

Clerk Name: Mark Hamill
Clerk Telephone: 07811294702
Clerk Email: hamillm@northlan.gov.uk



30 April 2024

**Members of the
Planning Committee**

Chief Executive's Office

Archie Aitken
Chief Officer (Legal & Democratic)
Civic Centre, Windmillhill Street,
Motherwell ML1 1AB
www.northlanarkshire.gov.uk

Notice is given that a Meeting of the **Planning Committee** is to be held in the Council Chamber, Civic Centre, Windmillhill Street, Motherwell, ML1 1AB on Thursday, 09 May 2024 at 10:00 AM which you are requested to attend.

The agenda of business is attached.

Archie Aitken
Chief Officer (Legal & Democratic)

Members :

N Shevlin, G Currie, B Baudo, G Brennan, B Burgess, A Bustard, J Cairns, A Campbell, T Carragher, M Coyle, S Coyle, K Docherty, M Hughes, L Jarvie, T Johnston, J Logue, H Loughran, C McManus, M McPake, A McVey, J Reddin, D Robb, G Robinson, A Smith, G Woods.



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Agenda

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| 2 | Planning Applications Index
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Submit report by the Chief Officer (Place) advising of one planning and enforcement appeals decision | 27 - 28 |
| | Members Training Following Conclusion of the Meeting | |
| 5 | Update on the Progress of the Local Development Plan | |

***North
Lanarkshire
Council***

Planning Applications for consideration
of Planning Committee

Committee Date: 09/05/2024

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APPLICATIONS FOR PLANNING COMMITTEE

9th May 2024

Page No	Application No	Applicant	Development/Site	Recommendation
7-17	23/00821/PPP	Mrs Julie Shanks	Two storey 17 Bed extension with ancillary accommodation. Darroch Nursing Home 17 Darroch Way Seafar Cumbernauld G67 1PZ	Grant
18-26	23/01130/FUL	North Lanarkshire Council	Artificial Grass Sports Pitch with Associated Infrastructure (Fencing, Floodlights, Access Paths and Drainage) Gartferry Football Pavillion Glenmanor Avenue Moodiesburn G69 0JA	Grant

Application No:

23/00821/PPP

Proposed Development:

Two storey 17 Bed extension with ancillary accommodation.

Site Address:

Darroch Nursing Home
17 Darroch Way
Seafar
Cumbernauld
G67 1PZ

Date Registered:

10th August 2023

Applicant:

Mrs Julie Shanks
Darroch Nursing Home
17 Darroch Way
Seafar
Cumbernauld
G67 1PZ

Agent:

Gillian Shields
Convery Prenty Shields Architects Ltd
144 4/1
James Sellars House
Glasgow
G2 2HG

Application Level:

Local Application

Contrary to Development Plan:

No

Ward:

04 Cumbernauld East
Claire Barclay, Tom Johnston, Barry McCulloch,
Adam Smith,

Representations:

19 letter(s) of representation received.

Recommendation:**Approve Subject to Conditions**

Reasoned Justification: An extension with ancillary accommodation is considered acceptable in terms of the criteria set out in the relevant policies, PP 3 (General Urban Area), AD 3 (Amount of Development) and policies EDQ 1-3 of the North Lanarkshire Local Plan 2022.



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Planning Application: 23/00821/PPP
Name (of applicant): Mrs Julie Shanks
Site Address: Darroch Nursing Home
17 Darroch Way
Seafar
Cumbernauld
G67 1PZ
Development: Two storey 17 Bed extension with ancillary accommodation.



Proposed Conditions:-

1. That before any part of the 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 the 17 bed extension and any other structures;
 - (b) the means of access to the site;
 - (c) the layout of the site, including all roads, footways, and parking areas;
 - (d) the design and location of all boundary walls and fences;
 - (e) the provision of drainage works;
 - (f) the disposal of sewage;
 - (g) details of existing trees, shrubs and hedgerows to be retained;
 - (h) details of existing and proposed site levels.

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

2. That the total number of additional bedrooms shall be not more than 17 and, for the avoidance of doubt, the site layout plan and any material palette submitted with the application are viewed as being for illustrative purposes only and this planning permission does not confer any approval to these details.

Reason: To define the scope of this planning permission in principle.

3. That notwithstanding the generalities of Condition 2 above, the proposed extension shall:
 - (a) be no higher than 2 storeys in height.
 - (b) be positioned in such a way as to ensure that, as far as is practicable, the mature trees and shrubs within and on the boundaries of the site are retained.

Reason: To ensure that the site is developed in an acceptable manner.

4. That notwithstanding the generalities of Condition 1 above, 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 SEPA SUDS guidance.

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

5. That the SUDS compliant surface water drainage scheme approved in terms of Condition 4 shall be implemented contemporaneously with the development in so far as is reasonably practical. Within three months of the construction of the SUDS, a certificate (signed by a Chartered Civil Engineer) shall be submitted to the Planning Authority confirming that the SUDS has been constructed in accordance with the relevant SEPA SUDS guidance.

Reason: To safeguard adjacent watercourses and groundwater from pollution.

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

Reason: To ensure the provision of satisfactory drainage arrangements

7. That notwithstanding the generalities of Condition 1 above 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.

8. That for the avoidance of doubt, any remediation works identified by the site investigation required in terms of Condition 7 above, shall be carried out to the satisfaction of the Planning Authority. A certificate (signed by a responsible Environmental Engineer) shall be submitted to the Planning Authority confirming that any remediation works have been carried out in accordance with the terms of the Remediation Strategy.

