested in relation to the snack cabin and car wash operation. Protective Services have been unable to conclude their assessment of the development proposed as the applicant has not submitted the required information.

- 5.3 Food Hygiene – have no objection to the proposed development and advised that they will treat and assess the development proposed as a shop. An assessment will be undertaken once the applicant registers as a food business operator with this service.

6. Representations

- 6.1 7 letter(s) of representation received which includes one from Coltness Community Council.

Points raised;

- Snack Cabin will sit on higher ground and be in close proximity to houses in a quiet cul-de-sac. One house and living/bedroom windows and garden will be within a few meters of it with houses in the cul-de-sac generally being affected detrimentally by noise, odours, disturbance, reduced character of their surroundings and thus impacts on resident's amenity, health, well-being and quality of life;
- Snack cabin is 30 ft wide and sits on higher ground than some adjacent houses and will affect daylight and amenity for a nearby house resulting in a dominant view from the cul-de-sac affecting visual amenity;
- Concerns raised about excessive noise from operation of proposed development, deliveries, roller shutters opening, extractor fans, customers, and cars with opening times 7 days a week from 7 am or earlier for an operating starting time of 7 am;
- Odour, vermin and litter concerns raised about the proposed 1000 litre waste bin located close to a boundary fence with a house;
- Additional noise will be created by customers arriving and possibly waiting outside the snack cabin;
- Healthy eating should be promoted as per Scottish Government's 'a healthier future' and snack cabin will encourage the consumption of unhealthy food;
- Car washes use harmful substances and chemicals to remove oil and brake dust which will be released into the environment and cars will queue with idling engines;
- Concerns raised about the capacity of drainage at the site to service water and residues created by the car wash;
- Concerns raised about the number of existing car washes in the Wishaw area and the requirement for additional services to impact on the environment;
- Application site is next to a busy road and is located close to 4 schools. The proposed snack cabin and an existing hot food provision will encourage children to cross the road to get to either service increasing the risk of an accident;
- There is already a variety of food establishments in the area the need for additional services if this nature is raised;
- The proposed development will create additional vehicular traffic over an existing busy pavement which forms part of a school route.

7. Planning Assessment

- 7.1 In accordance with Section 25 of 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 and can be assessed in terms of the North

Lanarkshire Local Plan. In this plan the site is primarily designated as Policy HCF 1A – protecting residential amenity. Policies DSP 4 - Quality of Development and RTC 3B – Assessing Retail and Commercial Leisure Developments - Bad Neighbour development, are also relevant.

- 7.2 Policy HCF 1A states a presumption against detrimental development to residential amenity in primarily residential areas and allows for developments that can be considered of an ancillary nature to be considered subject to an assessment of impacts on residential amenity and the provision for servicing and parking.
- 7.3 Policy DSP 4 requires that developments amongst other things are; of a high quality in terms of form, scale, height, proportion and materials; integrate successfully into the local area; avoid harm to residential amenity; avoid adverse impacts on existing neighbouring properties through loss of privacy, overshadowing, air quality, noise, fumes and pollution and provide satisfactory access for pedestrians, cyclists, road users with suitable parking arrangements and manoeuvrability within the site.
- 7.4 Policy RTC 3B – sets out that planning permission will only be granted for potential bad neighbour developments where it can be demonstrated by the applicant that amenity would not be adversely affected. Assessment of proposals will also take account of the cumulative impact of such developments.
- 7.5 The snack cabin has already been constructed and is currently located off site. It is considered and has been assessed as a standalone hot food unit with a proposal to operate with two staff 7 days a week from 7am to 3pm. Hot food provision proposed is a range of food that would categorise it as a hot food take away. The consideration of the cabin as a hot food shop is further supported by the range and volume of equipment installed which includes three sinks, double contact griddle, water heater, microwave, under counter freezer, two soup kettles, double under counter fridge, single under counter fridge, triple bain marie, counter top bain marie, double deep fat fryer, electric griddle, chip scuttles, oven, double hot plate, Blast Chiller/freezer, display fridge, heated display cabinet and a 3 metre by 1.1 metre commercial extraction canopy with chimney on roof. Odour and fume controls for the snack cabin shop are proposed to be managed by a grease and carbon filter system which the applicant states is sufficient to not require the installation of a flue as requested by Protected Services and that equipment installed at the cabin does not warrant the requirement of a noise impact assessment. In the course of trying to accommodate the applicant and the system proposed, additional information was requested including information on ventilation and insulation in respect of the cabin being constructed from a metal container. The aim of this was to assess the likelihood of the side door at the kitchen of the cabin being open in warmer months in respect of additional noise, odours and fumes over and above that which could be produced from the chimney and ventilation proposed. This information was not provided by the applicant and there are concerns that the snack cabin is not suitable for the location proposed based on the close proximity of houses, opening times/days, disturbance created by deliveries and customer visits and the control of odour, fumes and noise from snack cabin. The snack cabin is considered to be a potential bad neighbour as outwith being a hot food shop with unsociable morning opening hours close to housing, the use itself could represent a significant change to the amenity of the area with any cumulative impact with other services on site not being able to be quantified due to lack of information presented with the application.
- 7.6 The two person hand car wash proposed will operate 7 days a week at the front of the site from 8am to 6pm using cold water wash lances powered by electricity and water pumps located inside the existing garage building. No in car valeting services requiring the use of hoovers will be part of the service provided. The applicant has stated that a car wash was located at the site previously, however, there are no records of planning permissions or other evidence to substantiate the lawfulness of this claimed previous use. In addition, there is no evidence to support the lawfulness of the nature and scale of the car wash facility now proposed. The applicant has not provided a noise impact assessment as requested by the planning authority for this proposed use to allow its impact and any cumulative impact it may have on neighbouring dwellings and premises in terms of noise when taken into consideration with other services proposed to operate at the application site.
- 7.7 Roads and Transportation requirements for parking have not all been met, however, the slight parking shortfall at the site is considered acceptable.
- 7.8 The applicant has not met outstanding matters raised by protective services for both the snack cabin and car wash operation proposed. In terms of the disposal of cooking odours and fumes the applicant has not demonstrated the design suitability of the proposed snack cabin's ventilation/extraction system in the form of certification by a member of the Heating and Ventilating Contractor's Association, or other suitably qualified individual, that the system proposed is suitable having regard to the conditions of use of the snack cabin for its proposed location and detailing the manufacturers recommendations