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

9. That notwithstanding the generalities of Condition 1 above, any further application will address the requirement for additional parking and reflect drawing reference number '2250-210A – Site Layout as Proposed' detailing a further 9 off-street car parking spaces. These spaces shall be provided within the curtilage of the site and shall subsequently be retained and maintained as car parking spaces.

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

10. That notwithstanding the generalities of Condition 1 above, any further application needs to include the mitigation identified in Section 6.14 of the Report on Road Traffic Noise by Charlie Fleming 29th Feb 2024 Associates namely that the installation of mechanical ventilation with heat recovery (MVHR) in the care home extension in those rooms which require a windows closed solution to meet acceptable internal noise levels. Once installed post works validation will be submitted by a qualified acoustic engineer or similar confirming the correct installation of the system.

Reason: To safeguard future residents of the site in the interests of health and wellbeing.

11. That prior to any works commencing on site, with the exception of ground enabling works which includes land profiling a Construction Environmental Method Statement shall be submitted to and approved by the Planning Authority. The Construction Method Statement shall cover:
- Details of how the development will be phased
 - Details of the location of site compound and management facilities
 - Details of construction access, parking and manoeuvring areas
 - Submission of a Dust Action Plan

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

Reason: In the interests of the amenity of the area and to ensure ecological protection measures are in place.

12. No development shall commence until;
- a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity, and
 - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: To ensure that historic mine working is suitable investigated and that the site is made suitable for development

13. Prior to the commencement of construction works, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: To ensure that historic mine working is suitable investigated and that the site is made suitable for development

Background Papers:

Consultation Responses:

Environmental Health (including Pollution Control)
The Coal Authority

Traffic & Transportation
Scottish Water

29th August 2023
29th August 2023, 16th November 2023 and
19th December 2023
26th October 2023 and 27th November 2023
4th September 2023

Contact Information:

Colin Bradley at planningenquiry@northlan.gov.uk

Report Date:

24th April 2024

REPORT

1. Site Description

- 1.1 The nursing home is seeking to extend its residential provision through extending the building to the north and consuming the garden area.
- 1.2 Darroch Nursing home is located at the end of Darroch way which is situated to the north of the principal retail area of Cumbernauld centre and adjacent to the A8011 dual carriageway running through the centre of Cumbernauld.

2. Proposed Development

- 2.1 Although this application is seeking permission in principle, indicative detailed plans have been submitted with regards to this development proposal.
- 2.2 These indicative detailed plans show that it is intended to provide 10 bedrooms to the ground floor and 7 bedrooms to the top floor. The ground floor shall also feature a nurse's station, treatment room, a quiet room, a plant room and a store. There shall be two stairwells and a lift to access the 1st floor of the proposal. The upper floor shall feature a kitchen, dining room, day room, a nurse's station, treatment room and a quiet room.
- 2.3 The overall scale and massing of the proposal, although considerable, shall not appear incongruous within the wider street scene as the existing nursing home has significant massing. The material palette associated to the proposal shall be conditioned to be in keeping with the existing building.

3. Applicant's Supporting Information

- 3.1 The applicant has provided a full suite of drawings along with a Coal Mining Risk Assessment and noise Impact Assessment (NIA).

4. Site History

- 4.1 The following applications are of relevance:
- 09/00711/OUT Extension to Nursing Home, approved by Committee 13th August 2009
 - 10/00334/FUL Extension to Nursing Home, approved by Committee 20th May 2010
 - 14/02039/FUL Extension to Nursing Home and Reconfiguration of Car Park, delegated approval 9th December 2014

5. Development Plan

- 5.1 The nursing home sits within a 'General Urban Area' which is covered by Policy 3 of the North Lanarkshire Local Development Plan. Policy 3 comprises PP 3 (Purpose of Place) and AD 3 (Amount of Development).
- 5.2 All development is required to be assessed against the Environmental Design Qualities policies of the North Lanarkshire Local Development Plan 2022, EDQ 1-3.
- 5.3 The Scottish Government introduced National Planning Framework 4 on the 13th February 2023 and is also a material consideration with regards to determining this application.

6. Consultations

- 6.1 NLC Social Work Department, NLC Protective Services, NLC Traffic & Transportation, The Coal Authority, Scottish Water and Cumbernauld Airport have all been consulted with regards to this application. Their responses shall be discussed in the following paragraphs.

- 6.2 NLC Protective Services stated that a Noise Impact Assessment, (NIA), and a Site Investigation, (SI), would be required. Where the Site Investigation may be controlled through a condition, the Noise Impact Assessment was required to be submitted prior to the determination of the application. Upon receipt of the NIA, Protective Services have no objection subject to the inclusion of the indicated noise mitigation scheme (closed windows with mechanical ventilation with heat recovery (MVHR))
- 6.3 NLC Traffic & Transportation have no objection but have identified that a total of 9 additional parking spaces would be required to accommodate the proposed extension and as such drawing reference 2250_210A has been received. The installation, maintenance and retention of these spaces this has been carried over as a condition to this application and its recommendation.
- 6.4 The Coal Authority initially held a 'substantive concern' over the proposal due to the lack of a 'Coal Mining Risk Assessment in the initial package of material, (although a coal report was submitted as part of the initial submission). Upon submission of the Coal Mining Risk Assessment, the Coal Authority withdrew its objection, subject to the imposition of 2 planning conditions focussing on an intrusive Site Investigation and corrective matters being undertaken with regards to any remedial matters identified by the site investigation.
- 6.6 Scottish Water responded to their consultation request by stating that there was currently capacity at the Balmore Water Treatment Plant with regards to a potable water supply. With regards to Waste water, Scottish Water were not able to confirm the capacity at the Dunnswood Waste Water Treatment Works and recommends that the applicant completes a 'Pre-Development Enquiry' be undertaken prior to any works starting on site. These shall be added as advisory comments as the permission being sought in this instance is for Planning Permission in Principle.