on the frequency of maintenance of the system. In terms of noise, a noise impact assessment requested has not been submitted to demonstrate the impact of the snack cabin and car wash operation on neighbouring dwellings.

- 7.9 Objections have been raised around;
- operational noise and odour of the snack cabin in close proximity of houses with a detrimental impact on the character of a residential cul-de-sac, its amenity and the health, well-being and quality of life of those residing in the cul-de-sac;
 - chemicals used and discharges from the car wash and the sites capacity for this including the removal of oil and brake dust, plus emissions from car engines idling waiting to be washed;
 - the promotion of unhealthy eating with 3 schools located nearby adding to existing hot food provision provided at two nearby locations and the encouragement for school children to cross a busy road to access the proposed development;
 - creation of additional traffic at a busy road and for cars to be parked or queuing at the access to the site which is also a pedestrian crossing area;
 - over provision of hot food takeaways and car washes in the area.

These objections are acknowledged and whilst there are some which are unreasonable and outwith planning controls to apply to this particular development – unhealthy eating, fumes, oil and brake dust from cars as pollutants, chemicals used at the car wash. The issues of the site's ability to accommodate all three services proposed, noise, odours and fumes, cumulative impacts, and the suitability of the siting of the snack cabin and car wash in close proximity to houses in terms of operating times, cars queueing at the entry/footpath to the site, locational suitability have not been able to be fully assessed due to requested information not being supplied to the council by the applicant.

- 7.10 The applicant feels that the Planning Service is being unreasonable in its requests for additional information or for changes to the development as proposed and that other developments are operating within the council area without noise impact assessments being undertaken, or a flue installed, that are similar to the development proposed. At the time of writing the applicant has not provided specific addresses to allow an investigation of these under planning enforcement legislation. The Planning Service has endeavoured to give the applicant the opportunity over a period of time to provide the information requested or make changes and/or provide information to allow an alternative view to be taken. Elements of the applicant's supporting information provided have not been validated by written evidence requested and proposals made to address the installation of a flue have not been formalised by plans or a demonstration of their suitability.
- 7.11 Based on the assessment detailed above which has been limited by information requested by the council, but not submitted by the applicant, concerns remain about the suitability both in operation and location of the two additional services proposed to operate from land at the existing mot garage site. As such the proposed development is considered to be contrary to NLLP policies HCF 1A, RTC 3B and DSP 4 and the application is refused.

8. Conclusions

- 8.1 The application is recommended for refusal as required information to allow an assessment against relevant local plan policies HCF 1A, RTC 3B and DSP 4 has not been submitted. There is therefore a reasonable expectation that the development would be the cause of significant adverse impacts on the amenity of nearby residential properties.