7. **Representations**

- 7.1 19 letter(s) of representation have been received, 18 of these public representations seek to object to the proposal and one makes general comment while explicitly stating that they do not wish their comment to be taken as an objection comment. The contents of these letters of representation shall be examined in the following paragraphs. (By and large, the principal issues mentioned within these comments are relating to parking, road safety and drainage issues.)

- 7.2 **Comment:** The proposal shall be detrimental to road safety.

Response: NLC Traffic & Transportation have not seen fit to comment on the 'existing roads' section of their consultation response which has the following guidance for commentary; *General impact, Type of Connection(s) (Road Junction/ Footway crossing), Location (s) of connection (s), Sightlines, Pedestrian Provision*. Their response explicitly states that the requirements of the proposed extension, in this case an additional 9 spaces, has been met. It is therefore the opinion of the planning service that where the proposal shall not alleviate the existing issues with regards to road safety, they shall not necessarily exacerbate the current issue.

- 7.3 **Comment:** Insufficient parking levels within the neighbourhood at present, this proposal shall exacerbate the situation.

Response: Relying on the response as issued from NLC Traffic & Transportation and the element of their response explicitly states that the requirements of the proposed extension, in this case an additional 9 spaces, has been met. It is therefore the opinion of the planning service that where the proposal shall not alleviate the existing issues with regards to road safety, they shall not necessarily exacerbate the current issue.

- 7.4 **Comment:** Insufficient space for construction workers to park on the street.

Response: Temporary disruption is an accepted consequence of development. It shall be

possible to request a construction traffic management plan to be submitted in the submission of a Full Planning application or a Matters Specified by Condition, (MSC), application. This report shall request full details of construction workers parking provision and delivery schedules for materials etc.,

- 7.5 **Comment:** Congestion. The proposal may have a detrimental impact on access for emergency vehicles.

Response: It is not considered that there would be a specific risk with regards emergency vehicle access, particularly given that a traffic management plan shall be required during any future submission.

- 7.6 **Comment:** The proposal shall result in a loss of privacy for existing residents of the street.

Response: The minimum window to window distance, when dealing with directly facing windows is 18m. The proposed extension is offset on approximately a 45-degree angle which reduces the minimum distance required. The closest point of the proposed extension to an elevation featuring a window on an existing adjacent dwelling house sits at over 19m. It is therefore considered that the proposal shall not have a significant or detrimental impact on privacy in the immediate vicinity.

- 7.7 **Comment:** The proposal shall generate noise and disturbance, (particularly during construction period).

Response: The generation of Noise is controlled through Environmental Health Legislation and as such it is considered that the impact of the construction phase shall be controlled to an acceptable level. Any such disturbance is temporary only and an unavoidable consequence of development.

- 7.8 **Comment:** The proposal shall result in over shadowing of existing residencies.

Response: It is considered that the proposal shall not have a significant or detrimental impact on the levels of sunlight daylight for existing dwelling houses as they sit some 19 m away.

- 7.9 **Comment:** The proposal shall have a detrimental impact on wildlife.

Response: The proposed development shall result in the loss of some greenspace (garden ground for the home), it is considered that there is extensive woodland in close proximity to the nursing home and that this shall not therefore result in a detrimental impact on wildlife.

- 7.10 **Comment:** The proposal shall have a detrimental impact on drainage for the community.

Response: Scottish Water have been consulted with regards to this application and did not raise any issues surrounding surface water flooding.

- 7.11 **Comment:** The proposal shall result in significantly reduced outside space for residents of the home.

Response: The outside space available to the residents shall be reduced however it shall not be entirely eliminated. It should be noted that it is not for the planning service to instruct private business owners how to conduct their business.

- 7.12 **Comment:** The care commission report only gives an 'adequate' result for the most recent report.

Response: This is not the concern of the Planning Service who are only interested in land use matters and it is for the proprietor of the business to manage the business as they see fit.

- 7.13 **Comment:** Neighbour Notification protocol is insufficient and should be extended to cover all nearby residencies.

Response: The Planning Service undertake Neighbour Notification in line with the requirements of the Scottish Government with each application. This is a standard procedure and all houses within 20m of the boundary of the property were consulted in line with the relevant legislation. Comments have been received from a wide variety of households within the immediate vicinity, not only those alerted by the neighbour notification process.

7.14 **Comment:** Detrimental impact on a view

Response: This is not a material consideration and as such, can form no part of the consideration of this application.

7.15 **Comment:** Negative impact on the value of a property in close proximity to the proposal.

Response: This is similarly not a material consideration and as such, can form no part of the consideration of this application.

7.16 **Comment:** Land sold to benefit residents as private garden ground to the home, not as potential construction site.

Response: The sale of the land occurred some time ago. In the intervening years, permission has been granted for an extension to the nursing home once in principle and twice for full development.

7.17 **Comment:** removal of trees and landscaping from neighbourhood.

Response: Where the loss of trees is regrettable, these particular specimens do not benefit from any protection measures. It is therefore not reasonable to prevent the granting of the Permission in Principle due to the presence of these trees.

7.18 **Comment:** Negative impact on overall wellbeing and mental health of residents.

Response: There is no evidence that permitting this extension in principle shall have a significant or detrimental impact on either physical or mental health of either residents of the nursing home or local residents living nearby.

7.19 **Comment:** Stoppages to services (electricity gas & water) to the residences already there

Response: It shall be possible to undertake a construction process without the need for services to be withdrawn from the wider community.