Application No:

20/00060/AMD

Proposed Development:

Renewal of Planning Consent 15/02467/FUL : Formation of Cemetery Extension with Associated Access, Parking and Landscaping

Site Address:

Bedlay Cemetery
Cumbernauld Road
Chryston
G69 0HX

Date Registered:

23rd January 2020

Applicant:

Iris Strategic Land Fund Ltd.
Vista Fund Services
46 The Sails Tower
Queensway Quay
Gibraltar
GX11 1AA

Agent:

Scott Graham
McInally Associates Ltd
16 Robertson Street
Glasgow
G2 8DS

Application Level:

Local Application

Contrary to Development Plan:

Yes

Ward:

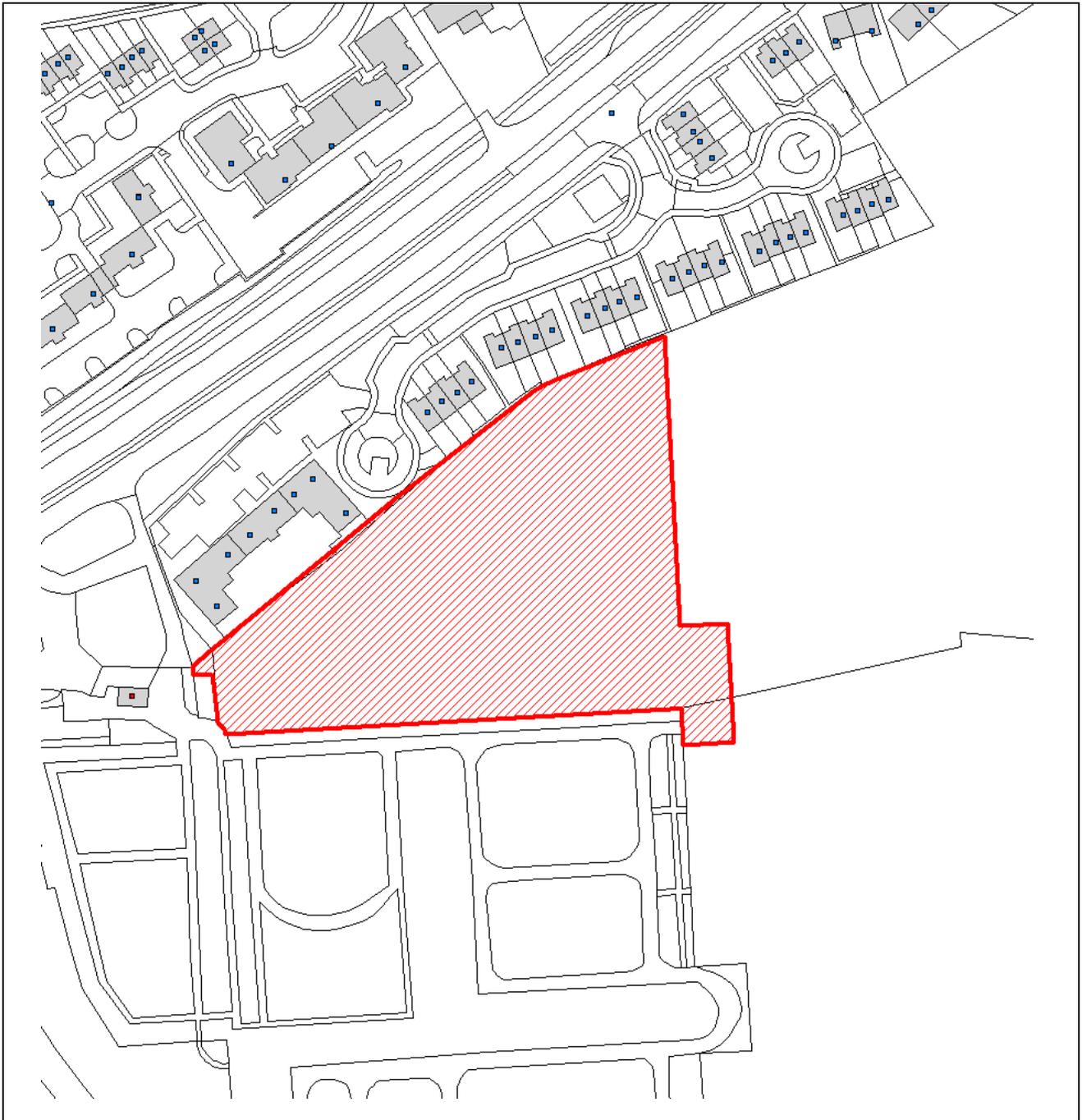
06 Gartcosh, Glenboig And Moodiesburn
Willie Doolan, Greg Lennon, Michael McPake,

Representations:

No letters of representation received.

Recommendation:**Approve Subject to Conditions****Reasoned Justification:**

Although contrary to the primary housing policy of the North Lanarkshire Local Plan, the proposed development is considered to be an acceptable departure, comprises a compatible use and meets design criteria set out in the other relevant policies of the Local Plan. The site benefitted for permission for a proposed cemetery extension and continues to be acceptable in design and scale and will therefore not detract from amenity of the surrounding area. As such, it continues to be acceptable in terms of the amenity of the application site and the surrounding area, thereby complying with policies of the North Lanarkshire Local Plan.



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Planning Application: 20/00060/AMD
Name (of applicant): Iris Strategic Land Fund Ltd.
Site Address: Bedlay Cemetery
Cumbernauld Road
Chryston
G69 0HX
Development: Renewal of Planning Consent 15/02467/FUL : Formation of Cemetery Extension with Associated Access, Parking and Landscaping



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: 14_153_C_01, 1419_LD_02, 153_03 LANDSCAPE and LS_14_153_C_00.

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

2. 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 experienced in drainage works as complying with the most recent SEPA SUDS guidance. For the avoidance of doubt, the proposed SUDS scheme shall incorporate the removal or breaking up of all existing field drains within the site.

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

3. That the SUDS compliant surface water drainage scheme approved in terms of Condition 2 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 SEPA SUDS guidance prior to the use of the first lair or the facilities building, whichever is the earlier.

Reason: To safeguard adjacent watercourses and groundwater from pollution.

4. That before the development hereby permitted commences, a programme of archaeological work shall be submitted to and approved in writing by the Planning Authority. For avoidance of doubt, the programme of archaeological work shall be implemented in accordance with a timescale to be agreed in writing by the Planning Authority.

Reason: In the interests of protecting the natural and historic built environment.

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; in particular this should include a scheme for tree and shrub planting along the site frontage and surrounding the SUDs area.

(c) an indication of all existing trees and hedgerows, plus details of those to be retained, and measures for their protection in the course of development;

(d) details of cross sections;

(e) a detailed schedule for all landscaping works which shall provide for these works being carried out contemporaneously with the development of the site and completed before the development hereby permitted is brought into use.

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

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 schedule, and any trees, shrubs, or areas of grass which die, are removed, damaged, or become diseased, within two years of the occupation of the extended facility being brought into use, shall be replaced within the following year with others of a similar size and species.

Reason: To ensure the implementation of the landscaping scheme in the interest of amenity.

7. That before the development hereby permitted starts, full details of the design and location of all fences, gates and walls to be erected on the site shall be submitted to, and approved in writing by the Planning Authority and any walls, gates or fences erected at the shall be accordance with the details approved under the terms of this condition.

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

8. That before the development hereby permitted is brought into use all of the associated 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: In the interests of pedestrian and vehicular safety.

9. That before any development starts, updated Protected Species Surveys shall be submitted to and approved in writing by the Planning Authority. Furthermore, should no development commence within 1 year from the date of any updated surveys required under the terms of this condition, further updates shall thereafter be provided for the written approval of the Planning Authority before any development starts. Following written approval by the Planning Authority, the requirements of those reports in respect to habitat and protected species protection shall be complied with in full, including securing any licences from Scottish Natural Heritage.

Reason: In the interests of protecting nature conservation interests.

Background Papers:

Consultation Responses:

None sought.

Contact Information:

Any person wishing to inspect these documents should contact Lorna Bowden at bowdenl@northlan.gov.uk.

Report Date:

14th April 2020

APPLICATION NO. 20/00060/AMD

REPORT

1. Site Description

- 1.1 The application site is 1.10Ha in area and currently comprises rough farmland, part of a wider farm holding. To the north is the site of the former Moodiesburn House Hotel, currently being developed for residential purposes, including flats and 2 storey houses. To the south is the existing Bedlay Cemetery. To the west is the access to the existing Cemetery and some mature trees before the ground declines to a nearby Burn. To the east is further farmland.
- 1.2 In terms of levels, these broadly rise from the development at the former Moodiesburn House Hotel, although are locally undulating, falling away towards the west from a high point within the site.
- 1.3 It is noted that while much of the land to the south is currently greenfield (beyond the existing Cemetery), it benefits from planning permission in principle for approximately 480 residential units, retail development and a neighbourhood centre.

2. Proposed Development

- 2.1 Proposed is an extension to the existing cemetery. This would be accessed from the existing access road but would provide an additional vehicular loop and a parking area of 16 spaces within the extended boundary. The extension to the Cemetery itself would provide approximately 460 new lairs. The layout has been designed taking into account established landforms with some localised engineering to allow appropriate lair depths. Also proposed is drainage infrastructure, including an attenuation pond before drainage connects with the existing drain. No other services are proposed, utilising those already in place.
- 2.1 This application seeks a renewal of a previously approved planning permission for an extension to Bedlay Cemetery. It is noted that whilst much of the land to the south is currently greenfield (beyond the existing Cemetery), it benefits from planning permission in principle for approximately 480 residential units, retail development and a neighbourhood centre. Detailed consent has been approved for the retail element to the east and the Council is 'minded to grant' permission for the residential element of the development to the east and south, however this decision has not been issued as a Section 75 legal agreement has yet to be concluded.
- 2.2 The legal agreement requires that this land be provided to the Council before works at the wider site can commence. To ensure delivery can be guaranteed, the proposed Cemetery extension does however require an independent planning permission and that is what is being considered in this application. It is noted that the application has been brought forward by the original Applicant; however the actual development has been informed and broadly designed by the relevant sections within the Council.