7.20 **Comment:** Layout and density of proposal is inappropriate.

Response: The proposed layout of the extension is reflective in scale and massing when compared to the existing nursing home. The siting of the extension within the curtilage of the property is respectful of the boundaries and is suitably stepped back from them.

7.21 **Comment:** Design, appearance and materials of the proposal

Response: As this is an application for Planning Permission in Principle, it is only the principle of extending the nursing home that is the subject of this application. Any subsequent MSC or FUL application shall provide full details of all material finishes intended to be used in the proposed extension should this application be successful.

7.22 **Comment:** Current state of the road surface is poor (pot holes and cracks mentioned)

Response: This is not the remit of the Planning Service and any request for inspection repair should be directed to NLC Traffic & Transportation department.

8. Planning Assessment

8.1 This application seeks permission, in principle, for the erection of an extension to accommodate

a further 17 resident bedrooms with ancillary accommodation to expand the service provision of an existing care home business. The property is located at the end of Darroch way which is situated to the north of the principal retail area of Cumbernauld centre and adjacent to the A8011 dual carriageway.

- 8.2 09/00711/OUT was approved by Planning Committee on the 13th August 2009 which granted 'outline' permission for a similar extension to the nursing home. This was followed up by application reference 10/00334/FUL which was, approved by Committee 20th May 2010 and granted full planning permission to the proposal. This determination was not implemented and, through delegated powers, application reference 14/02039/FUL was granted on the 9th December 2014. None of these previous approvals were commenced and as such, a new Planning Permission in Principle, (the equivalent of Outline Planning Permission 09/00711/OUT) is sought for the nursing home.
- 8.3 Despite a change in the local development plan, a New Local Development Plan and the introduction of NPF 4, it is considered that the fact that the proposal has previously been granted both outline permission and full planning permission (x2) is a material consideration in the determination of this application.
- 8.4 The proposed overall scale and massing of the proposal is reflective of the existing nursing home and although no details of the material palette have been submitted, these can be secured through the use of a planning condition. The plans submitted are the same as those previously approved by the Council.
- 8.5 It is not considered that the scale and massing shall present any issues with regards to sunlight or daylight as the closest point of the proposed extension to the existing dwelling houses is some 17m away. Similarly, there is not considered to be any overlooking issues due to the 'splayed' angle of the proposed extension and the fact that the closest dwelling house windows to the extension sit some 19m away.
- 8.6 The proposed extension shall result in the loss of a small amount of greenspace within the community however it is considered that there is extensive woodland in close proximity to the development site with ample habitat to support wildlife.
- 8.7 Should the proposal progress from the planning permission in principle that is being sought here, 3 mature trees shall require to be felled. Where the loss of these trees would be regrettable, they do not benefit from any protection measures and could be removed at any stage without input from the Planning Service.
- 8.8 Although the proposed footprint shall remove some of the garden ground available to the residents, it is the private ground of the nursing home and it is not for the planning service to dictate how the curtilage of the building should be used.
- 8.9 It is not considered that the proposal shall have a significant or detrimental impact on the levels of parking in the immediate vicinity after advice was received from NLC Traffic & Transportation required an additional 9 spaces to be provided. These additional 9 spaces shall be subject to a planning condition.
- 8.10 A Noise Impact Assessment, (NIA) was requested by the Protective Services department of NLC. Upon review of the NIA, it was determined that "...the findings of the assessment are accepted on the basis that MVHR, [Mechanical Ventilation Heat Recovery], is installed on those rooms which require a windows closed solution for this specific proposed development." A planning condition has been included to require a validation report confirming this has been achieved should this permission in principle be advanced to either an MSC application or a Full application.

Development Plan

- 8.11 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 National Planning

Framework 4 (NPF4, adopted on the 13th of February 2023) and the Adopted North Lanarkshire Local Development Plan 2022.

- 8.12 NPF 4 does not have any policies explicitly pertaining to care accommodation however Policy 16 – Quality Homes, has the stated aim of encouraging, promoting and facilitating the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choice for tenures that meet the diverse housing needs of people and communities across Scotland. It is considered that this proposal would comply with the principles of this policy.
- 8.13 The North Lanarkshire Local Development Plan 2022 was adopted on the 6th May 2022 and of particular relevance to this application is policy 3 General Urban Area. This policy contains 2 elements, Purpose of Place (PP 3) and Amount of Development (AD 3).
- 8.14 Policy PP3 – Purpose of place states “General Urban Areas are either primarily residential in character, or have a mixture of recognisable urban uses.” As this application is for an extension to an existing residential care home, it is considered the application concurs with this element of the policy.
- 8.15 Policy AD 3 states with regards to use class 8 – residential institutions, that no assessment of amount of development is required. It is therefore concluded that the application similarly concurs with policy AD 3.
- 8.16 All development proposals are required to adhere to the Environmental Design Qualities as outlined in policies EDQ 1-3. These policies are EDQ 1 – Site Appraisal which considers massing height, style and density amongst other considerations, EDQ 2 – Specific features for consideration such as hazard zones which are not applicable in this instance and EDQ 3 Quality of Development. It is considered that the proposal adheres to the principles of these policies.
- 8.17 Overall, granting the proposed Planning Permission in Principle would comply with the relevant policies contained within both National Planning Framework 4 and the North Lanarkshire Local Development Plan 2022.

9. Conclusions

- 9.1 The principle of the development (care home extension) on this site is considered acceptable in terms of the development plan and meets the criteria set out in the relevant policies of the North Lanarkshire Local Development Plan 2022. The proposal can be accommodated without detriment of the surrounding area.