3. Applicant's Supporting Information

- 3.1 The applicant has provided detailed drawings along with the application as it is a renewal of consent and only a limited amount of information is required for this type of application.

4. Site History

- 4.1 The site gained planning permission reference 15/02467/FUL in 2017 for a Cemetery Extension, however this was never implemented. There are however to adjacent applications of note. Firstly, a large scale permission from which the Cemetery extension was inceptioned, and secondly, the redevelopment of the adjacent site of the former Moodiesburn House Hotel. These are as follows:
- 4.2 12/00959/PPP: Mixed Use Development (In Principle), comprising: Residential Development (approx 480 units), Neighbourhood Centre (3000sq m Supermarket, Petrol Filling Station, 5 Retail/Commercial Units, 2 Family Restaurants and Health Centre), Improvements to Existing Recreation Facilities, Land for Cemetery Extension and Associated Road Improvements and Landscaping. Granted June 2015
- 4.3 14/00870/FUL: Residential Development Comprising 24 flats and 31 Dwellinghouses. Granted February 2015

- 4.4 18/00805/MSC Approval of Matters Specified in Condition Application (in relation to Planning Consent No. 12/00959/PPP): Detailed neighbourhood centre development (comprising supermarket (3,000sqm), petrol filling station, 5 retail / commercial units, 2 family restaurants and healthcare centre) with associated access roads, landscaping, open space and infrastructure (within neighbourhood centre development zone as outlined on the approved indicative masterplan) approved June 2019.
- 4.5 There is a 'minded to grant' MSC application for Construction of 580 dwelling for land to the east and south of the application site, however the Section 75 relating to this application has yet to be concluded (reference no. 18/00800/MSC) therefore a Decision Notice has not been issued.

5. Development Plan

- 5.1 The application site is zoned HCF2 A2 Sites for (Short Term) Housing Development: Additions to Housing Land Supply. This policy actively promotes residential development.

6. Consultations

- 6.1 None sought.

7. Representations

- 7.1 No letters of representation have been received.

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. It is considered that the proposal raises no issues of a strategic nature in terms of the Glasgow and the Clyde Valley Strategic Development Plan (SDP) 2012. As such, it can therefore be assessed in terms of local plan policies. The site is zoned under Policy HCF2 A2 in the North Lanarkshire Local Plan (NLLP). This policy supports housing development identifying the site as an addition to the housing land supply and opportunity for short term housing development.

Development Plan:

- 8.2 Firstly, in terms of the primary HCF2 A2 zoning, residential development is supported. The proposal subject of this application is not residential. It is however a use common to population centres and residential areas. In land-use terms, it can be seen as broadly compatible. The application is a result of an adjacent permission for residential development, where the expanded cemetery is a developer obligation to be secured through a legal agreement. As part of the original masterplan, it had been anticipated that the extension would have been provided at an alternative site; however, ground investigations identified physical constraints for such a use at that location. This new site can therefore be seen as a swap with the likelihood of the previously identified area to now be developed for housing. In housing land supply terms there would be limited detriment. This is considered to be an appropriate rationalisation of the local area in terms of residential expansion and to actively support the value and function of the area as an expanded residential population. In this regard, while the proposed use is technically contrary to policy, it is compatible in real terms and fits with the spirit of good development management in light of surrounding permissions. The application is therefore considered to be an acceptable departure of limited significance.
- 8.3 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). With regard to Policies DSP1 and 2, it is noted that this proposal is not for residential development. The background and wider context set out in paragraph 8.2 above is however relevant. Taking into account that wider context, it is not considered that the development, if approved, would unacceptably impact on the purpose of those policies.
- 8.4 Policy DSP3 (Impact of Development) considers the impact of the proposed development in terms of its requirements for additional community facilities or infrastructure. In this instance, Policy DSP3 is not relevant. It is however highlighted that the application, if approved, would secure the renewal of planning permission for a community benefit required under the terms of the legal agreement associated with planning application 12/00959/PPP.