Application No:

23/01130/FUL

Proposed Development:

Artificial Grass Sports Pitch with Associated Infrastructure
(Fencing, Floodlights, Access Paths and Drainage)

Site Address:

Gartferry Football Pavillion
Glenmanor Avenue
Moodiesburn
G69 0JA

Date Registered:

7th February 2024

Applicant:

North Lanarkshire Council
Broadwood Stadium
1 Ardgoil Drive
Cumbernauld
G68 9NE

Agent:

Professional Sportsturf Design Limited
Mr Bill Gillespie
6 Crosshill Drive
Rutherglen
Glasgow
G73 3QU

Application Level:

Local Application

Contrary to Development Plan:

No

Ward:

06 Gartcosh, Glenboig and Moodiesburn
Greg Lennon, Michael McPake, Joanne Katy
Keltie,

Representations:

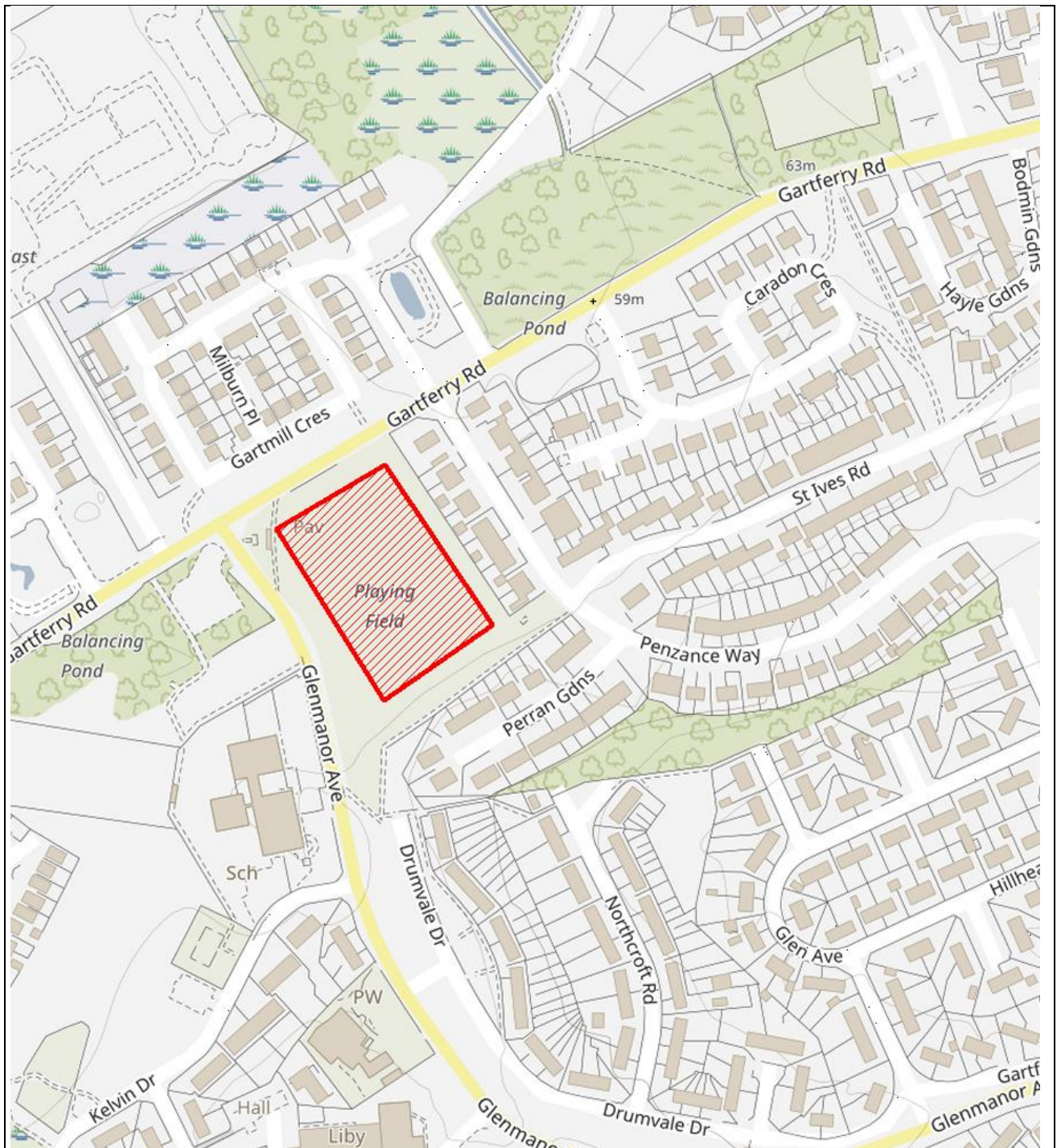
16 letter(s) of representation received.

Recommendation:

Approve Subject to Conditions

Reasoned Justification:

The proposal is considered acceptable in terms of the criteria set out in the relevant policies contained within the North Lanarkshire Local Development Plan (2022). With suitable control over operational hours the proposed development is unlikely to have an adverse impact on the surrounding area.



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Planning Application: 23/01130/FUL
Name (of applicant): North Lanarkshire Council
Site Address: Gartferry Football Pavillion
Glenmanor Avenue
Moodiesburn
G69 0JA
Development: Artificial Grass Sports Pitch with Associated Infrastructure (Fencing, Floodlights, Access Paths and Drainage)



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:- NLC/MSG/201, NLC/MSG/202 RevA, NLC/MSG/203, NLC/MSG/204, NLC/MSG/205, NLC/MSG206, and NLC/MSG/207.

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

2. That the use of the floodlit pitch on the site, for which planning permission is hereby granted, shall take place only between the hours of 9am-9pm Monday to Friday and 9am-6pm Saturday and Sunday.

Reason: In the interests of residential amenity.

3. Full details of proposed hard surfacing to be used on the access pathway shall be submitted prior to the development being brought into use.

Reason: To enable the planning authority to consider these aspects in detail.

4. That BEFORE the development hereby permitted starts, full details of the design and location of all cycle parking to be erected on the site shall be submitted to, and approved in writing by the Planning Authority.

Reason: To encourage sustainable travel.

Background Papers:**Consultation Responses:**

Traffic & Transportation received on 4th of April 2024

Environmental Health (including Pollution Control) received on 8th of February 2024

Contact Information:

Mr Joe Gannon at planningenquiry@northlan.gov.uk

Report Date: 24th April 2024

REPORT

1. Site Description

- 1.1 The application site comprises of an existing grass football pitch and pavilion that is bounded by Glenmanor Avenue and Gartferry Road in Moodiesburn, where the total site area is 1.6 hectares. To the north, east and south of the site are a mixture of residential properties (both new and old), and to the west is Glenmanor nursery and primary school and an informal carpark/drop off area, as well as mature trees and open green space.

2. Proposed Development

- 2.1 The application seeks full planning permission for the installation of an artificial grass football pitch with associated infrastructure.
- 2.2 The proposed artificial pitch will measure approximately 100 by 60m and has scope for a multiple of uses in its design (e.g., both 11-a-side and 7-a-side football matches). As part of the development, there is a mixture of fencing and railing which would bound the pitch, from ball stop fencing (ranging from 5-7m in height) and a spectator rail. There are also eight floodlights that run alongside the pitch, which are 15m in height. Furthermore, the existing pavilion (converted shipping container) will be incorporated into the development, with pedestrian access between the pitch and the property.

3. Applicant's Supporting Information

- 3.1 The application is part of the wider pitch improvement programme by NLC Active & Creative Communities department, where four existing pitches are proposed to be upgraded to synthetic surfaces to improve the health and wellbeing of local communities. Policy & Strategy Committee were asked to consider four options, where Option 4 was approved converting pitches in Cleland, Mossend, Harthill, and Moodiesburn. A Noise Impact Assessment (NIA) was also provided which concluded that the surrounding houses would experience noise from the existing pitch as well as noise from surrounding roads. Any increase would be minor or moderate in the worst case and could be suitably mitigated by control over operational hours.

4. Site History

- 4.1 There are no previous applications with pertinence to this site.

5. Development Plan

- 5.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 states that a planning application should be assessed and decided in accordance with the relevant development plan policies unless material considerations indicate otherwise. The application site is covered by Placemaking Policy 3 (General Urban Area) within the adopted North Lanarkshire Local Development Plan (2022).
- 5.2 For applications for assembly & leisure in the General Urban Area, the proposal must comply with policies set out in PP 3 (Purpose of Place) and AD 3 (Amount of Development). Policies EDQ 1 (Site Appraisal) and 3 (Quality of Development) are also relevant as these policies consider issues such as size, materials, existence and quality of connections and road safety and which states that proposals must integrate successfully with the surrounding area by avoiding harm to neighbouring amenity, supported by high standards of site planning and sustainable design.
- 5.3 NPF4 forms part of the development plan; given the nature and scale of this development, the most relevant considerations are already enshrined in the North Lanarkshire Local Development Plan policies. The policies within NPF4 that are relevant to the application include Policy 14 (Design, Quality and Place), Policy 15 (Local Living and 20-minute neighbourhoods), and Policy 21 (Play, recreation, and sport).

- 5.4 The application can therefore be assessed against the policy provisions of the North Lanarkshire Local Development Plan and the relevant policies within NPF4.

6. Consultations

- 6.1 **NLC Pollution Control** – raise no objections to the application, provided that a watching brief be kept for any odorous or deleterious materials and soils during site works, in regard to land contamination. If encountered, Pollution Control must be consulted immediately. On reviewing the applicant's Noise Impact Assessment (NIA) the findings of the report are accepted but it is recommended that consideration should be given the feasibility of locating the proposed pitch further to the west as suggested in the report, and where this is not possible they advise that a sensible curfew time for the use of the pitch would be toward 9:00p.m. as opposed to 10:00p.m. taking into account the potential for family homes in Penzance Way, etc. potentially having children's bedrooms facing onto the replacement pitch (and its proposed new floodlighting). A condition has been added restricting operational times of the pitch and floodlights to 9pm.

- 6.2 **NLC Traffic & Transportation** – request that the application be deferred until the applicant can provided a 3.5m wide shared use footway over the frontage of Gartferry Road, as well as car (up to a maximum of 20 spaces and including provision for disabled spaces) and cycle parking. The Council owns land on the opposite side of the road where an informal carpark has been formed which serves as parking for the existing pitch and for drop off/pickups at Glenmanor Primary School. As such, it is not considered necessary to provide additional parking as requested. If it proves to be an issue going forward, this could be addressed by the Council at a later date. There are no other active travel paths in the surrounding area so such a path would not connect to a network. If this were to change in the future, such a path could be formed around the site as the Council owns the land. A condition has been added in relation to cycle parking.