- 8.5 Policy DSP4 (Quality of Development) requires development proposals to only be permitted where high standards of site planning and sustainable design are achieved. This also considers other impacts, such as amenity and privacy. In terms of the policy, proposals require to be assessed against a set of criteria.
- a. Design Principles Including Provision for the Development and Links to Nearby Green Networks
- 8.6 The proposed development has been designed as a natural extension to the existing Cemetery, utilising the current site characteristics in terms of linkages. The layout has been designed to take account of established land-forms with a degree of cut and fill. Landscaping is proposed to integrate the extension with both the existing cemetery and adjacent housing sites, of note, the development currently being constructed on land to the north.
- b. Safe, Inclusive, Convenient and Welcoming Development
- 8.7 As noted above, the development would be a natural extension to the existing Cemetery. This would improve the existing facility which is currently constrained in terms of access by providing an additional vehicular loop and parking area.
- c. Energy Resources and Sustainable Development
- 8.8 In respect to energy resources and sustainable development, it is considered that the proposed use is low impact, remaining relatively natural in character and is provided at a sustainable position adjacent to the existing cemetery.
- d. Air Quality, Noise and Pollution Impacts
- 8.9 The proposed use is low impact in terms of pollution concerns, particularly noise and air. A notable issue for a Cemetery use is impact on groundwater and watercourses with specific requirements for the location and technical design of lairs. In this respect, SEPA considered detailed Ground Investigations and raised no objection to the application previously approved. The council's Pollution Control section raised no objection to the application previously.
- e. Drainage and Water Body Status
- 8.10 Detailed ground investigations have been carried out and SEPA were satisfied that the development can be delivered taking into account drainage and potential impact upon the water environment. These matters can be secured through planning conditions and separate relevant legislation.
- f. Impact on Local Amenity
- 8.11 As a land use, the proposed cemetery extension is low impact in terms of amenity. Visual impact is low (with integration proposed via landscaping) and otherwise it is a quiet land-use with no other amenity impacts of note. Potential noise impact from the adjacent residential areas on the cemetery is a consideration, however this is not considered to raise any potential concerns that would merit refusal of the application. In terms of integration, when matured, the proposed landscaping should provide good separation, reducing any perception of conflicting land-uses. The layout has also been designed to have the parking area closest to the flats. The extension comprises a natural expansion of the existing cemetery in terms of location and otherwise the relationship of cemeteries to housing is not uncommon in urban areas. The facility will be managed as an ongoing concern by the Council in the future which may include possible future adaptation's (such as fencing or additional landscaping) where considered necessary. It is also noted that the project allows a relatively limited and final extension to the established facility. In this respect, any potential impact on the cemetery from adjacent land-uses is not considered to be a sufficient material consideration that would render the proposal unacceptable in planning terms.
- 8.12 In light of all of the above, it is considered that the proposal satisfactorily accords with Policy DSP4.

9. Conclusions

- 9.1 Taking the foregoing into account, although contrary to the primary zoning of the site within the North Lanarkshire Local Plan, the proposed development is considered to be an acceptable departure, comprises a compatible use and satisfactorily meets design criteria set out in the other relevant policies of the Local Plan. It is therefore recommended that planning permission be granted, subject to conditions.

Application No:

20/00129/FUL

Proposed Development:

Change of Use to Dog Grooming Unit

Site Address:33 Kelvin Road North
Lenziemill
Cumbernauld
G67 2BD**Date Registered:**

17th February 2020

Applicant:Miss Yvonne Howie
66 Brookfield Avenue
Glasgow
G33 1SX**Agent:**

N/A

Application Level:

Local Application

Contrary to Development Plan:

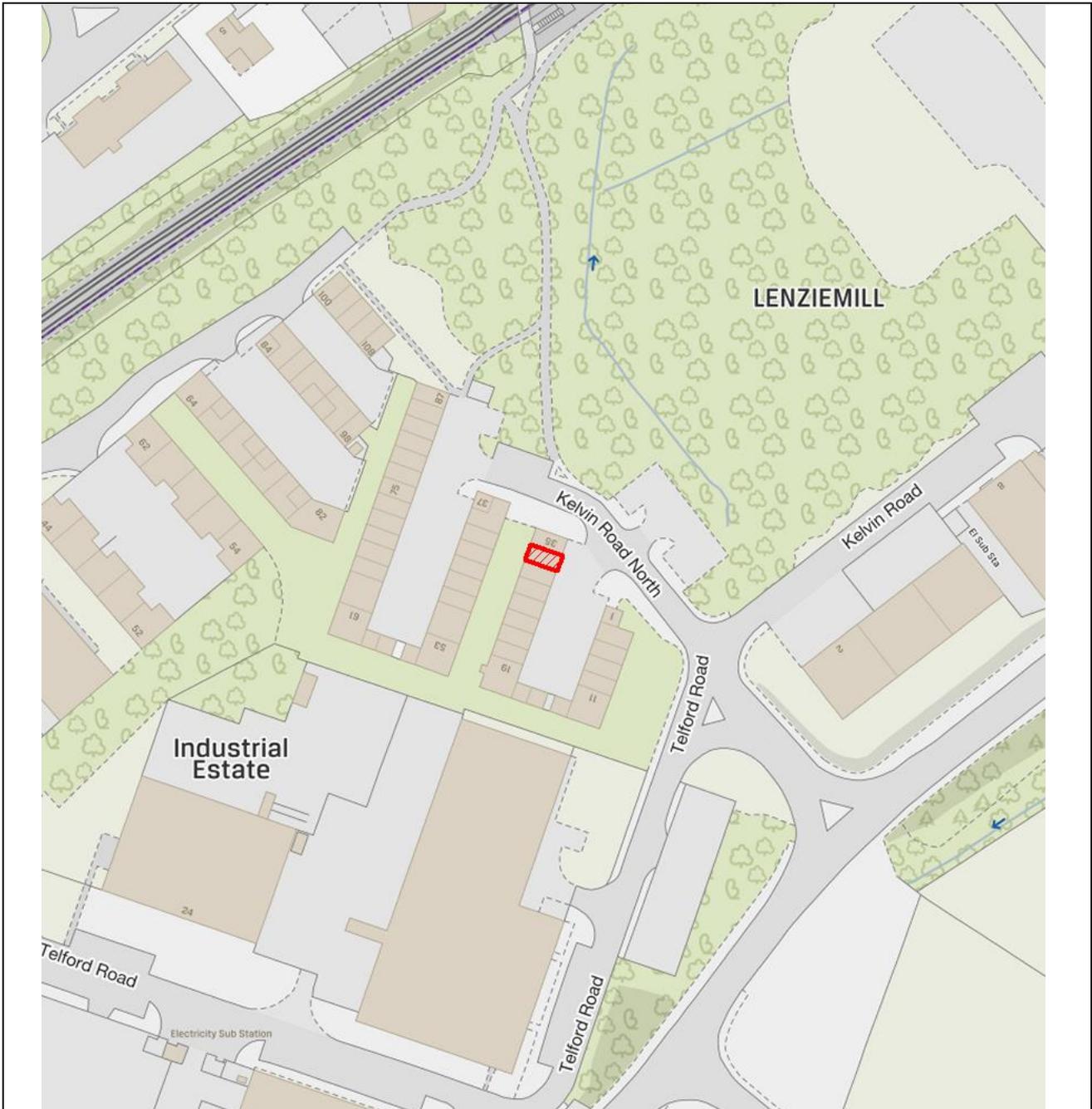
Yes

Ward:04 Cumbernauld East
Gillian Fannan, Claire Barclay, Paddy Hogg, Tom
Johnston,**Representations:**

0 letter(s) of representation received.

Recommendation: Approve**Reasoned Justification:**

The proposed dog grooming facility is considered acceptable in terms of the criteria set out in the relevant policies contained within the North Lanarkshire Local Plan. The proposed development is unlikely to significantly adversely affect the surrounding industrial and business areas.



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Planning Application: 20/00129/FUL
Name (of applicant): Miss Yvonne Howie
Site Address: 33 Kelvin Road North
Lenziemill
Cumbernauld
G67 2BD
Development: Change of Use to Dog Grooming Unit



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; 40690 – Location Plan, 2019.07.11 – Current Layout, 2020-02-19_233802 – Proposed Layout and 2020-02-19_233802 – Additional Parking.

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

2. That, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, the premises shall be used as a dog grooming facility only and for no other purposes (including any other Use Classes in the Town and Country Planning (Use Classes) (Scotland) Order 1997). Should this use cease then the unit shall revert back to use classes 4 (Business), 5 (General Industry) and 6 (Storage and Distribution).

Reason: To enable the Planning Authority to retain effective control and to ensure the building remains an ancillary facility to benefit the operation and viability of the adjacent industrial area.

3. That the dog day care centre shall operate between 8am and 6 pm on weekdays only and on Saturdays from 9am to 3pm.

Reason: To control the use in the interests of amenity.

4. That prior to the dog grooming unit coming into use, a waste management plan shall be submitted to, and agreed in writing with, the planning authority.

Reason: To allow the Planning Authority to retain effective control and to ensure the disposal of waste in a responsible manner.

Background Papers:

Consultation Responses:

Environmental Health (including Pollution Control) dated 26th February 2020.