7. Representations

- 7.1 Following standard neighbour notification procedures, 16 letters of representation were received, 13 of which objected to the proposal in principle, 2 in support of the proposal (following expiration of neighbour notification) and 1 asking a general comment. The objections can be summarised as follows:

- Contrary to Local Development Plan as restricted to football activities.
- Limited accessibility to facility.
- Light pollution caused by floodlights.
- Traffic and parking facilities reduces community space, poses safety issues, congestion, noise pollution.
- Large funds required for project.
- Proposal removes green space and is less environmentally friendly than existing ground.
- Lack of community consultation.
- Facility incurs high costs through maintenance and upkeep.
- Detrimental impact on health and wellbeing of local people.
- Greater usage brings increased noise levels, incongruous for residential area.
- Increased anti-social behaviour.
- No positive impact to local businesses.
- Adverse impact on local wildlife and biodiversity.
- Littering and dog fouling behaviour will create vermin problem.

8. Planning Assessment

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

- 8.2 **Local Development Plan:** Policies EDQ 1 (Site Appraisal) and EDQ 3 (Quality of Development) are relevant as these policies consider issues such as size, materials, existence, quality of connections and road safety, which states that proposals must integrate successfully with the surrounding area by avoiding harm to neighbouring amenity, supported by high standards of site planning and sustainable design.
- 8.3 **PP 3 (Purpose of Place):** North Lanarkshire Council seeks to maintain and improve the level of amenity in urban areas, by encouraging development that is in keeping with their residential character and encouraging diversity in more mixed-use areas. The aim of the Plan is to maintain and improve the level of amenity appropriate for the local context. The maintenance of the existing mix of other urban uses, or introduction of a limited range of ancillary uses and activities, out with Classes 8 and 9, of an appropriate scale within recognisably mixed uses areas can be appropriate to maintain and support the operation of the General Urban Area. The proposal is, therefore, considered to comply with the objectives of PP 3.
- 8.4 Meeting those aims will be primarily achieved through the provisions of the Environmental and Design Qualities policies of the Plan.
- 8.5 **EDQ 1 (Site Appraisal)** – Any proposed development will require to be appraised in terms of the site and its surroundings to ensure it will integrate successfully into the local area and avoid harm to neighbouring amenity. The matters to be addressed in the appraisal include, but are not limited to, criteria set out in the Local Development Plan under EDQ 1.
- 8.6 As a proposed development for play and recreation, it is reasonable to state that upgrading the existing grass pitch to an artificial pitch would generally be in-keeping with the character of the surrounding area and with suitable restrictions on operation times would avoid harm to neighbouring amenity. Therefore, the site with considered design qualities set out in Policy EDQ 3 (Quality of Development) can accommodate such a recreational development without significantly affecting the amenity of adjacent dwellings.
- 8.7 **EDQ 3 (Quality of Development)** – This policy considers siting, overall layout, density, form, scale, height, massing, proportion, detailing, colour, materials considering successful integration into the local area and avoiding harm to neighbouring amenity. This is discussed below.
- 8.8 The applicant proposes upgrading an existing grass pitch to an artificial pitch which is considered acceptable in siting and detail. The pitch is pleasant and convenient in its design and is adaptable in its form where there is scope for a multiple of uses as stated by the applicant (e.g., football and hockey). The site is accessible by and integrates well with a range of sustainable transport modes (e.g., bus stops, walking/wheeling) as well as existing road networks (M80 and A80). There is also sufficient accessibility for cars with appropriate parking facilities to the west of the proposed development. Furthermore, the proposal promotes health and wellbeing through its purpose, by improving an existing football pitch.
- 8.9 The size of the proposal and its associated infrastructure, as well as distance from neighbouring properties ensures that the proposal would result in no detrimental impact on residential amenity of adjacent properties in terms of privacy and sunlight/daylight.
- 8.10 In considering National Planning Framework 4 (NPF4) there are a number of policies that affect the proposal, with the most notable ones being **Policy 14** (Design, Quality and Place), **Policy 15** (Local Living and 20-minute neighbourhoods), and **Policy 21** (Play, recreation, and sport). These policies are embedded and reflected within the Local Development Plan policies listed above.
- 8.11 **Policy 14** states that development proposals should be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. Proposals will be also supported where they are consistent with the six qualities of successful places NPF4 namely: healthy; pleasant; connected; distinctive; sustainable; and adaptable. It is considered that the proposal is consistent with these qualities, is of good design and does not detrimentally impact the surrounding area, therefore, complying with the aims of NPF4 Policy 14.