Contact Information:

Any person wishing to discuss this report contact Ms Lorna Bowden at bowdenl@northlan.gov.uk

Report Date:

15th April 2020

APPLICATION NO. 20/00129/FUL

REPORT

1. Site Description

- 1.1 This application site is located within a small 'start-up' unit within a group of similar sized industrial units located at Kelvin Road, North Lenziemill in the settlement of Cumbernauld. The unit is currently vacant and there is evidence of a small brewery utilising one of the adjoining units. There are a total of 87 units within this section of the industrial estate.

2. Proposed Development

- 2.1 This application seeks full planning permission for the change of use of an existing industrial, 'start-up' unit within the industrially zoned land of North Lenziemill to a dog grooming facility. It is intended to place signage to the external of the unit to allow for clients to identify the location of the business.

3. Applicant's Supporting Information

- 3.1 The applicant has provided a supporting statement. The statement confirms that the applicant wishes to provide a dog grooming service to members of the public and identifies the trading hours as being from 9.00am to 5.00pm Monday to Friday and from 10.00am to 2.00pm on a Saturday.
- 3.2 The proposed business model is for a single dog to be groomed within a timescale of 2.5 – 3 hours which will result in a maximum of two dogs being present on the site for a relatively short period of time.
- 3.3 The unit boasts one dedicated parking space however there is ample additional parking with the capacity for a minimum of 10 cars approximately 33m to the east of the proposed unit.

4. Site History

There is 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 covered by Policy EDI 1 A1 (Existing Industrial and Business Areas) within the adopted North Lanarkshire Local Plan 2012. This policy states that the Council will support the continuing industrial and business character of existing industrial and business areas.

6. Consultations

- 6.1 A consultation response was received from NLC protective services department which did not wish to raise an objection to the proposed development however specified that all waste from the proposed development should be disposed of in a manner which does not give rise to nuisance. A planning condition has been included to ensure this requirement is met. A condition on noise was also recommended however this is usually applied to cover noise from plant or equipment so not considered to be necessary given the location of the unit and the nature of the proposed business.

7. Representations

- 7.1 No letter(s) of representation received.

8. Planning Assessment

- 8.1 The Principle of Development; Sections 25(1) (a) and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that this application be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2 Development Plan: North Lanarkshire Local Plan: The site falls within an area covered by Policy EDI 1A1 (Existing Industrial and Business Areas) which states that the Council will support the continuing industrial and business character of existing industrial and business areas. The proposal seeks to bring back into use a small unit that has been vacant for some time. In physical terms the unit forms

part of a much bigger industrial/business area. In assessment against the relevant policy, the proposed change of use from business and industry unit to a dog grooming facility is considered, in this instance, to be an appropriate departure that would not adversely impact on the wider industrial location. It is considered that the proposal will not detract from the industrial function of the application site or the surrounding area due to the number of similarly sized industrial units still available. In this particular industrial estate, there is a good range of industrial units and the loss of one unit to a non-industrial use is not considered to be a particular concern. The use has a particular requirement for an industrial location due to the potential noise issue of a dog grooming facility and a recommendation to restrict the use to the proposed dog grooming facility only in order to ensure that the character of the wider industrial area is protected. The potential physical amenity impact of the proposal on neighbouring properties is also deemed to be acceptable due to the nature of the proposed and established uses. In this respect, the application is considered to be an acceptable departure from policy.

- 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). Due to the scale and nature of the development the proposal raises no issues with regards to Policies DSP 1, DSP2, and DSP3. 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, integration into the local area, impact on traffic circulation and local roads network and avoiding harm to the neighbouring amenity. When assessed against the terms of policy DSP4 (Quality of Development), it is considered that the re-use of the vacant industrial unit can be integrated successfully into the surrounding area without detriment to the amenity of the existing industrial and business area. Furthermore sufficient infrastructure such as parking, access and turning areas are in place to ensure that the proposed use can be carried out and will be compatible with the wider industrial uses in the area.
- 8.4 Effect on Local Amenity: Due to the nature and operating hours and proposed noise mitigation measures of limiting the number of dogs present at any one time, the proposed dog grooming facility is considered to be acceptable as its impact will not detrimentally affect the character of this wider industrial area or the residential properties opposite.
- 8.5 Applicant's Supporting Information: In planning terms, the potential impact of the proposed dog grooming facility on the industrial area are assessed in detail above and, on balance, are considered to be acceptable. It is noted that in this industrial estate there is no shortage of similar industrial units and given the use an industrial unit is considered to be appropriate. It is considered that this carries some weight in the assessment of this application, taking into account the special circumstances, and availability of industrial units elsewhere

9. Conclusions

- 9.1 The proposed dog grooming facility is considered acceptable in terms of the criteria set out in the relevant policies contained within the North Lanarkshire Local Plan. The proposed development is unlikely to significantly adversely affect the surrounding industrial and business areas. Accordingly it is recommended that planning permission be granted