- 8.12 **Policy 15** states that development proposals will contribute to local living including, where relevant, 20-minute neighbourhoods. To establish this, consideration will be given to existing settlement pattern, and the level and quality of interconnectivity of the proposed development with the surrounding area. The proposed development being located in an established urban area contributes to local living by improving an existing, well-used facility in Moodiesburn, and there is local access to shopping, health facilities, schools, and informal play opportunities within the local area (approximately a 5-minute walk to Glenmanor Primary School and 10-minute walk to a Co-op and a chemist). As such, the proposal complies with the local living element of NPF4 Policy 15.
- 8.13 **Policy 21** states that developments proposals should encourage, promote, and facilitate spaces and opportunities for play, recreation, and sport. As the development proposal is likely to be occupied by children and young people, improves existing play provision by being easily and safely accessible, forms an integral part of the surrounding neighbourhood and is well overlooked for passive surveillance, the artificial pitch can be deemed acceptable. Furthermore, North Lanarkshire Council, who are responsible for the project, have arranged sufficient funding for the long-term delivery and upkeep of the proposal, therefore, complying with the aims of NPF4 Policy 21.
- 8.14 **Representations:** In response to the grounds of representation above in 7.1, these are commented on in the same order as they appear above:
- 8.15 **Comment:** Contrary to Local Development Plan as restricted to football activities.
- Response:** It is considered that the proposal complies with the policy provisions of North Lanarkshire's Local Development Plan and NPF4 by improving an existing play and recreation facility, and its compatibility with the surrounding urban area. As stated by the applicant, the artificial pitch is suitable for a multitude of uses including hockey.
- 8.16 **Comment:** Limited accessibility to facility
- Response:** Whilst the facilities are supported by a booking system that guarantees use and for the floodlights to be on, the artificial pitch will not be locked and is available for informal usage. Therefore, the proposal is considered accessible and inclusive in its form.
- 8.17 **Comment:** Light pollution caused by floodlights
- Response:** During the planning application, we consulted NLC Pollution Control and accept their recommendation the the operational hours be restricted to 9pm. As the 6 freestanding floodlights, similar to streetlamps, will only be on when the pitch is in use, and the operative hours of the pitch 9am-9pm Monday to Friday and 9am-6pm Saturday and Sunday, it is considered this would not be significantly detrimental to residential amenity.
- 8.18 **Comment:** Traffic and parking facilities reduces community space, poses safety issues, congestion, noise pollution.
- Response:** NLC Traffic & Transportation and NLC Pollution Control have raised no objections through consultation with regard to traffic-related issues and increased pollution through an increased number of vehicles. Furthermore, whilst the improved quality of the facility will likely generate a greater level of traffic, it is considered that the scale of this would not be so significant as to have a detrimental impact on the quality of the area or justify refusal of planning permission. The land west of the proposed development (existing informal car park area owned by the Council) is available for parking out-with the school day (currently used by Glenmanor Primary School for drop off/pickups). This parking area currently provides parking for the existing pitch.
- 8.19 **Comment:** Large funds required for project.
- Response:** The amount of money to be spent on the proposal, which is at the discretion of the applicant, is not a material planning consideration and does not warrant refusal of planning permission.

- 8.20 **Comment:** Proposal removes green space and is less environmentally friendly than existing ground.
- Response:** It is considered that the removal of grass to accommodate the development does not warrant the refusal of planning permission. Furthermore, mature trees that surround will be retained and it is considered that should the proposal be developed, there is sufficient remaining green space within the surrounding area of Moodiesburn.
- 8.21 **Comment:** Lack of community consultation
- Response:** There is no requirement for planning to conduct community consultation for local developments.
- 8.22 **Comment:** Facility incurs high costs through maintenance and upkeep.
- Response:** The all-weather facility is to reduce maintenance and have greater reliability than the current grassed pitch, in light of issues related to drainage, and weather dependency permitting use. Therefore, it is not considered that the level of maintenance required should the proposal be developed warrants a refusal of planning permission.
- 8.23 **Comment:** Detrimental impact on health and wellbeing of local people
- Response:** Whilst recognising the role and importance that planning plays in improving the mental health and well-being of local people, any impacts of the proposed development on the health of local residents immediately adjacent to the site is not considered to be so significant as to warrant refusal of planning permission. This is an improvement of an existing facility and, with appropriate restrictions on operational times, the impact on amenity will be within acceptable limits. Indeed, in improving a facility for sport and recreation it could be argued that the development will play an important role in improving health and wellbeing in the wider community.
- 8.24 **Comment:** Greater usage brings increased noise levels, incongruous for residential area
- Response:** As aforementioned, NLC Pollution Control were consulted on the application in relation to potential increased noise levels. Following review of the Noise Impact Assessment, they were satisfied with the findings of the report. Therefore, it is considered that should the proposal be developed any increased noise levels would be considered acceptable, and no mitigation measures are required beyond a restriction on operational times (covered by planning condition).
- Furthermore, the proposal has been assessed against the relevant policies within the Local Development Plan, where an application for improved play and recreation is compatible for the land use and in terms of quality of development (EDQ 3).
- 8.25 **Comment:** Increased anti-social behaviour.
- Response:** Anti-social behaviour is not a specific material planning consideration and would be a policing matter.
- 8.26 **Comment:** No positive impact to local business.
- Response:** It is considered that an improved sports facility can only have a positive impact on the local businesses of Moodiesburn through a presumed increased use.
- 8.27 **Comment:** Adverse impact on local wildlife and biodiversity.
- Response:** Given that the proposal consists of an improvement on the existing sports pitch, it is considered that the development would not have an adverse impact on the local wildlife of Moodiesburn, and no biodiversity enhancements are required.

8.28 **Comment:** Littering and dog fouling behaviour will create vermin problem.

Response: The activity of dog owners and their dogs is not a material planning consideration. This is a matter of management of the proposal by Active & Creative Communities. If such issues do occur, this would be a matter to be addressed under environmental health legislation.

9. **Conclusions**

9.1 To conclude, following assessment of the application and notwithstanding the objections received, it is considered that the proposed play and recreation development satisfactorily complies with the relevant policies of the North Lanarkshire Local Development Plan and with the general principles of NPF4. It is, therefore, recommend that planning permission is granted subject to conditions.

PLANNING COMMITTEE

Agenda item _____ ☐ approval x noting Ref Date 09/05/2024

**NOTICE OF PLANNING AND ENFORCEMENT APPEALS
DECISIONS**

From Pamela Humphries, Chief Officer (Place)

Email humphriesp@northlan.gov.uk **Telephone** 01236 632487

Executive Summary

1. Purpose of Report
- 1.1 This report is to advise the Committee of the recent decisions in respect of the undernoted planning appeals.

Recommendations

It is recommended that the Committee note the decision in respect of this appeal.

Background

Application No. & Proposal	Applicant & Site	Appeal Decision & Date	Note
22/00526/FUL Demolition of a commercial unit and 2 detached houses and construction of 3 storey building with commercial unit on ground floor with 6 flats above	120 North Road Bellshill ML4 1EX	Appeal Dismissed 04/04/2024	



**Pamela Humphries
Chief Officer (Place)**

